

Gaming Legislation Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 131

made under the

Casino Control Act 1982

Charitable and Non-Profit Gaming Act 1999

Gaming Machine Act 1991

Interactive Gambling (Player Protection) Act 1998

Lotteries Act 1997

Wagering Act 1998

General Outline

Short title

Gaming Legislation Amendment Regulation (No.1) 2014

Authorising law

Sections 42, 52 and 150 of the *Casino Control Act 1982*

Sections 14(1)(b), 15(1)(c) and 16(1)(a) of the *Charitable and Non-Profit Gaming Act 1999*

Sections 56B, 60, 64, 68, 85, 109P, 109W, 109ZD and Schedule 2 of the *Gaming Machine Act 1991*

Section 263 of the *Interactive Gambling (Player Protection) Act 1998*

Sections 100 through 102 inclusive of the *Lotteries Act 1997*

Sections 173 through 175 inclusive of the *Wagering Act 1998*

Policy objectives and the reasons for them

The policy objectives of the *Gaming Legislation Amendment Regulation (No.1) 2014* (the Amendment Regulation) are to make consequential amendments relating to the *Construction and Tourism (Red Tape Reduction) and Other Legislation Amendment Act 2014* and the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*.

Achievement of policy objectives

The policy objectives are achieved by amending–

- the *Casino Control Regulation 1999* to make minor consequential amendments in relation to the amalgamation of the gambling and casino community benefit funds and to remove the list of prescribed information regarding casino staff required to be provided to the chief executive on a 6 monthly basis;
- the *Charitable and Non-Profit Gaming Regulation 1999* to the amount of gross proceeds that define categories of ‘other games’, including changes to the upper limit for category 2 games and lower limit for category 3 games, together with consequential changes to the fee schedule;
- the *Gaming Machine Regulation 2002* to remove club entitlement regional boundaries and to prescribe different maximum numbers of gaming machines allowable under a Category 2 (club) licence based on the number of additional premises, being:
 - 300 approved gaming machines if the licensee has no additional premises;
 - 450 approved gaming machines if the licensee has one additional premises (but not more than 300 gaming machines at either venue); or
 - 500 approved gaming machines if the licensee has two or more additional premises (but not more than 300 gaming machines at any one venue).
- the *Interactive Gambling (Player Protection) Regulation 1998* to provide for the recoupment of costs for investigations into the suitability of associates or intended associates of gaming participants;
- the *Lotteries Regulation 2007* to remove references to ‘approved’ control systems, as control systems under the *Lotteries Act 1997* are no longer approved by the chief executive; and
- the *Wagering Regulation 1999* to remove references to ‘approved’ control systems, as control systems under the *Wagering Act 1998* are no longer approved by the chief executive.

The amendments relating to the amalgamation of the gambling and casino community benefit funds are to commence on 24 August 2014 and the amendments to the *Gaming Machine Regulation 2002* and *Interactive Gambling (Player Protection) Regulation 1998* are to commence on 1 July 2014. All remaining amendments will commence on notification.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the authorising legislation, which is to ensure that on balance, the State and the community as a whole benefit from gambling.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no significant costs associated with implementation of these amendments.

The reforms will deliver benefits to the community and cost savings to Government, including:

- Increasing the maximum number of club gaming machines for additional premises will support the club sector to provide benefits to their members and local communities;
- Increasing the amount of gross proceeds defining category 3 'other games' under the *Charitable and Non-Profit Gaming Act 1999* will decrease the regulatory burden on the charitable and non-profit sector by reducing licence application costs and auditing and reporting requirements for associations conducting category 3 games; and
- Recouping costs for investigations into the suitability of business or executive associates licensed operators under the *Interactive Gambling (Player Protection) Act 1998* will allow the gaming regulator to conduct satisfactory investigations independent of cost restraints and expedite the decision making process for commercially sensitive acquisitions. The fee system will also reduce significant costs incurred by the Government in undertaking certain probity investigations.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

The amendments to the *Charitable and Non-Profit Gaming Regulation 1999* create a minor breach of the principle that subordinate legislation should contain only matter appropriate to that level of legislation. However, the amendment is considered justifiable as the potential breach relates to low risk charitable and non-profit organisations to which a low regulatory burden framework applies. The amendments are also limited in scope as they apply only to games referred to in the *Charitable and Non-Profit Gaming Act 1999* as 'other games'.

All remaining amendments are consistent with the fundamental legislative principles.

Consultation

The Office of Best Practice Regulation (OBPR) was consulted regarding each of the regulatory changes detailed in the Amendment Regulation. OBPR has advised that a Regulatory Impact Statement is not required for any of the proposals.

Queensland Treasury and Trade (QTT), the Department of the Premier and Cabinet (DPC) and the Office of Liquor and Gaming Regulation (OLGR) were consulted on the regulatory amendments and raised no concerns regarding the proposals.

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The Liquor and Gaming Red Tape Reduction Expert Panel (Expert Panel) was also consulted on proposals to remove entitlement regions and to introduce a new maximum number of gaming machines for clubs with more than one premises. The Expert Panel comprised government, community, and industry representatives with a background in hospitality and tourism. The majority of Expert Panel members supported the proposals.

No further industry or community consultation is proposed as the regulatory amendments relating to these proposals are minor and consequential in nature.