

# Gaming Legislation Amendment Regulation 2022

Explanatory notes for SL 2022 No. 2

made under the

*Casino Control Act 1982; Charitable and Non-Profit Gaming Act 1999; Gaming Machine Act 1991; Interactive Gambling (Player Protection) Act 1998; Keno Act 1996; Lotteries Act 1997; Wagering Act 1998.*

## General Outline

### Short title

*Gaming Legislation Amendment Regulation 2022*

### Authorising law

Sections 14(3)(a) and 127(1) of the *Casino Control Act 1982*  
Sections 183(3)(a) and 186(1) of the *Charitable and Non-Profit Gaming Act 1999*  
Sections 54(7)(a) and 366(1) of the *Gaming Machine Act 1991*  
Sections 260(3)(a) and 263(1) of the *Interactive Gambling (Player Protection) Act 1998*  
Sections 240(3)(a) and 243(1) of the *Keno Act 1996*  
Sections 225(3)(a) and 228(1) of the *Lotteries Act 1997*  
Sections 308(3)(a) and 312(1) of the *Wagering Act 1998*.

### Policy objectives and the reasons for them

The objective of the *Gaming Legislation Amendment Regulation 2022* is to amend the *Casino Control Regulation 1999; Charitable and Non-Profit Gaming Regulation 1999; Gaming Machine Regulation 2002; Interactive Gambling (Player Protection) Regulation 1998; Keno Regulation 2007; Lotteries Regulation 2007* and *Wagering Regulation 1999* (collectively 'Gaming Regulations') to replace redundant references to the Office of State Revenue (OSR).

Gaming in Queensland is regulated under the *Casino Control Act 1982; Charitable and Non-Profit Gaming Act 1999; Gaming Machine Act 1991; Interactive Gambling (Player Protection) Act 1998; Keno Act 1996; Lotteries Act 1997* and *Wagering Act 1998* (collectively the 'Gaming Acts').

Confidentiality provisions within the Gaming Acts provide that a person who is, or was, an inspector, or officer or employee of the department, must not disclose confidential information gained by the person in performing functions under the various Gaming Acts.

However, disclosure of confidential information is permitted in certain limited circumstances. Relevantly, the chief executive responsible for administering the Gaming Acts generally may approve the disclosure of confidential information to an entity prescribed under a regulation. In the case of the *Gaming Machine Act 1991*, the Commissioner for Liquor and Gaming may approve the disclosure of confidential information to an entity prescribed under a regulation. OSR is prescribed as an entity in the Gaming Regulations.

Following an operational integration of OSR and the State Penalties Enforcement Registry functions, OSR has changed its name to the Queensland Revenue Office. Therefore, OSR no longer exists.

## **Achievement of policy objectives**

The *Gaming Legislation Amendment Regulation 2022* achieves its objective by replacing references to OSR contained in the relevant schedules of the Gaming Regulations with references to the 'Commissioner of State Revenue'. As the role of Commissioner of State Revenue is established under the *Taxation Administration Act 2001*, it is less likely to be impacted by any future organisational operating structure changes.

The *Gaming Legislation Amendment Regulation 2022* only provides for amendment of the Gaming Regulations to continue to allow for confidential information to be shared (with the Commissioner of State Revenue) if approval is given. It does not expand the circumstances in which disclosure is contemplated.

## **Consistency with policy objectives of authorising law**

The *Gaming Legislation Amendment Regulation 2022* is consistent with the policy objectives of the Gaming Acts which contemplate the Gaming Regulations prescribing certain entities as entities that the chief executive or Commissioner for Liquor and Gaming may approve disclosing confidential information to.

## **Inconsistency with policy objectives of other legislation**

The *Gaming Legislation Amendment Regulation 2022* is not inconsistent with the policy objectives of any other legislation.

## **Benefits and costs of implementation**

The amendments implemented in the *Gaming Legislation Amendment Regulation 2022* are of benefit as they update the Gaming Regulations by replacing redundant references to OSR. *Gaming Legislation Amendment Regulation 2022* will not result in additional implementation costs as no substantive policy change has been made.

## Consistency with fundamental legislative principles

The *Gaming Legislation Amendment Regulation 2022* has been drafted with regard to the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Section 4(3) of the *Legislative Standards Act 1992* contains a non exhaustive list relevant to determining whether legislation has sufficient regard to rights and liberties of individuals. Although privacy of individuals is not specifically provided for, legislation should not adversely affect other rights from any source and the right to privacy can be considered one of the rights and liberties of individuals.

While *Gaming Legislation Amendment Regulation 2022* may engage the right to privacy to the extent that it contemplates confidential information being disclosed to the Commissioner of State Revenue, it is considered to have sufficient regard to rights and liberties of individuals for the following reasons.

The Gaming Acts do not allow confidential information to be shared with an entity prescribed under regulation unless the chief executive or Commissioner for Liquor and Gaming makes a decision to approve the disclosure. Therefore, although the *Gaming Legislation Amendment Regulation 2022* will make the Commissioner of State Revenue a prescribed entity, it does not itself authorise the disclosure of any confidential information to the Commissioner of State Revenue as such a disclosure would require approval. Further, even if such disclosure were to be approved, it is expected that the information would largely relate to non-individuals, for example such as corporations engaged in a business which operates gaming.

Importantly, the *Gaming Legislation Amendment Regulation 2022* does not expand the circumstances in which confidential information may be shared under the Gaming Acts.

## Consultation

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted. The amendments to the Gaming Regulations are excluded from further regulatory impact analysis as they fall within agency-assessed exclusion category (g) - regulatory proposals that are of a machinery nature.

Further consultation was not considered necessary. The *Gaming Legislation Amendment Regulation 2022* updates existing references to OSR in the Gaming Regulations and does not modify the circumstances in which confidential information may be disclosed.