

Gaming Legislation Amendment Regulation (No. 2) 2022

Explanatory notes for SL 2022 No. 130

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 (No. 2) 2022

Authorising law

Casino Control Act 1982 – sections 14 and 127

Charitable and Non-Profit Gaming Act 1999 – sections 183 and 186

Gaming Machine Act 1991 – sections 54 and 366

Interactive Gambling (Player Protection) Act 1998 – sections 260 and 263

Keno Act 1996 – sections 240 and 243

Lotteries Act 1997 – sections 225 and 228

Wagering Act 1998 – sections 308 and 312

Policy objectives and the reasons for them

All the Queensland gambling Acts include a provision dealing with the disclosure of confidential information gained by persons (including the Commissioner for Liquor and Gaming (Commissioner) or the chief executive, and departmental officers) in the performance of their duties or roles under the Act.

Confidential information is defined in each Act to mean information, other than publicly available information, about –

- a person's personal affairs, business affairs or reputation, character, criminal history, current financial position or financial background; or
- a person making an application under the Act.

Relevant information may have been sought (and is held) by the gaming regulator in the course of an investigation under primary gambling legislation into a person's suitability to be involved in the Queensland gambling industry.

The regulator may be required to disclose confidential information about a person in order to obtain information from other regulatory bodies, including regulatory bodies in other jurisdictions, about the person's suitability to be involved, or to remain involved, in the Queensland gambling industry.

Additionally, other jurisdictions may require information from Queensland around the personal affairs and other details of entities that seek to participate in their gambling industries.

For these reasons, each gambling Act allows the Commissioner or chief executive, as the case may be, to approve the disclosure of confidential information to the entities that are prescribed in a regulation (or an officer, employee or member of the entity). Only national and international regulators and law enforcement agencies are prescribed.

The objective of the *Gaming Legislation Amendment Regulation (No. 2) 2022* (Amendment Regulation) is to update the relevant schedule of each gaming regulation to ensure the most up to date regulatory and law enforcement agencies involved in the oversight of the gambling industry in their respective jurisdictions are prescribed.

Achievement of policy objectives

The Amendment Regulation replaces existing schedule 1 of the following regulations with a new schedule 1:

- *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*.

The new schedules have been updated to include new regulatory entities, delete redundant agencies, and amend entities that have changed their name.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the gaming Acts to ensure that gambling is subject to a system of regulation and control designed to protect players and the community, achieved in part by ensuring the probity of those involved in the conduct of authorised gambling.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation. Many Queensland statutes allow confidential information to be disclosed under certain

circumstances, such as where the disclosure is necessary to perform a function or exercise a power under an Act or is otherwise required or permitted by law.

Alternative ways of achieving policy objectives

The gambling Acts also provide for the Commissioner or chief executive to approve the disclosure of confidential information to any department, person or other entity at any time, without the requirement that the entity be prescribed in a regulation. However, before disclosing the information, the Commissioner or chief executive must provide any person likely to be adversely affected by the disclosure with an opportunity to make a submission about the proposed disclosure within the time. The person must be given at least 14 days to respond.

The prescribing of regulatory agencies as entities to whom confidential information may be immediately disclosed therefore provides for a timelier exchange of information about participants or would-be participants in regulated gambling across jurisdictions (whether jurisdiction is defined by regional boundary or area of responsibility) than would otherwise exist. This approach more readily assists to achieve the purpose of protecting players and the community from potential harm associated with the gambling industry, by allowing immediate engagement with a regulatory agency in respect of material germane to relevant investigations.

Benefits and costs of implementation

The Amendment Regulation allows for the timely exchange of information to assist with determining the suitability of a person to be involved in the Queensland gambling industry. There are no anticipated implementation costs associated with the Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation may impact a person's right to privacy in so far as it will allow confidential information about a person to be shared between the Queensland gambling regulator and a prescribed regulatory or law enforcement agency. This issue is relevant to deciding whether the Regulation is legislation consistent with fundamental legislative principles by having sufficient regard to the rights and liberties of individuals.

It is considered that the impact of the Regulation on the right to privacy is justified, as it is a reasonable, necessary and proportionate way to ensure regulators are appropriately empowered to maintain the integrity of state-sanctioned gambling activities, so as to protect players and the community from potential harm associated with the industry.

Consultation

The Office of Best Practice Regulation was not consulted as an exclusion from further regulatory impact analysis applies under agency-assessed exclusion category (g) – *regulatory proposals of a machinery nature*.

Further consultation was not required as the amendments are machinery in nature and not considered contentious.