

Casino Control Amendment Regulation 2021

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Shannon Fentiman, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence provide this human rights certificate with respect to the *Casino Control Amendment Regulation 2021* (Amendment Regulation) made under the *Casino Control Act 1982* (Act).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Amendment Regulation amends the *Casino Control Regulation 1999* (Regulation) to update the types of prescribed work for casino employees and key casino employees, streamline the patron payment claim process, and remove the requirement for character reference nominations.

Section 35(1)(d) of the Act requires an applicant for a casino employee licence or a key casino employee licence to specify on their application the type of work they propose to perform as a licensee. Section 127(2)(a) of the Act provides that a regulation may be made about the types of work a key employee or casino employee may be licensed to perform. The types of work that may be performed are prescribed under sections 15 and 16 of the Regulation.

The Amendment Regulation updates the prescribed types of work to more accurately portray the duties intended to be subject to licensing requirements, and to capture newer roles, such as information technology, that do not fit easily into one of the existing categories of work types.

Section 127(2)(i) of the Act provides that a regulation may be made about procedures for claims by casino patrons relating to gaming transactions. Section 25 of the Casino Control Regulation requires casino operators to attempt to resolve patrons' claims for payment relating to a gaming transaction. If an operator is unable to resolve a claim, the operator must advise a casino inspector who then investigates the claim. If, after receiving the inspector's report, the casino operator still cannot resolve the claim, the casino operator must advise the patron that the patron may seek the chief executive's review within 10 days.

The Amendment Regulation removes the obligation on casino operators to notify inspectors about unresolved patron claims, and the subsequent need for inspectors to undertake investigations into such claims. Consistent with the claim processes under other gambling legislation including the *Keno Act 1996*, *Lotteries Act 1997* and *Wagering Act 1998*, the amendments will enable patrons to seek a chief executive review of the casino operator's decision on the patron's claim without the need for an inspector to investigate the claim first.

Casino inspectors are no longer monitoring live play continuously and are not on site 24 hours a day, seven days a week. This means that it is impractical to continue to impose a requirement on a casino operator to immediately inform an inspector about an unresolved claim.

Sections 20, 26 and 30 of the Act provide the Minister with the ability to undertake such investigations as are necessary to satisfy the Governor in Council that certain persons are suitable to be associated or connected with the ownership, management or operations of a hotel-casino complex or casino. To assist with the Minister's suitability investigation, sections 7(1)(d) and 8 of the Regulation provide the Minister may require the investigated person to nominate suitable persons to appraise the investigated person's character and reputation.

Personal character references can sometimes be subject to individual bias. As there are other information and mechanisms which can collectively help to provide a more accurate picture of whether a person is of good repute and suitable to be associated or connected with the ownership, administration or management of a casino (such as media searches, interviews, and work, business and criminal histories), the Amendment Regulation removes the ability of the Minister to require an investigated person to nominate a character referee.

Human Rights Issues

The Amendment Regulation does not affect or engage with a human right protected under the Human Rights Act.

Conclusion

I consider that the Amendment Regulation is compatible with the *Human Rights Act 2019* because it does not limit human rights.

SHANNON FENTIMAN MP
Attorney-General and Minister for Justice,
Minister for Women and Minister for the Prevention of Domestic and Family Violence

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