

# Gaming Legislation Amendment Regulation (No. 3) 2022

## 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* (Human Rights Act), I, Shannon Fentiman MP, 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 *Gaming Legislation Amendment Regulation (No. 3) 2022* (Amendment Regulation) made under the *Casino Control Act 1982* (Casino Control Act) and the *Wagering Act 1998* (Wagering 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. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The objectives of the Amendment Regulation are to:

1. ensure all investigations into the suitability of key persons involved in the management and operations of a casino or a hotel-casino complex are adequately resourced;
2. require casino entities to pay for suitability investigations, rather than using public funds for this purpose; and
3. reduce the 90 day customer verification timeframe in the *Wagering Regulation 1999* (Wagering Regulation) to 72 hours, to align with the Rules published under the Commonwealth *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) (AML/CTF Rules) about timeframes for verifying a customer's identity for the purposes of opening a betting account.

### *Casino Control Regulation Amendments*

The *Casino Control Regulation 1999* (Casino Control Regulation) provides for the reasonable costs of most suitability investigations relating to casino entities and their associates to be recouped by the chief executive. However, the Casino Control Regulation currently exempts existing casino licensees, casino lessees and casino operators (casino principals) from paying the reasonable costs of an investigation into their *continued* suitability for involvement in the management or operations of a casino or hotel-casino complex. Additionally, the Casino Control Regulation does not expressly permit costs to be recouped for an investigation into an associate of a proposed casino lessee or proposed casino operator.

To reflect the importance that the State and community place on ensuring casinos are conducted with the utmost integrity and fairness, remain free from criminal influence and exploitation and

to minimise gambling related harms, it is necessary to amend the Casino Control Regulation to ensure that casino principals may be required to meet the reasonable costs of all investigations into their suitability to be involved in casino gambling.

### *Wagering Regulation Amendments*

UBET QLD Limited (UBET) holds the exclusive sport and race wagering licence in Queensland, granted under the Wagering Act.

Rules published under the Commonwealth AML/CTF Act obligate all wagering providers, including UBET, to establish the identity of new online account holders within a defined customer verification timeframe (CVT). Originally, the CVT provided under the AML/CTF legislation was 90 days. Following amendments in 2019 and 2022, the CVT is now 72 hours.

The Wagering Regulation allows UBET to open betting accounts for its customers (upon application by the customer) and requires UBET to register its online account holders in accordance with requirements set out in the Regulation. The registration process requires UBET to authenticate the identity of the potential account holder within a CVT of 90 days.

## **Human Rights Issues**

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act*)**

The amendments to the Casino Control Regulation are aimed at corporations and do not engage human rights, which are only afforded to individuals. There is no express provision of the Casino Control Act that prevents an individual from holding a casino licence, however, all Queensland casino licensees, lessees, and operators are incorporated entities. While an individual person may be subject to a suitability investigation under the Casino Control Act as an associate, ultimately, the related casino principal is responsible for the payment of the investigation costs to the State.

The amendments to the Wagering Regulation will apply only to UBET and as UBET is a corporation, no human rights are affected. Due to the operation of Commonwealth AML/CTF laws, UBET is already required to observe 72 hour CVTs.

## Conclusion

I consider that the Amendment Regulation is compatible with human rights under the Human Rights Act 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  
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