

Proclamation – Casino Control and Other Legislation Amendment Act 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*, 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 Proclamation – Casino Control and Other Legislation Amendment Act 2022 (Proclamation) made under the Casino Control and Other Legislation Amendment Act 2022.

In my opinion, the Proclamation, 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 Casino Control and Other Legislation Amendment Bill 2022 was passed on 14 October 2022 and received assent on 21 October 2022. Section 2 of the *Casino Control and Other Legislation Amendment Act 2022* (CCOLAA) provides for sections 21 to 24 and part 5 to commence on a day to be fixed by Proclamation.

Sections 21 to 24 of CCOLAA amend the *Casino Control Act 1982* (Casino Control Act) to tighten provisions relating to payment methods. Currently, the Casino Control Act does not explicitly require approval of the payment types that may be accepted by a casino operator for certain things, such as chip purchase vouchers and deposits into player accounts. While the Casino Control Act contains some restrictions on the acceptance and redemption of cheques, and on the use of credit cards by residents of Queensland, the Act generally allows casino operators the discretion to determine what payment methods they will accept for these things.

In accordance with the Palaszczuk Government’s commitment to safe cashless gaming, sections 21 to 24 of CCOLAA amends the Casino Control Act to replace this discretion with a requirement for chief executive approval of payment methods. This ensures that any emergent payment methodology or technology can be assessed from a regulatory perspective and approved if appropriate.

Part 5 of CCOLAA amends the *Collections Act 1966* (Collections Act) to introduce a nationally agreed cross-border recognition scheme under which charities registered with the Australian Charities and Not for Profits Commission (ACNC) will be taken, or “deemed”, to be registered as a charity in Queensland from the date the Minister receives a notification that they intend to conduct appeals for support in the state. Deemed registration will allow these entities to begin fundraising immediately without the need to meet the local application requirements under the Collections Act.

Part 5 of the CCOLAA also amends the Collections Act to simplify and expedite fundraising authorisations for charities who are not registered with the ACNC and are thus not eligible for deemed registration, by removing a person’s ability to lodge an objection to an association’s registration as a charity. Members of the public are still able to apply to have a charity deregistered under existing provisions of the Collections Act, and deregistration will remain an option for the Minister in response to upheld complaints about a charity, even if the complainant does not specifically seek deregistration.

The purpose of the Proclamation is to fix 1 May 2023 for the commencement of sections 21 to 24 and Part 5 of the CCOLAA.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Proclamation does not affect or engage a human right. Although the commencing provision removing a person’s right to object to an application to register a charity may limit a human right (specifically, the right to take part in public life), the Proclamation itself is of a machinery nature and does not contain any substantive legislative provisions. The Human Rights Statement of Compatibility accompanying the Casino Control and Other Legislation Amendment Bill 2022 addressed the justification for the amendment removing the ability to object to applications for registration as a charity.

Conclusion

I consider that the Proclamation is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

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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