

# Casino Control Amendment Regulation 2021

Explanatory notes for SL 2021 No. 151

made under the

*Casino Control Act 1982*

## General Outline

### Short title

*Casino Control Amendment Regulation 2021*

### Authorising law

Section 20, 26, 30, 35(1)(d), 127(2)(a) and 127(2)(i) *Casino Control Act 1982* (Casino Control Act)

### Policy objectives and the reasons for them

The *Casino Control Amendment Regulation 2021* (Amendment Regulation) makes several amendments to the *Casino Control Regulation 1999* (Casino Control Regulation).

#### Work types

Section 35(1)(d) of the Casino Control Act requires an applicant for a key casino employee or casino employee licence to specify on their application the type of work they propose to perform as a licensee from a list prescribed under the Casino Control Regulation.

The current work types prescribed under sections 15 and 16 of the Casino Control Regulation in relation to key casino employees or casino employees respectively have not been reviewed since their introduction in 1999. In the intervening two decades, casino roles have evolved.

The objective of the Amendment Regulation is to update the work types to ensure they better reflect the functions of licensed roles. For example, the amendments will ensure the prescribed work types adequately recognise the contemporary duties and responsibilities of casino employees including the addition of Information Technology (IT) management (casino key employees) and IT gaming operations (casino employees) as new categories of prescribed work given the expanding influence and integration of technology and IT systems with casino operations. Gaming equipment maintenance and repair management (casino key employees) and gaming equipment maintenance and

repair (casino employees) are also additional new categories of prescribed work that better reflect the nature of the duties performed by their staff than the existing 'gaming machine management' and 'gaming machine operations' entries.

### Patron claim process

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 patron claim process under the Casino Control Regulation is unnecessarily lengthy and prolongs the resolution of a claim as it duplicates investigations and adds red tape for patrons who are required to provide the same information twice (firstly to an inspector, and secondly to the chief executive). In contrast, the claim processes under the *Lotteries Act 1997*, *Keno Act 1996* and *Wagering Act 1998* do not involve an inspector review. Rather, claimants may immediately seek a chief executive review if the gambling operator is unable to resolve the claim.

Additionally, 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.

Casino operators have also implemented state of the art technology to monitor casino games. The technology provides enormous assistance when there are disputes over game outcomes and pit staff are often able to access camera footage to resolve claim disputes. To this end, it is very rare that inspectors would be privy to additional information from which to make a judgement on a claim and regularly rely on the same information available to the casino operator.

The objective of the Amendment Regulation is to streamline the patron claim process under the Casino Control Regulation so that it is consistent with patron claim process under other gambling legislation.

### Character references

Sections 20, 26 and 30 of the Casino Control Act provides 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 Casino Control Regulation provides the Minister may require the investigated person to nominate suitable persons to appraise the investigated person's character and reputation.

The objective of the Amendment Regulation is to remove the ability of the Minister to make a redundant requirement of an investigated person to nominate a character referee as personal character references can sometimes be subject to individual bias.

There is other information which can collectively assist 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. Persons wishing to become associated or connected with the ownership, administration or management of a casino in Queensland are required to complete a Personal Probity Form which seeks a range of detailed information that can be used to investigate a person's character and reputation. This information, which is authorised to be sought under section 7 of the Casino Control Regulation, includes specifics about the person's work and business history, criminal history, licences or authorities held, directorships and disqualifications, and is used to assess a person's suitability. Other additional mechanisms available to investigate character and reputation include internet and media searches, checks with other gaming regulators as well as interviews with the investigated person.

## **Achievement of policy objectives**

The Amendment Regulation achieves the policy objectives by amending the Casino Control Regulation to:

- update the types of prescribed work for key casino employees or casino employees 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;
- remove the obligation on casino operators to notify inspectors about unresolved patron claims, and the subsequent need for inspectors to undertake investigations into such claims; and
- remove the requirement for character reference nominations for investigated persons.

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

The Amendment Regulation is consistent with the object of the Act which is to ensure that, on balance, the State and the community as a whole benefit from casino gambling through a system of regulation and control designed to protect players and the community. The Amendment Regulation does not jeopardise that system of regulation and control.

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

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The amendment to update the prescribed work types for key casino employees or casino employees will assist to clarify whether certain roles are intended to be captured by a prescribed work type and thus, whether a particular employee is required to be licensed.

The amendment to streamline the patron claim process will reduce regulatory burden on patrons who will not be required to endure duplicative investigations (firstly, by the casino operator; secondly, by an inspector; and thirdly, by the chief executive) in order to have their payment claim resolved. Instead, a patron will be able to seek a chief executive review of the casino operator's decision without the need for an inspector to investigate the claim first.

The amendment to remove the Minister's ability to require an investigated person to provide character reference nominations will reduce regulatory burden on the investigated person by reducing the amount of unnecessary information required to be provided.

There are no costs associated with implementing the Amendment Regulation.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

The Office of Best Practice Regulation advised the Amendment Regulation is excluded from the regulatory impact assessment on the basis that the amendments either reduce regulatory burden or do not add to the burden and are unlikely to result in significant adverse impacts.

The casino operators of The Ville Resort Casino, The Reef Hotel Casino, Treasury Brisbane, The Star Gold Coast and The Star Brisbane collectively sought and therefore, support the amendments to update the prescribed work types.

The casino operator of Treasury Brisbane, The Star Gold Coast and The Star Brisbane, The Star Entertainment Group (The Star), sought and therefore support the amendment to remove character reference nominations.

Written and verbal consultation was undertaken with The Star in May 2021 and August 2021 regarding the amendments to modernise the patron claim process. The Star supports the amendments.

Written and verbal consultation was undertaken with the remaining casino operators on the amendments relating to the patron claim process and character reference nominations in May 2021 and August 2021. No objections were raised.