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**Legal Affairs and Safety Committee**  
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## QUEENSLAND HOTELS ASSOCIATION SUBMISSION – Casino Control and Other Legislation Amendment Bill 2022

The Queensland Hotels Association ('QHA') is the peak body representing the hotel and tourism accommodation industry in Queensland. Currently comprising of over 900 members, the QHA covers the state from beyond the tip of Cape York, to country pubs and throughout the coastal strip down to Coolangatta. These businesses are the employers of over 80,000 Queenslanders.

The QHA provides the following comments on aspects of the Bill:

### ***Casino integrity and regulation***

The Bill includes key amendments to the *Casino Control Act 1982* to strengthen casino integrity and regulation in Queensland amidst allegations of money laundering, criminal infiltration and other integrity issues within Australian casinos.

The 4 casinos in Queensland are members of the QHA. The QHA urges caution for regulators to ensure that they are sufficiently educated, and that substantiated evidence is relied upon as opposed to 'allegations' when considering Queensland's trading environment.

Of potential concern is the propensity for regulatory creep into hotel and club trading environments which are already tightly regulated and operate in more restrictive trading environments than other jurisdictions, for example, electronic gaming machines have a 50% lower maximum bet limit and a considerably lower cash load-up limit than NSW.

### ***Cashless gambling amendments***

The Bill amends various gambling Acts where required to improve each Act's capacity to address and respond to emerging technologies and cashless payment methods for gambling. The Bill does this by providing a framework to enable cashless systems and technology to be approved and made to undergo technical evaluation (if considered necessary) before their use in the gambling market. The Bill also enables alternative payment methods (such as electronic funds transfers) to be considered and approved, and provides the Government with the ability to make a regulation about the methods of payment that may be used in connection with some authorised gambling activities.

The QHA supports this aspect of the Bill subject to appropriate consultation with industry.

### ***New Year's Eve gaming hours***

The Bill seeks to formalise a longstanding administrative arrangement (which has been in place since 2000) by providing an automatic extension of approved hours for gaming under the *Gaming Machine Act 1991* on New Year's Eve until 2am on New Year's Day to align with liquor trading hours.

The QHA supports this aspect of the Bill.

### ***Framework for wagering on simulated events***

The Bill amends the *Wagering Act 1998* to authorise the conduct of wagering on simulated sport and racing events and related contingencies that are approved by the Minister. The amendments will allow Queensland's wagering licensee to offer the same products made available in New South Wales, Victoria, and the Australian Capital Territory subject to ministerial approval of those products.

The QHA supports this aspect of the Bill.

### ***Amendment to provide a regulation making power to prescribe harm minimisation measures***

The QHA does not support the amendment to provide a regulation making power to prescribe harm minimisation measures which must be implemented by particular gambling providers.

The QHA suggests that there is currently a sufficient regulatory framework to support the introduction of harm minimisation measures in a timely manner.

### **Sufficiency of existing powers**

The Queensland Government through the responsible Minister has successfully introduced a range of harm minimisation initiatives to minimise the potential for harm from gambling including requirements for gambling providers to offer self-exclusion; mandatory responsible service of gambling training for industry staff who perform gambling duties; caps on gaming machine numbers; and bans on certain wagering inducements. These have been successfully implemented across a class of licensees in a timely manner through amendments to the Gaming Act. In addition, harm minimisation measures have been implemented via licence conditions to specific licensed venues where the risk warrants a specific response.

There is no barrier for the Minister via the existing legislative-change process (as required) to prescribe further licence conditions by regulation. Currently, the Queensland Government through the Minister has a broad power to make regulations under s366 of the Gaming Act. These include particular harm minimisation measures applicable to the activities of holders of gaming licences such as the management, use, supervision, operation and conduct of gaming.

### **Expediency of existing legislative process**

There has not been an issue with the timeliness of implementation of legislative or regulatory change in Queensland. In fact, in terms of the timely approval of emerging technologies or requests by industry, the QHA is unaware of any instances where Government or OLGR approvals have out-paced any required accompanying harm minimisation measures. The QHA suggests that it is not arduous to pass legislation within the existing regulatory framework in a timely manner.

### **Consideration by Cabinet and Regulatory Impact Statement (RIS)**

The QHA submits that to provide transparency, accountability and confidence in the regulatory process, the existing process should be followed for any regulation that is for an entire license type or applied industry-wide, including consideration of any potential adverse impacts and costs to industry. It is suggested that this is only achieved through the opportunities afforded by appropriate consultation, RIS and consideration by Cabinet. By adhering to this established process there is a level of protection for industry by ensuring the certainty and stability of the Queensland regulatory environment. The proposed amendment has the potential to circumvent these important protections and negatively impact confidence, industry investment and decrease gaming business values and potentially Treasury revenues in Queensland.

### **Significant subordinate legislation test**

Guidance provided by the Office of Regulatory Policy confirmed the usual process for making a regulation includes:

- undertaking extensive stakeholder consultation;
- undertaking regulatory impact analysis (including the preparation of a regulatory impact statement, if required);
- drafting by the Office of the Queensland Parliamentary Counsel; consideration by Cabinet (if the regulation is considered significant subordinate legislation); and
- consideration by Governor-in-Council.

The QHA would suggest that any regulation which was applicable to an entire class of licensees should be considered to be of significance (meeting the significant subordinate legislation test threshold) by virtue of the wide application across the industry. Such regulation should therefore be subject to the existing process of appropriate consultation, RIS and consideration by Cabinet.

#### Gambling Harm Minimisation Plan for Queensland 2021-25 (the Plan)

The Plan is supported by the QHA and has been developed in consultation with the Queensland Responsible Gambling Advisory Committee. The Plan emphasizes the need for an increased focus on industry social responsibility and the adoption of technological, collaborative and systemic approaches to the minimisation of gambling-related harm. The QHA acknowledges this but does not see the correlation between achieving the Plan and the proposed amendment to provide a regulation making power to prescribe a harm minimisation measure. The QHA submits such an approach would not be collaborative and is inconsistent with a proportionate, risk-based and evidence led approach.

#### Responsible Gambling Code of Practice (Code)

The Code is currently under review as part of Plan. The Code is an important, established, and successful harm minimisation framework which industry has implemented and demonstrated a high level of committed to over previous decades. The Code supports the implementation of harm minimisation measures and encourages a best practice approach. The proposed amendment undercuts the ability to self-regulate through the Code and does not align with the Plan.

#### Industry State-wide online multi-venue exclusion database (MVSE)

QHA and Clubs Queensland are currently investing in a MVSE system at substantial cost to increase harm-minimisation protections to effectively manage problem gambling exclusions. Benefits will include the ability to manage wide area exclusions; have remote exclusions capability and near 100% effectively reliable enforcement of bans through the establishment of networked facial recognition technology.

#### Summary

The QHA does not support the amendment to provide a regulation making power to prescribe harm minimisation measures for the following reasons:

- the power already exists for the Minister to amend legislation through the usual parliamentary process which is the appropriate policy-making mechanism
- the OLGR Chief Executive or Commissioner can already make recommendations to the Minister as part of their responsibilities to advise the Government on liquor and gaming policy matters
- there is currently a sufficient regulatory framework to support the introduction of harm minimisation measures in a timely manner commensurate with approvals of emerging technology
- any regulation which is applicable to a class of licensees should be considered to be of significance (meeting the significant subordinate legislation test threshold) and therefore be subject to the appropriate protections such as consideration by Cabinet and Regulatory Impact Statement (RIS)

- it creates uncertainty and has the potential to circumvent important protections and negatively impact confidence, industry investment and decrease gaming business values in the Queensland jurisdiction.

Please contact me directly on [REDACTED] or at [REDACTED] should you require any further consultation and information.

Yours sincerely,

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**Bernie Hogan**

**Chief Executive**

**Queensland Hotels Association**