

Legal Affairs and Safety Committee

Report No. 61, 57th Parliament

Subordinate legislation tabled between
11 October 2023 and 24 October 2023

1 Aim of this report

This report summarises the Legal Affairs and Safety Committee's (committee) findings following its examination of the subordinate legislation within its portfolio areas tabled between 10 October 2023 and 24 October 2023. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA) and the human rights certificates tabled with the subordinate legislation.²

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date*
144	Casino Control and Other Legislation Amendment (Postponement) Regulation 2023	24 October 2023	7 March 2024

*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

3 Committee consideration of the subordinate legislation



The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, human rights compatibility or lawfulness of the subordinate legislation.

The committee considers that:

- the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of section 24 of the LSA
- the human rights certificates tabled with the subordinate legislation, where relevant, provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.

The following sections provide a brief overview of the subordinate legislation.

¹ LSA, Part 4.

² HRA, s 41.

4 Casino Control and Other Legislation Amendment (Postponement) Regulation 2023

4.1 Policy objective

The objective of the Casino Control and Other Legislation Amendment (Postponement) Regulation 2023 (SL No. 144) is to extend the period before the automatic commencement of the uncommenced provisions³ of the *Casino Control and Other Legislation Amendment Act 2022* (Amendment Act) to the end of 21 October 2024.

These uncommenced provisions amend the *Wagering Act 1998* and *Wagering Regulation 1999* to authorise the exclusive wagering licensee under the *Wagering Act 1998* to conduct betting on approved computer-simulated sport and racing events and contingencies (virtual wagering). The provisions also provide a framework to ensure the integrity of virtual wagering and for the consideration of these virtual wagering products by the Minister for approval.⁴

According to the explanatory notes, postponement of the automatic commencement of these provisions will ‘allow the finalisation of implementation arrangements being negotiated between the Government and the State’s exclusive wagering licensee’.⁵

Under the *Acts Interpretation Act 1954* a regulation may postpone the period before the automatic commencement of a postponed law⁶ to not more than 2 years of the date of assent.⁷ The date of assent of the Amendment Act was 21 October 2022.⁸

These provisions are yet to be proclaimed and, unless delayed, would have automatically commenced on 22 October 2023. SL No. 144 postpones the automatic commencement of these provisions to 22 October 2024.⁹

5 Recommendation

The committee recommends that the House notes this report.



Peter Russo MP

Chair

December 2023

Legal Affairs and Safety Committee

Chair

Deputy Chair

Members

Mr Peter Russo MP, Member for Toohey

Mrs Laura Gerber MP, Member for Currumbin

Mr Stephen Andrew MP, Member for Mirani

Ms Jonty Bush MP, Member for Cooper

Mr Jason Hunt MP, Member for Caloundra

Mr Jon Krause MP, Member for Scenic Rim

³ Specifically, ss 100-103, 105, 112(1) and 112(2), 114 and 116. These were to commence by proclamation: Amendment Act, s 2(c).

⁴ SL No. 144, explanatory notes, p 1; human rights certificate, p 1.

⁵ SL No. 144, explanatory notes, p 2.

⁶ *Acts Interpretation Act 1954*, s 15DA: postponed law means an Act or provision of an Act that does not commence on the assent day because a provision of an Act postpones its commencement until a day fixed under an instrument.

⁷ *Acts Interpretation Act 1954*, s 15DA(2),(3).

⁸ SL No. 144, explanatory notes, p 1.

⁹ SL No. 144, explanatory notes, p 2. SL No. 144, s 2.