

Statement of compatibility with human rights

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

Licensing (Director-General) Repeal Act 2019

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) – namely:

- the International Convention on the Elimination of all Forms of Racial Discrimination done at New York on 21 December 1965;
- the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966;
- the International Covenant on Civil and Political Rights done at New York on 16 December 1966;
- the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979;
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 10 December 1984;
- the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4); and
- the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006.

Overview of the Bill

The Bill provides for the repeal of the *Licensing (Director-General) Act 2014* and amendment to various Acts and subordinate legislation arising as a consequence of the repeal. The Bill also provides for amendments of a statute law nature – making corrections and clarifications.

The Acts with substantive amendments arising from repeal are:

- *Gaming Control Act 1993*;
- *Gaming Machine Act 1995*;
- *Kava Management Act 1998*;
- *Private Security Act 1995*;
- *Racing and Betting Act 1983*;
- *Tobacco Control Act 2002*; and
- *Totalisator Licensing and Regulation Act 2000*.

The substantive amendments relate to the repeal of the position of Director-General, as a statutory office holder, which is replaced with a new position of Director as relevant statutory office holder in each of the above Acts. Each reference to the position of Director-General is replaced with a reference to the new statutory office holder as required. In addition, review provisions which sat within the power of the Director-General in relation to decision making of a delegate of the Director-General have been incorporated into each of the above Acts. There is no change in the powers or functions that may be exercised by the statutory office holder.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms.

There is no change in the relevant powers or functions to be exercised by the specified statutory office holder in relation to decisions made under the amended legislation. The powers for review of decisions are also retained.

Conclusion

This Bill is compatible with human rights as it does not raise any human rights issues.