

Queensland



# **GAMBLING LEGISLATION AMENDMENT ACT 2000**

**Act No. 51 of 2000**



# Queensland



## GAMBLING LEGISLATION AMENDMENT ACT 2000

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# Queensland



## **Gambling Legislation Amendment Act 2000**

### **Act No. 51 of 2000**

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**An Act to amend the *Casino Control Act 1982, Charitable and Non-Profit Gaming Act 1999, Gaming Machine Act 1991, Interactive Gambling (Player Protection) Act 1998, Keno Act 1996, Liquor Act 1992, Lotteries Act 1997 and Wagering Act 1998***

*[Assented to 17 November 2000]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Gambling Legislation Amendment Act 2000*.

### **Commencement**

2. This Act commences on 1 December 2000.

## **PART 2—AMENDMENT OF CASINO CONTROL ACT 1982**

### **Act amended in pt 2**

3. This part amends the *Casino Control Act 1982*.

### **Insertion of new s 3**

4. After section 2—

*insert—*

#### **‘Object**

‘3.(1) The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from casino gambling.

‘(2) The balance is achieved by allowing casino gambling subject to a system of regulation and control designed to protect players and the community through—

(a) ensuring the integrity and fairness of games; and

- (b) ensuring the probity of those involved in the conduct of casino gambling; and
- (c) minimising the potential for harm from casino gambling.’.

#### **Amendment of s 4 (Interpretation)**

##### **5. Section 4—**

*insert—*

- ‘**“conviction”** includes a finding of guilt, or the acceptance of a plea of guilty, by a court.’.

#### **Amendment of s 62 (Gaming equipment and chips)**

##### **6.(1) Section 62(3)(d)—**

*omit, insert—*

- ‘(d) is under the exclusive control of the casino operator or the operator’s agents or employees; and’.

##### **(2) Section 62—**

*insert—*

‘**(3C)** A casino operator must ensure the number of gaming machines in the casino, or a particular part of the casino, does not exceed a limit fixed for the casino, or the part, by the Minister under subsection (3D).

Maximum penalty—200 penalty units.

‘**(3D)** The Minister may, by written notice given to a casino operator, fix a limit on the number of gaming machines to be permitted in the casino or a particular part of the casino.’.

#### **Amendment of s 65A (Chief executive may approve gaming documents)**

##### **7. Section 65A(1)(c)—**

*omit, insert—*

- ‘(c) for use in a machine, whether to make wagers, to pay winning

wagers or otherwise; or

- (d) to protect a player's wager on a round of play against loss.'.

**Amendment of s 66 (Casino operator shall not accept credit wagers etc.)**

**8.** Section 66(1), penalty, '40 penalty units'—

*omit, insert—*

'200 penalty units'.

**Amendment of s 94 (Commissioner of the police service may exclude entry)**

**9.** Section 94—

*insert—*

'(3) The commissioner of the police service may notify an authority responsible for administering gaming legislation of another State or Territory of a direction under this section.'

**Amendment of s 99 (Excluded person not to enter or remain in casino)**

**10.** Section 99—

*insert—*

'(2) A court that finds a person guilty of, or accepts a person's plea of guilty for, an offence against this section may, if satisfied the person is a problem gambler, postpone its decision on penalty on condition that the person agrees to attend counselling on a basis specified by the court.

'(3) The agreement—

- (a) must provide for counselling of a kind that may, in the court's opinion, be beneficial in helping to overcome harmful behaviour related to gambling; and
- (b) must provide for counselling over a period (not more than 12 months) fixed by the court; and
- (c) must allow the counsellor a discretion to disclose to the court

information about the person's participation in the counselling if the counsellor believes the disclosure will help the court to exercise its powers and discretions in an appropriate way under this section; and

- (d) must provide that the counsellor is to report to the court a failure by the person to attend counselling as required by the agreement.

‘(4) For deciding whether a defendant is a problem gambler and, if so, whether counselling of an appropriate kind is available, the court may have regard to—

- (a) a report relevant to the question made by a psychiatrist, psychologist or other person with appropriate expertise; and
- (b) any other information available to the court and relevant to the subject (including hearsay evidence).

‘(5) If the court has postponed a decision on penalty under this section, the court must proceed to impose penalty—

- (a) as soon as practicable after the end of the period fixed for the counselling; or
- (b) if, during the period fixed for the counselling, the defendant advises the court that he or she does not want to continue with the counselling—as soon as practicable after the court receives that advice; or
- (c) if, during the period fixed for the counselling, the counsellor reports to the court that the defendant has failed to attend counselling as required by the agreement or to participate satisfactorily in the counselling—as soon as practicable after the court receives the report.

‘(6) In making its decision on penalty after a period of postponement under this section, the court—

- (a) must consider whether and, if so, to what extent, the defendant has made a genuine attempt to overcome harmful behaviour related to gambling; and
- (b) may, for deciding that question, have regard to the report of a counsellor appointed to counsel the defendant by an agreement under this section.

‘(7) In this section—

“**problem gambler**” means a person whose behaviour indicates a compulsion to gamble, an addiction to gambling, or an inability or disinclination to make rational judgments about gambling.’.

### **Amendment of s 118 (Protection of officers etc.)**

11. Section 118, ‘section 105 or 106’—

*omit, insert—*

‘section 105’.

## **PART 3—AMENDMENT OF CHARITABLE AND NON-PROFIT GAMING ACT 1999**

### **Act amended in pt 3**

12. This part amends the *Charitable and Non-Profit Gaming Act 1999*.

### **Replacement of s 3 (Objects of Act)**

13. Section 3—

*omit, insert—*

#### **‘Object**

‘3.(1) The overarching object of this Act is to ensure that, on balance, the State and the community as a whole benefit from general gaming.

‘(2) The balance is achieved by allowing general gaming subject to a system of regulation and control designed to protect players and the community through—

- (a) ensuring the integrity and fairness of games; and
- (b) ensuring the probity of those involved in the conduct of general gaming; and

(c) minimising the potential for harm from general gaming.

‘(3) Within the overarching object, the following objects are included—

- (a) to set and maintain appropriate standards and levels of accountability for the conduct of general gaming;
- (b) to ensure the public obtains reasonable net benefits from the conduct of general gaming;
- (c) to prevent individuals engaged in conducting general gaming from deriving personal gain from it;
- (d) to maintain and protect the integrity of general gaming;
- (e) to maintain public confidence and trust in buying general gaming tickets as a worthwhile way of supporting fundraising activities.’.

#### **Amendment of s 10 (Meaning of “eligible association”)**

**14.(1)** Section 10(2)(a)—

*omit.*

**(2)** Section 10(4)—

*omit, insert—*

‘(4) A constituent unit of an eligible association is also an eligible association.’.

#### **Amendment of s 12 (Meaning of “lucky envelopes”)**

**15.** Section 12(3)—

*omit, insert—*

‘(3) However, “**lucky envelopes**” does not include—

- (a) a promotional game; or
- (b) a game in which the determination of the winning ticket depends on a future event.

*Example for paragraph (b)—*

A game in which a ticket becomes a winning ticket if a particular team wins a future sporting match.’.

**Replacement of s 39 (Who may apply for a category 3 gaming licence)**

**16.** Section 39—

*omit, insert—*

**‘Who may apply for category 3 gaming licence**

**‘39.** An applicant for a category 3 gaming licence must be—

- (a) an incorporated eligible association; or
- (b) a parents and citizens association formed under the *Education (General Provisions) Act 1989*; or
- (c) a registered political party under the *Electoral Act 1992*.’.

**Amendment of s 78 (Keeping accounting records)**

**17.** Section 78—

*insert—*

**‘(3)** A person required to keep general gaming records must also keep (in addition to other records the person is required to keep) accounting records required under a regulation.

Maximum penalty for subsection (3)—20 penalty units.’.

**Amendment of s 98 (Application for approval of regulated general gaming equipment)**

**18.** Section 98(a) and (b)—

*omit, insert—*

- ‘(a)** approval of regulated general gaming equipment proposed to be used in conducting a game; or
- (b)** approval to modify regulated general gaming equipment used in conducting a game.’.

**Amendment of sch 2 (Dictionary)**

**19.(1)** Schedule 2, definition “regulated general gaming equipment”—  
*omit.*

**(2)** Schedule 2—  
*insert—*

‘ **“conviction”** includes a finding of guilt, or the acceptance of a plea of guilty, by a court.

**“regulated general gaming equipment”** means—

- (a) a lucky envelope vending machine with a random number generator; or
- (b) equipment with a random number generator intended for the conduct of a promotional game; or
- (c) other general gaming equipment prescribed under a regulation.’.

**(3)** Schedule 2, definition “application”, paragraph (a), ‘division 4’—  
*omit, insert—*

‘division 2, subdivision 3’.

## **PART 4—AMENDMENT OF GAMING MACHINE ACT 1991**

**Act amended in pt 4 and schedule**

**20.** This part and the schedule amend the *Gaming Machine Act 1991*.

**Insertion of new s 1A**

**21.** After section 1—  
*insert—*

**‘Object**

**‘1A.(1)** The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from gaming machine gambling.

**‘(2)** The balance is achieved by allowing gaming machine gambling subject to a system of regulation and control designed to protect players and the community through—

- (a) ensuring the integrity and fairness of games; and
- (b) ensuring the probity of those involved in the conduct of gaming machine gambling; and
- (c) minimising the potential for harm from gaming machine gambling.’.

**Amendment of s 2 (Definitions)**

**22.(1)** Section 2, definitions “approved game”, “approved place” for the keeping of monitoring records of a licensed monitoring operator, “authorised gaming machine”, “decrease proposal”, “electronic monitoring system”, “increase application”, “interested person” (first mentioned), “main office”, “metered bets”, “metered win”, “privately acquired gaming machine”, “progressive jackpot prize meter”, “public interest”, “rented gaming machine” and “total wins meter”—

*omit.*

**(2)** Section 2—

*insert—*

‘ **“administered receipt”** see *Financial Administration and Audit Act 1977*, section 4(1).

**“application of significant community impact”** means an application mentioned in section 55A(1).

**“approved game”** means a game approved by the chief executive under section 281(8).

**“approved place”**, for the keeping of monitoring records of a licensed supplier, means—

- (a) the supplier’s main office; or

- (b) a place approved by the chief executive under section 168(1)(a)<sup>1</sup> for the records.

**“authorised gaming machine”**, of a licensee, means a gaming machine purchased or otherwise acquired by the licensee, with the chief executive’s approval,<sup>2</sup> for use for gaming on the licensee’s licensed premises.

**“community comments”** means comments on an application made in response to an advertisement under section 55C.

**“decrease”**, of approved hours of gaming, does not include a change to hours of gaming that would allow the conduct of gaming on licensed premises at a time when gaming was previously unlawful (even though the change might reduce aggregate hours of gaming).

**“decrease proposal”** means (according to context)—

- (a) a decrease proposal (gaming machines); or
- (b) a decrease proposal (hours of gaming).

**“decrease proposal (gaming machines)”** means—

- (a) an application made by a licensee under section 86 for a decrease in the approved number of gaming machines for licensed premises of the licensee; or
- (b) a request made by an approved authority under section 86 for a decrease in the approved number of gaming machines for licensed premises of a licensee; or
- (c) a report made by an inspector under section 86 recommending a decrease in the approved number of gaming machines for licensed premises of a licensee.

**“decrease proposal (hours of gaming)”** means—

- (a) an application made by a licensee under section 90A for a decrease in the approved hours of gaming for licensed premises of the licensee; or

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<sup>1</sup> Section 168 (Notices about keeping monitoring records)

<sup>2</sup> See section 265(2) (Manufacture, sale, supply, obtaining or possession of gaming machines).

- (b) a request made by an approved authority under section 90A for a decrease in the approved hours of gaming for licensed premises of a licensee; or
- (c) a report made by an inspector under section 90A recommending a decrease in the approved hours of gaming for licensed premises of a licensee.

**“electronic monitoring system”** means any electronic or computer system or device that is designed to be used, or adapted, to receive data from gaming equipment in relation to the security, accounting or operation of gaming equipment and includes an electronic or computer system or device capable of identifying the player.

**“increase”**, of approved hours of gaming, includes a change to hours of gaming that would allow the conduct of gaming on licensed premises at a time when gaming was previously unlawful (even though the change might leave aggregate hours of gaming unchanged or reduce the aggregate).

**“increase application”** means (according to context)—

- (a) an increase application (gaming machines); or
- (b) an increase application (hours of gaming).

**“increase application (gaming machines)”** means an application made by a licensee under section 81 for an increase in the approved number of gaming machines for licensed premises of the licensee.

**“increase application (hours of gaming)”** means an application made by a licensee under section 85A for an increase in the approved hours of gaming for licensed premises of the licensee.

**“main office”**, of a licensed supplier, means—

- (a) the supplier’s principal place of business in the State; or
- (b) if the supplier is a corporation and has its registered office in the State—its registered office.

**“metered turnover”**, for licensed premises for an assessment period, means the aggregate amount of all bets made on gaming machines on the premises in the assessment period.

**“metered win”**, for licensed premises for an assessment period, means the

amount obtained by subtracting the metered payouts for the premises from the metered turnover for the premises.

**“other amounts”**, of a department, means amounts received by the department other than amounts received for a fund under this Act.

**“progressive jackpot prize meter”** means a device for recording amounts that, if won by a player, would be—

- (a) payable to the player by the licensee as a jackpot payout; or
- (b) credited to the credit meter of the player’s gaming machine as a jackpot credit.

**“total wins meter”** means a device for recording amounts (other than amounts recorded on the progressive jackpot prize meter) that, if won by a player, would be—

- (a) payable to the player by the licensee; or
- (b) credited to the credit meter of the player’s gaming machine.’.

**(2A)** Section 2, definition “monthly taxable metered win”, paragraph (a), ‘, other than promotions,’—

*omit.*

**(3)** Section 2, definition “supplier’s licence”, paragraph (a), ‘an operator’s licence’—

*omit, insert—*

‘a monitoring operator’s licence’.

**(4)** Section 2, definition “supporting material”, for an application for a licence under part 5, paragraph (a), ‘section 200(2)’—

*omit, insert—*

‘section 200(1)(b)’.

**(5)** Section 2, definition “supporting material”, for an application for a licence under part 5, paragraph (a), ‘section 200(1A)’—

*omit, insert—*

‘section 200(3)(a)’.

**Replacement of s 9 (Meaning of “jackpot payout”)**

**22A.** Section 9—

*omit, insert—*

**‘Meaning of “jackpot payout”**

**‘9.** For this Act, a **“jackpot payout”** is a payment by a licensee or licensed monitoring operator to a player for a winning result or promotions on a gaming machine if—

- (a) the payment does not increase the credit meter of the gaming machine; and
- (b) the payment is not discharged from the hopper; and
- (c) for promotions, the gaming machine is operated under an approval under section 287 for a linked jackpot arrangement.’.

**Amendment of s 10 (Meaning of “metered payouts”)**

**22B.** Section 10(1), after ‘winning results’—

*insert—*

‘or promotions’.

**Amendment of s 17 (Powers of commission)**

**23.** Section 17—

*insert—*

**‘(2)** The commission may issue guidelines.

**‘(3)** Without limiting subsection (2), a guideline may give guidance about—

- (a) the attitude the commission is likely to adopt on a particular issue; or
- (b) how an applicant for a licence, authorisation or approval should deal with issues involved in the proper formulation of the application or supporting material related to the application.

*Examples of subsection (3)—*

1. The commission might issue a guideline stating its attitude to gaming machines in shopping centres.
2. The commission might issue a guideline stating how it is likely to decide questions about the location of gaming machines in licensed premises or the proximity of gaming machines to automatic teller machines.
3. The commission might issue a guideline setting out the matters that should be dealt with in a community impact statement accompanying an application.

‘(4) A guideline may be replaced or varied by a later guideline issued under this section.

‘(5) The chief executive must keep copies of a guideline issued under this section available for inspection and permit a person—

- (a) to inspect the guideline without fee; and
- (b) to take extracts from the guideline without fee.

‘(6) Also, the chief executive must keep copies of the guideline available for supply to persons and permit a person to obtain a copy of the guideline, or a part of the guideline, without fee.

‘(7) For subsection (5)—

- (a) copies of the guideline—
  - (i) must be kept at the head office and any regional office of the department; and
  - (ii) may be kept at any other place the chief executive considers appropriate; and
- (b) the copies kept under paragraph (a) must be available for inspection during office hours on business days for the office or place.

‘(8) The commission may on its own initiative, and must if asked by the Minister, provide the Minister with advice on—

- (a) the operation of this Act, any other gaming Act that assigns functions to the commission; or

- (b) issues related to gambling (including the identification of issues requiring further research) under this Act or another Act that assigns functions to the commission.’.

### **Amendment of s 18 (Commissioners)**

**23A.** Section 18(1), ‘5’—

*omit, insert—*

‘7’.

### **Amendment of s 25 (Meetings)**

**23B.** Section 25(5)(a), ‘2’—

*omit, insert—*

‘3’.

### **Amendment of s 29 (Appeals to the Minister)**

**24.(1)** Section 29(1)—

*omit, insert—*

‘**29.(1)** A person—

- (a) who may be adversely affected by an approval under section 54(6) and to whom a notice has been given under section 54(8); or
- (b) who is or was an applicant for or a holder of a licence under this Act and is aggrieved by a decision or determination referred to in subsection (9) or (10);

may appeal against the decision or determination to the Minister.’.

**(2)** Section 29(9)—

*insert—*

- ‘(ba) under section 59(2)(a)(ii), fixing hours of gaming for premises that differ from the hours of gaming sought in the relevant application for the premises; or

- (da) under section 64(2)(b), fixing hours of gaming for additional premises that differ from the hours of gaming sought in the relevant additional premises application; or
- (ha) under section 85C(1)(c), refusing to approve an increase in approved hours of gaming for a licensee's licensed premises; or
- (hb) under section 85C(1)(b), approving an increase in the approved hours of gaming for a licensee's licensed premises that differs from an increase sought in the relevant application; or
- (ka) under section 90C(1)(c), refusing, for a decrease proposal that is an application, to approve a decrease in the approved hours of gaming for a licensee's licensed premises; or
- (kb) under section 90C(1)(b), approving, for a decrease proposal that is an application, a decrease in the approved hours of gaming for a licensee's licensed premises that is a modification of the proposal contained in the relevant application; or
- (kc) under section 90C(1)(a), approving, for a decrease proposal that is a request or a report, a decrease in the approved hours of gaming for a licensee's licensed premises; or'.

### **Amendment of s 30 (Minister's determination of appeals)**

**25.** Section 30(1)(b), '14 days'—

*omit, insert—*

'28 days'.

### **Insertion of new pt 3, div 1 hdg**

**26.** Before section 55—

*insert—*

*'Division 1—Authorisation of gaming machine gambling'.*

**Amendment of s 55 (Gaming lawful and does not constitute nuisance)**

**26A.** Section 55(2)—

*omit, insert—*

‘(2) Without limiting subsection (1)(a), the other information or material the commission may have regard to includes—

- (a) information or material about social and community issues; and
- (b) relevant guidelines issued by the commission under section 17.’.

**Insertion of new pt 3, div 2 and div 3 hdg**

**27.** After section 55—

*insert—*

*‘Division 2—General requirements for applications of significant community impact*

**‘Applications of significant community impact**

**‘55A.(1)** The following applications are applications of significant community impact—

- (a) an application for a gaming machine licence;
- (b) an application for additional licensed premises;
- (c) an application to have the approved number of gaming machines for licensed premises increased by a significant number (to be fixed under a regulation);
- (d) another application that the chief executive designates, by written notice to the applicant, as an application of significant community impact.

‘(2) The chief executive must make available for inspection, in the office of the department at Brisbane, a list of all applications currently before the chief executive that are of significant community impact.

‘(3) The list must include—

- (a) the nature of each application; and
- (b) the location of premises to which each application relates.

**‘Community impact statement and statement of responsible gambling initiatives required for application of significant community impact**

**‘55B.(1)** An application of significant community impact must be accompanied by—

- (a) a community impact statement; and
- (b) a statement of responsible gambling initiatives for the licensed premises or proposed licensed premises.

**‘(2)** The purpose of a community impact statement is to help the commission assess the social and economic implications of the grant of the application.

**‘(3)** The purpose of the statement of responsible gambling initiatives is to help the commission assess the adequacy of the applicant’s approach to encouraging responsible gambling.

**‘(4)** In preparing a community impact statement or a statement of responsible gambling initiatives, the applicant must have regard to relevant guidelines issued by the commission.

**‘(5)** A community impact statement and a statement of responsible gambling initiatives are to be regarded as part of the supporting material for an application.

**‘Advertisement of application of significant community impact**

**‘55C.(1)** An application of significant community impact must be advertised as required under this section.

**‘(2)** The applicant must—

- (a) in a form, and on days, approved by the chief executive generally or in a particular case, publish notice of the application, at the applicant’s expense—
  - (i) once in the gazette; and
  - (ii) twice in a newspaper circulating in the locality; and

- (b) display a copy of the notice on the premises to which the application relates on a sign the dimensions of which (including dimensions of the print) are approved by the chief executive, generally or in a particular case; and
- (c) ensure the copy is displayed conspicuously for 28 days immediately before the last day for the filing of community comments on the application.

‘(3) If the applicant is also making an application under the *Liquor Act 1992*, the chief executive and the liquor licensing authority may approve a composite notice to be published and displayed under subsection (2) and the corresponding provision of the *Liquor Act 1992*.

‘(4) The applicant must give to the chief executive evidence of satisfying the publication and display requirements under this section.

#### ‘Community comments

‘55D.(1) If an application is advertised as required by section 55C, any member of the public may comment on the application, by writing filed with the chief executive on or before the last day for filing comments as specified in the relevant notice under section 55C(2).

*Examples of subsection (1)—*

1. A member of the public might comment on how he or she expects the grant of the application would contribute to, or detract from, a sense of community in the relevant locality.
2. A member of the public might comment on the effect the grant of the application might have for persons in, or travelling to or from, an existing or proposed place of public worship, child care centre or school.
3. A member of the public might comment on the effect the grant of the application would have on the amenity or character of the locality to which it relates.

‘(2) The commission may disregard comments on subjects that lie beyond a scope indicated in the commission’s guidelines.

*Examples of subsection (2)—*

1. The commission’s guidelines might exclude comments based on the morality of gambling or the commentator’s personal views about gambling.
2. The commission’s guidelines might exclude comments of a kind that might

be more appropriately considered and dealt with under the *Liquor Act 1992*.

3. The commission's guidelines might exclude commentary of a statistical nature about the adverse effects of gambling in locations unrelated to the location to which the application relates.

‘(3) Comments may be made individually or collectively by a group of members of the public.

‘(4) In this section—

**“member of the public”** means an adult individual, corporation or other organisation, that in the chief executive's opinion—

- (a) has a proper interest in the locality concerned; and
- (b) is likely to be affected by the grant of the application.

#### **‘Procedure on receipt of community comments**

‘55E.(1) The chief executive must give to the applicant written notice of all community comments properly made on an application advertised under section 55C.

‘(2) The notice—

- (a) must include a copy of the comments; and
- (b) must be given to the applicant within 14 days after the last day for filing comments as specified in the relevant notice under section 55C(2).

#### **‘Chief executive's power to invite representations**

‘55F. The chief executive may invite representations on an application of significant community impact from—

- (a) the local government for the area in which the premises for which the licence is sought are situated; and
- (b) from any other entity that has, in the chief executive's opinion, a proper interest in the matter.

*Example of paragraph (b)—*

The chief executive might invite representations on the application from the local Member of the Legislative Assembly.

**‘Waiver or variation of requirement of this division**

**‘55G.** The chief executive may waive or vary a requirement under this division if the chief executive is satisfied compliance with the requirement is not necessary or the requirement may be relaxed—

- (a) because the application does not involve a significant change to the licensed premises or the nature or extent of the gaming carried on from the licensed premises; or
- (b) because of the remote location of the premises; or
- (c) because the purpose of the requirement has been, or can be, achieved by other means; or
- (d) because of other special circumstances.

**‘Division 3—Applications for gaming machine licences’.****Amendment of s 56 (Application for gaming machine licences)**

**28.** Section 56(5)—

*insert—*

‘(ja) is to specify—

- (i) the hours of gaming for which the licence is sought; and
- (ii) if the application relates to 2 or more premises—the hours of gaming sought for each of the premises; and’.

**Amendment of s 57 (Recommendation by chief executive about application for gaming machine licence)**

**29.(1)** Section 57(6)—

*omit, insert—*

**‘(6)** If the chief executive considers a proposed location for the installation of gaming machines (as shown on the plan of the subject premises accompanying the application, or that plan as amended and resubmitted, or as last amended and resubmitted, under this subsection) is unsuitable, the chief executive must—

- (a) by written notice, advise the applicant accordingly; and
- (b) return the plan to the applicant; and
- (c) either—
  - (i) ask the applicant to amend, or further amend, and resubmit the plan within the time stated in the notice; or
  - (ii) inform the applicant that the chief executive proposes to recommend that a gaming machine licence be refused on the ground that gaming machines can not be appropriately located in the subject premises.’.

**(2) Section 57(8)—**

*insert—*

‘(ba) the grant of the licence would be contrary to a guideline issued by the commission under section 17; or’.

**(3) Section 57(10)—**

*omit, insert—*

‘**(10)** If the chief executive recommends the grant of a gaming machine licence, the chief executive must advise the commission on—

- (a) the number of gaming machines the chief executive considers are appropriate for the subject premises, or each of the subject premises; and
- (b) the hours of gaming the chief executive considers are appropriate for the subject premises, or each of the subject premises.<sup>3</sup>’.

**Amendment of s 58 (Decision on application for gaming machine licence)**

**30. Section 58(2)—**

*omit, insert—*

‘**(2)** In making its decision, the commission must have regard to—

<sup>3</sup> Section 60 sets out the matters to which the chief executive must, or may, have regard in giving advice for section 57(10).

- (a) any supporting material for the application; and
- (b) any relevant community comments on the application; and
- (c) any representations made in response to an invitation under section 55F.’.

### **Replacement of ss 59 and 60**

**31.** Sections 59 and 60—

*omit, insert—*

#### **‘Number of gaming machines and hours of gaming to be fixed on grant of gaming licence**

‘**59.(1)** This section applies if the commission decides to grant a gaming machine licence.

‘**(2)** The commission must—

- (a) if the application relates to single premises only—
  - (i) fix the number of gaming machines that may, for the licence, be installed on the premises; and
  - (ii) fix the hours of gaming for the premises; or
- (b) if the application relates to 2 or more premises, fix for each of the premises—
  - (i) the number of gaming machines that may, for the licence, be installed on the premises; and
  - (ii) the hours of gaming for the premises.

‘**(3)** If the number of gaming machines and the hours of gaming fixed for premises are as sought in the application, the chief executive must immediately give written notice of the decision to the applicant.

‘**(4)** If the number of gaming machines and the hours of gaming fixed for premises are not as sought in the application, the chief executive must immediately give the applicant an information notice for the decision.

**‘Basis on which number of gaming machines to be installed in premises and hours of gaming are to be decided**

**‘60.(1)** This section deals with the basis on which—

- (a) the chief executive is to give advice on the number of gaming machines to be installed in, or the hours of gaming for, premises;<sup>4</sup> and
- (b) the commission is to decide the number of gaming machines to be installed in, or the hours of gaming for, premises.<sup>5</sup>

**‘(2)** The chief executive and the commission must have regard to—

- (a) the number of gaming machines, and the hours of gaming, sought in the application for the gaming machine licence; and
- (b) any supporting material for the application; and
- (c) any relevant community comments on the application; and
- (d) any relevant representations made to the commission on the application in response to an invitation under section 55F; and
- (e) the size and layout of, and facilities on, the premises; and

*Example for paragraph (e)—*

The chief executive and the commission must have regard to whether automatic teller machines are installed on the premises and, if so, the proximity of the gaming machine areas to automatic teller machines.

- (f) the size and layout of the proposed gaming machine areas for the premises.

**‘(3)** The chief executive and the commission may also have regard to—

- (a) the liquor consumption for the premises to which the application relates; and
- (b) the hours and days when the premises are open for the sale of liquor; and
- (c) the anticipated level of gaming on the premises; and

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<sup>4</sup> See section 57(10) (Recommendation by chief executive about application for gaming machine licence).

<sup>5</sup> See section 59.

- (d) for an application by a club—the number of members of the club; and
- (e) any other matters the chief executive or the commission considers relevant.

‘(4) If the gaming machine licence is to relate to single premises only, the number of gaming machines recommended or fixed must not be greater than—

- (a) the number sought in the application; or
- (b) the maximum number prescribed under a regulation for the category of licensed premises to which the premises will belong.

‘(5) If the gaming machine licence is to relate to 2 or more premises—

- (a) the number of gaming machines recommended or fixed for particular premises must not be greater than the number sought in the application for the premises; and
- (b) the total number of gaming machines recommended or fixed for both or all the premises must not be greater than the maximum number prescribed under a regulation for category 2 licensed premises.

‘(6) For subsection (5)—

- (a) a gaming machine licence is taken to relate to 2 or more premises if the licensee operates gaming machines on premises in another State or Territory; and
- (b) in working out whether a limit fixed under subsection (5)(b) has been exceeded, gaming machines operated by the licensee in another State or Territory are to be brought into account as if they were gaming machines installed in licensed premises in Queensland.

*‘Division 4—Application for additional licensed premises’.*

**Amendment of s 61 (Application for additional licensed premises)**

**32.** Section 61(3)(f)—

*omit, insert—*

‘(f) state—

- (i) the number of gaming machines intended to be installed on the additional premises; and
- (ii) the hours of gaming sought for the additional premises; and’.

**Amendment of s 62 (Recommendation by chief executive about additional premises application)**

**33.(1)** Section 62(5)—

*omit, insert—*

‘(5) In making a recommendation, the chief executive must have regard to—

- (a) any supporting material for the application; and
- (b) any relevant community comments on the application.’.

**(2)** Section 62(8) and (9)—

*omit, insert—*

‘(8) If the chief executive recommends that approval of the additional premises be given, the chief executive must advise the commission on—

- (a) the number of gaming machines the chief executive considers are appropriate for the premises; and
- (b) the hours of gaming the chief executive considers are appropriate for the premises.

‘(9) For giving advice for subsection (8), the chief executive—

- (a) must have regard to the number of gaming machines, and the hours of gaming, sought in the application for the additional premises; and

- (b) must have regard to any supporting materials for the application; and
- (c) must have regard to any relevant community comments on the application; and
- (d) may have regard to the matters, in relation to the additional premises, to which the chief executive is authorised to have regard in giving corresponding advice for an application for a gaming machine licence.<sup>6</sup>

### **Amendment of s 63 (Decision on additional premises application)**

**34.** Section 63(3)—

*insert—*

‘(ba) must have regard to any relevant community comments on the application; and’.

### **Replacement of s 64 (Fixing number of gaming machines for additional premises)**

**35.** Section 64—

*omit, insert—*

#### **‘Fixing number of gaming machines and hours of gaming for additional premises**

‘**64.(1)** This section applies if the commission decides to approve additional premises as premises to which the applicant’s gaming machine licence (the “**existing licence**”) relates.

‘**(2)** The commission must—

- (a) fix the number of gaming machines that may be installed on the additional premises; and
- (b) fix the hours of gaming for the additional premises.

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<sup>6</sup> See section 60(3) (Basis on which number of gaming machines to be installed in premises and hours of gaming are to be decided).

‘(3) In fixing the number of gaming machines, and the hours of gaming for additional premises, the commission—

- (a) must have regard to the number of gaming machines, and the hours of gaming, sought in the additional premises application; and
- (b) must have regard to any supporting materials for the application; and
- (c) must have regard to any relevant community comments on the application; and
- (d) may have regard to the matters, in relation to the additional premises, to which the commission is authorised to have regard in making a corresponding decision on an application for a gaming machine licence.<sup>7</sup>

‘(4) The number of gaming machines fixed under subsection (2)—

- (a) must not be greater than the number sought in the application; and
- (b) must be a number that, when added to the approved number, or total approved number, of gaming machines for the existing premises, does not result in a total number of gaming machines that is greater than the maximum number prescribed under a regulation for category 2 licensed premises.

‘(5) If the number of gaming machines and the hours of gaming fixed for the additional premises are as sought in the additional premises application, the chief executive must immediately give written notice of the decision to the applicant.

‘(6) If the number of gaming machines and the hours of gaming fixed for the additional premises are not as sought in the additional premises application, the chief executive must immediately give the applicant an information notice for the decision.’

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<sup>7</sup> See section 60(3) (Basis on which number of gaming machines to be installed in premises and hours of gaming are to be decided).

**Insertion of new pt 3, div 5 hdg**

36. Before section 66—

*insert—*

*‘Division 5—Change of circumstance’.*

**Insertion of new pt 3, div 6 hdg**

37. Before section 68—

*insert—*

*‘Division 6—Gaming machine licences generally’.*

**Omission of s 79 (Removal of rented gaming machines)**

38. Section 79—

*omit.*

**Insertion of new pt 3, div 7 hdg**

39. Before section 81—

*insert—*

*‘Division 7—Increase of approved number of gaming machines’.*

**Amendment of s 83 (Decision on increase application)**

40. Section 83—

*insert—*

*‘(7) If the approved number of gaming machines for licensed premises has been fixed (or increased or decreased) within the last 12 months, the commission may only approve an increase in the approved number of gaming machines if there are exceptional reasons for the increase.’.*

**Amendment of s 84 (Matters to be taken into account for increase application)**

**41.** Section 84(3)—

*omit, insert—*

‘(3) The commission or the chief executive must have regard to—

- (a) the increased number of gaming machines sought in the application; and
- (b) any supporting material for the application; and
- (c) any relevant community comments on the application.’.

**Insertion of new pt 3, div 8 and div 9 hdg**

**42.** After section 85—

*insert—*

***‘Division 8—Increase of approved hours of gaming***

**‘Application to increase approved hours of gaming**

**‘85A.(1)** A licensee may apply to have the approved hours of gaming for licensed premises of the licensee increased.

**‘(2)** A proposed change to the approved hours of gaming for licensed premises is taken to be an increase if the change would allow the conduct of gaming on the licensed premises at a time when gaming was previously unlawful (even though the change might reduce aggregate hours of gaming or leave the aggregate unchanged).

**‘(3)** An application must—

- (a) be in the approved form; and
- (b) be given to the chief executive; and
- (c) be signed in the same way as an application for a gaming machine licence is required to be signed;<sup>8</sup> and

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<sup>8</sup> See section 56(5)(b) and (c) and (7).

- (d) if the licensee's gaming machine licence relates to 2 or more premises—state the premises to which the application relates; and
- (e) state the hours of gaming for which approval is sought.

### **'Recommendation by chief executive about increase application**

**'85B.(1)** The chief executive must—

- (a) consider an increase application received by the chief executive; and
- (b) after considering the application—make a recommendation to the commission about the application.<sup>9</sup>

**'(2)** The recommendation must be a recommendation that—

- (a) approval for the increase sought in the application be given; or
- (b) approval be given for an increase that is less than the increase sought in the application; or
- (c) approval for an increase be refused.

**'(3)** In considering an increase application, the chief executive may, by written notice given to the applicant, require the applicant, within a reasonable time stated in the notice, to give the chief executive further information or a document that is necessary and reasonable to help the chief executive make a recommendation.

**'(4)** The chief executive may recommend that approval for an increase be refused if the applicant fails to comply with a requirement of the chief executive under subsection (3) without a reasonable excuse.

**'(5)** The chief executive is not required to make a recommendation about an increase application under this section if the commission has delegated its powers under section 85C in relation to the application to the chief executive.

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<sup>9</sup> Section 85D sets out matters to which the chief executive must, or may, have regard in making a recommendation about an increase application.

**‘Decision on increase application**

**‘85C.(1)** The commission may, in relation to an increase application—

- (a) approve the hours of gaming sought by the applicant; or
- (b) approve an increase that differs from the increase sought by the applicant; or
- (c) refuse to approve an increase to the hours of gaming for the licensed premises.

**‘(2)** Before making its decision, the commission may, by written notice given to the applicant, require the applicant, within a reasonable time stated in the notice, to give the commission further information or a document that is necessary and reasonable to help the commission make the decision.

**‘(3)** In making its decision, the commission must have regard to any recommendation of the chief executive about the application.<sup>10</sup>

**‘(4)** The commission may refuse to approve an increase if the applicant, without a reasonable excuse, fails to comply with—

- (a) a requirement of the chief executive under section 85B(3); or
- (b) a requirement of the commission under subsection (2).

**‘(5)** If the commission approves an increase as sought by the licensee, the chief executive must immediately give written notice of the decision to the licensee.

**‘(6)** If the commission refuses to approve an increase, or approves an increase that differs from the increase sought in the application, the chief executive must immediately give the licensee an information notice for the decision.

**‘Matters to be taken into account for increase application**

**‘85D.(1)** This section applies to the chief executive in making a recommendation to the commission about an increase application.

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<sup>10</sup> Section 85D sets out other matters to which the commission must, or may, have regard in deciding an increase application.

‘(2) This section also applies to the commission in deciding an increase application.

‘(3) The chief executive and the commission must have regard to—

- (a) the increase in approved hours of gaming sought in the application; and
- (b) any supporting material for the application; and
- (c) any relevant community comments on the application.

‘(4) The chief executive and the commission also may have regard to—

- (a) the hours and days when the licensed premises are open for the sale of liquor; and
- (b) any other matters the chief executive or the commission considers relevant.

*‘Division 9—Decrease of approved number of gaming machines’.*

#### **Amendment of s 88 (Decision on decrease proposal)**

**43.** Section 88(5)—

*omit, insert—*

‘(5) If the commission approves a decrease in the approved number of gaming machines for licensed premises of a licensee, the chief executive must approve the way in which the gaming machines subject to the decrease may be disposed of.’.

**Amendment of s 90 (Surrender or disposal of gaming machines on approval of decrease)**

**44.** Section 90(2), (3) and (4)—

*omit, insert—*

‘(2) The licensee must, within the required time, dispose of the number of gaming machines stated for the decrease.<sup>11</sup>

‘(3) For subsection (2), the required time for disposing of the gaming machines is—

- (a) the period ending 1 month after the licensee receives notice of the decision approving the decrease; or
- (b) if the chief executive extends, or further extends, the period for taking the action, by written notice given to the licensee in the period or extended period—the period as extended.’.

**Insertion of new pt 3, div 10 and div 11 hdg**

**45.** After section 90—

*insert—*

*‘Division 10—Decrease of approved hours of gaming*

**‘Proposals to decrease approved hours of gaming**

‘**90A.(1)** A licensee may apply to have the approved hours of gaming for licensed premises of the licensee decreased.

‘(2) An approved authority may request that the approved hours of gaming for licensed premises of a licensee be decreased.

‘(3) An inspector may make a report—

- (a) relating to a material change affecting a licensee that has happened since the licensee was granted a gaming machine licence; and

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<sup>11</sup> This subsection does not deal with the issue of the disposal of gaming machines contrary to an approval. However, in this regard, see sections 265 (Manufacture, sale, supply, obtaining or possession of gaming machines) and 277 (Destruction of gaming machines).

- (b) recommending that the approved hours of gaming for the licensee's licensed premises be decreased.

'(4) An application, request or report must—

- (a) be in writing; and
- (b) be given to the chief executive; and
- (c) state the hours of gaming that would apply to the licensed premises if the decrease were to be approved.

'(5) For subsection (3), a change is a material change affecting a licensee if the change is—

- (a) a general change of conditions in the neighbourhood in which the licensee's licensed premises are situated; or
- (b) a change in the licensee's circumstances; or
- (c) a change in any of the matters to which the chief executive or the commission is authorised to have regard in fixing the hours of gaming for the licensed premises.<sup>12</sup>

**'Recommendation by chief executive about decrease proposal (hours of gaming)**

'90B.(1) The chief executive must—

- (a) consider a decrease proposal (hours of gaming) received by the chief executive; and
- (b) after considering the proposal—make a recommendation to the commission about the proposal.<sup>13</sup>

'(2) The recommendation must be a recommendation that—

- (a) approval for the decrease sought or recommended in the proposal be given; or

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<sup>12</sup> See section 60(3) (Basis on which number of gaming machines to be installed in premises and hours of gaming are to be decided).

<sup>13</sup> Section 90D sets out the matters to which the chief executive must, or may, have regard in making a recommendation about a decrease proposal (hours of gaming).

- (b) approval be given for a decrease that is less than the decrease sought or recommended in the proposal; or
- (c) approval for a decrease be refused.

‘(3) If the decrease proposal (hours of gaming) is a request or a report, the chief executive must, before making a recommendation—

- (a) by written notice given to the licensee affected by the proposal, advise the licensee of the relevant details of the proposal; and
- (b) by the notice, invite the licensee to make a written submission about the proposal within a reasonable time stated in the notice; and
- (c) consider any written submission of the licensee received by the chief executive within the time stated in the notice.

‘(4) The chief executive’s recommendation must be accompanied by any submission required to be considered by the chief executive under subsection (3)(c).

‘(5) If the commission has delegated its powers under section 90C in relation to a decrease proposal (hours of gaming) to the chief executive, the chief executive—

- (a) is not required to make a recommendation about the proposal under this section; but
- (b) must take the action mentioned in subsection (3) as if the chief executive were dealing with the proposal for making a recommendation under this section.

#### **‘Decision on decrease proposal (hours of gaming)**

‘90C.(1) The commission may, in relation to a decrease proposal (hours of gaming)—

- (a) approve the proposal without modification; or
- (b) modify the proposal and approve the proposal as modified by the commission; or
- (c) refuse to approve the proposal.

‘(2) In making its decision, the commission must have regard to—

- (a) any recommendation of the chief executive about the decrease proposal (hours of gaming); and
- (b) any submission accompanying the recommendation.

‘(3) If the decrease proposal (hours of gaming) is an application, the commission—

- (a) must not refuse to approve a decrease if the refusal is likely to impose an unreasonable financial burden on the licensee; and
- (b) may not approve a decrease that is greater than the decrease sought in the application.

‘(4) If the decrease proposal (hours of gaming) is a request or report, the commission may not approve a decrease if the approval is likely to impose an unreasonable financial burden on the licensee.

‘(5) The chief executive must immediately give written notice of a decision of the commission under subsection (1) to the licensee if—

- (a) the decision relates to an application and is a decision approving the decrease as sought in the application; or
- (b) the decision relates to a request or report and is a decision refusing to approve a decrease.

‘(6) The chief executive must immediately give the licensee an information notice for a decision of the commission under subsection (1) if—

- (a) the decision relates to an application and is a decision—
  - (i) refusing to approve a decrease; or
  - (ii) approving a decrease that differs from the decrease sought in the application; or
- (b) the decision relates to a request or report and is a decision approving a decrease.

**‘Matters to be taken into account for decrease proposal (hours of gaming)**

‘90D.(1) This section applies to the chief executive in making a recommendation to the commission about a decrease proposal (hours of

gaming).

‘(2) This section also applies to the commission in deciding a decrease proposal (hours of gaming).

‘(3) The chief executive and the commission must have regard to the decrease sought or recommended in the proposal.

‘(4) The chief executive and the commission also may have regard to the following matters—

- (a) the public interest;
- (b) whether or not there are any other licensed premises in close proximity to the licensed premises to which the decrease proposal (hours of gaming) relates (the “**subject premises**”);
- (c) the interests of persons using the subject premises;
- (d) if the licensee of the subject premises is a category 2 licensee—
  - (i) the interest of the members of the licensee; and
  - (ii) whether or not the members have indicated support for a decrease in the approved hours of gaming for the premises.

*‘Division 11—Relocation of gaming machine areas’.*

**Insertion of new pt 3, div 12 hdg**

46. Before section 92—

*insert—*

*‘Division 12—Disclosure and investigations’.*

**Insertion of new pt 3, div 13 hdg**

47. Before section 95—

*insert—*

*‘Division 13—Surrender, suspension, cancellation etc.’.*

**Amendment of s 95 (Surrender of gaming machine licences)****48.(1)** Section 95(5)—

*omit, insert—*

‘(5) As soon as practicable after receiving the documents mentioned in subsection (1), the chief executive must, by written notice given to the licensee, approve the way in which the gaming machines may be disposed of.’.

**(2)** Section 95(11), definition “clearance day”—

*omit, insert—*

‘**“clearance day”**, for the surrender of a gaming machine licence, means the day on which the chief executive becomes satisfied that the licensee has disposed of the gaming machines for the surrender.’.

**Amendment of s 97 (Cancellation or suspension of gaming machine licences and letters of censure)****49.** Section 97(1)(a)(iii)—

*omit, insert—*

‘(iii) acquires, installs, locates, relocates or uses any gaming machine on the licensed premises contrary to this Act; or’.

**Amendment of s 104 (Recovery or disposal of gaming machines and other property on cancellation or non-renewal of gaming machine licence)****50.** Section 104(2) and (3)—

*omit, insert—*

‘(3) The chief executive must, by written notice given to the person who held the licence, immediately approve the way in which the gaming machines may be disposed of.’.

**Replacement of s 109 (Continuance of licences in certain circumstances)**

**51.** Section 109—

*omit, insert—*

**‘Special authorisation to conduct gaming**

**‘109.(1)** This section applies if—

- (a) a person holds licences under the *Liquor Act 1992* and this Act for the same premises; and
- (b) a person applies under the *Liquor Act 1992*, part 5, division 2 for authorisation to conduct the business of a licensee under that Act on the premises.

**‘(2)** The applicant must give a copy of the application to the chief executive.

**‘(3)** If a person (the “**substitute licensee**”) is authorised under the *Liquor Act 1992*, part 5, division 2 to conduct the business of a licensee under that Act on the premises,<sup>14</sup> the chief executive may grant a concurrent authorisation to the substitute licensee under this section.

**‘(4)** While an authorisation under this section remains in force, the substitute licensee—

- (a) is authorised to conduct gaming on the licensed premises as if the substitute licensee were the licensee under the gaming machine licence; and
- (b) is subject to all the liabilities of the licensee under the gaming machine licence.

**‘(5)** An authorisation under this section is terminated if—

- (a) the chief executive gives written notice of termination to the substitute licensee; or
- (b) the authorisation under the *Liquor Act 1992* is revoked or comes to an end.’.

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<sup>14</sup> See *Liquor Act 1992*, section 131A (Decision by chief executive on application to continue trading in certain circumstances).

**Amendment of s 139 (Grounds for suspension or cancellation)****52.(1)** Section 139(1)(c)—

*omit, insert—*

- ‘(ba) is required to comply with any written direction given to the licensee or associate by the commission or chief executive, and fails to comply with the direction; or
- (bb) is required under this Act to supply information or material to the commission, the chief executive or an inspector, and fails to supply the information or material or supplies information or material that, to the knowledge of the licensee or associate, is false or misleading in a material particular; or
- (c) contravenes a provision of this Act (not being a provision a contravention of which is an offence against this Act, or a provision imposing a requirement of a kind mentioned in paragraph (ba) or (bb)); or’.

**(2)** Section 139(1)(d), ‘associates’—

*omit, insert—*

‘associate’s’.

**Amendment of s 168 (Notices about keeping monitoring records)****53.** Section 168(1)—

*omit, insert—*

**‘168.(1)** The chief executive may, by written notice given to a licensed supplier—

- (a) approve, as a place at which the supplier may keep the supplier’s monitoring records, a place, other than the supplier’s main office, nominated by the supplier; or
- (b) specify a monitoring record of the supplier (an **“exempt record”**) that may be kept at a place that is not an approved place for the keeping of the record; or
- (c) specify a monitoring record of the supplier that may be kept temporarily at a place (a **“holding place”**) that is not an approved

place for the keeping of the record, and the period for which, or the circumstances in which, the record may be kept at the holding place; or

- (d) approve the keeping of information contained in a monitoring record of the supplier in a way different from the way the information was originally kept; or
- (e) approve the destruction of a monitoring record the chief executive considers need not be kept.’.

### **Replacement of s 169 (Places at which monitoring records to be kept)**

**54.** Section 169—

*omit, insert—*

#### **‘Places at which monitoring records to be kept**

**‘169.(1)** A licensed supplier must keep the supplier’s monitoring records at a place that is an approved place for the keeping of the records.

Maximum penalty—40 penalty units.

**‘(2)** Subsection (1) does not apply to an exempt monitoring record.’.

### **Amendment of s 170 (Period for which monitoring records to be kept)**

**55.** Section 170(1) and (2)—

*omit, insert—*

**‘170.(1)** A licensed supplier must keep a monitoring record of the supplier for 5 years after the end of the transaction to which the record relates.

Maximum penalty—40 penalty units.

**‘(2)** Subsection (1) does not apply to a monitoring record if—

- (a) the information previously contained in the record is kept in another way under an approval of the chief executive; or
- (b) the record has been destroyed under an approval of the chief executive.’.

**Amendment of s 195 (Nominees of licensees)**

**56.** Section 195(3)—

*omit, insert—*

‘(3) A licensee’s nominee must, for the licensed premises for which the nominee is the licensee’s nominee, ensure the conduct of gaming is in accordance with the authority conferred by the licensee’s gaming machine licence.’

Maximum penalty for subsection (3)—200 penalty units.’.

**Amendment of s 200 (Recommendation by chief executive about applications)**

**57.** Section 200(5)—

*insert—*

‘(f) whether the applicant has, or is able to obtain, the services of persons with appropriate business ability, knowledge or experience to enable the applicant to conduct operations successfully under a licence of the kind to which the application relates.’.

**Amendment of s 227 (Gaming machines not to be played if not installed in gaming machine area)**

**57A.** Section 227(3), from ‘the licensee’—

*omit, insert—*

‘—

- (a) if the gaming machine is part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 287—the licensed monitoring operator who has the approval; or
- (b) otherwise—the licensee for the gaming machine.

‘(4) Subsection (3) applies to winnings whether the winnings are attributable to obtaining a winning result or promotions.’.

**Replacement of s 229 (Advertising gaming)**

**58.** Section 229—

*omit, insert—*

**‘Advertisements related to gaming**

**‘229.(1)** This section applies to an advertisement about—

- (a) gaming; or
- (b) the conduct of gaming; or
- (c) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment.

**‘(2)** A person who publishes, or authorises the publication of, an advertisement to which this section applies must take reasonable steps to ensure the advertisement—

- (a) is not indecent or offensive; and
- (b) is based on fact; and
- (c) is not false, deceptive or misleading in a material particular.’.

**Amendment of s 230 (Directions about advertising)**

**59.** Section 230(1)—

*omit, insert—*

**‘230.(1)** If the chief executive reasonably believes an advertisement to which section 229 applies does not comply with that section, the chief executive may direct the person appearing to be responsible for authorising the advertisement to take appropriate steps—

- (a) to stop publication of the advertisement; or
- (b) to change the advertisement.’.

**Amendment of s 235 (Hours of gaming)**

**60.(1)** Section 235(a)—

*omit, insert—*

‘(a) outside the hours of gaming fixed for the licensed premises by the commission; or’.

(2) Section 235—

*insert—*

‘(2) The hours of gaming fixed for licensed premises can not extend to any time when, under the liquor licence relating to the premises, liquor is not permitted to be consumed in the licensed premises.’.

### **Amendment of s 238 (Licensees or employees not to extend credit)**

61. Section 238—

*insert—*

‘(3) If a cash advance is made to a person in circumstances where a licensee or an employee of a licensee knows, or ought reasonably to know, that the person intends to use the cash advance for gaming, the licensee or employee must not represent that the cash advance was made for some other purpose.

Maximum penalty for subsection (3)—200 penalty units.’.

### **Insertion of new s 242A**

62. After section 242—

*insert—*

#### **‘Unclaimed payments**

‘242A.(1) If a person entitled to a non-monetary payment in relation to playing a gaming machine does not collect the payment within 3 months after the person becomes entitled to the payment, the relevant person may—

- (a) dispose of the payment by public auction or tender or in some other way approved by the chief executive; and
- (b) pay for the disposal from the proceeds of sale.

‘(2) Also, the relevant person must deal with any amount remaining from the proceeds of sale as required under subsection (4).

Maximum penalty—100 penalty units.

‘(3) If a person is entitled to a monetary payment in relation to playing a gaming machine and the amount is not paid within 3 months after the person becomes entitled to the payment, the relevant person must, within 14 days after the end of the 3 months, deal with the amount as required under subsection (4).

Maximum penalty—100 penalty units.

‘(4) The relevant person must, for an amount mentioned in subsection (2) or (3)—

- (a) if the relevant person knows who is entitled to receive the amount and the person’s whereabouts—pay the amount to the person; or
- (b) if the relevant person knows who is entitled to receive the amount, but the relevant person does not know the person’s whereabouts—pay the amount into the designated departmental account; or
- (c) if the relevant person does not know who is entitled to receive the amount—pay the amount into the designated departmental account.

‘(5) In this section—

**“designated departmental account”** means a departmental financial institution account of the department designated under a regulation as the account to which payments are to be made under subsection (4)(b) or (c).

**“payment”** does not include promotions.

**“relevant person”** means—

- (a) for a multiple site linked jackpot arrangement—the licensed operator; or
- (b) otherwise—the licensee.’.

### **Amendment of s 243 (Gaming by employees of licensees)**

**62A.(1)** Section 243(1)(b), after ‘winning result is’—

*insert—*

‘, or promotions are.’.

(2) Section 243(2)—

*omit, insert—*

‘(2) No amount is payable to the employee for the winning result or promotions, and any winnings produced by obtaining the winning result or because of the promotions remain the property of—

(a) if the gaming machine is part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 287—the licensed monitoring operator who has the approval; or

(b) otherwise—the licensee.’.

#### **Amendment of s 245 (Notices and reports about payout refusal decisions)**

**63.(1)** Section 245(3), penalty, ‘for subsection (3)’—

*omit.*

(2) Section 245—

*insert—*

‘(4) However, the involved licensee is not required to give a copy of the report to the involved licensed monitoring operator if the involved licensee overrules the decision of the gaming employee.’.

#### **Amendment of s 249 (Effect of reviews on payout refusal decisions)**

**64.(1)** Section 249(1)(b)—

*omit, insert—*

‘(b) this Act applies to the responsible licensed person in relation to the displayed win to which the payout refusal decision related as if the decision had not been made.’.

(2) Section 249(2)(b)—

*omit, insert—*

‘(b) this Act applies to the responsible licensed person in relation to the displayed win to which the payout refusal decision related as if

the decision had not been made.’.

(3) Section 249—

*insert—*

‘(4) In this section—

**“responsible licensed person”** means—

- (a) if the relevant gaming machine is not part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 287<sup>15</sup>—the licensee of the licensed premises on which the gaming machine is installed; or
- (b) if the relevant gaming machine is part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 287—the licensed monitoring operator who has the approval for the operation of the arrangement.’.

### **Amendment of s 265 (Manufacture, sale, supply, obtaining or possession of gaming machines)**

**65.(1)** Section 265(2), (3) and (4)—

*omit, insert—*

‘(2) A person must not, except with the chief executive’s written approval—

- (a) buy or otherwise acquire a gaming machine; or
- (b) sell or otherwise dispose of a gaming machine; or
- (c) be in possession of a gaming machine.

Maximum penalty—200 penalty units.’.

(2) Section 265(13)—

*omit, insert—*

‘(13) In this section—

<sup>15</sup> Section 287 (Requirements for approvals for linked jackpot arrangements)

“lease” includes—

- (a) a hire-purchase agreement under the *Hire-purchase Act 1959*; or
- (b) any other contractual bailment.’.

### **Insertion of new s 265A**

**66.** After section 265—

*insert—*

#### **‘Dealing with gaming equipment etc. by monitoring operators and approved financiers**

**‘265A.(1)** A licensed monitoring operator or an approved financier is authorised to—

- (a) obtain and be in possession of gaming machines, linked jackpot equipment and restricted components; and
- (b) sell or supply, on written order, gaming machines, linked jackpot equipment or restricted components to a person in another State or Territory or a country where possession of the gaming machines, linked jackpot equipment or restricted components by that person is lawful.

**‘(2)** A licensed monitoring operator is also authorised to manufacture linked jackpot equipment.’.

#### **Amendment of s 267 (Possession etc. of gaming machines and restricted components by by licensed major dealers)**

**67.(1)** Section 267, heading, ‘by by’

*omit, insert—*

**‘by’.**

**(2)** Section 267(1)(b)(i)—

*omit, insert—*

- ‘(i)** gaming machines or linked jackpot equipment to a licensed major dealer; and’.

(3) Section 267(1)(b)(iii)—

*omit, insert—*

‘(iii) linked jackpot equipment or restricted components to a licensed service contractor, licensed repairer or other person authorised under this Act to obtain and be in possession of the equipment or components; and’.

(4) Section 267—

*insert—*

‘(2A) An application for the approval of premises must be made in the way prescribed under a regulation.’.

### **Amendment of s 271 (Possession etc. of gaming machines and restricted components by licensees)**

68. Section 271(1)(c)—

*omit, insert—*

‘(c) supply restricted components to—

- (i) another licensee; or
- (ii) another person authorised under this Act to obtain and be in possession of the restricted components.’.

### **Omission of ss 278–280**

69. Sections 278, 279 and 280—

*omit.*

### **Amendment of s 281 (Approval and rejection of gaming machines and games)**

70. Section 281(1)—

*omit.*

**Amendment of s 283 (Changes to percentage returns)**

**71.** Section 283—

*insert—*

‘(2A) If—

- (a) a gaming machine (the “**new machine**”) is installed on licensed premises; and
- (b) the gaming machine has the same game and betting unit as another gaming machine (the “**old machine**”) previously installed on the licensed premises; and
- (c) the percentage return to players differs between the new machine and the old machine;

the licensee is taken to have changed the percentage return to players under subsection (1) for the new machine.’.

**Amendment of s 284 (Withdrawal of approval of gaming machine types and games)**

**72.** Section 284(1)(a)—

*omit, insert—*

- ‘(a) the person who submitted the gaming machine type or game under section 281; and’.

**Amendment of s 287 (Requirements for approvals for linked jackpot arrangements)**

**72A.** Section 287(3) and (10)—

*omit.*

**Amendment of s 305 (Associated documents for audit report for category 2 licensee)**

**73.(1)** Section 305, heading—

*omit, insert—*

**‘Community benefit statement and other associated documents for audit report for category 2 licensee’.**

(2) Section 305(1)(d)—

*omit, insert—*

- (d) a copy of any balance sheet, financial statement, auditor’s report or other statement or report, relating to the licensee’s annual general meeting for the financial year; and
- (e) if the licensee operates more than a number of gaming machines fixed for this paragraph under a regulation—a community benefit statement detailing all financial contributions made, and other support given, during the financial year to charitable, sporting, recreational and other community associations and initiatives.’.

(3) Section 305—

*insert—*

**‘(1A)** The profit and loss statement to be given to the chief executive under subsection (1)(c)—

- (a) must distinguish between revenue received from the sale of liquor for consumption on the licensed premises and the revenue received from the sale of liquor for consumption off the licensed premises; and
- (b) must comply with any other reasonable requirements notified in writing to the licensee by the chief executive.’.

(4) Section 305(6), definition “general operations”—

*omit, insert—*

**‘“general operations”**, of a licensee, means operations conducted by the licensee—

- (a) under the licensee’s gaming machine licence; or
- (b) in relation to the conduct of—
  - (i) keno games under a keno licence; or
  - (ii) wagering under the *Wagering Act 1998*; or
  - (iii) general gaming operations under the *Charitable and Non-Profit Gaming Act 1999*; or

- (c) relating to the supply of—
  - (i) liquor and other beverages; and
  - (ii) food.’.

### **Amendment of s 306 (Further information about audit report or associated documents)**

**74.(1)** Section 306(3)(a)—

*omit, insert—*

‘(a) the matter relates to the person’s general operations; and’.

**(2)** Section 306—

*insert—*

‘(7) In this section—

“**general operations**” has the same meaning as in section 305.’.

### **Omission of s 311 (Monthly fees)**

**75.** Section 311—

*omit.*

### **Replacement of ss 314–316**

**76.** Sections 314 to 316—

*omit, insert—*

#### **‘Community investment fund**

‘**314.(1)** The community investment fund is established.

‘**(2)** Each month, the Minister must pay into the fund a percentage of all gaming machine tax for the previous month paid to the chief executive by all licensees.

‘**(3)** The amounts paid into the fund are administered receipts.

‘**(4)** The percentage mentioned in subsection (2) is the percentage prescribed under a regulation.

**‘Gambling community benefit fund**

**‘315.(1)** The gambling community benefit fund is established.

**‘(2)** The amounts paid into the fund are administered receipts.

**‘Gambling Community Benefit Committee**

**‘316.** The Minister responsible for the administration of the gambling community benefit fund—

- (a) must establish a committee called the Gambling Community Benefit Committee; and
- (b) may decide—
  - (i) the membership of the committee; and
  - (ii) how it is to operate.’.

**Amendment of s 317 (Payment of monthly fees, taxes etc.)**

**77.(1)** Section 317, heading—

*omit, insert—*

**‘Payment of taxes etc.’.**

**(2)** Section 317(1)—

*omit, insert—*

**‘317.(1)** Subject to subsections (2) and (3), a licensee must ensure that the chief executive receives on or before the day prescribed for each month an amount not less than the total amount of—

- (a) the monthly gaming tax payable by the licensee; and
- (b) any penalty payable by the licensee under section 319 on or before that day; and
- (c) any gaming tax or penalty payable by the licensee and remaining unpaid at the end of the day, prescribed under a regulation, of the preceding month.’.

**(3)** Section 317(4), ‘monthly fees,’—

*omit.*

**Amendment of s 322 (Disposition of fees etc.)**

**78.(1)** Section 322(2), ‘monthly fee,’—

*omit.*

**(2)** Section 322(3), ‘monthly fees,’—

*omit.*

**(3)** Section 322(5) and (6)—

*omit, insert—*

‘**(5)** The Minister may cause amounts to be paid out of the community investment fund for—

- (a) gambling research and dealing with social issues arising from gambling (including research into the effectiveness of responsible gambling initiatives); and
- (b) the gambling community benefit fund; and
- (c) programs of State-wide significance, including job creation, community renewal and crime prevention.

‘**(6)** The Minister may, having regard to the recommendation of the Gambling Community Benefit Committee, cause amounts to be paid out of the gambling community benefit fund for the benefit of the community.

‘**(7)** Amounts may be paid under subsection (4), (5) or (6) without further appropriation.’

**Amendment of s 323 (Adjustment of monthly fees etc. in certain circumstances)**

**79.(1)** Section 323, heading—

*omit, insert—*

‘**Adjustment of assessment in certain circumstances**’.

**(2)** Section 323, ‘monthly fees,’—

*omit.*

**Amendment of s 324 (Recovery of fees and taxes)**

**80.(1)** Section 324, heading—

*omit, insert—*

**‘Recovery of taxes and penalties’.**

**(2)** Section 324(1), ‘monthly fees,’—

*omit.*

**Replacement of s 327 (Directions to licensees and operators)**

**81.** Section 327—

*omit, insert—*

**‘Directions**

**‘327.(1)** The commission or the chief executive may, by written notice, give directions to—

- (a) a licensee about the conduct of gaming or the administration of the licensee’s licensed premises; or
- (b) a licensed monitoring operator about the conduct of gaming or supplying basic monitoring services to a licensee; or
- (c) a licensed major dealer or licensed secondary dealer about the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment; or
- (d) a licensed service contractor or licensed repairer about the installation, alteration, adjustment, maintenance or repair of gaming equipment; or
- (e) any other person who holds a licence or authority under this Act about the conduct of gaming.

**‘(2)** A person to whom a notice is given must comply with the directions of the commission or the chief executive under subsection (1).

Maximum penalty—200 penalty units.

**‘(3)** If a person who has been convicted of an offence of failing to comply with directions given under subsection (1), continues to fail to so

comply, the person commits an offence against this Act.

Maximum penalty for subsection (3)—20 penalty units for each day on which the failure continues.’.

### **Amendment of s 338 (Certain persons not to play gaming machines)**

**81A.** Section 338(5), from ‘the licensee’—

*omit, insert—*

‘—

- (a) if the gaming machine is part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 287—the licensed monitoring operator who has the approval; or
- (b) otherwise—the licensee.

‘**(5A)** Subsection (5) applies to winnings whether the winnings are attributable to obtaining a winning result or promotions.’.

### **Amendment of s 356 (Proceedings for offences)**

**82.** Section 356(8)—

*omit, insert—*

‘**(8)** In this section—

“**serious offence**” means an offence against section 102, 227(1), 265(1) or (8), 267(3), 268(2), 271(2), 286(1) or (2), 287(8), 290(1) or (2), 291(1), (3) or (4), 292(1), 294(1) or (3), 325, 346, 349 or 350.’.

### **Amendment of s 362 (Disclosure of criminal history)**

**83.(1)** Section 362(a), ‘49(2) or (4)’—

*omit, insert—*

‘an investigation under section 49’.

(2) Section 362(d), (e) and (f)—

*omit, insert—*

‘(d) is required to submit information or material, or additional information or material, under section 49(4), 57(2), 58(1), 93(2), 200(2), 201(2) or 213(1);’.

### **Insertion of new pt 12, div 4**

84. After section 391—

*insert—*

### ***Division 4—Provisions for Gambling Legislation Amendment Act 2000***

#### **‘Certain gaming machine licences to lapse**

‘**392.(1)** This section applies to a gaming machine licence granted before 13 December 1999.

‘(2) If the licensee under a gaming machine licence to which this section applies has not started to conduct gaming on the licensed premises by the relevant date, the gaming machine licence lapses.

‘(3) If the licensee under a gaming machine licence to which this section applies has started to conduct gaming on the licensed premises by the relevant date but the full number of gaming machines approved for the licensed premises have not been installed, the number of gaming machines approved for the licensed premises is (subject to an increase or decrease on application under this Act) taken to be the number installed on that date.

‘(4) The commission may fix a date falling after 13 December 2000 as the relevant date for particular licensed premises if—

(a) the licensee—

- (i) applies in writing to the commission before 13 December 2000 for deferment of the relevant date; and
- (ii) provides the commission with information and materials for which it reasonably asks to help it decide the application; and

(b) the commission is, after considering the application and any supporting information and materials, satisfied there is good

reason to allow a deferment of the date for the licensed premises.

*Example of good reasons to allow a deferment—*

The commission might consider the fact that licensed premises are under construction and the construction work is substantially complete or has been delayed for reasons outside the licensee's control are good reasons for deferment of the relevant date.

'(5) The commission may grant a deferment of the relevant date on conditions the commission considers appropriate and, if a condition is not complied with, the deferment does not operate beyond the date of the noncompliance.

'(6) In this section—

**“relevant date”** means—

- (a) 13 December 2000; or
- (b) for premises for which the commission has fixed a later date under subsection (4)—the date fixed by the commission or an earlier date on which the deferment ceases to operate under subsection (5).

### **‘Certain approvals to lapse**

**393.(1)** This section applies to an approval given by the commission before 28 July 1999 for an increase in the number of gaming machines installed on licensed premises.

'(2) If, by the relevant date, no additional gaming machines have been installed under an approval to which this section applies, the approval lapses.

'(3) If, by the relevant date, some but not all the additional gaming machines approved under an approval to which this section applies have been installed, the approval is taken to be an approval for an increase in the number of gaming machines to the number installed by that date and to authorise the installation of no further gaming machines.

'(4) The commission may fix a date falling after 13 December 2000 as the relevant date for particular licensed premises if—

- (a) the licensee—
  - (i) applies in writing to the commission before 13 December 2000 for deferment of the relevant date; and
  - (ii) provides the commission with information and materials for which it reasonably asks to help it decide the application; and
- (b) the commission is, after considering the application and any supporting information and materials, satisfied there is good reason to allow a deferment of the date for the licensed premises.

*Example of good reasons to allow a deferment—*

The commission might consider the fact that licensed premises are subject to major renovations or a major extension and the work is substantially complete or has been delayed for reasons outside the licensee's control are good reasons for deferment of the relevant date.

‘(5) The commission may grant a deferment of the relevant date on conditions the commission considers appropriate and, if a condition is not complied with, the deferment does not operate beyond the date of the noncompliance.

‘(6) In this section—

“**relevant date**” means—

- (a) 13 December 2000; or
- (b) for premises for which the commission has fixed a later date under subsection (4)—the date fixed by the commission or an earlier date on which the deferment ceases to operate under subsection (5).

### ‘Hours of gaming for existing licences

‘**394.(1)** This section applies to a gaming machine licence granted before 1 December 2000.

‘(2) It is to be presumed that, on 1 December 2000, hours of gaming were fixed for the licensed premises to which the licence relates that are the same as the hours during which liquor is permitted, under the liquor licence relating to the premises, to be consumed in the licensed premises.

**‘Closure of charities and rehabilitation benefit fund**

‘**395.(1)** On the commencement, the charities and rehabilitation benefit fund is closed.

‘**(2)** On the closure of the fund, it ceases to exist and all public moneys standing to the credit of the fund immediately before the commencement are controlled receipts of the families department.

‘**(3)** Despite the closure of the fund, entries may be made in the accounts for the fund for transactions completed before the commencement.

‘**(4)** In this section—

“**commencement**” means the commencement of this section.

“**controlled receipt**” see *Financial Administration and Audit Act 1977*, section 4(2).

“**families department**” means the department within which the fund was administered immediately before the commencement.

“**public moneys**” see *Financial Administration and Audit Act 1977*, schedule 3.

**‘Saving of appointments of members of Gaming Machine Community Benefit Committee**

‘**396.(1)** This section applies to the gaming machine community benefit committee established immediately before the commencement of this section (the “**previous committee**”).

‘**(2)** The previous committee continues in existence as the gambling community benefit committee (the “**new committee**”) and each member of the previous committee is taken to properly hold office as a member of the new committee.

‘**(3)** Subject to the Act, the term of the person’s appointment is the balance of the term for which the person held office immediately before the commencement.

**‘Applications of significant community impact**

‘**397.(1)** Subject to this section, sections 55B to 55E do not apply to a relevant application.

‘(2) However, the chief executive may, by written notice given to the applicant, require the applicant to give the chief executive a community impact statement and a statement of responsible gambling initiatives within the reasonable time, not less than 30 days, stated in the notice.

‘(3) If the applicant is required to give a community impact statement and a statement of responsible gambling initiatives, section 55B(2) to (5) applies to the statements and the preparation of the statements.

‘(4) If the applicant does not comply with the notice, the applicant is taken to have withdrawn the relevant application.

‘(5) Subsection (6) applies if a member of the public, individually or as a member of a group, has commented or comments on the relevant application, by writing, given to the chief executive before the commission decides the application.

‘(6) The comments are taken to be relevant community comments on the application.

‘(7) However, the commission may disregard comments on subjects that lie beyond a scope indicated in a relevant guideline issued by the commission under section 17.

‘(8) In this section—

“**member of the public**” see section 55D(4).

“**relevant application**” means an application of a type mentioned in section 55A(1) that was made, but not decided, before the commencement of this section.

**‘Application of guidelines to existing applications**

‘**398.(1)** This section applies to any of the following applications made, but not decided, before the commencement of this section—

- (a) an application for a gaming machine licence;
- (b) an application for additional licensed premises;

- (c) an application to have the approved number of gaming machines for licensed premises increased.

‘(2) To remove doubt, it is declared that a guideline issued by the commission under section 17 applies to an application mentioned in subsection (1) in the same way it would if the application were made after the commencement.’.

## **PART 5—AMENDMENT OF INTERACTIVE GAMBLING (PLAYER PROTECTION) ACT 1998**

### **Act amended in pt 5**

**85.** This part amends the *Interactive Gambling (Player Protection) Act 1998*.

### **Replacement of s 3 (Objects)**

**86.** Section 3—

*omit, insert—*

#### **‘Object**

‘**3.(1)** The overarching object of this Act is to ensure that, on balance, the State and the community as a whole benefit from interactive gambling.

‘(2) The balance is achieved by allowing interactive gambling subject to a system of regulation and control designed to protect players and the community through—

- (a) ensuring the integrity and fairness of games; and
- (b) ensuring the probity of those involved in the conduct of interactive gambling; and
- (c) minimising the potential for harm from interactive gambling.

‘(3) Within the overarching object, the following objects are included—

- (a) to establish and maintain an appropriate system of regulation and

- control for interactive gambling;
- (b) to provide protection for players of interactive games;
  - (c) to provide a basis for implementing an interjurisdictional regulatory scheme for—
    - (i) the reciprocal recognition between participating jurisdictions of licences, authorisations and other administrative acts; and
    - (ii) the regulation and control of interactive gambling in the participating jurisdictions on a cooperative basis; and
    - (iii) the sharing of tax derived from interactive gambling on an equitable basis.’.

#### **Amendment of s 116 (Payment of tax for community benefit)**

**86A.(1)** Section 116(1), from ‘The Minister’ to ‘subsection (2)’—

*omit, insert—*

‘Subsection (2) applies to the following amounts’.

**(2)** Section 116(2) and (3)—

*omit, insert—*

‘**(2)** Each month, the Minister must pay into the community investment fund established under the *Gaming Machine Act 1991*, section 314(1), a percentage of the amounts received by the chief executive for the previous month.

‘**(3)** The amounts paid into the community investment fund are administered receipts under the *Financial Administration and Audit Act 1977*.

‘**(4)** The percentage mentioned in subsection (2) is the percentage prescribed under a regulation.’.

**Amendment of sch 3 (Dictionary)**

**87.** Schedule 3—

*insert—*

- ‘ **“interactive gambling”** means gambling accessible from the home involving interactive games in which the players participate by means of the internet or through some other telecommunication medium.’.

**PART 6—AMENDMENT OF KENO ACT 1996****Act amended in pt 6**

**88.** This part amends the *Keno Act 1996*.

**Insertion of new s 1A**

**89.** After section 1—

*insert—*

**‘Object**

**‘1A.(1)** The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from keno gambling.

**‘(2)** The balance is achieved by allowing keno gambling subject to a system of regulation and control designed to protect players and the community through—

- (a) ensuring the integrity and fairness of games; and
- (b) ensuring the probity of those involved in the conduct of keno gambling; and
- (c) minimising the potential for harm from keno gambling.’.

**Replacement of s 113 (Application of keno tax and licence fee)**

**90.** Section 113—

*omit, insert—*

**‘Application of keno tax and licence fee**

**‘113.(1)** Each month, the Minister must pay into the community investment fund established under the *Gaming Machine Act 1991*, section 314(1), a percentage of all amounts received by the chief executive by way of keno tax and keno licence fees for the previous month.

**‘(2)** The amounts paid into the community investment fund are administered receipts under the *Financial Administration and Audit Act 1977*.

**‘(3)** The percentage mentioned in subsection (1) is the percentage prescribed under a regulation.’.

**Amendment of s 148 (Extending credit)**

**91.(1)** Section 148—

*insert—*

**‘(2A)** If a cash advance is made to a person in circumstances where an authorised keno operator or an employee of an authorised keno operator knows, or ought reasonably to know, that the person intends to use the cash advance to enable the person or another person to take part in an approved keno game, the operator or employee must not represent that the cash advance was made for some other purpose.

Maximum penalty—200 penalty units.’.

**(2)** Section 148(3), ‘subsection (1) or (2)’—

*omit, insert—*

‘subsection (1), (2) or (2A)’.

## PART 7—AMENDMENT OF LIQUOR ACT 1992

### Act amended in pt 7

92. This part amends the *Liquor Act 1992*.

### Amendment of s 151 (Unlawful betting or gaming)

93.(1) Section 151(1)(a)(i)—

*omit, insert—*

‘(i) one required for wagering by a general operator under the *Wagering Act 1998*; or’.

(2) Section 151(1)(a)(iii)—

*omit, insert—*

‘(iii) for conducting a game authorised under the *Charitable and Non-Profit Gaming Act 1999*; or’.

## PART 8—AMENDMENT OF LOTTERIES ACT 1997

### Act amended in pt 8

94. This part amends the *Lotteries Act 1997*.

### Insertion of new s 2A

95. After section 2—

*insert—*

#### ‘Object

‘2A.(1) The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from lotteries.

‘(2) The balance is achieved by allowing lotteries subject to a system of

regulation and control designed to protect players and the community through—

- (a) ensuring the integrity and fairness of games; and
- (b) ensuring the probity of those involved in the conduct of lotteries; and
- (c) minimising the potential for harm from lotteries.’.

### **Insertion of new s 99A**

**96.** Part 5, after section 99—

*insert—*

#### **‘Application of lottery tax**

**‘99A.(1)** Each month, the Minister must pay into the community investment fund established under the *Gaming Machine Act 1991*, section 314(1), a percentage of all amounts received by the chief executive by way of lottery tax for the previous month.

**‘(2)** The amounts paid into the community investment fund are administered receipts under the *Financial Administration and Audit Act 1977*.

**‘(3)** The percentage mentioned in subsection (1) is the percentage prescribed under a regulation.’.

## **PART 9—AMENDMENT OF WAGERING ACT 1998**

### **Act amended in pt 9**

**97.** This part amends the *Wagering Act 1998*.

### **Insertion of new s 2A**

**98.** Part 1, after section 2—

*insert—*

**‘Object**

‘**2A.(1)** The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from wagering.

‘**(2)** The balance is achieved by allowing wagering subject to a system of regulation and control designed to protect players and the community through—

- (a) ensuring the integrity and fairness of games; and
- (b) ensuring the probity of those involved in the conduct of wagering; and
- (c) minimising the potential for harm from wagering.’

**Amendment of s 136 (Notice of end of key operator’s role)**

**99.** Section 136(2)—

*omit, insert—*

‘**(2)** Within 7 days after the person stops being a key operator for the authority operator, the authority operator must notify the chief executive of that fact by notice in the approved form.

Maximum penalty for subsection (2)—40 penalty units.’

**Replacement of s 169 (Application of wagering tax, authority fee and authority administration fee)**

**100.** Section 169—

*omit, insert—*

**‘Application of wagering tax**

‘**169.(1)** Each month, the Minister must pay into the community investment fund established under the *Gaming Machine Act 1991*, section 314(1), a percentage of all amounts received by the chief executive by way of wagering tax for the previous month.

‘**(2)** The amounts paid into the community investment fund are administered receipts under the *Financial Administration and Audit Act 1977*.

‘(3) The percentage mentioned in subsection (1) is the percentage prescribed under a regulation.’.

### **Replacement of s 209 (Extending credit)**

**101.** Section 209—

omit, insert—

#### **‘Extending credit**

‘**209.(1)** A general operator, or an employee of a general operator, must not make a loan or extend credit in any form to a person to enable the person or another person to take part in approved wagering.

Maximum penalty—200 penalty units.

‘(2) If a cash advance is made to a person in circumstances where a general operator or an employee of a general operator knows, or ought reasonably to know, that the person intends to use the cash advance to enable the person or another person to take part in approved wagering, the operator or employee must not represent that the cash advance was made for some other purpose.

Maximum penalty for subsection (2)—200 penalty units.’.

**SCHEDULE****MINOR AMENDMENTS OF GAMING MACHINE  
ACT 1991**

section 20

**1. Section 31(3), ‘operator’s’—***omit, insert—*

‘supplier’s’.

**2. Section 51(2), ‘, 280’—***omit.***3. Section 53(1), ‘200(1)(b)’—***omit, insert—*

‘200(2)(a)’.

**4. Section 54(2)(a), ‘persons’—***omit, insert—*

‘person’s’.

**5. Section 54(8), ‘subsection (5)’—***omit, insert—*

‘subsection (6)’.

## SCHEDULE (continued)

**6. Section 152(2)(b), ‘operator’—***omit, insert—*

‘supplier’.

**7. Section 201(5), ‘section 200(1A)’—***omit, insert—*

‘section 200(2)(b)’.

**8. Section 231(8) and (9), ‘licensed operator’—***omit, insert—*

‘licensed monitoring operator’.

**9. Section 259(d)(ii), ‘section 256(2)(a)’—***omit, insert—*

section 255(2)(a)’.

**10. Section 329(5), ‘(10)’—***omit, insert—*

‘(8)’.

**11. Section 347(2)(c)(ii), ‘with or’—***omit, insert—*

‘with’.

**12. Section 361(c), ‘; and’—**

*omit, insert—*

‘purports to be a copy; and’.