

Queensland



GAMING MACHINE AMENDMENT ACT 1993

Act No. 63 of 1993

Queensland



**GAMING MACHINE AMENDMENT ACT
1993**

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MINOR AND CONSEQUENTIAL AMENDMENTS

Queensland



Gaming Machine Amendment Act 1993

Act No. 63 of 1993

An Act to amend the *Gaming Machine Act 1991*

[Assented to 23 November 1993]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Gaming Machine Amendment Act 1993*.

Amended Act

2. The *Gaming Machine Act 1991* is amended as set out in this Act.

Commencement

3. This Act commences on a day to be fixed by proclamation.

Amendment of s.1.3 (Interpretation)

4.(1) Section 1.3(1) (definitions “**club liquor licence**”, “**liquor licence**” and “**prescribed liquor licence**”)—

omit.

(2) Section 1.3(1)—

insert—

“**arrangement**” includes scheme, understanding, promise or undertaking, whether express or implied;

“**betting unit**” means the least valuable bet a player may make on a gaming machine;

“**club liquor licence**” means—

- (a) a licence mentioned in section 58(1)(e) of the *Liquor Act 1992*; or
- (b) an authority held by a non-proprietary club to sell liquor under a Commonwealth Act;

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

“**liquor licence**” means—

- (a) a licence mentioned in section 58(1) of the *Liquor Act 1992*; or
- (b) an authority to sell liquor under an Act, or a Commonwealth Act;

“**prescribed liquor licence**” means a liquor licence prescribed for the purpose of this definition;’.

Amendment of s.2.25 (Police assistance)

5. Section 2.25(2)—

omit, insert—

‘(2) The Commissioner of the Police Service must ensure that effect is given to arrangements approved under subsection (1).’.

Amendment of s.3.3 (Consideration of applications)

6. Section 3.3—

insert—

‘**(6B)** The Commission must not grant an application for a gaming machine licence made by a club if the Commission considers—

- (a) that the club, including a voluntary association of persons from which it was formed—
 - (i) has not been operating for at least 2 years before the application was made; or
 - (ii) has not, during the whole of the period, been pursuing its objects or purposes in good faith; or
- (b) that payments for the rental or lease of the club’s licensed premises are unreasonable; or
- (c) if a lease, agreement or arrangement made by the club provides that a person or voluntary association of persons is entitled to receive, or may receive, a payment, benefit or advantage during, or at the end of, the lease, agreement or arrangement—that the provision is unreasonable; or
- (d) if members of the executive, governing or management body (however described) of the club are required to be nominated, or

may be nominated, by a person who is not a member of the club, or by a voluntary association of persons—that this is not in the best interests of the club’s members; or

- (e) if the club does not own the club’s licensed premises and an executive officer or employee of the club is also the lessor, or an associate of the lessor, of the club—that this is not in the best interests of the club’s members; or
- (f) if an executive officer or employee of the club is a creditor, or an associate of a creditor, of the club—that this is not in the best interests of the club’s members.

‘(6C) Subsection (6B)(a) does not apply if the Commission considers that granting the application is—

- (a) reasonable because of the club’s contractual commitments made in pursuing its objects or purposes; and
- (b) necessary to meet the reasonable gaming requirements of the club’s members; and
- (c) in the public interest.’.

Insertion of new ss.3.3A and 3.3B

7. After section 3.3—

insert—

‘Clubs may be restricted to only 1 gaming machine licence

‘**3.3A.** If a club is a licensee, the Commission may grant an application by the club for another gaming machine licence (the “**new licence**”) only if—

- (a) the Commission considers that the benefits to be offered to members of the club at the premises for which the new licence is sought (the “**new premises**”) are distinct in nature to the benefits offered to the members at the existing licensed premises of the club (the “**existing premises**”); and
- (b) the new premises are located in close proximity to the existing premises; and
- (c) the Commission is satisfied that—

- (i) it is in the best interests of the club's members that the new licence be granted; and
- (ii) the granting of the new licence is not contrary to the public interest.'.

'Changes in circumstances of applicants for and holders of licences

3.3B.(1) If a person applies for a licence under this Part and, before the application is granted or refused, a change happens in any information contained in, or accompanying, the application or in a notice given under this subsection, the applicant must, within 7 days of the change, give the Director written notice of the change.

Maximum penalty—200 penalty units or imprisonment for 1 year.

(2) If, after the grant of a licence under this Part, an event mentioned in subsection (3) happens, the holder of the licence must, within 7 days of the event happening, give the Director written notice of the event.

Maximum penalty—200 penalty units or imprisonment for 1 year.

(3) The events required to be notified by the holder of the licence are—

- (a) the holder of the licence changes name or address; or
- (b) the holder of the licence—
 - (i) is convicted of an offence against this Act; or
 - (ii) if the holder is an individual—fails to discharge the holder's financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws about bankruptcy; or
 - (iii) if the holder is a body corporate—is the subject of a winding-up (whether voluntarily or under a court order), appointment of a liquidator, appointment of a receiver or receiver and manager, or is placed under official management and an official manager appointed under the Corporations Law; or
 - (iv) is convicted of an indictable offence (whether on indictment or summarily) punishable in the particular case by imprisonment for at least 1 year (irrespective of whether the

offence is also punishable by a fine in addition, or as an alternative, to imprisonment).’.

Amendment of s.3.24 (Cancellation or suspension of gaming machine licences and letters of censure)

8. Section 3.24(1)(c)(v)—

omit, insert—

‘(v) if the licensee is a club—considers—

- (A) that the club has ceased to be a non-proprietary club; or
- (B) that the proceeds from the conduct of gaming are being applied in a way that does not promote the objectives of the club; or
- (C) that payments for the rental or lease of the club’s licensed premises are unreasonable; or
- (D) if a lease, agreement or arrangement made by the club provides that a person or voluntary association of persons is entitled to receive, or may receive, a payment, benefit or advantage during, or at the end of, the lease, agreement or arrangement—that the provision is unreasonable; or
- (E) if members of the executive, governing or management body (however described) of the club are required to be nominated, or may be nominated, by a person who is not a member of the club or by a voluntary association of persons—that this is not in the best interests of the club’s members; or
- (F) if the club does not own the club’s licensed premises and an executive officer or employee of the club is also the lessor, or an associate of the lessor, of the club—that this is not in the best interests of the club’s members; or
- (G) if an executive officer or employee of the club is a creditor, or an associate of a creditor, of the club—that this is not in the best interests of the club’s members;

or

- (H) that payments made under the club's objects are not in the best interests of the club's members; or
- (I) that payments made for things purchased by the club are unreasonable; or
- (J) that salaries, wages, allowances or benefits paid or payable by the club to the club's executive officers or employees are unreasonable; or
- (K) that payments for services provided to the club are unreasonable or are on the basis of a percentage of the club's income, profits or earnings from the conduct of gaming or spending related to the conduct of gaming.'.

Amendment of s.3.32 (Continuance of licences in certain circumstances)

9. Section 3.32(2)—

omit, insert—

‘(2) A person authorised under subsection (1)(b)—

- (a) is subject to the same liabilities under this Act as a licensee; and
- (b) is taken, for the purposes of Part 8, to be the licensee whose business the person is authorised to conduct.’.

Replacement of s.4.6 (Changes in circumstances of applicants for and holders of licences)

10. Section 4.6—

omit, insert—

‘Changes in circumstances of applicants for and holders of licences

‘4.6(1) If a person applies for a licence under this Part and, before the application is granted or refused, a change happens in any information contained in, or accompanying, the application or in a notice given under this subsection, the applicant must, within 7 days of the change, give the Director written notice of the change.

Maximum penalty—200 penalty units or imprisonment for 1 year.

‘(2) If, after the grant of a licence under this Part, an event mentioned in subsection (3) happens, the holder of the licence must, within 7 days of the happening of the event, give the Director written notice of the event.

Maximum penalty—200 penalty units or imprisonment for 1 year.

(3) The events required to be notified by the holder of the licence are—

- (a) the holder of the licence changes name or address; or
- (b) the holder of the licence—
 - (i) is convicted of an offence against this Act; or
 - (ii) if the holder is an individual—fails to discharge the holder’s financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws about bankruptcy; or
 - (iii) if the holder is a body corporate—is the subject of a winding-up (whether voluntarily or under a court order), appointment of a liquidator, appointment of a receiver or receiver and manager, or is placed under official management and an official manager appointed under the Corporations Law; or
 - (iv) is convicted of an indictable offence (whether on indictment or summarily) punishable in the particular case by imprisonment for at least 1 year (irrespective of whether the offence is also punishable by a fine in addition, or as an alternative, to imprisonment).’.

Amendment of s.8.1 (Gross monthly turnover)

11. Section 8.1—

insert—

‘(2) If an assessment is made under subsection (1) by way of an electronic monitoring system installed on the licensee’s licensed premises by the Director under section 5.4(2), the period covered by the assessment—

- (a) for the month in which the system is installed—starts when the

system first reports data from the premises to the Director and ends when the system first reports data from the premises to the Director in the next month; and

- (b) for each month after the month in which the system is installed—starts when the system first reports data from the premises to the Director for the month and ends when the system first reports data from the premises to the Director in the next month.’.

Insertion of new ss.8.5A and 8.5B

12. After section 8.5—

insert—

‘Gaming machine community benefit levy

‘8.5A.(1) A licensee must pay a gaming machine community benefit levy to the Director each month for the licensee’s licensed premises.

‘(2) The gaming machine community benefit levy must be paid on or before the day prescribed by regulation in the month after the month for which it is payable.

‘(3) The amount of the gaming machine community benefit levy payable for licensed premises for a month is the percentage prescribed by regulation of the gross monthly turnover of the licensed premises for the month.

‘(4) A percentage prescribed for subsection (3) may be nil.

‘(5) There is to be established and kept in the Treasury a fund called the Gaming Machine Community Benefit Fund.

‘Gaming Machine Community Benefit Committee

‘8.5B. The Minister responsible for the administration of the Gaming Machine Community Benefit Fund—

- (a) must establish a committee called the Gaming Machine Community Benefit Committee; and
- (b) may decide—
 - (i) the membership of the Committee; and

(ii) how it is to operate.’.

Amendment of s.8.10 (Disposition of fees etc.)

13. Section 8.10—

insert—

‘**(6)** The Minister responsible for the administration of the Gaming Machine Community Benefit Fund may, having regard to the recommendation of the Gaming Machine Community Benefit Committee, cause amounts to be paid out of the fund for the benefit of the community.’.

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

section 2

1. Section 1.3(1)—

insert—

“**associate**” of a person has the meaning given by section 1.3C;

“**conduct of gaming**” has the meaning given by section 1.3A;

“**play a gaming machine**” has the meaning given by section 1.3D;’.

2. Section 1.3(1) (definition “financial year”)—

omit ‘subsection (3)’, *insert* ‘section 1.3B’.

3. Section 1.3(1) (definition “machine manager”)—

omit ‘authorised’, *insert* ‘employed’.

4. Section 1.3(2)—

insert (as a heading)—

‘**Meaning of “conduct of gaming”**’.

5. Section 1.3(3)—

insert (as a heading)—

‘**Approval of terminating date for financial year**’.

6. Section 1.3(4)—

insert (as a heading)—

‘Meaning of “associate” ’.

7. Section 1.3(5)—

insert (as a heading)—

‘Meaning of “play a gaming machine” ’.

8. Section 1.3(2) to (5)—

renumber as sections 1.3A to 1.3D respectively.

9. Section 3.2(1)(d) and (e)—

omit ‘under the *Liquor Act 1992*’.

10. Section 3.2(2)(b)—

omit ‘under the *Liquor Act 1992*’, *insert* ‘for a liquor licence’.

11. Section 3.2(3)(g)(i)—

omit, insert—

- ‘(i) if the application is made by an applicant mentioned in subsection (1)(a), (b) or (c)—evidence, satisfactory to the Director, of the liquor licence held for the premises to which the application relates; or’.

12. Section 3.2(3)(g)(ii)—

omit ‘made under the *Liquor Act 1992*’,

insert ‘for a liquor licence made’.

13. Section 3.2(3)(ha)(i)(A) and (B)—

omit, insert—

- ‘(A) if the application is made by an applicant mentioned in subsection (1)(a), (b) or (c)—the premises to which the liquor licence mentioned in subsection (1)(a), (b) or (c) relates; and
- (B) if the application is made by an applicant mentioned in subsection (1)(d) or (e)—the premises to which the proposed liquor licence mentioned in subsection (1)(d) or (e) relates; and’.

14. Section 3.2(3)(ha)(ii)(B)—

omit, insert—

- ‘(B) unrestricted access to fire exits in a way that complies with the *Fire Service Act 1990*, the *Building Act 1975* and the Building Code of Australia;’.

15. Section 3.3(8)—

omit, insert—

- ‘(8) The Director must immediately give the applicant written notice of—
 - (a) the Commission’s decision; and
 - (b) if the application is refused—the reasons for the refusal.’.

16. Section 3.5(2)(b)—

omit ‘gaming token denomination’, insert ‘betting unit’.

17. Section 3.12—

insert—

‘(3B) If an application under subsection (1) is refused, the Director must immediately give the applicant written notice of, and the reasons for, the decision.

18. Section 3.12(4)—

omit, insert—

‘(4) If a licensee complies with this section, the Director must renew the licence for 2 years starting on—

- (a) the day after its last expiry; or
- (b) the day it would have last expired apart from its extension under subsection (3).’.

19. Section 3.13—

omit ‘grant or’.

20. Sections 3.14(2), 3.15(4) and 6.16(10)(b)—

omit ‘and gaming token denomination’,

insert ‘, gaming token denomination and betting unit’.

21. Sections 3.15(2), 6.11(2)(b), 6.22(3)(b), 6.23(2)(c), 6.24(5) and 9.3(1)(k)(ii)—

omit ‘or gaming token denomination’,

insert ‘, gaming token denomination or betting unit’.

22. Section 3.16—

insert—

‘(8) If an application under subsection (1) is refused, the Director must immediately give the applicant written notice of, and the reasons for, the decision.’.

23. After section 3.17(1)—

insert—

‘(1A) If the Commission makes a determination under subsection (1),

the Director must immediately give the licensee written notice of, and the reasons for, the determination.’.

24. Section 3.18(1A)—

omit ‘The application’,

insert ‘An application for an approval under subsection (1)’.

25. Section 3.18(1B)(a)—

omit, insert—

‘(a) the proposed locations mentioned in subsection (1A)(a) are within the premises to which the licensee’s liquor licence relates; and’.

26. Section 3.18(1B)(b)(ii)—

omit, insert—

‘(ii) unrestricted access to fire exits in a way that complies with the *Fire Service Act 1990*, the *Building Act 1975* and the Building Code of Australia;’.

27. Section 3.18—

insert—

‘(6) If an application under subsection (1) is refused, the Director must immediately give the applicant written notice of, and the reasons for, the decision.’.

28. Section 3.22(5) (after ‘premises’)—

insert ‘or another time decided by the Director’.

29. Section 3.23(a) and (b)—

omit, insert—

- ‘(a) cancelled, transferred or surrendered—the gaming machine licence for the premises is cancelled; or
- (b) suspended—the gaming machine licence for the premises is suspended for the same period as the liquor licence is suspended.’.

30. Section 3.24(13)—

omit, insert—

‘(13) If the Commission cancels or suspends a licence, the Director must immediately give the licensee written notice of, and the reasons for, the cancellation or suspension.’.

31. Section 3.25(2)(a)—

omit, insert—

- ‘(a) must immediately give the licensee written notice of, and the reasons for, the suspension.’.

32. Sections 4.3(1), (2) and (5) and 4.20(6)(c) and (d), (7)(b), (d) and (e) and (11)(a) and (b) and 5.20(1)—

omit ‘authorised’, insert ‘employed’.

33. Section 4.3(3)—

omit ‘authorised in writing’, insert ‘employed’.

34. Section 4.3(4)—

omit ‘authorise in writing’, insert ‘employ’.

35. Section 4.3(6)—

omit ‘authorise in writing’, insert ‘employ’.

36. Section 4.3(7)—

omit, insert—

‘(7) Until a licensee is able to comply with subsection (5) or obtains the Director’s approval under subsection (6), the licensee must cease the conduct of gaming on the licensee’s licensed premises.

Maximum penalty—200 penalty units or imprisonment for 1 year.’.

37. Section 4.7(2)(a)—

omit, insert—

‘(a) if the applicant is an individual—

- (i) the applicant is not 18; or
- (ii) the applicant has failed to have finger prints and palm prints taken under subsection (1)(a) or section 4.5(2);’.

38. Section 4.7(2)—

insert—

‘(c) the applicant, or an associate of the applicant, has failed to submit information or material requested by the Director or the Commission under subsection (3);’.

39. Section 4.8(2)—

omit, insert—

‘(2) The Director must immediately give the applicant written notice of—

- (a) the Commission’s decision; and
- (b) if the application is refused—the reasons for the refusal.’.

40. Section 4.13(2)—

omit, insert—

‘(2) If the Commission imposes or varies conditions under subsection (1), the Director must immediately give the holder of the licence

written notice of—

- (a) the conditions or varied conditions; and
- (b) reasons for the imposition or variation.’.

41. Section 4.14(4)—

omit, insert—

‘(4) If a licensee complies with this section, the Director must renew the licence for 2 years starting on—

- (a) the day after its last expiry; or
- (b) the day it would have last expired apart from its extension under subsection (3).’.

42. Section 4.14—

insert—

‘(5) If an application under subsection (1) is refused, the Director must immediately give the applicant written notice of, and the reasons for, the decision.’.

43. Section 4.20 (heading)—

omit ‘, authorisations’.

44. Section 4.20(7)(a)—

omit ‘authorising’, insert ‘employing’.

45. Section 4.20(11)—

omit ‘authorisation’, insert ‘employment under section 4.3(3) or (4)’.

46. Section 4.20(12)—

omit ‘, service contract or authorisation’, insert ‘or service contract’.

47. Section 4.22(13)—

omit, insert—

‘(13) If the Commission cancels or suspends a licence, the Director must immediately give the applicant written notice of, and the reasons for, the cancellation or suspension.’.

48. Section 4.23(2)(a)—

omit, insert—

‘(a) must immediately give the holder of the licence written notice of, and the reasons for, the suspension; and ’.

49. Section 5.6(a)—

omit, insert—

‘(a) when, under the liquor licence relating to the premises, liquor is not permitted to be consumed in the part of the premises; or’.

50. Section 5.18—

omit.

51. Section 6.5(2)—

omit ‘and advise the person so removed by written notice’,

insert ‘and immediately give the person written notice of, and the reasons for, the removal’.

52. Section 6.5—

insert—

‘(4) If the Commission refuses to approve that the name of a person whose name has been removed under this section or section 6.3 from a roll under this Part be again listed, the Director must immediately give the person written notice of, and the reasons for, the refusal.’.

53. Section 6.11(4)—

renumber as section 6.11(3).

54. Section 6.14(5)—

omit ‘paragraph (a)’, *insert* ‘subsection (3)’.

55. Section 6.18(1)—

omit ‘give written notice of’,

insert ‘immediately give written notice of, and reasons for’.

56. Section 6.20—

insert—

‘(11) If an application for an approval under subsection (1) is refused, the Director must immediately give the applicant written notice of, and the reasons for, the refusal.’.

57. Section 7.6(1)—

omit, insert—

‘7.6(1) In this section—

“**accountant**” means—

- (a) a member of the Institute of Chartered Accountants in Australia who holds a current Certificate of Public Practice issued by the Institute; or
- (b) a member of the Australian Society of Certified Practising Accountants who holds a current Public Practice Certificate issued by the Society; or
- (c) a person registered as an auditor under the Corporations Law; or
- (d) in a particular case—a member of an accounting body mentioned in paragraph (a) or (b) who—
 - (i) does not hold the current certificate mentioned in the

paragraph; and

- (ii) is approved as an accountant for the case by the Director’.

58. Section 7.6(2)(a) and (4)—

omit ‘an income and expenditure statement’,

insert ‘a statement of receipts and payments’.

59. Section 7.6—

insert—

‘(2A) If a person ceases for any reason to be a licensee under this Act, the person must, at the person’s own expense and within 1 month of ceasing to be a licensee (or any further period the Director may allow)—

- (a) prepare a statement of receipts and payments for gaming and the conduct of gaming on the person’s licensed premises from the day to which the gaming machine accounts were last audited under subsection (2)(b) to the day the person ceased to be a licensee or, if an audit has not been performed, for the period from the start of gaming to the day the person ceased to be a licensee; and
- (b) have the accounts relating to that gaming and conduct audited by an accountant.’.

60. Section 7.6(3)—

omit ‘subsection (2)’, *insert* ‘subsection (2) or (2A)’.

61. Section 7.6(4)—

omit ‘subsection (2)(a),’, *insert* ‘subsection (2)(a) or (2A)(a)’.

62. Section 7.6(4)—

omit ‘subsection (2)(b)’, *insert* ‘subsection (2)(b) or (2A)(b)’.

63. Section 8.6(1)(a)—

omit, insert—

- ‘(a) the monthly rental fee, gaming machine tax, sport and recreation levy, charities and rehabilitation levy and gaming machine community benefit levy payable under sections 8.2 to 8.5A; and’.

64. Section 8.6(1)(c)—

insert—

- ‘(iva) gaming machine community benefit levy; or’.

65. Section 8.6(2) (after ‘charities and rehabilitation levy’)—

insert ‘, gaming machine community benefit levy’.

66. Section 8.9(2) and (3)—

omit ‘report referred to in subsection (1)(b)’,

insert ‘statement or report mentioned in subsection (1)’.

67. Section 8.10(2) (after ‘charities and rehabilitation levy’)—

insert ‘, gaming machine community benefit levy’.

68. Section 8.10(3)—

insert—

‘and

- (d) gaming machine community benefit levy, must be paid by the Director into the Gaming Machine Community Benefit Fund.’.

69. Section 8.10(5)—

omit ‘the benefit of charities and rehabilitation programs’,

insert ‘charitable, rehabilitative or social development purposes’.

70. Section 8.11 (after ‘charities and rehabilitation levy’)—

insert ‘, gaming machine community benefit levy’.

71. Section 8.12(1) (after ‘charities and rehabilitation levy’)—

insert ‘, gaming machine community benefit levy’.

72. Section 8.13 (after ‘charities and rehabilitation levy’)—

insert ‘or gaming machine community benefit levy’.

73. Section 9.6(12) (after ‘specify’)—

insert ‘the reasons for the termination and’.

74. Section 10.9—

insert—

‘(6) In subsections (3), (4) and (5)—

“**officer of the Division**” includes a person who has ceased to be an officer of the Division if less than 1 year has elapsed since the person ceased to be an officer.’.

75. After section 10.32—

insert—

‘Numbering and renumbering of Act

‘**10.33** In the next reprint of the Act produced under the *Reprints Act 1991*, section 43 (Numbering and renumbering of provisions) of that Act must be used.’.