

Queensland



GAMING MACHINE AMENDMENT ACT 2001

Act No. 50 of 2001

Queensland



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Gaming Machine Amendment Act 2001

Act No. 50 of 2001

An Act to amend the *Gaming Machine Act 1991*, and for other purposes

[Assented to 2 August 2001]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Gaming Machine Amendment Act 2001*.

2 Commencement

Sections 3, 4, 6 and 8 are taken to have commenced at midday on 8 May 2001.

PART 2—AMENDMENT OF GAMING MACHINE ACT 1991

3 Act amended in pt 2

This part amends the *Gaming Machine Act 1991*.

4 Amendment of s 2 (Definitions)

(1) Section 2, definition “**category 2 licensee**”—

omit.

(2) Section 2—

insert—

‘ “**category 1 licensee**” means a licensee whose gaming machine licence relates to category 1 licensed premises.

“**category 2 licensee**” means a licensee whose gaming machine licence relates to category 2 licensed premises.

“liquor licence transfer application” means an application under the *Liquor Act 1992*, section 113 for the transfer of a liquor licence from the holder of the liquor licence to a proposed transferee.’.

5 Amendment of s 54 (Secrecy)

(1) Section 54(3)—

omit, insert—

‘(3) A person who is or was a licensed monitoring operator must not communicate or reveal information about a licensee’s operations that the person obtained in the course of the person’s operations as a licensed monitoring operator.

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

(2) Section 54(4), ‘licensed operator or’—

omit.

6 Amendment of s 56 (Application for gaming machine licences)

(1) Section 56(1), after ‘made’—

insert—

‘only’.

(2) Section 56(1)(b) to (f)—

omit, insert—

‘(b) a body corporate that—

- (i) has applied to become the holder of a club liquor licence; or
- (ii) is the proposed transferee in a liquor licence transfer application relating to a club liquor licence; or

(c) the proposed transferee in a liquor licence transfer application relating to a general liquor licence or prescribed liquor licence.’.

(3) Section 56(2)(a), (b) and (c)—

omit, insert—

‘(a) if the application is made by an applicant mentioned in subsection (1)(a)—premises specified in the applicant’s liquor

licence or the liquor licence under which the applicant may sell liquor; or

- (b) if the application is made by an applicant mentioned in subsection (1)(b)—premises specified in the applicant's application for a liquor licence or the liquor licence transfer application naming the applicant as the proposed transferee; or
- (c) if the application is made by an applicant mentioned in subsection (1)(c)—category 1 licensed premises specified in the liquor licence transfer application naming the applicant as the proposed transferee.'.

(4) Section 56(5)(g)—

omit, insert—

'(g) must be accompanied by the liquor licence, application for a liquor licence or liquor licence transfer application, relating to the premises specified in the application for the grant of the gaming machine licence; and'.

(5) Section 56(5), 'is to'—

omit, insert—

'must'.

(6) Section 56(5)(f), 'is also to'—

omit, insert—

'must also'.

(7) Section 56(6)—

omit.

7 Amendment of s 78 (Certain applications under Liquor Act 1992 subject to chief executive's certificate)

(1) Section 78(1), from 'a person' to 'transfer of'—

omit, insert—

'a person makes a liquor licence transfer application relating to'.

(2) Section 78(3)(a), from 'applies' to 'transfer of'—

omit, insert—

‘makes a liquor licence transfer application relating to’.

8 Amendment of s 81 (Application to increase approved number of gaming machines)

Section 81(1), after ‘A licensee’—

insert—

‘, other than a category 1 licensee,’.

9 Amendment of s 86 (Proposals to decrease approved number of gaming machines)

Section 86(3)—

omit, insert—

‘(3) An inspector may make a report recommending the approved number of gaming machines for a licensee’s licensed premises be decreased—

- (a) because of a material change affecting the licensee that has happened since the licensee was granted a gaming machine licence; or
- (b) if, within the period of 6 months immediately before the report, the licensee did not operate, for a continuous period of 3 months, 1 or more gaming machines included in the approved number of gaming machines for the licensed premises other than—
 - (i) a gaming machine stored with the chief executive’s approval as mentioned in section 225(3)¹; or
 - (ii) a gaming machine that was not available for gaming because the gaming machine was undergoing alteration, adjustment, maintenance or repair by a licensed repairer acting under this Act.

‘(3A) For subsection (3)(b), the period immediately before a report can not include a period before the commencement of this subsection’.

¹ Section 225 (Installation and storage of gaming machines by licensees)

10 Insertion of new division headings in pt 9

(1) Part 9, before section 310—

insert—

‘Division 1—Assessment of monthly taxable metered wins’.

(2) After section 310—

insert—

‘Division 2—Gaming machine tax and relevant funds’.

11 Insertion of new div 3, and div 4 hdg

After section 316—

insert—

‘Division 3—Major facilities levy

‘316A Purpose of div 3

‘(1) The purpose of this division is to provide for a levy payable by each category 1 licensee based on the monthly taxable metered win for the licensee’s licensed premises.

‘(2) Amounts attributable to the levy may be used for 1 or more of the following—

- (a) major public sporting facilities of State wide significance;
- (b) major cultural facilities of State wide significance;
- (c) infrastructure for facilities mentioned in paragraph (a) or (b).

‘316B Major facilities levy on category 1 licensed premises

‘(1) A category 1 licensee must pay a major facilities levy to the chief executive each month for the licensee’s licensed premises.

‘(2) The major facilities levy must be paid on or before the day, prescribed under a regulation, of the month next following the month for which it is payable.

‘(3) The amount of major facilities levy payable by the category 1 licensee is the amount represented by the percentage, prescribed under a regulation, of the monthly taxable metered win for the licensee’s licensed premises for the month for which the levy is payable.

‘(4) To remove any doubt, it is declared that the major facilities levy is additional to any gaming machine tax the category 1 licensee is liable to pay for the licensee’s licensed premises.

‘316C Major facilities fund accounts

‘(1) The major facilities levies are administered receipts of the department.

‘(2) The chief executive must establish and keep accounts to record amounts received as major facilities levy, called the major facilities fund accounts.

‘(3) To remove any doubt, it is declared that the chief executive’s obligations under this section are additional to the chief executive’s obligations under the *Financial Administration and Audit Act 1977*.

‘Division 4—Payment of taxes, levies and fees and related matters’.

12 Amendment of s 317 (Payment of taxes etc.)

(1) Section 317(1)(a), (b) and (c)—

omit, insert—

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

(2) Section 317(4), after ‘gaming machine tax’—

insert—

‘, major facilities levy’.

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

(1) Section 322(2), after ‘gaming machine tax’—

insert—

‘major facilities levy’.

(2) Section 322(3), ‘gaming tax’—

omit, insert—

‘gaming machine tax, the major facilities levy’.

14 Amendment of s 323 (Adjustment of assessment in certain circumstances)

Section 323, after ‘gaming machine tax’—

insert—

‘major facilities levy’.

15 Amendment of s 324 (Recovery of taxes and penalties)

(1) Section 324, heading, after ‘taxes’—

insert—

‘levies’.

(2) Section 324(1), from ‘or penalty’ to ‘recovered’—

omit, insert—

‘major facilities levy or penalty payable under section 319 that remains unpaid may be recovered by the chief executive’.

16 Amendment of s 325 (Offences relating to revenue)

Section 325(a), ‘a monthly fee or gaming machine tax’

omit, insert—

‘gaming machine tax or major facilities levy’.

17 Insertion of new pt 12, div 5

After section 398—

insert—

‘Division 5—Provisions for Gaming Machine Amendment Act 2001

‘399 Transitional provision for applications relating to gaming machine licences

(1) This section applies to each of the following applications (each of which is a **“relevant application”**) —

- (a) an application under section 56 for proposed Liquor Act premises or for Liquor Act premises, that is received by the chief executive before midday on 8 May 2001;
- (b) an application under section 81 made by a category 1 licensee, that is received by the chief executive before midday on 8 May 2001;
- (c) an application under section 56, that is received by the chief executive at or after midday on 8 May 2001 and before or at 5 p.m. on 29 June 2001, if—
 - (i) the applicant had applied under the *Liquor Act 1992* for a general liquor licence and the application for the general liquor licence was received by the liquor licensing authority before midday on 8 May 2001; and
 - (ii) at midday on 8 May 2001, the liquor licensing authority had not finished dealing with the application by issuing a general liquor licence for the premises.

(2) Subsection (3) applies to a relevant application if—

- (a) it is a relevant application mentioned in subsection (1)(a) that was made by a subsidiary operator relating to special facility premises; and
- (b) the applicant altered the relevant application before 5 p.m. on 29 June 2001; and
- (c) the alteration changed the premises stated in the relevant application to other premises; and
- (d) when the alteration was made, the chief executive was satisfied, on reasonable grounds, that the other premises were, or would be, relevant to a special facility liquor licence and the applicant would be the subsidiary operator of the other premises.

‘(3) The alteration to the relevant application is authorised to the extent it changed the premises, and the application continues to be a relevant application despite that alteration.

‘(4) Subject to subsection (5), subsection (3) does not limit the way in which an application for a gaming machine licence may be dealt with under this Act.

‘(5) A relevant application must not have been amended, and may not be amended, to increase the number of gaming machines stated in the relevant application.

‘(6) If the commission has not made a decision about a relevant application by 31 December 2001, the relevant application lapses at the end of that day unless the commission fixes a date under subsection (7) for it to lapse.

‘(7) Before 31 December 2001, the commission may fix a date after 31 December 2001 as the date for a relevant application to lapse if—

- (a) the chief executive receives an application for deferment of the lapsing of the relevant application before or at 5 p.m. on 30 November 2001; and
- (b) the commission is, after considering the application for deferment, satisfied there are exceptional circumstances for a deferment of the lapsing of the relevant application; and
- (c) the date fixed is no later than 30 June 2002.

‘(8) If the commission fixes a date under subsection (7) as the date for a relevant application to lapse and the commission has not made a decision about the relevant application immediately before the end of that day, the relevant application lapses at the end of that day.

‘(9) An applicant for deferment must include as part of the application all supporting information and material the applicant considers relevant to establish the exceptional circumstances for the deferment.

‘(10) In this section—

“**Liquor Act premises**” means premises specified in a general liquor licence, on-premises licence or a special facility licence under the *Liquor Act 1992* as licensed premises under that Act.

“**proposed Liquor Act premises**” means premises in relation to which there is an application to the liquor licensing authority for a general liquor licence, on-premises licence or special facility licence and for which a licence has not been issued under the *Liquor Act 1992*.

‘400 What happens to an application if made after 8 May 2001

‘(1) This section applies to an application under section 56 or 81 that could not be made under this Act after the commencement of the *Gaming Machine Amendment Act 2001*, sections 6 and 8.

‘(2) To remove any doubt, it is declared that the application is taken not to be validly made, and must not be dealt with, under this Act.

‘(3) No proceeding may be taken at or after midday on 8 May 2001 against the State or a departmental officer for an action or failure to take an action relating to the application.

‘(4) If a proceeding relating to the application was started before the commencement of this section against the State or a departmental officer, the proceeding is stayed and the court dealing with the proceeding must dismiss the proceeding.

‘401 First month for which the major facilities levy is payable

‘The major facilities levy under section 316B is payable for July 2001 and each month after July 2001.’.

PART 3—MINOR AMENDMENTS OF OTHER ACTS**18 Minor amendments of other Acts**

The schedule amends the Acts it mentions.

SCHEDULE

MINOR AMENDMENTS OF OTHER ACTS

section 18

LOTTERIES ACT 1997

- 1 Schedule 3, definition “registrar”, ‘Gaming Machine Act 1991, section 3’—**

omit, insert—

‘Gaming Machine Act 1991, section 2’.

KENO ACT 1996

- 1 Section 239—**

omit, insert—

‘239 Appeal to District Court

‘An appeal lies from a decision of the Gaming Commission to the District Court, but only on a question of law.’.

SCHEDULE (continued)

2 Schedule 4, definition “registrar”, ‘*Gaming Machine Act 1991*, section 3’—*omit, insert—**‘Gaming Machine Act 1991, section 2’*