



Queensland

# **Gambling and Other Legislation Amendment Act 2009**

**Act No. 41 of 2009**





## Queensland

# Gambling and Other Legislation Amendment Act 2009

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Queensland

## **Gambling and Other Legislation Amendment Act 2009**

**Act No. 41 of 2009**

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**An Act to amend the Casino Control Act 1982, the Charitable and Non-Profit Gaming Act 1999, the Gaming Machine Act 1991, the Interactive Gambling (Player Protection) Act 1998, the Keno Act 1996, the Liquor Act 1992, the Lotteries Act 1997, the Racing Act 2002, the Residential Services (Accreditation) Act 2002 and the Wagering Act 1998 for particular purposes**

**[Assented to 15 October 2009]**

[s 1]

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## The Parliament of Queensland enacts—

### **Part 1 Preliminary**

#### **1 Short title**

This Act may be cited as the *Gambling and Other Legislation Amendment Act 2009*.

#### **2 Commencement**

- (1) Sections 6, 16, 19, 21, 23, 24(1), 25 to 39, 41 to 43, 45, 46, 48 (other than to the extent it inserts section 456), 52, 53, 56, 57, 88, 89, 108 and 109 commence on a day to be fixed by proclamation.
- (2) Section 50 commences on the day following the day on which the *Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009*, section 559 commences.

### **Part 2 Amendment of Casino Control Act 1982**

#### **3 Act amended**

This part amends the *Casino Control Act 1982*.

#### **4 Insertion of new s 17**

Part 2—  
*insert—*

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**‘17 Commissioner of police service to notify changes in criminal history**

- ‘(1) This section applies if—
- (a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and
  - (b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person.
- ‘(2) The commissioner must notify the chief executive about the change in the person’s criminal history.
- ‘(3) The notice must state the following—
- (a) the person’s name and address;
  - (b) the person’s date of birth;
  - (c) the offence the person is charged with;
  - (d) particulars of the offence;
  - (e) the date of the charge.
- ‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1).
- ‘(5) In this section—
- relevant person*** means—
- (a) a casino key employee; or
  - (b) a casino employee; or
  - (c) a casino operator who is an individual; or
  - (d) an individual identified by the Minister as being associated or connected with the ownership, administration or management of the operations or business of a casino operator.’.

**5 Amendment of s 62A (Gaming equipment outside of casino)**

Section 62A(4), ‘or chips’—

[s 6]

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*omit, insert—*

‘, chips or player account credits’.

## **6 Amendment of s 63 (Casino games)**

Section 63(3)—

*omit, insert—*

‘(3) The Minister must notify the making of a rule in the gazette.

‘(3A) A rule takes effect—

(a) on the day the making of the rule is notified in the gazette; or

(b) if a later day is stated in the Minister’s notice or the rule—on that day.

‘(3B) A casino operator must make a copy of the rule available—

(a) to patrons at the casino; and

(b) for public inspection on the casino’s website on the internet.

Maximum penalty—40 penalty units.

‘(3C) A casino licensee may make submissions to the Minister about a rule or proposed rule.’.

## **7 Amendment of s 65 (Obligation of casino operator in relation to conduct of games)**

(1) Section 65(3), from ‘chips’ to ‘cash’—

*omit, insert—*

‘chips, cash, player account credits or another way approved by the chief executive’.

(2) Section 65(5), from ‘paid in chips’ to ‘cheque.’—

*omit, insert—*

‘paid—

(a) in chips; or

- (b) by cash or cheque; or
- (c) by depositing the payment to a person's player account;  
or
- (d) in another way approved by the chief executive.'

## 8 Amendment of s 67 (Deposit advance accounts)

- (1) Section 67, heading, 'Deposit advance'—  
*omit, insert—*  
**'Player'**.
- (2) Section 67(1) and (3), 'deposit advance'—  
*omit, insert—*  
'player'.
- (3) Section 67—  
*insert—*
- '(2B) The casino operator must not accept a deposit into the player account by a credit card transaction.  
Maximum penalty—40 penalty units.'
- (4) Section 67(3), from 'or may pay' to 'credit'—  
*omit.*
- (5) Section 67—  
*insert—*
- '(4) Also, a casino operator may—
  - (a) pay to the person for whom the player account is established cash up to the amount in the account; or
  - (b) if requested by the person for whom the player account is established, issue for the whole or part of the amount in the account a cheque made payable to the person that is drawn on a bank account approved by the chief executive.'

[s 9]

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**9 Amendment of s 71A (Unclaimed winnings and prizes)**

Section 71A(4), ‘deposit advance’—

*omit, insert—*

‘player’.

**10 Insertion of new s 100E**

After section 100D—

*insert—*

**‘100E Distributing promotional or advertising material about a casino**

‘A casino operator or casino manager, for a casino, must not distribute promotional or advertising material about the casino to persons who the operator or manager knows or ought reasonably to know are prohibited from entering or remaining in the casino under a self-exclusion order or exclusion direction.

Maximum penalty—40 penalty units.’.

**11 Amendment of s 102 (Provisions relating to minors in respect of casinos)**

Section 102(2), ‘10 penalty units’—

*omit, insert—*

‘25 penalty units’.

**12 Amendment of s 127 (Regulation-making power)**

Section 127(2)—

*insert—*

- ‘(e) tournaments for games;
- (f) the naming of a game or wager;
- (g) the permissible minimum and maximum wagers for a game;

- 
- (h) the maximum denomination of currency that may be inserted in a note acceptor in a casino.’.

### 13 Amendment of schedule (Dictionary)

Schedule—

*insert—*

‘*note acceptor* means a device that accepts currency in exchange for gaming machine credits.

*player account* means an account established under section 67.

*player account credit* means an amount held in credit in a player account.’.

## Part 3 Amendment of Charitable and Non-Profit Gaming Act 1999

### 14 Act amended

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

### 15 Amendment of s 39 (Who may apply for category 3 gaming licence)

- (1) Section 39(c)—

*renumber* as section 39(d).

- (2) Section 39—

*insert—*

‘(c) a parents and friends association formed for a non-State school provisionally accredited, or accredited, under the

[s 16]

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*Education (Accreditation of Non-State Schools) Act 2001; or*’.

**16 Amendment of s 72 (General gaming rules)**

Section 72(2)—

*omit, insert*—

- ‘(2) The Minister must notify the making of a rule in the gazette.
- ‘(3) A rule takes effect—
  - (a) on the day the making of the rule is notified in the gazette; or
  - (b) if a later day is stated in the Minister’s notice or the rule—on that day.
- ‘(4) The chief executive must make a copy of the rule available for public inspection on the department’s website on the internet.’.

**17 Amendment of s 186 (Regulation-making power)**

Section 186(2)—

*insert*—

- ‘(c) be about—
  - (i) an advertisement for a game; or
  - (ii) refunding a fee paid to enter a game; or
  - (iii) the order of drawing 2 or more prizes offered in a game; or
  - (iv) a prize in a game.’.

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## **Part 4                      Amendment of Gaming Machine Act 1991**

### **Division 1                Preliminary**

#### **18      Act amended**

This part amends the *Gaming Machine Act 1991*.

### **Division 2                General amendments**

#### **19      Amendment of s 32 (Appeals to commission)**

Section 32—

*insert—*

- ‘(4) Each of the following persons may appeal to the commission against the decision stated for the person—
- (a) a person whose application for an approval under part 10A is not granted under section 337C(1);
  - (b) a person whose application for renewal of an approval under part 10A is not granted under section 337G(1);
  - (c) a person whose approval under part 10A is cancelled under section 337M(3).’.

#### **20      Insertion of new s 53A**

After section 53—

*insert—*

#### **‘53A    Commissioner of police service to notify changes in criminal history**

- ‘(1) This section applies if—

[s 21]

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- (a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and
  - (b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person.
- ‘(2) The commissioner of the police service must notify the chief executive about the change in the person’s criminal history.
- ‘(3) The notice must state the following—
- (a) the person’s name and address;
  - (b) the person’s date of birth;
  - (c) the offence the person is charged with;
  - (d) particulars of the offence;
  - (e) the date of the charge.
- ‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1).
- ‘(5) In this section—
- relevant person* means—
- (a) a departmental gaming officer; or
  - (b) a licensed person; or
  - (c) a licensee who is an individual; or
  - (d) an associate, of a licensee, who is an individual; or
  - (e) the secretary or executive officer of a licensed supplier; or
  - (f) an individual identified by the Minister as being a business or executive associate of a licensed supplier.’.

## 21 Amendment of s 55H (Limit on category 2 gaming machine licences for clubs)

Section 55H—

*insert—*

‘(4) Subsection (3) does not apply to an application for a category 2 gaming machine licence mentioned in section 56B(1) or (2).’

**22 Amendment of s 56A (Application for gaming machine licence for new premises)**

Section 56A, heading, ‘new’—

*omit, insert—*

‘**replacement category 1 licensed**’.

**23 Insertion of new s 56B**

After section 56A—

*insert—*

**‘56B Application for gaming machine licence for replacement category 2 licensed premises**

‘(1) Subsection (3) applies if—

- (a) an applicant, under section 56, for a gaming machine licence (a ***new licence***) relating to 1 category 2 licensed premises is the holder of a gaming machine licence (an ***old licence***) relating to 1 category 2 licensed premises; and
- (b) because of exceptional circumstances—
  - (i) the applicant intends to give the chief executive notification under section 95 to surrender the old licence; and
  - (ii) the application is for a new licence, in place of the old licence, for 1 category 2 licensed premises (the ***new premises***); and
  - (iii) the applicant wishes to have all of the entitlements for premises to which the old licence relates (the ***old premises***) transferred to the new premises.

‘(2) Subsection (3) also applies if—

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- (a) an applicant, under section 56, for a gaming machine licence (a *new licence*) relating to 2 or more category 2 licensed premises is the holder of a gaming machine licence (an *old licence*) relating to 2 or more category 2 licensed premises; and
  - (b) because of exceptional circumstances—
    - (i) the applicant intends to give the chief executive notification under section 95 to surrender the old licence; and
    - (ii) the application is for a new licence in place of the old licence; and
    - (iii) for the new licence, the applicant wishes to replace one of the premises (the *old premises*) from the 2 or more premises to which the old licence relates with other premises (the *new premises*); and
    - (iv) the applicant wishes to have all of the entitlements for the old premises transferred to the new premises.
- ‘(3) The application—
- (a) must be accompanied by notification under section 95 to surrender the old licence; and
  - (b) must relate only to premises situated—
    - (i) in the same entitlement region as the old premises; and
    - (ii) within the relevant local community area for the old premises; and
  - (c) must not relate to more than the number of gaming machines fixed for the old premises; and
  - (d) must not relate to hours of gaming that extend outside the hours fixed for the old licence; and
  - (e) must state the applicant wishes to have all of the entitlements for the old premises transferred to the new premises; and

- (f) must include information about the applicant's exceptional circumstances.

*Examples of exceptional circumstances—*

- 1 The applicant may have received, under the *Acquisition of Land Act 1967*, a notice of intention to resume relating to the land on which the old premises are situated or the land may be being acquired under another Act.
- 2 The old premises are situated in a shopping centre that is to be redeveloped.

- ‘(4) In this section—

***local community area*** has the meaning given by the guideline named ‘Guidelines—Community Impact Statement’ issued by the commission under section 17.

***relevant local community area***, for the old premises, means the area that would, under a community impact statement prepared under section 55B, be the local community area for the old premises if an application were being made in relation to the old premises.’.

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

- (1) Section 57(3)—

*insert—*

- ‘(h) for an application mentioned in section 56B(1)—whether the chief executive is satisfied there are exceptional circumstances for transferring the entitlements mentioned in section 56B(1)(b)(iii) to the premises to which the application relates; and
- (i) for an application mentioned in section 56B(2)—whether the chief executive is satisfied there are exceptional circumstances for transferring the entitlements mentioned in section 56B(2)(b)(iv) to the new premises mentioned in that subparagraph.’.

- (2) Section 57(7)—

*omit, insert—*

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- ‘(7) In making a recommendation, the chief executive must have regard to—
- (a) any supporting material for the application; and
  - (b) any relevant guideline issued by the commission under section 17.’.
- (3) Section 57(8)(ba)—  
*omit.*

**25 Amendment of s 59 (Particulars to be fixed on grant of gaming machine licence)**

- (1) Section 59(2)(a)(iii), ‘; or’—  
*omit, insert—*  
‘; and’.
- (2) Section 59(2)(a)—  
*insert—*  
‘(iv) for an application mentioned in section 56B—fix the number of entitlements to be transferred to the premises; or’.
- (3) Section 59(2)(b)—  
*insert—*  
‘(iii) for an application mentioned in section 56B—the number of entitlements to be transferred to the premises.’.
- (4) Section 59—  
*insert—*
- ‘(6) For an application mentioned in section 56B—
- (a) if the number of entitlements fixed for the premises is the number sought in the application—the chief executive must immediately give the applicant written notice of the decision; or

- 
- (b) if the number of entitlements fixed for the premises is not the number sought in the application—the chief executive must immediately give the applicant an information notice for the decision.’.

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

Section 61(2)—

*insert—*

- ‘(c) if the applicant has made a liquor licence transfer application relating to a community club licence and the application has not been decided—the premises to which the liquor licence transfer application relates.’.

**27 Amendment of s 68 (Issue of gaming machine licences generally)**

- (1) Section 68(2)(e)—

*renumber* as section 68(2)(f).

- (2) Section 68(2)—

*insert—*

- ‘(e) for a gaming machine licence for category 2 licensed premises—
- (i) the entitlement region in which the licensed premises are located; and
  - (ii) the number of entitlements for the premises, or each of the premises, to which the licence relates;’.

**28 Amendment of s 71A (Replacement of gaming machine licence for particular changes)**

Section 71A—

*insert—*

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- ‘(7) If the replacement licence is for category 2 licensed premises, the replacement licence must include the following particulars—
- (a) the information mentioned in section 68(2)(e);
  - (b) the number of entitlements for the licensed premises that have been transferred to the licensee of other licensed premises on a temporary basis under part 3B, division 3;
  - (c) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under part 3B, division 3;
  - (d) if the licensee received a notice under section 88A(1) or (2) relating to a decision approving a decrease in the approved number of gaming machines for the licensee’s licensed premises—the number of entitlements for the licensed premises that must, under section 87(9), be transferred on a permanent basis under part 3B, division 2.’.

**29 Amendment of s 78 (Certain applications under Liquor Act 1992 subject to chief executive’s certificate)**

- (1) Section 78(4), ‘Subsection (5) applies’—  
*omit, insert—*  
‘Subsections (5) and (6) apply’.
- (2) Section 78(5), after ‘authorities’—  
*insert—*  
‘or entitlements’.
- (3) Section 78(6)—  
*renumber* as section 78(7).
- (4) Section 78—  
*insert—*

- 
- ‘(6) However, an entitlement for the licensed premises under the cancelled associated gaming licence that must, under section 87(9), be transferred on a permanent basis under part 3B, division 2—
- (a) is not transferred by operation of subsection (5) to the holder of the new licence; and
  - (b) becomes an entitlement of the State.’

### **30 Insertion of new s 78A**

After section 78—

*insert—*

#### **‘78A Liquor licence transfer application, and additional premises application, for premises**

- ‘(1) Subsection (2) applies if a category 2 licensee makes a liquor licence transfer application relating to a community club licence for premises additional to its existing licensed premises.
- ‘(2) Despite the *Liquor Act 1992*, the liquor licensing authority may transfer the licence mentioned in subsection (1) only if the chief executive issues a certificate under subsection (3).
- ‘(3) The chief executive may issue the certificate only if—
- (a) the premises are not licensed premises under this Act; or
  - (b) if the premises are licensed premises under this Act—
    - (i) the commission is prepared, under section 63, to approve the premises as premises to which the category 2 licensee’s gaming machine licence relates; and
    - (ii) satisfactory arrangements have been made for payment of any amounts payable by the current licensee under conditions mentioned in section 73 or under part 9.
- ‘(4) Subsection (5) applies if—
- (a) a category 2 licensee—

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- (i) makes a liquor licence transfer application relating to a community club licence for particular premises; and
    - (ii) at the same time makes an additional premises application for the premises; and
  - (b) the liquor licensing authority is prepared to transfer the liquor licence; and
  - (c) the commission is prepared, under section 63, to approve the premises as premises to which the category 2 licensee's gaming machine licence relates.
- ‘(5) The chief executive and liquor licensing authority must make arrangements so that the transfer of the liquor licence and approval of the premises under section 63 happen at the same time.
- ‘(6) Subsections (7) and (8) apply if—
- (a) under subsection (5), arrangements are made for the approval of the premises under section 63 at the same time as the transfer of the liquor licence; and
  - (b) an associated gaming licence for the liquor licence is cancelled under section 96(1) because of the transfer of the liquor licence.
- ‘(7) All entitlements, other than relevant entitlements, for the licensed premises under the cancelled associated gaming licence are transferred by operation of this subsection to the category 2 licensee for use at the premises on a permanent basis.
- ‘(8) A relevant entitlement for the licensed premises under the cancelled associated gaming licence becomes an entitlement of the State.
- ‘(9) In this section—
- relevant entitlement*, for the licensed premises under the cancelled associated gaming licence, means an entitlement that must under section 87(9) be transferred on a permanent basis under part 3B, division 2.’

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**31 Insertion of new s 80C**

Part 3, division 6, after section 80B—

*insert—*

**‘80C Restriction on installation and operation of gaming machines for category 2 licensee**

- ‘(1) A category 2 licensee must not, at the licensee’s licensed premises or each of the licensee’s licensed premises, install or operate more than the number of gaming machines that is equal to the total of the following—
- (a) the endorsed number of entitlements for the licensed premises;
  - (b) the number of any entitlements that are currently transferred under part 3B, division 3 for use on a temporary basis at the licensed premises.

Maximum penalty—200 penalty units.

- ‘(2) For subsection (1)(a), the endorsed number of entitlements for the licensed premises is taken not to include the number of any entitlements for the licensed premises that are currently transferred under part 3B, division 3 for use on a temporary basis at other category 2 licensed premises.’

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

Section 83—

*insert—*

- ‘(3A) The commission must refuse to approve an increase if—
- (a) the application relates to category 2 licensed premises; and
  - (b) any of the endorsed number of entitlements for the licensed premises are, at the time the application is made, transferred under part 3B, division 3 for use on a temporary basis at other category 2 licensed premises.’

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

(1) Section 86—

*insert—*

‘(1A) However, the application may not be made by a category 2 licensee to whom entitlements of other category 2 licensed premises are currently transferred under part 3B, division 3 for use on a temporary basis at the licensed premises mentioned in subsection (1).

‘(1B) Subsection (1C) applies if—

(a) an application mentioned in subsection (1) is made by a category 2 licensee; and

(b) one or more of the entitlements of the licensed premises are currently transferred under part 3B, division 3 for use on a temporary basis at other category 2 licensed premises.

‘(1C) The application may not relate to the gaming machines, the entitlements for which are subject to the transfer mentioned in subsection (1B)(b).’.

(2) Section 86—

*insert—*

‘(4A) Subsection (3)(b) does not apply to a gaming machine for category 2 licensed premises, the entitlement for which is currently transferred under part 3B, division 3 for use on a temporary basis at other category 2 licensed premises.’.

**34 Amendment of s 87 (Decision on decrease proposal)**

Section 87—

*insert—*

‘(9) If the decrease proposal is an application by a category 2 licensee and the decrease is approved under subsection (1)(a), the entitlements for the licensee’s licensed premises that are more in number than the approved number of gaming

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machines for the licensed premises must be transferred on a permanent basis under part 3B, division 2 within 1 year after the decrease is approved.

- ‘(10) If the entitlements mentioned in subsection (9) are not transferred under that subsection, the entitlements become entitlements of the State.
- ‘(11) However, if the licensee mentioned in subsection (9) applies to the chief executive under section 109M(1) for an approval of a transfer of the entitlements mentioned in subsection (9) within 1 year after the decrease is approved and the commission does not make a decision on the application before the end of that period, subsection (10) does not apply until 14 days after notification of the decision under section 109M.’.

### **35 Amendment of s 91A (Ceasing gaming at licensed premises)**

Section 91A—

*insert—*

- ‘(3) All entitlements for the licensed premises on which the conduct of gaming has ceased must be transferred on a permanent basis under part 3B, division 2 within 1 year after the licensee ceases the conduct of gaming on the licensed premises.
- ‘(4) If the entitlements are not transferred on a permanent basis under part 3B, division 2 within the time mentioned in subsection (3), the entitlements become entitlements of the State.
- ‘(5) However, if the licensee applies to the chief executive under section 109M(1) for an approval of a transfer of the entitlements within 1 year after the licensee ceases the conduct of gaming and the commission does not make a decision on the application before the end of that period, subsection (4) does not apply until 14 days after notification of the decision under section 109M.

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- ‘(6) Subsection (7) applies if—
- (a) a category 2 licensee ceases the conduct of gaming on any licensed premises under the licensee’s licence; and
  - (b) at the time the licensee ceases the conduct of gaming, either—
    - (i) one or more of the endorsed number of entitlements for the licensed premises have been transferred to the licensee of other licensed premises on a temporary basis under part 3B, division 3; or
    - (ii) one or more entitlements for other licensed premises have been transferred to the licensee on a temporary basis under part 3B, division 3.
- ‘(7) The temporary transfer of the entitlements ends on the day the licensee ceases the conduct of gaming.’.

**36 Amendment of s 95 (Surrender of gaming machine licences)**

- (1) Section 95(1)(b), after ‘surrender’—  
*insert—*  
‘is by a category 1 licensee and’.
- (2) Section 95—  
*insert—*
- ‘(2D) If a category 2 licensee surrenders the licensee’s gaming machine licence, all entitlements for the licensed premises under the licence must be transferred on a permanent basis under part 3B, division 2 within 1 year after the surrender.
- ‘(2E) If the entitlements mentioned in subsection (2D) are not transferred on a permanent basis under part 3B, division 2 within the time mentioned in that subsection, the entitlements become entitlements of the State.
- ‘(2F) However, if the licensee mentioned in subsection (2D) applies to the chief executive under section 109M(1) for an approval

of a transfer of the entitlements mentioned in subsection (2D) within 1 year after the surrender and the commission does not make a decision on the application before the end of that period, subsection (2E) does not apply until 14 days after notification of the decision under section 109M.

‘(2G) Subsection (2H) applies if—

- (a) a category 2 licensee surrenders the licensee’s gaming machine licence; and
- (b) either—
  - (i) one or more of the endorsed number of entitlements for the licensed premises have been transferred to the licensee of other licensed premises on a temporary basis under part 3B, division 3; or
  - (ii) one or more entitlements for other licensed premises have been transferred to the licensee on a temporary basis under part 3B, division 3.

‘(2H) The temporary transfers of the entitlements end on the day the licence is surrendered.’.

**37 Amendment of s 95A (Surrender of gaming machine licence being replaced)**

(1) Section 95A, heading, after ‘replaced’—

*insert—*

‘—**category 1 licensed premises**’.

(2) Section 95A(2) and (3), ‘Section 95(2A) to (11)’—

*omit, insert—*

‘Section 95(2A) to (2C) and (3) to (11)’.

**38 Insertion of new s 95B**

After section 95A—

*insert—*

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**‘95B Surrender of gaming machine licence being replaced—category 2 licensed premises**

- ‘(1) This section applies if the commission has decided to grant an application mentioned in section 56B(1) or (2) for a new gaming machine licence (a *new licence*) in place of a licence being surrendered under section 95.
- ‘(2) Section 95(2D) to (11) applies in the following way—
- (a) subsections (2D) to (2F) do not apply;
  - (b) subsections (3) and (4) apply in relation to the surrender;
  - (c) subsections (5) to (9) do not apply;
  - (d) despite subsections (10) and (11), the surrender has effect when the new licence is issued by the chief executive under section 68.’.

**39 Amendment of s 97 (Cancellation or suspension of gaming machine licences and letters of censure)**

Section 97(24), definition *directly interested person*—

*insert*—

- ‘(d) for a category 2 licensee who transfers entitlements on a temporary basis under part 3B, division 3—the licensee to whom the entitlements are transferred; or
- (e) for a category 2 licensee to whom entitlements are transferred on a temporary basis under part 3B, division 3—the licensee who transfers the entitlements.’.

**40 Amendment of s 109C (Purchase of operating authority at authorised sale)**

Section 109C(3), after ‘78(5)’—

*insert*—

‘or 79(2)’.

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**41 Insertion of new pt 3B**

After section 109I—

*insert—*

**‘Part 3B Entitlements for category 2 licensed premises**

**‘Division 1 Preliminary**

**‘109J Limit on number of entitlements**

- ‘(1) The maximum number of entitlements under this Act is the number prescribed under a regulation.
- ‘(2) For this Act, entitlements of the number prescribed under subsection (1) are declared to exist.

**‘109K Entitlements are transferable**

- ‘(1) An entitlement for a category 2 licensed premises is transferable.
- ‘(2) However, a transfer of an entitlement for category 2 licensed premises does not have any effect unless the commission approves the transfer under this part.

**‘Division 2 Permanent transfer of entitlements**

**‘109L Definitions for div 2**

‘In this division—

*category 2 licensee*, for transferor licensed premises, includes a category 2 licensee—

- (a) who has surrendered the licensee’s gaming machine licence; and

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- (b) whose entitlements must, under section 95(2D), be transferred on a permanent basis within 1 year after the surrender.

*licensed premises*, of a category 2 licensee who has surrendered the licensee's gaming machine licence, means the premises that were the licensed premises under the licence before its surrender.

*transferee licensed premises* see section 109M(1).

*transferee licensee* see section 109M(1).

*transferor licensed premises* see section 109M(1).

*transferor licensee* see section 109M(1).

#### **'109M Application for approval**

- '(1) A category 2 licensee (the *transferor licensee*) for licensed premises (the *transferor licensed premises*) may apply to the chief executive for approval of a transfer of entitlements for the licensed premises to the licensee (the *transferee licensee*) of other category 2 licensed premises (the *transferee licensed premises*) on a permanent basis.
- '(2) The reference to other category 2 licensed premises in subsection (1) includes a reference to other premises to which the transferor licensee's licence relates.
- '(3) The application must be—
- (a) in the approved form; and
  - (b) accompanied by—
    - (i) the details of the transfer prescribed under a regulation; and
    - (ii) the fee, if any, prescribed under a regulation.
- '(4) The chief executive must make a recommendation to the commission about whether to grant or refuse to grant the application.

- 
- ‘(5) The commission must grant the application if the requirements mentioned in sections 109N to 109P are satisfied.
  - ‘(6) If the commission grants the application, the chief executive must give the transferor licensee and the transferee licensee written notice of the decision.
  - ‘(7) The commission must refuse to grant the application if the requirements mentioned in sections 109N to 109P are not satisfied.
  - ‘(8) If the commission refuses to grant the application, the chief executive must give the transferor licensee a written notice stating the decision and the reasons for the decision.

#### **‘109N Requirement about consideration for the transfer**

- ‘(1) For section 109M(5), requirements about consideration for the transfer are stated in subsections (2) and (3).
- ‘(2) Any consideration for the transfer must be—
  - (a) monetary; and
  - (b) not—
    - (i) less than the amount, if any, prescribed under a regulation; or
    - (ii) more than the amount, if any, prescribed under a regulation.
- ‘(3) Also, the consideration for the transfer must not give the transferor licensee a direct or indirect interest in, or percentage or share of either of the following on the transferee licensee’s licensed premises—
  - (a) the amount bet for the purpose of gaming;
  - (b) moneys, revenues, profits or earnings from the conduct of gaming.

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### **‘109O Requirements about transferor licensed premises**

- ‘(1) For section 109M(5), requirements about the transferor licensed premises are stated in subsections (2) to (6).
- ‘(2) Subsection (3) applies if the chief executive has granted an application made by the transferor licensee under section 86 for a decrease in the approved number of gaming machines for the transferor licensed premises.
- ‘(3) The number of entitlements the subject of the transfer must not be more than the difference between the endorsed number of entitlements for the transferor licensed premises and the approved number of gaming machines for the transferor licensed premises after the decrease.
- ‘(4) If the transferor licensee has surrendered the licensee’s licence under section 95(1), the number of entitlements the subject of the transfer must not be more than the endorsed number of entitlements for the transferor licensed premises.
- ‘(5) Subsection (6) applies if the transferor licensee has given the chief executive notice under section 91A(2) that the conduct of gaming has ceased at the transferor licensed premises.
- ‘(6) The number of entitlements the subject of the transfer must not be more than the endorsed number of entitlements for the transferor licensed premises at which gaming has ceased.

### **‘109P Requirements about transferee licensed premises**

- ‘(1) For section 109M(5), requirements about the transferee licensed premises are stated in subsections (2) to (4).
- ‘(2) The approved number of gaming machines for the transferee licensed premises must be more than the sum of—
  - (a) the endorsed number of entitlements for the licensed premises; and
  - (b) the number of entitlements for other licensed premises that have been transferred to the transferee licensee on a temporary basis under division 3.

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- ‘(3) The number of entitlements the subject of the transfer must not be more than the difference between the approved number of gaming machines and the sum of the entitlements mentioned in subsection (2).
  - ‘(4) The transferee licensed premises must be located in the same entitlement region in which the transferor licensed premises are located.

### **‘109Q Variation of terms of transfer**

- ‘(1) This section applies if—
  - (a) the commission has, under section 109M, approved the transfer, by the transferor licensee, of entitlements for the transferor licensed premises to the transferee licensee on a permanent basis under this division; and
  - (b) the transfer has not yet taken place; and
  - (c) the licensees propose to vary the consideration for the transfer.
- ‘(2) The transferor licensee must apply to the chief executive for approval of the variation.
- ‘(3) The application must be—
  - (a) in writing; and
  - (b) accompanied by the fee, if any, prescribed under a regulation.
- ‘(4) The chief executive must make a recommendation to the commission about whether to grant or refuse to grant the application.
- ‘(5) The commission must grant the application if the requirement mentioned in section 109N will still be satisfied.
- ‘(6) If the commission grants the application, the chief executive must give the transferor licensee a written notice of the decision.
- ‘(7) The commission must refuse to grant the application if the requirement mentioned in section 109N will not be satisfied.

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- ‘(8) If the commission refuses to grant the application, the chief executive must give the transferor licensee a written notice stating the decision and the reasons for the decision.

**‘109R Issuing replacement gaming machine licence to show endorsed number of entitlements**

- ‘(1) This section applies if entitlements for the transferor licensed premises are transferred by the transferor licensee to the transferee licensee on a permanent basis under this division.
- ‘(2) Each of the licensees must, within 14 days after the day of the transfer, give to the chief executive—
- (a) the licensee’s gaming machine licence; and
  - (b) the fee prescribed under a regulation.

Maximum penalty—40 penalty units.

- ‘(3) If the chief executive receives a gaming machine licence for a licensee under subsection (2), the chief executive must as soon as practicable—
- (a) replace the licensee’s licence; and
  - (b) give the replacement licence to the licensee.
- ‘(4) The replacement licence must include the following—
- (a) the information mentioned in section 68(2)(e);
  - (b) the number of entitlements for the licensed premises that have been transferred to the licensee of other licensed premises on a temporary basis under division 3;
  - (c) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3;
  - (d) if the licensee received a notice under section 88A(1) or (2) relating to a decision approving a decrease in the approved number of gaming machines for the licensee’s licensed premises—the number of entitlements for the licensed premises that must, under section 87(9), be transferred on a permanent basis under this division.

- ‘(5) This section does not apply to a transferor licensee’s licence surrendered under section 95(1).

## ‘Division 3                    Temporary transfer of entitlements

### ‘109S Definitions for div 3

‘In this division—

*transferee licensed premises* see section 109T(1).

*transferee licensee* see section 109T(1).

*transferor licensed premises* see section 109T(1).

*transferor licensee* see section 109T(1).

### ‘109T Application for approval

- ‘(1) A category 2 licensee (the *transferor licensee*) for licensed premises (the *transferor licensed premises*) may apply to the chief executive for approval of a transfer of entitlements for the licensed premises for the use of the entitlements by the licensee (the *transferee licensee*) at other category 2 licensed premises (the *transferee licensed premises*) on a temporary basis.
- ‘(2) The reference to other category 2 licensed premises in subsection (1) includes a reference to other premises to which the transferor licensee’s licence relates.
- ‘(3) The application must be—
- (a) in the approved form; and
  - (b) signed by both the transferor licensee and the transferee licensee; and
  - (c) accompanied by—
    - (i) the details of the transfer prescribed under a regulation; and
    - (ii) the fee, if any, prescribed under a regulation.

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- ‘(4) The chief executive must ensure the approved form includes information about the effect on transferred entitlements of—
  - (a) the surrender, suspension or cancellation of a transferor licensee’s licence or a transferee licensee’s licence; or
  - (b) the licensee of licensed premises to which a transfer relates ceasing to conduct gaming at the premises.
- ‘(5) The chief executive must make a recommendation to the commission about whether to grant or refuse to grant the application.
- ‘(6) The commission must grant the application if the requirements mentioned in sections 109U to 109W are satisfied.
- ‘(7) If the commission grants the application, the chief executive must give the transferor licensee and the transferee licensee written notice of the decision.
- ‘(8) The commission must refuse to grant the application if the requirements mentioned in sections 109U to 109W are not satisfied.
- ‘(9) If the commission refuses to grant the application, the chief executive must give the transferor licensee a written notice stating the decision and the reasons for the decision.

**‘109U Requirements about transfer period and consideration for the transfer**

- ‘(1) For section 109T(6), requirements about the period of the transfer and the consideration for the transfer are stated in subsections (2) to (4).
- ‘(2) The period of the transfer must not be less than 1 year or more than 8 years.
- ‘(3) Any consideration for the transfer must be—
  - (a) monetary; and
  - (b) not—

- 
- (i) less than the amount, if any, prescribed under a regulation; or
  - (ii) more than the amount, if any, prescribed under a regulation.
- ‘(4) Also, the consideration for the transfer must not give the transferor licensee a direct or indirect interest in, or percentage or share of either of the following on the transferee licensee’s licensed premises—
- (a) the amount bet for the purpose of gaming;
  - (b) moneys, revenues, profits or earnings from the conduct of gaming.

#### **‘109V Requirements about transferor licensed premises**

- ‘(1) For section 109T(6), requirements about the transferor licensed premises are stated in subsections (2) to (6).
- ‘(2) The approved number of gaming machines for all licensed premises to which the transferor licensee’s licence relates must be less than 30.
- ‘(3) The transferor licensee must not, during the 3 years ending on the day of the proposed transfer of the entitlements the subject of the transfer, have been notified—
  - (a) under section 58 of the grant of the licence for the transferor licensed premises; or
  - (b) under section 63 of the approval of additional premises as premises to which the transferor licensee’s licence relates; or
  - (c) under section 83 of an approval to increase the approved number of gaming machines for the transferor licensed premises.
- ‘(4) None of the entitlements for the transferor licensed premises must be—

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- (a) currently transferred under this division for use on a temporary basis at other category 2 licensed premises;  
or
  - (b) required under section 87(9) to be transferred on a permanent basis under division 2.
- ‘(5) None of the entitlements for other category 2 licensed premises must be currently transferred under this division for use on a temporary basis at the transferor licensed premises.
- ‘(6) Subsection (3) does not apply if—
- (a) at the time the transferor licensee was notified as mentioned in subsection (3), entitlements for the transferor licensed premises, equal in number to the approved number of gaming machines for the premises, were transferred under section 78(5) or 78A(7) to the transferor licensee; and
  - (b) at the time the application was made under section 109T, the transferor licensee had installed the number of gaming machines fixed under section 59 for the transferor licensed premises.

### **‘109W Requirements about transferee licensed premises**

- ‘(1) For section 109T(6), requirements about the transferee licensed premises are stated in subsections (2) to (5).
- ‘(2) The approved number of gaming machines for the transferee licensed premises must be more than the sum of—
- (a) the endorsed number of entitlements for the licensed premises; and
  - (b) the number of entitlements for other licensed premises that have been transferred to the transferee licensee on a temporary basis under this division.
- ‘(3) The number of entitlements the subject of the transfer must not be more than the difference between the approved number of gaming machines and the sum of the entitlements mentioned in subsection (2).

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- ‘(4) The transferee licensed premises must be located in the same entitlement region in which the transferor licensed premises are located.
  - ‘(5) None of the entitlements for the transferee licensed premises must be—
    - (a) currently transferred under this division for use on a temporary basis at other category 2 licensed premises; or
    - (b) required under section 87(9) to be transferred on a permanent basis under division 2.

#### **‘109X Variation of terms of transfer**

- ‘(1) This section applies if—
  - (a) the commission has, under section 109T, approved the transfer, by the transferor licensee, of entitlements for the transferor licensed premises to the transferee licensee on a temporary basis under this division; and
  - (b) the licensees propose to vary the period of the transfer or the consideration for the transfer.
- ‘(2) The transferor licensee must apply to the chief executive for approval of the variation.
- ‘(3) The application must be—
  - (a) in writing; and
  - (b) accompanied by the fee, if any, prescribed under a regulation.
- ‘(4) The chief executive must make a recommendation to the commission about whether to grant or refuse to grant the application.
- ‘(5) The commission must grant the application if the requirements mentioned in section 109U will still be satisfied.
- ‘(6) If the commission grants the application, the chief executive must give the transferor licensee written notice of the decision.

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- ‘(7) The commission must refuse to grant the application if the requirements mentioned in section 109U will not be satisfied.
- ‘(8) If the commission refuses to grant the application, the chief executive must give the transferor licensee a written notice stating the decision and the reasons for the decision.

### **‘109Y Issuing replacement gaming machine licence**

- ‘(1) This section applies if entitlements for the transferor licensed premises are transferred by the transferor licensee to the transferee licensee on a temporary basis under this division.
- ‘(2) Each of the licensees must, within 14 days after the day of the transfer, give to the chief executive—
  - (a) the licensee’s gaming machine licence; and
  - (b) the fee prescribed under a regulation.Maximum penalty—40 penalty units.
- ‘(3) If the chief executive receives a gaming machine licence for a licensee under subsection (2), the chief executive must as soon as practicable—
  - (a) replace the licensee’s licence; and
  - (b) give the replacement licence to the licensee.
- ‘(4) The replacement licence must include—
  - (a) the information mentioned in section 68(2)(e); and
  - (b) the number of entitlements for the transferor licensed premises that have been transferred by the transferor licensee to the transferee licensee on a temporary basis under this division.

### **‘109Z Register of transferred entitlements**

- ‘(1) This section applies if entitlements for the transferor licensed premises are transferred by the transferor licensee to the transferee licensee on a temporary basis under this division.

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‘(2) The transferor licensee must, during the period of the transfer, keep a register at the transferor licensed premises stating the following—

- (a) the number of entitlements the subject of the transfer;
- (b) the name, and licence number, of the transferee licensee;
- (c) the address of the transferee licensed premises;
- (d) the period of the transfer.

Maximum penalty—20 penalty units.

‘(3) The transferor licensee must keep the register mentioned in subsection (2) available for inspection by an inspector.

Maximum penalty—20 penalty units.

‘(4) The transferee licensee must, during the period of the transfer, keep a register at the transferee licensed premises stating the following—

- (a) the number of entitlements the subject of the transfer;
- (b) the name, and licence number, of the transferor licensee;
- (c) the address of the transferor licensed premises;
- (d) the period of the transfer.

Maximum penalty—20 penalty units.

‘(5) The transferee licensee must keep the register mentioned in subsection (4) available for inspection by an inspector.

Maximum penalty—20 penalty units.

## **‘Division 4 Entitlements of the State**

### **‘109ZA When entitlement becomes entitlement of the State**

‘(1) An entitlement of a licensee becomes an entitlement of the State and stops being an entitlement of the licensee by operation of this subsection if the licensee’s gaming machine licence—

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- (a) expires under section 72; or
  - (b) is not renewed under section 76; or
  - (c) lapses under section 80A(1); or
  - (d) is cancelled under section 96 because the licensee's liquor licence is transferred, cancelled or surrendered; or
  - (e) is cancelled under section 97(16)(d) or (17)(a).
- ‘(2) Subsection (3) applies if, at any time, the endorsed number of entitlements for licensed premises is more than the approved number of gaming machines for the licensed premises because of—
- (a) the operation of section 80A(2) or 85AA(2) or (3); or
  - (b) the approval of a decrease proposal that is a request or report under section 87(1); or
  - (c) other circumstances prescribed under a regulation.
- ‘(3) The entitlements that are more in number than the approved number of gaming machines for the licensed premises stop being entitlements of a licensee and become entitlements of the State by operation of this subsection.
- ‘(4) A temporary transfer ends if the entitlement that is the subject of the temporary transfer becomes an entitlement of the State under subsection (1) or (3).

### **‘109ZB Compensation is not payable**

‘No compensation is payable to a licensee or other person because an entitlement of the licensee or person becomes an entitlement of the State by operation of this Act.

### **‘109ZC Sale of entitlement of the State**

‘An entitlement of the State may be sold only by an entity (an *entitlement selling entity*), and in the way, prescribed under a regulation.

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**‘109ZD Purchase of entitlement at authorised entitlements sale**

- ‘(1) A person must not purchase an entitlement at an authorised entitlements sale unless—
- (a) the person is a category 2 licensee; and
  - (b) the person has, for the category 2 licensed premises for which the entitlement is purchased, an approved number of gaming machines for the licensed premises that is more than the sum of—
    - (i) the endorsed number of entitlements for the licensed premises; and
    - (ii) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3; and
  - (c) the licensed premises for which the entitlement is purchased are located in the entitlement region for which the authorised entitlements sale is conducted.

Maximum penalty—200 penalty units.

- ‘(2) Subsection (1)(c) does not apply if the authorised entitlements sale is conducted for the whole of Queensland.
- ‘(3) A person must not, for category 2 licensed premises, purchase at an authorised entitlements sale more than the number of entitlements equal to the difference between—
- (a) the approved number of gaming machines for the licensed premises; and
  - (b) the sum of—
    - (i) the endorsed number of entitlements for the licensed premises; and
    - (ii) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3.

Maximum penalty—200 penalty units.

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**‘109ZE Dealing with amount received on sale of entitlement of the State**

‘If an entitlement of the State is sold at an authorised entitlements sale, the entitlement selling entity must pay the amount received for the entitlement into the community investment fund established under section 314.

**‘Division 5                    Miscellaneous**

**‘109ZF Entitlement not to be encumbered**

‘An encumbrance to the extent it is over an entitlement is of no effect.

**‘109ZG Change in endorsed number of entitlements for licensed premises**

- ‘(1) This section applies if there is a change in the endorsed number of entitlements for licensed premises other than because of the transfer of an entitlement for the premises on a permanent basis under division 2.
- ‘(2) The licensee must, within 14 days after the day of the change, give to the chief executive—
  - (a) the licensee’s gaming machine licence; and
  - (b) the fee prescribed under a regulation.Maximum penalty—40 penalty units.
- ‘(3) If the chief executive receives a gaming machine licence for a licensee under subsection (2), the chief executive must as soon as practicable—
  - (a) replace the licensee’s licence; and
  - (b) give the replacement licence to the licensee.
- ‘(4) The replacement licence must include the following—
  - (a) the information mentioned in section 68(2)(e);

- 
- (b) the number of entitlements for the licensed premises that have been transferred to the licensee of other licensed premises on a temporary basis under division 3;
  - (c) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3;
  - (d) if the licensee received a notice under section 88A(1) or (2) relating to a decision approving a decrease in the approved number of gaming machines for the licensee's licensed premises—the number of entitlements for the licensed premises that must, under section 87(9), be transferred on a permanent basis under division 2.

**'109ZH Decrease in, or end of, temporary transfer of entitlements**

- '(1) This section applies if there is—
  - (a) a decrease in the number of entitlements for licensed premises transferred by a transferor licensee to a transferee licensee on a temporary basis under division 3; or
  - (b) an end to the transfer of entitlements by a transferor licensee to a transferee licensee on a temporary basis under division 3.
- '(2) Each of the licensees must, within 14 days after the day of the decrease mentioned in subsection (1)(a) or ending mentioned in subsection (1)(b), give to the chief executive—
  - (a) the licensee's gaming machine licence; and
  - (b) the fee prescribed under a regulation.Maximum penalty—40 penalty units.
- '(3) Subsection (2) does not apply to a licensee whose gaming machine licence—
  - (a) expires under section 72; or
  - (b) is not renewed under section 76; or

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- (c) lapses under section 80A(1); or
  - (d) is cancelled under section 96 because the licensee's liquor licence is cancelled or surrendered; or
  - (e) is cancelled under section 97(16)(d) or (17)(a).
- '(4) If the chief executive receives a gaming machine licence for a licensee under subsection (2), the chief executive must as soon as practicable—
- (a) replace the licensee's licence; and
  - (b) give the replacement licence to the licensee.
- '(5) The replacement licence must include the following—
- (a) the information mentioned in section 68(2)(e);
  - (b) the number of entitlements for the licensed premises that have been transferred to the licensee of other licensed premises on a temporary basis under division 3;
  - (c) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3;
  - (d) if the licensee received a notice under section 88A(1) or (2) relating to a decision approving a decrease in the approved number of gaming machines for the licensee's licensed premises—the number of entitlements for the licensed premises that must, under section 87(9), be transferred on a permanent basis under division 2.

### **'109ZI Effect of appointment of controller**

- '(1) Subsection (2) applies if—
- (a) entitlements have been transferred to a licensee on a temporary basis under division 3; and

- 
- (b) a controller is appointed in relation to the property of the licensee.
- ‘(2) The temporary transfer of the entitlements ends on the day the controller is appointed.
- ‘(3) In this section—  
*controller* see the Corporations Act, section 9.

### ‘109ZJ Review of provisions relating to entitlements

‘The chief executive must, within 2 years after the commencement of this section, start a review of the operation of the provisions of this Act relating to entitlements.’

### 42 Amendment of s 189 (Licensing requirements for carrying out gaming duties on licensed premises)

- (1) Section 189(1)—  
*insert—*  
‘*Note—*  
See also section 189A(1).’
- (2) Section 189(2)—  
*insert—*  
‘*Note—*  
See also section 189A(2).’

### 43 Insertion of new s 189A

After section 189—  
*insert—*

### ‘189A Requirement to hold current responsible service of gambling course certificate

- ‘(1) Without limiting section 189(1), a person must not carry out gaming duties or gaming tasks on licensed premises unless the

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person holds a current responsible service of gambling course certificate.

Maximum penalty—40 penalty units.

- ‘(2) Subsection (1) does not apply—
- (a) for a person who becomes an eligible licensee for the premises after the commencement of this section—until 3 months after the person becomes an eligible licensee for the premises; or
  - (b) for a person who becomes a nominee of the licensee for the premises after the commencement of this section—until 3 months after the person becomes a nominee of the licensee for the premises; or
  - (c) for a person who starts to be employed by the licensee to carry out gaming duties or gaming tasks on the premises after the commencement of this section—until 3 months after the start of the employment.
- ‘(3) Without limiting section 189(2), a person must not employ or allow, or cause another person to employ or allow, a person (the *employee*) to carry out gaming duties or gaming tasks on licensed premises unless the employee holds a current responsible service of gambling course certificate.
- Maximum penalty—40 penalty units.
- ‘(4) Subsection (3) does not apply, in relation to a person who starts to be employed to carry out gaming duties or gaming tasks on the premises after the commencement of this section, until 3 months after the start of the employment.
- ‘(5) A licensee—
- (a) must keep a register containing the information prescribed under a regulation about current responsible service of gambling course certificates held by persons carrying out gaming duties or gaming tasks on the licensed premises; and
  - (b) must keep the register available for inspection by an inspector at the premises.

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Maximum penalty—40 penalty units.

‘(6) In this section—

*eligible licensee* see section 189(15).

*gaming tasks* means tasks about the conduct of gaming prescribed under a regulation.

*responsible service of gambling course certificate* means a certificate in the approved form—

- (a) given to a person, for satisfactorily completing the approved responsible service of gambling course, by a person who holds an approval under part 10A as a trainer for the course; and
- (b) stating the certificate remains in force for 3 years after it is given to the person.’.

#### **44 Insertion of new s 261L**

After section 261K—

*insert—*

#### **‘261L Distributing promotional or advertising material about licensed premises**

‘A licensee must not distribute promotional or advertising material about the licensee’s licensed premises to a person who the licensee knows or ought reasonably to know is prohibited from entering or remaining in the licensed premises, or a gaming machine area on the licensed premises, under a self-exclusion order or exclusion direction.

Maximum penalty—40 penalty units.’.

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

Section 322(3A)—

*omit, insert—*

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‘(3A) Despite subsection (3), the following amounts of the payment assessed each month as gaming machine tax are controlled receipts of the department—

- (a) the amount prescribed under a regulation multiplied by the maximum number of operating authorities;
- (b) the amount prescribed under a regulation multiplied by the maximum number of entitlements.’.

## **46 Insertion of new pt 10A**

After section 337—

*insert—*

### **‘Part 10A Approved responsible service of gambling course**

#### **‘Division 1 Preliminary**

##### **‘337A Definition for pt 10A**

‘In this part—

*approval* means approval as a trainer for the approved responsible service of gambling course.

#### **‘Division 2 Approval of course and trainer**

##### **‘337B Approval of responsible service of gambling course**

‘The chief executive may approve a course as an approved responsible service of gambling course if the chief executive is satisfied the course gives adequate instruction about the responsible service of gambling.

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**‘337C Applying for approval as trainer**

- ‘(1) A person may apply to the chief executive for an approval.
- ‘(2) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by—
    - (i) any documents, identified in the approved form, the chief executive reasonably requires to decide the application; and
    - (ii) the fee prescribed under a regulation.
- ‘(3) The applicant must also provide any other relevant information reasonably required by the chief executive to decide the application.

**‘337D Deciding application**

- ‘(1) The chief executive must consider the application and either grant or refuse to grant the application as soon as practicable after the later of the following events happens—
  - (a) the chief executive receives the application;
  - (b) the chief executive receives all necessary information to decide the application.
- ‘(2) The chief executive may grant the application only if the chief executive is satisfied the applicant has the necessary expertise or experience to conduct the approved responsible service of gambling course.
- ‘(3) Without limiting subsection (2), in deciding the application the chief executive may have regard to each of the following—
  - (a) the applicant’s knowledge of the Act;
  - (b) the applicant’s experience in the gambling industry;
  - (c) if the applicant is, or has been, a licensee or licensed person—the applicant’s conduct in discharging the

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applicant's duties under this Act as a licensee or licensed person;

- (d) if the applicant has previously held an approval—the applicant's previous conduct in discharging the applicant's duties under this Act as a trainer for the approved responsible service of gambling course.

### **'337E Grant of application**

- '(1) If the chief executive decides to grant the application, the chief executive must, as soon as practicable, give the applicant written notice of the decision.
- '(2) The notice must state the term of the approval.
- '(3) An approval remains in force, unless sooner cancelled, for the period, of not more than 3 years, stated by the chief executive in the notice given under subsection (1).

### **'337F Refusal to grant application**

'If the chief executive decides to refuse to grant the application, the chief executive must, as soon as practicable, give the applicant an information notice for the decision.

## **'Division 3                   Renewal of approvals**

### **'337G Applying for renewal**

- '(1) A person may apply to the chief executive for renewal of the person's approval.
- '(2) The application may be made before, but no more than 3 months before, the last day of the term of the approval.
- '(3) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by—

- (i) any documents, identified in the approved form, the chief executive reasonably requires to decide the application; and
  - (ii) the fee prescribed under a regulation.
- ‘(4) The applicant must also provide any other relevant information reasonably required by the chief executive to decide the application.

### **‘337H Deciding application**

- ‘(1) The chief executive must consider the application and either renew, or refuse to renew, the approval as soon as practicable after the later of the following events happens—
- (a) the chief executive receives the application;
  - (b) the chief executive receives all necessary information to decide the application.
- ‘(2) The chief executive may renew the approval only if the chief executive is satisfied the applicant has the necessary expertise or experience to conduct the approved responsible service of gambling course.
- ‘(3) Without limiting subsection (2), in deciding the application the chief executive may have regard to the same matters the chief executive may have regard to under section 337D(3).

### **‘337I Renewal of approval**

- ‘(1) If the chief executive decides to renew the approval, the chief executive must as soon as practicable give the applicant written notice of the decision.
- ‘(2) The notice must state the term of the renewed approval.

### **‘337J Refusal to renew approval**

‘If the chief executive decides to refuse to renew the approval, the chief executive must, as soon as practicable, give the applicant an information notice for the decision.

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### **‘337K Approval continues pending decision about renewal**

- ‘(1) If a person applies for renewal of the person’s approval under section 337G, the approval is taken to continue in force from the day it would, apart from this subsection, have ended until the day on which the first of the following events happens—
- (a) the chief executive renews the approval;
  - (b) if the chief executive decides to refuse to renew the approval—the chief executive gives the person an information notice for the decision;
  - (c) the person withdraws the application for renewal;
  - (d) the application lapses under section 337L;
  - (e) the approval is cancelled under division 5.
- ‘(2) If the chief executive renews the approval, the approval is taken to have been renewed from the day it would, apart from subsection (1), have ended.

## **‘Division 4            Lapsing of applications**

### **‘337L Lapsing of application**

- ‘(1) This section applies if an application for an approval, or renewal of an approval, is made under this part.
- ‘(2) The chief executive may make a requirement under section 337C(3) or 337G(4) for information to decide the application by giving the applicant a written notice stating—
- (a) the information required; and
  - (b) the time by which the information must be given to the chief executive; and
  - (c) that, if the information is not given to the chief executive by the stated time, the application will lapse.
- ‘(3) The stated time must be reasonable and, in any case, at least 21 days after the requirement is made.

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- ‘(4) The chief executive may give the applicant a further notice extending, or further extending, the time if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.
  - ‘(5) A notice may be given under subsection (4), in relation to an application for an approval, even if the time to which it relates has lapsed.
  - ‘(6) If the applicant does not comply with the requirement within the stated time, or any extension of the time, the application lapses.

## **‘Division 5                    Cancellation of approvals**

### **‘337M Grounds for cancellation**

‘The chief executive may cancel a person’s approval if the chief executive believes on reasonable grounds—

- (a) the approval was granted in error or because of a materially false or fraudulent document, statement or representation; or
- (b) the person—
  - (i) is not conducting the approved responsible service of gambling course in an appropriate way; or
  - (ii) no longer has the necessary expertise to conduct the course.

### **‘337N Procedure for cancellation**

- ‘(1) If the chief executive proposes to cancel a person’s approval, the chief executive must give the person a written notice stating the following—
  - (a) the chief executive proposes to cancel the approval;
  - (b) the grounds for the proposed cancellation;

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- (c) the facts and circumstances that are the basis for the grounds;
  - (d) that the person may make, within a stated period, written representations to show why the approval should not be cancelled.
- ‘(2) The stated period must end at least 21 days after the person is given the notice.
- ‘(3) If, after considering all written representations made within the stated period, the chief executive still believes a ground exists to cancel the approval, the chief executive may cancel the approval.
- ‘(4) The chief executive must, as soon as practicable after making a decision under subsection (3), give the person an information notice for the decision.
- ‘(5) The decision takes effect on—
- (a) the day the notice is given; or
  - (b) if a later day is stated in the notice—the stated day.’.

**47 Amendment of s 366 (Regulation-making power)**

Section 366(2)—

*insert—*

- ‘(s) the maximum denomination of currency that may be inserted in a note acceptor on licensed premises.’.

**48 Insertion of new pt 12, div 14**

After section 446—

*insert—*

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## **‘Division 14                    Provisions for Gambling and Other Legislation Amendment Act 2009**

### **‘447    Definitions for div 14**

In this division—

*category 2 licence* means a gaming machine licence that relates to category 2 licensed premises.

*category 2 licensee* means a club that is a category 2 licensee on the commencement day.

*commencement day* means the day this section commences.

*valid application* means one of the following applications received by the chief executive before 16 April 2008—

- (a) an application under section 56 for a category 2 licence;
- (b) an application under section 61 for approval of premises as additional premises to which a category 2 licence relates;
- (c) an application under section 81 to have the approved number of gaming machines for category 2 licensed premises increased.

### **‘448    Allocation of entitlements on commencement day**

- ‘(1) Subsection (2) applies if a valid application was granted in relation to category 2 licensed premises before the commencement day.
- ‘(2) On the commencement day, entitlements equal in number to the approved number of gaming machines for the licensed premises are allocated for the premises.
- ‘(3) Subsection (4) applies if—
  - (a) before the commencement day, a valid application was granted in relation to category 2 licensed premises; and
  - (b) after the application was granted but before the commencement day, the chief executive and the liquor

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licensing authority made arrangements under section 78—

- (i) to transfer a liquor licence to the premises; and
- (ii) at the same time, to issue a new category 2 licence for the premises.

‘(4) For subsection (2), the valid application is taken to have been made by the holder of the new category 2 licence for the premises.

‘(5) In this section—

*approved number of gaming machines*, for licensed premises, means—

- (a) the number of gaming machines approved for the premises on the grant of a valid application; or
- (b) if, on the commencement day, the approval of a gaming machine mentioned in paragraph (a) is no longer in force—the number of the gaming machines mentioned in paragraph (a) for which an approval continues in force.

#### **‘449 Allocation of entitlements after commencement day**

‘(1) Subsection (2) applies if a valid application is granted in relation to category 2 licensed premises after the commencement day.

‘(2) On the granting of the valid application, entitlements equal in number to the approved number of gaming machines for the licensed premises are allocated for the premises.

#### **‘450 Replacement of gaming machine licence**

‘The chief executive must, as soon as practicable after entitlements are allocated under section 448 or 449—

- (a) replace the gaming machine licence for each licensed premises to which entitlements are allocated; and

- (b) give the replacement licence to the licensee for the premises.

**‘451 Information for replacement gaming machine licence**

‘A replacement licence given to a licensee under section 450 must state—

- (a) the number of entitlements endorsed for each licensed premises under the licence; and
- (b) the entitlement region in which each of the licensed premises are located.

**‘452 Transfer of entitlements allocated under s 448 or 449**

- ‘(1) This section applies to entitlements allocated under section 448 or 449.
- ‘(2) Despite section 109M(5), the commission must not grant an application for approval to transfer any of the entitlements under part 3B, division 2 until the transferor licensee has installed and is operating or has operated, on the transferor licensed premises, the approved number of gaming machines for the premises.

**‘453 Application of s 80A to category 2 licences granted between 16 April 2008 and commencement day**

- ‘(1) This section applies to a category 2 licence for which an application under section 56 was—
  - (a) made on or after 16 April 2008; and
  - (b) granted before the commencement day.
- ‘(2) Section 80A applies to the category 2 licence as if a reference in the section to the day the licence was granted is a reference to the commencement day.

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**‘454 Application of s 85AA if approval under s 83 granted between 16 April 2008 and commencement**

- ‘(1) This section applies to a category 2 licence for which an application under section 81 was—
- (a) made on or after 16 April 2008; and
  - (b) granted before the commencement day.
- ‘(2) Section 85AA(2) to (7) applies to the category 2 licence as if a reference in the section to the day the approval was given is a reference to the commencement day.

**‘455 Requirements about transferor licensed premises—s 109T**

‘For section 109T(6), section 109V(3) does not apply if—

- (a) the transferor licensee was notified under section 58, 63 or 83 on the granting of a valid application; and
- (b) at the time the application was made under section 109T, the transferor licensee had installed, on the licensed premises, the approved number of gaming machines for the premises.

**‘456 Protection from liability**

- ‘(1) This section applies to the following applications received by the chief executive on or after 16 April 2008 and before the commencement of the *Gambling and Other Legislation Amendment Act 2009*, section 41—
- (a) an application under section 56 for a category 2 licence;
  - (b) an application under section 61 for approval of premises as additional premises to which a category 2 licence relates;
  - (c) an application under section 81 to have the approved number of gaming machines for category 2 licensed premises increased.

- 
- ‘(2) The State, a departmental officer or a commissioner does not incur civil liability for acting or failing to act in relation to the application.
- ‘(3) If a civil proceeding relating to the application was started before the commencement day against the State, a departmental officer or a commissioner, the proceeding is stayed and the court dealing with the proceeding must dismiss it.
- ‘(4) In this section—  
*commencement day* means the day this section commences.

**‘457 Transitional provision for s 189A**

- ‘(1) Section 189A(1) does not apply until 1 July 2011 to a person who, immediately before the commencement day, was—
- (a) an eligible licensee for licensed premises; or
  - (b) a nominee of the licensee for the premises; or
  - (c) employed by the licensee to carry out gaming duties or gaming tasks on the premises.
- ‘(2) Section 189A(3) does not apply until 1 July 2011 in relation to a person who, immediately before the commencement day, was employed to carry out gaming duties or gaming tasks on licensed premises.

**‘458 Extension of transitional arrangement for s 189A**

- ‘(1) A person mentioned in section 457 may apply to the chief executive for an extension, until 1 July 2013, of the period during which section 189A(1) and (3) do not apply.
- ‘(2) The application must be—
- (a) in the approved form; and
  - (b) accompanied by—
    - (i) a statement of attainment certifying that the person has, in Queensland during the period of 12 months

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immediately before the commencement of section 189A, achieved either of the following units of competency—

- (A) SITHGAM003A (Provide responsible gambling services) from the nationally endorsed training package SIT07 (Tourism hospitality and event management);
- (B) THHADG03B (Provide responsible gambling services) from the nationally endorsed training package THH02 (Hospitality); and

(ii) the fee prescribed under a regulation; and

(c) given to the chief executive before 30 April 2011.

- ‘(3) The applicant must also provide any other relevant information reasonably required by the chief executive to decide the application.
- ‘(4) The chief executive must grant the application if the requirements mentioned in subsections (2) and (3) are satisfied.
- ‘(5) If the chief executive grants the application, the chief executive must give the applicant written notice of the decision.
- ‘(6) The chief executive must refuse to grant the application if the requirements mentioned in subsections (2) and (3) are not satisfied.
- ‘(7) If the chief executive refuses to grant the application, the chief executive must give the applicant a written notice stating the decision and the reasons for the decision.
- ‘(8) In this section—

*nationally endorsed* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

*statement of attainment* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

*training package* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

*unit of competency* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.’.

#### 49 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *category 2 licensee*, *club liquor licence*, *endorsed number* and *licensed premises*—

*omit.*

- (2) Schedule—

*insert—*

*‘approved responsible service of gambling course* means a course approved by the chief executive under section 337B.

*authorised entitlements sale* means a sale of entitlements of the State under section 109ZC.

*category 2 licensee*—

- (a) means a licensee whose gaming machine licence relates to a category 2 licensed premises; and  
(b) for part 3B, division 2, see section 109L.

*community club licence* means—

- (a) a licence mentioned in the *Liquor Act 1992*, section 58(1)(d); or  
(b) an authority held by a non-proprietary club to sell liquor under a Commonwealth Act; or  
(c) a right to sell liquor held by a person as a subsidiary operator that is a non-proprietary club.

*endorsed number*—

- (a) of operating authorities for licensed premises, means the number of operating authorities stated on the gaming machine licence for the licensed premises; or

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- (b) of entitlements for licensed premises, means the number of entitlements stated on the gaming machine licence for the licensed premises, other than the number of any entitlements for other licensed premises that have been transferred under part 3B, division 3 for use on a temporary basis at the premises.

**entitlement** means an authorisation for a category 2 licensee to, subject to this Act, install and operate a gaming machine on category 2 licensed premises.

**entitlement**, of a category 2 licensee, means an entitlement endorsed on the licensee's gaming machine licence as an entitlement for licensed premises under the licence.

**entitlement**, of the State, means—

- (a) an entitlement that is an entitlement of the State under section 78(6), 78A(8), 87(10), 91A(4), 95(2E) or 109ZA; or
- (b) another entitlement, other than an entitlement that is—
- (i) allocated under section 448 or 449; or
  - (ii) transferred by operation of section 78(5) or 78A(7); or
  - (iii) purchased at an authorised entitlements sale.

**entitlement region** means a region of the State prescribed under a regulation.

**entitlement selling entity** see section 109ZC.

**licensed premises**—

- (a) means premises on which a licensee is licensed to conduct gaming; and
- (b) for part 3B, division 2, see section 109L.

**note acceptor** means a device that accepts currency in exchange for gaming machine credits.

**transferee licensed premises**—

- (a) for part 3B, division 2, see section 109L; and

(b) for part 3B, division 3, see section 109S.

*transferee licensee*—

(a) for part 3B, division 2, see section 109L; and

(b) for part 3B, division 3, see section 109S.

*transferor licensed premises*—

(a) for part 3B, division 2, see section 109L; and

(b) for part 3B, division 3, see section 109S.

*transferor licensee*—

(a) for part 3B, division 2, see section 109L; and

(b) for part 3B, division 3, see section 109S.’.

## **Division 3                      Amendment relating to the tribunal**

### **50            Amendment of s 29 (Who may apply for a review by tribunal)**

Section 29—

*insert*—

‘(11) Each of the following persons may apply, as provided under the QCAT Act, to the tribunal for a review of the decision stated for the person—

(a) a person whose application for an approval under part 10A is not granted under section 337D(1);

(b) a person whose application for renewal of an approval under part 10A is not granted under section 337H(1);

(c) a person whose approval under part 10A is cancelled under section 337N(3).’.



- (b) give a copy of the rules for the game to each agent of the provider.

Maximum penalty—40 penalty units.’.

**54 Insertion of new s 137L**

Part 7, division 5A—

*insert—*

**‘137L Distributing promotional or advertising material about authorised games**

‘A licensed provider must not distribute promotional or advertising material about authorised games conducted by the provider to persons who the provider knows or ought reasonably to know are prohibited from participating as a player in the authorised games under a self-exclusion order or exclusion direction.

Maximum penalty—40 penalty units.’.

## **Part 6 Amendment of Keno Act 1996**

**55 Act amended**

This part amends the *Keno Act 1996*.

**56 Amendment of s 138 (Keno rules)**

Section 138(2)—

*omit, insert—*

‘(2) The Minister must notify the making of a rule in the gazette.

‘(3) A rule takes effect—

- (a) on the day the making of the rule is notified in the gazette; or

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- (b) if a later day is stated in the Minister's notice or the rule—on that day.
- '(4) A keno licensee may make submissions to the Minister about a rule or proposed rule.'

**57 Insertion of new s 138A**

After section 138—

*insert—*

**'138A Rules to be made available etc.**

'A keno licensee must, for a keno game conducted by the licensee under the licence—

- (a) make a copy of the rules for the game available for public inspection on the licensee's website on the internet; and
- (b) give a copy of the rules for the game to each keno agent of the licensee.

Maximum penalty—40 penalty units.'

**58 Amendment of s 147 (Deposit advance accounts)**

- (1) Section 147, heading 'Deposit advance'—

*omit, insert—*

**'Player'**.

- (2) Section 147(1) and (4), 'deposit advance'—

*omit, insert—*

'player'.

**59 Insertion of new s 154M**

Part 8, division 3—

*insert—*

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**‘154M Distributing promotional or advertising material about approved place of operation**

‘An appointed agent must not distribute promotional or advertising material about the agent’s approved place of operation to persons who the agent knows or ought reasonably to know are prohibited from taking part in keno gaming at, or entering or remaining in, the approved place of operation under a self-exclusion order or exclusion direction.

Maximum penalty—40 penalty units.’.

**60 Amendment of s 165 (Keno gaming by minors)**

Section 165, ‘10’—

*omit, insert—*

‘25’.

**61 Amendment of s 166 (Allowing minors to take part in keno gaming)**

Section 166(1), ‘20’—

*omit, insert—*

‘40’.

**62 Insertion of new s 240A**

After section 240—

*insert—*

**‘240A Commissioner of police service to notify changes in criminal history**

‘(1) This section applies if—

- (a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and
- (b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person.

[s 63]

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- ‘(2) The commissioner must notify the chief executive about the change in the person’s criminal history.
- ‘(3) The notice must state the following—
- (a) the person’s name and address;
  - (b) the person’s date of birth;
  - (c) the offence the person is charged with;
  - (d) particulars of the offence;
  - (e) the date of the charge.
- ‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1).
- ‘(5) In this section—
- relevant person*** means—
- (a) a licensed keno employee; or
  - (b) a keno licensee who is an individual; or
  - (c) an individual identified by the Minister as being a business or executive associate of a keno licensee.’.

### **63 Amendment of s 243 (Regulation-making power)**

Section 243(2)—

*insert—*

- ‘(c) be about—
- (i) establishing, and operating, a player account; or
  - (ii) naming a wager on a keno game; or
  - (iii) drawing a keno game; or
  - (iv) the abatement of prizes of greater than a prescribed amount; or
  - (v) refunding an amount wagered on a keno game; or
  - (vi) unpaid prize money.’.

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**64 Amendment of sch 4 (Dictionary)**

Schedule 4—

*insert—*

‘*player account* means an account established under section 147.’.

## **Part 7 Amendment of Liquor Act 1992**

**65 Act amended**

This part amends the *Liquor Act 1992*.

**66 Amendment of s 4 (Definitions)**

(1) Section 4, definition *disciplinary action*—

*insert—*

‘(da) cancelling an extended trading hours approval endorsed on the licence; or’.

(2) Section 4, definition *member of a reciprocal club*, ‘club licence or restricted club permit’—

*omit, insert—*

‘licence or permit’.

**67 Omission of s 4D (Notes in text)**

Section 4D—

*omit.*

**68 Amendment of s 9 (Ordinary trading hours)**

Section 9(12), ‘general licence’—

[s 69]

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*omit, insert—*

‘commercial hotel licence’.

**69 Amendment of s 21 (Jurisdiction and powers of tribunal)**

Section 21(1)—

*insert—*

- ‘(ba) an extended trading hours approval including the grant, refusal to grant or cancellation of the approval or any variation of the conditions of the approval; or
- (bb) the extension of a period of time under section 155AD(5)(b); or
- (bc) the payment of a fee by instalments under section 209; or’.

**69A Amendment of s 64 (Authority of commercial special facility licence)**

Section 64(1)—

*omit, insert—*

- ‘(1) A commercial special facility licence authorises the licensee—
  - (a) to sell liquor on the licensed premises, for consumption on or off the premises, during the times stated in the licence; and
  - (b) to sell liquor on the licensed premises, for consumption on or off the premises, at any time to a resident on the premises; and
  - (c) to sell liquor on the licensed premises, for consumption on the premises, at any time to a guest of a resident on the premises while the guest is in the resident’s company.’.

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**69B Insertion of new s 65A**

Part 4, division 3—

*insert—*

**‘65A Consumption of liquor on premises by residents and guests**

‘Liquor supplied under the authority of a commercial special facility licence to a resident on the licensed premises, or to a guest of a resident in the resident’s company, for consumption on the premises at any time other than during the times stated in the licence, must be consumed in a residential unit on the premises.’.

**70 Amendment of s 78 (Restrictions on grant of community club licence)**

Section 78(2)(c), example, ‘general licence’—

*omit, insert—*

‘commercial hotel licence’.

**71 Amendment of s 84 (Authority of extended trading hours approval)**

Section 84—

*insert—*

‘*Note—*

Failure by a licensee to comply with the times or the conditions stated in the licensee’s extended trading hours approval is, under section 136, a ground for the chief executive to take disciplinary action relating to the licence under section 137.’.

**72 Insertion of new s 88**

Part 4, division 7—

*insert—*

[s 72A]

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**'88 Review of operation of extended trading hours approval**

'The chief executive may, at any time, review the conduct of a licensee under an extended trading hours approval endorsed on the licensee's licence.'

**72A Insertion of new pt 4, divs 8 and 9**

Part 4—

*insert—*

**'Division 8 Moratorium on extended trading hours approvals**

**'89 Definitions for div 8**

'In this division—

*commencement* means the commencement of this division.

*delegate* means a person to whom the chief executive may delegate the chief executive's powers under section 42.

*extended trading hours application* means an application made under division 7 for an extended trading hours approval for premises between 12a.m. and 5a.m.

*extended trading hours precinct* means an area that—

- (a) has a concentration of premises that have an extended trading hours approval between 12a.m. and 5a.m; and
- (b) is prescribed under a regulation.

*moratorium period* means—

- (a) the period from 16 September 2009 to 15 September 2010, both days inclusive; and
- (b) any extended period under section 95.

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**‘90 Restriction on making extended trading hours applications**

- ‘(1) A person may not make an extended trading hours application during the moratorium period.
- ‘(2) An extended trading hours application made or purportedly made during the moratorium period, whether before or after the commencement, is of no effect.
- ‘(3) Subsections (1) and (2) do not apply to premises that are in an extended trading hours precinct.

**‘91 Treatment of certain applications for extended trading hours approvals made before start of moratorium period**

- ‘(1) This section applies to an extended trading hours application made to the chief executive before the start of the moratorium period for premises that are not in an extended trading hours precinct that, immediately before the commencement, the chief executive had not finally decided.
- ‘(2) The application must not be considered or further considered by the chief executive until after the end of the moratorium period.

**‘92 Certain proceedings in court or tribunal for extended trading hours approvals taken to end**

- ‘(1) This section applies to a proceeding in a court or tribunal—
  - (a) commenced between the start of the moratorium period and the commencement; and
  - (b) relating to an extended trading hours application for premises that are not in an extended trading hours precinct; and
  - (c) that has not been decided by the court or tribunal at the commencement.
- ‘(2) The proceeding is taken to end and must not be further considered by the court or tribunal.

[s 72A]

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**‘93 Certain court or tribunal decisions of no effect**

- ‘(1) This section applies to a decision of a court or tribunal before the commencement—
- (a) on a proceeding commenced between the start of the moratorium period and the commencement; and
  - (b) relating to an extended trading hours application for premises that are not in an extended trading hours precinct.
- ‘(2) The decision is taken to have no effect.

**‘94 Protection from liability**

- ‘(1) A decision of the chief executive under this division not to consider or further consider an extended trading hours application—
- (a) is final and conclusive; and
  - (b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
  - (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.
- ‘(2) The State, the chief executive or a delegate does not incur civil liability for acting, or failing to act, under this division in relation to an extended trading hours application.
- ‘(3) If a civil proceeding relating to an extended trading hours application was started before the commencement against the State, the chief executive or a delegate, the proceeding is stayed and the court dealing with the proceeding must dismiss it.

**‘95 Minister may extend moratorium period**

‘The Minister, by gazette notice, may extend the moratorium period by a period not exceeding 3 months if satisfied that it would be in the public interest having regard to this Act’s object to regulate the liquor industry in a way compatible with minimising harm caused by alcohol abuse and misuse.

**‘Division 9 Banning use of regular glass in certain licensed premises**

**‘96 Definitions for div 9**

‘In this division—

*regular glass* means glass other than tempered or toughened glass.

*regular glass container* means a container made entirely or partly of regular glass capable of holding a liquid, for example, a drinking glass, bottle or jug.

*glassing* means an act of violence by a person that involves the use of regular glass and causes injury to any person.

*relevant period*, for licensed premises, means the period of 1 year before a notice under section 98 is given.

**‘97 When all or part of licensed premises must be classified as high risk**

- ‘(1) The chief executive may classify all or part of licensed premises as high risk if the chief executive is satisfied—
- (a) one or more glassings have happened at the premises during the relevant period; or
  - (b) there has been a level of violence at the premises during the relevant period that is unacceptable having regard to this Act’s object to regulate the liquor industry in a way compatible with minimising harm caused by alcohol abuse and misuse.

[s 72A]

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- ‘(2) However, before classifying the premises or part of the premises as high risk the chief executive must—
- (a) give the licensee of the premises a written notice under section 98; and
  - (b) have regard to the licensee’s response, if any, to the notice.

*Note—*

A guideline may be made by the chief executive under section 42A informing persons about the attitude the chief executive is to adopt on a particular matter or how the chief executive administers this Act.

**‘98 Notice to licensee of licensed premises considered high risk**

- ‘(1) If the chief executive considers that all or part of licensed premises are high risk, the chief executive must give the licensee of the premises a notice under this section.
- ‘(2) The notice must state the following—
- (a) that the chief executive considers all or a stated part of the premises to be high risk;
  - (b) the reasons the chief executive considers the premises or part to be high risk;
  - (c) an invitation to the licensee to show within a stated period, not less than 14 days after the notice is given to the licensee, why the premises or part should not be classified as high risk.

*Examples of parts of licensed premises that the chief executive may decide not to classify as high risk—*

accommodation rooms, restaurants, bottle shops

**‘99 Representations about notice**

- ‘(1) The licensee may make written representations about the notice to the chief executive within the 14 day period.

- '(2) The licensee may request that all or part of the licensed premises not be classified as high risk.
- '(3) The chief executive must consider all written representations made under subsection (1).

**'99A Ending process without further action**

'If, after considering any representations by the licensee, the chief executive no longer considers the ground exists to classify the licensed premises or part as proposed, the chief executive—

- (a) must not take further action about the classification of the premises; and
- (b) must, as soon as practicable, give notice to the licensee that no further action will be taken about the classification of the premises.

**'99B Notice classifying relevant premises as high risk**

- '(1) This section applies if, after considering any representations by the licensee under section 99, the chief executive still considers all or part of licensed premises should be classified as proposed.
- '(2) The chief executive must give the licensee a written notice—
  - (a) classifying all or a stated part of the premises as high risk; and
  - (b) stating the day from which the classification starts.
- '(3) The notice under subsection (2) must not classify a part of the premises not mentioned in the notice under section 98.

**'99C Obligations of licensee who receives notice that licensed premises are high risk**

- '(1) Subsection (2) applies to a licensee who receives a notice under section 99B classifying all or a stated part of the licensed premises as high risk.

[s 72A]

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- ‘(2) The licensee must not at any time during the trading hours for the premises or stated part—
- (a) serve liquid to a patron in a regular glass container; or
  - (b) leave or place a regular glass container in an area to which a patron has access.

Maximum penalty—100 penalty units.

**‘99D When licensee may apply to end the banning of regular glass in the licensed premises**

- ‘(1) This section applies if 1 year has elapsed since all or part of licensed premises were classified as high risk.
- ‘(2) The licensee may make written representations to the chief executive to revoke the classification.
- ‘(3) The chief executive may revoke the classification only if the chief executive is satisfied that the licensee has put measures in place at the licensed premises that sufficiently minimise the risk of harm caused by alcohol abuse and misuse.

**‘99E Judicial review only to apply to chief executive’s decision**

- ‘(1) A decision of the chief executive under this division—
- (a) is final and conclusive; and
  - (b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, (whether by the Supreme Court, another court, a tribunal or another entity); and
  - (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.
- ‘(2) However, subsection (1) does not limit the *Judicial Review Act 1991*.

**‘99F Chief executive may publish details of classification of premises on website**

‘The chief executive may publish details of licensed premises or parts of licensed premises classified as high risk on a website of the department on the internet.

*Editor’s note—*

The department’s website is <www.olgr.qld.gov.au>.

**‘99G Commissioner must provide information**

- ‘(1) The chief executive may ask the commissioner to give the chief executive the information the chief executive requires to decide whether to classify licensed premises as high risk under this division.
- ‘(2) Subject to subsection (3), the commissioner must provide the information requested.
- ‘(3) The obligation of the commissioner to comply with the chief executive’s request applies only to information in the possession of the commissioner or to which the commissioner has access.’

**73 Relocation and renumbering of pt 4, div 15**

- (1) Part 4, division 15, heading—  
*relocate* and *renumber* in part 5C as division 5, heading.
- (2) Section 104A—  
*relocate* and *renumber*, in part 5C, division 5, as section 142ZF.

**74 Amendment of s 103I (Hours to which application may relate etc.)**

Section 103I(1), (2), (4) and (6), ‘extended trading hours permit’—

[s 75]

---

*omit, insert—*

‘extended hours permit’.

**75 Amendment of s 103J (Restriction on number of extended trading hours permits for particular premises)**

Section 103J, ‘extended trading hours permits’—

*omit, insert—*

‘extended hours permits’.

**76 Amendment of s 103K (Restriction on grant of restricted liquor permit and other related matters)**

Section 103K(2)(a), after ‘the times,’—

*insert—*

‘between 10a.m. and 12 midnight and’.

**77 Amendment of s 106 (Who may apply for licence or permit)**

Section 106(4), ‘general licence’—

*omit, insert—*

‘commercial hotel licence’.

**77A Amendment of s 121 (Matters the chief executive must have regard to)**

Section 121(a)—

*omit, insert—*

‘(a) if the application is an application to which section 116 applies—

(i) the matters mentioned in section 116(6); and

(ii) the public interest in so far as it relates to—

- (A) the Act's object to regulate the liquor industry in a way compatible with minimising harm caused by alcohol abuse and misuse; or
- (B) the impact on the amenity of the community; and'.

**78 Amendment of s 129 (Applications to continue trading in certain circumstances)**

- (1) Section 129(4), 'club licence'—

*omit, insert—*

'community club licence'.

- (2) Section 129—

*insert—*

- '(5) Despite subsections (1), (2) and (4), a person may apply to the chief executive under this section only if the person is a person who may make an application under section 106.'

**79 Amendment of s 136 (Grounds for disciplinary action)**

Section 136(1)(a)(iii), after 'licence'—

*insert—*

'or in an extended trading hours approval endorsed on the licence'.

**80 Amendment of s 141 (Order to close premises for unlawful trading)**

Section 141(1)(a) and (b)—

*omit, insert—*

'(a) the licensee of the premises; or

(b) both an approved manager and an employee of the licensee; or'.

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**81 Amendment of s 142AA (Application of div 5)**

Section 142AA(2)(d)—

*omit.*

**82 Amendment of s 155 (Minors on premises)**

Section 155(4), definition *exempt minor*, paragraph (d), ‘club licence or restricted club permit’—

*omit, insert—*

‘community club licence or restricted liquor permit’.

**83 Amendment of s 155AD (Who must be present or reasonably available at licensed premises etc.)**

(1) Section 155AD(2) and (3)—

*omit, insert—*

‘(2) If the licensee or permittee is a corporation, the licensee or permittee must take reasonable steps to ensure that an approved manager—

(a) is present or reasonably available during the following times at the licensed premises or premises to which the permit relates—

(i) ordinary trading hours;

(ii) approved extended trading hours between 7a.m. and 10a.m.; and

(b) is present during approved extended trading hours between 12 midnight and 5a.m. at the licensed premises or premises to which the permit relates.

Maximum penalty—50 penalty units.

‘(3) If the licensee or permittee is an individual, the licensee or permittee must—

(a) be present or reasonably available, or take reasonable steps to ensure that an approved manager is present or reasonably available, during the following times at the

---

licensed premises or premises to which the permit relates—

- (i) ordinary trading hours;
  - (ii) approved extended trading hours between 7a.m. and 10a.m.; and
- (b) be present, or take reasonable steps to ensure that an approved manager is present, during approved extended trading hours between 12 midnight and 5a.m. at the licensed premises or premises to which the permit relates.

Maximum penalty—50 penalty units.’.

(2) Section 155AD—

*insert—*

‘(4A) Despite subsections (2)(a) and (3)(a), the chief executive may, under section 107C, impose a condition on a licensee’s licence or a permittee’s permit requiring—

- (a) if the licensee or permittee is a corporation—the licensee or permittee to take reasonable steps to ensure an approved manager is present during the times mentioned in subsection (2)(a) at the licensed premises or premises to which the permit relates; and
- (b) if the licensee or permittee is an individual—the licensee or permittee to be present, or take reasonable steps to ensure an approved manager is present, during the times mentioned in subsection (3)(a) at the licensed premises or premises to which the permit relates.

‘(4B) Subsection 4A applies if the chief executive is satisfied the condition is necessary for a purpose mentioned in section 107C(1).’.

(3) Section 155AD(5)(b), after ‘1 hour’—

*insert—*

‘or, if the chief executive has decided to extend the period of time for a particular licensee, permittee or approved manager, the extended period of time.’.

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(4) Section 155AD—

*insert—*

- ‘(6) In deciding whether to extend the period of time for a particular licensee, permittee or approved manager, the chief executive must have regard to—
- (a) the principal activity, and the nature and extent of the business, conducted under the licence or permit; and
  - (b) the location of the premises; and
  - (c) the availability of trained staff for the premises.’

## **84 Insertion of new s 209**

After section 208—

*insert—*

### **‘209 Payment of fees by instalments**

- ‘(1) Subsection (2) applies if the chief executive is satisfied a licensee is unable to pay in full, on the day prescribed under a regulation, the fee payable in relation to a licence because—
- (a) the business conducted under authority of the licence has been adversely affected by a natural disaster; or
  - (b) the licensee has suffered a personal hardship.
- ‘(2) Despite section 208(2), the chief executive may accept payment of the fee under a schedule of instalments decided by the chief executive.
- ‘(3) If the licensee pays the fee in accordance with the schedule of instalments—
- (a) the licensee is taken to have paid the fee by the day prescribed for section 208(2); and
  - (b) the consequences of failing to pay the fee, provided for under a regulation, do not apply to the licensee.
- ‘(4) Financial hardship is not a personal hardship for subsection (1).’

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**85 Insertion of new pt 12, div 10**

Part 12—

*insert—*

**‘Division 10 Transitional provisions for  
Gambling and Other Legislation  
Amendment Act 2009**

**‘297 Definitions for div 10**

*commencement* means the commencement of this section.

*pre-amended Act* means this Act as in force before the commencement.

**‘298 Existing permit for trading on a regular basis between  
12 midnight and 5a.m.**

- ‘(1) This section applies to a person who, immediately before the commencement, held under the pre-amended Act an extended hours permit that extended trading hours on a regular basis to include trading at any time between midnight and 5a.m.
- ‘(2) On the commencement—
- (a) the permit, to the extent it extends trading hours on a regular basis to include trading at any time between midnight and 5a.m, lapses; and
  - (b) the person is taken to hold an extended trading hours approval for the hours mentioned in paragraph (a) and on the same conditions as mentioned in the permit.’.



‘(4) In this section—

*corresponding law*, of the other State or foreign country, means the law of the other State or foreign country that provides for the same matter as this Act or a provision of this Act.

*relevant Minister*, of the other State or foreign country, means the Minister, or equivalent officer holder, of the other State or foreign country, with portfolio responsibility for lotteries regulation or the taxation of lotteries.’

## **88 Amendment of s 121 (Rules)**

Section 121(2)—

*omit, insert—*

‘(2) The Minister must notify the making of a rule in the gazette.

‘(2A) A rule takes effect—

- (a) on the day the making of the rule is notified in the gazette; or
- (b) if a later day is stated in the Minister’s notice or the rule—on that day.’

## **89 Amendment of s 121A (Rules to be made available)**

Section 121A(a)—

*omit, insert—*

- ‘(a) for each lottery stated in the lottery operator’s licence, make a copy of the rules available for public inspection—
  - (i) during ordinary office hours at the lottery operator’s public office; and
  - (ii) on the lottery operator’s website on the internet; and’

[s 90]

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**90 Omission of s 126 (Price of lottery tickets)**

Section 126—

*omit.*

**91 Amendment of s 149 (Participation by minors prohibited)**

Section 149—

*insert—*

- ‘(3) A minor must not participate in a lottery.  
Maximum penalty—25 penalty units.’.

**92 Insertion of new s 225A**

After section 225—

*insert—*

**‘225A Commissioner of police service to notify changes in criminal history**

- ‘(1) This section applies if—
- (a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and
  - (b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person.
- ‘(2) The commissioner must notify the chief executive about the change in the person’s criminal history.
- ‘(3) The notice must state the following—
- (a) the person’s name and address;
  - (b) the person’s date of birth;
  - (c) the offence the person is charged with;
  - (d) particulars of the offence;
  - (e) the date of the charge.

‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1).

‘(5) In this section—

**relevant person** means—

- (a) a licensed employee; or
- (b) a primary licensee who is an individual; or
- (c) an individual identified by the Minister as being a business or executive associate of a primary licensee.’.

### 93 Amendment of s 228 (Regulation-making power)

Section 228(2)—

*insert—*

‘(c) be about—

- (i) establishing, and operating, a player account; or
- (ii) cancelling a lottery ticket; or
- (iii) void lottery tickets; or
- (iv) drawing a lottery, and publishing results of the draw; or
- (v) claiming a prize; or
- (vi) distributing a prize pool; or
- (vii) withdrawing unsold lottery tickets; or
- (viii) prize payouts.’.

### 94 Amendment of sch 3 (Dictionary)

Schedule 3—

*insert—*

‘**player account** means an account established by a lottery operator for a person for use by the person in participating in a lottery conducted by the lottery operator under the lottery operator’s licence.’.

[s 95]

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## Part 9 Amendment of Racing Act 2002

### 95 Act amended

This part amends the *Racing Act 2002*.

### 96 Amendment of s 113A (Definitions for pt 6)

Section 113A—

*insert—*

*‘document or information request* see section 113EA.

*wagering monitoring system* means a system for monitoring the wagering activity of a licensed wagering operator.’.

### 97 Insertion of new ss 113EA–113EC

After section 113E—

*insert—*

#### **‘113EA Standard condition of race information authority**

‘It is a condition of every race information authority that the holder of the authority must, unless the holder has a reasonable excuse—

- (a) take part, as required by the control body that issued the authority, in a wagering monitoring system established or nominated by the control body; and
- (b) comply with all reasonable requests by the control body to give the control body, within the reasonable time stated in the request, information or documents about bets placed with the holder (a *document or information request*).

---

**‘113EB Use of documents or information by control body**

- ‘(1) A control body may use documents or information gained from a wagering monitoring system or under a document or information request only for—
- (a) monitoring wagering activity to detect possible breaches of this Act or the control body’s rules of racing; and
  - (b) taking investigative or enforcement action about the possible breaches.
- ‘(2) Subsection (1) does not prevent the control body from providing the documents or information to the chief executive or an authorised officer if required under another provision of this Act.

**‘113EC Effect of providing documents or information about wagering activity**

‘A person who is the holder of a race information authority or an employee of the holder is not liable civilly, criminally or under an administrative process for providing documents or information about wagering activity—

- (a) by taking part in a wagering monitoring system; or
- (b) in response to a document or information request.’.

**98 Amendment of s 334 (Types of offences)**

Section 334(2), after ‘section’—

*insert—*

‘113C.’.

[s 99]

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## **Part 10**                      **Amendment of Residential Services (Accreditation) Act 2002**

### **99**      **Act amended**

This part amends the *Residential Services (Accreditation) Act 2002*.

### **100**    **Amendment of s 4 (Meaning of *residential service*)**

Section 4(2)—

*omit, insert—*

‘(2) Also, a service is a *residential service*—

(a) if—

(i) subsection (1)(a) and (b) apply to the service; and

(ii) in the course of the service, each of the residents—

(A) has a right to occupy 1 or more rooms; and

(B) does not have a right to occupy the whole of the premises in which the rooms are situated; and

(C) is provided with a food service or personal care service; or

*Example for subparagraph (ii)—*

a service, providing rental accommodation to older persons, in which each of the residents occupies a self-contained unit and is provided with a food service or personal care service

(b) if the service is provided under an aged rental scheme.’.

### **101**    **Amendment of s 6 (Meaning of *service provider*)**

(1) Section 6(b)(ii)—

*renumber* as section 6(b)(iii).

(2) Section 6(b)(i)—

*omit, insert—*

- ‘(i) if the service is being conducted under an aged rental scheme—the scheme operator; or
- (ii) if the service is being conducted other than under an aged rental scheme—the person conducting the service; or’.

## 102 Insertion of new s 6A

Part 1, division 2—

*insert—*

### ‘6A Meaning of *aged rental scheme* and *scheme operator*

- ‘(1) An *aged rental scheme* is a scheme under which—
  - (a) accommodation, in return for the payment of rent, is provided mainly to older members of the community or retired persons; and
  - (b) the accommodation is provided to at least 4 persons who have a right to occupy 2 or more self-contained units either jointly or separately; and
  - (c) a food service or personal care service is provided to the persons mentioned in paragraph (b).
- ‘(2) The person who, under the aged rental scheme, must provide both of the following is the *scheme operator* of the scheme—
  - (a) the accommodation;
  - (b) the food service or personal care service.
- ‘(3) For subsection (2), a person provides accommodation and a food service or a personal care service if—
  - (a) the person—
    - (i) owns or leases all or any of the self-contained units used in the aged rental scheme; and

[s 103]

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- (ii) lets those units directly to residents in the course of the residential service; and
- (iii) provides, or arranges for the provision of, the food service or personal care service; or
- (b) the person (the *letting agent*), on behalf of the owners or lessees of all or any of the self-contained units used in the aged rental scheme—
  - (i) lets or sub-lets the units to residents in the course of the residential service, regardless of whether the letting contract with the residents states the owner (or lessee) or the letting agent as a party to the letting contract; and
  - (ii) provides, or arranges for the provision of, the food service or personal care service.’.

### **103 Amendment of pt 13 hdg (Transitional)**

Part 13, heading, after ‘Transitional’—

*insert—*

**‘provisions for Residential Services (Accreditation) Act 2002’.**

### **104 Insertion of new pt 14**

After part 13—

*insert—*

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**‘Part 14**                      **Transitional provisions for  
Gambling and Other  
Legislation Amendment Act  
2009**

**‘Division 1**                **Preliminary**

**‘199**    **Definitions for pt 14**

‘In this part—

*apply for accreditation*, of a part 14 continuing service, means apply under part 3 for accreditation of the service.

*apply for registration*, of a part 14 continuing service, means apply under part 2 for registration of the service.

*commencement day* means the day this section commences.

*part 14 continuing service* means an aged rental scheme that was being conducted immediately before the commencement day.

**‘Division 2**                **Registration of part 14 continuing  
services**

**‘200**    **Due day for applying for registration**

‘The due day for applying for registration of a part 14 continuing service is the day that is 6 months after the commencement day.

**‘201**    **Application of pt 13, div 2 provisions**

‘Sections 187 to 192 (the *applied provisions*) apply to a part 14 continuing service as if, in the applied provisions—

[s 105]

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- (a) a reference to a continuing service were a reference to a part 14 continuing service; and
- (b) a reference to the commencement day were a reference to the commencement day under this part; and
- (c) a reference to the due day were a reference to the due day under section 200; and
- (d) a reference in section 192 to 2 years after the commencement day were a reference to 6 months after the commencement day under this part.

### **‘Division 3                    Accreditation of part 14 continuing services**

#### **‘202    Due day for applying for accreditation**

‘For section 35, 36 or 38, the due day for applying for level 1, level 2 or level 3 accreditation of a part 14 continuing service is the day that is 1 year after the commencement day.

#### **‘203    Compliance with building and fire safety requirements**

‘An application for level 1 accreditation of a part 14 continuing service must be accompanied by—

- (a) a building compliance notice for the registered premises issued within the previous 12 months; and
- (b) the prescribed fire safety document for the registered premises.’.

#### **105    Amendment of sch 1 (Reviewable decisions)**

Schedule 1, fifth entry, ‘applicant for registration of a continuing service under part 13’—

*omit, insert—*

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‘applicant for registration of a continuing service under part 13 or a part 14 continuing service under part 14’.

## 106 Amendment of sch 2 (Dictionary)

Schedule 2—

*insert—*

*‘aged rental scheme* see section 6A.

*apply for accreditation—*

- (a) of a continuing service, see section 185; or
- (b) of a part 14 continuing service, see section 199.

*apply for registration—*

- (a) of a continuing service, see section 185; or
- (b) of a part 14 continuing service, see section 199.

*commencement day—*

- (a) for part 13, see section 185; or
- (b) for part 14, see section 199.

*continuing service*, for part 13, see section 185.

*due day*, for part 13, see section 185.

*part 14 continuing service* see section 199.

*scheme operator* see section 6A.’.

## Part 11 Amendment of Wagering Act 1998

### 107 Act amended

This part amends the *Wagering Act 1998*.

[s 108]

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## **108 Amendment of s 198 (Making rules)**

Section 198(2)—

*omit, insert—*

‘(2) The Minister must notify the making of a rule in the gazette.

‘(2A) A rule takes effect—

(a) on the day the making of the rule is notified in the gazette; or

(b) if a later day is stated in the Minister’s notice or the rule—on that day.’.

## **109 Replacement of s 200 (Availability of rules for public inspection)**

Section 200—

*omit, insert—*

### **‘200 Rules to be made available**

‘A general operator must make a copy of the rules available for public inspection—

(a) during ordinary office hours at each office of the operator; and

(b) on the operator’s website on the internet.

Maximum penalty—40 penalty units.’.

## **110 Insertion of new s 216M**

Part 11, division 3—

*insert—*

### **‘216M Distributing promotional or advertising material about approved place of operation**

‘A general operator must not distribute promotional or advertising material about the operator’s approved place of operation to persons who the operator knows or ought reasonably to know are prohibited from taking part in

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approved wagering at, or entering or remaining in, the approved place of operation under a self-exclusion order or exclusion direction.

Maximum penalty—40 penalty units.’.

**111 Amendment of s 227 (Participation by minors prohibited)**

Section 227—

*insert—*

‘(3) A minor must not take part in approved wagering.

Maximum penalty—25 penalty units.’.

**112 Insertion of new s 308A**

After section 308—

*insert—*

**‘308A Commissioner of police service to notify changes in criminal history**

‘(1) This section applies if—

- (a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and
- (b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person.

‘(2) The commissioner must notify the chief executive about the change in the person’s criminal history.

‘(3) The notice must state the following—

- (a) the person’s name and address;
- (b) the person’s date of birth;
- (c) the offence the person is charged with;
- (d) particulars of the offence;
- (e) the date of the charge.

[s 113]

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‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1).

‘(5) In this section—

*relevant person* means—

- (a) a licensed employee; or
- (b) an authority holder who is an individual; or
- (c) an individual identified by the Minister as being a business or executive associate of an authority holder.’.

### **113 Amendment of s 312 (Regulation-making power)**

Section 312(2)—

*insert—*

‘(c) be about—

- (i) investments; or
- (ii) an account in the name of an investor with a licence operator; or
- (iii) vouchers for use in place of money to make investments; or
- (iv) outcomes of events; or
- (v) payouts; or
- (vi) setting aside a portion of the total of all investments made on a totalisator, and distributing or paying the money set aside.’.

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