

Queensland



GAMBLING LEGISLATION AMENDMENT BILL 2000

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MINOR AMENDMENTS OF GAMING MACHINE ACT 1991

2000

A BILL

FOR

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

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

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

4

5

Commencement

6

Clause **2.** This Act commences on 1 September 2000.

7

PART 2—AMENDMENT OF CASINO CONTROL ACT 1982

8

9

Act amended in pt 2

10

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

11

Insertion of new s 3

12

Clause **4.** After section 2—

13

insert—

14

‘Object

15

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

16

17

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

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19

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

21

Gambling Legislation Amendment

- | | | |
|--|---|--------|
| | (b) ensuring the probity of those involved in the conduct of casino gambling; and | 1
2 |
| | (c) minimising the potential for harm from casino gambling.’. | 3 |

	Amendment of s 4 (Interpretation)	4
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- | | | |
|--------|---|--------|
| Clause | 5. Section 4— | 5 |
| | <i>insert—</i> | 6 |
| | ‘ “ conviction ” includes a finding of guilt, or the acceptance of a plea of guilty, by a court.’. | 7
8 |

	Amendment of s 62 (Gaming equipment and chips)	9
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- | | | |
|--------|--|----------------------|
| Clause | 6.(1) Section 62(3)(d)— | 10 |
| | <i>omit, insert—</i> | 11 |
| | ‘(d) is under the exclusive control of the casino operator or the operator’s agents or employees; and’. | 12
13 |
| | (2) Section 62— | 14 |
| | <i>insert—</i> | 15 |
| | ‘(3C) The chief executive can not approve a gaming machine under subsection (3)(a) if, as a result of the approval, the number of gaming machines in the casino, or a particular part of the casino, would exceed a limit fixed by the Minister.’. | 16
17
18
19 |

	Amendment of s 65A (Chief executive may approve gaming documents)	20 21
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- | | | |
|--------|---|----------|
| Clause | 7. Section 65A(1)(c)— | 22 |
| | <i>omit, insert—</i> | 23 |
| | ‘(c) for use in a machine, whether to make wagers, to pay winning wagers or otherwise; or | 24
25 |
| | (d) to protect a player’s wager on a round of play against loss.’. | 26 |

Gambling Legislation Amendment

	Amendment of s 66 (Casino operator shall not accept credit wagers etc.)	1
		2
Clause	8. Section 66(1), penalty, ‘40 penalty units’—	3
	<i>omit, insert—</i>	4
	‘200 penalty units’.	5
	 Amendment of s 94 (Commissioner of the police service may exclude entry)	6
		7
Clause	9. Section 94—	8
	<i>insert—</i>	9
	‘(3) The commissioner of the police service may notify an authority responsible for administering gaming legislation of another State or Territory of a direction under this section.’	10
		11
		12
	 Amendment of s 99 (Excluded person not to enter or remain in casino)	13
Clause	10. Section 99—	14
	<i>insert—</i>	15
	‘(2) A court that finds a person guilty of an offence against this section may, if satisfied the person is a problem gambler, postpone its decision on penalty on condition that the person agrees to attend counselling on a basis specified by the court.	16
		17
		18
		19
	‘(3) The agreement—	20
	(a) must provide for counselling of a kind that may, in the court’s opinion, be beneficial in helping to overcome harmful behaviour related to gambling; and	21
		22
		23
	(b) must provide for counselling over a period (not more than 12 months) fixed by the court; and	24
		25
	(c) must allow the counsellor a discretion to disclose to the court information about the person’s participation in the counselling if the counsellor believes the disclosure will help the court to exercise its powers and discretions in an appropriate way under this section; and	26
		27
		28
		29
		30

Gambling Legislation Amendment

- (d) must provide that the counsellor is to report to the court a failure by the person to attend counselling as required by the agreement. 1
2
- ‘(4) For deciding whether a defendant is a problem gambler and, if so, whether counselling of an appropriate kind is available, the court may have regard to— 3
4
5
- (a) a report relevant to the question made by a psychiatrist, psychologist or other person with appropriate expertise; and 6
7
- (b) any other information available to the court and relevant to the subject (including hearsay evidence). 8
9
- ‘(5) If the court has postponed a decision on penalty under this section, the court must proceed to impose penalty— 10
11
- (a) as soon as practicable after the end of the period fixed for the counselling; or 12
13
- (b) if, during the period fixed for the counselling, the defendant advises the court that he or she does not want to continue with the counselling—as soon as practicable after the court receives that advice; or 14
15
16
17
- (c) if, during the period fixed for the counselling, the counsellor reports to the court that the defendant has failed to attend counselling as required by the agreement or to participate satisfactorily in the counselling—as soon as practicable after the court receives the report. 18
19
20
21
22
- ‘(6) In making its decision on penalty after a period of postponement under this section, the court— 23
24
- (a) must consider whether and, if so, to what extent, the defendant has made a genuine attempt to overcome harmful behaviour related to gambling; and 25
26
27
- (b) may, for deciding that question, have regard to the report of a counsellor appointed to counsel the defendant by an agreement under this section. 28
29
30
- ‘(7) In this section— 31
- “**problem gambler**” means a person whose behaviour indicates a compulsion to gamble, an addiction to gambling, or an inability or disinclination to make rational judgments about gambling.’. 32
33
34

	Amendment of s 118 (Protection of officers etc.)	1
Clause	11. Section 118, ‘section 105 or 106’—	2
	<i>omit, insert—</i>	3
	‘section 105’.	4
	 PART 3—AMENDMENT OF CHARITABLE AND NON-PROFIT GAMING ACT 1999	5 6
	Act amended in pt 3	7
Clause	12. This part amends the <i>Charitable and Non-Profit Gaming Act 1999</i> .	8
	 Replacement of s 3 (Objects of Act)	9
Clause	13. Section 3—	10
	<i>omit, insert—</i>	11
	‘Object	12
	‘3.(1) The overarching object of this Act is to ensure that, on balance, the State and the community as a whole benefit from general gaming.	13 14
	‘(2) The balance is achieved by allowing general gaming subject to a system of regulation and control designed to protect players and the community through—	15 16 17
	(a) ensuring the integrity and fairness of games; and	18
	(b) ensuring the probity of those involved in the conduct of general gaming; and	19 20
	(c) minimising the potential for harm from general gaming.	21
	‘(3) Within the overarching object, the following objects are included—	22
	(a) to set and maintain appropriate standards and levels of accountability for the conduct of general gaming;	23 24
	(b) to ensure the public obtains reasonable net benefits from the	25

Gambling Legislation Amendment

	conduct of general gaming;	1
	(c) to prevent individuals engaged in conducting general gaming from deriving personal gain from it;	2 3
	(d) to maintain and protect the integrity of general gaming;	4
	(e) to maintain public confidence and trust in buying general gaming tickets as a worthwhile way of supporting fundraising activities.’.	5 6
	Amendment of s 10 (Meaning of “eligible association”)	7
Clause	14.(1) Section 10(2)(a)—	8
	<i>omit.</i>	9
	(2) Section 10(4)—	10
	<i>omit, insert—</i>	11
	‘ (4) A constituent unit of an eligible association is also an eligible association.’.	12 13
	Amendment of s 12 (Meaning of “lucky envelopes”)	14
Clause	15. Section 12(3)—	15
	<i>omit, insert—</i>	16
	‘ (3) However, “ lucky envelopes ” does not include—	17
	(a) a promotional game; or	18
	(b) a game in which the determination of the winning ticket depends on a future event.	19 20
	<i>Example for paragraph (b)—</i>	21
	A game in which a ticket becomes a winning ticket if a particular team wins a future sporting match.’.	22 23
	Replacement of s 39 (Who may apply for a category 3 gaming licence)	24
Clause	16. Section 39—	25
	<i>omit, insert—</i>	26

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	‘Who may apply for category 3 gaming licence	1
	‘39. An applicant for a category 3 gaming licence must be—	2
	(a) an incorporated eligible association; or	3
	(b) a parents and citizens association formed under the <i>Education (General Provisions) Act 1989</i> ; or	4 5
	(c) a registered political party under the <i>Electoral Act 1992</i> .’.	6
	Amendment of s 78 (Keeping accounting records)	7
Clause	17. Section 78—	8
	<i>insert—</i>	9
	‘(3) A person required to keep general gaming records must also keep (in addition to other records the person is required to keep) accounting records required under a regulation.	10 11 12
	Maximum penalty for subsection (3)—20 penalty units.’.	13
	Amendment of s 98 (Application for approval of regulated general gaming equipment)	14 15
Clause	18. Section 98(a) and (b)—	16
	<i>omit, insert—</i>	17
	‘(a) approval of regulated general gaming equipment proposed to be used in conducting a game; or	18 19
	(b) approval to modify regulated general gaming equipment used in conducting a game.’.	20 21
	Amendment of sch 2 (Dictionary)	22
Clause	19.(1) Schedule 2, definition “regulated general gaming equipment”—	23
	<i>omit.</i>	24

Gambling Legislation Amendment

(2) Schedule 2—	1
<i>insert—</i>	2
‘ “conviction” includes a finding of guilt, or the acceptance of a plea of guilty, by a court.	3 4
“regulated general gaming equipment” means—	5
(a) a lucky envelope vending machine with a random number generator; or	6 7
(b) equipment with a random number generator intended for the conduct of a promotional game; or	8 9
(c) other general gaming equipment prescribed under a regulation.’.	10
(3) Schedule 2, definition “application”, paragraph (a), ‘division 4’—	11
<i>omit, insert—</i>	12
‘division 2, subdivision 3’.	13

PART 4—AMENDMENT OF GAMING MACHINE ACT 1991

	Act amended in pt 4 and schedule	16
Clause	20. This part and the schedule amend the <i>Gaming Machine Act 1991</i> .	17
	Insertion of new s 1A	18
Clause	21. After section 1—	19
	<i>insert—</i>	20
	‘Object	21
	‘1A.(1) The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from gaming machine gambling.	22 23
	‘(2) The balance is achieved by allowing gaming machine gambling subject to a system of regulation and control designed to protect players and	24 25

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the community through—	1
(a) ensuring the integrity and fairness of games; and	2
(b) ensuring the probity of those involved in the conduct of gaming machine gambling; and	3 4
(c) minimising the potential for harm from gaming machine gambling.’.	5 6

Amendment of s 2 (Definitions) 7

Clause	22.(1) Section 2, definitions “approved game”, “approved place” for the keeping of monitoring records of a licensed monitoring operator, “authorised gaming machine”, “decrease proposal”, “electronic monitoring system”, “increase application”, “interested person” (first mentioned), “main office”, “metered bets”, “metered win”, “privately acquired gaming machine”, “progressive jackpot prize meter”, “public interest”, “rented gaming machine” and “total wins meter”—	8 9 10 11 12 13 14
	<i>omit.</i>	15
	(2) Section 2—	16
	<i>insert—</i>	17
	“ administered receipt ” see <i>Financial Administration and Audit Act 1977</i> , section 4(1).	18 19
	“ application of significant community impact ” means an application mentioned in section 55A(1).	20 21
	“ approved game ” means a game approved by the chief executive under section 281(8).	22 23
	“ approved place ”, for the keeping of monitoring records of a licensed supplier, means—	24 25
	(a) the supplier’s main office; or	26
	(b) a place approved by the chief executive under section 168(1)(a) ¹ for the records.	27 28
	“ authorised gaming machine ”, of a licensee, means a gaming machine	29

¹ Section 168 (Notices about keeping monitoring records)

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purchased or otherwise acquired by the licensee, with the chief executive's approval,² for use for gaming on the licensee's licensed premises.

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

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

“decrease proposal” means (according to context)—

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

“decrease proposal (gaming machines)” means—

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

“decrease proposal (hours of gaming)” means—

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

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

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decrease in the approved hours of gaming for licensed premises of a licensee.	1 2
“electronic monitoring system” means any electronic or computer system or device that is designed to be used, or adapted, to receive data from gaming equipment in relation to the security, accounting or operation of gaming equipment and includes an electronic or computer system or device capable of identifying the player.	3 4 5 6 7
“increase” , of approved hours of gaming, includes a change to hours of gaming that would allow the conduct of gaming on licensed premises at a time when gaming was previously unlawful (even though the change might leave aggregate hours of gaming unchanged or reduce the aggregate).	8 9 10 11 12
“increase application” means (according to context)—	13
(a) an increase application (gaming machines); or	14
(b) an increase application (hours of gaming).	15
“increase application (gaming machines)” means an application made by a licensee under section 81 for an increase in the approved number of gaming machines for licensed premises of the licensee.	16 17 18
“increase application (hours of gaming)” means an application made by a licensee under section 85A for an increase in the approved hours of gaming for licensed premises of the licensee.	19 20 21
“main office” , of a licensed supplier, means—	22
(a) the supplier’s principal place of business in the State; or	23
(b) if the supplier is a corporation and has its registered office in the State—its registered office.	24 25
“metered turnover” , for licensed premises for an assessment period, means the aggregate amount of all bets made on gaming machines on the premises in the assessment period.	26 27 28
“metered win” , for licensed premises for an assessment period, means the amount obtained by subtracting the metered payouts for the premises from the metered turnover for the premises.	29 30 31
“other amounts” , of a department, means amounts received by the department other than amounts received for a fund under this Act.	32 33

Gambling Legislation Amendment

“progressive jackpot prize meter”	means a device for recording amounts that, if won by a player, would be—	1 2
(a)	payable to the player by the licensee as a jackpot payout; or	3
(b)	credited to the credit meter of the player’s gaming machine as a jackpot credit.	4 5
“total wins meter”	means a device for recording amounts (other than amounts recorded on the progressive jackpot prize meter) that, if won by a player, would be—	6 7 8
(a)	payable to the player by the licensee; or	9
(b)	credited to the credit meter of the player’s gaming machine.’.	10
(3)	Section 2, definition “supplier’s licence”, paragraph (a), ‘an operator’s licence’—	11 12
	<i>omit, insert—</i>	13
	‘a monitoring operator’s licence’.	14
(4)	Section 2, definition “supporting material”, for an application for a licence under part 5, paragraph (a), ‘section 200(2)’—	15 16
	<i>omit, insert—</i>	17
	‘section 200(1)(b)’.	18
(5)	Section 2, definition “supporting material”, for an application for a licence under part 5, paragraph (a), ‘section 200(1A)’—	19 20
	<i>omit, insert—</i>	21
	‘section 200(3)(a)’.	22
Amendment of s 17 (Powers of commission)		23
Clause	23. Section 17—	24
	<i>insert—</i>	25
	(2) The commission may issue guidelines.	26
	(3) Without limiting subsection (2), a guideline may give guidance about—	27 28
	(a) the attitude the commission is likely to adopt on a particular	29

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issue; or

- (b) how an applicant for a licence, authorisation or approval should deal with issues involved in the proper formulation of the application or supporting material related to the application.

Examples of subsection (3)—

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

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

‘(5) When a guideline is issued under this section, the Minister must have notice of the issue of the guideline published in the gazette stating—

- (a) the address of a departmental office at which the guideline may be inspected; and
- (b) a website address at which a copy of the guideline may be inspected and from which a copy of the guideline may be downloaded.

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

- (a) the operation of this Act, any other gaming Act that assigns functions to the commission; or
- (b) issues related to gambling (including the identification of issues requiring further research) under this Act or another Act that assigns functions to the commission.’

Amendment of s 29 (Appeals to the Minister)

Clause 24.(1) Section 29(1)—

omit, insert—

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-
- ‘29.(1)** A person— 1
- (a) who may be adversely affected by an approval under 2
section 54(6) and to whom a notice has been given under 3
section 54(8); or 4
 - (b) who is or was an applicant for or a holder of a licence under this 5
Act and is aggrieved by a decision or determination referred to in 6
subsection (9) or (10); 7
- may appeal against the decision or determination to the Minister.’. 8
- (2)** Section 29(9)— 9
- insert—* 10
- ‘(ba) under section 59(2)(a)(ii), fixing hours of gaming for premises 11
that differ from the hours of gaming sought in the relevant 12
application for the premises; or 13
 - (da) under section 64(2)(b), fixing hours of gaming for additional 14
premises that differ from the hours of gaming sought in the 15
relevant additional premises application; or 16
 - (ha) under section 85C(1)(c), refusing to approve an increase in 17
approved hours of gaming for a licensee’s licensed premises; or 18
 - (hb) under section 85C(1)(b), approving an increase in the approved 19
hours of gaming for a licensee’s licensed premises that differs 20
from an increase sought in the relevant application; or 21
 - (ka) under section 90C(1)(c), refusing, for a decrease proposal that is 22
an application, to approve a decrease in the approved hours of 23
gaming for a licensee’s licensed premises; or 24
 - (kb) under section 90C(1)(b), approving, for a decrease proposal that 25
is an application, a decrease in the approved hours of gaming for a 26
licensee’s licensed premises that is a modification of the proposal 27
contained in the relevant application; or 28
 - (kc) under section 90C(1)(a), approving, for a decrease proposal that is 29
a request or a report, a decrease in the approved hours of gaming 30
for a licensee’s licensed premises; or’ 31

	Amendment of s 30 (Minister’s determination of appeals)	1
Clause	25. Section 30(1)(b), ‘14 days’—	2
	<i>omit, insert—</i>	3
	‘28 days’.	4
	Insertion of new pt 3, div 1 hdg	5
Clause	26. Before section 55—	6
	<i>insert—</i>	7
	‘Division 1—Authorisation of gaming machine gambling’.	8
	Insertion of new pt 3, div 2 and div 3 hdg	9
Clause	27. After section 55—	10
	<i>insert—</i>	11
	‘Division 2—General requirements for applications of significant community impact	12
		13
	‘Applications of significant community impact	14
	‘55A.(1) The following applications are applications of significant community impact—	15
		16
	(a) an application for a gaming machine licence;	17
	(b) an application for additional licensed premises;	18
	(c) an application to have the approved number of gaming machines for licensed premises increased by a significant number (to be fixed under a regulation);	19
		20
		21
	(d) another application that the chief executive designates, by written notice to the applicant, as an application of significant community impact.	22
		23
		24
	‘(2) The chief executive must make available for inspection, in the office of the department at Brisbane, a list of all applications currently before the chief executive that are of significant community impact.	25
		26
		27

‘(3) The list must include—	1
(a) the nature of each application; and	2
(b) the location of premises to which each application relates.	3
‘Community impact statement and statement of responsible gambling initiatives required for application of significant community impact	4
	5
‘55B.(1) An application of significant community impact must be accompanied by—	6
	7
(a) a community impact statement; and	8
(b) a statement of responsible gambling initiatives for the licensed premises or proposed licensed premises.	9
	10
‘(2) The purpose of a community impact statement is to help the commission assess the social and economic implications of the grant of the application.	11
	12
	13
‘(3) The purpose of the statement of responsible gambling initiatives is to help the commission assess the adequacy of the applicant’s approach to encouraging responsible gambling.	14
	15
	16
‘(4) In preparing a community impact statement or a statement of responsible gambling initiatives, the applicant must have regard to relevant guidelines issued by the commission.	17
	18
	19
‘(5) A community impact statement and a statement of responsible gambling initiatives are to be regarded as part of the supporting material for an application.	20
	21
	22
‘Advertisement of application of significant community impact	23
‘55C.(1) An application of significant community impact must be advertised as required under this section.	24
	25
‘(2) The applicant must—	26
(a) in a form, and on days, approved by the chief executive generally or in a particular case, publish notice of the application, at the applicant’s expense—	27
	28
	29
(i) once in the gazette; and	30

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(ii) twice in a newspaper circulating in the locality; and	1
(b) display a copy of the notice on the premises to which the application relates on a sign the dimensions of which (including dimensions of the print) are approved by the chief executive, generally or in a particular case; and	2 3 4 5
(c) ensure the copy is displayed conspicuously for 28 days immediately before the last day for the filing of community comments on the application.	6 7 8
‘(3) If the applicant is also making an application under the <i>Liquor Act 1992</i> , the chief executive and the liquor licensing authority may approve a composite notice to be published and displayed under subsection (2) and the corresponding provision of the <i>Liquor Act 1992</i> .	9 10 11 12
‘(4) The applicant must give to the chief executive evidence of satisfying the publication and display requirements under this section.	13 14
‘Community comments	15
‘55D.(1) If an application is advertised as required by section 55C, any member of the public may comment on the application, by writing filed with the chief executive on or before the last day for filing comments as specified in the relevant notice under section 55C(2).	16 17 18 19
<i>Examples of subsection (1)—</i>	20
1. A member of the public might comment on how he or she expects the grant of the application would contribute to, or detract from, a sense of community in the relevant locality.	21 22 23
2. A member of the public might comment on the effect the grant of the application might have for persons in, or travelling to or from, an existing or proposed place of public worship, child care centre or school.	24 25 26
3. A member of the public might comment on the effect the grant of the application would have on the amenity or character of the locality to which it relates.	27 28 29
‘(2) The commission may disregard comments on subjects that lie beyond a scope indicated in the commission’s guidelines.	30 31
<i>Examples of subsection (2)—</i>	32
1. The commission’s guidelines might exclude comments based on the morality of gambling or the commentator’s personal views about gambling.	33 34

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2. The commission’s guidelines might exclude comments of a kind that might be more appropriately considered and dealt with under the <i>Liquor Act 1992</i> .	1 2
3. The commission’s guidelines might exclude commentary of a statistical nature about the adverse effects of gambling in locations unrelated to the location to which the application relates.	3 4 5
‘(3) Comments may be made individually or collectively by a group of members of the public.	6 7
‘(4) In this section—	8
“ member of the public ” means an adult individual, corporation or other organisation, that in the chief executive’s opinion—	9 10
(a) has a proper interest in the locality concerned; and	11
(b) is likely to be affected by the grant of the application.	12
‘Procedure on receipt of community comments	13
‘55E.(1) The chief executive must give to the applicant written notice of all community comments properly made on an application advertised under section 55C.	14 15 16
‘(2) The notice—	17
(a) must include a copy of the comments; and	18
(b) must be given to the applicant within 14 days after the last day for filing comments as specified in the relevant notice under section 55C(2).	19 20 21
‘Chief executive’s power to invite representations	22
‘55F. The chief executive may invite representations on an application of substantial community impact from—	23 24
(a) the local government for the area in which the premises for which the licence is sought are situated; and	25 26
(b) from any other entity that has, in the chief executive’s opinion, a proper interest in the matter.	27 28

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Example of paragraph (b)— 1

The chief executive might invite representations on the application from the 2
local Member of the Legislative Assembly. 3

‘Waiver or variation of requirement of this division 4

‘55G. The chief executive may waive or vary a requirement under this 5
division if the chief executive is satisfied compliance with the requirement is 6
not necessary or the requirement may be relaxed— 7

(a) because the application does not involve a significant change to 8
the licensed premises or the nature or extent of the gaming carried 9
on from the licensed premises; or 10

(b) because of the remote location of the premises; or 11

(c) because the purpose of the requirement has been, or can be, 12
achieved by other means; or 13

(d) because of other special circumstances. 14

‘Division 3—Applications for gaming machine licences’. 15

Amendment of s 56 (Application for gaming machine licences) 16

Clause **28.** Section 56(5)— 17

insert— 18

‘(ja) is to specify— 19

(i) the hours of gaming for which the licence is sought; and 20

(ii) if the application relates to 2 or more premises—the hours of 21
gaming sought for each of the premises; and’. 22

	Amendment of s 57 (Recommendation by chief executive about application for gaming machine licence)	1
		2
Clause	29.(1) Section 57(6)—	3
	<i>omit, insert—</i>	4
	‘ (6) If the chief executive considers a proposed location for the installation of gaming machines (as shown on the plan of the subject premises accompanying the application, or that plan as amended and resubmitted, or as last amended and resubmitted, under this subsection) is unsuitable, the chief executive must—	5
		6
		7
		8
		9
	(a) by written notice, advise the applicant accordingly; and	10
	(b) return the plan to the applicant; and	11
	(c) either—	12
	(i) ask the applicant to amend, or further amend, and resubmit the plan within the time stated in the notice; or	13
		14
	(ii) inform the applicant that the chief executive proposes to recommend that a gaming machine licence be refused on the ground that gaming machines can not be appropriately located in the subject premises.’	15
		16
		17
		18
	(2) Section 57(8)—	19
	<i>insert—</i>	20
	‘(ba)the grant of the licence would be contrary to a guideline issued by the commission under section 17; or’.	21
		22
	(3) Section 57(10)—	23
	<i>omit, insert—</i>	24
	‘ (10) If the chief executive recommends the grant of a gaming machine licence, the chief executive must advise the commission on—	25
		26
	(a) the number of gaming machines the chief executive considers are appropriate for the subject premises, or each of the subject premises; and	27
		28
		29

- (b) the hours of gaming the chief executive considers are appropriate for the subject premises, or each of the subject premises.³. 1
2

Amendment of s 58 (Decision on application for gaming machine licence) 3
4

- Clause 30. Section 58(2)— 5
omit, insert— 6
‘(2) In making its decision, the commission must have regard to— 7
(a) any supporting material for the application; and 8
(b) any relevant community comments on the application; and 9
(c) any representations made in response to an invitation under section 55F.’. 10
11

Replacement of ss 59 and 60 12

- Clause 31. Sections 59 and 60— 13
omit, insert— 14
‘**Number of gaming machines and hours of gaming to be fixed on grant of gaming licence** 15
16
‘59.(1) This section applies if the commission decides to grant a gaming machine licence. 17
18
‘(2) The commission must— 19
(a) if the application relates to single premises only— 20
(i) fix the number of gaming machines that may, for the licence, be installed on the premises; and 21
22
(ii) fix the hours of gaming for the premises; or 23
(b) if the application relates to 2 or more premises, fix for each of the premises— 24
25

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

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(i) the number of gaming machines that may, for the licence, be installed on the premises; and	1 2
(ii) the hours of gaming for the premises.	3
‘(3) If the number of gaming machines and the hours of gaming fixed for premises are as sought in the application, the chief executive must immediately give written notice of the decision to the applicant.	4 5 6
‘(4) If the number of gaming machines and the hours of gaming fixed for premises are not as sought in the application, the chief executive must immediately give the applicant an information notice for the decision.	7 8 9
‘Basis on which number of gaming machines to be installed in premises and hours of gaming are to be decided	10 11
‘60.(1) This section deals with the basis on which—	12
(a) the chief executive is to give advice on the number of gaming machines to be installed in, or the hours of gaming for, premises; ⁴ and	13 14 15
(b) the commission is to decide the number of gaming machines to be installed in, or the hours of gaming for, premises. ⁵	16 17
‘(2) The chief executive and the commission must have regard to—	18
(a) the number of gaming machines, and the hours of gaming, sought in the application for the gaming machine licence; and	19 20
(b) any supporting material for the application; and	21
(c) any relevant community comments on the application; and	22
(d) any relevant representations made to the commission on the application in response to an invitation under section 55F; and	23 24
(e) the size and layout of, and facilities on, the premises; and	25
<i>Example for paragraph (e)—</i>	26
The chief executive and the commission must have regard to whether	27

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

⁵ See section 59.

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automatic teller machines are installed on the premises and, if so, the proximity of the gaming machine areas to automatic teller machines.	1 2
(f) the size and layout of the proposed gaming machine areas for the premises.	3 4
‘(3) The chief executive and the commission may also have regard to—	5
(a) the liquor consumption for the premises to which the application relates; and	6 7
(b) the hours and days when the premises are open for the sale of liquor; and	8 9
(c) the anticipated level of gaming on the premises; and	10
(d) for an application by a club—the number of members of the club; and	11 12
(e) any other matters the chief executive or the commission considers relevant.	13 14
‘(4) If the gaming machine licence is to relate to single premises only, the number of gaming machines recommended or fixed must not be greater than—	15 16 17
(a) the number sought in the application; or	18
(b) the maximum number prescribed under a regulation for the category of licensed premises to which the premises will belong.	19 20
‘(5) If the gaming machine licence is to relate to 2 or more premises—	21
(a) the number of gaming machines recommended or fixed for particular premises must not be greater than the number sought in the application for the premises; and	22 23 24
(b) the total number of gaming machines recommended or fixed for both or all the premises must not be greater than the maximum number prescribed under a regulation for category 2 licensed premises.	25 26 27 28
‘(6) For subsection (5)—	29
(a) a gaming machine licence is taken to relate to 2 or more premises if the licensee operates gaming machines on premises in another State or Territory; and	30 31 32

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- (b) in working out whether a limit fixed under subsection (5)(b) has been exceeded, gaming machines operated by the licensee in another State or Territory are to be brought into account as if they were gaming machines installed in licensed premises in Queensland.

‘Division 4—Application for additional licensed premises’. 6

Amendment of s 61 (Application for additional licensed premises) 7

- Clause **32.** Section 61(3)(f)— 8
omit, insert— 9
 ‘(f) state— 10
 (i) the number of gaming machines intended to be installed on the additional premises; and 11
 (ii) the hours of gaming sought for the additional premises; and’. 12
 13
 14

Amendment of s 62 (Recommendation by chief executive about additional premises application) 15
 16

- Clause **33.(1)** Section 62(5)— 17
omit, insert— 18
 ‘(5) In making a recommendation, the chief executive must have regard to— 19
 20
 (a) any supporting material for the application; and 21
 (b) any community comments on the application.’. 22
(2) Section 62(8) and (9)— 23
omit, insert— 24
 ‘(8) If the chief executive recommends that approval of the additional premises be given, the chief executive must advise the commission on— 25
 26
 (a) the number of gaming machines the chief executive considers are appropriate for the premises; and 27
 28

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- (b) the hours of gaming the chief executive considers are appropriate for the premises. 1
2
- ‘(9) For giving advice for subsection (8), the chief executive— 3
- (a) must have regard to the number of gaming machines, and the hours of gaming, sought in the application for the additional premises; and 4
5
6
- (b) must have regard to any supporting materials for the application; and 7
8
- (c) must have regard to any relevant community comments on the application; and 9
10
- (d) may have regard to the matters, in relation to the additional premises, to which the chief executive is authorised to have regard in giving corresponding advice for an application for a gaming machine licence.⁶. 11
12
13
14

Amendment of s 63 (Decision on additional premises application) 15

- Clause 34. Section 63(3)— 16
- insert—* 17
- ‘(ba) must have regard to any relevant community comments on the application; and’. 18
19

**Replacement of s 64 (Fixing number of gaming machines for additional premises) 20
21**

- Clause 35. Section 64— 22
- omit, insert—* 23
- ‘Fixing number of gaming machines and hours of gaming for additional premises 24
25**
- ‘64.(1) This section applies if the commission decides to approve additional premises as premises to which the applicant’s gaming machine 26
27

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

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-
- licence (the “**existing licence**”) relates. 1
- ‘(2) The commission must— 2
- (a) fix the number of gaming machines that may be installed on the 3
additional premises; and 4
 - (b) fix the hours of gaming for the additional premises. 5
- ‘(3) In fixing the number of gaming machines, and the hours of gaming 6
for additional premises, the commission— 7
- (a) must have regard to the number of gaming machines, and the 8
hours of gaming, sought in the additional premises application; 9
and 10
 - (b) must have regard to any supporting materials for the application; 11
and 12
 - (c) must have regard to any relevant community comments on the 13
application; and 14
 - (d) may have regard to the matters, in relation to the additional 15
premises, to which the commission is authorised to have regard 16
in making a corresponding decision on an application for a 17
gaming machine licence.⁷ 18
- ‘(4) The number of gaming machines fixed under subsection (2)— 19
- (a) must not be greater than the number sought in the application; and 20
 - (b) must be a number that, when added to the approved number, or 21
total approved number, of gaming machines for the existing 22
premises, does not result in a total number of gaming machines 23
that is greater than the maximum number prescribed under a 24
regulation for category 2 licensed premises. 25
- ‘(5) If the number of gaming machines and the hours of gaming fixed 26
for the additional premises are as sought in the additional premises 27
application, the chief executive must immediately give written notice of the 28
decision to the applicant. 29
- ‘(6) If the number of gaming machines and the hours of gaming fixed 30

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

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	for the additional premises are not as sought in the additional premises application, the chief executive must immediately give the applicant an information notice for the decision.’	1 2 3
	Insertion of new pt 3, div 5 hdg	4
Clause	36. Before section 66—	5
	<i>insert—</i>	6
	<i>‘Division 5—Change of circumstance’.</i>	7
	Insertion of new pt 3, div 6 hdg	8
Clause	37. Before section 68—	9
	<i>insert—</i>	10
	<i>‘Division 6—Gaming machine licences generally’.</i>	11
	Omission of s 79 (Removal of rented gaming machines)	12
Clause	38. Section 79—	13
	<i>omit.</i>	14
	Insertion of new pt 3, div 7 hdg	15
Clause	39. Before section 81—	16
	<i>insert—</i>	17
	<i>‘Division 7—Increase of approved number of gaming machines’.</i>	18
	Amendment of s 83 (Decision on increase application)	19
Clause	40. Section 83—	20
	<i>insert—</i>	21
	‘(7) If the approved number of gaming machines for licensed premises has been fixed (or increased or decreased) within the last 12 months, the	22 23

commission may only approve an increase in the approved number of gaming machines if there are exceptional reasons for the increase.’. 1
2

Amendment of s 84 (Matters to be taken into account for increase application) 3
4

Clause **41.** Section 84(3)— 5

omit, insert— 6

‘(3) The commission or the chief executive must have regard to— 7

(a) the increased number of gaming machines sought in the application; and 8
9

(b) any supporting material for the application; and 10

(c) any relevant community comments on the application.’. 11

Insertion of new pt 3, div 8 and div 9 hdg 12

Clause **42.** After section 85— 13

insert— 14

‘Division 8—Increase of approved hours of gaming 15

‘Application to increase approved hours of gaming 16

‘**85A.(1)** A licensee may apply to have the approved hours of gaming for licensed premises of the licensee increased. 17
18

‘(2) A proposed change to the approved hours of gaming for licensed premises is taken to be an increase if the change would allow the conduct of gaming on the licensed premises at a time when gaming was previously unlawful (even though the change might reduce aggregate hours of gaming or leave the aggregate unchanged). 19
20
21
22
23

‘(3) An application must— 24

(a) be in the approved form; and 25

(b) be given to the chief executive; and 26

(c) be signed in the same way as an application for a gaming machine 27

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- licence is required to be signed;⁸ and 1
- (d) if the licensee’s gaming machine licence relates to 2 or more 2
premises—state the premises to which the application relates; and 3
- (e) state the hours of gaming for which approval is sought. 4
- ‘Recommendation by chief executive about increase application 5**
- ‘85B.(1) The chief executive must— 6**
- (a) consider an increase application received by the chief executive; 7
and 8
- (b) after considering the application—make a recommendation to the 9
commission about the application.⁹ 10
- ‘(2) The recommendation must be a recommendation that— 11**
- (a) approval for the increase sought in the application be given; or 12
- (b) approval be given for an increase that is less than the increase 13
sought in the application; or 14
- (c) approval for an increase be refused. 15
- ‘(3) In considering an increase application, the chief executive may, by 16
written notice given to the applicant, require the applicant, within a 17
reasonable time stated in the notice, to give the chief executive further 18
information or a document that is necessary and reasonable to help the chief 19
executive make a recommendation. 20**
- ‘(4) The chief executive may recommend that approval for an increase be 21
refused if the applicant fails to comply with a requirement of the chief 22
executive under subsection (3) without a reasonable excuse. 23**
- ‘(5) The chief executive is not required to make a recommendation about 24
an increase application under this section if the commission has delegated its 25
powers under section 85C in relation to the application to the chief 26
executive. 27**

⁸ See section 56(5)(b) and (c) and (7).

⁹ Section 89D sets out matters to which the chief executive must, or may, have regard in making a recommendation about an increase application.

‘Decision on increase application	1
‘85C.(1) The commission may, in relation to an increase application—	2
(a) approve the hours of gaming sought by the applicant; or	3
(b) approve an increase that differs from the increase sought by the applicant; or	4 5
(c) refuse to approve an increase to the hours of gaming for the licensed premises.	6 7
‘(2) Before making its decision, the commission may, by written notice given to the applicant, require the applicant, within a reasonable time stated in the notice, to give the commission further information or a document that is necessary and reasonable to help the commission make the decision.	8 9 10 11
‘(3) In making its decision, the commission must have regard to any recommendation of the chief executive about the application. ¹⁰	12 13
‘(4) The commission may refuse to approve an increase if the applicant, without a reasonable excuse, fails to comply with—	14 15
(a) a requirement of the chief executive under section 85B(3); or	16
(b) a requirement of the commission under subsection (2).	17
‘(5) If the commission approves an increase as sought by the licensee, the chief executive must immediately give written notice of the decision to the licensee.	18 19 20
‘(6) If the commission refuses to approve an increase, or approves an increase that differs from the increase sought in the application, the chief executive must immediately give the licensee an information notice for the decision.	21 22 23 24
‘Matters to be taken into account for increase application	25
‘85D.(1) This section applies to the chief executive in making a recommendation to the commission about an increase application.	26 27
‘(2) This section also applies to the commission in deciding an	28

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

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increase application.	1
‘(3) The chief executive and the commission must have regard to—	2
(a) the increase in approved hours of gaming sought in the application; and	3 4
(b) any supporting material for the application; and	5
(c) any relevant community comments on the application.	6
‘(4) The chief executive and the commission also may have regard to—	7
(a) the hours and days when the licensed premises are open for the sale of liquor; and	8 9
(b) any other matters the chief executive or the commission considers relevant.	10 11

‘Division 9—Decrease of approved number of gaming machines’. 12

Amendment of s 88 (Decision on decrease proposal) 13

Clause 43. Section 88(5)—	14
<i>omit, insert—</i>	15
‘(5) If the commission approves a decrease in the approved number of gaming machines for licensed premises of a licensee, the chief executive must approve the way in which the gaming machines subject to the decrease may be disposed of.’.	16 17 18 19

Amendment of s 90 (Surrender or disposal of gaming machines on approval of decrease) 20
21

Clause 44. Section 90(2), (3) and (4)—	22
<i>omit, insert—</i>	23
‘(2) The licensee must, within the required time, dispose of the number	24

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	of gaming machines stated for the decrease. ¹¹	1
	‘(3) For subsection (2), the required time for disposing of the gaming machines is—	2 3
	(a) the period ending 1 month after the licensee receives notice of the decision approving the decrease; or	4 5
	(b) if the chief executive extends, or further extends, the period for taking the action, by written notice given to the licensee in the period or extended period—the period as extended.’.	6 7 8
	Insertion of new pt 3, div 10 and div 11 hdg	9
Clause	45. After section 90—	10
	<i>insert—</i>	11
	<i>‘Division 10—Decrease of approved hours of gaming</i>	12
	‘Proposals to decrease approved hours of gaming	13
	‘90A.(1) A licensee may apply to have the approved hours of gaming for licensed premises of the licensee decreased.	14 15
	‘(2) An approved authority may request that the approved hours of gaming for licensed premises of a licensee be decreased.	16 17
	‘(3) An inspector may make a report—	18
	(a) relating to a material change affecting a licensee that has happened since the licensee was granted a gaming machine licence; and	19 20
	(b) recommending that the approved hours of gaming for the licensee’s licensed premises be decreased.	21 22
	‘(4) An application, request or report must—	23
	(a) be in writing; and	24
	(b) be given to the chief executive; and	25

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

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- (c) state the hours of gaming that would apply to the licensed premises if the decrease were to be approved. 1
2
- ‘(5) For subsection (3), a change is a material change affecting a licensee if the change is— 3
4
- (a) a general change of conditions in the neighbourhood in which the licensee’s licensed premises are situated; or 5
6
- (b) a change in the licensee’s circumstances; or 7
- (c) a change in any of the matters to which the chief executive or the commission is authorised to have regard in fixing the hours of gaming for the licensed premises.¹² 8
9
10
- ‘Recommendation by chief executive about decrease proposal (hours of gaming)** 11
12
- ‘90B.(1) The chief executive must— 13
- (a) consider a decrease proposal (hours of gaming) received by the chief executive; and 14
15
- (b) after considering the proposal—make a recommendation to the commission about the proposal.¹³ 16
17
- ‘(2) The recommendation must be a recommendation that— 18
- (a) approval for the decrease sought or recommended in the proposal be given; or 19
20
- (b) approval be given for a decrease that is less than the decrease sought or recommended in the proposal; or 21
22
- (c) approval for a decrease be refused. 23
- ‘(3) If the decrease proposal (hours of gaming) is a request or a report, the chief executive must, before making a recommendation— 24
25
- (a) by written notice given to the licensee affected by the proposal, 26

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

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

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-
- advise the licensee of the relevant details of the proposal; and 1
- (b) by the notice, invite the licensee to make a written submission 2
about the proposal within a reasonable time stated in the notice; 3
and 4
- (c) consider any written submission of the licensee received by the 5
chief executive within the time stated in the notice. 6
- ‘(4) The chief executive’s recommendation must be accompanied by any 7
submission required to be considered by the chief executive under 8
subsection (3)(c). 9
- ‘(5) If the commission has delegated its powers under section 90C in 10
relation to a decrease proposal (hours of gaming) to the chief executive, the 11
chief executive— 12
- (a) is not required to make a recommendation about the proposal 13
under this section; but 14
- (b) must take the action mentioned in subsection (3) as if the chief 15
executive were dealing with the proposal for making a 16
recommendation under this section. 17
- ‘Decision on decrease proposal (hours of gaming)** 18
- ‘90C.(1) The commission may, in relation to a decrease proposal (hours 19
of gaming)— 20
- (a) approve the proposal without modification; or 21
- (b) modify the proposal and approve the proposal as modified by the 22
commission; or 23
- (c) refuse to approve the proposal. 24
- ‘(2) In making its decision, the commission must have regard to— 25
- (a) any recommendation of the chief executive about the decrease 26
proposal (hours of gaming); and 27
- (b) any submission accompanying the recommendation. 28
- ‘(3) If the decrease proposal (hours of gaming) is an application, the 29
commission— 30
- (a) must not refuse to approve a decrease if the refusal is likely to 31

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impose an unreasonable financial burden on the licensee; and	1
(b) may not approve a decrease that is greater than the decrease sought in the application.	2 3
‘(4) If the decrease proposal (hours of gaming) is a request or report, the commission may not approve a decrease if the approval is likely to impose an unreasonable financial burden on the licensee.	4 5 6
‘(5) The chief executive must immediately give written notice of a decision of the commission under subsection (1) to the licensee if—	7 8
(a) the decision relates to an application and is a decision approving the decrease as sought in the application; or	9 10
(b) the decision relates to a request or report and is a decision refusing to approve a decrease.	11 12
‘(6) The chief executive must immediately give the licensee an information notice for a decision of the commission under subsection (1) if—	13 14 15
(a) the decision relates to an application and is a decision—	16
(i) refusing to approve a decrease; or	17
(ii) approving a decrease that differs from the decrease sought in the application; or	18 19
(b) the decision relates to a request or report and is a decision approving a decrease.	20 21
‘Matters to be taken into account for decrease proposal (hours of gaming)	22 23
‘90D.(1) This section applies to the chief executive in making a recommendation to the commission about a decrease proposal (hours of gaming).	24 25 26
‘(2) This section also applies to the commission in deciding a decrease proposal (hours of gaming).	27 28
‘(3) The chief executive and the commission must have regard to the decrease sought or recommended in the proposal.	29 30
‘(4) The chief executive and the commission also may have regard to the	31

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	following matters—	1
	(a) the public interest;	2
	(b) whether or not there are any other licensed premises in close proximity to the licensed premises to which the decrease proposal (hours of gaming) relates (the “ subject premises ”);	3 4 5
	(c) the interests of persons using the subject premises;	6
	(d) if the licensee of the subject premises is a category 2 licensee—	7
	(i) the interest of the members of the licensee; and	8
	(ii) whether or not the members have indicated support for a decrease in the approved hours of gaming for the premises.	9 10
	<i>‘Division 11—Relocation of gaming machine areas’.</i>	11
	Insertion of new pt 3, div 12 hdg	12
Clause	46. Before section 92—	13
	<i>insert—</i>	14
	<i>‘Division 12—Disclosure and investigations’.</i>	15
	Insertion of new pt 3, div 13 hdg	16
Clause	47. Before section 95—	17
	<i>insert—</i>	18
	<i>‘Division 13—Surrender, suspension, cancellation etc.’.</i>	19
	Amendment of s 95 (Surrender of gaming machine licences)	20
Clause	48.(1) Section 95(5)—	21
	<i>omit, insert—</i>	22
	‘(5) As soon as practicable after receiving the documents mentioned in subsection (1), the chief executive must, by written notice given to the licensee, approve the way in which the gaming machines may be disposed of.’.	23 24 25 26

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	(2) Section 95(11), definition “clearance day”—	1
	<i>omit, insert—</i>	2
	‘ “clearance day” , for the surrender of a gaming machine licence, means the day on which the chief executive becomes satisfied that the licensee has disposed of the gaming machines for the surrender.’.	3 4 5
	Amendment of s 97 (Cancellation or suspension of gaming machine licences and letters of censure)	6 7
Clause	49. Section 97(1)(a)(iii)—	8
	<i>omit, insert—</i>	9
	‘(iii) acquires, installs, locates, relocates or uses any gaming machine on the licensed premises contrary to this Act; or’.	10 11
	Amendment of s 104 (Recovery or disposal of gaming machines and other property on cancellation or non-renewal of gaming machine licence)	12 13 14
Clause	50. Section 104(2) and (3)—	15
	<i>omit, insert—</i>	16
	‘(3) The chief executive must, by written notice given to the person who held the licence, immediately approve the way in which the gaming machines may be disposed of.’.	17 18 19
	Replacement of s 109 (Continuance of licences in certain circumstances)	20 21
Clause	51. Section 109—	22
	<i>omit, insert—</i>	23
	‘Special authorisation to conduct gaming	24
	‘109.(1) This section applies if—	25
	(a) a person holds licences under the <i>Liquor Act 1992</i> and this Act for the same premises; and	26 27
	(b) a person applies under the <i>Liquor Act 1992</i> , part 5, division 2 for	28

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authorisation to conduct the business of a licensee under that Act
on the premises.

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

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

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

(a) is authorised to conduct gaming on the licensed premises as if the
substitute licensee were the licensee under the gaming machine
licence; and

(b) is subject to all the liabilities of the licensee under the gaming
machine licence.

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

(a) the chief executive gives written notice of termination to the
substitute licensee; or

(b) the authorisation under the *Liquor Act 1992* is revoked or comes
to an end.’

Amendment of s 139 (Grounds for suspension or cancellation)

Clause **52.(1)** Section 139(1)(c)—

omit, insert—

‘(ba) is required to comply with any written direction given to the
licensee or associate by the commission or chief executive, and
fails to comply with the direction; or

(bb) is required under this Act to supply information or material to the
commission, the chief executive or an inspector, and fails to
supply the information or material or supplies information or

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

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material that, to the knowledge of the licensee or associate, is false or misleading in a material particular; or

- (c) contravenes a provision of this Act (not being a provision a contravention of which is an offence against this Act, or a provision imposing a requirement of a kind mentioned in paragraph (ba) or (bb)); or’.

(2) Section 139(1)(d), ‘associates’—

omit, insert—

‘associate’s’.

Amendment of s 168 (Notices about keeping monitoring records)

Clause **53.** Section 168(1)—

omit, insert—

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

- (a) approve, as a place at which the supplier may keep the supplier’s monitoring records, a place, other than the supplier’s main office, nominated by the supplier; or
- (b) specify a monitoring record of the supplier (an “**exempt record**”) that may be kept at a place that is not an approved place for the keeping of the record; or
- (c) specify a monitoring record of the supplier that may be kept temporarily at a place (a “**holding place**”) that is not an approved place for the keeping of the record, and the period for which, or the circumstances in which, the record may be kept at the holding place; or
- (d) approve the keeping of information contained in a monitoring record of the supplier in a way different from the way the information was originally kept; or
- (e) approve the destruction of a monitoring record the chief executive considers need not be kept.’.

	Replacement of s 169 (Places at which monitoring records to be kept)	1
Clause	54. Section 169—	2
	<i>omit, insert—</i>	3
	‘Places at which monitoring records to be kept	4
	‘169.(1) A licensed supplier must keep the supplier’s monitoring records	5
	at a place that is an approved place for the keeping of the records.	6
	Maximum penalty—40 penalty units.	7
	‘(2) Subsection (1) does not apply to an exempt monitoring record.’.	8
	Amendment of s 170 (Period for which monitoring records to be kept)	9
Clause	55. Section 170(1) and (2)—	10
	<i>omit, insert—</i>	11
	‘170.(1) A licensed supplier must keep a monitoring record of the	12
	supplier for 5 years after the end of the transaction to which the record	13
	relates.	14
	Maximum penalty—40 penalty units.	15
	‘(2) Subsection (1) does not apply to a monitoring record if—	16
	(a) the information previously contained in the record is kept in	17
	another way under an approval of the chief executive; or	18
	(b) the record has been destroyed under an approval of the chief	19
	executive.’.	20
	Amendment of s 195 (Nominees of licensees)	21
Clause	56. Section 195(3)—	22
	<i>omit, insert—</i>	23
	‘(3) A licensee’s nominee must, for the licensed premises for which the	24
	nominee is the licensee’s nominee, ensure the conduct of gaming is in	25
	accordance with the authority conferred by the licensee’s gaming machine	26
	licence.	27
	Maximum penalty for subsection (3)—200 penalty units.’.	28

	Amendment of s 200 (Recommendation by chief executive about applications)	1
		2
Clause	57. Section 200(5)—	3
	<i>insert—</i>	4
	‘(f) whether the applicant has, or is able to obtain, the services of persons with appropriate business ability, knowledge or experience to enable the applicant to conduct operations successfully under a licence of the kind to which the application relates.’.	5
		6
		7
		8
		9
	Replacement of s 229 (Advertising gaming)	10
Clause	58. Section 229—	11
	<i>omit, insert—</i>	12
	‘Advertisements related to gaming	13
	‘229.(1) This section applies to an advertisement about—	14
	(a) gaming; or	15
	(b) the conduct of gaming; or	16
	(c) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment.	17
		18
		19
	‘(2) A person who publishes, or authorises the publication of, an advertisement to which this section applies must take reasonable steps to ensure the advertisement—	20
		21
		22
	(a) is not indecent or offensive; and	23
	(b) is based on fact; and	24
	(c) is not false, deceptive or misleading in a material particular.’.	25

	Amendment of s 230 (Directions about advertising)	1
Clause	59. Section 230(1)—	2
	<i>omit, insert—</i>	3
	‘ 230.(1) If the chief executive reasonably believes an advertisement to which section 229 applies does not comply with that section, the chief executive may direct the person appearing to be responsible for authorising the advertisement to take appropriate steps—	4
		5
		6
		7
	(a) to stop publication of the advertisement; or	8
	(b) to change the advertisement.’	9
	Amendment of s 235 (Hours of gaming)	10
Clause	60.(1) Section 235(a)—	11
	<i>omit, insert—</i>	12
	‘(a) outside the hours of gaming fixed for the licensed premises by the commission; or’	13
		14
	(2) Section 235—	15
	<i>insert—</i>	16
	‘ (2) The hours of gaming fixed for licensed premises can not extend to any time when, under the liquor licence relating to the premises, liquor is not permitted to be consumed in the licensed premises.’	17
		18
		19
	Amendment of s 238 (Licensees or employees not to extend credit)	20
Clause	61. Section 238—	21
	<i>insert—</i>	22
	‘ (3) If a cash advance is made to a person in circumstances where a licensee or an employee of a licensee knows, or ought reasonably to know, that the person intends to use the cash advance for gaming, the licensee or employee must not represent that the cash advance was made for some other purpose.	23
		24
		25
		26
		27
	Maximum penalty for subsection (3)—200 penalty units.’	28

Gambling Legislation Amendment

	Insertion of new s 242A	1
Clause	62. After section 242—	2
	<i>insert—</i>	3
	‘Unclaimed payments	4
	‘242A.(1) If a person entitled to a non-monetary payment in relation to playing a gaming machine does not collect the payment within 3 months after the person becomes entitled to the payment, the relevant person may—	5
		6
		7
	(a) dispose of the payment by public auction or tender or in some other way approved by the chief executive; and	8
		9
	(b) pay for the disposal from the proceeds of sale.	10
	‘(2) Also, the relevant person must deal with any amount remaining from the proceeds of sale as required under subsection (4).	11
		12
	Maximum penalty—100 penalty units.	13
	‘(3) If a person is entitled to a monetary payment in relation to playing a gaming machine and the amount is not paid within 3 months after the person becomes entitled to the payment, the relevant person must, within 14 days after the end of the 3 months, deal with the amount as required under subsection (4).	14
		15
		16
		17
		18
	Maximum penalty—100 penalty units.	19
	‘(4) The relevant person must, for an amount mentioned in subsection (2) or (3)—	20
		21
	(a) if the relevant person knows who is entitled to receive the amount and the person’s whereabouts—pay the amount to the person; or	22
		23
	(b) if the relevant person knows who is entitled to receive the amount, but the relevant person does not know the person’s whereabouts—pay the amount into the designated departmental account; or	24
		25
		26
		27
	(c) if the relevant person does not know who is entitled to receive the amount—pay the amount into the designated departmental account.	28
		29
		30
	‘(5) In this section—	31
	“designated departmental account” means a departmental financial	32

Gambling Legislation Amendment

institution account of the department designated under a regulation as the account to which payments are to be made under subsection (4)(b) or (c). 1
2
3

“**payment**” does not include promotions. 4

“**relevant person**” means— 5

- (a) for a multiple site linked jackpot arrangement—the licensed operator; or 6
7
- (b) otherwise—the licensee.’. 8

Amendment of s 245 (Notices and reports about payout refusal decisions) 9
10

Clause **63.(1)** Section 245(3), penalty, ‘for subsection (3)’— 11

omit. 12

(2) Section 245— 13

insert— 14

‘**(4)** However, the involved licensee is not required to give a copy of the report to the involved licensed monitoring operator if the involved licensee overrules the decision of the gaming employee.’. 15
16
17

Amendment of s 249 (Effect of reviews on payout refusal decisions) 18

Clause **64.(1)** Section 249(1)(b)— 19

omit, insert— 20

‘(b) this Act applies to the responsible licensed person in relation to the displayed win to which the payout refusal decision related as if the decision had not been made.’. 21
22
23

(2) Section 249(2)(b)— 24

omit, insert— 25

‘(b) this Act applies to the responsible licensed person in relation to the displayed win to which the payout refusal decision related as if the decision had not been made.’. 26
27
28

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	(3) Section 249—	1
	<i>insert—</i>	2
	‘(4) In this section—	3
	“responsible licensed person” means—	4
	(a) if the relevant gaming machine is not part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 287 ¹⁵ —the licensee of the licensed premises on which the gaming machine is installed; or	5 6 7 8 9
	(b) if the relevant gaming machine is part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 287—the licensed monitoring operator who has the approval for the operation of the arrangement.’.	10 11 12 13 14
	Amendment of s 265 (Manufacture, sale, supply, obtaining or possession of gaming machines)	15 16
Clause	65.(1) Section 265(2), (3) and (4)—	17
	<i>omit, insert—</i>	18
	‘(2) A person must not, except with the chief executive’s written approval—	19 20
	(a) buy or otherwise acquire a gaming machine; or	21
	(b) sell or otherwise dispose of a gaming machine; or	22
	(c) be in possession of a gaming machine.	23
	Maximum penalty—200 penalty units.’.	24
	(2) Section 265(13)—	25
	<i>omit, insert—</i>	26
	‘(13) In this section—	27
	“lease” includes—	28

¹⁵ Section 287 (Requirements for approvals for linked jackpot arrangements)

Gambling Legislation Amendment

- (a) a hire-purchase agreement under the *Hire-purchase Act 1959*; or 1
 (b) any other contractual bailment.’. 2

Insertion of new s 265A 3

Clause **66.** After section 265— 4

insert— 5

‘Dealing with gaming equipment etc. by monitoring operators and approved financiers 6
7

‘265A.(1) A licensed monitoring operator or an approved financier is authorised to— 8
9

(a) obtain and be in possession of gaming machines, linked jackpot equipment and restricted components; and 10
11

(b) sell or supply, on written order, gaming machines, linked jackpot equipment or restricted components to a person in another State or Territory or a country where possession of the gaming machines, linked jackpot equipment or restricted components by that person is lawful. 12
13
14
15
16

‘(2) A licensed monitoring operator is also authorised to manufacture linked jackpot equipment.’. 17
18

Amendment of s 267 (Possession etc. of gaming machines and restricted components by licensed major dealers) 19
20

Clause **67.(1)** Section 267, heading, ‘by by’ 21

omit, insert— 22

‘by’. 23

(2) Section 267(1)(b)(i)— 24

omit, insert— 25

‘(i) gaming machines or linked jackpot equipment to a licensed major dealer; and’ 26
27

Gambling Legislation Amendment

	(3) Section 267(1)(b)(iii)—	1
	<i>omit, insert—</i>	2
	‘(iii) linked jackpot equipment or restricted components to a licensed service contractor, licensed repairer or other person authorised under this Act to obtain and be in possession of the equipment or components; and’.	3 4 5 6
	(4) Section 267—	7
	<i>insert—</i>	8
	‘(2A) An application for the approval of premises must be made in the way prescribed under a regulation.’.	9 10
	Amendment of s 271 (Possession etc. of gaming machines and restricted components by licensees)	11 12
Clause	68. Section 271(1)(c)—	13
	<i>omit, insert—</i>	14
	‘(c) supply restricted components to—	15
	(i) another licensee; or	16
	(ii) another person authorised under this Act to obtain and be in possession of the restricted components.’.	17 18
	Omission of ss 278–280	19
Clause	69. Sections 278, 279 and 280—	20
	<i>omit.</i>	21
	Amendment of s 281 (Approval and rejection of gaming machines and games)	22 23
Clause	70. Section 281(1)—	24
	<i>omit.</i>	25

	Amendment of s 283 (Changes to percentage returns)	1
Clause	71. Section 283—	2
	<i>insert—</i>	3
	‘(2A) If—	4
	(a) a gaming machine (the “ new machine ”) is installed on licensed premises; and	5 6
	(b) the gaming machine has the same game and betting unit as another gaming machine (the “ old machine ”) previously installed on the licensed premises; and	7 8 9
	(c) the percentage return to players differs between the new machine and the old machine;	10 11
	the licensee is taken to have changed the percentage return to players under subsection (1) for the new machine.’.	12 13
	Amendment of s 284 (Withdrawal of approval of gaming machine types and games)	14 15
Clause	72. Section 284(1)(a)—	16
	<i>omit, insert—</i>	17
	‘(a) the person who submitted the gaming machine type or game under section 281; and’.	18 19
	Amendment of s 305 (Associated documents for audit report for category 2 licensee)	20 21
Clause	73.(1) Section 305, heading—	22
	<i>omit, insert—</i>	23
	‘ Community benefit statement and other associated documents for audit report for category 2 licensee ’.	24 25
	(2) Section 305(1)(d)—	26
	<i>omit, insert—</i>	27
	‘(d) a copy of any balance sheet, financial statement, auditor’s report or other statement or report, relating to the licensee’s annual	28 29

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general meeting for the financial year; and	1
(e) if the licensee operates more than a number of gaming machines fixed for this paragraph under a regulation—a community benefit statement detailing all financial contributions made, and other support given, during the financial year to charitable, sporting, recreational and other community associations and initiatives.’.	2 3 4 5 6
(3) Section 305—	7
<i>insert—</i>	8
‘(1A) The profit and loss statement to be given to the chief executive under subsection (1)(c)—	9 10
(a) must distinguish between revenue received from the sale of liquor for consumption on the licensed premises and the revenue received from the sale of liquor for consumption off the licensed premises; and	11 12 13 14
(b) must comply with any other reasonable requirements notified in writing to the licensee by the chief executive.’.	15 16
(4) Section 305(6), definition “general operations”—	17
<i>omit, insert—</i>	18
‘ “ general operations ”, of a licensee, means operations conducted by the licensee—	19 20
(a) under the licensee’s gaming machine licence; or	21
(b) in relation to the conduct of—	22
(i) keno games under a keno licence; or	23
(ii) wagering under the <i>Wagering Act 1998</i> ; or	24
(iii) general gaming operations under the <i>Charitable and Non-Profit Gaming Act 1999</i> ; or	25 26
(c) relating to the supply of—	27
(i) liquor and other beverages; and	28
(ii) food.’.	29

	Amendment of s 306 (Further information about audit report or associated documents)	1
		2
Clause	74.(1) Section 306(3)(a)—	3
	<i>omit, insert—</i>	4
	‘(a) the matter relates to the person’s general operations; and’.	5
	(2) Section 306—	6
	<i>insert—</i>	7
	‘(7) In this section—	8
	“general operations” has the same meaning as in section 305.’.	9
	Omission of s 311 (Monthly fees)	10
Clause	75. Section 311—	11
	<i>omit.</i>	12
	Replacement of ss 314–316	13
Clause	76. Sections 314 to 316—	14
	<i>omit, insert—</i>	15
	‘Community investment fund	16
	‘ 314.(1) The community investment fund is established.	17
	‘ (2) Each month, the Minister must pay into the fund a percentage of all gaming machine tax for the previous month paid to the chief executive by all licensees.	18
		19
		20
	‘ (3) The amounts paid into the fund are administered receipts.	21
	‘ (4) The percentage mentioned in subsection (2) is the percentage prescribed under a regulation.	22
		23
	‘Gambling community benefit fund	24
	‘ 315.(1) The gambling community benefit fund is established.	25
	‘ (2) The amounts paid into the fund are administered receipts.	26

Gambling Legislation Amendment

	‘Gambling Community Benefit Committee	1
	‘316. The Minister responsible for the administration of the gambling community benefit fund—	2 3
	(a) must establish a committee called the Gambling Community Benefit Committee; and	4 5
	(b) may decide—	6
	(i) the membership of the committee; and	7
	(ii) how it is to operate.’	8
	 Amendment of s 317 (Payment of monthly fees, taxes etc.)	 9
Clause	77.(1) Section 317, heading—	10
	<i>omit, insert—</i>	11
	‘Payment of taxes etc.’	12
	(2) Section 317(1)—	13
	<i>omit, insert—</i>	14
	‘317.(1) Subject to subsections (2) and (3), a licensee must ensure that the chief executive receives on or before the day prescribed for each month an amount not less than the total amount of—	15 16 17
	(a) the monthly gaming tax payable by the licensee; and	18
	(b) any penalty payable by the licensee under section 319 on or before that day; and	19 20
	(c) any gaming tax or penalty payable by the licensee and remaining unpaid at the end of the day, prescribed under a regulation, of the preceding month.’	21 22 23
	(3) Section 317(4), ‘monthly fees,’—	24
	<i>omit.</i>	25
	 Amendment of s 322 (Disposition of fees etc.)	 26
Clause	78.(1) Section 322(2), ‘monthly fee,’—	27
	<i>omit.</i>	28

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(2) Section 322(3), ‘monthly fees,’— 1

omit. 2

(3) Section 322(5) and (6)— 3

omit, insert— 4

‘(5) The Minister may cause amounts to be paid out of the community investment fund for— 5
6

(a) gambling research and dealing with social issues arising from gambling (including research into the effectiveness of responsible gambling initiatives); and 7
8
9

(b) the gambling community benefit fund; and 10

(c) programs of State-wide significance, including job creation, community renewal and crime prevention. 11
12

‘(6) The Minister may, having regard to the recommendation of the Gambling Community Benefit Committee, cause amounts to be paid out of the gambling community benefit fund for the benefit of the community. 13
14
15

‘(7) Amounts may be paid under subsection (4), (5) or (6) without further appropriation.’ 16
17

Amendment of s 323 (Adjustment of monthly fees etc. in certain circumstances) 18
19

Clause 79.(1) Section 323, heading— 20

omit, insert— 21

‘**Adjustment of assessment in certain circumstances**’. 22

(2) Section 323, ‘monthly fees,’— 23

omit. 24

	Amendment of s 324 (Recovery of fees and taxes)	1
Clause	80.(1) Section 324, heading—	2
	<i>omit, insert—</i>	3
	‘Recovery of taxes and penalties’.	4
	(2) Section 324(1), ‘monthly fees,’—	5
	<i>omit.</i>	6
	Replacement of s 327 (Directions to licensees and operators)	7
Clause	81. Section 327—	8
	<i>omit, insert—</i>	9
	‘Directions	10
	‘327.(1) The commission or the chief executive may, by written notice, give directions to—	11
	(a) a licensee about the conduct of gaming or the administration of the licensee’s licensed premises; or	13
	(b) a licensed monitoring operator about the conduct of gaming or supplying basic monitoring services to a licensee; or	15
	(c) a licensed major dealer or licensed secondary dealer about the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment; or	17
	(d) a licensed service contractor or licensed repairer about the installation, alteration, adjustment, maintenance or repair of gaming equipment; or	21
	(e) any other person who holds a licence or authority under this Act about the conduct of gaming.	25
	(2) A person to whom a notice is given must comply with the directions of the commission or the chief executive under subsection (1).	26
	Maximum penalty—200 penalty units.	27
	(3) If a person who has been convicted of an offence of failing to comply with directions given under subsection (1), continues to fail to so	28
		29
		30

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comply, the person commits an offence against this Act. 1

Maximum penalty for subsection (3)—20 penalty units for each day on 2
which the failure continues.’ 3

Amendment of s 356 (Proceedings for offences) 4

Clause **82.** Section 356(8)— 5

omit, insert— 6

‘(8) In this section— 7

“serious offence” means an offence against section 102, 227(1), 265(1) or 8

(8), 267(3), 268(2), 271(2), 286(1) or (2), 287(8), 290(1) or (2), 9

291(1), (3) or (4), 292(1), 294(1) or (3), 325, 346, 349 or 350.’ 10

Amendment of s 362 (Disclosure of criminal history) 11

Clause **83.(1)** Section 362(a), ‘49(2) or (4)’— 12

omit, insert— 13

‘an investigation under section 49’. 14

(2) Section 362(d), (e) and (f)— 15

omit, insert— 16

‘(d) is required to submit information or material, or additional 17

information or material, under section 49(4), 57(2), 58(1), 93(2), 18

200(2), 201(2) or 213(1);’. 19

Insertion of new pt 12, div 4 20

Clause **84.** After section 391— 21

insert— 22

‘Division 4—Provisions for Gambling Legislation Amendment Act 2000 23

‘Certain gaming machine licences to lapse 24

‘392.(1) This section applies to a gaming machine licence granted before 25

13 December 1999. 26

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‘(2) If the licensee under a gaming machine licence to which this section applies has not started to conduct gaming on the licensed premises by 13 December 2000, the gaming machine licence lapses. 1
2
3

‘(3) If the licensee under a gaming machine licence to which this section applies has started to conduct gaming on the licensed premises by 13 December 2000, but the full number of gaming machines approved for the licensed premises have not been installed, the number of gaming machines approved for the licensed premises is (subject to an increase or decrease on application under this Act) taken to be the number installed on that date. 4
5
6
7
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9
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‘Certain approvals to lapse 11

‘393.(1) This section applies to an approval given by the commission before 28 July 1999 for an increase in the number of gaming machines installed on licensed premises. 12
13
14

‘(2) If, by the relevant date, no additional gaming machines have been installed under an approval to which this section applies, the approval lapses. 15
16
17

‘(3) If, by the relevant date, some but not all the additional gaming machines approved under an approval to which this section applies have been installed, the approval is taken to be an approval for an increase in the number of gaming machines to the number installed by that date and to authorise the installation of no further gaming machines. 18
19
20
21
22

‘(4) The commission may fix a date falling after 1 September 2000 as the relevant date for particular licensed premises if satisfied there is good reason to allow a deferment of the date in the case of the relevant licensed premises. 23
24
25

‘(5) In this section— 26

“relevant date” means— 27

(a) 1 September 2000; or 28

(b) for licensed premises for which the commission has fixed a later date under subsection (4)—the later date. 29
30

‘Hours of gaming for existing licences	1
‘394.(1) This section applies to a gaming machine licence granted before 1 September 2000.	2 3
‘(2) It is to be presumed that, on 1 September 2000, hours of gaming were fixed for the licensed premises to which the licence relates that are the same as the hours during which liquor is permitted, under the liquor licence relating to the premises, to be consumed in the licensed premises.	4 5 6 7
‘Closure of charities and rehabilitation benefit fund	8
‘395.(1) On the commencement, the charities and rehabilitation benefit fund is closed.	9 10
‘(2) On the closure of the fund, it ceases to exist and all public moneys standing to the credit of the fund immediately before the commencement are controlled receipts of the families department.	11 12 13
‘(3) Despite the closure of the fund, entries may be made in the accounts for the fund for transactions completed before the commencement.	14 15
‘(4) In this section—	16
“commencement” means the commencement of this section.	17
“controlled receipt” see <i>Financial Administration and Audit Act 1977</i> , section 4(2).	18 19
“families department” means the department within which the fund was administered immediately before the commencement.	20 21
“public moneys” see <i>Financial Administration and Audit Act 1977</i> , schedule 3.	22 23
‘Saving of appointments of members of Gaming Machine Community Benefit Committee	24 25
‘396.(1) This section applies to the gaming machine community benefit committee established immediately before the commencement of this section (the “previous committee”).	26 27 28
‘(2) The previous committee continues in existence as the gambling community benefit committee (the “new committee”) and each member of	29 30

the previous committee is taken to properly hold office as a member of the new committee.

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

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

Act amended in pt 5

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

Replacement of s 3 (Objects)

Clause **86.** Section 3—
omit, insert—

‘Object

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

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

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

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

- (a) to establish and maintain an appropriate system of regulation and control for interactive gambling;

Gambling Legislation Amendment

- | | | |
|--|---|--------|
| | (b) to provide protection for players of interactive games; | 1 |
| | (c) to provide a basis for implementing an interjurisdictional regulatory scheme for— | 2
3 |
| | (i) the reciprocal recognition between participating jurisdictions of licences, authorisations and other administrative acts; and | 4
5 |
| | (ii) the regulation and control of interactive gambling in the participating jurisdictions on a cooperative basis; and | 6
7 |
| | (iii) the sharing of tax derived from interactive gambling on an equitable basis.’. | 8
9 |

Amendment of sch 3 (Dictionary) 10

- | | | |
|--------|---|----------------|
| Clause | 87. Schedule 3— | 11 |
| | <i>insert—</i> | 12 |
| | ‘ “interactive gambling” means gambling accessible from the home involving interactive games in which the players participate by means of the internet or through some other telecommunication medium.’. | 13
14
15 |

PART 6—AMENDMENT OF KENO ACT 1996 16

Act amended in pt 6 17

- | | | |
|--------|---|----|
| Clause | 88. This part amends the <i>Keno Act 1996</i> . | 18 |
|--------|---|----|

Insertion of new s 1A 19

- | | | |
|--------|---|----------|
| Clause | 89. After section 1— | 20 |
| | <i>insert—</i> | 21 |
| | ‘Object | 22 |
| | ‘1A.(1) The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from keno gambling. | 23
24 |
| | ‘(2) The balance is achieved by allowing keno gambling subject to a | 25 |

Gambling Legislation Amendment

system of regulation and control designed to protect players and the community through— 1
2

- (a) ensuring the integrity and fairness of games; and 3
- (b) ensuring the probity of those involved in the conduct of keno gambling; and 4
5
- (c) minimising the potential for harm from keno gambling.’. 6

Replacement of s 113 (Application of keno tax and licence fee) 7

Clause **90.** Section 113— 8

omit, insert— 9

‘Application of keno tax and licence fee 10

‘113.(1) The chief executive must deal with amounts received by way of keno tax or keno licence fee as follows— 11
12

- (a) the proportions prescribed under a regulation are to be paid into a fund established under a gaming Act as required under the regulation; 13
14
15
- (b) the balance is to be paid into the consolidated fund. 16

‘(2) Amounts may be paid under subsection (1)(a) without further appropriation.’. 17
18

Amendment of s 148 (Extending credit) 19

Clause **91.(1)** Section 148— 20

insert— 21

‘(2A) If a cash advance is made to a person in circumstances where an authorised keno operator or an employee of an authorised keno operator knows, or ought reasonably to know, that the person intends to use the cash advance to enable the person or another person to take part in an approved keno game, the operator or employee must not represent that the cash advance was made for some other purpose. 22
23
24
25
26
27

Maximum penalty—200 penalty units.’. 28

Gambling Legislation Amendment

(2) Section 148(3), ‘subsection (1) or (2)’—	1
<i>omit, insert—</i>	2
‘subsection (1), (2) or (2A)’.	3

PART 7—AMENDMENT OF LIQUOR ACT 1992 4

Act amended in pt 7 5

Clause 92. This part amends the <i>Liquor Act 1992</i> .	6
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Amendment of s 151 (Unlawful betting or gaming) 7

Clause 93.(1) Section 151(1)(a)(i)—	8
<i>omit, insert—</i>	9
‘(i) one required for wagering by a general operator under the <i>Wagering Act 1998</i> ; or’.	10 11
(2) Section 151(1)(a)(iii)—	12
<i>omit, insert—</i>	13
‘(iii) for conducting a game authorised under the <i>Charitable and Non-Profit Gaming Act 1999</i> ; or’.	14 15

PART 8—AMENDMENT OF LOTTERIES ACT 1997 16

Act amended in pt 8 17

Clause 94. This part amends the <i>Lotteries Act 1997</i> .	18
---	----

	Insertion of new s 2A	1
Clause	95. After section 2—	2
	<i>insert—</i>	3
	‘Object	4
	‘2A.(1) The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from lotteries.	5 6
	‘(2) The balance is achieved by allowing lotteries subject to a system of regulation and control designed to protect players and the community through—	7 8 9
	(a) ensuring the integrity and fairness of games; and	10
	(b) ensuring the probity of those involved in the conduct of lotteries; and	11 12
	(c) minimising the potential for harm from lotteries.’.	13
	Insertion of new s 99A	14
Clause	96. Part 5, after section 99—	15
	<i>insert—</i>	16
	‘Application of lottery tax	17
	‘99A.(1) The chief executive must deal with amounts received by way of lottery tax as follows—	18 19
	(a) the proportions prescribed under a regulation are to be paid into a fund established under a gaming Act as required under the regulation;	20 21 22
	(b) the balance is to be paid into the consolidated fund.	23
	‘(2) Amounts may be paid under subsection (1)(a) without further appropriation.’.	24 25

PART 9—AMENDMENT OF WAGERING ACT 1998

		1
	Act amended in pt 9	2
Clause	97. This part amends the <i>Wagering Act 1998</i> .	3
	Insertion of new s 2A	4
Clause	98. Part 1, after section 2—	5
	<i>insert—</i>	6
	‘Object	7
	‘ 2A.(1) The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from wagering.	8 9
	‘ (2) The balance is achieved by allowing wagering subject to a system of regulation and control designed to protect players and the community through—	10 11 12
	(a) ensuring the integrity and fairness of games; and	13
	(b) ensuring the probity of those involved in the conduct of wagering; and	14 15
	(c) minimising the potential for harm from wagering.’.	16
	Amendment of s 136 (Notice of end of key operator’s role)	17
Clause	99. Section 136(2)—	18
	<i>omit, insert—</i>	19
	‘ (2) Within 7 days after the person stops being a key operator for the authority operator, the authority operator must notify the chief executive of that fact by notice in the approved form.	20 21 22
	Maximum penalty for subsection (2)—40 penalty units.’.	23

	Amendment of s 169 (Application of wagering tax, authority fee and authority administration fee)	1
		2
Clause	100.(1) Section 169(1)(a), ‘for community benefit’—	3
	<i>omit.</i>	4
	(2) Section 169—	5
	<i>insert—</i>	6
	‘ (3) Amounts may be paid under subsection (1)(a) without further appropriation.’.	7
		8
		9
	Replacement of s 209 (Extending credit)	10
Clause	101. Section 209—	11
	<i>omit, insert—</i>	12
	‘Extending credit	13
	‘ 209.(1) A general operator, or an employee of a general operator, must not make a loan or extend credit in any form to a person to enable the person or another person to take part in approved wagering.	14
		15
		16
	Maximum penalty—200 penalty units.	17
	‘ (2) If a cash advance is made to a person in circumstances where a general operator or an employee of a general operator knows, or ought reasonably to know, that the person intends to use the cash advance to enable the person or another person to take part in approved wagering, the operator or employee must not represent that the cash advance was made for some other purpose.	18
		19
		20
		21
		22
		23
	Maximum penalty for subsection (2)—200 penalty units.’.	24
		25

SCHEDULE	1
MINOR AMENDMENTS OF GAMING MACHINE ACT 1991	2 3
section 20	4
1. Section 31(3), ‘operator’s’—	5
<i>omit, insert—</i>	6
‘supplier’s’.	7
2. Section 51(2), ‘, 280’—	8
<i>omit.</i>	9
3. Section 53(1), ‘200(1)(b)’—	10
<i>omit, insert—</i>	11
‘200(2)(a)’.	12
4. Section 54(2)(a), ‘persons’—	13
<i>omit, insert—</i>	14
‘person’s’.	15
5. Section 54(8), ‘subsection (5)’—	16
<i>omit, insert—</i>	17
‘subsection (6)’.	18

SCHEDULE (continued)

6. Section 152(2)(b), ‘operator’—	1
<i>omit, insert—</i>	2
‘supplier’.	3
7. Section 201(5), ‘section 200(1A)’—	4
<i>omit, insert—</i>	5
‘section 200(2)(b)’.	6
8. Section 231(8) and (9), ‘licensed operator’—	7
<i>omit, insert—</i>	8
‘licensed monitoring operator’.	9
9. Section 259(d)(ii), ‘section 256(2)(a)’—	10
<i>omit, insert—</i>	11
section 255(2)(a)’.	12
10. Section 329(5), ‘(10)’—	13
<i>omit, insert—</i>	14
‘(8)’.	15
11. Section 347(2)(c)(ii), ‘with or’—	16
<i>omit, insert—</i>	17
‘with’.	18
12. Section 361(c), ‘; and’—	19
<i>omit, insert—</i>	20
‘purports to be a copy; and’.	21

