



Queensland

Gambling and Other Legislation Amendment Bill 2009



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2009

A Bill

for

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

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Gambling and Other Legislation Amendment Act 2009*. 4
5

Clause 2 Commencement 6

- (1) Sections 6, 16, 19, 21, 23, 24(1), 25 to 39, 41 to 43, 45, 46, 48 7
(other than to the extent it inserts section 456), 52, 53, 56, 57, 8
88, 89, 108 and 109 commence on a day to be fixed by 9
proclamation. 10
- (2) Section 50 commences on the day following the day on which 11
the *Queensland Civil and Administrative Tribunal* 12
(*Jurisdiction Provisions*) *Amendment Act 2009*, section 559 13
commences. 14

Part 2 Amendment of Casino Control Act 1982 15
16

Clause 3 Act amended 17

This part amends the *Casino Control Act 1982*. 18

Clause 4 Insertion of new s 17 19

Part 2— 20

insert— 21

‘17	Commissioner of police service to notify changes in criminal history	1 2
	‘(1) This section applies if—	3
	(a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and	4 5 6
	(b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person.	7 8
	‘(2) The commissioner must notify the chief executive about the change in the person’s criminal history.	9 10
	‘(3) The notice must state the following—	11
	(a) the person’s name and address;	12
	(b) the person’s date of birth;	13
	(c) the offence the person is charged with;	14
	(d) particulars of the offence;	15
	(e) the date of the charge.	16
	‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1).	17 18
	‘(5) In this section—	19
	<i>relevant person</i> means—	20
	(a) a casino key employee; or	21
	(b) a casino employee; or	22
	(c) a casino operator who is an individual; or	23
	(d) an individual identified by the Minister as being associated or connected with the ownership, administration or management of the operations or business of a casino operator.’.	24 25 26 27
Clause 5	Amendment of s 62A (Gaming equipment outside of casino)	28 29
	Section 62A(4), ‘or chips’—	30

[s 6]

omit, insert— 1
' , chips or player account credits'. 2

Clause 6 Amendment of s 63 (Casino games) 3

Section 63(3)— 4

omit, insert— 5

'(3) The Minister must notify the making of a rule in the gazette. 6

'(3A) A rule takes effect— 7

(a) on the day the making of the rule is notified in the 8
gazette; or 9

(b) if a later day is stated in the Minister's notice or the 10
rule—on that day. 11

'(3B) A casino operator must make a copy of the rule available— 12

(a) to patrons at the casino; and 13

(b) for public inspection on the casino's website on the 14
internet. 15

Maximum penalty—40 penalty units. 16

'(3C) A casino licensee may make submissions to the Minister 17
about a rule or proposed rule.'. 18

**Clause 7 Amendment of s 65 (Obligation of casino operator in 19
relation to conduct of games)** 20

(1) Section 65(3), from 'chips' to 'cash'— 21

omit, insert— 22

'chips, cash, player account credits or another way approved 23
by the chief executive'. 24

(2) Section 65(5), from 'paid in chips' to 'cheque.'— 25

omit, insert— 26

'paid— 27

(a) in chips; or 28

-
- (b) by cash or cheque; or 1
 - (c) by depositing the payment to a person's player account;
or 2
3
 - (d) in another way approved by the chief executive.' 4

Clause 8 Amendment of s 67 (Deposit advance accounts) 5

- (1) Section 67, heading, 'Deposit advance'— 6
omit, insert— 7
'Player'. 8
- (2) Section 67(1) and (3), 'deposit advance'— 9
omit, insert— 10
'player'. 11
- (3) Section 67— 12
insert— 13
- '(2B) The casino operator must not accept a deposit into the player 14
account by a credit card transaction. 15
Maximum penalty—40 penalty units.' 16
- (4) Section 67(3), from 'or may pay' to 'credit'— 17
omit. 18
- (5) Section 67— 19
insert— 20
- '(4) Also, a casino operator may— 21
 - (a) pay to the person for whom the player account is 22
established cash up to the amount in the account; or 23
 - (b) if requested by the person for whom the player account 24
is established, issue for the whole or part of the amount 25
in the account a cheque made payable to the person that 26
is drawn on a bank account approved by the chief 27
executive.' 28

[s 9]

Clause 9	Amendment of s 71A (Unclaimed winnings and prizes)	1
	Section 71A(4), ‘deposit advance’—	2
	<i>omit, insert</i> —	3
	‘player’.	4
Clause 10	Insertion of new s 100E	5
	After section 100D—	6
	<i>insert</i> —	7
‘100E	Distributing promotional or advertising material about a casino	8
	‘A casino operator or casino manager, for a casino, must not distribute promotional or advertising material about the casino to persons who the operator or manager knows or ought reasonably to know are prohibited from entering or remaining in the casino under a self-exclusion order or exclusion direction.	10
	Maximum penalty—40 penalty units.’.	16
Clause 11	Amendment of s 102 (Provisions relating to minors in respect of casinos)	17
	Section 102(2), ‘10 penalty units’—	19
	<i>omit, insert</i> —	20
	‘25 penalty units’.	21
Clause 12	Amendment of s 127 (Regulation-making power)	22
	Section 127(2)—	23
	<i>insert</i> —	24
	‘(e) tournaments for games;	25
	(f) the naming of a game or wager;	26
	(g) the permissible minimum and maximum wagers for a game;	27
		28

-
- (h) the maximum denomination of currency that may be inserted in a note acceptor in a casino.’. 1
2

Clause 13	Amendment of schedule (Dictionary)	3
	Schedule—	4
	<i>insert—</i>	5
	‘ <i>note acceptor</i> means a device that accepts currency in exchange for gaming machine credits.	6 7
	<i>player account</i> means an account established under section 67.	8 9
	<i>player account credit</i> means an amount held in credit in a player account.’.	10 11

Part 3	Amendment of Charitable and Non-Profit Gaming Act 1999	12 13
---------------	---	----------

Clause 14	Act amended	14
	This part amends the <i>Charitable and Non-Profit Gaming Act 1999</i> .	15 16

Clause 15	Amendment of s 39 (Who may apply for category 3 gaming licence)	17 18
	(1) Section 39(c)—	19
	<i>renumber</i> as section 39(d).	20
	(2) Section 39—	21
	<i>insert—</i>	22
	‘(c) a parents and friends association formed for a non-State school provisionally accredited, or accredited, under the	23 24

[s 16]

	<i>Education (Accreditation of Non-State Schools) Act 2001; or</i> ’.	1 2
Clause 16	Amendment of s 72 (General gaming rules)	3
	Section 72(2)—	4
	<i>omit, insert</i> —	5
	‘(2) The Minister must notify the making of a rule in the gazette.	6
	‘(3) A rule takes effect—	7
	(a) on the day the making of the rule is notified in the gazette; or	8 9
	(b) if a later day is stated in the Minister’s notice or the rule—on that day.	10 11
	‘(4) The chief executive must make a copy of the rule available for public inspection on the department’s website on the internet.’.	12 13 14
Clause 17	Amendment of s 186 (Regulation-making power)	15
	Section 186(2)—	16
	<i>insert</i> —	17
	‘(c) be about—	18
	(i) an advertisement for a game; or	19
	(ii) refunding a fee paid to enter a game; or	20
	(iii) the order of drawing 2 or more prizes offered in a game; or	21 22
	(iv) a prize in a game.’.	23

Part 4	Amendment of Gaming Machine Act 1991	1 2
Division 1	Preliminary	3
Clause 18	Act amended	4
	This part amends the <i>Gaming Machine Act 1991</i> .	5
Division 2	General amendments	6
Clause 19	Amendment of s 32 (Appeals to commission)	7
	Section 32—	8
	<i>insert—</i>	9
	‘(4) Each of the following persons may appeal to the commission against the decision stated for the person—	10 11
	(a) a person whose application for an approval under part 10A is not granted under section 337C(1);	12 13
	(b) a person whose application for renewal of an approval under part 10A is not granted under section 337G(1);	14 15
	(c) a person whose approval under part 10A is cancelled under section 337M(3).’.	16 17
Clause 20	Insertion of new s 53A	18
	After section 53—	19
	<i>insert—</i>	20
‘53A	Commissioner of police service to notify changes in criminal history	21 22
	‘(1) This section applies if—	23

[s 21]

- (a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and 1
2
3
- (b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person. 4
5
- ‘(2) The commissioner of the police service must notify the chief executive about the change in the person’s criminal history. 6
7
- ‘(3) The notice must state the following— 8
- (a) the person’s name and address; 9
- (b) the person’s date of birth; 10
- (c) the offence the person is charged with; 11
- (d) particulars of the offence; 12
- (e) the date of the charge. 13
- ‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1). 14
15
- ‘(5) In this section— 16
- relevant person* means— 17
- (a) a departmental gaming officer; or 18
- (b) a licensed person; or 19
- (c) a licensee who is an individual; or 20
- (d) an associate, of a licensee, who is an individual; or 21
- (e) the secretary or executive officer of a licensed supplier; or 22
23
- (f) an individual identified by the Minister as being a business or executive associate of a licensed supplier.’. 24
25

Clause 21 Amendment of s 55H (Limit on category 2 gaming machine licences for clubs) 26
27

Section 55H— 28

insert— 29

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

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

Section 56A, heading, ‘new’—
omit, insert—
‘**replacement category 1 licensed**’.

Clause 23 **Insertion of new s 56B**

After section 56A—
insert—

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

‘(1) Subsection (3) applies if—

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

‘(2) Subsection (3) also applies if—

[s 23]

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

(f) must include information about the applicant's exceptional circumstances. 1
2

Examples of exceptional circumstances— 3

1 The applicant may have received, under the *Acquisition of Land Act 1967*, a notice of intention to resume relating to the land on which the old premises are situated or the land may be being acquired under another Act. 4
5
6
7

2 The old premises are situated in a shopping centre that is to be redeveloped. 8
9

‘(4) In this section— 10

local community area has the meaning given by the guideline named ‘Guidelines—Community Impact Statement’ issued by the commission under section 17. 11
12
13

relevant local community area, for the old premises, means the area that would, under a community impact statement prepared under section 55B, be the local community area for the old premises if an application were being made in relation to the old premises.’. 14
15
16
17
18

Clause 24 Amendment of s 57 (Recommendation by chief executive about application for gaming machine licence) 19
20

(1) Section 57(3)— 21

insert— 22

‘(h) for an application mentioned in section 56B(1)—whether the chief executive is satisfied there are exceptional circumstances for transferring the entitlements mentioned in section 56B(1)(b)(iii) to the premises to which the application relates; and 23
24
25
26
27

(i) for an application mentioned in section 56B(2)—whether the chief executive is satisfied there are exceptional circumstances for transferring the entitlements mentioned in section 56B(2)(b)(iv) to the new premises mentioned in that subparagraph.’. 28
29
30
31
32

(2) Section 57(7)— 33

omit, insert— 34

[s 25]

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

- Clause 25 Amendment of s 59 (Particulars to be fixed on grant of gaming machine licence)**
- (1) Section 59(2)(a)(iii), ‘; or’—
omit, insert—
‘; and’.
- (2) Section 59(2)(a)—
insert—
‘(iv) for an application mentioned in section 56B—fix the number of entitlements to be transferred to the premises; or’.
- (3) Section 59(2)(b)—
insert—
‘(iii) for an application mentioned in section 56B—the number of entitlements to be transferred to the premises.’.
- (4) Section 59—
insert—
- ‘(6) For an application mentioned in section 56B—
- (a) if the number of entitlements fixed for the premises is the number sought in the application—the chief executive must immediately give the applicant written notice of the decision; or

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

Clause 26	Amendment of s 61 (Application for additional licensed premises)	5
	Section 61(2)—	6
	<i>insert—</i>	7
	‘(c) if the applicant has made a liquor licence transfer application relating to a community club licence and the application has not been decided—the premises to which the liquor licence transfer application relates.’	8
		9
		10
		11
		12
Clause 27	Amendment of s 68 (Issue of gaming machine licences generally)	13
		14
	(1) Section 68(2)(e)—	15
	<i>renumber</i> as section 68(2)(f).	16
	(2) Section 68(2)—	17
	<i>insert—</i>	18
	‘(e) for a gaming machine licence for category 2 licensed premises—	19
		20
	(i) the entitlement region in which the licensed premises are located; and	21
		22
	(ii) the number of entitlements for the premises, or each of the premises, to which the licence relates;’	23
		24
Clause 28	Amendment of s 71A (Replacement of gaming machine licence for particular changes)	25
		26
	Section 71A—	27
	<i>insert—</i>	28

[s 29]

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

- Clause 29 Amendment of s 78 (Certain applications under Liquor Act 1992 subject to chief executive’s certificate)**
- (1) Section 78(4), ‘Subsection (5) applies’—
omit, insert—
‘Subsections (5) and (6) apply’.
 - (2) Section 78(5), after ‘authorities’—
insert—
‘or entitlements’.
 - (3) Section 78(6)—
renumber as section 78(7).
 - (4) Section 78—
insert—

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

Clause 30 Insertion of new s 78A

After section 78—

insert—

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

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

[s 30]

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

Clause 31	Insertion of new s 80C	1
	Part 3, division 6, after section 80B—	2
	<i>insert—</i>	3
'80C	Restriction on installation and operation of gaming machines for category 2 licensee	4
		5
	'(1) A category 2 licensee must not, at the licensee's licensed premises or each of the licensee's licensed premises, install or operate more than the number of gaming machines that is equal to the total of the following—	6
		7
		8
		9
	(a) the endorsed number of entitlements for the licensed premises;	10
		11
	(b) the number of any entitlements that are currently transferred under part 3B, division 3 for use on a temporary basis at the licensed premises.	12
		13
		14
	Maximum penalty—200 penalty units.	15
	'(2) For subsection (1)(a), the endorsed number of entitlements for the licensed premises is taken not to include the number of any entitlements for the licensed premises that are currently transferred under part 3B, division 3 for use on a temporary basis at other category 2 licensed premises.'	16
		17
		18
		19
		20
Clause 32	Amendment of s 83 (Decision on increase application)	21
	Section 83—	22
	<i>insert—</i>	23
	'(3A) The commission must refuse to approve an increase if—	24
	(a) the application relates to category 2 licensed premises;	25
	and	26
	(b) any of the endorsed number of entitlements for the licensed premises are, at the time the application is made, transferred under part 3B, division 3 for use on a temporary basis at other category 2 licensed premises.'	27
		28
		29
		30

[s 33]

Clause 33	Amendment of s 86 (Proposals to decrease approved number of gaming machines)	1 2
(1)	Section 86— <i>insert—</i>	3 4
‘(1A)	However, the application may not be made by a category 2 licensee to whom entitlements of other category 2 licensed premises are currently transferred under part 3B, division 3 for use on a temporary basis at the licensed premises mentioned in subsection (1).	5 6 7 8 9
‘(1B)	Subsection (1C) applies if—	10
(a)	an application mentioned in subsection (1) is made by a category 2 licensee; and	11 12
(b)	one or more of the entitlements of the licensed premises are currently transferred under part 3B, division 3 for use on a temporary basis at other category 2 licensed premises.	13 14 15 16
‘(1C)	The application may not relate to the gaming machines, the entitlements for which are subject to the transfer mentioned in subsection (1B)(b).’.	17 18 19
(2)	Section 86— <i>insert—</i>	20 21
‘(4A)	Subsection (3)(b) does not apply to a gaming machine for category 2 licensed premises, the entitlement for which is currently transferred under part 3B, division 3 for use on a temporary basis at other category 2 licensed premises.’.	22 23 24 25
Clause 34	Amendment of s 87 (Decision on decrease proposal)	26
	Section 87— <i>insert—</i>	27 28
‘(9)	If the decrease proposal is an application by a category 2 licensee and the decrease is approved under subsection (1)(a), the entitlements for the licensee’s licensed premises that are more in number than the approved number of gaming	29 30 31 32

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

‘(10) If the entitlements mentioned in subsection (9) are not transferred under that subsection, the entitlements become entitlements of the State.

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

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

Section 91A—

insert—

‘(3) All entitlements for the licensed premises on which the conduct of gaming has ceased must be transferred on a permanent basis under part 3B, division 2 within 1 year after the licensee ceases the conduct of gaming on the licensed premises.

‘(4) If the entitlements are not transferred on a permanent basis under part 3B, division 2 within the time mentioned in subsection (3), the entitlements become entitlements of the State.

‘(5) However, if the licensee applies to the chief executive under section 109M(1) for an approval of a transfer of the entitlements within 1 year after the licensee ceases the conduct of gaming and the commission does not make a decision on the application before the end of that period, subsection (4) does not apply until 14 days after notification of the decision under section 109M.

[s 36]

- ‘(6) Subsection (7) applies if— 1
- (a) a category 2 licensee ceases the conduct of gaming on 2
any licensed premises under the licensee’s licence; and 3
 - (b) at the time the licensee ceases the conduct of gaming, 4
either— 5
 - (i) one or more of the endorsed number of 6
entitlements for the licensed premises have been 7
transferred to the licensee of other licensed 8
premises on a temporary basis under part 3B, 9
division 3; or 10
 - (ii) one or more entitlements for other licensed 11
premises have been transferred to the licensee on a 12
temporary basis under part 3B, division 3. 13
- ‘(7) The temporary transfer of the entitlements ends on the day the 14
licensee ceases the conduct of gaming.’. 15

**Clause 36 Amendment of s 95 (Surrender of gaming machine 16
licences) 17**

- (1) Section 95(1)(b), after ‘surrender’— 18
insert— 19
‘is by a category 1 licensee and’. 20
- (2) Section 95— 21
insert— 22
- ‘(2D) If a category 2 licensee surrenders the licensee’s gaming 23
machine licence, all entitlements for the licensed premises 24
under the licence must be transferred on a permanent basis 25
under part 3B, division 2 within 1 year after the surrender. 26
- ‘(2E) If the entitlements mentioned in subsection (2D) are not 27
transferred on a permanent basis under part 3B, division 2 28
within the time mentioned in that subsection, the entitlements 29
become entitlements of the State. 30
- ‘(2F) However, if the licensee mentioned in subsection (2D) applies 31
to the chief executive under section 109M(1) for an approval 32

of a transfer of the entitlements mentioned in subsection (2D) 1
within 1 year after the surrender and the commission does not 2
make a decision on the application before the end of that 3
period, subsection (2E) does not apply until 14 days after 4
notification of the decision under section 109M. 5

‘(2G) Subsection (2H) applies if— 6

(a) a category 2 licensee surrenders the licensee’s gaming 7
machine licence; and 8

(b) either— 9

(i) one or more of the endorsed number of 10
entitlements for the licensed premises have been 11
transferred to the licensee of other licensed 12
premises on a temporary basis under part 3B, 13
division 3; or 14

(ii) one or more entitlements for other licensed 15
premises have been transferred to the licensee on a 16
temporary basis under part 3B, division 3. 17

‘(2H) The temporary transfers of the entitlements end on the day the 18
licence is surrendered.’. 19

**Clause 37 Amendment of s 95A (Surrender of gaming machine 20
licence being replaced) 21**

(1) Section 95A, heading, after ‘replaced’— 22

insert— 23

‘—category 1 licensed premises’. 24

(2) Section 95A(2) and (3), ‘Section 95(2A) to (11)’— 25

omit, insert— 26

‘Section 95(2A) to (2C) and (3) to (11)’. 27

Clause 38 Insertion of new s 95B 28

After section 95A— 29

insert— 30

[s 39]

‘95B	Surrender of gaming machine licence being replaced—category 2 licensed premises	1 2
‘(1)	This section applies if the commission has decided to grant an application mentioned in section 56B(1) or (2) for a new gaming machine licence (a <i>new licence</i>) in place of a licence being surrendered under section 95.	3 4 5 6
‘(2)	Section 95(2D) to (11) applies in the following way—	7
(a)	subsections (2D) to (2F) do not apply;	8
(b)	subsections (3) and (4) apply in relation to the surrender;	9 10
(c)	subsections (5) to (9) do not apply;	11
(d)	despite subsections (10) and (11), the surrender has effect when the new licence is issued by the chief executive under section 68.’.	12 13 14
Clause 39	Amendment of s 97 (Cancellation or suspension of gaming machine licences and letters of censure)	15 16
	Section 97(24), definition <i>directly interested person</i> —	17
	<i>insert</i> —	18
‘(d)	for a category 2 licensee who transfers entitlements on a temporary basis under part 3B, division 3—the licensee to whom the entitlements are transferred; or	19 20 21
(e)	for a category 2 licensee to whom entitlements are transferred on a temporary basis under part 3B, division 3—the licensee who transfers the entitlements.’.	22 23 24
Clause 40	Amendment of s 109C (Purchase of operating authority at authorised sale)	25 26
	Section 109C(3), after ‘78(5)’—	27
	<i>insert</i> —	28
	‘or 79(2)’.	29

Clause 41	Insertion of new pt 3B	1
	After section 109I—	2
	<i>insert—</i>	3
‘Part 3B	Entitlements for category 2 licensed premises	4 5
‘Division 1	Preliminary	6
‘109J	Limit on number of entitlements	7
	‘(1) The maximum number of entitlements under this Act is the number prescribed under a regulation.	8 9
	‘(2) For this Act, entitlements of the number prescribed under subsection (1) are declared to exist.	10 11
‘109K	Entitlements are transferable	12
	‘(1) An entitlement for a category 2 licensed premises is transferable.	13 14
	‘(2) However, a transfer of an entitlement for category 2 licensed premises does not have any effect unless the commission approves the transfer under this part.	15 16 17
‘Division 2	Permanent transfer of entitlements	18
‘109L	Definitions for div 2	19
	‘In this division—	20
	<i>category 2 licensee</i> , for transferor licensed premises, includes a category 2 licensee—	21 22
	(a) who has surrendered the licensee’s gaming machine licence; and	23 24

[s 41]

- (b) whose entitlements must, under section 95(2D), be transferred on a permanent basis within 1 year after the surrender. 1
2
3
- licensed premises*, of a category 2 licensee who has surrendered the licensee's gaming machine licence, means the premises that were the licensed premises under the licence before its surrender. 4
5
6
7
- transferee licensed premises* see section 109M(1). 8
- transferee licensee* see section 109M(1). 9
- transferor licensed premises* see section 109M(1). 10
- transferor licensee* see section 109M(1). 11

'109M Application for approval 12

- '(1) A category 2 licensee (the *transferor licensee*) for licensed premises (the *transferor licensed premises*) may apply to the chief executive for approval of a transfer of entitlements for the licensed premises to the licensee (the *transferee licensee*) of other category 2 licensed premises (the *transferee licensed premises*) on a permanent basis. 13
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- '(2) The reference to other category 2 licensed premises in subsection (1) includes a reference to other premises to which the transferor licensee's licence relates. 19
20
21
- '(3) The application must be— 22
- (a) in the approved form; and 23
- (b) accompanied by— 24
- (i) the details of the transfer prescribed under a regulation; and 25
26
- (ii) the fee, if any, prescribed under a regulation. 27
- '(4) The chief executive must make a recommendation to the commission about whether to grant or refuse to grant the application. 28
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- ‘(5) The commission must grant the application if the requirements mentioned in sections 109N to 109P are satisfied. 1
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- ‘(6) If the commission grants the application, the chief executive must give the transferor licensee and the transferee licensee written notice of the decision. 4
5
6
- ‘(7) The commission must refuse to grant the application if the requirements mentioned in sections 109N to 109P are not satisfied. 7
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- ‘(8) If the commission refuses to grant the application, the chief executive must give the transferor licensee a written notice stating the decision and the reasons for the decision. 10
11
12

‘109N Requirement about consideration for the transfer 13

- ‘(1) For section 109M(5), requirements about consideration for the transfer are stated in subsections (2) and (3). 14
15
- ‘(2) Any consideration for the transfer must be— 16
- (a) monetary; and 17
- (b) not— 18
- (i) less than the amount, if any, prescribed under a regulation; or 19
20
- (ii) more than the amount, if any, prescribed under a regulation. 21
22
- ‘(3) Also, the consideration for the transfer must not give the transferor licensee a direct or indirect interest in, or percentage or share of either of the following on the transferee licensee’s licensed premises— 23
24
25
26
- (a) the amount bet for the purpose of gaming; 27
- (b) moneys, revenues, profits or earnings from the conduct of gaming. 28
29

[s 41]

‘109O Requirements about transferor licensed premises	1
‘(1) For section 109M(5), requirements about the transferor licensed premises are stated in subsections (2) to (6).	2 3
‘(2) Subsection (3) applies if the chief executive has granted an application made by the transferor licensee under section 86 for a decrease in the approved number of gaming machines for the transferor licensed premises.	4 5 6 7
‘(3) The number of entitlements the subject of the transfer must not be more than the difference between the endorsed number of entitlements for the transferor licensed premises and the approved number of gaming machines for the transferor licensed premises after the decrease.	8 9 10 11 12
‘(4) If the transferor licensee has surrendered the licensee’s licence under section 95(1), the number of entitlements the subject of the transfer must not be more than the endorsed number of entitlements for the transferor licensed premises.	13 14 15 16
‘(5) Subsection (6) applies if the transferor licensee has given the chief executive notice under section 91A(2) that the conduct of gaming has ceased at the transferor licensed premises.	17 18 19
‘(6) The number of entitlements the subject of the transfer must not be more than the endorsed number of entitlements for the transferor licensed premises at which gaming has ceased.	20 21 22
‘109P Requirements about transferee licensed premises	23
‘(1) For section 109M(5), requirements about the transferee licensed premises are stated in subsections (2) to (4).	24 25
‘(2) The approved number of gaming machines for the transferee licensed premises must be more than the sum of—	26 27
(a) the endorsed number of entitlements for the licensed premises; and	28 29
(b) the number of entitlements for other licensed premises that have been transferred to the transferee licensee on a temporary basis under division 3.	30 31 32

-
- ‘(3) The number of entitlements the subject of the transfer must not be more than the difference between the approved number of gaming machines and the sum of the entitlements mentioned in subsection (2). 1
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- ‘(4) The transferee licensed premises must be located in the same entitlement region in which the transferor licensed premises are located. 5
6
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‘109Q Variation of terms of transfer 8

- ‘(1) This section applies if— 9
- (a) the commission has, under section 109M, approved the transfer, by the transferor licensee, of entitlements for the transferor licensed premises to the transferee licensee on a permanent basis under this division; and 10
11
12
13
 - (b) the transfer has not yet taken place; and 14
 - (c) the licensees propose to vary the consideration for the transfer. 15
16
- ‘(2) The transferor licensee must apply to the chief executive for approval of the variation. 17
18
- ‘(3) The application must be— 19
- (a) in writing; and 20
 - (b) accompanied by the fee, if any, prescribed under a regulation. 21
22
- ‘(4) The chief executive must make a recommendation to the commission about whether to grant or refuse to grant the application. 23
24
25
- ‘(5) The commission must grant the application if the requirement mentioned in section 109N will still be satisfied. 26
27
- ‘(6) If the commission grants the application, the chief executive must give the transferor licensee a written notice of the decision. 28
29
30
- ‘(7) The commission must refuse to grant the application if the requirement mentioned in section 109N will not be satisfied. 31
32

[s 41]

- ‘(8) If the commission refuses to grant the application, the chief executive must give the transferor licensee a written notice stating the decision and the reasons for the decision. 1
2
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**‘109R Issuing replacement gaming machine licence to show endorsed number of entitlements 4
5**

- ‘(1) This section applies if entitlements for the transferor licensed premises are transferred by the transferor licensee to the transferee licensee on a permanent basis under this division. 6
7
8
- ‘(2) Each of the licensees must, within 14 days after the day of the transfer, give to the chief executive— 9
10
- (a) the licensee’s gaming machine licence; and 11
- (b) the fee prescribed under a regulation. 12
- Maximum penalty—40 penalty units. 13
- ‘(3) If the chief executive receives a gaming machine licence for a licensee under subsection (2), the chief executive must as soon as practicable— 14
15
16
- (a) replace the licensee’s licence; and 17
- (b) give the replacement licence to the licensee. 18
- ‘(4) The replacement licence must include the following— 19
- (a) the information mentioned in section 68(2)(e); 20
- (b) the number of entitlements for the licensed premises that have been transferred to the licensee of other licensed premises on a temporary basis under division 3; 21
22
23
- (c) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3; 24
25
26
- (d) if the licensee received a notice under section 88A(1) or (2) relating to a decision approving a decrease in the approved number of gaming machines for the licensee’s licensed premises—the number of entitlements for the licensed premises that must, under section 87(9), be transferred on a permanent basis under this division. 27
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31
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- ‘(5) This section does not apply to a transferor licensee’s licence
surrendered under section 95(1). 1
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‘Division 3 Temporary transfer of entitlements 3

‘109S Definitions for div 3 4

‘In this division— 5

transferee licensed premises see section 109T(1). 6

transferee licensee see section 109T(1). 7

transferor licensed premises see section 109T(1). 8

transferor licensee see section 109T(1). 9

‘109T Application for approval 10

‘(1) A category 2 licensee (the *transferor licensee*) for licensed 11
premises (the *transferor licensed premises*) may apply to the 12
chief executive for approval of a transfer of entitlements for 13
the licensed premises for the use of the entitlements by the 14
licensee (the *transferee licensee*) at other category 2 licensed 15
premises (the *transferee licensed premises*) on a temporary 16
basis. 17

‘(2) The reference to other category 2 licensed premises in 18
subsection (1) includes a reference to other premises to which 19
the transferor licensee’s licence relates. 20

‘(3) The application must be— 21

(a) in the approved form; and 22

(b) signed by both the transferor licensee and the transferee 23
licensee; and 24

(c) accompanied by— 25

(i) the details of the transfer prescribed under a 26
regulation; and 27

(ii) the fee, if any, prescribed under a regulation. 28

[s 41]

- ‘(4) The chief executive must ensure the approved form includes information about the effect on transferred entitlements of—
- (a) the surrender, suspension or cancellation of a transferor licensee’s licence or a transferee licensee’s licence; or
 - (b) the licensee of licensed premises to which a transfer relates ceasing to conduct gaming at the premises.
- ‘(5) The chief executive must make a recommendation to the commission about whether to grant or refuse to grant the application.
- ‘(6) The commission must grant the application if the requirements mentioned in sections 109U to 109W are satisfied.
- ‘(7) If the commission grants the application, the chief executive must give the transferor licensee and the transferee licensee written notice of the decision.
- ‘(8) The commission must refuse to grant the application if the requirements mentioned in sections 109U to 109W are not satisfied.
- ‘(9) If the commission refuses to grant the application, the chief executive must give the transferor licensee a written notice stating the decision and the reasons for the decision.
- ‘109U Requirements about transfer period and consideration for the transfer**
- ‘(1) For section 109T(6), requirements about the period of the transfer and the consideration for the transfer are stated in subsections (2) to (4).
- ‘(2) The period of the transfer must not be less than 1 year or more than 8 years.
- ‘(3) Any consideration for the transfer must be—
- (a) monetary; and
 - (b) not—

(i)	less than the amount, if any, prescribed under a regulation; or	1 2
(ii)	more than the amount, if any, prescribed under a regulation.	3 4
‘(4)	Also, the consideration for the transfer must not give the transferor licensee a direct or indirect interest in, or percentage or share of either of the following on the transferee licensee’s licensed premises—	5 6 7 8
(a)	the amount bet for the purpose of gaming;	9
(b)	moneys, revenues, profits or earnings from the conduct of gaming.	10 11
‘109V	Requirements about transferor licensed premises	12
‘(1)	For section 109T(6), requirements about the transferor licensed premises are stated in subsections (2) to (6).	13 14
‘(2)	The approved number of gaming machines for all licensed premises to which the transferor licensee’s licence relates must be less than 30.	15 16 17
‘(3)	The transferor licensee must not, during the 3 years ending on the day of the proposed transfer of the entitlements the subject of the transfer, have been notified—	18 19 20
(a)	under section 58 of the grant of the licence for the transferor licensed premises; or	21 22
(b)	under section 63 of the approval of additional premises as premises to which the transferor licensee’s licence relates; or	23 24 25
(c)	under section 83 of an approval to increase the approved number of gaming machines for the transferor licensed premises.	26 27 28
‘(4)	None of the entitlements for the transferor licensed premises must be—	29 30

[s 41]

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

‘109W Requirements about transferee licensed premises

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

-
- ‘(4) The transferee licensed premises must be located in the same entitlement region in which the transferor licensed premises are located. 1
2
3
- ‘(5) None of the entitlements for the transferee licensed premises must be— 4
5
- (a) currently transferred under this division for use on a temporary basis at other category 2 licensed premises; 6
7
or 8
- (b) required under section 87(9) to be transferred on a permanent basis under division 2. 9
10

‘109X Variation of terms of transfer 11

- ‘(1) This section applies if— 12
- (a) the commission has, under section 109T, approved the transfer, by the transferor licensee, of entitlements for the transferor licensed premises to the transferee licensee on a temporary basis under this division; and 13
14
15
16
- (b) the licensees propose to vary the period of the transfer or the consideration for the transfer. 17
18
- ‘(2) The transferor licensee must apply to the chief executive for approval of the variation. 19
20
- ‘(3) The application must be— 21
- (a) in writing; and 22
- (b) accompanied by the fee, if any, prescribed under a regulation. 23
24
- ‘(4) The chief executive must make a recommendation to the commission about whether to grant or refuse to grant the application. 25
26
27
- ‘(5) The commission must grant the application if the requirements mentioned in section 109U will still be satisfied. 28
29
- ‘(6) If the commission grants the application, the chief executive must give the transferor licensee written notice of the decision. 30
31
32

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‘(7) The commission must refuse to grant the application if the requirements mentioned in section 109U will not be satisfied.	1 2
‘(8) If the commission refuses to grant the application, the chief executive must give the transferor licensee a written notice stating the decision and the reasons for the decision.	3 4 5
‘109Y Issuing replacement gaming machine licence	6
‘(1) This section applies if entitlements for the transferor licensed premises are transferred by the transferor licensee to the transferee licensee on a temporary basis under this division.	7 8 9
‘(2) Each of the licensees must, within 14 days after the day of the transfer, give to the chief executive—	10 11
(a) the licensee’s gaming machine licence; and	12
(b) the fee prescribed under a regulation.	13
Maximum penalty—40 penalty units.	14
‘(3) If the chief executive receives a gaming machine licence for a licensee under subsection (2), the chief executive must as soon as practicable—	15 16 17
(a) replace the licensee’s licence; and	18
(b) give the replacement licence to the licensee.	19
‘(4) The replacement licence must include—	20
(a) the information mentioned in section 68(2)(e); and	21
(b) the number of entitlements for the transferor licensed premises that have been transferred by the transferor licensee to the transferee licensee on a temporary basis under this division.	22 23 24 25
‘109Z Register of transferred entitlements	26
‘(1) This section applies if entitlements for the transferor licensed premises are transferred by the transferor licensee to the transferee licensee on a temporary basis under this division.	27 28 29

-
- ‘(2) The transferor licensee must, during the period of the transfer, keep a register at the transferor licensed premises stating the following—
- (a) the number of entitlements the subject of the transfer;
 - (b) the name, and licence number, of the transferee licensee;
 - (c) the address of the transferee licensed premises;
 - (d) the period of the transfer.
- Maximum penalty—20 penalty units.
- ‘(3) The transferor licensee must keep the register mentioned in subsection (2) available for inspection by an inspector.
- Maximum penalty—20 penalty units.
- ‘(4) The transferee licensee must, during the period of the transfer, keep a register at the transferee licensed premises stating the following—
- (a) the number of entitlements the subject of the transfer;
 - (b) the name, and licence number, of the transferor licensee;
 - (c) the address of the transferor licensed premises;
 - (d) the period of the transfer.
- Maximum penalty—20 penalty units.
- ‘(5) The transferee licensee must keep the register mentioned in subsection (4) available for inspection by an inspector.
- Maximum penalty—20 penalty units.

‘Division 4 Entitlements of the State

‘109ZA When entitlement becomes entitlement of the State

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

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(a)	expires under section 72; or	1
(b)	is not renewed under section 76; or	2
(c)	lapses under section 80A(1); or	3
(d)	is cancelled under section 96 because the licensee's liquor licence is transferred, cancelled or surrendered; or	4 5
(e)	is cancelled under section 97(16)(d) or (17)(a).	6
‘(2)	Subsection (3) applies if, at any time, the endorsed number of entitlements for licensed premises is more than the approved number of gaming machines for the licensed premises because of—	7 8 9 10
(a)	the operation of section 80A(2) or 85AA(2) or (3); or	11
(b)	the approval of a decrease proposal that is a request or report under section 87(1); or	12 13
(c)	other circumstances prescribed under a regulation.	14
‘(3)	The entitlements that are more in number than the approved number of gaming machines for the licensed premises stop being entitlements of a licensee and become entitlements of the State by operation of this subsection.	15 16 17 18
‘(4)	A temporary transfer ends if the entitlement that is the subject of the temporary transfer becomes an entitlement of the State under subsection (1) or (3).	19 20 21
‘109ZB Compensation is not payable		22
	‘No compensation is payable to a licensee or other person because an entitlement of the licensee or person becomes an entitlement of the State by operation of this Act.	23 24 25
‘109ZC Sale of entitlement of the State		26
	‘An entitlement of the State may be sold only by an entity (an <i>entitlement selling entity</i>), and in the way, prescribed under a regulation.	27 28 29

‘109ZD Purchase of entitlement at authorised entitlements sale	1 2
‘(1) A person must not purchase an entitlement at an authorised entitlements sale unless—	3 4
(a) the person is a category 2 licensee; and	5
(b) the person has, for the category 2 licensed premises for which the entitlement is purchased, an approved number of gaming machines for the licensed premises that is more than the sum of—	6 7 8 9
(i) the endorsed number of entitlements for the licensed premises; and	10 11
(ii) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3; and	12 13 14
(c) the licensed premises for which the entitlement is purchased are located in the entitlement region for which the authorised entitlements sale is conducted.	15 16 17
Maximum penalty—200 penalty units.	18
‘(2) Subsection (1)(c) does not apply if the authorised entitlements sale is conducted for the whole of Queensland.	19 20
‘(3) A person must not, for category 2 licensed premises, purchase at an authorised entitlements sale more than the number of entitlements equal to the difference between—	21 22 23
(a) the approved number of gaming machines for the licensed premises; and	24 25
(b) the sum of—	26
(i) the endorsed number of entitlements for the licensed premises; and	27 28
(ii) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3.	29 30 31
Maximum penalty—200 penalty units.	32

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‘109ZE Dealing with amount received on sale of entitlement of the State	1 2
‘If an entitlement of the State is sold at an authorised entitlements sale, the entitlement selling entity must pay the amount received for the entitlement into the community investment fund established under section 314.	3 4 5 6
‘Division 5 Miscellaneous	7
‘109ZF Entitlement not to be encumbered	8
‘An encumbrance to the extent it is over an entitlement is of no effect.	9 10
‘109ZG Change in endorsed number of entitlements for licensed premises	11 12
‘(1) This section applies if there is a change in the endorsed number of entitlements for licensed premises other than because of the transfer of an entitlement for the premises on a permanent basis under division 2.	13 14 15 16
‘(2) The licensee must, within 14 days after the day of the change, give to the chief executive—	17 18
(a) the licensee’s gaming machine licence; and	19
(b) the fee prescribed under a regulation.	20
Maximum penalty—40 penalty units.	21
‘(3) If the chief executive receives a gaming machine licence for a licensee under subsection (2), the chief executive must as soon as practicable—	22 23 24
(a) replace the licensee’s licence; and	25
(b) give the replacement licence to the licensee.	26
‘(4) The replacement licence must include the following—	27
(a) the information mentioned in section 68(2)(e);	28

-
- (b) the number of entitlements for the licensed premises that have been transferred to the licensee of other licensed premises on a temporary basis under division 3; 1
2
3
 - (c) the number of entitlements for other licensed premises that have been transferred to the licensee on a temporary basis under division 3; 4
5
6
 - (d) if the licensee received a notice under section 88A(1) or (2) relating to a decision approving a decrease in the approved number of gaming machines for the licensee's licensed premises—the number of entitlements for the licensed premises that must, under section 87(9), be transferred on a permanent basis under division 2. 7
8
9
10
11
12

'109ZH Decrease in, or end of, temporary transfer of entitlements 13
14

- '(1) This section applies if there is— 15
 - (a) a decrease in the number of entitlements for licensed premises transferred by a transferor licensee to a transferee licensee on a temporary basis under division 3; or 16
17
18
19
 - (b) an end to the transfer of entitlements by a transferor licensee to a transferee licensee on a temporary basis under division 3. 20
21
22
- '(2) Each of the licensees must, within 14 days after the day of the decrease mentioned in subsection (1)(a) or ending mentioned in subsection (1)(b), give to the chief executive— 23
24
25
 - (a) the licensee's gaming machine licence; and 26
 - (b) the fee prescribed under a regulation. 27Maximum penalty—40 penalty units. 28
- '(3) Subsection (2) does not apply to a licensee whose gaming machine licence— 29
30
 - (a) expires under section 72; or 31
 - (b) is not renewed under section 76; or 32

[s 41]

- (c) lapses under section 80A(1); or 1
 - (d) is cancelled under section 96 because the licensee’s 2
liquor licence is cancelled or surrendered; or 3
 - (e) is cancelled under section 97(16)(d) or (17)(a). 4
- ‘(4) If the chief executive receives a gaming machine licence for a 5
licensee under subsection (2), the chief executive must as soon 6
as practicable— 7
- (a) replace the licensee’s licence; and 8
 - (b) give the replacement licence to the licensee. 9
- ‘(5) The replacement licence must include the following— 10
- (a) the information mentioned in section 68(2)(e); 11
 - (b) the number of entitlements for the licensed premises 12
that have been transferred to the licensee of other 13
licensed premises on a temporary basis under division 3; 14
 - (c) the number of entitlements for other licensed premises 15
that have been transferred to the licensee on a temporary 16
basis under division 3; 17
 - (d) if the licensee received a notice under section 88A(1) or 18
(2) relating to a decision approving a decrease in the 19
approved number of gaming machines for the licensee’s 20
licensed premises—the number of entitlements for the 21
licensed premises that must, under section 87(9), be 22
transferred on a permanent basis under division 2. 23
- ‘109ZI Effect of appointment of controller 24**
- ‘(1) Subsection (2) applies if— 25
- (a) entitlements have been transferred to a licensee on a 26
temporary basis under division 3; and 27

(b) a controller is appointed in relation to the property of the licensee. 1
2

‘(2) The temporary transfer of the entitlements ends on the day the controller is appointed. 3
4

‘(3) In this section— 5
controller see the Corporations Act, section 9. 6

‘109ZJ Review of provisions relating to entitlements 7

‘The chief executive must, within 2 years after the commencement of this section, start a review of the operation of the provisions of this Act relating to entitlements.’. 8
9
10

**Clause 42 Amendment of s 189 (Licensing requirements for carrying out gaming duties on licensed premises) 11
12**

(1) Section 189(1)— 13

insert— 14

‘*Note—* 15

See also section 189A(1).’ 16

(2) Section 189(2)— 17

insert— 18

‘*Note—* 19

See also section 189A(2).’ 20

Clause 43 Insertion of new s 189A 21

After section 189— 22

insert— 23

**‘189A Requirement to hold current responsible service of gambling course certificate 24
25**

‘(1) Without limiting section 189(1), a person must not carry out gaming duties or gaming tasks on licensed premises unless the 26
27

[s 43]

- person holds a current responsible service of gambling course certificate. 1
2
- Maximum penalty—40 penalty units. 3
- ‘(2) Subsection (1) does not apply— 4
- (a) for a person who becomes an eligible licensee for the premises after the commencement of this section—until 5
6
3 months after the person becomes an eligible licensee 7
for the premises; or 8
- (b) for a person who becomes a nominee of the licensee for the premises after the commencement of this 9
10
section—until 3 months after the person becomes a 11
nominee of the licensee for the premises; or 12
- (c) for a person who starts to be employed by the licensee to carry out gaming duties or gaming tasks on the premises 13
14
after the commencement of this section—until 3 months 15
after the start of the employment. 16
- ‘(3) Without limiting section 189(2), a person must not employ or allow, or cause another person to employ or allow, a person 17
18
(the *employee*) to carry out gaming duties or gaming tasks on 19
20
licensed premises unless the employee holds a current 21
responsible service of gambling course certificate. 21
- Maximum penalty—40 penalty units. 22
- ‘(4) Subsection (3) does not apply, in relation to a person who starts to be employed to carry out gaming duties or gaming 23
24
tasks on the premises after the commencement of this section, 25
until 3 months after the start of the employment. 26
- ‘(5) A licensee— 27
- (a) must keep a register containing the information 28
prescribed under a regulation about current responsible 29
service of gambling course certificates held by persons 30
carrying out gaming duties or gaming tasks on the 31
licensed premises; and 32
- (b) must keep the register available for inspection by an 33
inspector at the premises. 34

Maximum penalty—40 penalty units. 1

‘(6) In this section— 2

eligible licensee see section 189(15). 3

gaming tasks means tasks about the conduct of gaming 4
prescribed under a regulation. 5

responsible service of gambling course certificate means a 6
certificate in the approved form— 7

(a) given to a person, for satisfactorily completing the 8
approved responsible service of gambling course, by a 9
person who holds an approval under part 10A as a 10
trainer for the course; and 11

(b) stating the certificate remains in force for 3 years after it 12
is given to the person.’. 13

Clause 44 Insertion of new s 261L 14

After section 261K— 15

insert— 16

**‘261L Distributing promotional or advertising material about 17
licensed premises 18**

‘A licensee must not distribute promotional or advertising 19
material about the licensee’s licensed premises to a person 20
who the licensee knows or ought reasonably to know is 21
prohibited from entering or remaining in the licensed 22
premises, or a gaming machine area on the licensed premises, 23
under a self-exclusion order or exclusion direction. 24

Maximum penalty—40 penalty units.’. 25

Clause 45 Amendment of s 322 (Disposition of fees etc.) 26

Section 322(3A)— 27

omit, insert— 28

[s 46]

- ‘(3A) Despite subsection (3), the following amounts of the payment
assessed each month as gaming machine tax are controlled
receipts of the department—
- (a) the amount prescribed under a regulation multiplied by
the maximum number of operating authorities;
 - (b) the amount prescribed under a regulation multiplied by
the maximum number of entitlements.’.

Clause 46	Insertion of new pt 10A	8
	After section 337—	9
	<i>insert—</i>	10
‘Part 10A	Approved responsible service of gambling course	11
		12
‘Division 1	Preliminary	13
‘337A	Definition for pt 10A	14
	‘In this part—	15
	<i>approval</i> means approval as a trainer for the approved responsible service of gambling course.	16 17
‘Division 2	Approval of course and trainer	18
‘337B	Approval of responsible service of gambling course	19
	‘The chief executive may approve a course as an approved responsible service of gambling course if the chief executive is satisfied the course gives adequate instruction about the responsible service of gambling.	20 21 22 23

‘337C Applying for approval as trainer	1
‘(1) A person may apply to the chief executive for an approval.	2
‘(2) The application must be—	3
(a) in the approved form; and	4
(b) accompanied by—	5
(i) any documents, identified in the approved form,	6
the chief executive reasonably requires to decide	7
the application; and	8
(ii) the fee prescribed under a regulation.	9
‘(3) The applicant must also provide any other relevant	10
information reasonably required by the chief executive to	11
decide the application.	12
‘337D Deciding application	13
‘(1) The chief executive must consider the application and either	14
grant or refuse to grant the application as soon as practicable	15
after the later of the following events happens—	16
(a) the chief executive receives the application;	17
(b) the chief executive receives all necessary information to	18
decide the application.	19
‘(2) The chief executive may grant the application only if the chief	20
executive is satisfied the applicant has the necessary expertise	21
or experience to conduct the approved responsible service of	22
gambling course.	23
‘(3) Without limiting subsection (2), in deciding the application	24
the chief executive may have regard to each of the	25
following—	26
(a) the applicant’s knowledge of the Act;	27
(b) the applicant’s experience in the gambling industry;	28
(c) if the applicant is, or has been, a licensee or licensed	29
person—the applicant’s conduct in discharging the	30

[s 46]

applicant's duties under this Act as a licensee or licensed person;	1 2
(d) if the applicant has previously held an approval—the applicant's previous conduct in discharging the applicant's duties under this Act as a trainer for the approved responsible service of gambling course.	3 4 5 6
'337E Grant of application	7
'(1) If the chief executive decides to grant the application, the chief executive must, as soon as practicable, give the applicant written notice of the decision.	8 9 10
'(2) The notice must state the term of the approval.	11
'(3) An approval remains in force, unless sooner cancelled, for the period, of not more than 3 years, stated by the chief executive in the notice given under subsection (1).	12 13 14
'337F Refusal to grant application	15
'If the chief executive decides to refuse to grant the application, the chief executive must, as soon as practicable, give the applicant an information notice for the decision.	16 17 18
'Division 3 Renewal of approvals	19
'337G Applying for renewal	20
'(1) A person may apply to the chief executive for renewal of the person's approval.	21 22
'(2) The application may be made before, but no more than 3 months before, the last day of the term of the approval.	23 24
'(3) The application must be—	25
(a) in the approved form; and	26
(b) accompanied by—	27

(i)	any documents, identified in the approved form, the chief executive reasonably requires to decide the application; and	1 2 3
(ii)	the fee prescribed under a regulation.	4
‘(4)	The applicant must also provide any other relevant information reasonably required by the chief executive to decide the application.	5 6 7
‘337H Deciding application		8
‘(1)	The chief executive must consider the application and either renew, or refuse to renew, the approval as soon as practicable after the later of the following events happens—	9 10 11
(a)	the chief executive receives the application;	12
(b)	the chief executive receives all necessary information to decide the application.	13 14
‘(2)	The chief executive may renew the approval only if the chief executive is satisfied the applicant has the necessary expertise or experience to conduct the approved responsible service of gambling course.	15 16 17 18
‘(3)	Without limiting subsection (2), in deciding the application the chief executive may have regard to the same matters the chief executive may have regard to under section 337D(3).	19 20 21
‘337I Renewal of approval		22
‘(1)	If the chief executive decides to renew the approval, the chief executive must as soon as practicable give the applicant written notice of the decision.	23 24 25
‘(2)	The notice must state the term of the renewed approval.	26
‘337J Refusal to renew approval		27
	‘If the chief executive decides to refuse to renew the approval, the chief executive must, as soon as practicable, give the applicant an information notice for the decision.	28 29 30

[s 46]

‘337K Approval continues pending decision about renewal	1
‘(1) If a person applies for renewal of the person’s approval under section 337G, the approval is taken to continue in force from the day it would, apart from this subsection, have ended until the day on which the first of the following events happens—	2 3 4 5
(a) the chief executive renews the approval;	6
(b) if the chief executive decides to refuse to renew the approval—the chief executive gives the person an information notice for the decision;	7 8 9
(c) the person withdraws the application for renewal;	10
(d) the application lapses under section 337L;	11
(e) the approval is cancelled under division 5.	12
‘(2) If the chief executive renews the approval, the approval is taken to have been renewed from the day it would, apart from subsection (1), have ended.	13 14 15
‘Division 4 Lapsing of applications	16
‘337L Lapsing of application	17
‘(1) This section applies if an application for an approval, or renewal of an approval, is made under this part.	18 19
‘(2) The chief executive may make a requirement under section 337C(3) or 337G(4) for information to decide the application by giving the applicant a written notice stating—	20 21 22
(a) the information required; and	23
(b) the time by which the information must be given to the chief executive; and	24 25
(c) that, if the information is not given to the chief executive by the stated time, the application will lapse.	26 27
‘(3) The stated time must be reasonable and, in any case, at least 21 days after the requirement is made.	28 29

‘(4)	The chief executive may give the applicant a further notice extending, or further extending, the time if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.	1 2 3 4
‘(5)	A notice may be given under subsection (4), in relation to an application for an approval, even if the time to which it relates has lapsed.	5 6 7
‘(6)	If the applicant does not comply with the requirement within the stated time, or any extension of the time, the application lapses.	8 9 10
‘Division 5	Cancellation of approvals	11
‘337M	Grounds for cancellation	12
	‘The chief executive may cancel a person’s approval if the chief executive believes on reasonable grounds—	13 14
	(a) the approval was granted in error or because of a materially false or fraudulent document, statement or representation; or	15 16 17
	(b) the person—	18
	(i) is not conducting the approved responsible service of gambling course in an appropriate way; or	19 20
	(ii) no longer has the necessary expertise to conduct the course.	21 22
‘337N	Procedure for cancellation	23
‘(1)	If the chief executive proposes to cancel a person’s approval, the chief executive must give the person a written notice stating the following—	24 25 26
	(a) the chief executive proposes to cancel the approval;	27
	(b) the grounds for the proposed cancellation;	28

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- (c) the facts and circumstances that are the basis for the grounds; 1
2
- (d) that the person may make, within a stated period, written representations to show why the approval should not be cancelled. 3
4
5
- ‘(2) The stated period must end at least 21 days after the person is given the notice. 6
7
- ‘(3) If, after considering all written representations made within the stated period, the chief executive still believes a ground exists to cancel the approval, the chief executive may cancel the approval. 8
9
10
11
- ‘(4) The chief executive must, as soon as practicable after making a decision under subsection (3), give the person an information notice for the decision. 12
13
14
- ‘(5) The decision takes effect on— 15
 - (a) the day the notice is given; or 16
 - (b) if a later day is stated in the notice—the stated day.’. 17

Clause 47 Amendment of s 366 (Regulation-making power) 18
Section 366(2)— 19
insert— 20
‘(s) the maximum denomination of currency that may be inserted in a note acceptor on licensed premises.’. 21
22

Clause 48 Insertion of new pt 12, div 14 23
After section 446— 24
insert— 25

‘Division 14	Provisions for Gambling and Other Legislation Amendment Act 2009	1 2
‘447	Definitions for div 14	3
	In this division—	4
	<i>category 2 licence</i> means a gaming machine licence that relates to category 2 licensed premises.	5 6
	<i>category 2 licensee</i> means a club that is a category 2 licensee on the commencement day.	7 8
	<i>commencement day</i> means the day this section commences.	9
	<i>valid application</i> means one of the following applications received by the chief executive before 16 April 2008—	10 11
	(a) an application under section 56 for a category 2 licence;	12
	(b) an application under section 61 for approval of premises as additional premises to which a category 2 licence relates;	13 14 15
	(c) an application under section 81 to have the approved number of gaming machines for category 2 licensed premises increased.	16 17 18
‘448	Allocation of entitlements on commencement day	19
	‘(1) Subsection (2) applies if a valid application was granted in relation to category 2 licensed premises before the commencement day.	20 21 22
	‘(2) On the commencement day, entitlements equal in number to the approved number of gaming machines for the licensed premises are allocated for the premises.	23 24 25
	‘(3) Subsection (4) applies if—	26
	(a) before the commencement day, a valid application was granted in relation to category 2 licensed premises; and	27 28
	(b) after the application was granted but before the commencement day, the chief executive and the liquor	29 30

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licensing authority made arrangements under section 78—	1 2
(i) to transfer a liquor licence to the premises; and	3
(ii) at the same time, to issue a new category 2 licence for the premises.	4 5
‘(4) For subsection (2), the valid application is taken to have been made by the holder of the new category 2 licence for the premises.	6 7 8
‘(5) In this section—	9
<i>approved number of gaming machines</i> , for licensed premises, means—	10 11
(a) the number of gaming machines approved for the premises on the grant of a valid application; or	12 13
(b) if, on the commencement day, the approval of a gaming machine mentioned in paragraph (a) is no longer in force—the number of the gaming machines mentioned in paragraph (a) for which an approval continues in force.	14 15 16 17 18
‘449 Allocation of entitlements after commencement day	19
‘(1) Subsection (2) applies if a valid application is granted in relation to category 2 licensed premises after the commencement day.	20 21 22
‘(2) On the granting of the valid application, entitlements equal in number to the approved number of gaming machines for the licensed premises are allocated for the premises.	23 24 25
‘450 Replacement of gaming machine licence	26
‘The chief executive must, as soon as practicable after entitlements are allocated under section 448 or 449—	27 28
(a) replace the gaming machine licence for each licensed premises to which entitlements are allocated; and	29 30

(b)	give the replacement licence to the licensee for the premises.	1 2
‘451	Information for replacement gaming machine licence	3
	‘A replacement licence given to a licensee under section 450 must state—	4 5
(a)	the number of entitlements endorsed for each licensed premises under the licence; and	6 7
(b)	the entitlement region in which each of the licensed premises are located.	8 9
‘452	Transfer of entitlements allocated under s 448 or 449	10
‘(1)	This section applies to entitlements allocated under section 448 or 449.	11 12
‘(2)	Despite section 109M(5), the commission must not grant an application for approval to transfer any of the entitlements under part 3B, division 2 until the transferor licensee has installed and is operating or has operated, on the transferor licensed premises, the approved number of gaming machines for the premises.	13 14 15 16 17 18
‘453	Application of s 80A to category 2 licences granted between 16 April 2008 and commencement day	19 20
‘(1)	This section applies to a category 2 licence for which an application under section 56 was—	21 22
(a)	made on or after 16 April 2008; and	23
(b)	granted before the commencement day.	24
‘(2)	Section 80A applies to the category 2 licence as if a reference in the section to the day the licence was granted is a reference to the commencement day.	25 26 27

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‘454	Application of s 85AA if approval under s 83 granted between 16 April 2008 and commencement	1 2
	‘(1) This section applies to a category 2 licence for which an application under section 81 was—	3 4
	(a) made on or after 16 April 2008; and	5
	(b) granted before the commencement day.	6
	‘(2) Section 85AA(2) to (7) applies to the category 2 licence as if a reference in the section to the day the approval was given is a reference to the commencement day.	7 8 9
‘455	Requirements about transferor licensed premises—s 109T	10 11
	‘For section 109T(6), section 109V(3) does not apply if—	12
	(a) the transferor licensee was notified under section 58, 63 or 83 on the granting of a valid application; and	13 14
	(b) at the time the application was made under section 109T, the transferor licensee had installed, on the licensed premises, the approved number of gaming machines for the premises.	15 16 17 18
‘456	Protection from liability	19
	‘(1) This section applies to the following applications received by the chief executive on or after 16 April 2008 and before the commencement of the <i>Gambling and Other Legislation Amendment Act 2009</i> , section 41—	20 21 22 23
	(a) an application under section 56 for a category 2 licence;	24
	(b) an application under section 61 for approval of premises as additional premises to which a category 2 licence relates;	25 26 27
	(c) an application under section 81 to have the approved number of gaming machines for category 2 licensed premises increased.	28 29 30

-
- ‘(2) The State, a departmental officer or a commissioner does not incur civil liability for acting or failing to act in relation to the application. 1
2
3
- ‘(3) If a civil proceeding relating to the application was started before the commencement day against the State, a departmental officer or a commissioner, the proceeding is stayed and the court dealing with the proceeding must dismiss it. 4
5
6
7
8
- ‘(4) In this section— 9
commencement day means the day this section commences. 10
- ‘457 Transitional provision for s 189A 11**
- ‘(1) Section 189A(1) does not apply until 1 July 2011 to a person who, immediately before the commencement day, was— 12
13
- (a) an eligible licensee for licensed premises; or 14
 - (b) a nominee of the licensee for the premises; or 15
 - (c) employed by the licensee to carry out gaming duties or gaming tasks on the premises. 16
17
- ‘(2) Section 189A(3) does not apply until 1 July 2011 in relation to a person who, immediately before the commencement day, was employed to carry out gaming duties or gaming tasks on licensed premises. 18
19
20
21
- ‘458 Extension of transitional arrangement for s 189A 22**
- ‘(1) A person mentioned in section 457 may apply to the chief executive for an extension, until 1 July 2013, of the period during which section 189A(1) and (3) do not apply. 23
24
25
- ‘(2) The application must be— 26
- (a) in the approved form; and 27
 - (b) accompanied by— 28
 - (i) a statement of attainment certifying that the person has, in Queensland during the period of 12 months 29
30
-

[s 48]

- immediately before the commencement of section 189A, achieved either of the following units of competency—
- (A) SITHGAM003A (Provide responsible gambling services) from the nationally endorsed training package SIT07 (Tourism hospitality and event management);
 - (B) THHADG03B (Provide responsible gambling services) from the nationally endorsed training package THH02 (Hospitality); and
- (ii) the fee prescribed under a regulation; and
- (c) given to the chief executive before 30 April 2011.
- ‘(3) The applicant must also provide any other relevant information reasonably required by the chief executive to decide the application.
- ‘(4) The chief executive must grant the application if the requirements mentioned in subsections (2) and (3) are satisfied.
- ‘(5) If the chief executive grants the application, the chief executive must give the applicant written notice of the decision.
- ‘(6) The chief executive must refuse to grant the application if the requirements mentioned in subsections (2) and (3) are not satisfied.
- ‘(7) If the chief executive refuses to grant the application, the chief executive must give the applicant a written notice stating the decision and the reasons for the decision.
- ‘(8) In this section—
- nationally endorsed* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.
- statement of attainment* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

training package see the *Vocational Education, Training and Employment Act 2000*, schedule 3. 1
2

unit of competency see the *Vocational Education, Training and Employment Act 2000*, schedule 3.'. 3
4

Clause 49 Amendment of schedule (Dictionary) 5

(1) Schedule, definitions *category 2 licensee*, *club liquor licence*, *endorsed number* and *licensed premises*— 6
7

omit. 8

(2) Schedule— 9

insert— 10

'approved responsible service of gambling course means a 11
course approved by the chief executive under section 337B. 12

authorised entitlements sale means a sale of entitlements of 13
the State under section 109ZC. 14

category 2 licensee— 15

(a) means a licensee whose gaming machine licence relates 16
to a category 2 licensed premises; and 17

(b) for part 3B, division 2, see section 109L. 18

community club licence means— 19

(a) a licence mentioned in the *Liquor Act 1992*, section 20
58(1)(d); or 21

(b) an authority held by a non-proprietary club to sell liquor 22
under a Commonwealth Act; or 23

(c) a right to sell liquor held by a person as a subsidiary 24
operator that is a non-proprietary club. 25

endorsed number— 26

(a) of operating authorities for licensed premises, means the 27
number of operating authorities stated on the gaming 28
machine licence for the licensed premises; or 29

[s 49]

- (b) of entitlements for licensed premises, means the number of entitlements stated on the gaming machine licence for the licensed premises, other than the number of any entitlements for other licensed premises that have been transferred under part 3B, division 3 for use on a temporary basis at the premises.
- entitlement** means an authorisation for a category 2 licensee to, subject to this Act, install and operate a gaming machine on category 2 licensed premises.
- entitlement**, of a category 2 licensee, means an entitlement endorsed on the licensee's gaming machine licence as an entitlement for licensed premises under the licence.
- entitlement**, of the State, means—
- (a) an entitlement that is an entitlement of the State under section 78(6), 78A(8), 87(10), 91A(4), 95(2E) or 109ZA; or
- (b) another entitlement, other than an entitlement that is—
- (i) allocated under section 448 or 449; or
- (ii) transferred by operation of section 78(5) or 78A(7); or
- (iii) purchased at an authorised entitlements sale.
- entitlement region** means a region of the State prescribed under a regulation.
- entitlement selling entity** see section 109ZC.
- licensed premises**—
- (a) means premises on which a licensee is licensed to conduct gaming; and
- (b) for part 3B, division 2, see section 109L.
- note acceptor** means a device that accepts currency in exchange for gaming machine credits.
- transferee licensed premises**—
- (a) for part 3B, division 2, see section 109L; and

-
- (b) for part 3B, division 3, see section 109S. 1
- transferee licensee*— 2
- (a) for part 3B, division 2, see section 109L; and 3
- (b) for part 3B, division 3, see section 109S. 4
- transferor licensed premises*— 5
- (a) for part 3B, division 2, see section 109L; and 6
- (b) for part 3B, division 3, see section 109S. 7
- transferor licensee*— 8
- (a) for part 3B, division 2, see section 109L; and 9
- (b) for part 3B, division 3, see section 109S.’. 10

Division 3 Amendment relating to the tribunal 11

- Clause 50 Amendment of s 29 (Who may apply for a review by tribunal)** 12
13
- Section 29— 14
- insert*— 15
- ‘(11) Each of the following persons may apply, as provided under 16
the QCAT Act, to the tribunal for a review of the decision 17
stated for the person— 18
- (a) a person whose application for an approval under part 19
10A is not granted under section 337D(1); 20
- (b) a person whose application for renewal of an approval 21
under part 10A is not granted under section 337H(1); 22
- (c) a person whose approval under part 10A is cancelled 23
under section 337N(3).’ 24

[s 51]

Part 5	Amendment of Interactive Gambling (Player Protection) Act 1998	1
		2
		3
Clause 51	Act amended	4
	This part amends the <i>Interactive Gambling (Player Protection) Act 1998</i> .	5
		6
Clause 52	Amendment of s 120 (Rules)	7
	Section 120(2)—	8
	<i>omit, insert—</i>	9
	‘(2) The Minister must notify the making of a rule in the gazette.	10
	‘(2A) A rule takes effect—	11
	(a) on the day the making of the rule is notified in the gazette; or	12
		13
	(b) if a later day is stated in the Minister’s notice or the rule—on that day.’.	14
		15
Clause 53	Insertion of new s 120A	16
	After section 120—	17
	<i>insert—</i>	18
	‘120A Rules to be made available etc.	19
	‘A licensed provider must, for an authorised game the provider is authorised to conduct under part 2, division 2—	20
		21
	(a) make a copy of the rules for the game available for public inspection—	22
		23
	(i) during ordinary office hours at the provider’s public office; and	24
		25
	(ii) on the provider’s website on the internet; and	26

-
- (b) give a copy of the rules for the game to each agent of the provider. 1
2
Maximum penalty—40 penalty units.’. 3

Clause 54 Insertion of new s 137L 4

Part 7, division 5A— 5
insert— 6

‘137L Distributing promotional or advertising material about authorised games 7
8

‘A licensed provider must not distribute promotional or advertising material about authorised games conducted by the provider to persons who the provider knows or ought reasonably to know are prohibited from participating as a player in the authorised games under a self-exclusion order or exclusion direction. 9
10
11
12
13
14

Maximum penalty—40 penalty units.’. 15

Part 6 Amendment of Keno Act 1996 16

Clause 55 Act amended 17

This part amends the *Keno Act 1996*. 18

Clause 56 Amendment of s 138 (Keno rules) 19

Section 138(2)— 20
omit, insert— 21

‘(2) The Minister must notify the making of a rule in the gazette. 22

‘(3) A rule takes effect— 23

(a) on the day the making of the rule is notified in the gazette; or 24
25

[s 57]

(b) if a later day is stated in the Minister’s notice or the rule—on that day. 1
2

‘(4) A keno licensee may make submissions to the Minister about a rule or proposed rule.’. 3
4

Clause 57 Insertion of new s 138A 5

After section 138— 6

insert— 7

‘138A Rules to be made available etc. 8

‘A keno licensee must, for a keno game conducted by the licensee under the licence— 9
10

(a) make a copy of the rules for the game available for public inspection on the licensee’s website on the internet; and 11
12
13

(b) give a copy of the rules for the game to each keno agent of the licensee. 14
15

Maximum penalty—40 penalty units.’. 16

Clause 58 Amendment of s 147 (Deposit advance accounts) 17

(1) Section 147, heading ‘Deposit advance’— 18

omit, insert— 19

‘**Player**’. 20

(2) Section 147(1) and (4), ‘deposit advance’— 21

omit, insert— 22

‘player’. 23

Clause 59 Insertion of new s 154M 24

Part 8, division 3— 25

insert— 26

'154M Distributing promotional or advertising material about approved place of operation	1 2
'An appointed agent must not distribute promotional or advertising material about the agent's approved place of operation to persons who the agent knows or ought reasonably to know are prohibited from taking part in keno gaming at, or entering or remaining in, the approved place of operation under a self-exclusion order or exclusion direction.	3 4 5 6 7 8
Maximum penalty—40 penalty units.'	9
Clause 60 Amendment of s 165 (Keno gaming by minors)	10
Section 165, '10'—	11
<i>omit, insert—</i>	12
'25'.	13
Clause 61 Amendment of s 166 (Allowing minors to take part in keno gaming)	14 15
Section 166(1), '20'—	16
<i>omit, insert—</i>	17
'40'.	18
Clause 62 Insertion of new s 240A	19
After section 240—	20
<i>insert—</i>	21
'240A Commissioner of police service to notify changes in criminal history	22 23
(1) This section applies if—	24
(a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and	25 26 27
(b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person.	28 29

[s 63]

- ‘(2) The commissioner must notify the chief executive about the change in the person’s criminal history. 1
2
- ‘(3) The notice must state the following— 3
- (a) the person’s name and address; 4
 - (b) the person’s date of birth; 5
 - (c) the offence the person is charged with; 6
 - (d) particulars of the offence; 7
 - (e) the date of the charge. 8
- ‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1). 9
10
- ‘(5) In this section— 11
- relevant person* means— 12
- (a) a licensed keno employee; or 13
 - (b) a keno licensee who is an individual; or 14
 - (c) an individual identified by the Minister as being a business or executive associate of a keno licensee.’. 15
16

- Clause 63 Amendment of s 243 (Regulation-making power) 17**
- Section 243(2)— 18
- insert—* 19
- ‘(c) be about— 20
- (i) establishing, and operating, a player account; or 21
 - (ii) naming a wager on a keno game; or 22
 - (iii) drawing a keno game; or 23
 - (iv) the abatement of prizes of greater than a prescribed amount; or 24
25
 - (v) refunding an amount wagered on a keno game; or 26
 - (vi) unpaid prize money.’. 27

Clause 64	Amendment of sch 4 (Dictionary)	1
	Schedule 4—	2
	<i>insert</i> —	3
	‘ <i>player account</i> means an account established under section 147.’.	4
		5
 Part 7		
	Amendment of Liquor Act 1992	6
Clause 65	Act amended	7
	This part amends the <i>Liquor Act 1992</i> .	8
Clause 66	Amendment of s 4 (Definitions)	9
	(1) Section 4, definition <i>disciplinary action</i> —	10
	<i>insert</i> —	11
	‘(da) cancelling an extended trading hours approval endorsed on the licence; or’.	12
		13
	(2) Section 4, definition <i>member of a reciprocal club</i> , ‘club licence or restricted club permit’—	14
		15
	<i>omit, insert</i> —	16
	‘licence or permit’.	17
Clause 67	Omission of s 4D (Notes in text)	18
	Section 4D—	19
	<i>omit</i> .	20
Clause 68	Amendment of s 9 (Ordinary trading hours)	21
	Section 9(12), ‘general licence’—	22

[s 69]

omit, insert— 1
'commercial hotel licence'. 2

Clause 69	Amendment of s 21 (Jurisdiction and powers of tribunal)	3
	Section 21(1)—	4
	<i>insert—</i>	5
	'(ba) an extended trading hours approval including the grant, refusal to grant or cancellation of the approval or any variation of the conditions of the approval; or	6 7 8
	(bb) the extension of a period of time under section 155AD(5)(b); or	9 10
	(bc) the payment of a fee by instalments under section 209; or'.	11 12

Clause 70	Amendment of s 78 (Restrictions on grant of community club licence)	13 14
	Section 78(2)(c), example, 'general licence'—	15
	<i>omit, insert—</i>	16
	'commercial hotel licence'.	17

Clause 71	Amendment of s 84 (Authority of extended trading hours approval)	18 19
	Section 84—	20
	<i>insert—</i>	21
	'Note—	22
	Failure by a licensee to comply with the times or the conditions stated in the licensee's extended trading hours approval is, under section 136, a ground for the chief executive to take disciplinary action relating to the licence under section 137.'	23 24 25 26

Clause 72	Insertion of new s 88	1
	Part 4, division 7—	2
	<i>insert</i> —	3
'88	Review of operation of extended trading hours approval	4
	‘The chief executive may, at any time, review the conduct of a licensee under an extended trading hours approval endorsed on the licensee’s licence.’	5
		6
		7
		8
Clause 73	Relocation and renumbering of pt 4, div 15	9
	(1) Part 4, division 15, heading—	10
	<i>relocate</i> and <i>renumber</i> in part 5C as division 5, heading.	11
	(2) Section 104A—	12
	<i>relocate</i> and <i>renumber</i> , in part 5C, division 5, as section 142ZF.	13
		14
Clause 74	Amendment of s 103I (Hours to which application may relate etc.)	15
	Section 103I(1), (2), (4) and (6), ‘extended trading hours permit’—	16
	<i>omit, insert</i> —	17
	‘extended hours permit’.	18
		19
		20
Clause 75	Amendment of s 103J (Restriction on number of extended trading hours permits for particular premises)	21
	Section 103J, ‘extended trading hours permits’—	22
	<i>omit, insert</i> —	23
	‘extended hours permits’.	24
		25

[s 76]

Clause 76	Amendment of s 103K (Restriction on grant of restricted liquor permit and other related matters)	1 2
	Section 103K(2)(a), after ‘the times,’—	3
	<i>insert</i> —	4
	‘between 10a.m. and 12 midnight and’.	5
Clause 77	Amendment of s 106 (Who may apply for licence or permit)	6 7
	Section 106(4), ‘general licence’—	8
	<i>omit, insert</i> —	9
	‘commercial hotel licence’.	10
Clause 78	Amendment of s 129 (Applications to continue trading in certain circumstances)	11 12
	(1) Section 129(4), ‘club licence’—	13
	<i>omit, insert</i> —	14
	‘community club licence’.	15
	(2) Section 129—	16
	<i>insert</i> —	17
	‘(5) Despite subsections (1), (2) and (4), a person may apply to the chief executive under this section only if the person is a person who may make an application under section 106.’	18 19 20
Clause 79	Amendment of s 136 (Grounds for disciplinary action)	21
	Section 136(1)(a)(iii), after ‘licence’—	22
	<i>insert</i> —	23
	‘or in an extended trading hours approval endorsed on the licence’.	24 25

Clause 80	Amendment of s 141 (Order to close premises for unlawful trading)	1 2
	Section 141(1)(a) and (b)—	3
	<i>omit, insert—</i>	4
	‘(a) the licensee of the premises; or	5
	(b) both an approved manager and an employee of the licensee; or’.	6 7
Clause 81	Amendment of s 142AA (Application of div 5)	8
	Section 142AA(2)(d)—	9
	<i>omit.</i>	10
Clause 82	Amendment of s 155 (Minors on premises)	11
	Section 155(4), definition <i>exempt minor</i> , paragraph (d), ‘club licence or restricted club permit’—	12 13
	<i>omit, insert—</i>	14
	‘community club licence or restricted liquor permit’.	15
Clause 83	Amendment of s 155AD (Who must be present or reasonably available at licensed premises etc.)	16 17
	(1) Section 155AD(2) and (3)—	18
	<i>omit, insert—</i>	19
	‘(2) If the licensee or permittee is a corporation, the licensee or permittee must take reasonable steps to ensure that an approved manager—	20 21 22
	(a) is present or reasonably available during the following times at the licensed premises or premises to which the permit relates—	23 24 25
	(i) ordinary trading hours;	26
	(ii) approved extended trading hours between 7a.m. and 10a.m.; and	27 28

[s 83]

- (b) is present during approved extended trading hours between 12 midnight and 5a.m. at the licensed premises or premises to which the permit relates. 1
2
3
- Maximum penalty—50 penalty units. 4
- ‘(3) If the licensee or permittee is an individual, the licensee or permittee must— 5
6
- (a) be present or reasonably available, or take reasonable steps to ensure that an approved manager is present or reasonably available, during the following times at the licensed premises or premises to which the permit relates— 7
8
9
10
11
- (i) ordinary trading hours; 12
- (ii) approved extended trading hours between 7a.m. and 10a.m.; and 13
14
- (b) be present, or take reasonable steps to ensure that an approved manager is present, during approved extended trading hours between 12 midnight and 5a.m. at the licensed premises or premises to which the permit relates. 15
16
17
18
19
- Maximum penalty—50 penalty units.’. 20
- (2) Section 155AD— 21
- insert—* 22
- ‘(4A) Despite subsections (2)(a) and (3)(a), the chief executive may, under section 107C, impose a condition on a licensee’s licence or a permittee’s permit requiring— 23
24
25
- (a) if the licensee or permittee is a corporation—the licensee or permittee to take reasonable steps to ensure an approved manager is present during the times mentioned in subsection (2)(a) at the licensed premises or premises to which the permit relates; and 26
27
28
29
30
- (b) if the licensee or permittee is an individual—the licensee or permittee to be present, or take reasonable steps to ensure an approved manager is present, during 31
32
33

	the times mentioned in subsection (3)(a) at the licensed premises or premises to which the permit relates.	1 2
‘(4B)	Subsection 4A applies if the chief executive is satisfied the condition is necessary for a purpose mentioned in section 107C(1).’.	3 4 5
(3)	Section 155AD(5)(b), after ‘1 hour’— <i>insert—</i> ‘or, if the chief executive has decided to extend the period of time for a particular licensee, permittee or approved manager, the extended period of time.’.	6 7 8 9 10
(4)	Section 155AD— <i>insert—</i>	11 12
‘(6)	In deciding whether to extend the period of time for a particular licensee, permittee or approved manager, the chief executive must have regard to—	13 14 15
(a)	the principal activity, and the nature and extent of the business, conducted under the licence or permit; and	16 17
(b)	the location of the premises; and	18
(c)	the availability of trained staff for the premises.’.	19
Clause 84	Insertion of new s 209	20
	After section 208—	21
	<i>insert—</i>	22
‘209	Payment of fees by instalments	23
‘(1)	Subsection (2) applies if the chief executive is satisfied a licensee is unable to pay in full, on the day prescribed under a regulation, the fee payable in relation to a licence because—	24 25 26
(a)	the business conducted under authority of the licence has been adversely affected by a natural disaster; or	27 28
(b)	the licensee has suffered a personal hardship.	29

[s 85]

- ‘(2) Despite section 208(2), the chief executive may accept payment of the fee under a schedule of instalments decided by the chief executive. 1
2
3
- ‘(3) If the licensee pays the fee in accordance with the schedule of instalments— 4
5
- (a) the licensee is taken to have paid the fee by the day prescribed for section 208(2); and 6
7
- (b) the consequences of failing to pay the fee, provided for under a regulation, do not apply to the licensee. 8
9
- ‘(4) Financial hardship is not a personal hardship for subsection (1).’ 10
11

Clause 85 Insertion of new pt 12, div 10 12

Part 12— 13

insert— 14

**‘Division 10 Transitional provisions for 15
Gambling and Other Legislation 16
Amendment Act 2009 17**

‘297 Definitions for div 10 18

commencement means the commencement of this section. 19

pre-amended Act means this Act as in force before the commencement. 20
21

**‘298 Existing permit for trading on a regular basis between 22
12 midnight and 5a.m. 23**

‘(1) This section applies to a person who, immediately before the commencement, held under the pre-amended Act an extended hours permit that extended trading hours on a regular basis to include trading at any time between midnight and 5a.m. 24
25
26
27

‘(2) On the commencement— 28

[s 88]

- (a) the taxation of lotteries and the sharing of tax revenue derived from lotteries; 1
2
- (b) collaboration between lottery officials and officers of the other State or foreign country engaged in the administration of the corresponding law of the other State or foreign country; 3
4
5
6
- (c) mutual recognition of licences and administrative acts between the State, and the other State or foreign country. 7
8

- ‘(4) In this section— 9
- corresponding law*, of the other State or foreign country, means the law of the other State or foreign country that provides for the same matter as this Act or a provision of this Act. 10
11
12
13
- relevant Minister*, of the other State or foreign country, means the Minister, or equivalent officer holder, of the other State or foreign country, with portfolio responsibility for lotteries regulation or the taxation of lotteries.’. 14
15
16
17

Clause 88 Amendment of s 121 (Rules) 18

Section 121(2)— 19

omit, insert— 20

- ‘(2) The Minister must notify the making of a rule in the gazette. 21

‘(2A) A rule takes effect— 22

- (a) on the day the making of the rule is notified in the gazette; or 23
24
- (b) if a later day is stated in the Minister’s notice or the rule—on that day.’. 25
26

Clause 89 Amendment of s 121A (Rules to be made available) 27

Section 121A(a)— 28

omit, insert— 29

-
- ‘(a) for each lottery stated in the lottery operator’s licence, 1
make a copy of the rules available for public 2
inspection— 3
- (i) during ordinary office hours at the lottery 4
operator’s public office; and 5
- (ii) on the lottery operator’s website on the internet; 6
and’. 7

Clause 90 Omission of s 126 (Price of lottery tickets) 8
Section 126— 9
omit. 10

Clause 91 Amendment of s 149 (Participation by minors prohibited) 11
Section 149— 12
insert— 13

‘(3) A minor must not participate in a lottery. 14
Maximum penalty—25 penalty units.’. 15

Clause 92 Insertion of new s 225A 16
After section 225— 17
insert— 18

‘225A Commissioner of police service to notify changes in criminal history 19
20

‘(1) This section applies if— 21

(a) the chief executive gives the commissioner of the police 22
service the name of a relevant person for this section; 23
and 24

(b) the commissioner reasonably suspects a person who is 25
charged with an offence is the relevant person. 26

‘(2) The commissioner must notify the chief executive about the 27
change in the person’s criminal history. 28

[s 93]

- ‘(3) The notice must state the following— 1
- (a) the person’s name and address; 2
 - (b) the person’s date of birth; 3
 - (c) the offence the person is charged with; 4
 - (d) particulars of the offence; 5
 - (e) the date of the charge. 6
- ‘(4) The chief executive may confirm the suspicions of the 7
commissioner of the police service under subsection (1). 8
- ‘(5) In this section— 9
- relevant person* means— 10
- (a) a licensed employee; or 11
 - (b) a primary licensee who is an individual; or 12
 - (c) an individual identified by the Minister as being a 13
business or executive associate of a primary licensee.’. 14

Clause 93 Amendment of s 228 (Regulation-making power) 15

Section 228(2)— 16

insert— 17

- ‘(c) be about— 18
- (i) establishing, and operating, a player account; or 19
 - (ii) cancelling a lottery ticket; or 20
 - (iii) void lottery tickets; or 21
 - (iv) drawing a lottery, and publishing results of the 22
draw; or 23
 - (v) claiming a prize; or 24
 - (vi) distributing a prize pool; or 25
 - (vii) withdrawing unsold lottery tickets; or 26
 - (viii) prize payouts.’. 27

Clause 94	Amendment of sch 3 (Dictionary)	1
	Schedule 3—	2
	<i>insert—</i>	3
	<i>‘player account</i> means an account established by a lottery operator for a person for use by the person in participating in a lottery conducted by the lottery operator under the lottery operator’s licence.’.	4 5 6 7
 Part 9		
	Amendment of Racing Act 2002	8
 Clause 95	Act amended	9
	This part amends the <i>Racing Act 2002</i> .	10
 Clause 96	Amendment of s 113A (Definitions for pt 6)	11
	Section 113A—	12
	<i>insert—</i>	13
	<i>‘document or information request</i> see section 113EA.	14
	<i>wagering monitoring system</i> means a system for monitoring the wagering activity of a licensed wagering operator.’.	15 16
 Clause 97	Insertion of new ss 113EA–113EC	17
	After section 113E—	18
	<i>insert—</i>	19
	‘113EA Standard condition of race information authority	20
	‘It is a condition of every race information authority that the holder of the authority must, unless the holder has a reasonable excuse—	21 22 23

[s 97]

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

‘113EB Use of documents or information by control body

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

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

- ‘A person who is the holder of a race information authority or an employee of the holder is not liable civilly, criminally or under an administrative process for providing documents or information about wagering activity—
- (a) by taking part in a wagering monitoring system; or
 - (b) in response to a document or information request.’.

Clause 98	Amendment of s 334 (Types of offences)	1
	Section 334(2), after ‘section’—	2
	<i>insert—</i>	3
	‘113C.’	4
Part 10	Amendment of Residential Services (Accreditation) Act 2002	5 6 7
Clause 99	Act amended	8
	This part amends the <i>Residential Services (Accreditation) Act 2002</i> .	9 10
Clause 100	Amendment of s 4 (Meaning of <i>residential service</i>)	11
	Section 4(2)—	12
	<i>omit, insert—</i>	13
	‘(2) Also, a service is a <i>residential service</i> —	14
	(a) if—	15
	(i) subsection (1)(a) and (b) apply to the service; and	16
	(ii) in the course of the service, each of the residents—	17
	(A) has a right to occupy 1 or more rooms; and	18
	(B) does not have a right to occupy the whole of the premises in which the rooms are situated; and	19 20 21
	(C) is provided with a food service or personal care service; or	22 23

[s 101]

	<i>Example for subparagraph (ii)—</i>	1
	a service, providing rental accommodation to older persons, in which each of the residents occupies a self-contained unit and is provided with a food service or personal care service	2 3 4
	(b) if the service is provided under an aged rental scheme.’.	5
Clause 101	Amendment of s 6 (Meaning of <i>service provider</i>)	6
	(1) Section 6(b)(ii)—	7
	<i>renumber</i> as section 6(b)(iii).	8
	(2) Section 6(b)(i)—	9
	<i>omit, insert—</i>	10
	‘(i) if the service is being conducted under an aged rental scheme—the scheme operator; or	11 12
	(ii) if the service is being conducted other than under an aged rental scheme—the person conducting the service; or’.	13 14 15
Clause 102	Insertion of new s 6A	16
	Part 1, division 2—	17
	<i>insert—</i>	18
‘6A	Meaning of <i>aged rental scheme</i> and <i>scheme operator</i>	19 20
	‘(1) An <i>aged rental scheme</i> is a scheme under which—	21
	(a) accommodation, in return for the payment of rent, is provided mainly to older members of the community or retired persons; and	22 23 24
	(b) the accommodation is provided to at least 4 persons who have a right to occupy 2 or more self-contained units either jointly or separately; and	25 26 27
	(c) a food service or personal care service is provided to the persons mentioned in paragraph (b).	28 29

-
- ‘(2) The person who, under the aged rental scheme, must provide both of the following is the *scheme operator* of the scheme—
- (a) the accommodation;
 - (b) the food service or personal care service.
- ‘(3) For subsection (2), a person provides accommodation and a food service or a personal care service if—
- (a) the person—
 - (i) owns or leases all or any of the self-contained units used in the aged rental scheme; and
 - (ii) lets those units directly to residents in the course of the residential service; and
 - (iii) provides, or arranges for the provision of, the food service or personal care service; or
 - (b) the person (the *letting agent*), on behalf of the owners or lessees of all or any of the self-contained units used in the aged rental scheme—
 - (i) lets or sub-lets the units to residents in the course of the residential service, regardless of whether the letting contract with the residents states the owner (or lessee) or the letting agent as a party to the letting contract; and
 - (ii) provides, or arranges for the provision of, the food service or personal care service.’.

Clause 103 Amendment of pt 13 hdg (Transitional) 24
Part 13, heading, after ‘Transitional’— 25
insert— 26
‘provisions for Residential Services (Accreditation) Act 2002’. 27
28

Clause 104 Insertion of new pt 14 29
After part 13— 30

[s 104]

<i>insert—</i>	1	
‘Part 14	Transitional provisions for	2
	Gambling and Other	3
	Legislation Amendment Act	4
	2009	5
‘Division 1	Preliminary	6
‘199	Definitions for pt 14	7
	‘In this part—	8
	<i>apply for accreditation</i> , of a part 14 continuing service,	9
	means apply under part 3 for accreditation of the service.	10
	<i>apply for registration</i> , of a part 14 continuing service, means	11
	apply under part 2 for registration of the service.	12
	<i>commencement day</i> means the day this section commences.	13
	<i>part 14 continuing service</i> means an aged rental scheme that	14
	was being conducted immediately before the commencement	15
	day.	16
‘Division 2	Registration of part 14 continuing	17
	services	18
‘200	Due day for applying for registration	19
	‘The due day for applying for registration of a part 14	20
	continuing service is the day that is 6 months after the	21
	commencement day.	22
‘201	Application of pt 13, div 2 provisions	23
	‘Sections 187 to 192 (the <i>applied provisions</i>) apply to a part	24
	14 continuing service as if, in the applied provisions—	25

[s 106]

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

Clause 106	Amendment of sch 2 (Dictionary)	3
	Schedule 2—	4
	<i>insert</i> —	5
	<i>‘aged rental scheme</i> see section 6A.	6
	<i>apply for accreditation</i> —	7
	(a) of a continuing service, see section 185; or	8
	(b) of a part 14 continuing service, see section 199.	9
	<i>apply for registration</i> —	10
	(a) of a continuing service, see section 185; or	11
	(b) of a part 14 continuing service, see section 199.	12
	<i>commencement day</i> —	13
	(a) for part 13, see section 185; or	14
	(b) for part 14, see section 199.	15
	<i>continuing service</i> , for part 13, see section 185.	16
	<i>due day</i> , for part 13, see section 185.	17
	<i>part 14 continuing service</i> see section 199.	18
	<i>scheme operator</i> see section 6A.’.	19

Part 11	Amendment of Wagering Act 1998	20
		21

Clause 107	Act amended	22
	This part amends the <i>Wagering Act 1998</i> .	23

Clause 108	Amendment of s 198 (Making rules)	1
	Section 198(2)—	2
	<i>omit, insert—</i>	3
	‘(2) The Minister must notify the making of a rule in the gazette.	4
	‘(2A) A rule takes effect—	5
	(a) on the day the making of the rule is notified in the gazette; or	6 7
	(b) if a later day is stated in the Minister’s notice or the rule—on that day.’.	8 9
Clause 109	Replacement of s 200 (Availability of rules for public inspection)	10 11
	Section 200—	12
	<i>omit, insert—</i>	13
‘200	Rules to be made available	14
	‘A general operator must make a copy of the rules available for public inspection—	15 16
	(a) during ordinary office hours at each office of the operator; and	17 18
	(b) on the operator’s website on the internet.	19
	Maximum penalty—40 penalty units.’.	20
Clause 110	Insertion of new s 216M	21
	Part 11, division 3—	22
	<i>insert—</i>	23
‘216M	Distributing promotional or advertising material about approved place of operation	24 25
	‘A general operator must not distribute promotional or advertising material about the operator’s approved place of operation to persons who the operator knows or ought reasonably to know are prohibited from taking part in	26 27 28 29

[s 111]

approved wagering at, or entering or remaining in, the 1
approved place of operation under a self-exclusion order or 2
exclusion direction. 3
Maximum penalty—40 penalty units.’. 4

Clause 111 Amendment of s 227 (Participation by minors prohibited) 5

Section 227— 6

insert— 7

‘(3) A minor must not take part in approved wagering. 8
Maximum penalty—25 penalty units.’. 9

Clause 112 Insertion of new s 308A 10

After section 308— 11

insert— 12

**‘308A Commissioner of police service to notify changes in 13
criminal history 14**

‘(1) This section applies if— 15

(a) the chief executive gives the commissioner of the police 16
service the name of a relevant person for this section; 17
and 18

(b) the commissioner reasonably suspects a person who is 19
charged with an offence is the relevant person. 20

‘(2) The commissioner must notify the chief executive about the 21
change in the person’s criminal history. 22

‘(3) The notice must state the following— 23

(a) the person’s name and address; 24

(b) the person’s date of birth; 25

(c) the offence the person is charged with; 26

(d) particulars of the offence; 27

(e) the date of the charge. 28

-
- ‘(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1). 1
2
- ‘(5) In this section— 3
relevant person means— 4
- (a) a licensed employee; or 5
 - (b) an authority holder who is an individual; or 6
 - (c) an individual identified by the Minister as being a business or executive associate of an authority holder.’. 7
8

- Clause 113 Amendment of s 312 (Regulation-making power) 9**
- Section 312(2)— 10
- insert— 11*
- ‘(c) be about— 12
- (i) investments; or 13
 - (ii) an account in the name of an investor with a licence operator; or 14
15
 - (iii) vouchers for use in place of money to make investments; or 16
17
 - (iv) outcomes of events; or 18
 - (v) payouts; or 19
 - (vi) setting aside a portion of the total of all investments made on a totalisator, and distributing or paying the money set aside.’. 20
21
22