



Queensland

# Gaming Machine and Other Legislation Amendment Regulation (No. 1) 2012

## Explanatory Notes for SL 2012 No. 248

made under the

*Gaming Machine Act 1991*

*Liquor Act 1992*

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## General outline

### Short title

*Gaming Machine and Other Legislation Amendment Regulation (No. 1) 2012.*

### Authorising law

For the abolition of the Queensland Liquor and Gaming Commission (commission), creation of the Commissioner for Liquor and Gaming (commissioner), and transfer of powers of the commission and the chief executive to the commissioner:

- *Fiscal Repair Amendment Act 2012* (Fiscal Repair Act) sections 38-146.

For powers of the commissioner from:

- *Liquor Act 1992* (Liquor Act) section 235.
- *Gaming Machine Act 1991* (Gaming Machine Act) section 366.

For the abolition of gaming employee licences:

- Fiscal Repair Act sections 20-37.

## **Policy objectives and the reasons for them**

The objectives of the Regulation are to amend the *Liquor Regulation 2002* (Liquor Regulation), *Liquor (Approval of the Adult Entertainment Code) Regulation 2002* (Adult Entertainment Regulation) and *Gaming Machine Regulation 2002* (Gaming Machine Regulation) to be consistent with amendments to the Liquor Act and the Gaming Machine Act made by the Fiscal Repair Act. These Act amendments streamline regulatory processes to reduce the burden on industry by:

- abolishing the commission;
- establishing the commissioner;
- transferring powers of the commission and the chief executive to the commissioner; and
- removing the requirement for gaming employees in clubs and hotels to be licensed if they carry out gaming duties.

Currently, the commission and the chief executive make decisions under the Gaming Machine Act and the Liquor Act. However, amendments in the Fiscal Repair Act, assented to on 21 September 2012, combined the roles and decision making of the commission or the chief executive under the Gaming Machine Act and Liquor Act and transferred them to a new commissioner.

The amendments do not remove the long established licensing processes under the Gaming Machine Act and the Liquor Act, but rather streamline the decision making process by removing unnecessary delays created by applications passing through the chief executive and then to the commission and the waiting times associated with commission meetings.

The amendments relating to the new commissioner were originally intended to commence on 1 July 2013. However, given the benefits to industry and government in streamlining the decision making process, and in order to maximise their effect, clause 53 of the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012 is intended to amend the Fiscal Repair Act to bring forward the commencement date of the amendments to 1 January 2013.

An amendment to the Gaming Machine Act in the Fiscal Repair Act removed the requirement for gaming employees in clubs and hotels to be licensed. The original policy rationale for licensing gaming employees in clubs and hotels was to ensure that they were honest and of good repute and thus would pose minimal risk to the integrity of gaming (i.e. that

employees would not interfere with the outcomes of the game). In practice, gaming machine technology has been such that gaming employees can not interfere with the integrity of the game and outcomes, particularly payouts. The gaming machine and monitoring system technical requirements are such that the technology protects from unauthorised access to sensitive parts of the gaming equipment. This amendment commenced on assent of the Fiscal Repair Act.

Consequently, amendments are required to the Gaming Machine Regulation, Liquor Regulation and Adult Entertainment Regulation to ensure consistency with the authorising Acts. References to the commission and the chief executive are replaced with references to the commissioner in the Gaming Machine Regulation, Liquor Regulation and Adult Entertainment Regulation. Additionally, references to the gaming employee's licence, and any fees associated with this licence type, are omitted from the Gaming Machine Regulation.

### **Achievement of policy objectives**

Amending the Liquor Regulation, Adult Entertainment Regulation and the Gaming Machine Regulation to refer to the commissioner and removing references to the gaming employee's licence in the Gaming Machine Regulation will ensure consistency between the Regulations and the authorising Acts and streamline regulatory processes to reduce the burden on industry and individuals.

### **Consistency with policy objectives of authorising law**

The amendments are required to ensure consistency between the Regulations and the Acts. The amendments to the Liquor Act and the Gaming Machine Act in the Fiscal Repair Act do not remove the long established licensing processes under the Gaming Machine Act and the Liquor Act, but rather streamline the decision making process by removing unnecessary delays created by applications passing through the chief executive and then to the commission and the waiting times associated with commission meetings. The amendments in regards to abolishing the gaming employee's licence will result in significant cost and time savings for individuals seeking employment in the hospitality industry.

## **Benefits and costs of implementation**

The amendments will ensure consistency between the authorising Acts and the Regulations. The benefits of these amendments are already identified under 'Policy objectives and reasons for them' and in the Explanatory Notes for the Fiscal Repair Amendment Bill 2012.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles as it does not affect the rights and liberties of individuals and does not erode the institution of Parliament.

## **Consultation**

Consultation was undertaken with key industry stakeholders including the Queensland Hotels Association, Clubs Queensland, and casino operators during the preparation of the Fiscal Repair Act. The commission has also been advised of these changes.

## **Commencement**

Part 2, division 3 and part 3 and part 4 commence immediately after the commencement of the *Fiscal Repair Amendment Act 2012*, part 4, division 3.

All other provisions commence on notification.

## **Notes on Provisions**

Clause 1 sets out the short title by which the Regulation will be known.

Clause 2 sets out that part 2, division 3 and part 3 and part 4 of the amendment regulation will commence immediately after the commencement of the *Fiscal Repair Amendment Act 2012*, part 4, division 3. The other provisions commence on notification.

Clause 3 states that the Regulation amended in part 2 is the *Gaming Machine Regulation 2002*.

Clause 4 amends section 6 of the Gaming Machine Regulation to omit a reference to a gaming employee's licence.

Clause 5 amends section 19 of the Gaming Machine Regulation to omit references to provisions in section 189 of the Gaming Machine Act that relate to the requirement for the holder of a gaming employee's licence to have an identification card which were omitted by amendments in the Fiscal Repair Act.

Clause 6 amends section 56 to accommodate numbering changes in schedule 6.

Clause 7 amends schedule 5 item 46 to omit the application fee for a licensed gaming employee applying for a gaming nominee's licence, omit item 49 which sets the application fee for a gaming employee's licence by a licensed gaming nominee, and omit the reference to the gaming employee's licence in items 50 to 53. These amendments are required as there is no longer a requirement for a gaming employee's licence.

Clauses 8 and 9 amend the headings in schedule 3 and schedule 6 to reflect numbering changes.

Clause 10 omits section 5 of the Gaming Machine Regulation, which stipulates that the commission must meet at least once a month in Brisbane.

Clause 11 replaces references to 'chief executive' with 'commissioner' throughout the Gaming Machine Regulation.

Clause 12 replaces the term 'commission' with 'commissioner' in section 15(d) of the Gaming Machine Regulation.

Clause 13 replaces the term 'chief executive's' with 'commissioner's' in the Gaming Machine Regulation.

Clause 14 states that the Regulation amended in part 3 is the *Liquor (Approval of Adult Entertainment Code) Regulation 2002*.

Clause 15 amends the Adult Entertainment Regulation to change an incorrect reference to section 103E(5) of the Liquor Act. The correct reference is 103N(5) of the Act.

Clause 16 states that the Regulation amended in part 4 is the *Liquor Regulation 2002*.

Clause 17 amends section 4(3) to ensure references to section numbers are accurate.

Clause 18 replaces references to the term 'chief executive' with 'commissioner' throughout the Liquor Regulation.

Clause 19 replaces references to the term 'chief executive's' with 'commissioner's' throughout the Liquor Regulation.

Clauses 20 to 30 amend schedules 1 to 11 to ensure references to section numbers are accurate.

Clause 31 amends schedule 15 to ensure references to schedule numbers are accurate.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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