

I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.



Legislative Assembly Chamber,  
Brisbane,

*[Signature]*  
The Clerk of the Parliament.

*3 June*

2013.

In the name and on behalf of the Queen, I assent to this Bill.

*[Signature]*

Government House,

Brisbane, *3rd June,*

2013



Queensland

No. *25* of 2013

A BILL for

An Act to amend the Body Corporate and Community Management Act 1997, the Casino Control Act 1982, the Civil Proceedings Act 2011, the Credit (Commonwealth Powers) Act 2010, the Funeral Benefit Business Act 1982, 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 Recording of Evidence Act 1962, the Supreme Court Library Act 1968, the Wagering Act 1998 and the Work Health and Safety Act 2011 for particular purposes





Queensland

# Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013

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# 2013

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## A Bill

for

***An Act to amend the *Body Corporate and Community Management Act 1997*, the *Casino Control Act 1982*, the *Civil Proceedings Act 2011*, the *Credit (Commonwealth Powers) Act 2010*, the *Funeral Benefit Business Act 1982*, 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 *Recording of Evidence Act 1962*, the *Supreme Court Library Act 1968*, the *Wagering Act 1998* and the *Work Health and Safety Act 2011* for particular purposes***

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[s 1]

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## The Parliament of Queensland enacts—

# Part 1 Preliminary

## 1 Short title

This Act may be cited as the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*.

## 2 Commencement

- (1) The following provisions commence on 1 July 2013—
  - (a) parts 5, 12 and 13;
  - (b) sections 13, 14, 67, 68, 72, 87 to 90, 103, 112, 119, 120, 122 to 127, 156 to 158, 164 and 182;
  - (c) section 96, to the extent it inserts division 17, subdivision 3;
  - (d) section 121(1), to the extent it omits the definition *community investment fund*;
  - (e) section 121(2), to the extent it inserts the definitions *fundraising event*, *non-profit entity*, *relevant restricted area*, *small regional show* and *standard drink*.
- (2) Sections 47, 48 and 139 to 143 commence on 1 January 2014.
- (3) The following provisions commence on a day to be fixed by proclamation—
  - (a) sections 16, 17, 24(1) and (4), 44, 78, 79, 80(2), 84 to 86, 92, 93, 98(4) to (8), 121(3), 145 to 149 and 160;
  - (b) section 23, to the extent it inserts section 149;
  - (c) section 24(2), to the extent it inserts the definitions *chips* and *ticket*;
  - (d) section 96, to the extent it inserts sections 484 and 485;





[s 5]

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reflect a formal acquisition affecting the scheme; and

- (b) there has been a change to the contribution schedule lot entitlements for the lots included in the scheme because of the formal acquisition; and
- (c) the owner of a lot included in the scheme believes that, because of the change, the contribution schedule lot entitlements for the lots included in the scheme—
  - (i) are not consistent with the deciding principle for the lot entitlements, or are not just and equitable to the extent the deciding principle allows; or
  - (ii) if there is no apparent deciding principle for the lot entitlements, are not just and equitable.

**5 Amendment of s 51 (Limited adjustment of lot entitlement schedule—after formal acquisition of part of scheme land)**

(1) Section 51(1) and (2)—

*omit, insert—*

- (1) This section applies if a constructing authority—
  - (a) by written notice, advises the body corporate for a community titles scheme, other than a specified two-lot scheme, that 4 months after the notice is given the authority proposes to lodge—
    - (i) a new plan of subdivision for the scheme as required under the *Acquisition of Land Act 1967*, section 12A; and
    - (ii) a request to record a new community management statement for the scheme

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as required under section 56(1) and the Land Title Act, section 115J; and

- (b) with the notice mentioned in paragraph (a), gives to the body corporate—
- (i) a copy of the proposed new plan of subdivision; and
  - (ii) independent professional advice (the *lot entitlement adjustment advice*) from an appropriate person about any changes, subject to subsection (3), required to the lot entitlement schedules for the scheme to take account of the boundary change shown in the proposed new plan of subdivision; and

*Examples of an appropriate person—*

- lawyer
  - registered valuer
- (iii) a copy of the proposed new community management statement prepared by the constructing authority to reflect the formal acquisition for which the proposed new plan of subdivision is to be lodged.

*Note—*

For the adjustment of the lot entitlement schedules for a specified two-lot scheme in similar circumstances, see section 51A.

- (2) Within 3 months after receiving the notice under subsection (1) and before consenting to the new community management statement, the body corporate must call and hold a general meeting of its members to decide any changes to the proposed new community management statement to take account of the boundary change.

(2) Section 51(5) and (6)—

[s 5]

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*omit, insert—*

- (5) Within 4 months after receiving the notice under subsection (1), the body corporate must—
  - (a) do both of the following—
    - (i) endorse the body corporate's consent on the new community management statement;
    - (ii) give the constructing authority the endorsed new community management statement; or
  - (b) give the constructing authority a written notice stating—
    - (i) that the body corporate will consent to the new community management statement if changes are made to the statement; and
    - (ii) the changes that the body corporate wants made to the statement; or
  - (c) give the constructing authority written notice that the body corporate does not consent to the new community management statement.
- (6) If the body corporate gives the constructing authority an endorsed new community management statement under subsection (5)(a), the constructing authority may lodge a request to record the endorsed new statement.
- (7) If subsection (6) does not apply and 4 months have passed since the constructing authority gave the body corporate the notice under subsection (1), the constructing authority may lodge a request to record a new community management statement that—
  - (a) if the body corporate has given the constructing authority a written notice under

- 
- subsection (5)(b)—includes the changes requested by the body corporate, and is different to the proposed new community management statement mentioned in subsection (1)(b)(iii) only to the extent it includes those changes and changes of no substance (if any); or
- (b) if paragraph (a) does not apply—is the same as the proposed new community management statement mentioned in subsection (1)(b)(iii), or is different only to the extent that it includes changes of no substance.
- (8) Before lodging a request to record a new community management statement under subsection (7), the constructing authority must sign and date the new statement.
- (9) The registrar may record a new community management statement mentioned in subsection (7) despite section 54(2) and the Land Title Act, section 115K(1)(d).
- (10) The constructing authority is responsible for the costs of—
- (a) obtaining advice for the purposes of this section, including lot entitlement adjustment advice; and
- (b) preparing and recording the new community management statement under this section.
- (11) For applying the *Acquisition of Land Act 1967*, section 20, the economic losses and costs incurred by a body corporate or lot owner as a direct and natural consequence of the formal acquisition may include the economic losses and costs incurred for any of the following—
- (a) obtaining independent professional advice from an appropriate person about any

[s 6]

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changes, subject to subsection (3), required to the lot entitlement schedules for the scheme to reflect the formal acquisition;

*Examples of an appropriate person—*

- lawyer
  - registered valuer
- (b) holding or attending the meeting in response to the notice given by the constructing authority under subsection (1) for the proposed new plan of subdivision required to reflect the formal acquisition;
- (c) obtaining under section 47B or 48 an order of a specialist adjudicator or QCAT to change the contribution schedule lot entitlements, or interest schedule lot entitlements, for the lots included in the scheme following the recording of the new community management statement under this section to reflect the formal acquisition.

**6 Amendment of s 51A (Limited adjustment of lot entitlement schedule for specified two-lot scheme—after formal acquisition of part of scheme land)**

(1) Section 51A(1) and (2)—

*omit, insert—*

(1) This section applies if a constructing authority—

- (a) by written notice, advises the body corporate for a specified two-lot scheme, that 4 months after the notice is given the authority proposes to lodge—
- (i) a new plan of subdivision for the scheme as required under the *Acquisition of Land Act 1967*, section 12A; and

- (ii) a request to record a new community management statement for the scheme as required under section 56(1) and the Land Title Act, section 115J; and
  - (b) with the notice mentioned in paragraph (a), gives to the body corporate—
    - (i) a copy of the proposed new plan of subdivision; and
    - (ii) independent professional advice (the *lot entitlement adjustment advice*) from an appropriate person about any changes, subject to subsection (3), required to the lot entitlement schedules for the scheme to take account of the boundary change shown in the proposed new plan of subdivision; and
      - Examples of an appropriate person—*
        - lawyer
        - registered valuer
    - (iii) a copy of the proposed new community management statement prepared by the constructing authority to reflect the formal acquisition for which the proposed new plan of subdivision is to be lodged.
- (2) Within 3 months after receiving the notice under subsection (1) and before consenting to the new community management statement, the body corporate must decide by a lot owner agreement to either—
- (a) change the proposed new community management statement to take account of the boundary change; or
  - (b) not change the proposed new community management statement.

[s 6]

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(2) Section 51A(4) to (6)—

*omit, insert—*

- (4) Within 4 months after receiving the notice under subsection (1), the body corporate must—
- (a) do both of the following—
- (i) endorse the body corporate’s consent on the new community management statement;
- (ii) give the constructing authority the endorsed new community management statement; or
- (b) give the constructing authority a written notice stating—
- (i) that the body corporate will consent to the new community management statement if changes are made to the statement; and
- (ii) the changes that the body corporate wants made to the statement; or
- (c) give the constructing authority written notice that the body corporate does not consent to the new community management statement.
- (5) If the body corporate gives the constructing authority an endorsed new community management statement under subsection (4)(a), the constructing authority may lodge a request to record the endorsed new statement.
- (6) If subsection (5) does not apply and 4 months have passed since the constructing authority gave the body corporate the notice under subsection (1), the constructing authority may lodge a request to record a new community management statement that—



- (a) if the body corporate has given the constructing authority a written notice under subsection (4)(b)—includes the changes requested by the body corporate, and is different to the proposed new community management statement mentioned in subsection (1)(b)(iii) only to the extent it includes those changes and changes of no substance (if any); or
  - (b) if paragraph (a) does not apply—is the same as the proposed new community management statement mentioned in subsection (1)(b)(iii), or is different only to the extent that it includes changes of no substance.
- (7) Before lodging a request to record a new community management statement under subsection (6), the constructing authority must sign and date the new statement.
- (8) The registrar may record a new community management statement mentioned in subsection (6) despite section 54(2) and the Land Title Act, section 115K(1)(d).
- (9) The constructing authority is responsible for the costs of—
  - (a) obtaining advice for the purposes of this section, including lot entitlement adjustment advice; and
  - (b) preparing and recording the new community management statement under this section.
- (10) For applying the *Acquisition of Land Act 1967*, section 20, the economic losses and costs incurred by a body corporate or lot owner as a direct and natural consequence of the formal acquisition may include the economic losses and costs incurred for any of the following—

[s 7]

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- (a) obtaining independent professional advice from an appropriate person about any changes, subject to subsection (3), required to the lot entitlement schedules for the scheme to reflect the formal acquisition;

*Examples of an appropriate person—*

- lawyer
- registered valuer

- (b) preparing the lot owner agreement under subsection (2) in response to the notice given by the constructing authority under subsection (1) for the proposed new plan of subdivision required to reflect the formal acquisition;

- (c) obtaining under section 47B or 48 an order of a specialist adjudicator or QCAT to change the contribution schedule lot entitlements, or interest schedule lot entitlements, for the lots included in the scheme following the recording of the new community management statement under this section to reflect the formal acquisition.

## **7 Amendment s 54 (Subsequent community management statement)**

Section 54(2)—

*insert—*

*Note—*

See, however, sections 51(9) and 51A(8).

## **8 Amendment of s 63 (Responsibility for preparing, and for costs of preparing, new statement)**

- (1) Section 63(1), ‘section 57’—

*omit, insert—*

section 51, 51A or 57

(2) Section 63(4)—

*omit.*

**9 Amendment of s 65 (Time for lodging request to record new statement)**

(1) Section 65(1), ‘the relevant event happens’—

*omit, insert—*

giving the consent

(2) Section 65(2), ‘section 57’—

*omit, insert—*

section 51, 51A or 57

(3) Section 65(3)—

*omit.*

**10 Insertion of new ch 8, pt 11**

Chapter 8—

*insert—*

**Part 11**

**Transitional provisions  
for Liquor and Gaming  
(Red Tape Reduction)  
and Other Legislation  
Amendment Act 2013**

**Division 1**

**Preliminary**

**427 Definitions for pt 11**

In this part—

[s 10]

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***commencement*** means the commencement of this section.

***former***, in relation to a provision, means the provision as in force before the commencement.

***new***, in relation to a provision, means the provision as in force at the commencement.

***relevant documents***, for a formal acquisition affecting a community titles scheme, means—

- (a) a copy of the new plan of subdivision for the scheme proposed to be lodged as required under the *Acquisition of Land Act 1967*, section 12A; and
- (b) a copy of the proposed new community management statement for the scheme prepared by the constructing authority to reflect the acquisition.

## **428 References to ss 51 and 51A**

In this part—

- (a) a reference to former section 51 or new section 51, or a provision of former section 51 or new section 51, applies to a community titles scheme other than a specified two-lot scheme; and
- (b) a reference to former section 51A or new section 51A, or a provision of former section 51A or new section 51A, applies to a specified two-lot scheme.

## **Division 2**

## **Formal acquisitions happening before commencement if advice given under former section 51 or 51A**

## **429 Application of div 2**

This division applies if—

- (a) a formal acquisition affecting a community titles scheme happened before the commencement; and
- (b) before the commencement, the constructing authority for the acquisition gave the body corporate for the scheme advice about the acquisition as mentioned in former section 51(1) or 51A(1); and
- (c) at the commencement, a request to record a new community management statement for the scheme reflecting the acquisition has not been lodged.

## **430 Process if body corporate consented to new community management statement**

- (1) This section applies if, at the commencement, the body corporate has consented to the recording of a new community management statement to reflect the formal acquisition.
- (2) The body corporate must endorse its consent on the new community management statement (if it has not already done so) and give the endorsed new statement to the constructing authority.
- (3) If the body corporate gives an endorsed new community management statement to the constructing authority under subsection (2), the constructing authority may lodge a request to record the endorsed new statement.
- (4) If the body corporate has not given an endorsed new community management statement to the constructing authority within 5 business days after the commencement, the constructing authority may lodge a request to record a new

[s 10]

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community management statement that is the same as the proposed new community management statement the constructing authority gave to the body corporate for endorsing its consent.

*Note—*

See, however, section 64.

- (5) Before lodging a request to record a new community management statement under subsection (4), the constructing authority must sign and date the new statement.
- (6) The registrar may record a new community management statement mentioned in subsection (4) despite section 54(2) and the Land Title Act, section 115K(1)(d).
- (7) The constructing authority is responsible for the costs of recording the endorsed new statement.

#### **431 Process if body corporate has decided lot entitlement schedule changes but has not consented to new community management statement**

- (1) This section applies if, at the commencement—
  - (a) the body corporate has, for the formal acquisition, decided the changes to the lot entitlement schedules for the community titles scheme under former section 51(2) or 51A(2) (whether or not it has given notice of its decision to the constructing authority under former section 51(5) or 51A(5)); and
  - (b) the body corporate has not consented to the recording of a new community management statement to reflect the acquisition.

- (2) If it has not already done so, the constructing authority must give the relevant documents for the formal acquisition to the body corporate.
- (3) New section 51(5) to (11) or 51A(4) to (10) apply in relation to the formal acquisition as if—
  - (a) the relevant documents given by the constructing authority to the body corporate were given under new section 51(1) or 51A(1); and
  - (b) the reference to the 4 month period in new section 51(5) and (7) or 51A(4) and (6) were a reference to the prescribed consent period.
- (4) For subsection (3), the prescribed consent period is—
  - (a) if the constructing authority gave the body corporate advice about the acquisition as mentioned in former section 51(1) or 51A(1), and the relevant documents for the acquisition, at least 4 months before the commencement—the period ending at the commencement; or
  - (b) if the constructing authority gave the body corporate advice about the acquisition as mentioned in former section 51(1) or 51A(1) at least 4 months before the commencement but gave or gives the relevant documents for the acquisition to the body corporate at a later time—the period ending on the day that is 3 months after the constructing authority gave or gives the body corporate the relevant documents; or
  - (c) otherwise—the period ending on the day that is 4 months after the constructing authority gave or gives the body corporate the relevant documents.

[s 10]

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### **432 Process if body corporate has not decided lot entitlement schedule changes**

- (1) This section applies if, at the commencement, the body corporate has not, for the formal acquisition, decided the changes to the lot entitlement schedules for the community titles scheme under former section 51(2) or 51A(2).
- (2) If it has not already done so, the constructing authority must give the relevant documents for the formal acquisition to the body corporate.
- (3) New section 51(2) to (11) or 51A(2) to (10) apply in relation to the formal acquisition as if—
  - (a) the relevant documents given by the constructing authority to the body corporate were given under new section 51(1) or 51A(1); and
  - (b) the reference to the 3 month period in new section 51(2) or 51A(2) were a reference to the prescribed decision period; and
  - (c) the reference to the 4 month period in new section 51(5) and (7) or 51A(4) and (6) were a reference to the prescribed consent period.

#### *Example of the operation of paragraphs (b) and (c)—*

Four months before the commencement, the constructing authority gives the body corporate—

- (a) advice about the acquisition as mentioned in former section 51(1) or 51A(1); and
- (b) the relevant documents for the acquisition.

Under subsection (4), the prescribed consent period for applying new section 51(5) and (7) or 51A(4) and (6) is the period ending at the commencement (see subsection (4)(b)(i)), and the prescribed decision period for applying new section 51(2) or 51A(2) is the period ending 30 days before the commencement.

- (4) For subsection (3)—



- (a) the prescribed decision period is the period ending 30 days before the relevant prescribed consent period ends, which may be a period ending on or before the commencement; and
- (b) the prescribed consent period is—
  - (i) if the constructing authority gave the body corporate advice about the acquisition as mentioned in former section 51(1) or 51A(1), and the relevant documents for the acquisition, at least 4 months before the commencement—the period ending at the commencement; or
  - (ii) if the constructing authority gave the body corporate advice about the acquisition as mentioned in former section 51(1) or 51A(1) at least 4 months before the commencement but gave or gives the relevant documents for the acquisition to the body corporate at a later time—the period ending on the day that is 3 months after the constructing authority gave or gives the body corporate the relevant documents; or
  - (iii) otherwise—the period ending on the day that is 4 months after the constructing authority gave or gives the body corporate the relevant documents.

**433 Body corporate may ask constructing authority to provide lot entitlement adjustment advice**

- (1) This section applies for section 432 if the body corporate has not obtained the lot entitlement

[s 10]

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adjustment advice under former section 51(2) or 51A(2).

- (2) The body corporate may, by written notice, ask the constructing authority to obtain the lot entitlement adjustment advice and give it to the body corporate.
- (3) The constructing authority must obtain the lot entitlement adjustment advice and give it to the body corporate as soon as practicable.
- (4) This section applies even if the constructing authority lodges a request to record a new community management statement without the body corporate's consent, under new section 51(7) or 51A(6) as applied under section 432.
- (5) In subsections (2) and (3)—

*lot entitlement adjustment advice* means the lot entitlement adjustment advice mentioned in new section 51(1)(b)(ii) or 51A(1)(b)(ii).

#### **434 Application of ss 63 and 65**

- (1) Section 63 does not apply to the preparation of a new community management statement under this division.
- (2) Section 65 does not apply to the recording of a new community management statement under this division.

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**Division 3                      Formal acquisitions  
   happening before  
   commencement if advice  
   not given under former  
   section 51 or 51A**

**435 New s 51 or 51A applies to formal acquisition**

- (1) This section applies if—
  - (a) a formal acquisition affecting a community titles scheme happened before the commencement; and
  - (b) at the commencement, the constructing authority for the acquisition has not given the body corporate for the scheme the advice mentioned in former section 51(1) or 51A(1) in relation to the acquisition.
- (2) New section 51 or 51A applies in relation to the formal acquisition.

**11                      Amendment of sch 6 (Dictionary)**

Schedule 6, definition *commencement*—  
*insert*—

- (e) for chapter 8, part 11, see section 427.

**Part 3                                      Amendment of Casino Control  
   Act 1982**

**12                      Act amended**

This part amends the *Casino Control Act 1982*.

[s 13]

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**13 Omission of s 51A (Application of casino tax)**

Section 51A—

*omit.*

**14 Amendment of s 52 (Casino community benefit fund)**

(1) Section 52(2) to (9)—

*renumber* as section 52(3) to (10).

(2) Section 52—

*insert*—

(2) Subject to any necessary appropriation, an amount may be paid into the fund from the consolidated fund.

(3) Section 52(6), as renumbered, ‘subsection (4)’—

*omit, insert*—

subsection (5)

**15 Amendment of s 62 (Gaming equipment and chips)**

(1) Section 62(4C)(a), ‘subsections (4) and (4B)’—

*omit, insert*—

subsections (8) and (10)

(2) Section 62(4D), ‘subsection (4A)’—

*omit, insert*—

subsection (9)

(3) Section 62(4E), ‘subsection (4), (4A) or (4B)’—

*omit, insert*—

subsection (8), (9) or (10)

(4) Section 62(6)—

*omit.*

- (5) Section 62(3A) to (11)—  
*renumber* as section 62(4) to (22).

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

- (1) Section 65, heading, ‘Obligation’—  
*omit, insert*—

**Obligations**

- (2) Section 65(3), after ‘credits’—  
*insert*—

, tickets

- (3) Section 65(5)—  
*insert*—

(ca) by ticket; or

- (4) Section 65(5)(ca) and (d)—  
*renumber* as section 65(5)(d) and (e).

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

Section 71A(3), ‘3 months’—

*omit, insert*—

12 months

**18 Amendment of s 72 (Training courses for employees)**

- (1) Section 72(1) and (2)—  
*omit, insert*—

- (1) A casino operator must ensure training courses relating to the playing of games, the conduct of games and associated activities in connection with casino operations are provided in the way

[s 19]

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mentioned in subsection (2) for persons employed or to be employed by the operator in a casino as casino key employees or casino employees.

Maximum penalty—40 penalty units.

- (2) For subsection (1), the training courses must be provided by the casino operator or, with the chief executive's approval, by the casino operator's nominee.
- (2) Section 72(3), 'an approved training course'—  
*omit, insert*—  
a training course mentioned in subsection (1)

## **19 Amendment of s 74 (Control system submission)**

- (1) Section 74(2) and (3)—  
*omit, insert*—
- (2) A control system submission must—
- (a) be in writing; and
  - (b) describe and explain the casino operator's proposed control system.
- (2) Section 74(4)(a)(i), 'and chart of accounts'—  
*omit.*
- (3) Section 74(4)(a)(iv)—  
*omit.*
- (4) Section 74(5) and (6), 'subsection (4)'—  
*omit, insert*—  
subsection (3)
- (5) Section 74(4) to (6)—  
*renumber* as section 74(3) to (5).

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**20 Amendment of s 75 (Control system (change submission))**

(1) Section 75(1), after ‘make a’—

*insert—*

written

(2) Section 75(2) and (3)—

*omit.*

**21 Amendment of s 96 (Duration of direction under s 92 or 94)**

Section 96(1), ‘shall, subject to section 93, remain’—

*omit, insert—*

remains

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

Section 127(2)—

*insert—*

- (i) procedures for claims by casino patrons relating to gaming transactions;
- (j) requirements relating to junket agreements;
- (k) training requirements for casino key employees and casino employees.

**23 Insertion of new pt 11, div 8**

Part 11—

*insert—*

[s 24]

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## **Division 8      Transitional provisions for Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013**

### **148 Continuation of offence under s 72(2)**

- (1) This section applies if a person is alleged to have committed an offence against section 72(2), as in force immediately before the commencement of this section.
- (2) Despite the Criminal Code, section 11, a proceeding for the offence may be started or continued, and the court may hear and decide the proceeding, as if section 72 had not been amended by the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*.

### **149 Existing unclaimed winnings**

- (1) This section applies if, immediately before the commencement of this section, an amount for winnings mentioned in previous section 71A(3) had not been paid and dealt with under previous section 71A.
- (2) Previous section 71A(3) continues to apply in relation to the amount.
- (3) In this section—  
*previous section 71A(3)* means section 71A(3) as in force immediately before the commencement of this section.

## **24      Amendment of schedule (Dictionary)**

- (1) Schedule, definition *chips*—



*omit.*

(2) Schedule—

*insert—*

***chips***—

(a) means any tokens used or capable of being used in a casino in the conduct of gaming in the place of money and approved for the purpose by the chief executive; but

(b) does not include a ticket.

***group of participants***, for part 8, division 2, see section 85A.

***junket agreement***, for part 8, division 2, see section 85A.

***participant***, for part 8, division 2, see section 85A.

***promoter***, for part 8, division 2, see section 85A.

***sole participant agreement***, for part 8, division 2, see section 85A.

***ticket*** means an item that—

(a) displays a value in Australian currency; and

(b) is designed to be used in the place of Australian currency for gaming on gaming equipment.

(3) Schedule, definition *control system*, ‘and administrative and accounting procedures’—

*omit.*

(4) Schedule, definition *gaming machine*, paragraph (b)(i)—

*omit, insert—*

(i) by the insertion of Australian currency or a chip into the device, or the acceptance of a ticket by the device; or





[s 32]

---

*existing credit contract* means a credit contract entered into on or after 31 July 2008 to which repealed part 6 applied immediately before the commencement of this section.

*repealed part 6* means part 6 as in force immediately before the commencement of this section.

**32 Omission of pt 6 (Maximum annual percentage rate for credit contracts)**

Part 6—

*omit.*

## **Part 6 Amendment of Funeral Benefit Business Act 1982**

**33 Act amended**

This part amends the *Funeral Benefit Business Act 1982*.

**34 Amendment of s 9 (Funeral Benefit Trust Fund and its trustees)**

(1) Section 9, heading, ‘and its trustees’—

*omit.*

(2) Section 9(1), ‘subject to the *Financial Administration and Audit Act 1977*, part 8, division 2’—

*omit.*

(3) Section 9(2) to (6)—

*omit, insert—*

(2) The registrar must administer the fund.

- (4) Section 9(1A) to (7)—  
*renumber* as section 9(2) to (5).

**35 Omission of s 10 (Trustees are statutory body)**

Section 10—  
*omit.*

**36 Amendment of s 15 (Payment of moneys into the fund)**

Section 15(1), ‘the trustees and placed by the trustees in’—  
*omit.*

**37 Amendment of s 16 (Payments from the fund in respect of benefits)**

- (1) Section 16(2), ‘to the trustees’—  
*omit.*
- (2) Section 16(2), ‘trustees shall’—  
*omit, insert*—  
registrar must
- (3) Section 16(3), ‘trustees shall’—  
*omit, insert*—  
registrar must

**38 Amendment of s 18 (Payments from the fund in special circumstances)**

- (1) Section 18, ‘writing to the trustees’—  
*omit, insert*—  
writing
- (2) Section 18, ‘business, the trustees’—  
*omit, insert*—

[s 39]

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business, the registrar

- (3) Section 18, ‘as to the trustees’—

*omit, insert—*

as to the registrar

- (4) Section 18, ‘as the trustees’—

*omit, insert—*

as the registrar

- (5) Section 18, ‘trustees propose’—

*omit, insert—*

registrar proposes

**39 Amendment of s 22 (Where assets more than sufficient to meet liabilities)**

- (1) Section 22(2), ‘to the trustees’—

*omit.*

- (2) Section 22(3), from ‘in question’ to ‘shall’—

*omit, insert—*

and certifying an amount as being payable under subsection (2), the registrar must

- (3) Section 22(3), penalty—

*omit.*

- (4) Section 22(3A)—

*omit.*

**40 Amendment of s 88 (Regulations)**

- (1) Section 88, heading—

*omit, insert—*

---

### **88 Regulation-making power**

- (2) Section 88(2)(c), ‘Trustees of the Funeral Benefit Trust Fund for placing in the’—

*omit.*

- (3) Section 88(2)(d)—

*omit, insert—*

- (d) the conduct of the administration of the fund;

### **41 Insertion of new pt 9**

After section 89—

*insert—*

### **Part 9**

### **Transitional provisions for Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013**

### **90 Definitions for pt 9**

In this part—

*board* means the Board of Trustees established under former section 9(2).

*body corporate* means the body corporate named ‘Trustees of the Funeral Benefit Trust Fund’ and continued in existence by former section 9(4).

*commencement* means the commencement of this section.

*former*, in relation to a provision, means the provision as in force before the commencement.

[s 41]

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## **91 Abolition of the board**

- (1) At the commencement—
  - (a) the trustees of the board stop being members of the board; and
  - (b) the board is abolished; and
  - (c) the body corporate ceases to exist.
- (2) No compensation is payable to a member of the board because of subsection (1).

## **92 Legal successor of the board**

The State is the successor in law of the board.

## **93 Claim given to board to be dealt with by registrar**

- (1) This section applies if, before the commencement, the board received a claim on the fund or other application under this Act, and the claim or application has not been finalised before the commencement.
- (2) The registrar may deal with the claim or application under this Act as in force after the commencement.

## **94 References to the board**

A reference in an Act or other document to the board is, if the context permits, taken to be a reference to the registrar.



**95 Proceeding not yet started by or against the board**

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against the board.
- (2) The proceeding may be started by or against the State.

**96 Other things done by board**

- (1) This section applies to anything done by the board under this Act that, after the commencement, could be done by the registrar.
- (2) The thing done by the board—
  - (a) continues to have effect; and
  - (b) from the commencement, is taken to have been done by the registrar.

**Part 7 Amendment of Gaming Machine Act 1991**

**42 Act amended**

This part amends the *Gaming Machine Act 1991*.

**43 Amendment of s 3 (Meaning of *conduct of gaming*)**

Section 3(c), ‘transactions’—

*omit, insert*—

system transactions

[s 44]

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

Section 29(7)—

*omit.*

**45 Amendment of s 50 (Delegations)**

Section 50(5), definition *designated powers*, paragraph (b), ‘98, 147 and 336’—

*omit, insert—*

98 and 147

**46 Amendment of s 53 (Criminal history reports)**

Section 53(1), from ‘inquiry’ to ‘18(7) or the’—

*omit.*

**47 Amendment of s 55A (Applications of significant community impact)**

Section 55A(2)—

*omit, insert—*

(2) The commissioner must—

- (a) make available for inspection, at the department’s head office, a list of all applications currently before the commissioner that are of significant community impact; and
- (b) publish notice of each of the applications on the department’s website.

**48 Amendment of s 55C (Advertisement of application of significant community impact)**

(1) Section 55C(2)(a)—

*omit.*

- (2) Section 55C(2)(b) and (c)—  
*renumber* as section 55C(2)(a) and (b).

**49 Amendment of s 56 (Application for gaming machine licences)**

- (1) Section 56(5)(e)—  
*omit.*
- (2) Section 56(5)(f)(iii), ‘the matters referred to in paragraph (e)(ii) or any other’—  
*omit, insert—*  
all
- (3) Section 56(5)(f) to (q)—  
*renumber* as section 56(e) to (p).

**50 Amendment of s 67 (Changes in circumstances of category 2 licensees)**

- (1) Section 67(1)(a), ‘relevant time’—  
*omit, insert—*  
time the licensee became the licensee of the premises
- (2) Section 67(4)—  
*omit.*
- (3) Section 67(5) to (7)—  
*renumber* as section 67(4) to (6).

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

Section 68(2)(c)—

[s 52]

---

*omit, insert—*

- (c) the date of issue of the licence;

**52 Amendment of s 69 (Issue of amalgamated gaming machine licences to clubs)**

- (1) Section 69(4)(d)—

*omit.*

- (2) Section 69(4)(e)—

*renumber* as section 69(4)(d).

- (3) Section 69(5) and (9)—

*omit.*

- (4) Section 69(6) to (8)—

*renumber* as section 69(5) to (7).

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

- (1) Section 71A(1) and (2)—

*omit.*

- (2) Section 71A(3)—

*omit, insert—*

- (3) This section applies if a licensee for licensed premises receives a notice under section 83(5) or (6), 85C(4) or (5), 88A(1) or (2) or 90C(5) or (6) for a decision to approve an increase or decrease in the following (each a **relevant change**)—

- (a) the approved number of gaming machines for the premises;
- (b) the hours of gaming for the premises.

- (3) Section 71A(5)—

*omit, insert—*

- 
- (5) On receipt of a licensee's gaming machine licence under subsection (2), the commissioner must, as soon as practicable, give the licensee a replacement licence showing the relevant change.
- (4) Section 71A(3) to (7)—  
*renumber* as section 71A(1) to (5).

**54 Omission of s 72 (Term of gaming machine licences)**

Section 72—

*omit.*

**55 Omission of s 76 (Renewal and continuance of gaming machine licences)**

Section 76—

*omit.*

**56 Omission of s 80A (When gaming machine licence lapses and number of approved gaming machines changes)**

Section 80A—

*omit.*

**57 Omission of s 85AA (When approval lapses and number of additional gaming machines changes)**

Section 85AA—

*omit.*

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

Section 87(9) and (11), '1 year'—

*omit, insert*—

2 years

[s 59]

---

**59 Amendment of s 90 (Surrender or disposal of gaming machines on approval of decrease)**

Section 90(2), editor's note—

*omit, insert—*

*Note—*

This subsection does not deal with the issue of the disposal of gaming machines contrary to an approval. However, see section 277 (Destruction of gaming machines).

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

Section 91A(3) and (5), '1 year'—

*omit, insert—*

2 years

**61 Amendment of s 92 (Disclosure of influential or benefiting parties)**

Section 92(1), 'applies for a renewal of a gaming machine licence or'—

*omit.*

**62 Replacement of s 94 (Cessation or commencement of executive officer or secretary)**

Section 94—

*omit, insert—*

**94 Change to secretary or executive officer of body corporate**

- (1) This section applies to a body corporate that is—
- (a) an applicant under section 56; or

- 
- (b) a category 1 licensee that also holds a liquor licence for which a fee is payable for a licence period under the *Liquor Act 1992*; or
  - (c) a category 2 licensee that is required, under section 304, to give a copy of an audit report to the commissioner.
- (2) The body corporate must—
- (a) for a body corporate mentioned in subsection (1)(a)—notify the commissioner of a management change within 7 days after the change happens; or
  - (b) for a body corporate mentioned in subsection (1)(b)—notify the commissioner of any management change for a licence period when the fee for the licence period is paid; or
  - (c) for a body corporate mentioned in subsection (1)(c)—notify the commissioner of any management change for the period to which an audit report relates, when a copy of the audit report is given to the commissioner under section 304.

Maximum penalty—40 penalty units.

- (3) The notice must—
- (a) be in the approved form; and
  - (b) include the full name, address and date of birth of any person commencing as, or ceasing to be, the secretary or an executive officer of the body corporate.
- (4) In this section—

***licence period*** see the *Liquor Act 1992*, section 4.

***management change***, for a body corporate, means—

[s 63]

---

- (a) a person ceasing to be the secretary or an executive officer of the body corporate; or
- (b) a person commencing as the secretary or an executive officer of the body corporate.

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

- (1) Section 95(2D) and (2F), ‘1 year’—

*omit, insert—*

2 years

- (2) Section 95(8), editor’s note—

*omit, insert—*

*Note—*

This subsection does not deal with the issue of privately acquired gaming machines contrary to an approval. However, see section 277 (Destruction of gaming machines).

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

Section 97(1)(c)(v)(H), ‘section 58(4)’—

*omit, insert—*

section 58(6)

**65 Amendment of s 103 (Amounts payable under gaming machine licence that ceases to have effect)**

Section 103, ‘cancellation, surrender or non-renewal’—

*omit, insert—*

cancellation or surrender



---

**66 Amendment of s 104 (Disposal of gaming machines on cancellation or non-renewal of gaming machine licence)**

(1) Section 104, heading, ‘or non-renewal’—

*omit.*

(2) Section 104(1), from ‘licence—’—

*omit, insert—*

licence is cancelled.

(3) Section 104(5), editor’s note—

*omit, insert—*

*Note—*

This subsection does not deal with the issue of the disposal of privately acquired gaming machines contrary to an approval. However, in this regard, see section 277 (Destruction of gaming machines).

**67 Amendment of s 109D (Dealing with amounts received on sale of operating authorities of the State)**

Section 109D, from ‘community’—

*omit, insert—*

consolidated fund.

**68 Amendment of s 109E (Dealing with amounts received on sale of licensee’s operating authority)**

(1) Section 109E(1)(a) and (2)(a), from ‘community’ to ‘section 314’—

*omit, insert—*

consolidated fund

(2) Section 109E(3), ‘community investment’—

*omit, insert—*

consolidated

[s 69]

---

**69 Amendment of s 109F (When operating authorities become operating authorities of the State)**

- (1) Section 109F(1)(a) to (c)—  
*omit.*
- (2) Section 109F(1)(d) and (e)—  
*renumber* as section 109F(1)(a) and (b).
- (3) Section 109F(2)(a)—  
*omit.*
- (4) Section 109F(2)(b) and (c)—  
*renumber* as section 109F(2)(a) and (b).

**70 Amendment of s 109L (Definitions for div 2)**

Section 109L, definition *category 2 licensee*, paragraph (b), ‘1 year’—

*omit, insert—*

2 years

**71 Amendment of s 109ZA (When entitlement becomes entitlement of the State)**

- (1) Section 109ZA(1)(a) to (c)—  
*omit.*
- (2) Section 109ZA(1)(d) and (e)—  
*renumber* as section 109ZA(1)(a) and (b).
- (3) Section 109ZA(2)(a)—  
*omit.*
- (4) Section 109ZA(2)(b) and (c)—  
*renumber* as section 109ZA(2)(a) and (b).

---

**72 Amendment of s 109ZE (Dealing with amount received on sale of entitlement of the State)**

Section 109ZE, from ‘community’—

*omit, insert—*

consolidated fund.

**73 Amendment of s 109ZH (Decrease in, or end of, temporary transfer of entitlements)**

(1) Section 109ZH(3)(a) to (c)—

*omit.*

(2) Section 109ZH(3)(d) and (e)—

*renumber* as section 109ZH(3)(a) and (b).

**74 Amendment of s 163 (Approved control system for supply operations)**

(1) Section 163, heading, ‘Approved control’—

*omit, insert—*

**Control**

(2) Section 163(1), ‘an approved control system’—

*omit, insert—*

a control system complying with section 164

(3) Section 163(2) and (3)—

*omit, insert—*

(2) The licensed supplier must not contravene its control system in the conduct of its supply operations.

Maximum penalty—200 penalty units.

[s 75]

---

- (3) A licensed supplier must, on request by the commissioner, make its control system available for inspection by the commissioner.

Maximum penalty—200 penalty units.

## **75 Replacement of ss 164–167**

Sections 164 to 167—

*omit, insert—*

### **164 Requirements for control system**

- (1) A licensed supplier's control system for supply operations must—
- (a) be in writing; and
  - (b) include details about each matter stated in subsection (2) for the supply operations, to the extent the matter relates to the internal controls to be put in place by the supplier to protect the integrity of gaming and the conduct of gaming.
- (2) For subsection (1)(b), the matters are—
- (a) accounting systems and procedures; and
  - (b) administrative systems and procedures; and
  - (c) computer software; and
  - (d) systems and procedures for the maintenance, security, storage and transportation of equipment; and
  - (e) systems and procedures for using and maintaining security facilities; and
  - (f) the general procedures to be followed for the supply operations.

---

**165 Commissioner may give direction about content of control system**

- (1) This section applies if the commissioner considers a licensed supplier's control system is insufficient for protecting the integrity of gaming and the conduct of gaming.
- (2) The commissioner may, by written notice to the supplier, direct the supplier to include in its control system additional details about 1 or more matters mentioned in section 164(2) within the reasonable period, and in the way, stated in the notice.
- (3) If the supplier does not comply with the direction, at the end of the period stated in the notice the supplier's control system is taken to have been changed in the way stated in the notice.

**76 Amendment of s 185 (Meaning of key monitoring employee)**

Section 185(1)(c), 'approved'—  
*omit.*

**77 Amendment of s 214A (Grounds)**

Section 214A(4)(a)(i), 'approved'—  
*omit.*

**78 Amendment of s 240 (Gaming tokens that are not Australian currency)**

Section 240(1)—  
*omit, insert—*

- (1) This section does not apply to either of the following gaming tokens—

[s 79]

---

- (a) a gaming token that has no value marked on it, and forms part of a centralised credit system approved under section 231(4);
- (b) a gaming token that is a ticket, and is used as part of a TITO system approved under section 231(4).

**79 Amendment of s 242A (Unclaimed payments)**

Section 242A(1) and (3), ‘3 months’—

*omit, insert—*

12 months

**80 Amendment of s 250 (Defective gaming system components not allowed)**

(1) Section 250(1)(c)(iv), ‘transactions’—

*omit, insert—*

system transactions

(2) Section 250(1)(c)—

*insert—*

(v) carry out TITO system transactions;

**81 Amendment of s 265 (Manufacture, sale, supply, obtaining or possession of gaming machines)**

(1) Section 265(2) to (4)—

*omit.*

(2) Section 265(6), ‘subsection (5)’—

*omit, insert—*

subsection (2)

(3) Section 265(7) and (8), ‘or (5)’—

*omit, insert—*

or (2)

- (4) Section 265(5) to (9)—  
*renumber* as section 265(2) to (6).

**82 Amendment of s 271 (Possession etc. of gaming equipment and other things by licensees)**

- (1) Section 271(1)(a), ‘be in’—  
*omit, insert*—  
obtain or be in
- (2) Section 271(1)(c), ‘supply’—  
*omit, insert*—  
sell or supply authorised gaming machines or
- (3) Section 271(1)(c)(ii), ‘restricted’—  
*omit, insert*—  
gaming machines or restricted

**83 Amendment of s 287 (Requirements for approvals for linked jackpot arrangements)**

- (1) Section 287, heading, ‘approvals for linked jackpot arrangements’—  
*omit, insert*—  
**linked jackpot arrangements and approved trust accounts**
- (2) Section 287—  
*insert*—
- (10) An amount paid, or required to be paid, into an approved trust account under this section can not be—
- (a) used for payment of the debt of a creditor of a licensed monitoring operator; or

[s 84]

---

- (b) attached or taken in execution under a court order or process by a creditor.

**84 Amendment of s 295 (Monthly money clearances)**

Section 295(1), ‘and any centralised credit system’—

*omit, insert—*

, any centralised credit system and any TITO system

**85 Amendment of s 296 (Periodic money clearances)**

Section 296(1)—

*omit, insert—*

- (1) A licensee must, at least 4 times a month, carry out a money clearance complying with section 297 of the following installed on the licensee’s licensed premises—

- (a) each gaming machine;
- (b) any centralised credit system;
- (c) any TITO system.

Maximum penalty—200 penalty units.

**86 Amendment of s 297 (Requirement for money clearance)**

Section 297(3), after ‘system’—

*insert—*

or TITO system

**87 Replacement of pt 9 hdg (Taxes, levies and fees)**

Part 9, heading—

*omit, insert—*

**Part 9 Financial provisions**



---

**88 Omission of ss 313 and 314**

Sections 313 and 314—

*omit.*

**89 Amendment of s 315 (Gambling community benefit fund)**

Section 315(2)—

*omit, insert—*

- (2) Subject to any necessary appropriation, an amount may be paid into the fund from the consolidated fund.
- (3) The Minister may pay an amount from the fund to an entity for the benefit of the community.
- (4) Before paying an amount under subsection (3), the Minister must consider any relevant recommendations given to the Minister by the Gambling Community Benefit Committee established under section 316.

**90 Replacement of s 322 (Disposition of fees etc.)**

Section 322—

*omit, insert—*

**322 Payments into consolidated fund**

Payments received by the commissioner for the following must be paid into the consolidated fund—

- (a) gaming machine tax;
- (b) health services levy;
- (c) a penalty imposed under section 319;
- (d) other fees and charges under this Act.

[s 91]

---

**91 Amendment of s 336 (Review and termination of agreements)**

(1) Section 336—

*insert—*

(9A) If a delegate of the commissioner exercises the commissioner's power under subsection (9), the power to direct termination of the agreement under subsection (9)(b) may be exercised only by the commissioner on the recommendation of the delegate.

(2) Section 336(9A) to (13)—

*renumber* as section 336(10) to (14).

**92 Amendment of s 349 (Cheating)**

Section 349(3), definition *licensee*, paragraph (b)—

*omit, insert—*

(b) a person employed by a licensee to do the following on behalf of the licensee—

(i) sell or redeem gaming tokens;

(ii) carry out centralised credit system transactions;

(iii) carry out TITO system transactions.

**93 Omission of pt 10A (Approved responsible service of gambling course)**

Part 10A—

*omit.*

**94 Amendment of s 356 (Proceedings for offences)**

Section 356(8), '265(1) or (5)'—

---

*omit, insert—*

265(1) or (2)

**95 Amendment of s 362 (Disclosure of criminal history)**

Section 362(a), ‘an inquiry under section 18(7) or’

*omit.*

**96 Insertion of new pt 12, div 17**

Part 12—

*insert—*

**Division 17 Transitional provisions for  
Liquor and Gaming (Red  
Tape Reduction) and Other  
Legislation Amendment  
Act 2013**

**Subdivision 1 Preliminary**

**476 Definitions for div 17**

In this division—

*amending Act* means the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*.

*commencement* means the commencement of the provision in which the term is used.

*previous*, if followed by a provision number, means the provision of that number as in force immediately before it was amended or repealed by the amending Act.

## **Subdivision 2 General transitional provisions**

### **477 Application of s 67 for existing category 2 licences**

- (1) This section applies to a category 2 licensee whose licence is in force on the commencement.
- (2) Previous section 67(4) continues to apply for deciding the relevant time under section 67(1) for the category 2 licensee.

### **478 Disposal of gaming machines for licences cancelled or not renewed before commencement**

If a gaming machine licence has been cancelled or not renewed before the commencement, previous section 104 continues to apply for the licence.

### **479 Appeal to tribunal for decisions about renewal made before commencement**

A person may, under section 29(1), apply for a review of a decision made before the commencement by the commissioner under previous section 76, as if the amending Act had not commenced.

### **480 Existing applications for renewal of gaming machine licences extended under s 76(3)**

- (1) Subsection (2) applies if—
  - (a) before the commencement—
    - (i) the commissioner extended the term of a gaming machine licence under previous section 76(3); and

- (ii) the licensee applied for a renewal of the licence under previous section 76; and
  - (b) on the commencement, the application has not been decided.
- (2) On the commencement, the application is taken to have been approved under the provisions of this Act as in force immediately before the commencement.

#### **481 Continuation of particular offences**

- (1) This section applies if a person is alleged to have committed an offence against the following provisions as in force immediately before the commencement—
  - (a) section 163;
  - (b) section 265(2).
- (2) Despite the Criminal Code, section 11, a proceeding for the offence may be started or continued, and the court may hear and decide the proceeding, as if the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*, other than this section, had not commenced.

#### **482 Refund of fee for particular applications for renewal of gaming machine licences**

- (1) This section applies if—
  - (a) during the period of 2 months immediately before the commencement, a licensee applied, under previous section 76, for renewal of the licensee's gaming machine licence; and
  - (b) the application was accompanied by the fee required under that section.

[s 96]

---

- (2) The commissioner must refund the fee to the licensee, whether or not the application was decided.

#### **483 Continuation of s 103 for gaming machine licences not renewed before commencement**

On the commencement, previous section 103 continues to apply in relation to a gaming machine licence that, before the commencement, ceased to have effect because it was not renewed.

#### **484 Existing unclaimed payments under previous s 242A**

- (1) This section applies if, immediately before the commencement, a person entitled to a payment mentioned in section 242A(1) or (3) had not collected the payment and the payment had not been dealt with under section 242A.
- (2) Previous section 242A(1) and (3) continues to apply in relation to the payment.

#### **485 Continuation of existing responsible service of gambling course certificate**

- (1) This section applies to a person's responsible service of gambling course certificate in force immediately before the commencement.
- (2) The certificate continues in force until the day that is 3 years after the certificate was given to the person.

---

### **Subdivision 3 Provisions for closing funds**

#### **486 Closure of sport and recreation benefit fund**

On the commencement—

- (a) the sport and recreation benefit fund under previous section 313 is closed; and
- (b) any amount remaining in the fund is transferred to the consolidated fund.

#### **487 Closure of community investment fund**

(1) On the commencement—

- (a) the former community investment fund is closed; and
- (b) any amount remaining in the fund is transferred to the consolidated fund.

(2) The Treasurer may, without further appropriation, withdraw an amount and pay it to an entity if—

- (a) the Treasurer either—
  - (i) decided, before the commencement, to pay the amount to the entity out of the former community investment fund; or
  - (ii) is satisfied the Minister decided, before the commencement, to pay the amount to the entity out of a continuing fund; and
- (b) immediately before the commencement, the amount has not been paid to the entity.

(3) In this section—

*continuing fund* means—

[s 97]

---

- (a) the casino community benefit fund under the *Casino Control Act 1982*, section 52(1);  
or
- (b) the gambling community benefit fund under section 315.

***former community investment fund*** means the community investment fund under previous section 314.

***Minister*** means the Minister responsible, immediately before the commencement, for the administration of the relevant continuing fund.

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

- (1) Schedule 1, part 1, entry for section 76—

*omit.*

- (2) Schedule 1, part 1—

*insert—*

165(2) directing a licensed supplier to include additional details about a matter in the supplier's control system for supply operations

#### **98 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definitions *approved control system*, *authorised gaming machine*, *approved responsible service of gambling course*, *centralised credit system*, *community club licence*, *control system (change) submission*, *control system submission* and *responsible service of gambling course certificate*—

*omit.*

- (2) Schedule 2—

*insert—*



***approved responsible service of gambling course*** means a course, prescribed under a regulation, about the responsible service of gambling.

***authorised gaming machine***, of a licensee, means a gaming machine purchased or otherwise acquired by the licensee under this Act, used or to be used for gaming on the licensee's licensed premises.

***centralised credit system*** means any electronic or computer system or device designed to be used for, or adapted to enable—

- (a) the centralised storage of credits of gaming tokens; and
- (b) the transfer of stored credits of gaming tokens to or from a gaming machine.

***community club licence*** means a licence mentioned in the *Liquor Act 1992*, section 58(1)(d).

***responsible service of gambling course certificate*** means a certificate given to a person for satisfactorily completing an approved responsible service of gambling course.

***ticket*** means an item that—

- (a) displays a value in Australian currency; and
- (b) is designed to be used as part of a TITO system in the place of Australian currency.

***TITO system*** means any electronic system or device designed to be used for, or adapted to enable, the transfer of credits to or from a gaming machine using a ticket.

- (3) Schedule 2, definition *control system*, 'and administrative and accounting procedures'—

*omit.*

[s 99]

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- (4) Schedule 2, definition *gaming related system*—  
*insert*—  
(c) a TITO system.
- (5) Schedule 2, definition *gaming token*, ‘credit or’—  
*omit, insert*—  
credit, ticket or
- (6) Schedule 2, definition *money clearance*, paragraph (a), after ‘gaming tokens’—  
*insert*—  
, other than tickets,
- (7) Schedule 2, definition *money clearance*—  
*insert*—  
(c) for a TITO system—the deduction of an amount in relation to amounts received by a licensee from persons for establishing gaming machine credits under the system for the persons.
- (8) Schedule 2, definition *restricted component*, ‘or centralised credit system’—  
*omit, insert*—  
, centralised credit system or TITO system

## **Part 8**                      **Amendment of Interactive Gambling (Player Protection) Act 1998**

### **99**      **Act amended**

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

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**100 Amendment of s 19 (Restrictions for registration)**

Section 19, ‘approved’—

*omit.*

**101 Amendment of s 60 (Meaning of *key person* and *key relationship*)**

Section 60(1)(c), ‘approved’—

*omit.*

**102 Amendment of s 77 (Grounds)**

Section 77(3)(a), ‘approved’—

*omit, insert—*

provider’s

**103 Omission of s 116 (Payment of tax for community benefit)**

Section 116—

*omit.*

**104 Amendment of s 127 (Authorised games to be conducted under an approved control system)**

(1) Section 127, heading ‘an approved’—

*omit, insert—*

**a**

(2) Section 127(1), ‘an approved control system’—

*omit, insert—*

a control system complying with section 128

(3) Section 127(2) and (3)—

*omit, insert—*

[s 105]

---

- (2) The licensed provider must not contravene its control system in the conduct of an authorised game.

Maximum penalty—200 penalty units.

- (3) A licensed provider must, on request by an inspector, make its control system available for inspection by the inspector.

Maximum penalty—200 penalty units.

## **105 Replacement of ss 128–131**

Sections 128 to 131—

*omit, insert—*

### **128 Content of control system**

- (1) A licensed provider's control system for an interactive game must—

- (a) be in writing; and
- (b) include details about each matter for the interactive game stated in subsection (2), to the extent the matter relates to the internal controls to be put in place by the provider for the following purposes—
- (i) ensuring amounts payable by the provider to the State for the interactive game are worked out and paid under this Act;
- (ii) protecting the integrity of the conduct of the interactive game by the provider.

- (2) For subsection (1)(b), the matters are—

- (a) accounting systems and procedures; and
- (b) administrative systems and procedures; and
- (c) procedures for recording wagers and paying prizes won in the interactive game; and

- (d) computer software; and
- (e) systems and procedures for the maintenance, security, storage and transportation of equipment; and
- (f) systems and procedures for using and maintaining security facilities; and
- (g) the general procedures to be followed for the conduct of the interactive game.

### **129 Chief executive may give direction about content of control system**

- (1) This section applies if the chief executive considers a licensed provider's control system for an interactive game is insufficient for—
  - (a) ensuring amounts payable to the State under this Act for the interactive game are properly worked out and paid; or
  - (b) protecting the integrity of the conduct of the interactive game by the provider.
- (2) The chief executive may, by written notice to the provider, direct the provider to include in its control system additional details about 1 or more matters mentioned in section 128(2) within the reasonable period, and in the way, stated in the notice.
- (3) If the provider does not comply with the direction, at the end of the period stated in the notice the provider's control system is taken to have been changed in the way stated in the notice.

[s 106]

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**106 Amendment of s 134 (Licensed providers limited recourse to players' accounts)**

Section 134(3)(b), 'approved'—  
*omit.*

**107 Insertion of new pt 12, div 3**

Part 12—  
*insert—*

**Division 3 Transitional provision for  
Liquor and Gaming (Red  
Tape Reduction) and Other  
Legislation Amendment  
Act 2013**

**271 Continuation of offence under s 127**

- (1) This section applies if a person is alleged to have committed an offence against section 127, as in force immediately before the commencement of this section.
- (2) Despite the Criminal Code, section 11, a proceeding for the offence may be started or continued, and the court may hear and decide the proceeding, as if the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*, other than this section, had not commenced.

**108 Amendment of sch 2 (Decisions of chief executive subject to review)**

Schedule 2, part 1—

*insert—*

- 129(2) Directing licensed provider to include additional details about a matter in the provider's control system for an interactive game

**109 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3, definitions *approved control system*, *control system (change) submission* and *control system submission—omit.*
- (2) Schedule 3, definition *control system*, 'and administrative and accounting procedures'—  
*omit.*

## **Part 9 Amendment of Keno Act 1996**

**110 Act amended**

This part amends the *Keno Act 1996*.

**111 Amendment of s 61 (Grounds)**

Section 61(3)(a), 'the approved'—

*omit, insert—*

the relevant keno licensee's

**112 Omission of s 113 (Application of keno tax)**

Section 113—

*omit.*

[s 113]

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**113 Amendment of s 117 (Keno games to be conducted under approved control system)**

- (1) Section 117, heading, ‘approved’—  
*omit.*
- (2) Section 117(1), ‘an approved control system’—  
*omit, insert—*  
a control system complying with section 118
- (3) Section 117(2) and (3)—  
*omit, insert—*
  - (2) The keno licensee must not contravene its control system in the conduct of a keno game.  
Maximum penalty—200 penalty units.
  - (3) A keno licensee must, on request by an inspector, make its control system available for inspection by the inspector.  
Maximum penalty—200 penalty units.

**114 Replacement of ss 118–121**

Sections 118 to 121—

*omit, insert—*

**118 Content of control system**

- (1) A keno licensee’s control system for a keno game must—
  - (a) be in writing; and
  - (b) include details about each matter for the keno game stated in subsection (2), to the extent the matter relates to the internal controls to be put in place by the licensee for the following purposes—



- (i) ensuring amounts payable by the licensee to the State for the keno game are worked out and paid under this Act;
  - (ii) protecting the integrity of the conduct of the keno game by the licensee.
- (2) For subsection (1)(b), the matters are—
  - (a) accounting systems and procedures; and
  - (b) administrative systems and procedures; and
  - (c) procedures for recording entries, and paying amounts won, in the keno game;
  - (d) computer software; and
  - (e) systems and procedures for the maintenance, security, storage and transportation of equipment; and
  - (f) systems and procedures for using and maintaining security facilities; and
  - (g) the general procedures to be followed for the conduct of the keno game.

### **119 Chief executive may give direction about content of control system**

- (1) This section applies if the chief executive considers a keno licensee's control system for a keno game is insufficient for—
  - (a) ensuring amounts payable to the State under this Act for the keno game are properly worked out and paid; or
  - (b) protecting the integrity of the conduct of the keno game by the licensee.
- (2) The chief executive may, by written notice to the licensee, direct the licensee to include in its control system additional details about 1 or more matters mentioned in section 118(2) within the

[s 115]

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reasonable period, and in the way, stated in the notice.

- (3) If the licensee does not comply with the direction, at the end of the period stated in the notice the licensee's control system is taken to have been changed in the way stated in the notice.

## **115 Insertion of new pt 13, div 3**

Part 13—

*insert—*

### **Division 3                      Transitional provision for Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013**

#### **250 Continuation of offence under s 117**

- (1) This section applies if a person is alleged to have committed an offence against section 117, as in force immediately before the commencement of this section.
- (2) Despite the Criminal Code, section 11, a proceeding for the offence may be started or continued, and the court may hear and decide the proceeding, as if the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*, other than this section, had not commenced.

## **116 Amendment of sch 2 (Decisions of chief executive subject to appeal)**

Schedule 2, part 1—

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*insert—*

- 119(2) directing a keno licensee to include additional details about a matter in the licensee’s control system for conducting a keno game

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

- (1) Schedule 4, definitions *approved control system*, *control system (change) submission* and *control system submission—omit.*
- (2) Schedule 4, definition *control system*, ‘and administrative and accounting procedures’—  
*omit.*

## **Part 10 Amendment of Liquor Act 1992**

**118 Act amended**

This part amends the *Liquor Act 1992*.

**119 Insertion of new pt 1, div 1, hdg**

Part 1, before section 1—

*insert—*

**Division 1 Introduction**

**120 Insertion of new pt 1, div 2, hdg**

After section 3A—

*insert—*

**Division 2 Interpretation**

[s 121]

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## 121 Amendment of s 4 (Definitions)

- (1) Section 4, definitions *approved risk-assessed management plan*, *approved training course*, *community impact statement*, *community investment fund*, *risk assessed management plan* and *training course certificate*—

*omit.*

- (2) Section 4—

*insert—*

***approved arrangement*** means a lease, sublease, franchise agreement or management agreement entered into by the holder of a commercial special facility licence if the commissioner has approved the lease or sublease or the entering into of the agreement for the purposes of section 153(3).

***approved risk-assessed management plan***, for premises, means a risk-assessed management plan or revised risk-assessed management plan approved under section 51 for the premises, and includes the plan as changed under section 52.

***approved training course*** means a course, prescribed under a regulation, about the responsible service of liquor.

***commercial complex*** means a place where a group of retail or commercial premises are located in close proximity to each other, including, for example, a shopping complex.

***fundraising event*** means a function—

- (a) held primarily for the purpose of raising funds for the benefit of the community; and
- (b) that is a one-off event or occasion—
  - (i) that is a small regional show; or
  - (ii) otherwise—that starts and ends on the same day.

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***non-profit entity*** see section 11A.

***relevant restricted area*** means a restricted area to which section 168B applies because of a declaration under section 173H.

***risk-assessed management plan***, for premises, means a document containing information about the procedures and practices for the conduct of business at the premises.

***small regional show*** means a function that is an agricultural, horticultural, industrial or pastoral show or exhibition, held at a rural place in Queensland, if the show or exhibition meets criteria prescribed under a regulation for this definition relevant to minimising adverse effects on—

- (a) the health or safety of members of the public; and
- (b) the amenity of the community.

*Examples of criteria that may be prescribed under a regulation—*

- the maximum number of persons expected to attend the show or exhibition having regard to attendance at the show or exhibition in previous years
- the maximum period during which liquor is to be sold at the show or exhibition
- the maximum duration of the show or exhibition

***standard drink*** means a drink containing not more than 12.5mL of ethyl alcohol (ethanol).

***subsidiary on-premises licence (meals)*** means a subsidiary on-premises licence—

- (a) to which section 67 applies, if the principal activity stated in the licence is the provision of prepared food to be eaten on the licensed premises; or
- (b) to which section 67A applies.

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*training course certificate* means a certificate given to a person for satisfactorily completing an approved training course.

- (3) Section 4, definition *approval*, ‘or approved training course’—

*omit.*

**122 Insertion of new pt 1, div 3, hdg**

After section 4C—

*insert—*

**Division 3            Key concepts**

**123 Insertion of new pt 1, div 4, hdg and pt 1, div 4, sdiv 1**

After section 11—

*insert—*

**Division 4            Exemptions and related matters**

**Subdivision 1    Exemptions**

**11A Meaning of *non-profit entity***

- (1) A *non-profit entity* is—
- (a) a non-proprietary club; or
  - (b) another entity approved by the commissioner.
- (2) The commissioner may approve an entity under subsection (1)(b) in relation to the sale of liquor only if the commissioner is satisfied all the net proceeds from the sale will be used for the benefit of the community.

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**124 Amendment of s 12 (Exemptions)**

(1) Section 12, heading—

*omit, insert—*

**12 Exemption for taking, removing or carrying liquor in particular circumstances**

(2) Section 12(2) to (4)—

*omit.*

**125 Relocation and renumbering of s 13 (Act binds the Crown)**

Section 13—

*relocate and renumber*, in part 1, division 1, as inserted by this Act, as section 2A.

**126 Relocation and renumbering of s 14 (Declaration for Commonwealth Act)**

Section 14—

*relocate and renumber*, in part 1, division 1, as inserted by this Act, as section 3B.

**127 Insertion of new ss 13–14B and pt 1, div 4, sdiv 2**

Part 1, division 4—

*insert—*

**13 Exemption for the sale of liquor at fundraising event**

- (1) This Act does not apply to a sale of liquor by an eligible entity at a fundraising event if—
  - (a) all the net proceeds from the sale of liquor will be used for the benefit of the community; and
  - (b) the sale of liquor is ancillary to the fundraising event; and

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- (c) the liquor is sold between 7a.m. and midnight; and
- (d) for a fundraising event other than a small regional show—the liquor is sold during a period not exceeding a total of 8 hours; and
- (e) the liquor is sold in open containers for consumption at the event; and
- (f) the liquor is sold by an adult; and
- (g) the eligible entity ensures the sale of liquor does not create an unsafe environment at the event.

*Example of when the sale of liquor creates an unsafe environment at the event—*

the entity allows a person to whom the liquor is sold to remain at the event when the person is clearly unduly intoxicated, behaving in a disorderly way, causing a disturbance to other persons or demonstrating violent behaviour

- (2) However, this Act does apply to the sale of liquor at a fundraising event if—
  - (a) the liquor is sold at the event in a manner that encourages rapid or excessive consumption of liquor; or
  - (b) the liquor is sold at the event to a person who—
    - (i) is a minor; or
    - (ii) is unduly intoxicated or disorderly; or
  - (c) the liquor is sold on Christmas Day, Good Friday or before 1p.m. on Anzac Day; or
  - (d) the event is held—
    - (i) in a relevant restricted area; or
    - (ii) at licensed premises or premises to which a permit relates.



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- (3) For subsection (1), an entity is an *eligible entity* for the sale of liquor at a fundraising event if—
- (a) it is a non-profit entity for the event; and
  - (b) neither the entity nor an executive officer of the entity has, within 6 months immediately before the event, been given a non-compliance notice under section 14C(3) stating that the sale of liquor must cease immediately; and
  - (c) neither the entity nor an executive officer of the entity has, within the 5 years immediately before the event, been convicted of an offence under any of the following—
    - (i) section 155A;
    - (ii) section 156;
    - (iii) section 156A;
    - (iv) section 169; and
  - (d) for an entity or an executive officer of the entity that is a licensee or permittee, neither the entity nor the executive officer has, within the 5 years immediately before the event—
    - (i) been given a written notice for an urgent suspension of the entity's or executive officer's licence under section 137C; or
    - (ii) been convicted of an offence under section 148A(2) or (4); or
    - (iii) breached a condition of a licence or permit relating to minimising alcohol-related disturbances, or public disorder, in a locality.
- (4) However, an entity is not an *eligible entity* if—
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- (a) it is a criminal organisation under the *Criminal Organisation Act 2009*; or
  - (b) when the fundraising event is held, the entity or an executive officer of the entity is disqualified from holding a licence under part 5, division 3, subdivision 3.
- (5) In this section—
- executive officer***, of an entity, means—
- (a) if the entity has a management committee—each member of the committee; or
  - (b) otherwise—each member of the entity who is concerned with, or takes part in, the management of the entity.

#### **14 Exemption for the sale of liquor as part of fundraising raffle**

This Act does not apply to a sale of liquor forming part of a prize for a raffle if—

- (a) the raffle is conducted by a non-profit entity; and
- (b) all the net proceeds of the sale of raffle tickets for the prize will be used only—
  - (i) for a non-proprietary club—to promote the objects of the non-profit entity; or
  - (ii) for another entity—for the benefit of the community; and
- (c) the total value of the liquor forming part of the prize is not more than \$1000; and
- (d) raffle tickets for the prize are sold to an adult person, other than a person who is unduly intoxicated; and

- (e) the liquor forming part of the prize is given to an adult person, other than a person who is unduly intoxicated; and
- (f) the raffle is conducted in an area other than a relevant restricted area.

#### **14A Exemption for hospitals and nursing homes**

- (1) This Act does not apply to a sale of liquor—
  - (a) in a nursing home, other than a nursing home in a relevant restricted area, to an adult resident of the nursing home, or an adult guest of a resident of the nursing home, if the quantity of liquor sold to the resident or guest is not more than 2 standard drinks in a day; or
  - (b) in a hospital, other than a hospital in a relevant restricted area, to an adult inpatient of the hospital, if the quantity of liquor sold to the inpatient is not more than 2 standard drinks in a day.
- (2) In this section—
  - hospital* means—
    - (a) a hospital operated by the State; or
    - (b) a private hospital under the *Private Health Facilities Act 1999*.
  - nursing home* means a facility in which residential care is provided in relation to an allocated place under the *Aged Care Act 1997* (Cwlth).

#### **14B Other exemptions for the sale of liquor**

- (1) This Act does not apply to the following—

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- (a) a sale in good faith of spirituous or distilled perfume as perfumery;
- (b) a sale of spirituous cooking essence, other than for use as a beverage or for manufacturing a beverage, if—
  - (i) the essence is sold in a container containing not more than—
    - (A) if the essence is vanilla essence—100mL; or
    - (B) in any other case—50mL; or
  - (ii) the sale is by wholesale;
- (c) a sale of liquor in Parliament House by permission and under control of the Parliament;
- (d) a sale of liquor in the lawful operation of an Australian Defence Force canteen;
- (e) a sale in good faith of spirits or wine by a pharmacist as medicine or for medicinal or chemical purposes;
- (f) a sale at auction conducted by a licensed auctioneer—
  - (i) of liquor for a person who is authorised by this Act to sell the liquor; or
  - (ii) by order of a trustee under the *Bankruptcy Act 1966* (Cwlth), of liquor held by the trustee as trustee under that Act; or
  - (iii) by order of the executor, administrator or trustee of the estate of a deceased person, of liquor that is the property of the deceased's estate; or
  - (iv) by order of the public trustee, of liquor that is the property of an estate in the

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course of administration by the public trustee;

- (g) a sale, during actual flight of an aircraft, of liquor to a passenger on the aircraft made for the aircraft's operator and for consumption during the flight, or carrying or exposing liquor for the sale;
- (h) a sale of liquor by a provider of bed and breakfast accommodation or host farm accommodation to a guest of the provider for consumption on the premises at which the accommodation is provided;
- (i) a sale of liquor to a person by the proprietor of a duty free shop described in a warehouse licence under the Customs Act if—
  - (i) the sale takes place at the duty free shop; and
  - (ii) the liquor is goods specified in a permission given to the proprietor under section 96A or 96B of that Act; and
  - (iii) the liquor is to be delivered to the person under the permission;
- (j) a sale of liquor forming part of a floral arrangement or gift basket to be delivered as a gift to a person (the *relevant person*) other than the purchaser of the floral arrangement or gift basket, if—
  - (i) the sale is part of a florist's business or the business of a person selling gift baskets; and
  - (ii) the relevant person is an adult; and
  - (iii) the gift is to be delivered to a place other than the place at which the

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- business mentioned in subparagraph (i)  
is conducted; and
- (iv) the quantity of the liquor is not more than 2L and, if the liquor includes spirits, the quantity of spirits is not more than 1L; and
- (v) the total value of the liquor and the container in which it is supplied is not more than 75% of the gift's sale price or a lesser amount prescribed under a regulation; and
- (vi) the liquor had been purchased on a retail basis;
- (k) a sale of liquor in a retirement village to a person who is a resident of the retirement village or an adult guest of a resident if the quantity of liquor sold to the person is not more than 2 standard drinks in a day;
- (l) a sale of liquor by a hairdresser or a barber to an adult client if—
  - (i) the sale takes place at the premises where the hairdresser or barber conducts his or her business as part of the hairdressing or barber services provided to the client; and
  - (ii) the liquor is consumed on the premises; and
  - (iii) the quantity of the liquor sold to the client is not more than 2 standard drinks in a day; and
  - (iv) the liquor is not sold or consumed on Christmas Day, Good Friday or before 1p.m. on Anzac Day;
- (m) a sale of liquor by a limousine licensee to an adult passenger of a limousine if—

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- (i) the sale takes part during the journey for which the limousine was hired; and
  - (ii) the liquor is consumed inside the limousine; and
  - (iii) the quantity of the liquor sold to the passenger is not more than 2 standard drinks in a day; and
  - (iv) the liquor is not sold or consumed on Christmas Day, Good Friday, before 1p.m. on Anzac Day, or on any other day between 5a.m. and 10a.m.
- (2) In this section—

***aircraft*** means an aircraft that is not licensed premises.

***bed and breakfast accommodation*** means accommodation that—

- (a) includes the provision of accommodation and breakfast for guests; and
- (b) is conducted on premises (other than a caravan, caretaker's or manager's residence, flat, home unit, hostel, hotel, lodging house, motel or relocatable home) by a person who lives on the premises; and
- (c) caters for a maximum of 6 guests at the same time; and
- (d) may be provided for a guest for a maximum continuous period of 14 days.

***Customs Act*** means the *Customs Act 1901* (Cwlth).

***duty free shop*** means—

- (a) an outwards duty free shop under section 96A of the Customs Act; or

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- (b) an inwards duty free shop under section 96B of the Customs Act.

**host farm accommodation** means accommodation that—

- (a) includes the provision of accommodation and meals, or food for preparing meals, for guests; and
- (b) is conducted on a farm involved in primary production by a person who manages, and lives on, the farm; and
- (c) caters for a maximum of 6 guests at the same time; and
- (d) may be provided for a guest for a maximum continuous period of 30 days.

**limousine** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

**limousine licensee** means the holder of a limousine service licence under the *Transport Operations (Passenger Transport) Act 1994*.

**pharmacist** means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession, other than as a student.

**resident**, of a retirement village, see the *Retirement Villages Act 1999*, section 9.

**retirement village** see the *Retirement Villages Act 1999*, section 5.



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## Subdivision 2 Notices of non-compliance

### 14C Notice of non-compliance for fundraising event

- (1) This section applies in relation to a fundraising event held by an entity purporting to rely on section 13 if, at any time during the event, an investigator or police officer considers the entity does not qualify for the exemption under that section.
- (2) The investigator or police officer may give a notice (a *non-compliance notice*) to any of the following—
  - (a) the entity;
  - (b) the person who appears to be in charge of the sale of liquor at the event;
  - (c) a person selling liquor at the event.
- (3) The notice must state—
  - (a) that the investigator or police officer believes the sale of liquor at the event is not exempt from this Act under section 13; and
  - (b) the reason for the investigator's or police officer's belief; and
  - (c) that a failure to qualify for the exemption under section 13 means the entity may be prosecuted for breaching 1 or more provisions of this Act; and
  - (d) either—
    - (i) the action the investigator or police officer considers must be taken to qualify for the exemption under section 13; or

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- (ii) that the sale of liquor must cease immediately.

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

Section 21(1)(bb), ‘section 155AD(5)(b)’—

*omit, insert—*

section 155AD(7)(b)

**129 Amendment of s 42A (Commissioner may make guidelines)**

Section 42A(1)(b), examples, item 2, after ‘statement’—

*insert—*

required under section 116

**130 Replacement of ss 50 and 51**

Sections 50 and 51—

*omit, insert—*

**50 Application of pt 3A**

This part applies in relation to a proposed risk-assessed management plan or revised risk-assessed management plan that must, under section 105A—

- (a) accompany an application mentioned in section 105A(1); or
- (b) be given to the commissioner in relation to an application mentioned in section 105A(3).

**51 Approval of plan or revised plan**

If the commissioner grants the application—

- (a) the commissioner is taken to have approved the risk-assessed management plan or revised risk-assessed management plan; and
- (b) the commissioner must endorse the plan or revised plan with the commissioner's written approval and give the endorsed plan to the licensee or permittee who made the application.

**131 Amendment of s 52 (Changing plan)**

Section 52(2), from 'plan mentioned'—

*omit, insert—*

plan.

*Note—*

See section 4, definition *risk-assessed management plan*.

**132 Amendment of s 67AA (Principal activity is the provision of entertainment)**

Section 67AA(2)—

*omit, insert—*

- (2) The authority of the licence is restricted to the sale and supply of liquor to a person for consumption on the premises—
  - (a) in association with the person being provided entertainment on the premises; or
  - (b) for periods when entertainment is not being provided on the premises—in association with the person eating a meal on the premises, if the meal is prepared, served and intended to eaten on the premises—
    - (i) during a relevant period; and
    - (ii) when the majority of the premises are set up for dining.

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- (3) In this section—
- relevant period*, for premises, means—
- (a) for premises to which an extended trading hours approval applies for trading between 9a.m. and 10a.m.—between 9a.m. and 5p.m.; or
  - (b) if paragraph (a) does not apply—between 10a.m. and 5p.m.

### **133 Amendment of s 105 (Requirements for applications)**

Section 105(1A) and (5)—

*omit.*

### **134 Insertion of new s 105A**

After section 105—

*insert—*

#### **105A Additional requirement for particular applications—risk-assessed management plan**

- (1) Subsection (2) applies in relation to an application for or relating to a licence or restricted liquor permit made under section 105, other than an application for a subsidiary on-premises licence (meals) relating to low risk premises.
- (2) The application must be accompanied by—
  - (a) if the application is for a licence or restricted liquor permit—a proposed risk-assessed management plan for the premises to which the application relates; or
  - (b) if the application is a relevant application—a proposed revised

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risk-assessed management plan for the licensed premises.

- (3) Subsections (4) and (5) apply in relation to an application made under section 105 for a subsidiary on-premises licence (meals) relating to low risk premises if the commissioner considers an approved risk-assessed management plan or revised risk-assessed management plan for the premises is necessary to—
  - (a) ensure compliance with this Act; or
  - (b) give effect to an agreement about the management of premises that has resulted from a decision of the tribunal; or
  - (c) give effect to the main purposes of this Act mentioned in section 3(a); or
  - (d) minimise alcohol-related disturbances, or public disorder, in a locality.
- (4) Before deciding the application, the commissioner may, by written notice to the applicant, require the applicant to give the commissioner within the reasonable period of not less than 30 days stated in the notice, a proposed risk-assessed management plan for the premises to which the application relates.
- (5) The application is taken to be withdrawn if the applicant fails to comply with the notice, unless the commissioner considers the applicant has a reasonable excuse for the non-compliance.
- (6) In this section—

***low risk premises*** means premises the subject of an application to which all of the following apply—

  - (a) if the application were to be granted—

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- (i) liquor would not be sold at the premises between 12a.m. and 5a.m.; and
  - (ii) the premises would not be the subject of an adult entertainment permit;
- (b) the premises are not situated in a restricted area.

**relevant application** means an application for—

- (a) the transfer of a licence; or
- (b) a permanent variation of a licence; or
- (c) an approval for a permanent change in a licensed area; or
- (d) an extended trading hours approval; or
- (e) an approval for a change in the principal activity of a business conducted under a licence; or
- (f) an approval to sell or supply liquor, or allow liquor to be consumed, in a car park of licensed premises.

**135 Amendment of s 107A (Additional restriction on grant of licence)**

Section 107A(4), definition *individual*, ‘commissioner’—

*omit, insert*—

chief executive

**136 Amendment of s 107D (Restriction on grant of adult entertainment permit)**

Section 107D(1)(c), ‘section 103H’—

*omit, insert*—

section 103Q

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**137 Amendment of s 116 (When community impact statement to be given to commissioner)**

(1) Section 116(1), ‘community impact statement’—

*omit, insert—*

statement complying with subsections (8) and (9) (a  
***community impact statement***)

(2) Section 116—

*insert—*

(1A) However, the commissioner may waive the requirement for a community impact statement if—

(a) any of the following apply—

(i) the application does not involve a significant change to the licensed premises or the nature or extent of the business carried on from the licensed premises;

(ii) the premises are in a remote location;

(iii) the purpose of the community impact statement has been, or can be, achieved by other means;

(iv) other special circumstances exist; and

(b) because of a matter mentioned in paragraph (a), the commissioner is satisfied the statement is not necessary.

(1B) Also, without limiting subsection (2), the commissioner may waive the requirement for a community impact statement for an application for a subsidiary on-premises licence (meals) if—

(a) the proposed licensed premises are located in a commercial complex; and

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- (b) the grant of the licence will not include the grant of an extended trading hours approval for trading between 12a.m. and 5a.m.; and
  - (c) the commissioner is satisfied—
    - (i) the grant of the licence will not adversely affect the amenity of the community; and
    - (ii) amplified entertainment, including, for example, amplified music, will not be provided at the premises.
- (2) Section 116(2), ‘Subsection (3)’—  
*omit, insert—*  
Subsection (5)
- (3) Section 116(4)—  
*omit.*
- (4) Section 116(5), ‘subsection (3)’—  
*omit, insert—*  
subsection (5)
- (5) Section 116(1A) to (8)—  
*renumber* as section 116(2) to (9).

**138 Amendment of s 117 (Advice about application etc.)**

Section 117(4), definition *relevant application*, paragraph (a)—  
*omit, insert—*

- (a) an application for which a community impact statement must be given under section 116; or

**139 Amendment of s 118 (Advertisement of applications)**

- (1) Section 118(1)(a) and (b)—



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*omit, insert—*

- (a) a licence or variation of a licence, other than—
    - (i) an application for a subsidiary on-premises licence (meals); or
    - (ii) an approval of a detached bottle shop;
  - (b) a subsidiary on-premises licence (meals) for premises if—
    - (i) the commissioner gives the applicant a notice under section 118AA; or
    - (ii) the applicant has also applied for an extended trading hours approval for the premises that, if granted, would extend trading hours on a regular basis to include trading between 12a.m. and 5a.m.;
  - (ba) an approval of a detached bottle shop, if—
    - (i) the commissioner gives the applicant a notice under section 118AA; or
    - (ii) the detached bottle shop will, if the application is approved, be open for business after 10p.m.;
- (2) Section 118(1)(ba) to (e)—  
*renumber* as section 118(1)(c) to (f).
- (3) Section 118(2)(a)—  
*omit.*
- (4) Section 118(2)(b) and (c)—  
*renumber* as section 118(2)(a) and (b).
- (5) Section 118(2A), ‘subsection (2)(b)’—  
*omit, insert—*  
subsection (2)(a)

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- (6) Section 118(4), ‘subsection (5)’—  
*omit, insert—*  
subsection (6)
- (7) Section 118(4), ‘subsection (2) or (3)’—  
*omit, insert—*  
subsection (2) or (4)
- (8) Section 118—  
*insert—*  
(6A) If an application mentioned in subsection (1) is made, the commissioner must publish notice of the application on the department’s website.
- (9) Section 118(2A) to (7)—  
*renumber* as section 118(3) to (9).

#### **140 Insertion of new s 118AA**

After section 118—

*insert—*

##### **118AA Commissioner may give notice requiring advertisement of particular applications**

- (1) This section applies in relation to an application for—
- (a) a subsidiary on-premises licence (meals); or
  - (b) an approval of a detached bottle shop.
- (2) The commissioner may give a notice to the applicant requiring the application to be advertised under section 118 if any of the following apply—
- (a) for an application for a subsidiary on-premises licence—the commissioner reasonably considers that amplified entertainment, including, for example,

- amplified music, will be provided at the premises if the application is granted;
- (b) the commissioner reasonably considers the amenity of the community may be adversely affected by the grant of the application;
  - (c) the premises the subject of the application are not situated in a commercial complex;
  - (d) the commissioner otherwise reasonably considers the application should be advertised having regard to the main purpose of this Act mentioned in section 3(a).

#### **141 Amendment of s 118A (Submissions)**

Section 118A(1)—

*omit, insert—*

- (1) This section applies if a notice is published under section 118 about an application for which a community impact statement must be given under section 116.
- (2) A member of the public may make a written submission to the commissioner about the matters mentioned in section 116(8).

#### **142 Amendment of s 121 (Matters the commissioner must have regard to)**

Section 121(1)(a)—

*omit, insert—*

- (a) if a community impact statement is required to be given for the application under section 116—
  - (i) the matters mentioned in section 116(8); and

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---

- (ii) the public interest in so far as it relates to the main purpose of this Act mentioned in section 3(a) or the impact on the amenity of the community; and

**143 Amendment of s 122 (Procedure on receipt of objections)**

Section 122(2)(b), ‘section 118(3)’—

*omit, insert—*

section 118(4)

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

(1) Section 141(1) and (2)—

*omit, insert—*

- (1) This section applies if business is conducted on licensed premises by a person other than—
  - (a) the licensee of the premises; or
  - (b) an approved manager who is an employee of the licensee; or
  - (c) if the licensee for the premises has, or has entered into, an approved arrangement for the premises with another person—an approved manager who is an employee of the other person; or
  - (d) a person authorised by the commissioner under section 131A.
- (2) The commissioner may give the person conducting business on the premises an order to cease trading in liquor on the premises and to close the premises.
- (3) A person must not contravene an order under subsection (2).

---

Maximum penalty for subsection (3)—25 penalty units.

**145 Amendment of pt 5A, hdg (Trainers for licensee’s course and approved training course)**

Part 5A, heading, ‘and approved training course’—  
*omit.*

**146 Amendment of s 142B (Applying for approval as trainer)**

Section 142B(1), ‘or approved training course’—  
*omit.*

**147 Amendment of s 142C (Deciding application)**

Section 142C(2), ‘or approved training course’—  
*omit.*

**148 Amendment of s 142G (Deciding application)**

Section 142G(2) and (3)(b), ‘or approved training course’—  
*omit.*

**149 Amendment of s 142L (Grounds for cancellation)**

Section 142L(b), ‘or approved training course’—  
*omit.*

**150 Amendment of s 153 (Letting or subletting of licensed premises)**

Section 153(4)—  
*omit.*

[s 151]

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

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

*insert*—

, community other licence

**151A Amendment of s 155AC (Application of div 1A)**

Section 155AC—

*insert*—

- (2) To the extent that a holder of a commercial special facility licence has entered into an approved arrangement, this division applies for the licensed premises as if a reference to a licensee in this division were a reference to the lessee, sublessee, franchisee or manager with whom the holder entered into the approved arrangement.

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

- (1) Section 155AD(2), after ‘ensure that’—

*insert*—

a person employed by the corporation as

- (2) Section 155AD(3)(a) and (b), after ‘ensure that’—

*insert*—

a person employed by the individual as

- (3) Section 155AD(4A) and (4B)—

*omit, insert*—

- (4A) Without limiting section 107C, the commissioner may, under that section, impose the following conditions on a licence or permit—

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

(4B) For this section, an approved manager is *present* at premises if the approved manager is—

- (a) at the premises acting in the capacity of an approved manager; and
- (b) in control of the premises.

*Note—*

See section 142ZF for the responsibilities of an approved manager in control of licenced premises or premises to which a permit relates.

(4) Section 155AD(5), 'For'—

*omit, insert—*

Also, for

(5) Section 155AD(4A) to (6)—

*renumber* as section 155AD(5) to (8).

### **153 Replacement of s 155AE (Approved managers register)**

Section 155AE—

*omit, insert—*

[s 154]

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**155AE Copies of certificates must be available at premises**

The licensee or permittee must—

- (a) keep at the premises copies of the current training course certificates and current licensee's course certificates held by each approved manager employed by the licensee or permittee; and
- (b) if requested by an investigator at the premises—make the copies available for inspection by the investigator.

Maximum penalty—100 penalty units.

**154 Amendment of s 155AF (Exemption from obligation under s 155AD(3))**

Section 155AF(4)—

*omit, insert—*

- (4) In this section—

*present* see section 155AD(6).

*reasonably available* see section 155AD(7).

**155 Amendment of s 168C (Attempt to take liquor into restricted area)**

Section 168C(5), definition *relevant restricted area*—

*omit.*

**156 Amendment of s 199 (Definitions for pt 9)**

Section 199, definition *community investment fund*—

*omit.*



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**157 Omission of s 219 (Community investment fund)**

Section 219—

*omit.*

**158 Replacement of s 220 (Disbursement of fees etc.)**

Section 220—

*omit, insert—*

**220 Payments into consolidated fund**

Payments received by the commissioner for all fees and charges under this Act must be paid into the consolidated fund.

**159 Amendment of s 309 (Guidelines of chief executive or commissioner continue as guidelines of commissioner)**

Section 309, heading, ‘or commissioner’—

*omit, insert—*

**or commission**

**160 Insertion of new pt 12, div 13**

Part 12—

*insert—*

**Division 13      Transitional provision for  
Liquor and Gaming (Red  
Tape Reduction) and Other  
Legislation Amendment  
Act 2013**

**316 Continuation of existing training course  
certificate**

(1) This section applies to a person’s training course certificate in force immediately before the

[s 161]

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commencement of this section (the *commencement*).

- (2) The certificate continues in force until the day that is 3 years after the certificate was given to the person.

## **Part 11                      Amendment of Lotteries Act 1997**

### **161    Act amended**

This part amends the *Lotteries Act 1997*.

### **162    Amendment of s 40 (Meaning of *key employee*)**

Section 40(1)(c), ‘approved’—

*omit.*

### **163    Amendment of s 59 (Grounds)**

Section 59(3)(a), ‘approved control’—

*omit, insert—*

operator’s control

### **164    Omission of s 99A (Application of lottery tax)**

Section 99A—

*omit.*

### **165    Amendment of s 100 (Lottery to be conducted under an approved control system)**

- (1) Section 100, heading, ‘an approved’—

*omit.*

- (2) Section 100(1), ‘an approved control system’—

*omit, insert—*

a control system that complies with section 101

- (3) Section 100(2) and (3)—

*omit, insert—*

- (2) The lottery operator must not contravene its control system in the conduct of the lottery.

Maximum penalty—200 penalty units.

- (3) A lottery operator must, on request by an inspector, make its control system available for inspection by the inspector.

Maximum penalty—200 penalty units.

## **166 Replacement of ss 101–104**

Sections 101 to 104—

*omit, insert—*

### **101 Content of control system**

- (1) A lottery operator’s control system for a lottery must—

- (a) be in writing; and
- (b) include details about each matter for the lottery stated in subsection (2), to the extent the matter relates to the internal controls to be put in place by the operator for the following purposes—
- (i) ensuring amounts payable by the operator to the State for the lottery are worked out and paid under this Act;
- (ii) protecting the integrity of the conduct of the lottery by the operator.

[s 166]

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- (2) For subsection (1)(b), the matters are—
  - (a) accounting systems and procedures; and
  - (b) administrative systems and procedures; and
  - (c) procedures for recording entries, and paying prizes won, in the lottery;
  - (d) computer software; and
  - (e) systems and procedures for the maintenance, security, storage and transportation of equipment; and
  - (f) systems and procedures for using and maintaining security facilities; and
  - (g) the general procedures to be followed for the conduct of the lottery.

### **102 Chief executive may give direction about content of control system**

- (1) This section applies if the chief executive considers a lottery operator's control system for a lottery is insufficient for—
  - (a) ensuring amounts payable to the State under this Act for the lottery are properly worked out and paid; or
  - (b) protecting the integrity of the conduct of the lottery by the operator.
- (2) The chief executive may, by written notice to the operator, direct the operator to include in its control system additional details about 1 or more matters mentioned in section 101(2) within the reasonable period, and in the way, stated in the notice.
- (3) If the operator does not comply with the direction, at the end of the period stated in the notice the operator's control system is taken to

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have been changed in the way stated in the notice.

**167 Insertion of new pt 12, div 7**

Part 12—

*insert—*

**Division 7                      Transitional provision for  
Liquor and Gaming (Red  
Tape Reduction) and Other  
Legislation Amendment  
Act 2013**

**257 Continuation of offence under s 100**

- (1) This section applies if a person is alleged to have committed an offence against section 100, as in force immediately before the commencement of this section.
- (2) Despite the Criminal Code, section 11, a proceeding for the offence may be started or continued, and the court may hear and decide the proceeding, as if the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*, other than this section, had not commenced.

**168 Amendment of sch 2 (Decisions of chief executive subject to appeal)**

Schedule 2, part 1—

*insert—*

- 102(2) directing a lottery operator to include additional details about a matter in the operator's control system for conducting a lottery

[s 169]

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**169 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3, definitions *approved control system*, *control system (change) submission* and *control system submission*—  
*omit.*
- (2) Schedule 3, definition *control system*, ‘and administrative and accounting procedures’—  
*omit.*

**Part 12 Amendment of Recording of Evidence Act 1962**

**170 Act amended**

This part amends the *Recording of Evidence Act 1962*.

**171 Amendment of s 5B (Availability of copies of records and transcriptions)**

- (1) Section 5B—  
*insert—*
  - (3A) The chief executive may put in place arrangements for providing copies of records or transcriptions to the Supreme Court Library Committee established under the *Supreme Court Library Act 1968*, at no cost, for the purposes of enabling the committee to maintain and administer QGIS under that Act.
  - (3B) However, despite an arrangement put in place under subsection (4), the chief executive must not provide to the Supreme Court Library Committee copies of the following records or transcriptions—

- (a) any part of a record under this Act of a criminal proceeding that has been made while the court is closed under a provision of an Act, or an order made under a provision of an Act requiring the court to be closed;
  - (b) any part of a record under this Act of a criminal proceeding if the court makes an order prohibiting access to, or the disclosure or publication of, the part.
- (2) Section 5B(3A) to (5)—  
*renumber* as section 5B(4) to (7).

## **Part 13                      Amendment of Supreme Court Library Act 1968**

### **172    Act amended**

This part amends the *Supreme Court Library Act 1968*.

### **173    Insertion of new pt 1, hdg**

Before section 1—

*insert*—

## **Part 1                      Preliminary**

### **174    Amendment of s 2 (Definitions)**

- (1) Section 2, ‘In this Act—’—

*omit, insert*—

The dictionary in schedule 1 defines particular words used in this Act.

[s 174]

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(2) Section 2—

*insert—*

***corrective services*** see the *Corrective Services Act 2006*, schedule 4.

***information technology service provider*** means the entity whose functions include supplying property or services that consist of or use information technology expertise to administer a database of sentencing information.

***legal services*** see the *Legal Profession Act 2007*, schedule 2.

***QGIS*** see section 17(1).

***QGIS database*** see section 17(2).

***restricted information*** means sentencing information in the QGIS database, the disclosure of which is prohibited under an Act or order of a court.

***sentencing information—***

(a) includes—

(i) information about sentencing contained in transcripts or parts of transcripts, of recordings of criminal proceedings; and

(ii) other information related to the administration of the criminal justice system in Queensland; but

(b) does not include any part of a record or transcript that can not be provided to the committee under the *Recording of Evidence Act 1962*, section 5B(5).

(3) Section 2, definitions—

*relocate* to schedule 1, as inserted by this Act.



**175 Insertion of new pt 2, hdg**

After section 2—

*insert—*

**Part 2                      Supreme Court library  
committee**

**176 Replacement of s 3, hdg (Supreme Court library  
committee)**

Section 3, heading—

*omit, insert—*

**3 Constitution of committee**

**177 Replacement of s 10 (Functions of committee)**

Section 10—

*omit, insert—*

**10 Functions of committee**

The committee has the following functions—

- (a) managing and controlling the Supreme Court library;
- (b) promoting the purposes and interests of the Supreme Court library;
- (c) doing all things necessary, expedient or desirable for the benefit, preservation, maintenance, upkeep, expansion, improvement and housing of the Supreme Court library;
- (d) monitoring and collating information about sentences imposed by courts;
- (e) maintaining and administering QSIS.

[s 178]

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### **10A Delegation of particular functions**

The committee may delegate its functions under part 3 to the following—

- (a) a member;
- (b) a subcommittee;
- (c) an appropriately qualified employee.

### **178 Insertion of new pt 3 and sch 1**

After section 16—

*insert—*

## **Part 3                      Queensland Sentencing Information Service**

### **17 Establishment**

- (1) The Queensland Sentencing Information Service (*Q SIS*) is established.
- (2) The purpose of establishing Q SIS is to provide a database of sentencing information (the *Q SIS database*) to help with the administration of the criminal justice system by, for example, helping the courts achieve consistency in sentencing.

### **18 Sentencing information in Q SIS database**

- (1) The committee may give sentencing information to the information technology service provider for inclusion in the Q SIS database.
- (2) The information technology service provider may include the sentencing information in the Q SIS database.

- (3) The committee may allow access to the QGIS database, other than a part of the database containing restricted information, to any entity for a purpose mentioned in section 17(2).
- (4) The committee may allow access to restricted information only to an entity—
  - (a) entitled to access under section 19(1); or
  - (b) granted access under an arrangement mentioned in section 20.
- (5) This section applies despite any other Act that restricts or prohibits the disclosure of sentencing information.

## **19 Access to restricted information**

- (1) Relevant judicial persons are entitled to access to restricted information in the QGIS database.
- (2) Subject to section 20, the committee may grant access to restricted information in the QGIS database to any of the following—
  - (a) a government entity concerned with—
    - (i) prosecuting offences; or
    - (ii) providing legal services to defendants; or
    - (iii) providing corrective services to offenders;
  - (b) a local government to the extent the local government is concerned with prosecuting offences;
  - (c) a non-government organisation that receives funding from the Commonwealth or a State government to provide legal services to defendants;

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- (d) an employee of a non-government organisation who, under an Act, is appointed to enforce compliance with the Act;
  - (e) a part of a government entity concerned with the administration of the criminal justice system;
  - (f) a law practice or an individual Australian legal practitioner concerned with—
    - (i) prosecuting offences; or
    - (ii) providing legal services to defendants.
- (3) In this section—
- Australian legal practitioner*** see the *Legal Profession Act 2007*, section 6.
- government entity***—
- (a) has the meaning given by the *Public Service Act 2008*, section 24; and
  - (b) includes a government entity of the Commonwealth or another State.
- law practice*** see the *Legal Profession Act 2007*, schedule 2, definition *law practice*, paragraph (b).
- relevant judicial person*** means any of the following—
- (a) a judge of the Supreme Court or the District Court;
  - (b) an associate to a judge;
  - (c) a magistrate;
  - (d) a judicial registrar of the Supreme Court, the District Court or the Magistrates Court.

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## **20 Arrangements for access to QGIS database**

- (1) Subsection (2) applies if the committee intends granting an entity access to restricted information on the QGIS database under section 19(2).
- (2) The committee must first enter into a written arrangement with the entity about the access.
- (3) Without limiting subsection (2), the arrangement must state—
  - (a) the purposes for which restricted information may be used; and
  - (b) for an arrangement with an entity other than an individual—the persons or category of persons within the entity to whom the restricted information may be disclosed; and
  - (c) that the restricted information may not be disclosed to anyone other than in accordance with the arrangement.

## **21 Misuse of QGIS information**

- (1) This section applies in relation to an entity that is—
  - (a) allowed access to the QGIS database under section 18(3); or
  - (b) entitled to access to restricted information under section 19(1); or
  - (c) granted access to restricted information under section 19(2).
- (2) The entity, or persons within the entity, to whom access to the QGIS database is granted must not use the information other than for the purpose for which it was obtained.

Maximum penalty—

- (a) for an individual—100 penalty units; or

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- (b) for a corporation—500 penalty units.
- (3) Subsection (2) does not apply to an entity if, had the entity obtained information in the QGIS database in the performance of the entity's functions under another Act, use of the information would not have been restricted in the way stated in subsection (2).

## **22 Use of information permitted despite other Act**

An entity, or persons within the entity, to whom restricted information obtained under section 19(1) or (2) is disclosed, may use the information for the purpose for which it was obtained, despite any other Act restricting or prohibiting the use of the information.

## **23 Protection from liability**

- (1) This section applies to a person who, acting honestly, makes information in the QGIS database available to an entity—
  - (a) allowed access under section 18(3); or
  - (b) entitled to access to restricted information under section 19(1); or
  - (c) granted access to restricted information under section 19(2).
- (2) The person is not liable, civilly, criminally or under an administrative process, for making the information available.
- (3) Also, merely because the person makes the information available, the person can not be held to have—
  - (a) breached any code of professional etiquette or ethics; or

- (b) departed from accepted standards of professional conduct.
- (4) Without limiting subsections (2) and (3)—
  - (a) in a proceeding for defamation, the person has a defence of absolute privilege for making the information available; and
  - (b) if the person would otherwise be required to maintain confidentiality about the information under an Act, oath or rule of law or practice, the person—
    - (i) does not contravene the Act, oath or rule of law or practice by making the information available; and
    - (ii) is not liable to disciplinary action for making the information available.

## Schedule 1      Dictionary

section 3

### Part 14                      Amendment of Wagering Act 1998

#### 179      Act amended

This part amends the *Wagering Act 1998*.

[s 180]

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**180 Amendment of s 95 (Meaning of *key employee*)**

Section 95(1)(c), ‘approved’—

*omit.*

**181 Amendment of s 123 (Grounds)**

Section 123(3)(a), ‘approved’—

*omit, insert—*

operator’s

**182 Omission of s 169 (Application of wagering tax)**

Section 169—

*omit.*

**183 Amendment of s 173 (Authorised wagering to be conducted under an approved control system)**

(1) Section 173, heading, ‘an approved’—

*omit.*

(2) Section 173(1), ‘an approved control system’—

*omit, insert—*

a control system complying with section 174

(3) Section 173(2) and (3)—

*omit, insert—*

(2) The authority operator must not contravene its control system in the conduct of authorised wagering.

Maximum penalty—200 penalty units.

(3) An authority operator must, on request by an inspector, make its control system available for inspection by the inspector.

Maximum penalty—200 penalty units.



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**184 Replacement of ss 174–177**

Sections 174 to 177—

*omit, insert—*

**174 Content of control system**

- (1) An authority operator's control system for authorised wagering must—
  - (a) be in writing; and
  - (b) include details about each matter for the wagering stated in subsection (2), to the extent the matter relates to the internal controls to be put in place by the operator for the following purposes—
    - (i) ensuring amounts payable by the operator to the State for the wagering are worked out and paid under this Act;
    - (ii) protecting the integrity of the conduct of the authorised wagering.
- (2) For subsection (1)(b), the matters are—
  - (a) accounting systems and procedures; and
  - (b) administrative systems and procedures; and
  - (c) procedures for recording bets and paying winning bets; and
  - (d) computer software; and
  - (e) systems and procedures for the maintenance, security, storage and transportation of equipment; and
  - (f) systems and procedures for using and maintaining security facilities; and
  - (g) the general procedures to be followed for the conduct of the wagering.

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### **175 Chief executive may give direction about content of control system**

- (1) This section applies if the chief executive considers an authority operator's control system for authorised wagering is insufficient for—
  - (a) ensuring amounts payable to the State under this Act for the conduct of wagering are properly worked out and paid; or
  - (b) protecting the integrity of the conduct of the authorised wagering.
- (2) The chief executive may, by written notice to the operator, direct the operator to include in its control system additional details about 1 or more matters mentioned in section 174(2) within the reasonable period, and in the way, stated in the notice.
- (3) If the operator does not comply with the direction, at the end of the period stated in the notice the operator's control system is taken to have been changed in the way stated in the notice.

### **185 Amendment of s 291 (When authority operators may apply for review)**

Section 291, after 'chief executive—'—

*insert—*

- a decision under section 175 directing an authority operator to include additional details about a matter in the operator's control system for conducting wagering

### **186 Insertion of new pt 17, div 5**

Part 17—

*insert—*

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**Division 5**      **Transitional provision for  
Liquor and Gaming (Red  
Tape Reduction) and Other  
Legislation Amendment  
Act 2013**

**340 Continuation of offence under s 173**

- (1) This section applies if a person is alleged to have committed an offence against section 173, as in force immediately before the commencement of this section.
- (2) Despite the Criminal Code, section 11, a proceeding for the offence may be started or continued, and the court may hear and decide the proceeding, as if the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*, other than this section, had not commenced.

**187 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definitions *approved control system*, *control system (change) submission* and *control system submission*—  
*omit.*
- (2) Schedule 2, definition *control system*, ‘and administrative and accounting procedures’—  
*omit.*

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## **Part 15**                      **Amendment of Work Health and Safety Act 2011**

### **188 Act amended**

This part amends the *Work Health and Safety Act 2011*.

### **189 Replacement of s 2 (Commencement)**

Section 2—

*omit, insert—*

#### **2 Commencement**

- (1) The following provisions commence on 1 January 2014—
  - (a) part 18, division 2;
  - (b) sections 391 and 401;
  - (c) schedule 4, part 1.
- (2) Sections 395, 396, 397(2) and 398 to 400 commence immediately after the commencement of sections 391 and 401.
- (3) The remaining provisions commence on a day to be fixed by proclamation.

### **190 Amendment of sch 4 (Minor and consequential amendments)**

Schedule 4, part 1, under heading '*Electrical Safety Act 2002*'—

*insert—*

#### **3 Section 210(2)(a), 'obligation'—**

*omit, insert—*

duty

*Editor's note—*

Legislation ultimately amended—

- *Electrical Safety Act 2002*

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