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

Explanatory Notes

Short title

The short title of the Bill is the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013.

Policy objectives and the reasons for them

The objectives of the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013 are to:

- reduce the regulatory burden on the liquor and gaming industries by amending the *Liquor Act 1992* (Liquor Act) and the Gaming Acts (i.e. *Casino Control Act 1982*, *Gaming Machine Act 1991, Interactive Gambling [Player Protection] Act 1998, Keno Act 1996, Lotteries Act 1997,* and *Wagering Act 1998*);
- make additional miscellaneous amendments to the Liquor and Gaming Acts which ensure their clarity and effectiveness, and that they continue to achieve their original policy intent;
- abolish the Community Investment Fund (CIF) provided for under section 314 of the *Gaming Machine Act 1991* (Gaming Machine Act);
- repeal the Queensland interest rate cap on consumer credit contracts, as contained in the *Credit (Commonwealth Powers) Act 2010*, which will become redundant upon commencement of a national cap on 1 July 2013;
- close a gap in the *Body Corporate and Community Management Act 1997* (BCCM Act) that may frustrate the process through which a constructing authority registers its interest in land resumed from a community titles scheme (CTS);
- implement the Webbe-Weller Review recommendation that the statutory Board of Trustees for the Funeral Benefit Trust Fund, established under the *Funeral Benefit Business Act 1982* (FBB Act), be abolished and its functions transferred to the administering Department;
- amend the *Recording of Evidence Act 1962* and *Supreme Court Library Act 1968* to provide a legislative basis for the Queensland Sentencing Information Service (QSIS);
- make minor amendment to the *Civil Proceedings Act 2011* to provide for the continuation of transitional arrangements currently provided for under the *Civil Proceedings (Transitional) Regulation 2012* concerning appointments of court appointed office holders; and
- amend the *Work Health and Safety Act 2011* to defer the commencement of certain provisions until 1 January 2014.

The reasons for the objectives are outlined below.

Red Tape Reduction Initiatives

Regulatory inefficiency is a critical priority for Queensland businesses, disadvantaged by a large volume of red tape and its associated regulatory burden. The liquor and gaming industries, particularly, have been subject to an underlying micro-regulatory philosophy. These industries play a crucial role in both providing services to the community and attracting tourism to the State. However, while there have been significant technological advances in the last two decades, the legislation and regulatory controls have not changed accordingly.

To address red tape in the liquor and gaming industries, the Government appointed a Liquor and Gaming Red Tape Reduction Expert Panel (expert panel), comprising of business and community representatives, to review liquor licensing and gaming laws. In consultation with the expert panel, the Government has identified a range of red tape reduction proposals, which will cut costs for businesses and allow them to operate more efficiently.

It is intended that liquor and gaming red tape reduction will be implemented in multiple phases. The Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013 (the Bill) amends the relevant liquor and gaming legislation to give effect to the first phase of initiatives (outlined in more detail in Achievement of the Objectives), with a second phase to be implemented at a later date.

The reduction in red tape from these initiatives will have significant benefits for Queensland. It will benefit the tourism industry, encouraging operators to relocate and set up in Queensland and provide greater employment opportunities for Queenslanders. Additionally, it will allow clubs and businesses to provide services more effectively to their local communities.

CIF Amendments

The CIF was established under section 314 of the Gaming Machine Act. The initial purpose of the CIF was to distribute a percentage of revenues collected from specific gaming taxes to provide grants to community groups.

However, over time the expansion of CIF revenue and expenditure responsibilities have complicated the funding arrangement. Payments are now made from the CIF to a number of departments/agencies which then pass on the money for its ultimate intended purpose. In some instances, the lines of ministerial and departmental accountability blur around the CIF and Queensland Treasury and Trade have proposed its abolition to achieve more efficient financial management.

Upon its abolition all existing CIF commitments will be funded from the Consolidated Fund, including: grant payments to the Racing Industry Capital Development Scheme; funding for the liquor and gaming regulatory and harm minimisation operations of the Office of Regulatory Policy (ORP) and the Office of Liquor and Gaming Regulation (OLGR); and grant payments to the gambling and casino community benefit funds.

Miscellaneous Liquor and Gaming Amendments

OLGR has identified a number of miscellaneous amendments to liquor and gaming legislation to ensure the effectiveness or clarify the intent of the legislation. The amendments

are minor and are generally of a technical nature or to clarify the original intent of the legislation.

Fair Trading Amendments

The Commonwealth Government has established a national cap on consumer credit under the *Consumer Credit Legislation Amendment (Enhancements) Act 2012* (the Enhancements Act), which is due to commence on 1 July 2013. The national cap will impose a system of tiered limits on the costs chargeable, under a credit contract, based on the amount borrowed. The current Queensland interest rate cap of 48 percent will be made redundant upon commencement of the national cap.

The Department of Transport and Main Roads (DTMR) is a State constructing authority. Other constructing authorities include the Department of Natural Resources and Mines, the Coordinator-General, some local government councils, Energex, Powerlink and Ergon Energy. DTMR has requested the amendments to the *Body Corporate and Community Management Act 1997* (BCCM Act) following delays experienced by the department on a number of major infrastructure projects during the processes required to register interest in resumed land, where that land has been resumed from a CTS. The delay occurs in the event of a body corporate not completing the actions required of it under the BCCM Act following a resumption of land.

Due to a gap in the legislation, the relevant provisions of the *Acquisition of Land Act 1967* (ALA) and the BCCM Act, which establish the process required following a resumption, have the potential to materially and prejudicially affect constructing authorities being able to register their interest in land resumed from a CTS. This occurs because a constructing authority must lodge a new community management statement (CMS) as part of the land registration. Currently, a new CMS can only be recorded on the Land Register after it has been endorsed by the body corporate in a general meeting. There is currently no enforcement mechanism if a body corporate does not comply with its obligations.

This barrier to land registration can frustrate projects. As an example, the inability to register the State's interest in resumed land can potentially affect DTMR's ability to grant rights under the *Transport Infrastructure Act 1994* (TIA). The provisions create uncertainty about a constructing authority's ability to give tenure, and perhaps access, to operators selected to deliver and/or operate infrastructure projects, including major infrastructure facilities such as toll roads and rail and bus facilities. This also creates uncertainty with respect to land information mapping which could adversely affect local governments, public utility providers and other persons relying on the public land information mapping systems.

A correct Land Register is critical for the integrity of the Queensland land title system. It is also relevant to major State projects. The Airport Link, Gold Coast Rapid Transit and Cross River Rail projects all pass through CTS land, affecting between 18 and 70 CTSs. The failure of, or refusal by, a single body corporate to carry out the required steps in section 51 or 51A of the BCCM Act could have a serious impact on a major Queensland infrastructure project and render the State unable to issue a perpetual lease or an operating sublease to the project's operators.

The Webbe-Weller Review of Government Boards, Committees and Statutory Authorities recommended that the Board of Trustees for the Funeral Benefit Trust Fund be abolished and its functions be transferred to the administering department.

Achievement of policy objectives

Liquor and Gaming Amendments

To achieve its objectives of reducing red tape in the liquor and gaming industries, the Bill makes amendments, as outlined below, to the Liquor and Gaming Acts.

Reduce the regulatory burden by exempting low risk community organisations from requiring a permit to conduct not-for-profit events

The Bill amends the Liquor Act to remove the requirement for community liquor permits (CLP) for low risk fund raising events.

Under section 169 of the Liquor Act, a person is restricted from selling liquor unless the sale is authorised under a licence or permit. Consequently, a CLP is required for liquor to be sold at a number of low risk one-off events including rotary or lions club functions, school fetes and trivia nights. These events are often conducted by associations for fundraising purposes, where the association wishes to offer a convivial environment to supporters.

It costs $57.00 to apply for a CLP for each day the permit is to operate. Even though OLGR has automated these applications, significantly reducing processing times, there remains a fundamental question as to whether such activities pose a risk to the community which requires the authority of a permit.

Section 12 of the Liquor Act currently provides for exemptions for low risk supply of liquor. Provisions in this section provide a clear framework to clarify exactly how liquor can be sold or supplied without the Liquor Act applying. If a person does not operate within the framework, then the broader provisions of the Liquor Act apply, and the person can be prosecuted under the relevant sections, such as section 169 (selling liquor without a licence or permit).

As a red tape reduction initiative, the Bill exempts the sale of liquor by non-proprietary clubs or associations if all profit from the event/function is used to benefit the community and it complies with other criteria, including:

- the supply/sale is by an adult; and
- the supply/sale is not in a restricted area; and
- the supply/sale of liquor is for immediate consumption; and
- the supply/sale is not to a minor or an unduly intoxicated or disorderly person; and
- the non-proprietary club or association does not engage in a practice or promotion that may encourage the rapid or excessive consumption of liquor and must provide and maintain a safe environment in and around the area; and
- liquor is only supplied between 7am and 12 midnight and for not longer than eight hours; and
- the event only occurs on one day; and

- the association does not have a record of conducting events which have caused public disturbance or undue offence in the local area, or which has contravened the Liquor Act by supplying liquor without authorisation; and
- The association is not a criminal organisation under the *Criminal Organisation Act 2009*.

These criteria provide a clear framework for the sale of liquor without a licence or permit at fundraising events, and ensure that it is not done in an irresponsible and unscrupulous manner. The exemption will not apply if the event does not satisfy the criteria outlined above. Further, if during the course of the event, an investigator or police officer considers that the eligible entity has not complied with the criteria, the investigator or police officer may give a notice stating:

- the action that must be taken to conform with the criteria of the exemption; or
- the sale of liquor must cease immediately.

Service of this notice will preclude the community organisation from qualifying for the exemption for a period of 6 months.

The exemption will also not apply if the community organisation, or one of its executive officers, has, within the previous 5 years:

- been convicted of engaging in a practice or promotion that encourages the rapid or excessive consumption of liquor as a licensee;
- been convicted of not maintaining a safe environment in and around licensed premises as a licensee;
- been convicted of supplying liquor to a minor;
- been convicted of supplying liquor to an unduly intoxicated person on the licensed premises;
- breached a condition of a licence or permit which relates to minimising alcohol related disturbances or public disorder;
- been given a written notice for an urgent suspension of the entity's or executive officer's licence under section 137C of the Liquor Act; or
- has been convicted of selling liquor without the authority of a licence or permit.

Further, if the community organisation or one of its executive officers has been disqualified from holding a licence under the Liquor Act as a result of disciplinary action, the community organisation will not qualify for the exemption for the duration of the disqualification.

It is not intended that the supply of alcohol under the exemption will be limited to the eligible entity which organised the fundraising event. Rather, it is intended any eligible entity, with the permission of the eligible entity organising the event, will be able to supply liquor under the exemption. All eligible entities supplying liquor under the exemption will be required to individually qualify for the exemption.

For example, an eligible entity organises a large scale fundraising event which will allow other non-profit associations to access the general public for fundraising purposes. The eligible entity which organised the event will qualify for the exemption and will not be required to apply for a CLP. If other associations qualify as eligible entities, and conform to the requirements of the exemption, they will be able to supply liquor at the event under the exemption.

The ability to apply for a CLP will still remain, so if a non-proprietary club or association wishes to hold an event that does not fit within the parameters of the exemption provisions, they can still apply for a permit in order to conduct the function in the manner that they wish.

As another red tape reduction initiative, the Bill also clarifies that a liquor permit is not required for alcohol that is a prize in a raffle. There will be safeguards to ensure tickets are not sold to, or the prize delivered to, a minor or a person who is unduly intoxicated. The exemption will only apply for liquor to the value of $1000 or less, which aligns with the current prohibition for liquor offered as prizes under section 19(2) of the *Charitable and Non-Profit Regulation 1999.*

Reduce the regulatory burden by ceasing advertising for certain liquor and gaming applications in the Government Gazette and newspapers

The Bill removes the requirement for liquor and gaming applications to be advertised in the Gazette and newspapers.

Advertising is required to notify the public of an application and call for any objections. The majority of valid objections are lodged because of an on-site notification. This may be due to the fact that a sign on-site is more likely to be obvious to potentially affected persons in the locality.

It is not considered that advertising in the Gazette necessarily achieves the notification objectives for which the requirement exists (i.e. by reaching the broadest possible local audience for comment on the application). Members of the public have very little to do with the Gazette and may not even be aware of its existence.

The Bill also removes the requirement that applications be advertised in newspapers and replaces this with a requirement that they are advertised online to reflect changes in technology and society. Consequently, notification of applications of significant community impact under the Gaming Machine Act and applications that must be advertised under s.118 of the Liquor Act will be required to be published online on the Departmental website.

These initiatives modernise and streamline the application process, while providing estimated savings of $1500 for certain applications. Additionally, except for some very low risk operations, onsite advertising will still be required and this is the most effective means of communicating applications to the local community.

The amendments will commence on 1 January 2014 to allow time for the department to implement processes that will allow for notification of applications on the departmental website.

Reduce the regulatory burden for low risk premises

Applications for low risk premises (restaurants, cafes and bottle shops) will be exempted, through legislative amendments in the Bill, from having to advertise for public objections if they are not applying to trade outside ordinary trading hours (after midnight for restaurants and cafes; after 10pm for bottle shops), and there is no amplified entertainment provided at the venue. However, the Commissioner for Liquor and Gaming (Commissioner) will still be able to require advertising if there is a potential for harm or adverse impact on the local

community, such as in primarily residential areas or areas where a high level of alcohol related disturbances are known to occur.

Applicants for restaurant and café licences are also proposed to be exempted from completing a risk assessed management plan (RAMP) if they do not trade after 12 midnight. A RAMP is a submission required to be lodged during the application process that details the licensee's proposed management practices and operating procedures at the premises. The requirements for a RAMP are primarily focused on high impact venues and include provisions concerning the employment of security, suitability of lighting and noise mitigation on the premises, as well as the availability of public transport. However, the Commissioner will retain the ability to require a RAMP be submitted if it is considered that there is potential for harm or adverse impact on the local community associated with a particular application (for example, if there has been, in recent history, a high amount of violence in and around licensed premises in the locality).

The Bill also enables the Commissioner to exempt certain applicants for restaurant and café licences from completing a community impact statement (CIS). A CIS is a detailed submission lodged with an application, which comprehensively outlines whether the proposed operation of the premises would adversely impact on the surrounding community. It requires a detailed analysis of population demographics, socio-economic and health indicators for the locality, and the magnitude, duration and probability of any adverse health and social impacts. The exemption will only apply to premises that are located near other commercial properties that do not trade past midnight, have no amplified entertainment and where there is no discernible risk that the existing amenity in the surrounding area would be adversely impacted.

Restaurants and café operations, within ordinary trading hours and without amplified music, are generally low risk operations. The requirements for public advertising and submission of a RAMP and CIS are not relevant to their operation, with the benefits obtained from these processes being disproportionate to the burden imposed given the nature and environment in which these premises operate. These amendments remove unnecessary regulatory requirements, particularly for small cafes and restaurants in commercial areas, while retaining safeguards to protect the amenity and safety of the community.

Reduce the regulatory burden by removing renewal requirements for clubs and hotels with gaming machine licences

The Bill amends the Gaming Machine Act by removing relevant sections and references to the renewal of gaming machine licences.

Club and hotel gaming machine licensees must apply for the renewal of their gaming machine licence every five years. The requirement is at odds with a liquor licence which is issued until otherwise suspended or cancelled. This is despite the need for an applicant for a gaming machine licence to hold a liquor licence pursuant to section 56(1)(c) of the Gaming Machine Act and concerted efforts on the part of Government to integrate liquor and gaming licensing processes over the last few years.

On the enactment of the current Gaming Machine Act in 1991, gaming licences were required to be renewed every two years because it was thought that a period less than two years would be administratively cumbersome and a period greater may be detrimental to the

regulation of the industry. The term of the gaming machine licence was extended from two to five years in 1999 to remove some administrative burden on the industry and the then Queensland Office of Gaming Regulation.

The renewal of gaming machine licences has now become more of an administrative processing task for OLGR rather than a check and balance on the continued appropriateness of the gaming machine licence and/or the persons involved in the management and control of the machines. The Commissioner has no discretion in determining the outcome of the application and must renew the licence when the renewal application is received. It is considered with the integration of the former Liquor Licensing Division and the Office of Gaming Regulation to form the new OLGR, there is no longer a need for the separate gaming machine licence renewal arrangements.

The show cause process for any licensee who commits an offence under the Act will not be affected under the amendment to remove the renewal requirement for club and hotel gaming machine licences. There are several prescribed grounds for the cancellation or suspension of a gaming machine licence. These include if the licensee ceases to use the licensed premises for the conduct of gaming or fails to comply with any licence conditions, or fails to take reasonable steps to establish and maintain satisfactory controls and administrative and accounting procedures. If the Commissioner considers a ground for cancellation or suspension exists, the licensee will be given an opportunity to show why action should not be taken to cancel or suspend their gaming machine licence.

Reduce the regulatory burden by streamlining reporting on club and hotel executives to one annual submission

Body corporate licensees are required under section 94 of the Gaming Machine Act to advise the Chief Executive of the commencement and cessation of an executive officer within seven days of the event. The requirement for clubs and hotels to notify the gaming regulator of a change in executive officers presents an administrative burden for both industry and OLGR because of the high turnover of executives.

To reduce compliance costs to business, the Bill amends the Gaming Machine Act so that clubs and hotels are required to only advise once a year of the appointments and resignations. The proposed new framework still allows for a record to be kept of those persons controlling the operations of clubs and hotels and if current information was required, the information could be requested by OLGR from clubs or hotels directly.

Reduce the regulatory burden by removing obligation for casino operator to forward gaming chip purchase orders for approval

Section 62(6) of the *Casino Control Act 1982* (Casino Control Act) requires all gaming chip orders to be forwarded to the Chief Executive for approval. The provision was put in place in 1982 so the original Casino Control Regulatory Division could maintain an accurate control over the stock of chips held by a casino.

Other controls exist to ensure casino chips are legitimate. For example, casino chips must be purchased from manufacturers approved by OLGR and departmental inspectors regularly conduct audits on all casino equipment. Further, casinos will still be required to have internal

control procedures in place regarding the counting and movement of chips. Accordingly, this requirement no longer serves any regulatory purpose and is removed by the Bill.

Reduce the regulatory burden by removing the need for approval of content, format and duration of casino training courses

Section 72(2)(b) of the Casino Control Act requires a casino operator to have training courses for casino employees approved by the Chief Executive. It is a 1982 original provision of the Casino Control Act that was enacted to support a micro-regulatory approach for the casino industry.

While the initial concern may have been that poorly trained staff could result in integrity breaches or poor management of casino operations, it is in the casino's own best interest to ensure all staff are adequately trained. It is arguable whether, in a mature casino market, a gaming regulator is still the best placed to assess the adequacy or otherwise of any training course provided to casino employees to deal games, particularly new games where the regulator itself would have to acquire similar expertise. Therefore the requirement that the Chief Executive approve details of casino employee training courses is no longer necessary and is removed by the Bill.

Reduce the regulatory burden by exempting hospitals and nursing homes that sell a limited amount of liquor to patients and residents from requiring a liquor licence and other provisions in the Liquor Act

Section 12 of the Liquor Act exempts certain low risk premises from liquor licensing requirements if they sell a small quantity of liquor to particular persons as a subsidiary element of their business or operation. The exemption currently applies to, amongst others, retirement villages, hairdressers, florists and limousine operators.

Hospitals and nursing homes are currently not exempted under section 12. If a hospital or nursing home wishes to be licensed they would normally apply for a commercial other licence, and pay an annual fee of over $500.

However, both are low risk operators, and the supply of limited amounts of liquor to patients or residents poses minimal risk to the community. An exemption for nursing homes has been requested by the nursing home industry to bring them in line with the current exemption for retirement villages where residents and their guests can be supplied with up to two standard drinks per person without requiring a licence. A number of hospitals currently supply patients with a small amount of liquor (usually beer or wine) with meals.

As a red tape reduction, the Bill amends the Liquor Act to allow nursing homes to provide up to two standard drinks to residents and their guests per day, and to allow hospitals (except those in areas where alcohol may be restricted) to provide up to two standard drinks to patients per day, without a liquor licence. These amendments will be in line with the conditions currently in place for retirement villages and will clarify how much liquor these premises can provide before requiring a liquor licence.

The amendments will provide clarity to operators about licensing requirements and reduce the regulatory burden of applying (and paying the associated fees) for a licence if they are only providing limited amounts of liquor as a subsidiary element of their operations.

Hospitals and nursing homes will be able to apply for liquor licences if they wish to supply larger amounts of liquor than two standard drinks a day, or supply it to anyone other than those prescribed under the exemption.

Reduce the regulatory burden by introducing ticket-in ticket-out technology

As the gaming machine and the casino legislative frameworks were drafted decades ago, legislative amendments are required to ensure that Government policy and legislative framework can adequately provide for the implementation of contemporary systems in Queensland.

Ticket-in ticket-out technology (TITO) is a form of cashless gaming utilising tickets (or something similar) that display a monetary value to facilitate financial transactions to and from gaming machines and other approved related gaming equipment and/or components (such as, but not limited to, electronic monitoring systems and cash redemption terminals).

TITO systems still require patrons to initially insert either cash or a ticket issued from a gaming machine into a gaming machine to permit play. However, tickets negate the need for a gaming machine to dispense coin payments from the hopper for gaming machine credits or for gaming venue staff to issue a cancelled credit voucher for payment of gaming machine credits (specific limits apply). The functionality of TITO systems may be integrated into a gaming machine or may operate independently to a gaming machine, both with the necessity to interface with an electronic monitoring system to support financial transactional activity.

Consequently, the Bill amends the Gaming Machine Act and Casino Control Act to ensure they adequately allow for gaming conducted via TITO systems. Amendments will commence on proclamation to allow for amendments to be made to relevant regulations. Controls on the maximum betting limits will be undertaken through the approval by the Chief Executive of administrative technical standards.

Reduce the regulatory burden by removing State approvals of trainers of responsible service of alcohol and responsible service of gambling courses

Persons employed in service and other key roles within the gaming and liquor industries are required to complete training in responsible service of alcohol (RSA) and responsible service of gambling (RSG) under the Liquor Act and Gaming Machine Act respectively. OLGR currently administers the mandatory training framework and approves trainers of the courses.

On 13 February 2011, the Council of Australian Governments (COAG) (with the exception of Victoria and Western Australia) entered into an intergovernmental agreement with the Commonwealth Government on national reforms for the regulation of vocational education and training (VET). This included the establishment of a national VET regulator, the Australian Skills Quality Authority (ASQA), which is responsible for the registration and regulation of registered training organisations (RTOs) and accreditation of VET courses. National VET sector legislation, the *National Vocational Education and Training Regulator Act 2011* (NVR Act) and the *National Vocational Education and Training Regulator (Transitional Provisions) Act 2011*, was also introduced.

The national VET sector legislation provided that from 1 July 2011, jurisdictions would either refer or not refer VET powers to the Commonwealth. Subsequently, the Commonwealth Minister issued a determination under the NVR Act which gave Queensland until 30 June 2012 to refer legislative power for the regulation and accreditation of RTOs and VET training courses.

The *Vocational Education and Training (Commonwealth Powers) Act 2012* (the Queensland VET Act) commenced on 29 June 2012. The Queensland VET Act referred Queensland's legislative powers in regard to regulating VET, including the regulation of RTOs to the Commonwealth Government.

To ensure consistency with Queensland's referral of regulatory power in regard to the delivery of RSA and RSG courses, amendments are made to the Liquor Act and the Gaming Machine Act to remove the provisions relating to the approval of trainers. Essentially, the legislative changes will result in the acceptance of the nationally accredited Statement of Attainment for RSA and RSG and their accredited course codes are to be included in the *Liquor Regulation 2002* and *Gaming Machine Regulation 2002* respectively.

Staff will not be required to renew their training under the new provisions, thereby removing a regulatory burden on individuals. This change is not likely to affect community interests as once trained, licensees are obliged to provide liquor and gaming in a responsible manner and mechanisms exist in the Gaming Machine and Liquor Acts to ensure responsible service.

Transitional provisions are inserted to provide for State approved RSA/RSG certificates issued prior to the amendments to continue to be valid until the expiry date stated in the certificate (up to three years). Once the State approved certificate expires, holders will be required to complete the national course to continue their RSA/RSG training compliance under the Gaming Machine and Liquor Acts.

Amendments will commence on proclamation to allow for amendments to be made to the relevant regulations.

Reduce the regulatory burden by removing the requirement for an approved managers' register for liquor licensed premises

Since 1 January 2009, approved managers have replaced liquor nominees under the Liquor Act as being responsible for ensuring alcohol is supplied or possessed in accordance with the authority of the licence. Approved managers must undergo probity checks and complete the responsible management of licensed venues (RMLV) course. Part 5C of the Liquor Act regulates the approval of approved managers.

The Liquor Act requires licensees to keep a register which states the name of the approved manager on duty as well as the dates and starting and finishing times of each shift worked. A breach of this requirement attracts 100 penalty units. Many in the industry have expressed concern about the approved managers register, as they believe it has imposed an unreasonable regulatory burden on licensees.

It is considered that the register requirements do not substantively add to the community protection achieved by requiring licensees to have an approved manager on duty with the responsibility for ensuring liquor is supplied only in accordance with the authority conferred

by the liquor licence. They are simply an unnecessary administrative burden and duplication of existing employment records kept by licensees. Therefore, the Bill removes the requirement for an 'approved managers' register under the Liquor Act. However, the requirement for licensees to have an approved manager and to keep approved manager's certificates available at the premises will remain.

Reducing regulatory burden by removing the requirement for gambling internal control systems to be approved

The *Wagering Act 1998* (Wagering Act), *Lotteries Act 1997* (Lotteries Act), *Keno Act 1996* (Keno Act), Casino Control Act, *Interactive Gambling (Player Protection) Act 1998* (Interactive Act) and Gaming Machine Act require major industry participants (the wagering licensee, lottery licensee, keno licensee, casino operators and licensed suppliers) to seek approval for, and maintain, internal control systems. From a security and regulatory point of view, it is essential that gaming-related activities are performed in a manner that ensures integrity and transparency.

Over time, internal control systems have become lengthy documents which incorporate significant detail about accounting and administrative systems, standard forms and terms, procedures for the maintenance, security and transportation of gaming equipment, and procedures for recording bets and paying out amounts won.

Whenever any amendments are proposed, the relevant parts of the internal control system must be submitted to the Commissioner or Chief Executive for approval at least 90 days prior to implementation regardless of whether the amendments are minor or significant. It is not uncommon for major industry participants to fail to submit all changes to their internal procedures.

While the Government has an interest in ensuring that a company's policies constitute an effective system of internal control, the company is ultimately responsible for the system of internal control. For operators other than casinos, the risks are able to be managed without the necessity for changes to internal controls to receive prior approval. For casinos, due to the complexity of their operations and potential associations with organised crime, the risk is greater and prior approval of internal control is still considered appropriate to counter this risk.

Accordingly, the Bill removes the requirement for internal control systems to be submitted for Chief Executive (or Commissioner under the Gaming Machine Act) approval for all major gambling industry participants except casinos. However, internal control systems will still need to be maintained and be available for inspection when requested. A penalty of 200 penalty units will apply if they are not made available (the same penalty for if they do not have a control system or contravene the control system). This ensures that operators do not try to avoid penalties for not having a completed control system or contravening their control system by claiming it is not available for inspection.

Given the complexity and size of casino operations and potential association with organised crime, they will still be subject to the requirement to submit internal control systems to OLGR for approval. However, the Bill removes the requirement for the casino operator to submit the control system to OLGR at least 90 days prior to implementation and removes the

extraneous requirements of having to provide charts of accounts and standard forms and terms.

For non-casino operators, the Bill focuses the information required to be included in an internal control system to the conduct of gaming and the protection of revenue payable to the State. The objective is to ensure systems to monitor revenue relevant to taxation and other amounts such as unclaimed moneys and licence fees are appropriately maintained. It is not intended to include other general revenue streams in the ordinary operation of business payable to the operator unless it is relevant to gaming integrity or revenue payable to the State.

In addition, the Bill also focuses the information required to be included in an internal control system from procedures to controls for non-casino operators. The objective of this amendment is to emphasise the controls that are in place over areas of risk rather than broad procedures that encompass all processes undertaken by management and employees. The requirement for the submission of charts of accounts and standard forms and terms is also removed.

The current penalty for failure to adhere to the control systems will remain. The gaming Acts already provide the Chief Executive (or Commissioner under the Gaming Machine Act) with powers to issue directions to major operators to amend their internal control systems if there are concerns regarding the adequacy of any control systems.

Reducing regulatory burden by authorising clubs and hotels to acquire and dispose of gaming machines without Commissioner approval

Clubs and hotels that are licensed to conduct gaming currently must apply to the Commissioner to be able to acquire or dispose of gaming machines under section 265 of the Gaming Machine Act. This is an unnecessary process, given that clubs and hotels must already seek approval to have or increase or decrease gaming machines and also obtain or sell entitlements (for clubs) or operating authorities (for hotels) through an approved reallocation scheme.

Consequently, the Bill removes the requirement for clubs and hotels to obtain the Commissioner's approval to acquire and dispose of gaming machines.

Reducing regulatory burden by removing the requirement that gaming machines must be installed within a specific period after an approval

Section 80A of the Gaming Machine Act requires that an applicant who is granted a gaming machine licence must install the approved number of gaming machines for the premises within two years of the date that the licence application was granted. Similarly, section 85AA requires that a licensee who is granted an increase in the approved number of gaming machines must install the additional machines within one year of the approval. The deadline for the installation of machines following an approval is referred to within the Act as 'the relevant date'.

If the licensee has not installed the approved number of gaming machines by the relevant date, the approval lapses. Further, if the licensee has installed some (but not all) of the machines granted under the lapsed licence or increase approval, the number of gaming

machines granted under that approval is taken to be the number installed by the relevant date. Any surplus gaming machine entitlements or hotel operating authorities held by the licensee after the relevant date are forfeited to the State and the licensee is provided no recourse to compensation for the lost value of the entitlements or authorities.

While the Act provides that the relevant date may be extended if the applicant can demonstrate to the Commissioner the existence of exceptional circumstances, the time limits imposed on licensees is a regulatory burden. Removing the time limits for installing gaming machines will provide venues with a degree of certainty regarding their ability to acquire and operate gaming machines should a licence or increase application be approved. Licensees would have the ability to arrange for the acquisition of authorities or entitlements, and the subsequent installation of gaming machines, at their own convenience. They would no longer be required to complete preparatory work (which may include construction or renovation of the premises) within Government-instigated timeframes. Consequently, the Bill amends the Gaming Machine Act to remove the time limits on installation after new licence and increase approvals.

Reducing regulatory burden by granting clubs additional time to dispose of entitlements following a surrender/decrease in the approved number of gaming machines

Clubs that wish to dispose (or sell) their gaming machine entitlements must first reduce the number of gaming machines that the club is approved to operate. Once the approved number of gaming machines has been reduced, clubs have one year in which to transfer their surplus entitlements (being the number of entitlements that exceed the approved number of gaming machines for the club after the decrease) to another club.

If the entitlements are not transferred within this period, the surplus entitlements are forfeited to the State. The Government will then return the entitlements to the club industry through the conduct of an authorised sale by tender auction.

Additionally, clubs that no longer wish to conduct gaming may surrender their gaming machine licence, with the result that all entitlements must be transferred to another club within one year of the date that the surrender takes effect. Again, if the entitlements are not transferred within this period, the entitlements become entitlements of the State (and again an authorised sale process will return the entitlements to the club industry).

In order to reduce the regulatory pressure on clubs, the Bill amends the Gaming Machine Act to increase the time limits in which clubs must dispose of surplus entitlements following a decrease or surrender from one year to two years.

Reducing regulatory burden by removing the prescriptive requirements for a gaming licence application under the Gaming Machine Act

Under section 56 of the Gaming Machine Act, an application for a grant for a gaming machine licence must, in the case of an application by a body corporate, be accompanied by a copy of the certificate of incorporation, memorandum and articles of association, rules, constitution or other incorporating documents and the last audited balance sheet.

In order to reduce the prescriptive requirements on licence applications, the Bill removes the requirement for this information to accompany an application. Rather, the information can be

specified in an approved form rather than legislation. This amendment will provide a less prescriptive and more flexible regulatory approach that will allow changes to the requirements for gaming machine licence applications to be made more easily.

Miscellaneous amendments to the Liquor and Gaming Acts

In addition to red tape reduction initiatives, miscellaneous minor amendments to the Liquor and Gaming Acts are required to ensure the effectiveness and clarity of the legislation, and achieve the original policy intent

Protection of money paid into 'jackpot funds' trust accounts

Currently, there are two Licensed Monitoring Operators (LMOs) operating in Queensland. One function of a LMO is that they are responsible for administering approved trust accounts to hold money paid by each gaming machine licensee who has gaming machines linked to a wide area jackpot arrangement. These 'jackpot funds' effectively accrue liabilities that will be payable when a patron wins a jackpot.

OLGR has advised that, in case a LMO loses its financial viability, it would be prudent to clarify in legislation that the trust moneys are to be protected from any creditors of the LMO. There is currently no provision in the Gaming Machine Act that clearly states that the moneys held in the trust account cannot be used for payments of debts by the trustee. However, the jackpot payouts will be protected from payment to the creditors of a Licensed Monitoring Operator if it is clear that they are held on trust.

The Bill accordingly amends the Gaming Machine Act to clarify the status of the approved trust accounts and protect the money paid into 'jackpot funds' trust accounts from creditors in the event that a LMO becomes insolvent.

Approved manager to be employed in the capacity of an approved manager

Section 155AD of the Liquor Act requires, in the case where the liquor licensee or permittee is a corporation, that an approved manager be present or readily available at the premises during ordinary hours and that an approved manager be present during trade between 12 midnight and 5am. This is to ensure that liquor is supplied or possessed on the premises only in accordance with the authority conferred by the licence or permit, which includes in a way compatible with minimising harm and associated violence from the misuse and abuse of alcohol. Where the licensee or permittee is an individual, an approved manager is only required to be present or reasonably available where the licensee is unable to be so themselves.

OLGR has requested that while the intent of the legislation was that an approved manager should be present and managing the premises, ensuring liquor is supplied in accordance with the Act, section 155AD in its current form only required the licensee to have an approved manager present. Hence, the Bill amends the Liquor Act to ensure that an approved manager who is present at the premises must be employed in the capacity of an approved manager, not just performing other duties or present on the premises for social purposes.

Further minor amendments

The Bill makes minor amendments to ensure legislative references are accurate, including:
- Section 96, Casino Control Act
- Section 107D, Liquor Act
- Section 118A, Liquor Act
- Section 121, Liquor Act
- Section 153, Liquor Act
- Section 309, Liquor Act

Additionally, further minor amendments are made for reasons outlined below:
- Section 12, Liquor Act- A minor amendment is made to section 12 of the Liquor Act to exempt the sale of liquor in the Parliament House gift shop, and other areas of Parliament, from the provisions of the Liquor Act to reflect current practice. Currently, the exemption in this section only applies to the supply of liquor in a refreshment room of Parliament House. This amendment ensures that functions in places such as verandahs, rooftops and lawns of Parliament house do not require a licence.

- Section 67AA, Liquor Act- A minor amendment is made to Section 67AA, of the Liquor Act to reinstate licensees with the right to act as a restaurant during the day that were previously granted under the on-premises (cabaret) licence, but unintentionally removed by legislative amendments in 2008, as there were no negative effects emanating from those provisions.

- Section 141, Liquor Act- A minor amendment is made to section 141 of the Liquor Act, to achieve the original intent of the legislation by ensuring that if approval is given under section 153 for a commercial special facility licensee to enter into an agreement to sublet to another person, the Commissioner cannot order closure of the business when it is conducted by an approved manager who is also employed by the person who has entered into the agreement under section 153. For example, airports are licensed under a single commercial special facility licence but have numerous bars that are operated by persons that have entered into management agreements with the licensee for the airport. This amendment ensures that these persons who have entered into an agreement with the licensee can employ approved managers to operate their bars without the risk of being ordered to close by the Commissioner.

- Section 155, Liquor Act- A minor amendment is required to section 155(4)(d) of the Liquor Act, which provides that a minor is an exempt minor if the minor is on premises to which a community club licence or restricted liquor permit relates and the minor's presence does not contravene the club's rules or a condition of the licence or permit. The Bill amends section 155 to ensure that the section also relates to community other licences, which was the original intent of the legislation.

<u>Community Investment Fund Amendments</u>

Abolishing the CIF would result in the removal of a level of unnecessary administrative activity and enable better management of the Government's finances, with no impact on the outcomes or deliverables of Government.

The amendments will not affect the continuance of activities funded by CIF, particularly the various community benefit funds.

Achievement of objectives for amendments to Fair Trading Legislation

Amendments to Credit (Commonwealth Powers) Act 2010

In 2008, COAG agreed that responsibility for the regulation of credit should be transferred to the Commonwealth. The transition was to be implemented in two phases. Phase 1 was the transfer of responsibility for existing key credit regulation. Queensland referred this power in the *Credit (Commonwealth Powers) Act 2010* but retained legislative and enforcement responsibility for interest rate caps as Queensland strongly supported this protection for vulnerable consumers.

Phase 2 of the transfer of credit includes among other topics, an examination by the Commonwealth of state approaches to interest rate caps. The Commonwealth Government is introducing a cap on the cost of consumer credit contract, on 1 July 2013. Queensland can now repeal its state interest rate cap as the objective of a national credit regime, including a protection on interest rate caps, has been achieved.

Should the interest rate cap not be repealed, Queensland will have in place two varying interest rate cap regimes which may create confusion and uncertainty for credit providers and consumers. The conflict of laws between the two regimes could then invoke section 109 of the *Commonwealth of Australia Constitution Act*.

Amendments to the Body Corporate and Community Management Act 1997

The amendments will make it possible for a constructing authority to lodge a new plan of subdivision and a new CMS where a body corporate has failed to comply with the processes required of it under either section 51 or 51A of the BCCM Act.

The current provisions of the BCCM Act, of themselves, adequately create the steps to allow a constructing authority to register a resumption of land. Section 12A of the ALA requires a constructing authority to lodge a new CMS where land has been resumed from a CTS and sections 51 and 51A (for specified two-lot schemes) of the BCCM Act provide the process by which the CMS is first to be endorsed by the body corporate of the affected CTS. However, neither the ALA nor the BCCM Act anticipated a body corporate failing to fulfil its obligations under the BCCM Act, thereby preventing the final step of the registration process from being carried out by the constructing authority.

Under the ALA, a constructing authority can compulsorily acquire land for public purposes. As with other resumptions of land, a resumption of land from a CTS must be recorded on the Land Registry. Before land title can be corrected to record the resumption of land from a CTS, the affected body corporate must consider the impact on the lot entitlement schedules for the lots remaining in the scheme, and undertake processes set out in section 51 or section 51A (for specified two-lot schemes) of the BCCM Act.

For a resumption of CTS land, section 12(3A) of the ALA and section 56(1) of the BCCM Act require that the Registrar of Titles registers the resumption as a new plan of subdivision showing the remaining scheme land, and records a new CMS at the same time. The

constructing authority must provide the body corporate with a new plan of subdivision and a new CMS for the scheme, in accordance with the BCCM Act. The constructing authority must also provide advice to the body corporate that it will seek to lodge these documents with the Land Registrar to record the resumption. Section 12A of the ALA requires the constructing authority to lodge the new CMS.

Under the current provisions of the BCCM Act, the body corporate is then required to seek independent professional advice about any necessary changes required to the lot entitlement schedules at a general meeting. The body corporate must give the constructing authority notice of its decision in terms of whether it can support the proposed new CMS. A new CMS can only be recorded on the Land Register when it has been endorsed by the body corporate. There is currently no enforcement mechanism if a body corporate does not comply with its obligation. Similar, although not identical, provisions apply to specified two-lot schemes.

Under the amendments to the BCCM Act, when land that is part of a CTS is resumed under the ALA, the constructing authority must give notice to the body corporate of its intention to lodge a new plan of subdivision and a new CMS for the scheme four months from the date of the notice. The constructing authority must also provide the body corporate with the following:

- a copy of the new plan of subdivision;
- the new CMS; and
- independent professional advice, sought, and paid for, by the constructing authority, as to any adjustments that might be needed to the lot entitlement schedules as a result of the resumption of the land.

The body corporate must call and hold a general meeting to decide (through an ordinary resolution) any changes it requires to the lot entitlement schedules in the proposed CMS, within three months of receiving the notice under section 51(1). For specified two-lot schemes, the body corporate must decide by a lot owner agreement to either change the lot entitlement schedules to take account of the boundary change or not change the lot entitlement schedules. This must happen within four months of the body corporate receiving a notice from a constructing authority under section 51A(1). The body corporate must then notify the constructing authority of its consent, or otherwise, to the proposed new CMS within four months of receiving the notice under either section 51(1) or section 51A(1). The amended provisions will provide that after the end of four months from the date the constructing authority gives the notice to the body corporate, whether or not the body corporate has complied with its obligations, the constructing authority may lodge the new plan of subdivision and the new CMS in the Land Registry.

The amendments allow for a range of different scenarios including:

- the body corporate advising of its approval of the new CMS (as is now required under the existing legislation);
- the body corporate advising it is willing to approve the new CMS on the condition of the constructing authority making proposed additional changes to the new CMS;
- the proposed new CMS is not approved by the body corporate but the body corporate and constructing authority are able to resolve the issue by negotiation; and
- the issue is not resolved by negotiation, but the constructing authority will still be able to register its interest in the resumed land through lodging the new CMS.

In all circumstances, the constructing authority will have the discretion to lodge an amended version of the new CMS that takes account of any changes requested by the body corporate.

If the body corporate does not agree with the lot entitlement schedules in the new CMS lodged in the Land Registry, it can change the lot entitlement schedule. If an individual lot owner does not agree with the contribution schedule lot entitlements in the new CMS lodged in the Land Registry, they can make an application to the Queensland Civil and Administrative Tribunal (QCAT) or to a specialist adjudicator in the Office of the Commissioner for Body Corporate and Community Management.

The amendments will not make any changes to the right to claim compensation under the ALA for the resumption of land from a CTS on the part of a body corporate and lot owners. The amendments will also ensure the rights of bodies corporate and lot owners to seek compensation under the ALA will extend to those situations where a constructing authority has registered its interest in the resumed land through the lodgement of a new CMS that has been executed by the constructing authority. It is intended both the body corporate and lot owners will be able to seek compensation even if the land is only resumed from common property.

Amendments to the Funeral Benefit Business Act 1982

The amendments to the FBB Act implement the recommendation of the Webbe-Weller Review to abolish the Board of Trustees for the Funeral Benefit Trust Fund and transfer its functions to the administering department.

Other Department of Justice and Attorney-General Amendments

Amendments to the Recording of Evidence Act 1962 (REA Act) and Supreme Court Library Act 1968 (SCL Act) to provide a legislative basis for the Queensland Sentencing Information Service (QSIS)

QSIS, which has been developed in conjunction with the Judicial Commission of New South Wales, is an internet based research tool designed to assist legal research in relation to criminal sentencing. The aim of QSIS is to promote greater consistency in sentencing by providing parties appearing before a sentencing court with information to support well reasoned submissions on sentence.

The Bill amends the REA Act and *SCL* Act to: provide a legislative basis for QSIS; transfer responsibility for QSIS to the Supreme Court Library; extend access to QSIS to certain entities including prosecuting agencies, community legal centres and legal practitioners; protect staff involved in the collation of the QSIS database from liability for any offence; and ensure that access and use of personal information available on QSIS is restricted.

Amendment to the Civil Proceedings Act 2011 (Civil Proceedings Act) to provide for the continuation of transitional arrangements

The Bill makes a minor amendment to the Civil Proceedings Act to provide for the continuation of transitional arrangements provided for in the *Civil Proceedings (Transitional) Regulation 2012* which expires on 1 September 2013. The main purpose of this amendment is to continue the transition of appointments of office holders (such as registrars), previously

appointed under the now repealed *Supreme Court Act 1995*, to positions under the Civil Proceedings Act. It will also continue transitional arrangements in relation to process issued but not yet returned and appeal rights accrued at the time that the relevant provisions of the Civil Proceedings Act come into force.

The transitional arrangements were initially made under the *Civil Proceedings (Transitional) Regulation 2012* which expires on 1 September 2013.

Make a minor amendment to the Work Health and Safety Act 2011 (WHS Act) to defer the commencement of certain provisions until 1 January 2014

The WHS Act (assented on 6 June 2011) contains un-commenced amendments to the *Electrical Safety Act 2002* to harmonise it with the national model. The un-commenced amendments to the *Electrical Safety Act 2002* were postponed by regulation for a period of two years and are now due to automatically commence on 7 June 2013.

The *Electrical Safety Regulation 2002* is also due to expire on 1 September 2013. It is necessary to extend the expiration of this Regulation to 1 January 2014 (decision pending) to allow for the regulatory assessment statement process to be finalised and issues surrounding the electrical safety codes of practice to be resolved with industry.

It is therefore necessary to postpone the un-commenced WHS Act amendments to 1 January 2014. This will ensure that key concepts and terminology between the Electrical Safety Act and the regulation and codes of practice will be consistent. If the WHS Act amendments were allowed to commence on 7 June 2013, the WHS Act would not align with the unamended regulation and codes of practice, causing considerable confusion for businesses.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved via legislative amendments as they apply to an existing regulatory framework, prescribed in primary legislation. The Bill does not increase the regulatory framework, but rather makes changes to the existing framework to either reduce its scope or improve its effectiveness.

An alternative to the Bill is for the status quo to remain, with the red tape reduction initiatives and miscellaneous amendments proposed in the Bill not made and therefore the objectives not achieved.

As this retains the status quo, no legislative amendments would be required. However, the red tape reduction initiatives could not be implemented. These initiatives are intended to reduce barriers to the development of the liquor and gaming industries, in line with economic, social and technological changes. These initiatives are intended to benefit Queensland by enhancing the ability of the tourism, community club and other related sectors to employ Queenslanders and provide services and choices for the wider community.

The miscellaneous amendments are intended to improve the effectiveness of liquor and gaming legislation. If the status quo was retained and no legislative amendments were made, these benefits would remain unrealised.

Simply reconfiguring the CIF is likely to result in the administrative burdens remaining and unlikely to resolve its ongoing financial difficulties. As the CIF was created through the Gaming Machine Act, the CIF can only be repealed through legislative amendment.

The only way to achieve the desired outcome of allowing a constructing authority to lodge a new plan of subdivision and a new CMS in the Land Registry, whether or not a body corporate has complied with its obligations, is through legislative amendments to the BCCM Act.

Amendments to the FBB Act are required to implement the Webbe-Weller Review recommendation.

Amendments to the *Recording of Evidence Act 1962* and *Supreme Court Library Act 1968* are required to provide a legislative basis for QSIS and to overcome the effect of existing legislative restrictions and prohibitions on access to or publication of certain information related to criminal proceedings.

Amendments to the *Civil Proceedings Act 2011* are necessary to continue transitional arrangements currently made under subordinate legislation which is due to expire on 1 September 2013.

Estimated cost for government implementation

Some initiatives may lead to a loss of revenue for Government through a reduction in the payment of processing fees. For example:

- The removal of the requirement for low risk community organisations from requiring a permit to conduct not-for-profit events will lead to a loss of revenue as those exempted will no longer be required to pay the current fee of $57 (as of 2011-2012 financial year). As a result of the exemption, it is anticipated that approximately 61.5% of community organisations will not have to apply for a CLP (6558 CLPs were issued during the financial year 2011-2012) once the amendments are passed, and therefore approximately $300,000 will not be paid in permit processing fees.
- Removing the renewal requirement for club and hotel gaming machine licences could result in revenue forfeiture of approximately $200,000 per annum, which represents approximately 4.1% of annual gaming application revenue.
- However, as revenue from payment of processing fees is intended for cost recovery, this loss of revenue will be offset by improved Government efficiency, as the exemption will reduce the number of applications that the Government must process.

Ultimately, the general benefits of the red tape reduction for industry and the Queensland community outweigh any minor loss of Government revenue. The reduction in burden on industry should allow it to more efficiently utilise its resources, and reduce its costs. This, in turn, may lead to businesses employing more Queenslanders. Additionally, it may lead to more businesses setting themselves up or relocating to Queensland, further enhancing employment opportunities in the community.

The amendments to the BCCM Act will have no implementation costs for Government. The amendments will remove a potential blockage in the process of granting the lease required for

the Airport Link tollway. It will also have similar positive impacts on the Gold Coast Rapid Transit and Cross River Rail projects, as well as future State and local government infrastructure projects.

The FBB Act amendments do not alter the current arrangement where administrative expenses of the trust fund are paid out of the trust fund. The Queensland Funeral Benefit Trust Fund is administered by a board of trustees appointed by the Governor in Council. The Board consists of the Registrar (who is currently the Director-General of the Department of Justice and Attorney-General), the State Actuary or their representatives, a representative of the Treasurer and an industry representative. As the board of trustees is largely composed of Queensland Government employees the abolition of the trustee positions does not have any significant effect on position holders.

The amendments in relation to QSIS and to amend the *Civil Proceedings Act 2011* will not result in any additional costs to government.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Legislation should be consistent with the principles of natural justice and ensure administrative powers are subject to review- *Legislative Standards Act 1992*, section 4(3)(a) and (b)

Part 10 of the Bill amends the Liquor Act to remove the requirement for particular organisations to apply for a CLP when conducting a fundraising event if they meet particular criteria. The amendments potentially breach the principle of natural justice that a decision should not be made that will deprive a person of some right, interest or legitimate expectation of a benefit without the person being given an adequate opportunity to be heard by the decision-maker.

A provision is included in this clause which allows a police officer or investigator to issue a notice to cease the sale of liquor immediately because the organisation is not complying with the terms of the exemption and therefore selling liquor in an unauthorised capacity. A further provision provides that the organisation, if given such a notice, cannot conduct an exempted event for six months (they would have to apply for a permit).

This provision is considered important because it ensures that the Government can prevent any organisation that sells liquor in a manner that could potentially cause harm to the community from conducting future events for a period of six months. It allows time for the Government, if necessary, to prosecute the entity for the unauthorised sale of liquor. If the entity is found guilty, it loses the ability to hold an exempted event completely.

In being prevented from holding an exempted event for six months after the issue of the original breach notice, the entity is not given the right of appeal and this could conceivably be inconsistent with natural justice principles. However, DJAG believes this is appropriate to ensure that entities that do not do the right thing by not complying with the terms of the

exemption are prevented from selling liquor without a permit at the time and for a period after the event.

The restriction on holding exempted events is only for six months and organisations can still apply for a CLP during that period and might receive a conditional approval. Additionally, it is intended that investigators and police officers will not initially issue a notice to cease the sale of liquor, unless there is a serious issue, but rather issue a notice to rectify certain matters inconsistent with the legislation. This would allow organisations that intend to do the right thing to rectify matters so as to comply with the exemption and therefore still retain their ability to hold exempted events.

Legislation should not be imposed retrospectively -*Legislative Standards Act 1992*, section 4(3)(g)

On 17 September 2012, the Commonwealth Parliament passed the *Consumer Credit Legislation Amendment (Enhancements) Act 2012* (Cwth) (the Enhancements Act), which contains provisions to establish a national cap on the cost of consumer credit contracts. The relevant provisions of the Enhancements Act are to commence on 1 July 2013. To ensure that the repeal coincides with the commencement of the national interest rate cap, on this date, the proposed repeal of the Queensland interest rate cap legislation must commence on 1 July 2013. Should the Bill not obtain assent, by 1 July 2013, the provisions relevant to the amendment of the *Credit (Commonwealth Powers) Act 2010* need to commence retrospectively.

The retrospectivity of the provision will not adversely affect the rights and liberties of individuals, but rather will ensure certainty to affected parties of the correct legislation they must adhere to on and after 1 July 2013. The inclusion of a specific commencement date will provide clarity for Government, industry and consumers about their rights and responsibilities regarding the maximum cost chargeable under a consumer credit contract, under the Enhancements Act, from 1 July 2013. The former Scrutiny Committee generally opposed retrospective legislation but conceded that on occasions retrospective legislation that is curative and validating may be justified (Alert Digest 1999/3, p.25, paras 4.17-4.18).

Part 2 includes transitional provisions which have a retrospective effect where, before commencement, a constructing authority has advised a body corporate of its intention to lodge a request to record a new community management statement for the scheme under the current section 51(1)(a) or the current section 51A(1)(a) (for specified two-lot schemes). The purpose of the transitional provisions is to enable the constructing authority to continue a project under the amended section 51 or section 51A which follows the new process. Where an already ongoing process has not reached a timely conclusion under the existing section 51 or section 51A, the proposed transitional provision enables a transition to the amended section 51 or section 51A so that the process can be completed within a suitable timeframe.

The amendments are required to be retrospective as the amendments are curative, and do not impose any further obligations nor remove rights. The purpose behind the amendments is to create a reasonable, closed timeframe for existing obligations to be performed within. The absence of the retrospective provisions would render the proposed amendments of no use.

Providing that the amendments are retrospective also improves the equity of treatment of bodies corporate where land has been resumed from multiple CTS for an infrastructure project undertaken by a constructing authority. Without retrospective application, bodies corporate impacted by a project may have different timeframes by which they are required to comply. For example, without retrospective transitional provisions, where a constructing authority is providing advice of its intention to lodge a new plan of subdivision and a new CMS to a number of bodies corporate over the period before and after the amendments to sections 51 and 51A commence, some bodies corporate must comply within four months and other bodies corporate will have a minimum of five months, but no maximum time specified. For bodies corporate where the advice was given prior to commencement of the amendments and a body corporate does not comply, the constructing authority will be prevented from being able to lodge a new CMS. For bodies corporate where the notice was given after commencement of these amendments and a body corporate does not comply, the constructing authority will be able to lodge a new CMS.

Also, only those bodies corporate that have been notified after commencement of the amended sections 51 or 51A will have independent professional advice on any lot entitlement adjustments (the lot entitlement adjustment advice) obtained on their behalf by the constructing authority. Bodies corporate advised prior to commencement of the amendments will have to obtain their own lot entitlements adjustment advice. In both circumstances, however, the advice is paid for by the constructing authority. On this point, the transitional provisions include a specific provision which allows the body corporate to choose to request that the lot entitlement adjustment advice be obtained by the constructing authority where neither party has obtained the advice as at the date of commencement. If the body corporate makes this request of the constructing authority, the constructing authority must obtain and provide the lot entitlement adjustment advice as soon as possible.

As a means of mitigating the impact of the retrospective nature of some of the transitional provisions, the Department of Transport and Main Roads proposes to contact the relevant bodies corporate that are impacted by the transitional provisions. These bodies corporate will be advised that they are able to make submissions on the content of the Bill to the Parliamentary Committee as part of the Committee's examination of the Bill.

Legislation should not adversely affect rights and liberties of individuals - *Legislative Standards Act 1992*, section 4(2)(a)

The amendments to the *Supreme Court Library Act 1968* in relation to QSIS may potentially breach fundamental legislative principles insofar as they may have insufficient regard to the rights and liberties of individuals, particularly in relation to privacy and confidentiality. The proposed amendments will specifically override the effect of a number of other Acts which restrict or prohibit access to or publication of certain information related to criminal proceedings. Examples include the *Youth Justice Act 1992*, the *Criminal Law (Sexual Offences) Act 1978* and the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

This potential breach of fundamental legislative principles is justified on the basis that: only specified categories of entities will be given access to restricted information on the database; access to the database will only be granted for limited purposes; and misuse of the information is an offence. Furthermore, and in any event, it is administratively difficult for the information to be reliably de-identified and aspects of the identifying information may be directly relevant to the research being undertaken.

In summary, the community as a whole will benefit from greater consistency in sentencing and the improved administration of the criminal justice system. It is considered that the amendments to the *Supreme Court Library Act 1968* adequately balance the need for well informed sentencing submissions with the privacy of the individuals concerned.

The amendments to the BCCM Act present a potential breach of the fundamental principle as to whether the legislation has sufficient regard to the rights and liberties of individuals. The lodgement of a request to record a new CMS by a constructing authority could affect an individual's property ownership rights in their lot or over the common property.

The amendments will provide that a constructing authority will be able to make a request to record a new CMS for a CTS after the passage of either three months or four months (depending on the circumstances) after the date of a notice advising the body corporate of the constructing authority's intention to lodge the request. Upon passage of either three months or four months (depending on the circumstances), the request can be made regardless of whether the body corporate has considered the new CMS or whether the body corporate endorses the new CMS.

This potential breach is justified firstly by virtue of the very significant infrastructure projects that may be delayed or put at risk when even one body corporate has not completed the processes required of it in a timely manner. Secondly, the body corporate is given sufficient time to consider the new CMS in having either two or three months (depending on the circumstances) in which to advise the constructing authority of their decision. The amendments merely prevent a body corporate from taking an indefinite amount of time to come to a decision at the cost of the infrastructure project.

Under the proposed amendments, the constructing authority is responsible for obtaining and paying for independent, professional advice in relation to whether any adjustments might be needed to lot entitlements as a result of the resumption of the land, to assist the body corporate in arriving at their decision. The constructing authority is also responsible for the costs of preparing and recording the new CMS. Thirdly, the body corporate is still able to consider the new CMS after the constructing authority has made the request to record a new CMS. Although the constructing authority has temporarily assumed the role of lodging the request to record the new CMS for the body corporate, the body corporate still retains the right to seek changes to the CMS. Finally, a solution will be achieved by these amendments without the use of sanctions against a body corporate that is not fulfilling its obligations under section 51, or section 51A for specified two-lot schemes.

Section 9 of the FBB Act requires that there be a board of trustees to administer the Funeral Benefit Trust Fund. The Bill amends the FBB Act to abolish the statutory board of Trustees. The Board consists of the Registrar (who is currently the Director-General of the Department of Justice and Attorney-General), the State Actuary or their representatives, a representative of the Treasurer and an industry representative. As the board of trustees is largely composed of Queensland Government employees, the abolition of the trustee positions does not have any significant effect on position holders. The impact on the (one) industry representative does not have a significant effect on employment as only a small meeting fee is paid to the industry representative trustee and the trustees only meet once a month.

Legislation should not confer immunity from proceeding or prosecution without adequate justification - *Legislative Standards Act 1992*, section 4(3)(h)

The proposed amendments to the *Supreme Court Library Act 1968* will also confer immunity on to a person who, acting honestly, made information in the QSIS database available to an entity. As a general rule, legislation should not confer immunity for prosecution or proceedings. In this case, immunity is limited to acts or omissions done or made honestly. Immunity is required to ensure the efficient operation of the database.

Consultation

Consultation has been undertaken with key industry groups in August 2012, including Clubs Queensland, Queensland Hotels Association, Tatts Group, Queensland casino operators and Cabarets Association on the red tape reduction proposals. Further consultation was undertaken with industry and community representatives in October 2012 via the Liquor and Gaming Red Tape Reduction Expert Panel on the red tape reduction proposals. The panel includes harm minimisation representatives from Lifeline and Gambling Help services.

In relation to the amendments to the BCCM Act, the Property Council of Australia, Urban Development Institute of Australia, Unit Owners Association of Queensland, Brisbane Association for Ratepayer Equity, Australian Resident Accommodation Managers Association (Qld) and Strata Community Australia (Qld) have been consulted on the amendments and have indicated support for the amendments because they effectively balance the rights of bodies corporate and lot owners and the capacity of a constructing authority to register a resumption of CTS land.

The amendments to the FBB Act were consulted on through the Webbe-Weller Review.

The Supreme Court Library Committee has been consulted in relation to the amendments to the *Recording of Evidence Act 1962* and *Supreme Court Library Act 1968*.

Consistency with legislation of other jurisdictions

As the Bill contains amendments relating to a wide range of policy initiatives (though linked by a common red tape reduction theme) and technical matters, and these amendments often relate to peculiarities of the Queensland legislative framework, it is difficult to provide a clear comparison with other jurisdictions for all matters. Consideration of other jurisdictions' legislation has been undertaken in developing the policy underlying the amendments. For the majority of amendments, there is similar comparable legislation in other jurisdictions, although details of how they apply are often different. For example:

- TITO is provided for in other Australian jurisdictions, but relevant provisions reflect the legislative framework of each state or territory;
- Exemptions for hospitals and aged care facilities from the relevant liquor licensing legislation if limited amounts of liquor is supplied to patients and residents is consistent with many other Australian jurisdictions' legislation, including New South Wales and Western Australia;
- Most states and territories have a similar licence or permit type to a Community Liquor Permit, while Western Australia provides exemptions for certain low risk events;

- There is no express legislative requirement in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Victoria for casino operators to seek approval to place gaming chip purchase orders;
- Most states and territories do not require renewal of Gaming Machine licences, although Victoria does (every ten years).

Overall, the amendments in the Bill will not create any major inconsistency between Queensland liquor and gaming legislation and the legislation in other Australian jurisdictions.

Notes on provisions

Chapter 1

Part 1

Clause 1 cites the short title.

Clause 2 provides for commencement of provisions. The majority of clauses commence on assent. Clauses relating to TITO and RSA/RSG trainer approvals commence on proclamation to provide time for amendments to be made to the relevant regulations and other implementation processes. Amendments to provide for exemptions to the *Liquor Act 1992* commence on 1 July 2013, to allow for implementation and communication processes to be undertaken. Clauses relating to advertising of applications under the Liquor Act commence on 1 January to allow for technical implementation of departmental notification of licence applications. Amendments to the *Credit (Commonwealth Powers) Act 2010* commence 1 July 2013 to align with Commonwealth legislation. Clauses relating to the abolition of the CIF will commence on 1 July 2013.

Part 2- Amendment of the *Body Corporate and Community Management Act 1997*

Clause 3 provides that Part 2 amends the *Body Corporate and Community Management Act 1997* (BCCM Act)

Clause 4 inserts the new section 47B(2A) which provides for additional circumstances in which an owner of a lot included in a CTS may apply for an order of a specialist adjudicator or an order of QCAT for an adjustment of the contribution schedule for the CTS. An application for adjustment may be made where a new CMS has been recorded for the CTS as a result of a resumption of scheme land by a constructing authority.

The grounds on which the application may be made are that the lot owner believes the contribution schedule lot entitlements for the lots included in the scheme are not consistent with the deciding principle, or are not just and equitable to the extent the deciding principle allows, or, if there is no apparent deciding principle, the lot entitlements are not just and equitable.

Clause 5(1) amends section 51(1) and (2). The amended section 51(1) applies to CTS's other than specified two-lot schemes. The new process under section 51(1) will be that a

constructing authority will provide a written notice to a body corporate after the constructing authority has resumed land from the CTS. The notice will advise that the constructing authority proposes to lodge a new plan of subdivision for the scheme and a request to record a new CMS for the scheme. Along with the notice, the constructing authority must give the body corporate a copy of the proposed new plan of subdivision for the scheme, independent professional advice about any changes required to the lot entitlement schedules as a result of the land resumption and a copy of the proposed new CMS. The constructing authority is required to obtain the independent professional advice on behalf of the body corporate, and is also required to prepare the proposed new CMS.

The amended section 51(2) requires the body corporate to call and hold a general meeting, within three months of receiving the written notice from the constructing authority, to consider the proposed new CMS provided by the constructing authority and decide any changes that may be required. The proposed new CMS has the Schedule of Lot Entitlements attached. Consideration of the proposed new CMS includes consideration of the attached Schedule of Lot Entitlements.

Clause 5(2) amends section 51(5) and (6) and inserts new subsections 51(7) to (11). The amended section 51(5) sets out the choices available to the body corporate, but requires the endorsed CMS, or a notice detailing its decision, be given to the constructing authority within four months of receiving the notice under section 51(1) from the constructing authority.

The amended section 51(6) provides that a constructing authority may lodge a request to record a new CMS where the constructing authority has received an endorsed new CMS under section 51(5)(a) from the body corporate.

The new section 51(7) provides that if the body corporate has not consented to and endorsed a new CMS and 4 months has passed since the constructing authority gave the body corporate the notice of its intention to lodge a new plan of subdivision and a new CMS, the constructing authority may lodge a request to record a new CMS. The new CMS must be the same as the proposed new CMS given to the body corporate under section 51(1). The new CMS is only able to differ from the proposed new CMS given to the body corporate to the extent of changes requested by the body corporate or changes of no substance. Changes of no substance include such things as the correcting of transposition errors in numbering or correcting spelling.

The new section 51(8) provides that before lodging a request to record a new CMS under section 51(7) the constructing authority must sign and date the new CMS.

The new section 51(9) provides that the Registrar of Titles may record a new CMS following a request to record the CMS having been lodged by a constructing authority despite the CMS not having been endorsed or signed by the body corporate.

The new section 51(10) provides that the constructing authority is responsible for the costs of obtaining advice for the purposes of section 51, which includes the cost of obtaining the lot entitlement adjustment advice. The constructing authority is also responsible for the costs of preparing and recording a new CMS under section 51. The new section 51(10)(b) covers all the likely costs that the constructing authority may incur from preparing the first proposed new CMS up to, and including, having the new CMS recorded.

The new section 51(11) provides the economic losses and costs incurred by a body corporate or a lot owner as a direct and natural consequence of the formal acquisition applying under section 20 of the *Acquisition of Land Act 1967* for the purposes of assessing compensation payable by the constructing authority. The economic losses and costs include obtaining independent professional advice from an appropriate person, such as a lawyer or a registered valuer, holding or attending the meeting in response to the notice given by the constructing authority and 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 CMS under this section to reflect the formal acquisition.

Clause 6(1) amends section 51A(1) and (2). The amended section 51A(1) applies to specified two-lot schemes. The new process under section 51A(1) will be that a constructing authority will provide a written notice to a body corporate after the constructing authority has resumed land from the CTS that is a specified two-lot scheme. The notice will advise that the constructing authority proposes to lodge a new plan of subdivision for the scheme and a request to record a new CMS for the scheme. Along with the notice, the constructing authority must give the body corporate a copy of the proposed new plan of subdivision for the scheme, independent professional advice about any changes required to the lot entitlement schedules as a result of the land resumption, and a copy of the proposed new CMS. The constructing authority is required to obtain the independent professional advice on behalf of the body corporate, and is also required to prepare the proposed new CMS.

The amended section 51A(2) requires the body corporate, within three months of receiving the written notice from the constructing authority, to decide by a lot owner agreement whether any changes are required to the proposed new CMS provided by the constructing authority or decide not to make any change to the proposed new CMS. The proposed new CMS has the Schedule of Lot Entitlements attached. Consideration of the proposed new CMS includes consideration of the attached Schedule of Lot Entitlements.

Clause 6(2) amends section 51A(4), (5) and (6) and inserts new subsections 51(7) to (10). The amended section 51A(4) sets out the choices available to the body corporate, but requires the endorsed CMS or a notice in writing detailing its decision be given to the constructing authority within four months of receiving the notice under the amended section 51A(1) from the constructing authority.

The amended section 51A(5) provides that a constructing authority may lodge a request to record a new CMS where the constructing authority has received an endorsed new CMS under section 51A(4)(a) from the body corporate and the body corporate has consented and endorsed the new CMS.

The amended section 51A(6) provides that if the body corporate has not consented to and endorsed a new CMS and 4 months has passed since the constructing authority gave the body corporate the notice of its intention to lodge a new plan of subdivision and a new CMS, the constructing authority may lodge a request to record a new CMS. The new CMS must be the same as the proposed new CMS given to the body corporate under section 51A(1). The new CMS is only able to differ from the proposed new CMS given to the body corporate to the extent of changes requested by the body corporate or changes of no substance. Changes of no substance include such things as the correcting of transposition errors in numbering or correcting spelling.

The new section 51A(7) provides that before lodging a request to record a new CMS under section 51A(6) the constructing authority must sign and date the new CMS.

The new section 51A(8) provides that the Registrar of Titles may record a new CMS following a request to record the CMS having been lodged by a constructing authority despite the CMS not having been endorsed or signed by the body corporate.

The new section 51A(9) provides that the constructing authority is responsible for the costs of obtaining advice for the purposes of section 51A, which includes the cost of obtaining the lot entitlement adjustment advice. The constructing authority is also responsible for the costs of preparing or amending a new CMS under section 51A. The new section 51A(9)(b) covers all the likely costs that the constructing authority may incur from preparing the first proposed new CMS up to, and including, having the new CMS recorded.

The new section 51A(10) provides the economic losses and costs incurred by a body corporate or lot owner as a direct and natural consequence of the formal acquisition applying under section 20 of the *Acquisition of Land Act 1967* for the purposes of assessing compensation payable by the constructing authority. The economic losses and costs include obtaining independent professional advice from an appropriate person, such as a lawyer or a registered person, holding or attending the meeting in response to the notice given by the constructing authority and obtaining under section 47B or 48 an order of a specialist adjudicator or Queensland Civil and Administrative Tribunal 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 CMS under this section to reflect the formal acquisition.

Clause 7 amends section 54 by adding a note that the new sections 51(9) and 51A(8) will be exceptions to section 54(2).

Clause 8 amends section 63(1) to provide that, in applying section 63, sections 51 and 51A are also to be exceptions, and therefore deletes section 63(4).

Clause 9 amends section 65(2) to exclude sections 51 and 51A from the application of section 65. In doing so, the need for section 65(3) to differentiate between recording a new CMS as a result of a formal acquisition and recording any other new CMS is removed and clause 9 omits section 65(3). As a result of this, section 65(1) is amended to remove the reference to "the relevant event happening" and replace it with "giving the consent".

Clause 10 inserts a new Chapter 8, Part 11 setting out new provisions establishing transitional arrangements for the amendments contained in the Bill. The transitional provisions enable constructing authorities to continue projects under the amended section 51 or section 51A following the new process established in this Bill. Where an ongoing process has not reached a timely conclusion under the previous section 51 or section 51A, the transitional provisions enable a transition to the amended section 51 or section 51A so that processes can be completed within a specified timeframe.

Division 1 of the transitional provisions inserts new sections 427 and 428. The new section 427 provides definitions for terms used within Chapter 8, Part 11.

The new section 428 clarifies that any reference in Part 11 to former section 51 or new section 51 applies to a community titles scheme other than a specified two-lot scheme, and any reference in Part 11 to former section 51A or new section 51A applies to a specified two-lot scheme.

Division 2 inserts new sections 429 to 434. The new section 429 establishes the application of Division 2. For Division 2 provisions to apply, a formal acquisition affecting the CTS has to have happened before commencement. Also before commencement, the constructing authority for the acquisition has to have provided advice to the body corporate under the former section 51(1) or 51A(1) about its proposal to lodge a new plan of subdivision and a proposed new CMS. Also, at the time of commencement, the constructing authority has not yet lodged the request to record the new CMS. These combined circumstances all apply when reading sections 430 to 434.

The new section 430 applies with the additional circumstance that, at commencement, the body corporate has consented to the recording of a new CMS to reflect the formal acquisition. Section 430 requires the body corporate to endorse its consent on the new CMS, if this has not already been done, and to give the endorsed new CMS to the constructing authority. Upon receipt of the endorsed new CMS given under section 430(2), the constructing authority may lodge a request to record the endorsed new CMS. This would be lodged together with the new plan of subdivision.

Section 430(4) provides that having considered and endorsed the new CMS, if the body corporate has not given the endorsed new CMS to the constructing authority within 5 business days after commencement, the constructing authority may lodge a request to record a new CMS that is the same as the proposed new CMS that the constructing authority gave to the body corporate to consider and endorse. This prevents the constructing authority from being able to lodge the request to record the endorsed new CMS and proceed to registration of title where, for any reason, the body corporate fails to give the constructing authority the endorsed new CMS in a timely manner. Subsection (4) notes that section 64 of the BCCM Act may apply. Before lodging the request to record the new CMS under subsection (4), the constructing authority must sign and date the CMS. The Registrar of Titles may record the new CMS following the request to record the CMS having been lodged by the constructing authority under subsection (4) despite the CMS not having been endorsed or signed by the body corporate. The constructing authority is responsible for the costs of recording the endorsed new CMS.

The new section 431 applies where the body corporate has decided the changes to be made to the lot entitlement schedules but has not consented to the new CMS. Section 431 provides for the process where the additional circumstance is that, at commencement, the body corporate has considered and decided the changes to the lot entitlement schedules as a result of the formal acquisition under the former section 51(2) or 51A(2) and the body corporate has not consented to the recording of a new CMS. For application of this section, it does not matter whether notice of its decision has been given to the constructing authority. At this time, if it has not already done so, the constructing authority must give the new plan of subdivision reflecting the formal acquisition and the proposed new CMS to the body corporate.

If these circumstances apply, then section 431 provides that the new section 51(5) to (11) or section 51A(4) to (10) will apply to the process to achieve registration of title just as if the new plan of subdivision and proposed new CMS had been given under the new section 51(1)

or 51A(1). In applying new section 51(5) and (7) or 51A(4) and (6), the reference to four months in these sections is taken to be a reference to the prescribed consent period. The prescribed consent period is the time for deciding to consent or not consent—after first having made a decision about changes to lot entitlement schedules—that is given under a process that began prior to commencement and where that process is continuing after commencement.

If the constructing authority gave the body corporate the advice under the former section 51 or 51A and has also given the body corporate the new plan of subdivision and the proposed new CMS at least four months before commencement, the prescribed consent period comes to an end at the date of commencement. If the constructing authority gave the body corporate the advice under the former section 51 or 51A at least four months before commencement but gave or gives the body corporate the new plan of subdivision and the proposed new CMS at a later time, then the prescribed consent period ends three months after the date that the constructing authority gave the body corporate the new plan of subdivision and the proposed new CMS. For any other circumstance, for example where the constructing authority has not advised the body corporate of its proposal to lodge a new plan of subdivision and a request to record a proposed new CMS, the prescribed consent period ends on the day that is four months after the date the constructing authority gave or gives the body corporate the new plan of subdivision and the proposed new CMS.

The new section 432 applies where, at commencement, the body corporate has not decided the changes to be made to the lot entitlement schedules resulting from the formal acquisition. At this time, if it has not already done so, the constructing authority must give the new plan of subdivision reflecting the formal acquisition and the proposed new CMS to the body corporate.

If these circumstances apply, then section 432 provides that the new section 51(2) to (11) or 51A(2) to (10) will apply to the process to achieve registration of title just as if the new plan of subdivision and new proposed new CMS had been given under the new section 51(1) or 51A(1) In applying new section 51(2) or 51A(2), the reference to three months in these sections is taken to be a reference to the prescribed decision period. The prescribed decision period is the time period for making a decision about changes to the lot entitlement schedules that is given under a process that began prior to commencement and where that process is continuing after commencement. This period is the period ending 30 days before the date that is the relevant prescribed consent period. The prescribed consent period is worked out, and the prescribed decision period ends 30 days prior to that date. This date may occur before or up to the date of commencement.

In applying new section 51(5) and (7) or 51A(4) and (6), the reference to four months in these sections is taken to be a reference to the prescribed consent period. The prescribed consent period is the time for deciding to consent or not consent—after first having made a decision about changes to lot entitlement schedules—that is given under a process that began prior to commencement and where that process is continuing after commencement. The prescribed consent period is defined as it was for section 431 above.

Section 432 includes an example showing how section 432(3)(b) and section 432(3)(c) apply retrospectively, when the circumstances in section 432(4)(b)(i) apply.

If, in the example, commencement occurs (for example purpose only) on 1 June 2013, and on 1 February 2013 a constructing authority advised a body corporate under former section 51 that the constructing authority proposed to lodge a new plan of subdivision and a proposed new CMS following a formal acquisition from the body corporate and at the same time gave the body corporate a copy of the plan and CMS, the prescribed consent period is 1 June 2013 and the prescribed decision period is 2 May 2013.

Other examples to show how the prescribed consent period is calculated for the circumstances outlined in section 432(b)(ii) and section 432(b)(iii), respectively, are shown below.

For the purpose of this example, commencement is 1 June 2013. On 1 February 2013 the constructing authority has advised a body corporate under former section 51 that the constructing authority proposed to lodge a new plan of subdivision and a proposed new CMS following a formal acquisition from the body corporate. The constructing authority did not provide a copy of the plan and CMS until 1 May 2013. The prescribed consent period is 1 August 2013 and the prescribed decision period is 2 July 2013.

For the purpose of this example, commencement is 1 June 2013. The constructing authority has not, at the date of commencement, advised a body corporate under former section 51 that the constructing authority proposes to lodge a new plan of subdivision and a proposed new CMS following a formal acquisition from the body corporate. The constructing authority provided a copy of the plan and CMS on 1 May 2013. The prescribed consent period is 1 September 2013 and the prescribed decision period is 2 August 2013.

The new section 433 provides for the body corporate to be able to ask the constructing authority to obtain and give to the body corporate the lot entitlement adjustment advice. The section applies for section 432 where the body corporate has not decided the changes to the lot entitlement schedules. The body corporate has the choice of obtaining the lot entitlement adjustment advice for itself, or making a request in writing to the constructing authority to obtain it for them. If the constructing authority is asked to do this, it must do so as soon as practicable. The request can be made even if the constructing authority has lodged a request to record a new CMS that has not had body corporate consent or been endorsed, as provided for under new section 51(7) or 51A(6).

New section 434 provides that section 63 does not apply to the preparation of a new CMS under Division 2 and that section 65 does not apply to the recording of a new CMS under Division 2.

Division 3 inserts new section 435 which applies where a formal acquisition has occurred, but no other process has been started to register the title. If a formal acquisition affecting a CTS has happened before commencement and at the commencement the constructing authority has not given the body corporate the advice mentioned under the former section 51(1) or 51A(1), then the process provided in new section 51 or 51A applies.

Clause 11 amends the 'Dictionary' to amend the definition of 'commencement'.

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

Clause 12 provides that Part 3 amends the *Casino Control Act 1982* (Casino Control Act).

Clause 13 omits section 51A of the *Casino Control Act 1982*, which provided for the Minister to pay into the CIF a percentage of casino tax each month.

Clause 14 amends section 52 to provide that, subject to any necessary appropriation, an amount may be paid into the casino community benefit fund from the consolidated fund.

Clause 15 amends section 62 to remove a requirement that all gaming chip orders are to be forwarded to the Chief Executive for approval to reduce the regulatory burden on industry.

Clause 16 amends section 65 to provide that a gaming wager can be placed by use of a ticket and the payment of winnings in relation to a winning wager can be paid by way of a ticket.

Clause 17 extends the period for an operator to remit unclaimed winnings from 3 months to 12 months.

Clause 18 amends section 72 to omit the requirement that the content, format and duration of casino employee training courses are approved by the Chief Executive. The removal of this requirement reduces red tape on industry. The requirement for approval by the Chief Executive is not necessary to ensure industry standards in relation to employee training as it is in casinos' best interest to provide effective training to staff to ensure operational effectiveness and regulatory compliance.

Clause 19 amends section 74 to remove the requirement that operators must submit the control system for approval to the Chief Executive at least 90 days before the casino operator proposes to start casino operations under the casino licence, to reduce the restrictions on operators as to when they submit their applications. The clause also reduces the matters that are required to be prescribed in a control system to reduce the regulatory burden on industry.

Clause 20 omits section 75 to remove the requirement that operators must submit a control system (change) for approval to the Chief Executive at least 90 days before the casino operator proposes to implement the change to the casino operations under the casino licence, to reduce the restrictions on operators as to when they submit their applications.

Clause 21 amends section 96 to omit a redundant reference to section 93 which was omitted by previous amendments to the Casino Control Act in 2009 (No. 24).

Clause 22 amends section 127 to improve the clarity of the Act by ensuring that its regulation making powers are clearly stated in regards to training courses, gaming transactions and junket agreements.

Clause 23 inserts transitional provisions in the Casino Control Act to remove any ambiguity regarding time periods for remitting winnings and regarding the prosecution of persons not complying with the provisions of the Casino Control Act (amended in this Bill) prior to commencement of this Bill. These persons will still be able to be prosecuted even if proceedings have not commenced.

Clause 24 amends various definitions in the schedule (Dictionary), to improve the clarity of the Casino Control Act and give effect to amendments in the Bill. The definition for 'gaming machine' is amended to reflect that gaming machines can be operated by the insertion of a ticket. The clause also amends the definition of 'chips' to clearly distinguish 'chips' from a 'ticket'. The clause inserts a definition for 'ticket' to provide that a ticket means something that is used in conjunction with approved gaming equipment and displays a value in Australian currency. These amendments allow for the implementation of ticket in/ticket out technology in casinos.

Part 4- Amendment of the *Civil Proceedings Act 2011*

Clause 25 provides that Part 4 amends the *Civil Proceedings Act 2011* (Civil Proceeding Act).

Clause 26 amends the part 15 heading.

Clause 27 inserts a new part 15, div 1 heading.

Clause 28 inserts a saving provision which preserves the effect of a transitional regulation made under section 109 of the *Civil Proceedings Act 2011*, despite the expiry of the transitional regulation, due to occur on 1 September 2013. The main purpose of this amendment is to continue the transition of appointments of office holders (such as registrars), previously appointed under the now repealed *Supreme Court Act 1995*, to positions under the *Civil Proceedings Act 2011*. It will also continue transitional arrangements in relation to process issued but not yet returned and appeal rights accrued at the time that the relevant provisions of the *Civil Proceedings Act 2011* came into force.

Part 5- Amendment of the *Credit (Commonwealth Powers) Act 2010*

Clause 29 provides that Part 5 amends the *Credit (Commonwealth Powers) Act 2010* (Credit Act).

Clause 30 amends the heading of Part 4, Division 4, being sections 21 to 27 of the Credit Act. Part 4 contains the transitional provisions relevant to when the Credit Act commenced and the relevant Queensland credit legislation was repealed on 1 July 2010. Division 4 continued the Queensland regulation of a 'maximum annual percentage rate' by virtue of section 21 (for 'existing' credit contracts). The policy intention was for the Queensland cap to continue while consideration by the Commonwealth Government was undertaken as to the merits of a national capping regime and whether it should be introduced under the *National Consumer Credit Protection Act 2009* (Cwth).

On 17 September 2012, the Commonwealth Parliament passed the *Consumer Credit Legislation Amendment (Enhancements) Act 2012* (Cwth) which introduces a national capping regime on 1 July 2013. The heading of Part 4, Division 4 is to be changed by referencing: 'for Act No. 16 of 2010'. This distinguishes the transitional provisions relevant to the interest rate cap regime from 31 July 2008 to 30 June 2010.

Clause 31 creates a new Part 4, Division 5, section 27A, as a saving provision for Part 6 of the Credit Act in circumstances of 'existing credit contracts', after Part 6 is repealed by this Bill. This is necessary as the Commonwealth cap will apply to credit contracts entered into on or after 1 July 2013 and not retrospectively. Therefore, this provision will preserve rights and obligations on credit providers not to exceed the maximum annual percentage rate in credit contracts entered into prior to the repeal of Part 6 (that is, credit contracts entered into between 1 July 2010 and 30 June 2013).

Clause 32 repeals Part 6 of the Credit Act.

Part 6- Amendment of the *Funeral Benefit Business Act 1982*

Clause 33 states the *Funeral Benefit Business Act 1982* will be amended in Part 6.

Clause 34 amends section 9 by removing subsections that establish and make reference to the Board of Trustees. The new section 9(2) provides that the registrar must administer the fund. Section 6 provides that the chief executive is the registrar of funeral benefit businesses. The amendment in clause 34 also removes a reference to the *Financial Administration and Audit Act 1977,* part 8, division 2, as it is transitional in nature and has expired.

Clause 35 omits section 10 which establishes the Trustees of the Funeral Benefit Trust Fund as a statutory body.

Clause 36 amends section 15(1) to remove a reference to the trustees of the Board of Trustees.

Clause 37 amends section 16 to remove references to the trustees of the Board of Trustees, which is replaced by references to the registrar.

Clause 38 amends section 18 to remove references to the trustees of the Board of Trustees which are replaced by references to the registrar.

Clause 39 amends section 22(2) to remove the requirement that the registrar certify in writing to the Board of Trustees and amends section 22(3) to remove the requirement that the Board of trustees pay to the corporation the amount certified by the registrar as payable. As a consequence of the removal of the Board of Trustees the penalty and the continuing offence provision are also removed.

Clause 40 amends the heading of section 88 and removes references to the trustees of the Board of Trustees as the regulation making power can no longer include the making of a regulation with respect to the Board of Trustees, as the Board of Trustees is abolished as part of this Bill. As a consequence the amendment provides that a regulation can be made with respect to the conduct of the administration of the fund.

Clause 41 inserts a new part 9. Part 9 includes the transitional provisions. The transitional provisions provide for a smooth transition of the functions of the Board of Trustees to the registrar by, among other things, allowing the registrar to deal with matters, such as claims made on existing documents that are already underway, before the abolition of the Board of Trustees brought about by this Bill. The new section 91 provides that at commencement, the

trustees are no longer members of the board, the board is abolished and members are not eligible for compensation. The new section 92 provides that the State is the successor in law of the board. The new section 93 provides for a process for the registrar to deal with a claim received and not yet finalised before commencement. The new section 94 provides that reference to the board in an Act or other document, if in context, be taken as a reference to the registrar. The new section 95 provides that a proceeding by or against the board immediately before commencement, may be started by or against the State. The new section 96 provides that anything done by the board under the Act, which after commencement, could be done by the registrar continues to have effect and from commencement, is taken to have been done by the registrar.

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

Clause 42 provides that Part 7 amends the *Gaming Machine Act 1991* (Gaming Machine Act).

Clause 43 amends section 3 to clarify that *conduct of gaming* is a reference to centralised credit system transactions.

Clause 44 amends section 29 to omit subsection 29(7), which relates to the Queensland Civil and Administrative Tribunal review of approvals of trainers of responsible service of gambling under Part 10A, as this Part is being removed by this Bill (in a later clause).

Clause 45 amends section 50 to remove a reference to section 336 in identifying powers that the Commissioner cannot delegate. A subsequent amendment, later in the Bill, is made to section 336 to clarify which powers under this section cannot be delegated by the Commissioner. These amendments are required to achieve the intent of the legislation by ensuring that the Commissioner cannot delegate the decision to terminate an agreement, but can delegate all other matters under section 336, as was the original intent of the legislation and its effect prior to amendment in 2012 (No. 25).

Clause 46 amends section 53 to omit a reference to subsection 18(7), which is now redundant as a result of amendments to the Gaming Machine Act in 2012 (No. 25).

Clause 47 amends section 55A to add a new requirement that applications of significant community impact be published on the department's website to reflect changes in technology, to align with amendments to section 55C.

Clause 48 omits paragraphs within section 55C which require advertisement by applicants of applications of significant community impact in the Government Gazette and in newspapers, in order to reduce red tape for industry and reflect changes in technology. These requirements are replaced by the amendments to be made to section 55A, which require applications of significant community impact to be published on the department's website.

Clause 49 omits parts of section 56(5) to reduce the information and documentation required by applicants for a gaming machine licence in order to reduce the regulatory burden.

Clause 50 removes a reference to the renewal of a gaming machine licence in section 67. This section outlines requirements for club licensees when their circumstances change. The

requirement to renew gaming machine licences is removed by this Bill (in a later clause) as a red tape reduction initiative and therefore reference to renewals of licences is no longer required.

Clause 51 amends section 68 to remove references to expiry of gaming machine licence, as licences will no longer expire because the requirement to renew licences is removed by the Bill.

Clause 52 amends section 69 to remove references to expiry of gaming machine licence, as licences will no longer expire because the requirement to renew licences is removed by the Bill.

Clause 53 amends section 71A which relates to the replacement of gaming machine licences for particular changes (ie. a decision approving an increase or a decrease in the approved number of gaming machines, or to the hours of gaming) to a licensee's licensed premises. The clause removes subsections that relate to an obligation of a licensee to install gaming machines in accordance with set time limits under section 80A and section 85AA. This obligation is removed by this Bill (in a later clause) as a red tape reduction initiative and therefore associated references are no longer required.

Clauses 54 omits section 72 to remove the requirement to renew gaming machine licences every five years, as means to reducing the regulatory burden on licensees. Although the requirement to renew gaming machine licences has been removed, the show cause process for any licensee who commits an offence under the Act will not be affected under this amendment.

Clause 55 omits section 76 to remove the requirement to renew gaming machine licences every five years, as a means to reducing the regulatory burden on licensees. Although the requirement to renew gaming machine licences has been removed, the show cause process for any licensee who commits an offence under the Act will not be affected under this amendment.

Clause 56 omits section 80A, which requires that an applicant who is granted a gaming machine licence must install the approved number of gaming machines for the premises within two years of the date the licence application was granted, to reduce the regulatory burden.

Clause 57 omits section 85AA, which requires that a licensee who is granted an increase in the approved number of gaming machines must install the additional machines within one year of the approval, to reduce the regulatory burden.

Clause 58 amends section 87 to provide that a Category 2 licensee has two years to dispose of entitlements following approval of a decrease application instead of one year, as a means of reducing the regulatory restrictions on licensees.

Clause 59 makes a minor amendment to the editor's note in section 90, to update sectional references, as a consequence of amendments in this Bill.

Clause 60 replaces references to one year with two years in section 91A, as part of the measure to provide a Category 2 licensee with two years to dispose of entitlements following a decrease application, as a means of reducing the regulatory restrictions on licensees.

Clause 61 removes a reference to the renewal of a gaming machine licence in section 92 consistent with other amendments in this Bill which remove renewal requirements to reduce the regulatory burden.

Clause 62 amends section 94 of the Gaming Machine Act to streamline reporting requirements for body corporate hotel and club licensees of management changes. Existing licensees will only have to report on management changes once a year, when they pay their liquor licence fees (for hotels) or report on their financial operations under section 304 (for clubs), rather than within seven days of change occurring. Applicants for licences will still have to advise of a management change within seven days to assist the Commissioner in making a decision on an application.

Clause 63 replaces a reference to one year with two years in section 95, in accordance with the initiative to provide a Category 2 licensee with two years to dispose of entitlements following a decrease application.

Clause 64 amends section 97 to ensure the clarity of the legislation by changing a reference to section 58(4) which is no longer accurate as a result of renumbering as part of previous legislative amendments. The clause replaces it with a reference to section 58(6), which is the correct reference.

Clause 65 removes a reference to the renewal of a gaming machine licence in section 103, as part of the initiative to remove the renewal requirements for clubs and hotels with gaming machine licences.

Clause 66 removes references to the renewal of a gaming machine licence from section 104, as part of the initiative to remove the renewal requirements for clubs and hotels with gaming machine licences.

Clause 67 amends section 109D to provide that the amount received for the sale of an operating authority of the State must be paid into the consolidated fund rather than the CIF.

Clause 68 amends section 109E to provide that the amount received for the sale of a licensee's operating authority must be paid into the consolidated fund rather than the CIF.

Clause 69 removes references to the renewal of a gaming machine licence and the requirement to install gaming machines within a specified period which are referenced in sections 109F(1)(a) to (c) and 109F(2)(a).

Clause 70 replaces a reference to one year with two years in section 109L, as part of the initiative to provide a Category 2 licensee with two years to dispose of entitlements following the surrender of a gaming machine licence.

Clause 71 removes references in section 109ZA to the renewal of a gaming machine licence and the requirement to install gaming machines within a specified period.

Clause 72 amends section 109ZE to provide that the amount received for the sale of an entitlement to the State must be paid into the consolidated fund rather than the CIF.

Clause 73 removes reference to the renewal of a gaming machine licence and the requirement to install gaming machines within a specified period which are referenced in section 109ZH(3)(a) to (c).

Clause 74 removes references and requirements for approved control systems in section 163, as the requirement for the approval of control systems under the Gaming Machine Act is removed in order to reduce the regulatory burden on industry. Operators will still be required to have a control system, which they must not contravene, and which they must make available for inspection by an authorised inspector. A maximum penalty of 200 penalty units applies if they do not comply with these requirements. Having a control system available for inspection is a new offence, but this is necessary to ensure operators have a control system, as the Bill removes the previous offence of not having an approved control system, which also incurred a maximum penalty of 200 penalty units. It is noted that the relevant gaming Acts have an existing general provision dealing with a failure to produce a document on request by an inspector. The penalty for committing the offence under each of the Acts is 40 penalty units. However, the larger penalty for the new offence of not making a control system available for inspection is to ensure operators have a completed control system and comply with it. If the new offence was not included with a maximum penalty of 200 penalty units, an operator could potentially avoid being convicted of the offence of not having a control system or contravening a control system (which incurs a maximum penalty of 200 penalty units) by refusing to make the control system available. They then could only be convicted of failing to produce a document, which is 40 penalty units. Therefore the new offence provision, with its 200 penalty unit maximum penalty, is necessary to prevent operators using failure to provide the document as a loophole to avoid incurring greater penalties for not complying with other provisions relating to control systems.

Clause 75 removes sections relating to the approving of a control system and inserts a new section 164 and 165 which prescribes what must be included in the control system which operators must make available for inspection by an inspector. The Commissioner can direct an operator to change a control system if required to protect the integrity and conduct of gaming.

Clause 76 removes a reference to ‘approved’ in section 185 as control systems are no longer approved by the Commissioner.

Clause 77 removes a reference to ‘approved’ in section 214A as control systems are no longer approved by the Commissioner.

Clause 78 amends section 240 to clarify that the section does not apply if the gaming token is a ticket used as part of a TITO system, and substitutes the current reference to section 231(1) with 231(4).

Clause 79 amends section 242A to extend the period for which unclaimed payments must be remitted from the licensee to Government from 3 months and 14 days to 12 months and 14 days.

Clause 80 amends section 250 to provide that a person employed by a licensee to carry out TITO system transactions must not allow a gaming system component installed, or available for use, on the licensee's licensed premises to be played or used, except for testing purposes, if the component malfunctions when it is played or used. The clause also amends section 250(1)(c)(iv) to clarify that a centralised credit transaction is a centralised credit system transaction.

Clause 81 amends section 265 to remove the requirement that clubs and hotels must apply to the Commissioner to be able to acquire or dispose of gaming machines. This removes an unnecessary approval process, as clubs and hotels must already seek approval to have or increase or decrease gaming machines and also obtain or sell entitlements (for clubs) or operating authorities (for hotels) through approved reallocation schemes.

Clause 82 amends section 271 to clarify gaming machine licensees can supply authorised gaming machines to authorised persons and acquire authorised gaming machines.

Clause 83 amends section 287 to clarify the status of the approved trust accounts and protect the money paid into 'jackpot funds' trust accounts from creditors in the event that a LMO becomes insolvent.

Clause 84 amends section 295 to provide that a licensee must carry out a money clearance complying with section 297 of a TITO system installed on the licensee's licensed premises.

Clause 85 amends section 296 to provide that a licensee, at least 4 times a month, must carry out a money clearance on any TITO system.

Clause 86 amends section 297 to provide that for a money clearance of a TITO system, the amount to be deducted is the amount calculated on the basis fixed under a regulation.

Clause 87 replaces the Part 9 heading to provide that Part 9 relates to financial provisions.

Clause 88 omits sections 313 and 314, which provided for the sport and recreation benefit fund and CIF respectively.

Clause 89 amends section 315 to provide that, subject to any necessary appropriation, an amount may be paid into the gambling community benefit fund from the consolidated fund, and the Minister may pay an amount from the fund to an entity for the benefit of the community. Clause 89 also provides that the Minister must consider any relevant recommendations given by the Gambling Community Benefit Committee established under section 316 to make payments from the gambling community benefit fund.

Clause 90 amends section 322 to provide that gaming machine tax, the health services levy, a penalty imposed under section 319 and other fees and charges payable under the Act must be paid into the consolidated fund.

Clause 91 amends section 336 to clarify which powers under this section cannot be delegated by the Commissioner. The amendment is required to achieve the intent of legislation by ensuring that the Commissioner cannot delegate the decision to terminate an agreement, but can delegate all other matters under section 336, as was the original intent of the legislation and its effect prior to amendment in 2012 (No. 25).

Clause 92 amends section 349 to provide that a person employed by a licensee to carry out TITO transactions on behalf of the licensee must not induce a person to deliver, give or credit to the licensee or another person, any money, gaming tokens, gaming machine credits, benefit, advantage, valuable consideration or security. The clause also amends section 349(3)(b) to clarify that a centralised credit transaction is a centralised credit system transaction.

Clause 93 omits Part 10A to remove the requirement for trainers to apply for approval to deliver a responsible service of gambling course. This ensures the provisions in the Gaming Machine Act relating to the delivery of a responsible service of gambling course are consistent with national vocational education and training legislation. The amendment also reduces the regulatory burden on trainers, which are currently regulated under both the Gaming Machine Act and federal legislation. A responsible service of gambling course certificate will still be required by staff.

Clause 94 amends section 356 to update references to subsections in section 265 to reflect amendments made to section 265 in an earlier clause of this Bill.

Clause 95 removes a redundant reference to section 18(7) which was removed by amendments to the Gaming Machine Act in 2012 (No. 25).

Clause 96 inserts new transitional provisions into the Gaming Machine Act, which provide for the effective transition to the new provisions given effect in this Bill. Matters provided for in the transitional amendments include the following:

- To clarify that the date of a renewal of a licence as stated under previous section 67(4) can still be used to calculate relevant time under section 67(1) in order to provide for requirements regarding changes in circumstances for club licensees.
- To clarify that if a licence has not been renewed before the commencement of this Bill, requirements under section 103 and 104 still apply in regard to amounts payable and disposal of gaming machines.
- To clarify that a person can still review a decision by the Commissioner regarding their renewal of licence if it occurred prior to commencement of this Bill.
- To provide that if a licensees' licence expires within one month of the commencement of this Bill, and they are granted an extension by the Commissioner, and the extension has not expired when the Bill commences, then the licence does not need to be renewed.
- To provide that if a licensees' licence expires within two months of the commencement of this Bill and they have been renewed and paid the fee, they can be refunded.
- To remove any ambiguity regarding the prosecution of persons not complying with the provisions (amended in this Bill) of the Gaming Machine Act prior to commencement of this Bill. These persons will still be able to be prosecuted even if proceedings have not commenced.
- To ensure that persons who have completed responsible service of gambling training within three years prior to the commencement of the Bill will still be able to perform gaming duties and tasks until the expiry of their certificate (ie three years after completing the course), without having to complete a new approved course.
- Inserts a new section to provide that the sport and recreation benefit fund under the previous section 313 is closed and that any amount remaining in the fund is transferred to the consolidated fund.

- Inserts a new section to provide that the former CIF is closed and that any amount in the fund is transferred to the consolidated fund.
- Inserts a provision in section authorising the Treasurer, without further appropriation, to withdraw an amount and to pay it to an entity if the Treasurer either decided, before the commencement of the section, to pay the amount to the entity out of the former CIF, or the Treasurer is satisfied the relevant Minister, before the commencement of the section, decided to pay the amount to the entity out of the continuing fund.
- Provides a definition 'continuing fund' to mean the casino community benefit fund under section 52(1) of the *Casino Control Act 1982*, or the gambling community benefit fund under section 315 of the Gaming Machine Act. 'Former community investment fund' means the community investment fund under previous section 314. It also provides a definition of 'Minister' to mean the Minister responsible, before the commencement of section 487, for administering the relevant continuing fund.

Clause 97 removes the entry for section 76 from Schedule 1 which relates to the renewal of a gaming machine licence and provides that a decision by the Commissioner directing a licensed provider to include an additional matter in the provider's control system is subject to review.

Clause 98 amends Schedule 2 of the Gaming Machine Act to omit, replace and amend definitions to ensure the clarity and effectiveness of the legislation and give effect to amendments within the Bill. A new definition is inserted for 'centralised credit system' to mean any electronic or computer system or device designed to be used for, or adapted to enable the centralised storage of credits of gaming tokens and the transfer of stored credits of gaming tokens to and from a gaming machine. The definition reflects the operation of a centralised credit system as a system that is capable of moving money held in credit by the venue all around the venue (i.e. from one electronic gaming machine to another) from a centralised system.

The clause also inserts a definition for 'ticket' to mean an item that displays a value in Australian currency and is designed to be used as part of a TITO system in the place of Australian currency. The clause also inserts a definition for 'TITO system' to mean 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. The definition reflects the definition of a TITO system as a centralised system which authenticates TITO tickets (i.e. identify that the ticket is valid, including the value of the ticket) and move the TITO ticket values to or from a gaming machine.

Clause 98 also amends the definition of 'gaming token' to refer to a ticket, amends the definition of gaming related system to also mean a TITO system, and amends the definition of restricted component to also include a reference to a TITO system. The clause also amends the definition 'money clearance' to provide that in relation to a TITO system a money clearance means 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. It also clarifies that in relation to the money clearance of gaming tokens from an electronic gaming machine, tickets are excluded.

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

Clause 99 states that Part 8 amends the *Interactive Gambling (Player Protection) Act 1998* (Interactive Gambling Act).

Clause 100 amends section 19 to remove a reference to 'approved' control system, as control systems under this Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 101 amends section 60 to remove a reference to 'approved' control system, as control systems under this Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 102 amends section 77 to remove a reference to 'approved' control system, as control systems under this Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 103 omits section 116, which provided for the Minister to pay a percentage of interactive gambling taxes into the CIF.

Clause 104 removes references and requirements for approved control systems in section 127, as the requirement for the approval of control systems under the Interactive Gambling Act is removed in order to reduce the regulatory burden on industry. Providers will still be required to have a control system, which they must not contravene, and which they must make available for inspection by an authorised inspector. A maximum penalty of 200 penalty units applies if they do not comply with these requirements. Having a control system available for inspection is a new offence, but this is necessary to ensure operators have a control system, as the Bill removes the previous offence of not having an approved control system, which also incurred a maximum penalty of 200 penalty units. It is noted that the relevant gaming Acts have an existing general provision dealing with a failure to produce a document on request by an inspector. The penalty for committing the offence under each of the Acts is 40 penalty units. However, the larger penalty for the new offence of not making a control system available for inspection is to ensure operators have a completed control system and comply with it. If the new offence was not included with a maximum penalty of 200 penalty units, an operator could potentially avoid being convicted of the offence of not having a control system or contravening a control system (which incurs a maximum penalty of 200 penalty units) by refusing to make the control system available. They then could only be convicted of failing to produce a document, which is 40 penalty units. Therefore the new offence provision, with its 200 penalty unit maximum penalty, is necessary to prevent operators using failure to provide the document as a loophole to avoid incurring greater penalties for not complying with other provisions relating to control systems.

Clause 105 removes sections relating to the approving of a control system and inserts a new section 128 and 129 which prescribes what must be included in the control system which providers must make available for inspection by an inspector. The Chief Executive can direct a provider to change a control system if required to protect the integrity and conduct of gaming and ensuring amounts payable to the State are properly worked out and paid.

Clause 106 amends section amends section 134 to remove a reference to 'approved' control system, as control systems under the Interactive Gambling Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 107 inserts transitional provisions in the Interactive Gambling Act to remove any ambiguity regarding the prosecution of persons not complying with the provisions of the Interactive Gambling Act (amended in this Bill) prior to commencement of this Bill. These persons will still be able to be prosecuted if they commit the offence prior to commencement even if proceedings have not commenced.

Clause 108 provides that a decision by the Chief Executive directing a licensed provider to include an additional matter in the provider's control system is subject to review.

Clause 109 amends Schedule 3 to omit definitions relating to approved control systems, as control systems are no longer to be approved by the Chief Executive under the Interactive Gambling Act by effect of this Bill.

Part 9- Amendment of the *Keno Act 1996*

Clause 110 states that Part 6 amends the *Keno Act 1996* (Keno Act).

Clause 111 amends section 61 to remove a reference to 'approved' control system, as control systems under the Keno Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 112 omits section 113, which provided for the Minister to pay a percentage of keno taxes into the CIF.

Clause 113 removes references and requirements for approved control systems in section 117, as the requirement for the approval of control systems under the Keno Act is removed in order to reduce the regulatory burden on industry. Licensees will still be required to have a control system, which they must not contravene, and which they must make available for inspection by an authorised inspector. A maximum penalty of 200 penalty units applies if they do not comply with these requirements. Having a control system available for inspection is a new offence, but this is necessary to ensure operators have a control system, as the Bill removes the previous offence of not having an approved control system, which also incurred a maximum penalty of 200 penalty units. It is noted that the relevant gaming Acts have an existing general provision dealing with a failure to produce a document on request by an inspector. The penalty for committing the offence under each of the Acts is 40 penalty units. However, the larger penalty for the new offence of not making a control system available for inspection is to ensure operators have a completed control system and comply with it. If the new offence was not included with a maximum penalty of 200 penalty units, an operator could potentially avoid being convicted of the offence of not having a control system or contravening a control system (which incurs a maximum penalty of 200 penalty units) by refusing to make the control system available. They then could only be convicted of failing to produce a document, which is 40 penalty units. Therefore the new offence provision, with its 200 penalty unit maximum penalty, is necessary to prevent operators using failure to provide the document as a loophole to avoid incurring greater penalties for not complying with other provisions relating to control systems.

Clause 114 removes sections relating to the approving of a control system and inserts a new section 118 and 119 which prescribes what must be included in the control system which licensees must make available for inspection by an inspector. The Chief Executive can direct an licensee to change a control system if required to protect the integrity and conduct of gaming and ensuring amounts payable to the State are properly worked out and paid.

Clause 115 inserts transitional provisions in the Keno Act to remove any ambiguity regarding the prosecution of persons not complying with the provisions of the Keno Act (amended in this Bill) prior to commencement of this Bill. These persons will still be able to be prosecuted if they commit the offence prior to commencement even if proceedings have not commenced.

Clause 116 provides that a decision by the Chief Executive directing a licensed provider to include an additional matter in the provider's control system is subject to review.

Clause 117 amends Schedule 4 to omit definitions relating to approved control systems, as control systems are no longer to be approved by the Chief Executive under the Keno Act by effect of this Bill.

Part 10- Amendment of the *Liquor Act 1992*

Clause 118 states that Part 10 amends the *Liquor Act 1992* (Liquor Act).

Clause 119 inserts a new Division 1 (Introduction) heading at the beginning of Part 1 of the Liquor Act to increase its clarity.

Clause 120 inserts a new Division 2 (Interpretation) heading after section 3A in Part 1 of the Liquor Act to increase its clarity.

Clause 121 amends section 4, which provides definitions for the Liquor Act. The section amends a number of existing definitions such as 'approved risk management plan' and 'approved training course' to reflect changes to the Liquor Act by effect of this Bill. It also inserts new definitions, such as 'commercial complex' and 'fundraising event' to clarify amended or new provisions within the Liquor Act given effect by this Bill. It also omits the definition for 'community investment fund'.

Clause 122 inserts a new Division 3 (Key Concepts) heading after section 4C in Part 1 of the Liquor Act to increase its clarity.

Clause 123 inserts a new Division 4 (Exemptions) heading after section 11 of Part 1 of the Liquor Act to increase its clarity. It also inserts a definition for 'non-profit entity' to give effect to certain new provisions relating to exemptions for fundraising events by non-profit entities under the Liquor Act.

Clause 124 amends the heading of section 12 and omits 12(2) to (4) to increase its clarity. Sections 12(2) to (4) are reproduced within clause 83 of the Bill.

Clause 125 relocates and renumbers section 13 in Part 1, Division 1, as section 2A.

Clause 126 relocates and renumbers section 14 in Part 1, Division 1, as section 3B.

Clause 127 inserts new sections 13 to 14A and a new Part 1, Division 4, Subdivision 2 which outline the parameters for exemptions available to organisations and individuals from the operation of the Liquor Act. Under section 169 of the Liquor Act, a person is restricted from selling liquor unless the sale is authorised under a licence or permit, however some exemptions apply for the supply of liquor in particular circumstances. These exemptions were prescribed previously in section 12, but a new division is now created, with exemptions incorporated across multiple sections within the division. The majority of exemptions prescribed in this Bill were already prescribed under the previous Act. However, the Bill extends exemptions to the following:

- supply/sale of liquor at a fundraising event;
- supply of liquor as a prize in raffle;
- supply of liquor to patients and residents in hospitals and nursing homes.

Currently, a community liquor permit (CLP) is required for liquor to be sold at low risk one-off fundraising events such as work social club functions, school fetes and trivia nights. These events are often conducted by associations for fundraising purposes, where the association wishes to offer a convivial environment to supporters.

To reduce red tape, the Bill amends the Liquor Act to remove the requirement for a CLP for low risk fundraising events. The Bill inserts a new section 13 which outlines the circumstances under which the supply of alcohol at an event will be exempt from the operation of the Liquor Act and the responsibilities of the organisation when conducting the event. The section provides that liquor may be supplied for a period of up to 8 hours. It is intended that this criterion will allow for eligible entities to supply liquor at the event for any number of periods that, in total, equal the allowed period.

As an example, a school fete may supply liquor at an event being conducted under the exemption for the periods of 10am to 4pm and 7pm to 9pm. The total number of hours during which liquor is supplied does not exceed 8 hours.

It is not intended that the supply of alcohol under the exemption will be limited to the eligible entity which organised the fundraising event. Rather, it is intended any eligible entity, with the permission of the eligible entity organising the event, will be able to supply liquor under the exemption. All eligible entities supplying liquor under the exemption will be required to individually qualify for the exemption.

For example, an eligible entity organises a large scale fundraising event which will allow other non-profit associations to access the general public for fundraising purposes. The eligible entity which organised the event will qualify for the exemption and will not be required to apply for a CLP. If other associations qualify as eligible entities, and conform to the requirements of the exemption, they will be able to supply liquor at the event under the exemption.

The exemption will not apply if the event does not satisfy the criteria prescribed in section 13. Further, if during the course of the event, an investigator or police officer considers that the eligible entity has not complied with the criteria, the investigator or police officer may give a notice stating:

- action that must be taken to conform with the criteria of the exemption; or
- the sale of liquor must cease immediately.

The ability to apply for a CLP will still remain, so if a non-proprietary club or association wishes to hold an event that does not fit within the parameters of the exemption provisions, they can still apply for a permit in order to conduct the function in the manner that they wish.

The clause also inserts a new section 14A, which provides a new exemption from the requirement to be licensed under the Liquor Act in order to legally sell and supply liquor, to nursing homes and hospitals that are not located within a restricted area. The exemption will apply to liquor supplied in nursing homes to residents and adult guests, as well as patients of hospitals, provided that the quantity of liquor sold to the person is not more than two standard drinks in a day. These amendments will provide clarity to operators about licensing requirements and reduce the regulatory burden of applying and paying for a licence where only a limited amount of liquor is to be supplied as a subsidiary element of their operations.

Clause 128 amends section 21 to correct an inaccurate reference to another section as a result of amendments in this Bill.

Clause 129 amends an example in section 42A to give greater clarity to the Act by referencing the relevant section relating to Community Impact Statements (CISs) (section 116, which is amended by the Bill), to which the example relates.

Clause 130 omits section 50 of the Liquor Act which prescribes definitions for Part 3A. These definitions are moved to section 4, which prescribes definitions for the entire Act, giving the Act greater consistency in respect to definitions. The clause also amends section 51 which relates to approval of risk assessed management plans. The amendment clarifies the section and its interaction with section 105A, which provides, by effect of this Bill, that some low risk premises do not need to have approved risk assessed management plans.

Clause 131 amends section 52 to improve the clarity of the section.

Clause 132 amends section 67AA to clarify that a licensee, authorised under this section, can serve liquor to patrons during the day in association with a meal, without also providing entertainment. This amendment reinstates a right to act as a restaurant during the day that was previously granted under the on-premises (cabaret) licence, but unintentionally removed by legislative amendments in 2008, as there were no negative effects emanating from those provisions.

Clause 133 omits paragraphs within section 105 which require applicants for a licence or restricted liquor permit, or other relevant applications related to licensed premises, to submit a risk-assessed management plan (RAMP) or a revised RAMP. These provisions are transferred and subsequently amended within a new section 105A as detailed in a clause later in this Bill.

Clause 134 inserts a new section 105A, which exempts applicants for certain low risk premises (restaurants/cafes) from the requirement to submit a RAMP so as to reduce regulatory red tape. The RAMP exemption will apply to low risk restaurants and cafes that are not situated in a restricted area community, provided that they are not applying to trade outside ordinary trading hours and no adult entertainment will be provided at the premises. The Commissioner can still require a RAMP to be provided in conjunction with an otherwise exempt application, in order to: ensure compliance with and to give affect to purposes of the

Liquor Act; reduce alcohol related harm; or to give effect to a decision of the tribunal about the management of premises.

Clause 135 replaces a reference in section 107A to 'Commissioner' with the correct reference to 'Chief Executive' as it refers to Chief Executives of Departments across Government, not the Commissioner for Liquor and Gaming. The reference to Commissioner was an unintentional change made during broader reforms to the legislation in 2012.

Clause 136 removes an inaccurate reference to section 103H and replaces it with a reference to the appropriate section 103Q. The inaccurate reference was a result of sectional renumbering in previous legislative amendments.

Clause 137 amends section 116 to expand upon the circumstances in which the Commissioner may waive the requirement for an applicant for a licence to submit a CIS, in order to reduce the regulatory red tape associated with certain applications for restaurants/cafes. The CIS exemption will apply to low risk restaurants and cafes that will not adversely impact upon the amenity of the community, provided that they are not applying to trade outside ordinary trading hours, have no amplified entertainment and are surrounded by similar businesses. The amendments will also maintain the existing CIS exemption for 'special circumstances', which include applications where the premises has held a similar or lower risk liquor licence in the past and the application, if granted, would pose minimal risk; and if the requirement to advertise the application has been waived by the Commissioner.

Clause 138 amends the definition of relevant application in section 117 to reflect that certain low risk premises may not be required to complete a CIS under section 116, as amended by this Bill.

Clause 139 amends section 118 to exempt certain applicants for restaurants/cafes and detached bottle shops from the standard advertising requirements in order to reduce the regulatory burden and the processing time associated with these applications. The exemption will apply to premises that are not applying to trade outside ordinary trading hours, with no amplified entertainment provided (restaurants/cafes) and are located within established retail precincts (bottle shops). The amendments also state that the Commissioner may give notice under a new section 118AA, to require an otherwise exempt application to be advertised, where, for example, there is a potential for harm or adverse impact on the local community.

Clause 140 inserts a new section 118AA, to provide an outline of the circumstances where the Commissioner may require an otherwise exempt application for a restaurant/cafe or a detached bottle shop to be advertised. Relevant circumstances include where it is reasonably considered by the Commissioner that amplified entertainment will be provided at the premises or that there is a potential for harm or adverse impact on the local community should the application be granted.

Clause 141 amends section 118A to reflect the removal of the advertising requirements for certain low risk premises (subsidiary on premises licences where the principal activity is the provision of meal [cafes/restaurants] and detached bottle shops) and the renumbering of clauses within section 116 due to other amendments.

Clause 142 amends section 121 to reflect that certain low risk premises may not be required to complete a CIS under section 116, as amended by this Bill, and updates a reference to section 116(7).

Clause 143 amends section 122 to update sectional references as a consequence of amendments in this Bill.

Clause 144 amends section 141 to clarify that if approval is given under section 153 for the licensee to sublet under a commercial special facility licence, the Commissioner cannot order closure of the business if it is conducted by a person who is an approved manager and an employee of the lessee or a franchisee or person with a management agreement for part of the licensed premises.

Clause 145 amends Part 5A to omit the words 'and approved training course' from the heading of this Part to be consistent with the removal of the requirement for trainers to be approved for the approved training course. This amendment ensures that the Act is consistent with national vocational education and training legislation and reduces the regulatory burden on trainers.

Clause 146 amends section 142B to remove the requirement for trainers to apply for approval to deliver the approved training course.

Clause 147 amends section 142C to remove the conditions relating to the Commissioner deciding an application for approval of a trainer to deliver the approved training course.

Clause 148 amends section 142G to remove the conditions relating to the Commissioner renewing or refusing to renew trainer approvals to deliver the approved training course.

Clause 149 amends section 142L to remove conditions relating to grounds for cancellation of approval of trainers to deliver the approved training course.

Clause 150 removes a redundant reference subsection 153(4) as a result of previous amendments to the Liquor Act in 2008 (No. 48).

Clause 151 amends section 155 (4)(d) which provides that a minor is an exempt minor if the minor is on premises to which a community club licence or restricted liquor permit relates and the minor's presence does not contravene the club's rules or a condition of the licence or permit. The amendment ensures that the section also relates to community other licences, which was the original intent of the legislation.

Clause 152 amends section 155AD to provide that an approved manager who is required to be present or readily available at licensed premises, is employed in the capacity of an approved manager, and as such, is in control of the premises in accordance with section 142ZF of the Liquor Act, not just performing other duties or present on the premises for social purposes. The clause removes existing subsection (4B), which references the limitation on the Commissioner's power under section 107C as it is not considered necessary as the Commissioner may already apply conditions under section 107C and is therefore already limited by section 107C(1). The amendments also provide for renumbering of subsections for ease of reference.

Clause 153 amends section 155AE to remove the requirement for licensees to keep an approved managers' register. The amendment retains the requirement for licensees to keep copies of approved managers' current training course certificates and current licensees' course certificates reasonably available for inspection by an investigator. A maximum penalty of 100 penalty units will still apply.

Clause 154 replaces subsection 155AF(4) to clarify the terms 'present' and 'reasonably available' for the section, reflecting amendments to section 155AD.

Clause 155 omits the definition of 'relevant restricted area' from section 168C as the definition will be placed in section 4 as a result of this Bill.

Clause 156 amends section 199 to omit the definition for 'community investment fund'.

Clause 157 omits section 219, which provided for the Minister to pay into the CIF each month all licence fees received by the commissioner for the previous month.

Clause 158 amends section 220 to provide that all fees and charges payable under the Act must be paid into the Consolidated Fund.

Clause 159 amends an inaccurate reference to 'Commissioner' in a transitional section and replaces it with the appropriate reference to 'Commission' to improve the clarity of the legislation.

Clause 160 inserts new transitional provisions into the Liquor Act, which provide for the effective transition to the new provisions given effect in this Bill. An amendment ensures that persons who have completed responsible service of alcohol training within three years prior to the commencement of the Bill will still be able to perform gaming duties and tasks until the expiry of their certificate (ie three years after completing the course), without having to complete a new approved course.

Part 11- Amendment of the *Lotteries Act 1997*

Clause 161 states that Part 11 amends the *Lotteries Act 1997* (Lotteries Act).

Clause 162 amends section 40 to remove a reference to 'approved' control system, as control systems under the Lotteries Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 163 amends section 59 to remove a reference to 'approved' control system, as control systems under the Lotteries Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 164 omits section 99A, which provided for the Minister to pay a percentage of lottery taxes into the CIF.

Clause 165 removes references and requirements for approved control systems in section 100, as the requirement for the approval of control systems under the Lotteries Act is removed in order to reduce the regulatory burden on industry. Operators will still be required to have a control system, which they must not contravene, and which they must make

available for inspection by an authorised inspector. A maximum penalty of 200 penalty units applies if they do not comply with these requirements. Having a control system available for inspection is a new offence, but this is necessary to ensure operators have a control system, as the Bill removes the previous offence of not having an approved control system, which also incurred a maximum penalty of 200 penalty units. It is noted that the relevant gaming Acts have an existing general provision dealing with a failure to produce a document on request by an inspector. The penalty for committing the offence under each of the Acts is 40 penalty units. However, the larger penalty for the new offence of not making a control system available for inspection is to ensure operators have a completed control system and comply with it. If the new offence was not included with a maximum penalty of 200 penalty units, an operator could potentially avoid being convicted of the offence of not having a control system or contravening a control system (which incurs a maximum penalty of 200 penalty units) by refusing to make the control system available. They then could only be convicted of failing to produce a document, which is 40 penalty units. Therefore the new offence provision, with its 200 penalty unit maximum penalty, is necessary to prevent operators using failure to provide the document as a loophole to avoid incurring greater penalties for not complying with other provisions relating to control systems.

Clause 166 removes sections relating to the approving of a control system and inserts a new section 101 and 102 which prescribes what must be in the control system which operators must make available for inspection by an inspector. The Chief Executive can direct an operator to change a control system if required to protect the integrity and conduct of gaming and ensuring amounts payable to the State are properly worked out and paid.

Clause 167 inserts transitional provisions in the Lotteries Act to remove any ambiguity regarding the prosecution of persons not complying with the provisions of the Lotteries Act (amended in this Bill) prior to commencement of this Bill. These persons will still be able to be prosecuted if they commit the offence prior to commencement even if proceedings have not commenced.

Clause 168 provides that a decision by the Chief Executive directing a licensed provider to include an additional matter in the provider's control system is subject to review.

Clause 169 amends Schedule 3 to omit definitions relating to approved control systems as control systems are no longer to be approved by the Chief Executive under the Lotteries Act by effect of this Bill.

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

Clause 170 states that this part amends the *Recording of Evidence Act 1962*.

Clause 171 inserts a new section 5B(3A) which permits the chief executive, Department of Justice and Attorney-General, or a delegate, to put arrangements in place which enable the Supreme Court Library Committee to obtain, at no cost, a copy of a record or a transcription of a record for the purpose of enabling the Committee to maintain and administer the Queensland Sentencing Information Service (QSIS).

Part 13- Amendment of the *Supreme Court Library Act 1968*

Clause 172 states that this part amends the *Supreme Court Library Act 1968*.

Clause 173 inserts a new heading for Part 1 of the Act.

Clause 174 has the effect of relocating the definitions currently in section 2 to a dictionary. It also inserts new definitions for the purpose of the new part 3 which relates to the Queensland Sentencing Information Service (QSIS).

Clause 175 inserts a new heading for Part 2 of the Act.

Clause 176 inserts a new heading for existing section 3 of the Act.

Clause 177 relaces existing section 10 with a new section 10. In addition to the matters listed in existing section 10, new section 10 adds monitoring and collating information about sentences imposed by courts and maintaining and administering the QSIS database to the functions of the Supreme Court Library Committee. It also inserts a new section 10A which allows the Supreme Court Library Committee to delegate it functions under Part 3 of the Act.

Clause 178 inserts a new Part 3 of the Act which includes new sections 17-23 and a new schedule.

New section 17 recognises the QSIS which is a searchable legal research database of sentencing information, including case summaries and full text judgements of sentence appeals heard in the Queensland Court of Appeal, revised sentencing remarks from the Supreme and District Courts, Chief Magistrate Notes and median sentence statistics. The purpose of the database is to help with the administration of the criminal justice system, in particular to facilitate greater consistency in sentencing.

New section 18 enables the Supreme Court Library Committee to give sentencing information to the information technology service provider (currently the Judicial Commission of New South Wales) for inclusion in the database. Access to any part of the database containing restricted information is limited to an entity entitled to access under section 19(1) or granted access under an arrangement mentioned in section 20. The Committee may allow wider access to any part of the database not containing restricted information provided the access is for a purpose mentioned in section 17(2). The term 'restricted information' is defined to mean sentencing information in the QSIS database for which disclosure is prohibited under an Act or order of a court. New section 18(5) ensures that sentencing information can be included in the database and accessed despite any other Act that restricts or prohibits the disclosure of information. This will, for example, allow the inclusion and use of transcripts of sentencing remarks made by judicial officers on sentencing. These transcripts may contain information, such as identifying information about victims or defendants, the use of which may be restricted or prohibited under other Acts. This information may be required in order to identify comparable cases for the purpose of determining appropriate sentencing options.

New section 19 limits the persons who may have access to restricted information contained in QSIS to 'relevant judicial persons' (defined to be judges and their associates, magistrates and

judicial registrars) and entities granted access by the Supreme Court Library Committee under an arrangement. The provision limits who the Supreme Court Library Committee may grant access to, being commonwealth, state and local government entities and non-government entities concerned with prosecuting offences, providing legal services to defendants or providing corrective services to offenders; parts of state government entities concerned with the administration of the criminal justice system and lawyers involved in prosecuting offences or providing legal services to defendants. These entities would include the commonwealth and state Directors of Public Prosecutions, the Queensland Police Service, Legal Aid Queensland, the Aboriginal and Torres Strait Islander Legal Service, the RSPCA, local government officers who prosecute offences under local laws, the Corrective Services Commission, law firms that provide legal services to defendants, court registry staff and the Criminal Justice Research Unit in the Department of the Premier and Cabinet.

New section 20 prescribes the requirements for an arrangement between the Supreme Court Library Committee and the entity granting access to QSIS. The arrangement must set out the purposes for which the QSIS information may be used, the persons or category of persons within the entity to whom the information may be disclosed and that the information may not be disclosed other than in accordance with the arrangement.

New section 21 makes it an offence to use the information for a purpose other than the purpose for which it was obtained. However, an exception is provided if an entity may use the information for a purpose other than the purpose for which the information was obtained under the arrangement in the performance of the entity's functions under another Act.

New section 22 enables the information to be used for the purpose for which it was obtained despite any restriction or prohibition on the use of the information under another Act.

New section 23 provides protection to a person who, acting honestly, makes information in QSIS available to an entity entitled or granted access to the database. Subsections (2) and (3) provide that a person who gives information is not liable civilly, criminally, or under an administrative process, and cannot be held to have breached any code of professional ethics, or departed from accepted standards of professional conduct. Without limiting subsections (2) and (3), subsection (4) confers protection in relation to civil proceedings, contraventions of any Act, oath, rule of law or practice or disciplinary proceedings.

Part 14- Amendment of the *Wagering Act 1998*

Clause 179 states that Part 14 amends the *Wagering Act 1998* (Wagering Act).

Clause 180 amends section 95 to remove a reference to 'approved' control system, as control systems under the Wagering Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 181 amends section 123 to remove a reference to 'approved' control system, as control systems under the Wagering Act will no longer be approved by the Chief Executive by effect of this Bill.

Clause 182 omits section 169, which provided for the Minister to pay a percentage of wagering taxes into the CIF.

Clause 183 removes references and requirements for approved control systems in section 173, as the requirement for the approval of control systems under the Wagering Act is removed in order to reduce the regulatory burden on industry. Operators will still be required to have a control system, which they must not contravene, and which they must make available for inspection by an authorised inspector. A maximum penalty of 200 penalty units applies if they do not comply with these requirements. Having a control system available for inspection is a new offence, but this is necessary to ensure operators have a control system, as the Bill removes the previous offence of not having an approved control system, which also incurred a maximum penalty of 200 penalty units. It is noted that the relevant gaming Acts have an existing general provision dealing with a failure to produce a document on request by an inspector. The penalty for committing the offence under each of the Acts is 40 penalty units. However, the larger penalty for the new offence of not making a control system available for inspection is to ensure operators have a completed control system and comply with it. If the new offence was not included with a maximum penalty of 200 penalty units, an operator could potentially avoid being convicted of the offence of not having a control system or contravening a control system (which incurs a maximum penalty of 200 penalty units) by refusing to make the control system available. They then could only be convicted of failing to produce a document, which is 40 penalty units. Therefore the new offence provision, with its 200 penalty unit maximum penalty, is necessary to prevent operators using failure to provide the document as a loophole to avoid incurring greater penalties for not complying with other provisions relating to control systems.

Clause 184 removes sections relating to the approving of a control system and inserts a new section 174 and 175 which prescribes what must be in the control system which operators must make available for inspection by an inspector. The Chief Executive can direct an operator to change a control system if required to protect the integrity and conduct of gaming and ensuring amounts payable to the State are properly worked out and paid.

Clause 185 provides that a decision by the Chief Executive directing a licensed provider to include an additional matter in the provider's control system is subject to review.

Clause 186 inserts transitional provisions in the Wagering Act to remove any ambiguity regarding the prosecution of persons not complying with provisions amended in this Bill, prior to commencement of this Bill. These persons will still be able to be prosecuted if they commit the offence prior to commencement even if proceedings have not commenced.

Clause 187 amends Schedule 2 to omit definitions relating to approved control systems as control systems are no longer to be approved by the Chief Executive under the Wagering Act by effect of this Bill.

Part 15- Amendment of the *Work Health and Safety Act 2011*

Clause 188 provides that part 15 amends the *Work Health and Safety Act 2011*.

Clause 189 amends the commencement section to provide the un-commenced amendments to the *Electrical Safety Act 2002* will commence on 1 January 2014.

Clause 190 contains consequential and minor amendments to the *Electrical Safety Act 2002*. This clause has been updated to correct a drafting oversight.

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