



Queensland

Fiscal Repair Amendment Bill 2012



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2012

A Bill

for

An Act to amend the Duties Act 2001, the First Home Owner Grant Act 2000, the Gaming Machine Act 1991, the Liquor Act 1992, the Mineral Resources Act 1989, the Petroleum and Gas (Production and Safety) Act 2004, the Queensland Competition Authority Act 1997, the State Penalties Enforcement Act 1999, the Statutory Instruments Act 1992, the Taxation Administration Act 2001 and the Vocational Education, Training and Employment Act 2000 for particular purposes, and to make consequential or minor amendments of other Acts as stated in the schedule

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Fiscal Repair Amendment Act 2012*. 4
5

Clause 2 Commencement 6

(1) Part 3, division 2 is taken to have commenced on 12 7
September 2012. 8

(2) Part 3, division 3 commences on 11 October 2012. 9

(3) Part 4, division 3 and part 5 commence on 1 July 2013. 10

(4) Parts 6 and 7 commence on 1 October 2012. 11

(5) Part 12 commences on 1 November 2012. 12

(6) The following provisions commence on a day to be fixed by 13
proclamation 14

(a) part 10; 15

(b) the schedule, other than to the extent it amends the 16
Tobacco and Other Smoking Products Act 1998. 17

Part 2 Amendment of Duties Act 2001 18

Clause 3 Act amended 19

This part amends the *Duties Act 2001*. 20

Claus 4	Amendment of s 137 (Exemption—mining, petroleum and other particular legislation)	1
		2
	(1) Section 137(1)(a)—	3
	<i>omit, insert—</i>	4
	‘(a) the grant of a resource authority; or’.	5
	(2) Section 137(3)—	6
	<i>omit.</i>	7
	(3) Section 137(4) and (5)—	8
	<i>renumber</i> as section 137(3) and (4).	9
Clause 5	Amendment of s 167 (What are an entity’s <i>land-holdings</i>)	10
	Section 167(1)(a), from ‘the entity’s’ to ‘other than’—	11
	<i>omit, insert—</i>	12
	‘the entity’s interest in land, and anything fixed to the land that may be separately owned from the land (whether or not the entity has an interest in the thing fixed to the land), other than’.	13
		14
		15
		16
Clause 6	Insertion of new ch 17, pt 17	17
	Chapter 17—	18
	<i>insert—</i>	19
‘Part 17	Transitional and declaratory provisions for Fiscal Repair Amendment Act 2012	20
		21
		22
‘Division 1	Preliminary	23
‘630	Definitions for pt 17	24
	‘In this part—	25

[s 6]

<i>acquirer</i> , in relation to a relevant acquisition in a landholder, includes a related person of the acquirer who, under section 175(2), is jointly and severally liable for the payment of landholder duty on the relevant acquisition.	1 2 3 4
<i>amending Act</i> means the <i>Fiscal Repair Amendment Act 2012</i> .	5
<i>commencement day</i> means the day this section commences.	6
<i>retrospectivity period</i> means the period beginning at the start time and ending immediately before the commencement day.	7 8
<i>start time</i> means 10.30a.m. on 13 January 2012.	9
‘Division 2 Declaratory provision	 10
‘631 Declaratory provision—effect of amending Act on meaning of <i>land</i>	11 12
‘(1) For deciding whether a resource authority, other than an exploration authority, was land under the pre-amended Act, the amendment of schedule 6 by the amending Act is to be disregarded.	13 14 15 16
‘(2) In this section—	17
<i>pre-amended Act</i> means this Act as in force before the commencement day.	18 19
‘Division 3 Provisions for exploration authorities	 20 21
‘Subdivision 1 Preliminary	22
‘632 Purpose of div 3	23
‘The purpose of this division is to provide for the imposition of duty in relation to exploration authorities during the retrospectivity period.	24 25 26

‘Subdivision 2	Liability for duty	1
‘633	Meaning of <i>land</i> for retrospectivity period	2
‘(1)	During the retrospectivity period, this Act is taken to have applied as if schedule 6, definition <i>land</i> had provided as follows—	3 4 5
	<i>‘land—</i>	6
	(a) includes—	7
	(i) airspace above land and the coastal waters of the State; and	8 9
	(ii) an exploration authority; but	10
	(b) does not include an exploration permit under the <i>Petroleum (Submerged Lands) Act 1982.</i> ’.	11 12
‘(2)	For subsection (1), schedule 6, definition <i>exploration authority</i> , as inserted by section 8 of the amending Act, is taken to have had effect on and from the start time.	13 14 15
‘634	Meaning of <i>statutory licence</i> for retrospectivity period	16
	‘During the retrospectivity period, this Act is taken to have applied as if schedule 6, definition <i>statutory licence</i> had provided as follows—	17 18 19
	<i>‘statutory licence</i> means a licence, permit or other authority issued or given under a Queensland or Commonwealth Act, other than the following—	20 21 22
	(a) a chattel authority;	23
	(b) an exploration permit under the <i>Petroleum (Submerged Lands) Act 1982.</i> ’.	24 25
‘635	Exemption from transfer duty for exploration authority granted during retrospectivity period	26 27
	‘Transfer duty is not imposed on a dutiable transaction mentioned in section 9(1)(f) that is the grant of an exploration	28 29

[s 6]

authority if liability for transfer duty arose during the
retrospectivity period. 1
2

**‘636 Exemption from transfer duty for transfer of exploration
authority under particular agreements 3
4**

- ‘(1) This section applies to a dutiable transaction mentioned in
section 9(1)(a) that is the transfer, on or after the start time, of
an exploration authority if— 5
6
7
- (a) the transfer is made under an agreement for the transfer
of the exploration authority, whether conditional or not;
and 8
9
10
 - (b) the agreement for the transfer was entered into before
the start time. 11
12
- ‘(2) Transfer duty is not imposed on the dutiable transaction. 13

**‘637 Particular exploration land-holdings not to be taken into
account for working out landholder duty 14
15**

- ‘(1) This section applies if— 16
- (a) a relevant acquisition in a landholder is made on or after
the start time; and 17
18
 - (b) there was, before the start time, an agreement to acquire
the interest that is the subject of the relevant acquisition,
whether the agreement is conditional or not; and 19
20
21
 - (c) the interest is, under section 163(2)(b), acquired after
the start time. 22
23
- ‘(2) Exploration land-holdings must be excluded from the
Queensland land-holdings of the landholder for the purposes
of— 24
25
26
- (a) if the landholder is a private landholder—working out
the dutiable value of the relevant acquisition under
section 179; or 27
28
29

(b)	if the landholder is a public landholder—working out the landholder duty imposed on the relevant acquisition under section 179A.	1 2 3
‘(3)	In this section—	4
	<i>exploration land-holdings</i> , of a landholder, means land-holdings mentioned in section 167 if the land is an exploration authority.	5 6 7
‘Subdivision 3	Obligations of parties—transfer duty	8 9
‘638	Transfer duty—transactions previously not dutiable	10
‘(1)	This section applies to a dutiable transaction for which liability for transfer duty arose during the retrospectivity period, if—	11 12 13
(a)	but for this division, the transaction would not have been a dutiable transaction under chapter 2; and	14 15
(b)	for assessing transfer duty on the dutiable transaction—	16
(i)	section 30 does not apply to the transaction; or	17
(ii)	if section 30 applies to the transaction—paragraph (a) applies to each of the dutiable transactions that are to be aggregated.	18 19 20
‘(2)	The period within which the parties liable to pay transfer duty relating to the dutiable transaction must comply with section 19(3) is taken to be 30 days after the commencement day.	21 22 23
‘(3)	For a standard self assessment of duty on the dutiable transaction—	24 25
(a)	the date liability for duty for the transaction arises is, for section 455A(3), taken to be the commencement day; and	26 27 28
(b)	the date by which a liable party to the instrument that effects or evidences the transaction must comply with	29 30

[s 6]

section 471E(1) is taken to be 30 days after the
commencement day. 1
2

**‘639 Transfer duty—dutiable transactions not assessed
before commencement day** 3
4

- ‘(1) This section applies to a dutiable transaction for which
liability for transfer duty arose during the retrospectivity
period, if— 5
6
7
- (a) but for this division, the dutiable value of the transaction
would have been required to be assessed without having
regard to an exploration authority; and 8
9
10
 - (b) because of this division, the dutiable value of the
transaction is required to be assessed having regard to
dutiable property that is an exploration authority; and 11
12
13
 - (c) before the commencement day, an assessment of a
party’s liability for transfer duty on the dutiable
transaction has not been made, or taken to have been
made, by the commissioner. 14
15
16
17

Note— 18

A reference in this subsection to a dutiable transaction includes a
reference to a dutiable transaction that should have been assessed under
section 30 together with 1 or more other dutiable transactions that, but
for this division, would not have been dutiable transactions. 19
20
21
22

‘(2) Section 638(2) and (3) applies in relation to the dutiable
transaction. 23
24

‘(3) However, to the extent unpaid primary tax relating to the
dutiable transaction is attributable to dutiable property other
than an exploration authority, section 638(2) and (3) does not
affect— 25
26
27
28

- (a) the start date for unpaid tax interest on the unpaid
primary tax under the Administration Act, section 54; or 29
30
- (b) a party’s liability for penalty tax. 31

‘640	Transfer duty—dutiab	1
	le transactions assessed before	2
	commencement day	
‘(1)	This section applies to a dutiable transaction for which	3
	liability for transfer duty arose during the retrospectivity	4
	period, if—	5
	(a) but for this division, the dutiable value of the transaction	6
	would have been required to be assessed without having	7
	regard to an exploration authority; and	8
	(b) because of this division, the dutiable value of the	9
	transaction is required to be assessed having regard to	10
	dutiab	11
	le property that is an exploration authority; and	
	(c) before the commencement day, an assessment has been	12
	made, or taken to have been made, of a party’s liability	13
	for transfer duty on the dutiable transaction.	14
	<i>Note—</i>	15
	A reference in this subsection to a dutiable transaction includes a	16
	reference to a dutiable transaction that should have been assessed under	17
	section 30 together with 1 or more other dutiable transactions that, but	18
	for this division, would not have been dutiable transactions.	19
‘(2)	Transfer duty for the dutiable transaction must be reassessed.	20
‘(3)	Within 30 days after the commencement day, a party liable for	21
	transfer duty on the dutiable transaction must—	22
	(a) give notice in the approved form to the commissioner	23
	that the reassessment is required; and	24
	(b) lodge the instrument that effects or evidences the	25
	transaction or the transfer duty statement for the	26
	transaction.	27
	<i>Note—</i>	28
	Under the Administration Act, failure to give the commissioner notice	29
	about a matter under a tax law is an offence under section 120 of that	30
	Act. Also, under the Administration Act, the requirement under	31
	paragraph (b) is a lodgement requirement for which a failure to comply	32
	is an offence under section 121 of that Act.	33
‘(4)	If a party complies with subsection (3) for the dutiable	34
	transaction, the party is not liable for penalty tax under the	35
	Administration Act, section 58(2)(c) to the extent the	36

[s 6]

difference between the transfer duty assessed on the original assessment, and on the reassessment, is attributable to dutiable property that is an exploration authority.	1 2 3
‘(5) Subsection (6) applies to unpaid tax interest that is payable on unpaid primary tax for the dutiable transaction, to the extent the tax is attributable to dutiable property that is an exploration authority.	4 5 6 7
‘(6) For the Administration Act, section 54(2) and (2A), the start date is—	8 9
(a) the due date for the reassessment under this section; or	10
(b) if the party has not complied with subsection (3)—the date that is the same number of days before the due date for the reassessment as the number of days in the periods of noncompliance with the subsection.	11 12 13 14
‘Subdivision 4 Obligations of parties—landholder duty and corporate trustee duty	15 16
‘641 Landholder duty and corporate trustee duty—acquisitions not previously dutiable	17 18
‘(1) This section applies to a relevant acquisition in a landholder or corporate trustee for which liability for duty arose during the retrospectivity period, if—	19 20 21
(a) but for this division, the acquisition would not have been a relevant acquisition in a landholder or corporate trustee under chapter 3; and	22 23 24
(b) for assessing landholder duty or corporate trustee duty on the relevant acquisition—	25 26
(i) section 180 or 223 does not apply to the acquisition; or	27 28
(ii) if section 180 or 223 applies to the acquisition—paragraph (a) applies to each of the acquisitions that are to be aggregated.	29 30 31

[s 6]

‘(2) The period within which the acquirer must comply with section 177 or 217 is taken to be 30 days after the commencement day.

‘642 Landholder duty and corporate trustee duty—relevant acquisitions not assessed before commencement day

- ‘(1) This section applies to a relevant acquisition in a landholder or corporate trustee for which liability for duty arose during the retrospectivity period, if—
- (a) but for this division, the following would have been required to be assessed without having regard to an exploration authority—
 - (i) for a relevant acquisition in a public landholder—the amount of duty imposed on the relevant acquisition;
 - (ii) otherwise—the dutiable value of the relevant acquisition; and
 - (b) because of this division, the dutiable value of, or the amount of duty imposed on, the relevant acquisition is required to be assessed having regard to—
 - (i) for landholder duty—land-holdings that are an exploration authority; or
 - (ii) for corporate trustee duty—dutiable property, or an indirect interest in dutiable property, that is an exploration authority; and
 - (c) before the commencement day, an assessment of the acquirer’s liability for landholder duty or corporate trustee duty on the relevant acquisition has not been made by the commissioner.

Note—

A reference in this subsection to a relevant acquisition includes a reference to a relevant acquisition that should have been assessed under section 180 or 233 together with 1 or more other relevant acquisitions that, but for this division, would not have been relevant acquisitions.

‘(2) Section 641(2) applies in relation to the relevant acquisition.

[s 6]

- '(3) However, to the extent unpaid primary tax relating the relevant acquisition is attributable to land-holdings or dutiable property other than an exploration authority, section 641(2) does not affect—
 - (a) the start date for unpaid tax interest on the unpaid primary tax under the Administration Act, section 54; or
 - (b) the acquirer's liability for penalty tax.

'643 Landholder duty and corporate trustee duty—relevant acquisition assessed before commencement day

- '(1) This section applies to a relevant acquisition in a landholder or corporate trustee for which liability for duty arose during the retrospectivity period, if—
 - (a) but for this division, the following would have been required to be assessed without having regard to an exploration authority—
 - (i) for a relevant acquisition in a public landholder—the amount of duty imposed on the relevant acquisition;
 - (ii) otherwise—the dutiable value of the relevant acquisition; and
 - (b) because of this division, the dutiable value of, or the amount of duty imposed on, the relevant acquisition is required to be assessed having regard to—
 - (i) for landholder duty—land-holdings that are an exploration authority; or
 - (ii) for corporate trustee duty—dutiable property, or an indirect interest in dutiable property, that is an exploration authority; and
 - (c) before the commencement day, an assessment of the acquirer's liability for landholder duty or corporate trustee duty on the relevant acquisition has been made by the commissioner.

Note—

A reference in this subsection to a relevant acquisition includes a reference to a relevant acquisition that should have been assessed under section 180 or 233 together with 1 or more other relevant acquisitions that, but for this division, would not have been relevant acquisitions.

‘(2) Landholder duty or corporate trustee duty for the relevant acquisition must be reassessed.

‘(3) Within 30 days after the commencement day, the acquirer must—

(a) give notice in the approved form to the commissioner that the reassessment is required; and

(b) lodge the landholder duty statement or corporate trustee duty statement for the relevant acquisition.

Note—

Under the Administration Act, failure to give the commissioner notice about a matter under a tax law is an offence under section 120 of that Act. Also, under the Administration Act, the requirement under paragraph (b) is a lodgement requirement for which a failure to comply is an offence under section 121 of that Act.

‘(4) If the acquirer complies with subsection (3), the acquirer is not liable for penalty tax under the Administration Act, section 58(2)(c) to the extent the difference between the duty assessed on the original assessment, and on the reassessment, is attributable to a land-holding or dutiable property that is an exploration authority.

‘(5) Subsection (6) applies to unpaid tax interest that is payable on unpaid primary tax for the relevant acquisition, to the extent the tax is attributable to a land-holding or dutiable property that is an exploration authority.

‘(6) For the Administration Act, section 54(2) and (2A), the start date is—

(a) the due date for the reassessment under this section; or

(b) if the acquirer has not complied with subsection (3)—the date that is the same number of days before the due date for the reassessment as the number of days in the periods of noncompliance with the subsection.

[s 6]

‘Subdivision 5	Obligations of other parties	1
‘644	Obligation for self assessor	2
‘(1)	This section applies to a self assessor registered under chapter 12, part 3 if—	3 4
(a)	during the retrospectivity period, the self assessor lodged a transaction statement under section 455 or 455A; and	5 6 7
(b)	the transaction statement relates to a dutiable transaction or relevant acquisition to which subdivision 3 or 4 applies.	8 9 10
‘(2)	The self assessor must, within 30 days after the commencement day, give notice to the commissioner that the transaction statement was lodged.	11 12 13
	<i>Note—</i>	14
	Under the Administration Act, failure to give the commissioner notice about a matter under a tax law is an offence under section 120 of that Act.	15 16 17
‘(3)	Section 488 applies to a failure by a self assessor to comply with subsection (2).	18 19
‘645	Obligation for other persons in relation to registration of particular instruments	20 21
‘(1)	This section applies if, during the retrospectivity period—	22
(a)	a person—	23
(i)	recorded an instrument or transaction in a register of interests in property; and	24 25
(ii)	the instrument, or the instrument that effects or evidences the transaction, relates to a transaction or acquisition to which subdivision 3 or 4 applies; or	26 27 28
(b)	the trustee or responsible entity of a unit trust—	29

-
- (i) recorded in the trust's records an instrument that effects or evidences a trust acquisition or trust surrender of units in a unit trust; and
 - (ii) section 638, 639 or 640 applies to the trust acquisition or trust surrender; or
 - (c) a person—
 - (i) entered in the records of a corporation or society an instrument that effects or evidences a relevant acquisition; and
 - (ii) section 641, 642 or 643 applies to the relevant acquisition.
- '(2) The person, trustee or responsible entity must, within 30 days after the commencement day, give notice to the commissioner that the record or entry was made.
- Note—*
- Under the Administration Act, failure to give the commissioner notice about a matter under a tax law is an offence under section 120 of that Act.

'Subdivision 6 Miscellaneous provisions 19

'646 Offences during retrospectivity period 20

- '(1) A person can not be prosecuted under this Act or the Administration Act for an act or omission done or omitted to be done during the retrospectivity period if, when the act or omission occurred, it would not have constituted an offence but for this division.
- '(2) Subsection (1) does not limit the Criminal Code, section 11.

'647 Properly stamped instruments not affected 27

- '(1) This section applies to an instrument that was stamped during the retrospectivity period.

[s 7]

‘(2) If, at the time the instrument was stamped, it was properly stamped under section 491 but for this division, the instrument is taken to have been properly stamped despite this division.

‘Division 4 Transitional provisions for other matters

‘648 Application of s 167

‘Section 167, as amended by the amending Act, section 5 applies to a relevant acquisition made on or after the commencement day.

‘649 Application of amended sch 3

‘Schedule 3 as in force on the commencement day applies to dutiable transactions and relevant acquisitions if liability for transfer duty, landholder duty or corporate trustee duty arises on or after the commencement day.’.

Clause 7 Replacement of sch 3 (Rates of duty on dutiable transactions and relevant acquisitions for landholder and corporate trustee duty)

Schedule 3—

omit, insert—

‘Schedule 3 Rates of duty on dutiable 1
transactions and 2
relevant acquisitions for 3
landholder and corporate 4
trustee duty 5

sections 24(2), 91, 92, 93, 178A and 216 6

Column 1	Column 2
Dutiable value of dutiable transaction or relevant acquisition	Rate of duty
Not more than \$5000	Nil
More than \$5000 but not more than \$75000	\$1.50 for each \$100, or part of \$100, by which the dutiable value is more than \$5000
More than \$75000 but not more than \$540000	\$1050 plus \$3.50 for each \$100, or part of \$100, by which the dutiable value is more than \$75000
More than \$540000 but not more than \$1m	\$17325 plus \$4.50 for each \$100, or part of \$100, by which the dutiable value is more than \$540000
More than \$1m	\$38025 plus \$5.75 for each \$100, or part of \$100, by which the dutiable value is more than \$1m’.

Clause 8 Amendment of sch 6 (Dictionary) 7
(1) Schedule 6, definitions *acquirer*, *amending Act* and *land*— 8
omit. 9

[s 8]

- (2) Schedule 6— 1
- insert—* 2
- ‘acquirer—* 3
- (a) for chapter 2, part 8, division 7, means a person who 4
acquires an indirect interest in a land holding trust; 5
- (b) for chapter 17, part 17, see section 630. 6
- amending Act—* 7
- (a) for chapter 17, part 6, see section 568; or 8
- (b) for chapter 17, part 17, see section 630. 9
- commencement day—* 10
- (a) for chapter 17, part 2, see section 510; or 11
- (b) for chapter 17, part 17, see section 630. 12
- exploration authority* means a following authority— 13
- (a) an authority to prospect under the *Petroleum Act 1923* or 14
Petroleum and Gas (Production and Safety) Act 2004; 15
- (b) an exploration permit or prospecting permit under the 16
Mineral Resources Act 1989; 17
- (c) a geothermal exploration permit under the *Geothermal* 18
Energy Act 2010; 19
- (d) a GHG exploration permit under the *Greenhouse Gas* 20
Storage Act 2009. 21
- land—* 22
- (a) includes— 23
- (i) airspace above land and the coastal waters of the 24
State; and 25
- (ii) a resource authority; but 26
- (b) does not include an exploration permit under the 27
Petroleum (Submerged Lands) Act 1982. 28
- resource authority* means any of the following— 29

-
- (a) a geothermal tenure under the *Geothermal Energy Act 2010*; 1
2
- (b) a GHG authority under the *Greenhouse Gas Storage Act 2009*; 3
4
- (c) a mining tenement under the *Mineral Resources Act 1989*; 5
6
- (d) the following petroleum authorities under the *Petroleum and Gas (Production and Safety) Act 2004*— 7
8
- (i) an authority to prospect; 9
- (ii) a petroleum lease; 10
- (iii) a data acquisition authority; 11
- (iv) a water monitoring authority; 12
- (v) a pipeline licence; 13
- (vi) a petroleum facility licence; 14
- (e) an authority to prospect or lease under the *Petroleum Act 1923*; 15
16
- (f) a sublease under the following— 17
- (i) a geothermal coordination arrangement under the *Geothermal Energy Act 2010*; 18
19
- (ii) a GHG coordination arrangement under the *Greenhouse Gas Storage Act 2009*; 20
21
- (iii) a coordination arrangement under the *Petroleum and Gas (Production and Safety) Act 2004*. 22
23
- retrospectivity period**, for chapter 17, part 17, see section 630. 24
- start time**, for chapter 17, part 17, see section 630.’. 25
- (3) Schedule 6, definition *statutory licence*, paragraphs (b) and (c)— 26
27
- omit*. 28
- (4) Schedule 6, definition *statutory licence*, paragraph (d)— 29
- renumber* as paragraph (b). 30

[s 9]

Part 3	Amendment of First Home Owner Grant Act 2000	1 2
Division 1	Preliminary	3
Clause 9	Act amended	4
	This part amends the <i>First Home Owner Grant Act 2000</i> .	5
Division 2	Amendments taken to have commenced on 12 September 2012	6 7
Clause 10	Amendment of s 6 (Meaning of <i>home</i>)	8
	(1) Section 6, heading, after ‘home’—	9
	<i>insert—</i>	10
	‘ and new home ’.	11
	(2) Section 6—	12
	<i>insert—</i>	13
	‘(2) A new home is a home that—	14
	(a) has not been previously occupied or sold as a place of residence; or	15 16
	(b) is a substantially renovated home.	17
	‘(3) For subsection (2)(b), a home is a substantially renovated home if—	18 19
	(a) the home is the subject of a contract for the purchase of the home; and	20 21
	(b) the sale of the home under the contract is, under the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cwlth), a taxable supply as a sale of new residential premises as defined under section 40-75(1)(b) of that Act; and	22 23 24 25 26

(c) the home, as renovated, has not been previously
occupied or sold as a place of residence.’. 1
2

Clause 11 Amendment of s 20 (Amount of grant) 3

(1) Section 20(b)— 4

omit, insert— 5

‘(b) either— 6

(i) for a new home eligible transaction—\$15000; or 7

(ii) for another eligible transaction—\$7000.’. 8

(2) Section 20— 9

insert— 10

‘(2) In this section— 11

new home eligible transaction means an eligible transaction
that is— 12
13

(a) a contract for the purchase of a new home; or 14

(b) a comprehensive home building contract to build a new
home; or 15
16

(c) the building of a new home by an owner builder.’. 17

Clause 12 Omission of s 25A (Meaning of *new home* for div 5) 18

Section 25A— 19

omit. 20

Clause 13 Insertion of new pt 11 21

After part 10— 22

insert— 23

[s 14]

‘Part 11	Transitional provisions for Fiscal Repair Amendment Act 2012	1 2 3
‘79	Continuing operation of Act for eligible transactions with commencement date before 12 September 2012	4 5
‘(1)	This section applies in relation to an eligible transaction if the commencement date for the transaction is a date before 12 September 2012.	6 7 8
‘(2)	This Act continues to apply in relation to the eligible transaction as if this Act had not been amended by the <i>Fiscal Repair Amendment Act 2012</i> , part 3, division 2.	9 10 11
‘80	Application of s 20(1)(b) to particular contracts	12
‘(1)	This section applies to an eligible transaction mentioned in section 5(1)(a) or (b) made on or after 12 September 2012 if the commissioner is satisfied the transaction forms part of a scheme to obtain an increased amount of a first home owner grant under section 20 as amended by the <i>Fiscal Repair Amendment Act 2012</i> .	13 14 15 16 17 18
‘(2)	Unless satisfied to the contrary, the commissioner must presume the existence of a scheme mentioned in subsection (1) if the contract that is the eligible transaction replaces a contract to purchase, or a comprehensive home building contract to build, the same or substantially similar new home that was made before 12 September 2012.	19 20 21 22 23 24
‘(3)	Despite section 20, the amount of a first home owner grant for the eligible transaction is the lesser of the following—	25 26
(a)	the consideration for the transaction;	27
(b)	\$7000.’.	28
Clause 14	Amendment of schedule (Dictionary)	29
	Schedule, definition <i>new home</i> —	30

[s 15]

omit, insert— 1
'new home see section 6.' 2

Division 3 **Amendments commencing on 11** 3
 October 2012 4

Clause 15 **Amendment of s 5 (Meaning of *eligible transaction*)** 5

(1) Section 5(1) to (3)— 6
omit, insert— 7

‘(1) An *eligible transaction* is— 8

 (a) a contract made on or after 1 July 2000 for the purchase 9
 of a new home in the State; or 10

 (b) a comprehensive home building contract made by the 11
 owner of land in the State, or a person who will on 12
 completion of the contract be the owner of land in the 13
 State, to have a new home built on the land, if the 14
 contract is made on or after 1 July 2000; or 15

 (c) the building of a new home in the State by an owner 16
 builder if the building work starts on or after 1 July 17
 2000. 18

‘(2) Also, each of the following is an *eligible transaction—* 19

 (a) a contract made on or after 1 July 2000 but before 11 20
 October 2012 for the purchase of a home, other than a 21
 new home, in the State; 22

 (b) a comprehensive home building contract made by the 23
 owner of land in the State, or a person who will on 24
 completion of the contract be the owner of land in the 25
 State, to have a home, other than a new home, built on 26
 the land, if the contract is made on or after 1 July 2000 27
 but before 11 October 2012; 28

 (c) the building of a home, other than a new home, in the 29
 State by an owner builder if the building work starts on 30
 or after 1 July 2000 but before 11 October 2012. 31

[s 16]

- ‘(3) For subsections (1)(a) and (2)(a), a contract is a contract for the purchase of a new home or other home if the contract is a contract for the acquisition of a relevant interest in land—
- (a) on which a new home or other home is built; or
 - (b) on which a new home or other home is to be built, before completion of the contract, by or for the vendor and at the expense of the vendor.’
- (2) Section 5(5)(a), ‘a home’—
omit, insert—
‘a new home or other home’.
- (3) Section 5(7), after ‘(1)(a)’—
insert—
‘or (2)(a)’.
- (4) Section 5(8), after ‘(1)(b)’—
insert—
‘or (2)(b)’.
- (5) Section 5(9), after ‘(1)(c)’—
insert—
‘or (2)(c)’.
- (6) Section 5(7), (8) and (9), ‘home’—
omit, insert—
‘new home or other home’.

- Clause 16 Amendment of s 20 (Amount of grant)**
- Section 20(2), definition *new home eligible transaction*—
omit, insert—
‘new home eligible transaction means an eligible transaction mentioned in section 5(1).’

Clause 17	Amendment of s 22A (Repayment of grant after completion of particular transactions)	1 2
	(1) Section 22A(1)(b)(i), ‘home’—	3
	<i>omit, insert—</i>	4
	‘a new home or other home.’	5
	(2) Section 22A(4)—	6
	<i>omit, insert—</i>	7
	‘(4) In this section—	8
	<i>relevant transaction</i> means—	9
	(a) a contract mentioned in section 5(1)(b) or (2)(b) to have a new home or other home built on land; or	10 11
	(b) a transaction mentioned in section 5(1)(c) or (2)(c); or	12
	(c) a contract mentioned in section 5(3)(b).’	13
Clause 18	Insertion of new s 81	14
	Part 11, as inserted by section 13 of this Act—	15
	<i>insert—</i>	16
‘81	Continuing operation of Act for particular eligible transactions with commencement date earlier than 11 October 2012	17 18 19
	‘(1) This section applies in relation to an eligible transaction if the commencement date for the transaction is on or after 12 September 2012 but before 11 October 2012.	20 21 22
	‘(2) This Act as in force on 12 September 2012 continues to apply in relation to the eligible transaction as if this Act had not been amended by the <i>Fiscal Repair Amendment Act 2012</i> , part 3, division 3.’	23 24 25 26

[s 19]

Part 4	Amendment of Gaming Machine Act 1991	1 2
Division 1	Preliminary	3
Clause 19	Act amended	4
	This part amends the <i>Gaming Machine Act 1991</i> .	5
Division 2	Amendments commencing on assent	6 7
Clause 20	Amendment of pt 5, hdg (Licensing of repairers, service contractors, gaming nominees, gaming employees and key monitoring employees)	8 9 10
	Part 5, heading, ‘, gaming employees’— <i>omit.</i>	11 12
Clause 21	Replacement of s 189 (Licensing requirements for carrying out gaming duties on licensed premises)	13 14
	Section 189— <i>omit, insert—</i>	15 16
‘189	Requirements for carrying out gaming duties on licensed premises	17 18
	‘(1) A person must not carry out gaming duties on licensed premises unless the person is—	19 20
	(a) a gaming employee; or	21
	(b) an eligible licensee for the premises.	22
	Maximum penalty—200 penalty units.	23
	<i>Note—</i>	24
	See also section 189A(1).	25

- ‘(2) A licensee who is not an eligible licensee must ensure that, when the licensee’s licensed premises are open for the conduct of gaming, at least 1 person employed by the licensee for carrying out gaming duties for the premises who holds a current responsible service of gambling course certificate is present on the premises or is readily available for carrying out the duties for the premises.
Maximum penalty—200 penalty units.
- ‘(3) An eligible licensee must ensure that, when the licensee’s licensed premises are open for the conduct of gaming, the licensee, or at least 1 person employed by the licensee for carrying out gaming duties for the premises who holds a current responsible service of gambling course certificate, is present on the premises or is readily available for carrying out gaming duties for the premises.
Maximum penalty—200 penalty units.
- ‘(4) For subsection (2), a nominee of a licensee in the licensee’s employ is taken to be a person in the licensee’s employ for carrying out gaming duties for the premises for which the person is the licensee’s nominee.
- ‘(5) In this section—
eligible licensee, for licensed premises, means the licensee for the premises if the licensee—
(a) is an individual; and
(b) is ordinarily present on the premises when the premises are open for the conduct of gaming.’.

- Clause 22 Amendment of s 189A (Requirement to hold current responsible service of gambling course certificate)**
- (1) Section 189A(3), ‘Without limiting section 189(2), a’—
omit, insert—
‘A’.
- (2) Section 189A(6), definition *eligible licensee*, ‘189(15)’—

[s 23]

omit, insert— 1
'189(5)'. 2
(3) Section 189A(6), definition *responsible service of gambling course certificate—* 3
omit. 4
5

Clause 23	Amendment of s 191 (Certain persons must apply for gaming employee's licence)	6 7
(1)	Section 191, heading— <i>omit, insert—</i>	8 9
'191	Certain persons must complete approved responsible service of gambling course'.	10 11
(2)	Section 191(1)— <i>omit, insert—</i>	12 13
'(1)	This section applies if the chief executive considers a person connected with, or who is an employee of, a licensee—	14 15
(a)	has the power to exercise a significant influence over the conduct of gaming by the licensee; or	16 17
(b)	because of—	18
(i)	the person's remuneration or policymaking position; or	19 20
(ii)	any other criteria prescribed under a regulation; exercises or is able to exercise authority of such a nature or to such an extent in respect of the conduct of gaming by the licensee as to make it desirable in the public interest that that person hold a current responsible service of gambling course certificate.	21 22 23 24 25 26
'(1A)	The chief executive must, by written notice, require the person to complete an approved responsible service of gambling course, and obtain a current responsible service of gambling course certificate, within 3 months after the person receives the notice.'	27 28 29 30 31

-
- (3) Section 191(3) and (4), ‘subsection (1)’, first mention— 1
omit, insert— 2
‘subsection (1A)’. 3
- (4) Section 191(3) and (4), ‘7 days’— 4
omit, insert— 5
‘3 months’. 6
- (5) Section 191(5)— 7
omit, insert— 8
- ‘(5) Despite any other Act or law or any industrial award or 9
agreement, the licensee must, immediately after a notice 10
under subsection (4) is served, ensure that the person does not 11
continue to be connected or employed as referred to in 12
subsection (1). 13
Maximum penalty—200 penalty units.’. 14
- (6) Section 191(6)— 15
omit. 16
- (7) Section 191(7)— 17
renumber as section 191(6). 18

Clause 24 Amendment of s 193 (Meaning of *nominee*) 19

- (1) Section 193(2)(a)— 20
omit, insert— 21
‘(a) the person is employed by the licensee and holds a 22
current responsible service of gambling course 23
certificate; and’. 24
- (2) Section 193(3)(a)— 25
omit, insert— 26
‘(a) is employed by the licensee and holds a current 27
responsible service of gambling course certificate; and’. 28

[s 25]

Clause 25	Omission of ss 196 and 197	1
	Sections 196 and 197—	2
	<i>omit.</i>	3
Clause 26	Amendment of s 198 (Applications for licences under this part)	4
	(1) Section 198(1), ‘, gaming employees’—	5
	<i>omit.</i>	6
	(2) Section 198(2) and (4)(e), ‘, gaming employee’s’—	7
	<i>omit.</i>	8
Clause 27	Amendment of s 201 (Decision on application)	9
	Section 201(5)—	10
	<i>omit.</i>	11
Clause 28	Amendment of s 202 (Form of licence)	12
	Section 202(2)(b), ‘, gaming employee’s’—	13
	<i>omit.</i>	14
Clause 29	Amendment of s 207 (Renewal and continuance of licences)	15
	Section 207(2)(b), ‘, gaming employee’s’—	16
	<i>omit.</i>	17
Clause 30	Amendment of s 209 (Display of certain licences, identity cards and particulars)	18
	(1) Section 209(3), ‘If a gaming employee’—	19
	<i>omit, insert—</i>	20
	‘If a relevant gaming employee’.	21
		22
		23
		24

-
- (2) Section 209(6), definition *formal identification card*, first
mention— 1
2
omit. 3
- (3) Section 209(6)— 4
insert— 5
‘formal identification card, for a relevant gaming employee,
means an identity card given to the employee under section 6
194(1). 7
8
relevant gaming employee means a gaming employee who is 9
a nominee of a licensee.’. 10

Clause 31 Amendment of s 217 (Returns about employees and agreements) 11
12

- (1) Section 217(4)(a) and (b)— 13
omit, insert— 14
*‘(a) the name of each person employed by a licensee to carry 15
out gaming duties for licensed premises of the licensee 16
when the return is given; and’.* 17
- (2) Section 217(4)(c) to (e)— 18
renumber as section 217(4)(b) to (d). 19
- (3) Section 217(10)— 20
omit, insert— 21
- ‘(10) A licensee must immediately end the employment of a person 22
employed by the licensee if the person is employed on the 23
basis the person is a licensed gaming nominee and the 24
licensee becomes aware the person is not a licensed gaming 25
nominee. 26
Maximum penalty—200 penalty units.’. 27
- (4) Section 217(11)(b) and (c)— 28
omit, insert— 29

[s 32]

‘(b) the licensee designated the person as the licensee’s
nominee for the premises on the basis the person holds a
current responsible service of gambling course
certificate and the licensee becomes aware the person
does not hold a current responsible service of gambling
course certificate.’

Clause 32 Amendment of s 223 (Destruction of fingerprints) 7
Section 223(1)(a), ‘, licensed gaming employee’— 8
omit. 9

Clause 33 Amendment of s 224 (Provisional licences) 10
Section 224(4)(a) and (7), ‘, gaming employee’s licence’— 11
omit. 12

Clause 34 Amendment of s 366 (Regulation-making power) 13
Section 366(2)(a), ‘, gaming employee’s’— 14
omit. 15

Clause 35 Insertion of new pt 12, div 16 16
Part 12— 17
insert— 18

**‘Division 16 Transitional provisions for Fiscal
Repair Amendment Act 2012** 19
20

‘460 Definitions for div 16 21
‘In this division— 22
commencement means the commencement of the provision in 23
which the term is used. 24

<i>gaming employee's licence</i> means a gaming employee's licence under this Act immediately before the commencement.	1 2 3
<i>licensed gaming employee</i> means the holder of a gaming employee's licence in force under this Act immediately before the commencement.	4 5 6
'461 Application for gaming nominee's licence before commencement	7 8
'(1) This section applies to an application for a gaming nominee's licence made under repealed section 196, and not decided, before the commencement.	9 10 11
'(2) The application must be decided under this Act as in force immediately before the commencement.	12 13
'462 Continuation of gaming employee's licence expiring before commencement	14 15
'(1) This section applies to a person who is the holder of a gaming employee's licence that expired—	16 17
(a) on or after 11 September 2012; and	18
(b) before the commencement.	19
'(2) The person is taken to be a licensed gaming employee from the date the licence expired until the commencement.	20 21
'463 Protection from liability	22
'(1) This section applies if—	23
(a) before the commencement—	24
(i) an application for a gaming employee's licence is made under repealed section 197 or section 198; or	25 26
(ii) an application for renewal of a gaming employee's licence is made under section 207; and	27 28

[s 36]

(b) the application is not decided by the chief executive before commencement. 1
2

‘(2) The State, a departmental officer or a commissioner does not incur civil liability for acting or failing to act in relation to the application. 3
4
5

‘(3) If a civil proceeding relating to the application was started before the commencement against the State, a departmental officer or a commissioner, the proceeding is stayed and the court dealing with the proceeding must dismiss it.’ 6
7
8
9

Clause 36 Amendment of sch 1 (Reviewable decisions) 10

Schedule 1, part 2, first column, ‘196, 197, 201(1)’— 11
omit, insert— 12
‘201(1)’. 13

Clause 37 Amendment of sch 2 (Dictionary) 14

(1) Schedule 2, definitions *gaming employee, interested person, licensed gaming employee, licensed person*— 15
16
omit. 17

(2) Schedule 2— 18
insert— 19

‘***gaming employee*** means— 20

(a) a person employed by a licensee to carry out gaming duties; or 21
22

(b) a nominee of a licensee. 23

interested person, of a holder of a licence under part 5, means— 24
25

(a) if the holder is a licensed key monitoring employee or a licensed service contractor—a licensed monitoring operator; or 26
27
28

- (b) if the holder is a licensed repairer—a licensed monitoring operator, a licensed service contractor or another licensed repairer.

licensed person means—

- (a) a licensed repairer; or
(b) a licensed service contractor; or
(c) a licensed gaming nominee; or
(d) a licensed key monitoring employee.

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

- (a) given to a person, for satisfactorily completing the approved responsible service of gambling course, by a person who holds an approval under part 10A as a trainer for the course; and
(b) stating the certificate remains in force for 3 years after it is given to the person.’.

Division 3 **Amendments commencing 1 July 2013**

Clause 38 **Replacement of ss 15–28**
Sections 15 to 28—
omit, insert—

‘Division 1 **Commissioner for Liquor and Gaming**

‘15 **Establishment of commissioner**

- ‘(1) There is to be a Commissioner for Liquor and Gaming (the *commissioner*).
‘(2) The chief executive must appoint a senior executive of the department to be the commissioner.

[s 38]

- ‘(3) A person may hold appointment as the commissioner and hold an office as a senior executive of the department under the *Public Service Act 2008*. 1
2
3
- ‘16 Functions of commissioner 4**
- ‘The commissioner has the functions given to the commissioner— 5
6
- (a) under this or another Act; and 7
- (b) by the Minister. 8
- ‘17 Powers of commissioner 9**
- ‘(1) The commissioner has the powers given to the commissioner under this or another Act. 10
11
- ‘(2) The commissioner may do all things necessary or convenient to be done in performing the commissioner’s functions or exercising the commissioner’s powers. 12
13
14
- ‘(3) The commissioner may on the commissioner’s own initiative, and must if asked by the Minister, provide the Minister with advice on— 15
16
17
- (a) the operation of this Act or any other gaming Act that assigns functions to the commissioner; or 18
19
- (b) issues related to gambling (including the identification of issues requiring further research) under this Act or another Act that assigns functions to the commissioner. 20
21
22
- ‘18 Commissioner may make guidelines 23**
- ‘(1) The commissioner may make guidelines. 24
- ‘(2) Without limiting subsection (1), a guideline may give guidance about— 25
26
- (a) the attitude the commissioner is likely to adopt on a particular matter; or 27
28
- (b) how the commissioner administers this Act. 29

Examples for subsection (2)—

- | | | |
|------|---|----|
| | 1 | |
| 1 | The commissioner might make a guideline stating how the | 2 |
| | commissioner decides applications for a decrease under section 86 | 3 |
| | for category 1 licensed premises. | 4 |
| 2 | The commissioner might make a guideline about dealing with | 5 |
| | operating authorities under this Act. | 6 |
| ‘(3) | A guideline may be replaced or varied by a later guideline | 7 |
| | made under this section. | 8 |
| ‘(4) | The commissioner must keep copies of a guideline made | 9 |
| | under this section available for inspection by persons and | 10 |
| | permit a person to obtain a copy of a guideline, or an extract | 11 |
| | from a guideline, free of charge. | 12 |
| ‘(5) | For subsection (4)— | 13 |
| (a) | copies of the guideline— | 14 |
| (i) | must be kept at the head office and any regional | 15 |
| | office of the department; and | 16 |
| (ii) | may be kept at any other place the commissioner | 17 |
| | considers appropriate; and | 18 |
| (b) | the copies kept under paragraph (a) must be available | 19 |
| | for inspection during office hours on business days for | 20 |
| | the office or place. | 21 |

‘19 Commissioner may make standards 22

- | | | |
|------|--|----|
| ‘(1) | The commissioner may make standards about matters of a | 23 |
| | technical nature that— | 24 |
| (a) | relate to a licensee’s gaming operations; and | 25 |
| (b) | help the licensee conduct the gaming operations in | 26 |
| | compliance with this Act. | 27 |
| ‘(2) | A standard is a statutory instrument within the meaning of the | 28 |
| | <i>Statutory Instruments Act 1992</i> . | 29 |

[s 39]

‘20	Notice and availability of standard	1
‘(1)	The commissioner must, as soon as practicable after making a standard under section 19(1), give each licensee written notice of the making of the standard.	2 3 4
‘(2)	The notice must include the standard or a brief description of the standard.	5 6
‘(3)	If a standard concerns all licensees or a class of licensees, the notice may be included as a part of another publication of the commissioner given to the licensees or members of the class of licensees.	7 8 9 10
‘(4)	The notice may be given in electronic form.	11
‘(5)	The commissioner must keep a copy of each standard, as in force from time to time, available for inspection free of charge by members of the public at—	12 13 14
	(a) the department’s head office; and	15
	(b) other places the commissioner considers appropriate.	16
‘(6)	Also, the commissioner must publish each standard, as in force from time to time, on the department’s website.	17 18
	<i>Editor’s note—</i>	19
	The department’s website is at < www.justice.qld.gov.au >.	20

‘Division 2	Review and appeals’.	21
--------------------	-----------------------------	----

Clause 39	Replacement of s 29 (Who may apply for a review by tribunal)	22 23
	Section 29—	24
	<i>omit, insert—</i>	25
‘29	Who may apply for a review by tribunal	26
‘(1)	A person who is or was an applicant for, or a holder of, a licence under this Act and is aggrieved by a decision or determination of the commissioner stated in schedule 1, part 1	27 28 29

may apply, as provided under the QCAT Act, to the tribunal
for a review of the decision or determination. 1 2

‘(2) A person may apply, as provided under the QCAT Act, to the
tribunal for a review of a decision of a licensee stated in
schedule 1, part 2. 3 4 5

‘(3) A person who may be adversely affected by an approval under
section 54(7) and to whom a notice has been given under
section 54(8) may apply, as provided under the QCAT Act, to
the tribunal for a review of the decision or determination. 6 7 8 9

‘(4) A person who seeks the commissioner’s approval for section
231 or 287 may apply, as provided under the QCAT Act, to
the tribunal for a review of a decision of the commissioner
refusing to give the approval. 10 11 12 13

‘(5) A person who submits a gaming machine type or game to the
commissioner under section 281 for evaluation may apply, as
provided under the QCAT Act, to the tribunal for a review of a
decision of the commissioner rejecting the gaming machine
type or game. 14 15 16 17 18

‘(6) The owner of an article, record or other thing seized by an
inspector may apply, as provided under the QCAT Act, to the
tribunal for a review of a decision of an inspector under
section 331 resulting in the thing being forfeited. 19 20 21 22

‘(7) Each of the following persons may apply, as provided under
the QCAT Act, to the tribunal for a review of the decision
stated for the person— 23 24 25

(a) a person whose application for an approval under part
10A is not granted under section 337D(1); 26 27

(b) a person whose application for renewal of an approval
under part 10A is not granted under section 337H(1); 28 29

(c) a person whose approval under part 10A is cancelled
under section 337N(3).’ 30 31

**Clause 40 Amendment of s 30 (Effect of reconsidering a decision
after application to QCAT) 32 33**

Section 30(1), ‘chief executive, commission’— 34

[s 41]

omit, insert— 1
'commissioner'. 2

Clause 41 Amendment of s 31 (Tribunal to decide review on evidence before the chief executive or commission) 3
4
Section 31, 'chief executive or commission'— 5
omit, insert— 6
'commissioner'. 7

Clause 42 Amendment of s 32 (Tribunal may give leave for review to be decided on new evidence in particular circumstances) 8
9
Section 32(1), 'chief executive or commission'— 10
omit, insert— 11
'commissioner'. 12

Clause 43 Insertion of new pt 2, div 3, hdg 13
Part 2, after section 33— 14
insert— 15
'Division 3 Miscellaneous' 16

Clause 44 Replacement of s 50 (Delegations) 17
Section 50— 18
omit, insert— 19
'50 Delegations' 20
'(1) The Minister may delegate the Minister's designated powers to— 21
22
(a) the commissioner; or 23
(b) an appropriately qualified inspector or an appropriately qualified public service employee. 24
25

-
- ‘(2) The Minister may delegate to the commissioner the Minister’s power under section 322(6) to cause amounts to be paid out of the gambling community benefit fund for the benefit of the community. 1
2
3
4
- ‘(3) The commissioner may delegate the commissioner’s designated powers to— 5
6
- (a) an appropriately qualified public service employee; or 7
- (b) an appropriately qualified inspector. 8
- ‘(4) A delegation of a power under subsection (3) may permit the subdelegation of the power to an appropriately qualified public service employee. 9
10
11
- ‘(5) In this section— 12
- appropriately qualified*** includes having the qualifications, experience or standing appropriate to exercise the power. 13
14
- Example of standing—* 15
- a person’s classification level in the public service 16
- designated powers—*** 17
- (a) of the Minister, means— 18
- (i) the powers of the Minister under sections 135 and 211; or 19
20
- (ii) the power of the Minister to give a direction for section 151(3)(b); and 21
22
- (b) of the commissioner, means the powers of the commissioner under this Act, other than sections 97(12) and (13), 98, 147 and 336.’. 23
24
25

- Clause 45 Amendment of s 53 (Criminal history reports)** 26
- (1) Section 53(2)— 27
- omit, insert—* 28
- ‘(2) If the commissioner asks the police commissioner for a written report on the person’s criminal history, the police commissioner must give the report to the commissioner.’. 29
30
31

[s 46]

- (2) Section 53(3)(a), before ‘commissioner’s’— 1
insert— 2
‘police’. 3
- (3) Section 53(3)(b) and (c), before ‘commissioner’— 4
insert— 5
‘police’. 6

- Clause 46 Amendment of s 53A (Commissioner of police service to notify changes in criminal history)** 7
8
- (1) Section 53A, heading, ‘Commissioner of police service’— 9
omit, insert— 10
‘**Police commissioner**’. 11
- (2) Section 53A(1)(a), (2) and (4), ‘commissioner of the police service’— 12
13
omit, insert— 14
‘police commissioner’. 15
- (3) Section 53A(1)(b), before ‘commissioner’— 16
insert— 17
‘police’. 18

- Clause 47 Amendment of s 54 (Confidentiality of information)** 19
- (1) Section 54(1), ‘a commissioner’— 20
omit, insert— 21
‘the commissioner’. 22
- (2) Section 54(1), ‘or commission’— 23
omit. 24

- Clause 48 Omission of ss 54A–54C** 25
Sections 54A to 54C— 26

omit.

1

Clause 49	Amendment of s 55 (Gaming lawful and does not constitute nuisance)	2 3
(1)	Section 55(1)(a), from ‘the commission may’ to ‘relevant,’— <i>omit, insert—</i>	4 5
	‘the commissioner may, having regard to the information or material the commissioner considers relevant.’	6 7
(2)	Section 55(2), ‘other information or material the commission’— <i>omit, insert—</i>	8 9 10
	‘information or material the commissioner’.	11
(3)	Section 55(2)(b)— <i>omit, insert—</i>	12 13
	‘(b) relevant guidelines made by the commissioner under section 18.’.	14 15
Clause 50	Amendment of s 55B (Community impact statement and statement of responsible gambling initiatives required for application of significant community impact)	16 17 18
	Section 55B(4), ‘issued by the commission’— <i>omit, insert—</i>	19 20
	‘made by the commissioner under section 18’.	21
Clause 51	Amendment of s 55C (Advertisement of application of significant community impact)	22 23
	Section 55C(3), ‘and the liquor licensing authority’— <i>omit.</i>	24 25

[s 52]

Clause 52	Amendment of s 55D (Community comments)	1
	Section 55D(2), ‘the commission’s guidelines’—	2
	<i>omit, insert</i> —	3
	‘the commissioner’s guidelines mentioned in section 55B(4)’.	4
Clause 53	Amendment of s 56 (Application for gaming machine licences)	5
	Section 56(6), ‘relevant chief executive’—	6
	<i>omit, insert</i> —	7
	‘commissioner under the <i>Liquor Act 1992</i> ’.	8
Clause 54	Amendment of s 56A (Application for gaming machine licence for replacement category 1 licensed premises)	10
	Section 56A(3), definition <i>local community area</i> , first	11
	mention, from ‘issued by’—	12
	<i>omit, insert</i> —	13
	‘made by the commissioner under section 18.’.	14
Clause 55	Amendment of s 56B (Application for gaming machine licence for replacement category 2 licensed premises)	16
	Section 56B(4), definition <i>local community area</i> , from ‘issued	17
	by’—	18
	<i>omit, insert</i> —	19
	‘made by the commissioner under section 18.’.	20
Clause 56	Replacement of ss 57–58	21
	Sections 57 and 58—	22
	<i>omit, insert</i> —	23
		24

-
- ‘57 Consideration of application for gaming machine licence** 1
- ‘(1) The commissioner must consider an application for a gaming 2
machine licence received by the commissioner before 3
granting, or refusing to grant, a gaming machine licence. 4
- ‘(2) In considering the application, the commissioner— 5
- (a) must conduct investigations the commissioner considers 6
are necessary and reasonable to help the commissioner 7
consider the application; and 8
- (b) may, by written notice given to the applicant or an 9
associate of the applicant, require the applicant or 10
associate, within a reasonable time stated in the notice, 11
to give the commissioner further information or a 12
document that is necessary and reasonable to help the 13
commissioner consider the application. 14
- ‘(3) Also, in considering the application, the commissioner must 15
assess— 16
- (a) the suitability of the premises to which the application 17
relates (the *subject premises*) for the installation and use 18
of gaming machines, having regard to the size and 19
layout of, and facilities on, the premises; and 20
- (b) if the applicant is an individual—the financial stability, 21
general reputation and character of the applicant; and 22
- (c) if the applicant is a body corporate— 23
- (i) the financial stability and business reputation of 24
the body corporate; and 25
- (ii) the general reputation and character of the 26
secretary and each executive officer of the body 27
corporate; and 28
- (d) the suitability of the applicant to be a licensee; and 29
- (e) if a person is stated in an affidavit under section 92 as 30
being a person who satisfies a description mentioned in 31
section 92(4)(a) or (b)—the suitability of the person to 32
be an associate of the applicant; and 33

[s 56]

- (f) if the commissioner considers it appropriate—the suitability of any other associate of the applicant to be an associate of the applicant; and
 - (g) for an application mentioned in section 56A—whether the commissioner is satisfied there are exceptional circumstances for transferring the operating authorities mentioned in section 56A(1)(b)(iii) to the premises to which the application relates; and
 - (h) for an application mentioned in section 56B(1)—whether the commissioner is satisfied there are exceptional circumstances for transferring the entitlements mentioned in section 56B(1)(b)(iii) to the premises to which the application relates; and
 - (i) for an application mentioned in section 56B(2)—whether the commissioner is satisfied there are exceptional circumstances for transferring the entitlements mentioned in section 56B(2)(b)(iv) to the new premises mentioned in that subparagraph.
- ‘(4) For an application by an individual, the commissioner may, with the applicant’s agreement, cause the applicant’s fingerprints to be taken.
- ‘(5) Despite subsection (1), if the applicant is an individual, the commissioner is required to consider the application only if the applicant, if asked, agrees to having the applicant’s fingerprints taken.
- ‘(6) If the commissioner considers a proposed location for the installation of gaming machines (as shown on the plan of the subject premises accompanying the application, or that plan as amended and resubmitted, or as last amended and resubmitted, under this subsection) is unsuitable, the commissioner must—
- (a) by written notice, advise the applicant accordingly; and
 - (b) return the plan to the applicant; and
 - (c) ask the applicant to amend, or further amend, and resubmit the plan within the time stated in the notice.

‘58	Decision on application for gaming machine licence	1
‘(1)	The commissioner may decide to grant, or refuse to grant, a gaming machine licence.	2 3
‘(2)	In making the decision, the commissioner must have regard to—	4 5
	(a) any supporting material for the application; and	6
	(b) any relevant community comments on the application; and	7 8
	(c) any representations made on the application in response to an invitation under section 55F; and	9 10
	(d) the matters the commissioner had regard to in considering the application under section 57.	11 12
‘(3)	For an application mentioned in section 56A, the commissioner must not allow the transfer of a number of operating authorities that is more than the number of gaming machines the commissioner considers appropriate for the premises to which the application relates.	13 14 15 16 17
‘(4)	The commissioner may refuse to grant a gaming machine licence if the applicant, or an associate of the applicant, without a reasonable excuse, fails to comply with a requirement of the commissioner under section 57(2)(b).	18 19 20 21
‘(5)	The commissioner must refuse to grant a gaming machine licence if—	22 23
	(a) for an application by an individual—	24
	(i) the applicant is not 18 years; or	25
	(ii) the applicant’s fingerprints have not been taken under section 57(4) because of the applicant’s failure to agree to the action being taken; or	26 27 28
	(b) for an application by a body corporate—the secretary or an executive officer of the body corporate is not 18 years; or	29 30 31

[s 56]

- (c) the commissioner considers the installation and use of gaming machines on the subject premises is likely to affect adversely—
 - (i) the nature or character of the premises; or
 - (ii) the general use of the premises or the enjoyment of persons using the premises; or
 - (iii) the public interest; or
 - (d) the applicant fails to comply with a request of the commissioner under section 57(6)(c) without a reasonable excuse.
- ‘(6) For an application by a club, the commissioner must refuse to grant a gaming machine licence if the commissioner considers—
- (a) that the club, including a voluntary association of persons from which it was formed—
 - (i) has not been operating for at least 2 years before the application was made; or
 - (ii) has not, during the entire period, been pursuing its objects or purposes in good faith; or
 - (b) that payments for the rental or lease of the club’s licensed premises are unreasonable; or
 - (c) if a lease, agreement or arrangement made by the club provides that a person or voluntary association of persons is entitled to receive, or may receive, a payment, benefit or advantage during, or at the end of, the lease, agreement or arrangement—that the provision is unreasonable; or
 - (d) if the election of all or any of the members of the club’s management committee or board is or may be decided, or controlled or influenced in a significant way or to a significant degree, by persons who are not voting members of the club or by only some voting members of the club—that this is not in the best interests of the club or its members; or

-
- (e) if the voting members of the club, taken as a group, do not, for any reason, have complete and sole control over the election of all members of the club’s management committee or board—that this is not in the best interests of the club or its members; or
- (f) if the voting members of the club do not have an equal right to elect persons, and to nominate or otherwise choose persons for election, to the club’s management committee or board—that this is not in the best interests of the club or its members; or
- (g) if the club does not own its licensed premises and an executive officer or employee of the club is also the club’s lessor, or an associate of the club’s lessor—that this is not in the best interests of the club or its members; or
- (h) if an executive officer or employee of the club is a creditor, or an associate of a creditor, of the club—that this is not in the best interests of the club or its members; or
- (i) if the club’s management committee or board does not, for any reason, have complete and sole control over the club’s business or operations, or a significant aspect of the club’s business or operations—that this is not in the best interests of the club or its members; or
- (j) that the club is being, or may be, used as a device for individual gain or commercial gain by a person other than the club; or
- (k) that the grant of the licence would not be in the public interest.
- ‘(7) Despite subsection (6)(a), the commissioner may grant a gaming machine licence to a club if the commissioner considers the grant—
- (a) is reasonable because of the club’s contractual commitments made in pursuing its objects or purposes; and
-

[s 56]

- (b) is necessary to meet the reasonable gaming requirements of the club's members; and 1
2
- (c) is in the public interest. 3
- ‘(8) For subsection (6)(j), a club is not taken to be used as a device for individual or commercial gain merely because it enters into an agreement or arrangement with a person for the supply of goods or services by the person to the club, if the agreement or arrangement— 4
5
6
7
8
- (a) is entered into on reasonable terms; and 9
- (b) is in the best interests of the club and its members. 10
- ‘(9) If the commissioner grants a gaming machine licence, the gaming machine areas for the premises to which the licence relates are the locations on the premises shown on— 11
12
13
- (a) the plan of the premises that accompanied the application for the licence; or 14
15
- (b) the plan mentioned in paragraph (a), as amended and resubmitted, or as last amended and resubmitted, under section 57(6). 16
17
18
- ‘(10) If, for an application by an individual, the commissioner refuses to grant a gaming machine licence, the commissioner must have any fingerprints of the applicant taken for the application destroyed as soon as practicable. 19
20
21
22
- ‘(11) If the commissioner grants a gaming machine licence, the commissioner must immediately give written notice of the decision to the applicant. 23
24
25
- ‘(12) If the commissioner decides to impose, under section 73(1)(b), a condition on the licence, the commissioner must immediately give the applicant an information notice for the decision. 26
27
28
29
- ‘(13) If the commissioner refuses to grant a gaming machine licence, the commissioner must immediately give the applicant an information notice for the decision. 30
31
32
- ‘(14) In this section— 33

election, of a member of a club’s management committee or board, includes a matter relating to the election of a member, including, for example, the nomination of a person for election as a member.’

Clause 57 Amendment of s 60 (Basis on which number of gaming machines to be installed in premises and hours of gaming are to be decided)

(1) Section 60(1)—

omit, insert—

‘(1) This section deals with the basis on which the commissioner is to decide the number of gaming machines to be installed in, or the hours of gaming for, premises.

Note—

See section 59.’

(2) Section 60(2) and (3), ‘chief executive and the commission’—

omit, insert—

‘commissioner’.

(3) Section 60(2)(d)—

omit, insert—

‘(d) any representations made on the application in response to an invitation under section 55F; and’.

(4) Section 60(3)(e), ‘chief executive or the commission’—

omit, insert—

‘commissioner’.

(5) Section 60(4) and (5), ‘recommended or’—

omit.

Clause 58 Replacement of ss 62–63

Sections 62 and 63—

omit, insert—

[s 58]

- ‘62 Consideration of additional premises application** 1
- ‘(1) The commissioner must consider an additional premises 2
application received by the commissioner before approving, 3
or refusing to approve, the additional premises as premises to 4
which the applicant’s gaming machine licence relates. 5
- ‘(2) In considering the application, the commissioner— 6
- (a) must conduct investigations the commissioner considers 7
are necessary and reasonable to help the commissioner 8
consider the application; and 9
- (b) may, by written notice given to the applicant or an 10
associate of the applicant, require the applicant or 11
associate, within a reasonable time stated in the notice, 12
to give the commissioner further information or a 13
document that is necessary and reasonable to help the 14
commissioner consider the application. 15
- ‘(3) Also, in considering the application, the commissioner must 16
assess— 17
- (a) the suitability of the additional premises for the 18
installation and use of gaming machines, having regard 19
to the size and layout of, and facilities on, the premises; 20
and 21
- (b) the financial stability and business reputation of the 22
applicant; and 23
- (c) the general reputation and character of the secretary and 24
each executive officer of the applicant; and 25
- (d) if a person is stated in an affidavit under section 92 as 26
being a person who satisfies a description mentioned in 27
section 92(4)(a) or (b)—the suitability of the person to 28
be an associate of the applicant; and 29
- (e) if the commissioner considers it appropriate—the 30
suitability of any other associate of the applicant to be 31
an associate of the applicant. 32
- ‘(4) If the commissioner considers a proposed location for the 33
installation of gaming machines (as shown on the plan of the 34
additional premises accompanying the application, or that 35

plan as amended and resubmitted, or as last amended and resubmitted, under this subsection) is unsuitable, the commissioner must—

- (a) by written notice, advise the applicant accordingly; and
- (b) return the plan to the applicant; and
- (c) ask the applicant to amend, or further amend, and resubmit, the plan within the time stated in the notice.

‘63 Decision on additional premises application

- ‘(1) The commissioner may, in relation to an additional premises application, approve, or refuse to approve, the additional premises as premises to which the applicant’s gaming machine licence relates.
- ‘(2) In making the decision, the commissioner—
 - (a) must have regard to—
 - (i) any supporting material for the application; and
 - (ii) any relevant community comments on the application; and
 - (iii) the matters the commissioner had regard to in considering the application under section 62; and
 - (b) may have regard to—
 - (i) the benefits to be offered to members of the applicant at the additional premises and, in particular, whether the benefits are distinct in nature to the benefits offered to the members at the applicant’s existing licensed premises (the *existing premises*); and
 - (ii) any other matters the commissioner considers relevant.
- ‘(3) The commissioner may approve the additional premises only if—
 - (a) the additional premises are near the existing premises; and

[s 59]

- (b) the commissioner is satisfied that— 1
 - (i) it is in the best interests of the applicant’s members 2
that the approval be given; and 3
 - (ii) the giving of the approval is not contrary to the 4
public interest. 5

‘(4) The commissioner may refuse to approve the additional 6
premises if the applicant, or an associate of the applicant, 7
without a reasonable excuse, fails to comply with a 8
requirement of the commissioner under section 62(2)(b). 9

‘(5) The commissioner must refuse to approve the additional 10
premises if— 11

- (a) the commissioner considers the installation and use of 12
gaming machines on the additional premises is likely to 13
affect adversely— 14

- (i) the nature or character of the premises; or 15
- (ii) the general use of the premises or the enjoyment of 16
persons using the premises; or 17
- (iii) the public interest; or 18

- (b) the applicant fails to comply with a request of the 19
commissioner under section 62(4)(c) without a 20
reasonable excuse. 21

‘(6) If the commissioner approves the additional premises, the 22
commissioner must immediately give written notice of the 23
decision to the applicant. 24

‘(7) If the commissioner refuses to approve the additional 25
premises, the commissioner must immediately give the 26
applicant an information notice for the decision.’. 27

**Clause 59 Amendment of s 68 (Issue of gaming machine licences 28
generally) 29**

Section 68(1)— 30

omit, insert— 31

	‘(1) If the commissioner grants a gaming machine licence, the commissioner must issue the licence.’	1 2
Clause 60	Amendment of s 71A (Replacement of gaming machine licence for particular changes)	3 4
	Section 71A(3), ‘85C(5) or (6)’—	5
	<i>omit, insert—</i>	6
	‘85C(4) or (5)’.	7
Clause 61	Amendment of s 78 (Certain applications under Liquor Act 1992 subject to chief executive’s certificate)	8 9
	(1) Section 78(1), ‘liquor licensing authority may transfer the licence’—	10 11
	<i>omit, insert—</i>	12
	‘commissioner may transfer the licence under the <i>Liquor Act 1992</i> ’.	13 14
	(2) Section 78(3) and (4)—	15
	<i>omit, insert—</i>	16
	‘(3) Subsection (4) applies if—	17
	(a) a person—	18
	(i) makes a liquor licence transfer application relating to a community club licence, commercial hotel licence or prescribed liquor licence; and	19 20 21
	(ii) applies at the same time for a gaming machine licence for the premises to which the application mentioned in paragraph (a) relates; and	22 23 24
	(b) the commissioner is prepared to transfer the liquor licence under the <i>Liquor Act 1992</i> ; and	25 26
	(c) the commissioner is prepared to grant the gaming machine licence.	27 28

[s 62]

- ‘(3A) The commissioner must transfer the liquor licence under the *Liquor Act 1992* and issue the gaming machine licence at the same time. 1
2
3
- ‘(4) Subsections (6) and (7) apply if— 4
- (a) under subsection (4), a gaming machine licence (a *new licence*) is to be issued at the same time as the transfer of a liquor licence; and 5
6
7
- (b) an associated gaming licence for the liquor licence is cancelled under section 96(1) because of the transfer of the liquor licence.’. 8
9
10
- (3) Section 78(6)(a) and (7), ‘subsection (5)’— 11
omit, insert— 12
‘subsection (6)’. 13
- (4) Section 78(3A) to (7)— 14
renumber as section 78(4) to (8). 15

- Clause 62** **Amendment of s 78A (Liquor licence transfer application, and additional premises application, for premises)** 16
17
- (1) Section 78A(2), ‘liquor licensing authority may transfer the licence mentioned in subsection (1)’— 18
19
omit, insert— 20
‘commissioner may transfer the licence under the *Liquor Act 1992*’. 21
22
- (2) Section 78A(4)(b)— 23
omit, insert— 24
‘(b) the commissioner is prepared to transfer the liquor licence under the *Liquor Act 1992*; and’. 25
26
- (3) Section 78A(5)— 27
omit, insert— 28

-
- ‘(5) The commissioner must transfer the liquor licence under the *Liquor Act 1992* and approve the premises under section 63 at the same time.’. 1
2
3
- (4) Section 78A(6)(a)— 4
omit, insert— 5
- ‘(a) under subsection (5), an approval of the premises under section 63 is to be made at the same time as the transfer of a liquor licence; and’. 6
7
8

- Clause 63 Amendment of s 79 (Other applications under Liquor Act 1992)** 9
10
- Section 79(1)(b)— 11
omit, insert— 12
- ‘(b) the commissioner approves the application under the *Liquor Act 1992*; and’. 13
14

- Clause 64 Replacement of ss 82–84** 15
- Sections 82 to 84— 16
omit, insert— 17

- ‘82 Consideration of increase application (gaming machines)** 18
- ‘(1) The commissioner must consider an increase application (gaming machines) received by the commissioner before approving, or refusing to approve, the application. 19
20
21
- ‘(2) In considering the increase application, the commissioner may, by written notice given to the applicant, require the applicant, within a reasonable time stated in the notice, to give the commissioner further information or a document that is necessary and reasonable to help the commissioner consider the application. 22
23
24
25
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27
- ‘(3) Also, in considering the increase application, the commissioner— 28
29
- (a) must have regard to— 30

[s 64]

(i)	the increased number of gaming machines sought in the application; and	1 2
(ii)	any supporting material for the application; and	3
(iii)	any relevant community comments on the application; and	4 5
(b)	may have regard to—	6
(i)	the liquor consumption on the premises to which the application relates; and	7 8
(ii)	the monthly taxable metered win of gaming machines currently operated on the premises; and	9 10
(iii)	the hours and days when the premises are open for the sale of liquor; and	11 12
(iv)	the size and layout of, and facilities on, the premises, together with any proposed changes to, or relocation of, the gaming machine areas of the premises; and	13 14 15 16
(v)	the nature or character of the premises; and	17
(vi)	the general use of the premises or the enjoyment of persons using the premises; and	18 19
(vii)	the public interest; and	20
(viii)	any other matters the commissioner considers relevant.	21 22
‘83	Decision on increase application (gaming machines)	23
‘(1)	The commissioner may, in relation to an increase application (gaming machines)—	24 25
(a)	approve, by a stated number, an increase in the approved number of gaming machines for the licensed premises of the licensee; or	26 27 28
(b)	refuse to approve an increase in the approved number.	29

-
- ‘(2) In making the decision, the commissioner must have regard to the matters the commissioner had regard to in considering the increase application under section 82. 1
2
3
- ‘(3) The commissioner must refuse to approve an increase if— 4
- (a) the application relates to category 2 licensed premises; 5
and 6
- (b) any of the endorsed number of entitlements for the 7
licensed premises are, at the time the application is 8
made, transferred under part 3B, division 3 for use on a 9
temporary basis at other category 2 licensed premises. 10
- ‘(4) The commissioner may refuse to approve an increase if the 11
applicant, without a reasonable excuse, fails to comply with a 12
requirement of the commissioner under section 82(2). 13
- ‘(5) If the commissioner approves an increase that is equal to the 14
increase sought in the application, the commissioner must 15
immediately give written notice of the decision to the 16
licensee. 17
- ‘(6) If the commissioner refuses to approve an increase, or 18
approves an increase that is less than the increase sought in 19
the application, the commissioner must immediately give the 20
licensee an information notice for the decision. 21
- ‘(7) If the approved number of gaming machines for licensed 22
premises has been fixed (or increased or decreased) within the 23
last 12 months, the commissioner may only approve an 24
increase in the approved number of gaming machines if there 25
are exceptional reasons for the increase.’. 26

Clause 65 Replacement of ss 85B–85D 27

Sections 85B to 85D— 28

omit, insert— 29

‘85B Consideration of increase application (hours of gaming) 30

- ‘(1) The commissioner must consider an increase application 31
(hours of gaming) received by the commissioner before 32
approving, or refusing to approve, the application. 33

[s 65]

- ‘(2) In considering the increase application, the commissioner may, by written notice given to the applicant, require the applicant, within a reasonable time stated in the notice, to give the commissioner further information or a document that is necessary and reasonable to help the commissioner consider the application.
- ‘(3) Also, in considering the increase application, the commissioner—
- (a) must have regard to—
 - (i) the increase in approved hours of gaming sought in the application; and
 - (ii) any supporting material for the application; and
 - (iii) any relevant community comments on the application; and
 - (b) may have regard to—
 - (i) the hours and days when the licensed premises are open for the sale of liquor; and
 - (ii) any other matters the commissioner considers relevant.

‘85C Decision on increase application (hours of gaming)

- ‘(1) The commissioner may, in relation to an increase application (hours of gaming)—
- (a) approve the hours of gaming sought by the applicant; or
 - (b) approve an increase that differs from the increase sought by the applicant; or
 - (c) refuse to approve an increase to the hours of gaming for the licensed premises.
- ‘(2) In making the decision, the commissioner must have regard to the matters the commissioner had regard to in considering the increase application under section 85B.

-
- ‘(3) The commissioner may refuse to approve an increase if the applicant, without a reasonable excuse, fails to comply with a requirement of the commissioner under section 85B(2).’
- ‘(4) If the commissioner approves an increase as sought by the licensee, the commissioner must immediately give written notice of the decision to the licensee.’
- ‘(5) If the commissioner refuses to approve an increase, or approves an increase that differs from the increase sought in the application, the commissioner must immediately give the licensee an information notice for the decision.’

Clause 66 Replacement of ss 90B–90D

Sections 90B to 90D—

omit, insert—

‘90B Consideration of decrease proposal (hours of gaming)

- ‘(1) The commissioner must consider a decrease proposal (hours of gaming) received by the commissioner before approving, or refusing to approve, the proposal.’
- ‘(2) If the decrease proposal is a request or a report, the commissioner must, in considering the decrease proposal—
- (a) by written notice given to the licensee affected by the proposal, advise the licensee of the relevant details of the proposal; and
 - (b) by the notice, invite the licensee to make a written submission about the proposal within a reasonable time stated in the notice; and
 - (c) consider any written submission of the licensee received by the commissioner within the time stated in the notice.
- ‘(3) Also, in considering the decrease proposal, the commissioner—
- (a) must have regard to the decrease sought or recommended in the proposal; and
 - (b) may have regard to the following matters—

[s 66]

- (i) the public interest; 1
 - (ii) whether or not there are any other licensed 2
premises in close proximity to the licensed 3
premises to which the decrease proposal relates 4
(the *subject premises*); 5
 - (iii) the interests of persons using the subject premises; 6
 - (iv) if the licensee of the subject premises is a category 7
2 licensee— 8
 - (A) the interest of the members of the licensee; 9
and 10
 - (B) whether or not the members have indicated 11
support for a decrease in the approved hours 12
of gaming for the premises. 13
- ‘90C Decision on decrease proposal (hours of gaming) 14**
- ‘(1) The commissioner may, in relation to a decrease proposal 15
(hours of gaming)— 16
 - (a) approve the proposal without modification; or 17
 - (b) modify the proposal and approve the proposal as 18
modified by the commissioner; or 19
 - (c) refuse to approve the proposal. 20
 - ‘(2) In making the decision, the commissioner must have regard 21
to— 22
 - (a) any submission received under section 90B(2)(c); and 23
 - (b) the matters the commissioner had regard to in 24
considering the decrease proposal under section 90B. 25
 - ‘(3) If the decrease proposal is an application, the commissioner— 26
 - (a) must not refuse to approve a decrease if the refusal is 27
likely to impose an unreasonable financial burden on the 28
licensee; and 29
 - (b) may not approve a decrease that is greater than the 30
decrease sought in the application. 31

-
- ‘(4) If the decrease proposal is a request or report, the commissioner may not approve a decrease if the approval is likely to impose an unreasonable financial burden on the licensee. 1
2
3
4
- ‘(5) The commissioner must immediately give written notice of a decision of the commissioner under subsection (1) to the licensee if— 5
6
7
- (a) the decision relates to an application and is a decision approving the decrease as sought in the application; or 8
9
- (b) the decision relates to a request or report and is a decision refusing to approve a decrease. 10
11
- ‘(6) The commissioner must immediately give the licensee an information notice for a decision of the commissioner under subsection (1) if— 12
13
14
- (a) the decision relates to an application and is a decision— 15
- (i) refusing to approve a decrease; or 16
- (ii) approving a decrease that differs from the decrease sought in the application; or 17
18
- (b) the decision relates to a request or report and is a decision approving a decrease.’. 19
20

- Clause 67 Amendment of s 97 (Cancellation or suspension of gaming machine licences and letters of censure) 21
22**
- (1) Section 97(1)(b)(v), ‘commissioner or chief executive’— 23
omit, insert— 24
‘commissioner’. 25
- (2) Section 97(1)(b)(vi), ‘commission, the chief executive’— 26
omit, insert— 27
‘commissioner’. 28
- (3) Section 97(1)(c), ‘chief executive—’ 29
omit, insert— 30

[s 67]

‘commissioner—’.	1
(4) Section 97(1)(c)(iv)—	2
<i>omit, insert—</i>	3
‘(iv) becomes aware of any information or matter that, had it been known when the application for the licence was being considered, the commissioner is of the opinion that the licence would have been refused; or’.	4 5 6 7 8
(5) Section 97(2) to (4), (6) to (8), (10) to (12), (14), (19), (21) and (24), definition <i>excluded interested person</i> , ‘chief executive’—	9 10 11
<i>omit, insert—</i>	12
‘commissioner’.	13
(6) Section 97(2)—	14
<i>insert—</i>	15
‘ <i>Note—</i>	16
Under section 98 the commissioner may immediately suspend a licensee’s gaming machine licence.’.	17 18
(7) Section 97(12)(c)(ii)—	19
<i>omit, insert—</i>	20
‘(ii) either—	21
(A) cancel the gaming machine licence; or	22
(B) suspend the gaming machine licence for the period the commissioner considers appropriate.’.	23 24 25
(8) Section 97(13)—	26
<i>omit, insert—</i>	27
‘(13) If a direction given by the commissioner under subsection (12)(c)(i) is not complied with within the time specified in the notice, the commissioner may—	28 29 30
(a) cancel the gaming machine licence; or	31

-
- (b) suspend the gaming machine licence for the period the commissioner considers appropriate.’. 1
2
- (9) Section 97(15) to (18)— 3
omit. 4
- (10) Section 97(19), ‘commission’— 5
omit, insert— 6
‘commissioner’. 7
- (11) Section 97(20) and (21), ‘subsection (19)’— 8
omit, insert— 9
‘subsection (15)’. 10
- (12) Section 97(22)— 11
omit, insert— 12
- ‘(22) If the commissioner suspends a gaming machine licence 13
under subsection (12)(c)(ii) or (13), the commissioner may— 14
- (a) cancel the suspension in respect of the unexpired period 15
of suspension; or 16
- (b) reduce the period of suspension.’. 17
- (13) Section 97(19) to (24)— 18
renumber as section 97(15) to (20). 19

- Clause 68 Amendment of s 98 (Immediate suspension of gaming machine licence)** 20
21
- (1) Section 98(1), from ‘Where’ to ‘chief executive,’— 22
omit, insert— 23
‘If the commissioner’. 24
- (2) Section 98(1), ‘commission’— 25
omit, insert— 26
‘commissioner’. 27
- (3) Section 98(2)— 28

[s 69]

omit, insert—

‘(2) If the commissioner suspends a gaming machine licence under subsection (1), the commissioner must immediately give the licensee an information notice for the decision to suspend the licence.’.

(4) Section 97(4) and (5)—

omit, insert—

‘(4) The suspension of a gaming machine licence under this section continues to have effect until the notice to show cause issued to the licensee under section 97(2) is finally dealt with.’.

Clause 69 Amendment of s 100 (Effect of suspension of licence)

(1) Section 100, ‘97(16) or (17)’—

omit, insert—

‘97(12) or (13)’.

(2) Section 100(b)—

omit, insert—

‘(b) the exercise of the powers or authorities of the commissioner or an inspector.’.

Clause 70 Amendment of s 101 (Notices to interested persons)

(1) Section 101(1) and (4), ‘chief executive’—

omit, insert—

‘commissioner’.

(2) Section 101(1)(d)—

renumber as section 101(1)(f).

(3) Section 101(1)—

insert—

-
- ‘(d) cancels or suspends a gaming machine licence under section 97(12)(c) or (13); or 1
2
(e) suspends a gaming machine licence under section 98(1); 3
4
or’.
- (4) Section 101(2) and (3)— 5
omit. 6
- (5) Section 101(4) and (5), ‘, (2) or (3)’— 7
omit. 8
- (6) Section 101(6), ‘subsections (4) and (5)’— 9
omit, insert— 10
‘subsections (2) and (3)’. 11
- (7) Section 101(7), definition *show cause result notice*— 12
omit, insert— 13
‘***show cause result notice*** means— 14
- (a) a written notice given by the commissioner advising 15
of— 16
- (i) the arising of a requirement mentioned in 17
subsection (1)(a); or 18
- (ii) the taking of action mentioned in subsection (1)(d), 19
(e) or (f); or 20
- (b) a letter of censure mentioned in subsection (1)(b); or 21
- (c) the notice by which a direction mentioned in subsection 22
(1)(c) is given.’. 23
- (8) Section 101(4) to (7)— 24
renumber as section 101(2) to (5). 25

- Clause 71** **Amendment of s 106 (Appointment of administrator 26
instead of suspension 27**
- Section 106, ‘section 97(16) or (17)’— 28
omit, insert— 29

[s 72]

‘section 97(12) or (13)’. 1

Clause 72 Amendment of s 109F (When operating authorities become operating authorities of the State) 2
3

Section 109F(1)(e), ‘section 97(16)(d) or (17)(a)’— 4

omit, insert— 5

‘section 97(12)(c)(ii)(A) or (13)(a)’. 6

Clause 73 Amendment of s 109M (Application for approval) 7

(1) Section 109M(4)— 8

omit. 9

(2) Section 109M(5) to (8)— 10

renumber as section 109M(4) to (7). 11

Clause 74 Amendment of s 109N (Requirement about consideration for the transfer) 12
13

Section 109N(1), ‘section 109M(5)’— 14

omit, insert— 15

‘section 109M(4)’. 16

Clause 75 Amendment of s 109O (Requirements about transferor licensed premises) 17
18

Section 109O(1), ‘section 109M(5)’— 19

omit, insert— 20

‘section 109M(4)’. 21

Clause 76 Amendment of s 109P (Requirements about transferee licensed premises) 22
23

Section 109P(1), ‘section 109M(5)’— 24

omit, insert— 25

‘section 109M(4)’.

1

Clause 77 Amendment of s 109Q (Variation of terms of transfer)

2

(1) Section 109Q(4)—

3

omit.

4

(2) Section 109Q(5) to (8)—

5

renumber as section 109Q(4) to (7).

6

Clause 78 Amendment of s 109T (Application for approval)

7

(1) Section 109T(5)—

8

omit.

9

(2) Section 109T(6) to (9)—

10

renumber as section 109T(5) to (8).

11

Clause 79 Amendment of s 109U (Requirements about transfer period and consideration for the transfer)

12

13

Section 109U(1), ‘section 109T(6)’—

14

omit, insert—

15

‘section 109T(5)’.

16

Clause 80 Amendment of s 109V (Requirements about transferor licensed premises)

17

18

Section 109V(1), ‘section 109T(6)’—

19

omit, insert—

20

‘section 109T(5)’.

21

Clause 81 Amendment of s 109W (Requirements about transferee licensed premises)

22

23

Section 109W(1), ‘section 109T(6)’—

24

[s 82]

omit, insert— 1
'section 109T(5)'. 2

Clause 82 Amendment of s 109X (Variation of terms of transfer) 3

(1) Section 109X(4)— 4

omit. 5

(2) Section 109X(5) to (8)— 6

renumber as section 109X(4) to (7). 7

Clause 83 Amendment of s 109ZA (When entitlement becomes entitlement of the State) 8
9

Section 109ZA(1)(e), 'section 97(16)(d) or (17)(a)'— 10

omit, insert— 11

'section 97(12)(c)(ii)(A) or (13)(a)'. 12

Clause 84 Amendment of s 109ZH (Decrease in, or end of, temporary transfer of entitlements) 13
14

Section 109ZH(3)(e), 'section 97(16)(d) or (17)(a)'— 15

omit, insert— 16

'section 97(12)(c)(ii)(A) or (13)(a)'. 17

Clause 85 Amendment of s 116 (Further information to support application) 18
19

Section 116(2), from 'chief executive'— 20

omit, insert— 21

'commissioner considers reasonable for considering and 22

deciding the application.'. 23

Clause 86 Replacement of ss 121–122 24

Sections 121 and 122— 25

omit, insert—

‘122 Decision about application

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- ‘(1) The commissioner may grant or refuse to grant an application for a supplier’s licence.
 - ‘(2) Before making a decision, the commissioner may, by written notice given to the applicant, or a disclosed associate of the applicant, require the applicant or associate to give the commissioner further information about the application within the reasonable time stated in the notice.
 - ‘(3) A notice under subsection (2) must relate to information the commissioner considers reasonable for making a decision about the application.
 - ‘(4) In making a decision, the commissioner—
 - (a) must have regard to—
 - (i) the suitability of the applicant to hold a supplier’s licence of the kind applied for; and
 - (ii) for a person who is a disclosed associate of the applicant—the suitability of the person to be associated with the operations of a licensed supplier holding a supplier’s licence of the kind applied for; and
 - (iii) the matters the commissioner had regard to in considering the application under section 120; and
 - (b) may have regard to—
 - (i) the suitability of a general associate of the applicant to be associated with the operations of a licensed supplier holding a supplier’s licence of the kind applied for; and
 - (ii) other matters the commissioner considers relevant.
 - ‘(5) The commissioner may grant an application only if the commissioner is satisfied the grant is not contrary to the public interest.
 - ‘(6) The commissioner may refuse to grant an application if—

[s 87]

(a) the commissioner has given a notice to the applicant, or a disclosed associate of the applicant, requiring the applicant or associate to give further information about the application; and

(b) the applicant or associate has failed without reasonable excuse, to give the information to the commissioner within the time stated in the notice.

‘(7) If the commissioner decides to grant the application, the commissioner must promptly issue the appropriate supplier’s licence to the applicant on payment of the licence fee prescribed under a regulation.

‘(8) If the commissioner decides to refuse to grant the application, the commissioner must promptly give the applicant an information notice about the decision.’.

Clause 87 Amendment of s 139 (Grounds for suspension or cancellation)

(1) Section 139(1)(ba), ‘commission or chief executive’—
omit, insert—
‘commissioner’.

(2) Section 139(1)(bb), ‘commission, the chief executive’—
omit, insert—
‘commissioner’.

Clause 88 Amendment of s 145 (Direction to rectify)

Section 145(3)(b), ‘section 146’—
omit, insert—
‘section 147’.

Clause 89 Replacement of ss 146–147

Sections 146 and 147—

omit, insert—

‘147 Decision to suspend or cancel

‘(1) This section applies if—

- (a) the circumstances mentioned in section 145(1) or (2) exist and the commissioner has not directed the licensed supplier to rectify a matter; or
- (b) the licensed supplier fails to comply with a direction to rectify a matter within the period stated in the relevant notice.

‘(2) The commissioner may—

- (a) decide not to take any action in relation to the licensed supplier or licence; or
- (b) by written notice given to the licensed supplier, censure the licensed supplier for a matter relevant to the show cause notice; or
- (c) if the commissioner considers a matter relevant to the show cause notice is reasonably capable of being rectified—by written notice given to the licensed supplier, direct the licensed supplier to rectify the matter within the reasonable period stated in the commissioner’s notice; or
- (d) suspend the licence for the period the commissioner considers appropriate; or
- (e) cancel the licence; or
- (f) if the licensed supplier is a licensed monitoring operator—appoint an administrator to conduct the monitoring operations of the licensed supplier under its monitoring operator’s licence.

‘(3) In making a decision under subsection (2), the commissioner—

- (a) must have regard to the accepted representations; and
- (b) may have regard to any other information or material the commissioner considers relevant.

[s 90]

- ‘(4) If the commissioner directs the licensed supplier to rectify a matter and the licensed supplier fails to comply with the direction within the period stated in the relevant notice, the commissioner may—
- (a) take the action mentioned in subsection (2)(d) or (e); or
 - (b) if the licensed supplier is a licensed monitoring operator—take the action mentioned in subsection (2)(f).
- ‘(5) If the commissioner decides not to take any action about the licensed supplier or supplier’s licence, the commissioner must immediately give the licensed supplier written notice of the decision.
- ‘(6) Subsections (2)(f) and (4)(b) apply despite the Corporations Act.’.

Clause 90 Amendment of s 148 (Suspension, cancellation and appointment of administrator) 15
16
Section 148(6)— 17
omit. 18

Clause 91 Amendment of s 149 (Immediate suspension) 19

(1) Section 149(1), from ‘The commission may’ to ‘believes’— 20
omit, insert— 21
‘The commissioner may immediately suspend a supplier’s licence if the commissioner believes’. 22
23

(2) Section 149(2) and (3)— 24
omit, insert— 25

‘(2) If the commissioner decides to immediately suspend a supplier’s licence, the commissioner— 26
27

-
- (a) must promptly give the licensed supplier an information notice; and 1
2
- (b) must give the licensed supplier a show cause notice, as required under section 140(1), about the act, omission or other thing constituting the ground for suspending the licence.’. 3
4
5
6
- (3) Section 149(4), ‘chief executive’— 7
omit, insert— 8
‘commissioner’. 9
- (4) Section 149(4) and (5)— 10
renumber as section 149(3) and (4). 11

Clause 92 Amendment of s 150 (Effect of suspension) 12

Section 150(b), ‘commission, the chief executive’— 13
omit, insert— 14
‘commissioner’. 15

Clause 93 Amendment of s 325I (Report about criminal history) 16

(1) Section 325I, ‘commissioner of the police service’— 17
omit, insert— 18
‘police commissioner’. 19

(2) Section 325I(3), before ‘commissioner’s’— 20
insert— 21
‘police’. 22

(3) Section 325I(3), before ‘commissioner has’— 23
insert— 24
‘police’. 25

[s 94]

Clause 94	Amendment of s 327 (Directions)	1
	Section 327(1) and (2), ‘commission or the chief executive’—	2
	<i>omit, insert</i> —	3
	‘commissioner’.	4
Clause 95	Amendment of s 335 (Minister may order inquiry)	5
	(1) Section 335(1), ‘commission, a’—	6
	<i>omit.</i>	7
	(2) Section 335(2), ‘commission,’—	8
	<i>omit.</i>	9
	(3) Section 335(3), ‘a commissioner’—	10
	<i>omit, insert</i> —	11
	‘the commissioner’.	12
Clause 96	Amendment of s 336 (Review and termination of agreements)	13
	(1) Section 336(1) to (4) and (7) to (8), ‘chief executive’—	14
	<i>omit, insert</i> —	15
	‘commissioner’.	16
	(2) Section 336(9), ‘chief executive’—	17
	<i>omit, insert</i> —	18
	‘commissioner’.	19
	(3) Section 336(9)(b)—	20
	<i>omit, insert</i> —	21
	‘(b) answers given or submissions made in reply to or in	22
	respect of the notice are not satisfactory or if no answers	23
	are given and no submissions are made—the	24
	commissioner may direct the termination of the	25
	agreement.’.	26
		27

	(4) Section 336(10) and (11)—	1
	<i>omit.</i>	2
	(5) Section 336(12), from ‘The commission’s’ to ‘subsection (11)(b)’—	3
	<i>omit, insert—</i>	4
	‘The commissioner’s direction under subsection (9)(b)’.	5
	(6) Section 336(12) to (15)—	6
	<i>renumber</i> as section 336(10) to (13).	7
Clause 97	Amendment of s 344 (Approvals and authorities under this Act)	9
	Section 344(1), ‘, commission or chief executive’—	10
	<i>omit, insert—</i>	11
	‘or the commissioner’.	12
Clause 98	Omission of s 345 (Signatories to approvals and written requirements etc. of the commission)	13
	Section 345—	14
	<i>omit.</i>	15
Clause 99	Amendment of s 346 (Bribery of gaming officials)	16
	Section 346(3), definition <i>gaming official</i> , paragraph (a)—	17
	<i>omit, insert—</i>	18
	‘(a) the commissioner; or’.	19
Clause 100	Amendment of s 354 (Protection of officers etc.)	20
	(1) Section 354, ‘commission, a’—	21
	<i>omit.</i>	22
	(2) Section 354, ‘commissioner of the police service’—	23

[s 101]

omit, insert— 1
'police commissioner'. 2

Clause 101	Amendment of s 356 (Proceedings for offences)	3
	Section 356(2)—	4
	<i>omit, insert—</i>	5
	'(2) A prosecution for an offence against this Act may be started within the later of the following periods to end—	6 7
	(a) within 1 year from the time when the matter of complaint arose;	8 9
	(b) within 6 months after the matter of complaint comes to the knowledge of the commissioner, but within 5 years after the offence is committed.'	10 11 12

Clause 102	Amendment of s 357 (Starting proceedings)	13
	Section 357, from 'the chief' to 'executive to'—	14
	<i>omit, insert—</i>	15
	'the commissioner or another person authorised by the commissioner to'.	16 17

Clause 103	Amendment of s 361 (Evidentiary provisions)	18
	Section 361(a), 'chairperson, a'—	19
	<i>omit.</i>	20

Clause 104	Amendment of s 366 (Regulation-making power)	21
	(1) Section 366(2)(r)—	22
	<i>omit.</i>	23
	(2) Section 366(2)(s)—	24
	<i>renumber</i> as section 366(2)(r).	25

Clause 105	Amendment of s 460 (Definitions for div 16)	1
	Section 460—	2
	<i>insert—</i>	3
	<i>‘commission</i> means the Queensland Liquor and Gaming Commission established under the former Act.	4
	<i>former</i> , for a provision of this Act, means the provision as in force before the commencement of the section in which the term is used.’.	5
		6
		7
		8
Clause 106	Insertion of new ss 464–476	9
	Part 12, division 16—	10
	<i>insert—</i>	11
‘464	Dissolution of Queensland Liquor and Gaming Commission	12
		13
	‘(1) On the commencement—	14
	(a) the Queensland Liquor and Gaming Commission is dissolved; and	15
		16
	(b) the commissioners of the Queensland Liquor and Gaming Commission go out of office.	17
		18
	‘(2) No compensation is payable to a commissioner because of subsection (1).	19
		20
‘465	Guidelines of commission and chief executive continue as guidelines of commissioner	21
		22
	‘(1) This section applies to the following guidelines—	23
	(a) guidelines issued by the commission under former section 17 and in force immediately before the commencement;	24
		25
		26
	(b) guidelines issued by the chief executive under former section 54A and in force immediately before the commencement.	27
		28
		29

[s 106]

‘(2)	On the commencement, the guidelines are taken to be guidelines made by the commissioner under section 18.	1 2
‘466	Standards continue as standards of commissioner	3
‘(1)	This section applies to standards made by the chief executive under former section 54B and in force immediately before the commencement.	4 5 6
‘(2)	On the commencement, the standards are taken to be standards made by the commissioner under section 19.	7 8
‘467	Operators audit guidelines continue as guidelines of commissioner	9 10
‘(1)	This section applies to operators audit guidelines prepared by the chief executive under former section 176 and in force immediately before the commencement.	11 12 13
‘(2)	On the commencement, the guidelines are taken to be operators audit guidelines prepared by the commissioner under section 176.	14 15 16
‘468	Licensees audit guidelines continue as guideline of commissioner	17 18
‘(1)	This section applies to licensees audit guidelines prepared by the chief executive under former section 301 and in force immediately before the commencement.	19 20 21
‘(2)	On the commencement, the guidelines are taken to be licensees audit guidelines prepared by the commissioner under section 301.	22 23 24
‘469	Applications made to chief executive or commission taken to be made to commissioner	25 26
‘(1)	This section applies if, before the commencement, a person made an application under this Act to the chief executive or commission and, immediately before the commencement, the application had not been finally dealt with.	27 28 29 30

‘(2)	The application is taken to have been made to the commissioner and the commissioner may deal or continue to deal with the application after the commencement.	1 2 3
‘470	Orders etc. of chief executive or commission taken to be orders etc. of commissioner	4 5
‘(1)	This section applies to an order, direction, notice, approval, action, authorisation or decision of the chief executive or commission under this Act that is current immediately before the commencement.	6 7 8 9
‘(2)	After the commencement, the order, direction, notice, approval, action, authorisation or decision is taken to be an order, direction, notice, approval, action, authorisation or decision of the commissioner and the commissioner may deal or continue to deal with the matter the subject of the order, direction, notice, approval, action, authorisation or decision.	10 11 12 13 14 15
	<i>Examples—</i>	16
1	A gaming machine licence current immediately before the commencement is, after the commencement, taken to have been granted by the commissioner and continues to be current.	17 18 19
2	A gaming machine licence granted before the commencement that, immediately before the commencement, is suspended is, after the commencement, taken to have been granted, and suspended, by the commissioner.	20 21 22 23
3	The chief executive gave a show cause notice under former section 214B and at the commencement the show cause period had not ended. After the commencement, the commissioner may continue to act in relation to the show cause notice under part 5, division 6.	24 25 26 27
‘(3)	In this section—	28
	<i>current</i> includes in force.	29
‘471	Appeal to tribunal about decisions of chief executive or commission	30 31
‘(1)	This section applies if—	32
(a)	before the commencement, the chief executive or commission had made a decision about a matter for	33 34

[s 106]

which an information notice must be given to a person; and	1 2
(b) immediately before the commencement, the person had not appealed the decision.	3 4
‘(2) The person may appeal the decision to the tribunal after the commencement as if the decision about the matter had been made by the commissioner.	5 6 7
‘(3) Nothing in this section affects —	8
(a) the requirement that the person start the appeal within 28 days after receiving an information notice for the decision being appealed; or	9 10 11
(b) the tribunal’s power to extend the time for starting an appeal.	12 13
‘472 Existing appeals about decisions of chief executive or commission	14 15
‘(1) This section applies to an appeal against a decision of the chief executive or commission if, immediately before the commencement, the appeal had not been finally dealt with.	16 17 18
‘(2) The appeal is taken to be an appeal against a decision of the commissioner and the court or tribunal may hear or continue to hear and decide the appeal after the commencement as if the decision had been made by the commissioner.	19 20 21 22
‘473 Documents held by chief executive or commission become documents of commissioner	23 24
‘(1) This section applies to documents held by the chief executive or commission before the commencement that—	25 26
(a) relate to functions under this Act of the chief executive or commission before the commencement; and	27 28
(b) on the commencement, relate to similar functions to be performed by the commissioner under this Act.	29 30

‘(2) On the commencement, the documents become the documents of the commissioner and may be used by the commissioner in performing the commissioner’s functions under this Act.

‘474 Approved forms continue as approved forms of commissioner

‘(1) This section applies to an approved form in force immediately before the commencement.

‘(2) The approved form continues in force after the commencement as if it had been approved by the commissioner until the earlier of the following—

(a) the commissioner approves a new form for the matter the subject of the form;

(b) 12 months after the commencement.

‘475 References in Acts and documents

‘A reference in an Act or document to the commission may, if the context permits, be taken to be a reference to the commissioner.’.

Clause 107 Replacement of sch 1 (Reviewable decisions)

Schedule 1—

omit, insert—

[s 107]

‘Schedule 1	Reviewable decisions	1
	section 29	2
‘Part 1	Decisions or determinations of the commissioner affecting applicant for, or holder of, a licence	3 4 5 6

Section	Description of decision
55	refusing to grant a gaming machine licence
59(2)	fixing a number of gaming machines for premises that is— (a) for premises mentioned in section 56(2)(c)—less than the number sought in the relevant application for the premises and less than the number approved for the premises at the time the application is made; or (b) for other premises—less than the number sought in the relevant application for the premises
59(2)(a)(ii)	fixing hours of gaming for premises that differ from the hours of gaming sought in the relevant application for the premises
59(2)(a)(iii)	fixing the number of operating authorities to be transferred to premises if that number is less than the number sought in the application relating to the premises
63	refusing to approve additional premises as premises to which a category 2 licensee’s gaming machine licence relates

Section	Description of decision
64(2)	fixing a number of gaming machines for additional premises that is less than the number sought in the additional premises application
64(2)(b)	fixing hours of gaming for additional premises that differ from the hours of gaming sought in the relevant additional premises application
73(1)(b)	imposing conditions on a gaming machine licence
74(1)	imposing conditions or further conditions, or varying conditions, on a gaming machine licence
76	refusing to renew a gaming machine licence
83(1)(a)	approving an increase in the approved number of gaming machines for a licensee's licensed premises that is less than the increase sought in the relevant application
83(1)(b)	refusing to approve an increase in the approved number of gaming machines for a licensee's licensed premises
85C(1)(b)	approving an increase in the approved hours of gaming for a licensee's licensed premises that differs from an increase sought in the relevant application
85C(1)(c)	refusing to approve an increase in approved hours of gaming for a licensee's licensed premises
87(1)(a)	approving, for a decrease proposal that is an application, a decrease in the approved number of gaming machines for a licensee's licensed premises that is less than the decrease sought in the application

[s 107]

Section	Description of decision
87(1)(a)	approving, for a decrease proposal that is a request or report, a decrease in the approved number of gaming machines for a licensee's licensed premises
87(1)(b)	refusing, for a decrease proposal that is an application, to approve a decrease in the approved number of gaming machines for a licensee's licensed premises
90C(1)(a)	approving, for a decrease proposal that is a request or a report, a decrease in the approved hours of gaming for a licensee's licensed premises
90C(1)(b)	approving, for a decrease proposal that is an application, a decrease in the approved hours of gaming for a licensee's licensed premises that is a modification of the proposal contained in the relevant application
90C(1)(c)	refusing, for a decrease proposal that is an application, to approve a decrease in the approved hours of gaming for a licensee's licensed premises
97(12)(c)	cancelling or suspending a gaming machine licence
97(13)	cancelling or suspending a gaming machine licence for failing to comply with a direction from the commissioner
98(1)	suspending a gaming machine licence
99	suspending a gaming machine licence
122	refusing to grant application for a supplier's licence
123	imposing a condition on a supplier's licence

Section	Description of decision
127	changing a condition of a supplier's licence
131	refusing to renew a supplier's licence
132	refusing, on an application made on the ground mentioned in section 132(1)(a), to replace a supplier's licence
147(2)(d)	suspending a supplier's licence
147(2)(e)	cancelling a supplier's licence
149	immediately suspending a supplier's licence
201(1)	refusing to grant an application for a licence under part 5
205	imposing a condition on a licence under part 5
206(1)	changing a condition of a licence under part 5
207	refusing to renew a licence under part 5
214D	immediately suspending a licence under part 5
214E	suspending or cancelling a licence under part 5
214G	censuring the holder of a licence under part 5
214H	directing the holder of a licence under part 5 to rectify a matter

[s 108]

'Part 2	Decisions of a licensee affecting persons	1
		2

Section	Description of decision	
261C	giving a person an exclusion direction	
261F	refusing to revoke an exclusion direction given to a person'.	

Clause 108	Amendment of sch 2 (Dictionary)	3
(1)	Schedule 2, definitions <i>approved form, chairperson, commission, commissioner, liquor licensing authority, relevant chief executive, supporting material</i> , for an additional premises application, <i>supporting material</i> for an application for a gaming machine licence, <i>supporting material</i> , for an application for a licence under part 5 and <i>supporting material</i> , for an increase application—	4 5 6 7 8 9 10
	<i>omit.</i>	11
(2)	Schedule 2—	12
	<i>insert—</i>	13
	<i>'approved form</i> means a form approved by the commissioner under section 364.	14 15
	<i>commissioner</i> see section 15(1).	16
	<i>police commissioner</i> means the commissioner of the police service.	17 18
	<i>supporting material</i> means—	19
(a)	for an additional premises application—any information or documents received by the commissioner in response to a notice given under section 62(2)(b) about the application; or	20 21 22 23
(b)	for an application for a gaming machine licence—any information or documents received by the commissioner	24 25

-
- in response to a notice given under section 57(2)(b) 1
about the application; or 2
- (c) for an application for a licence under part 5—any 3
information or documents received by the commissioner 4
in response to a notice given under section 200(3)(a) 5
about the application; or 6
- (d) for an increase application—any information or 7
documents received by the commissioner in response to 8
a notice given under section 82(2) about the 9
application.’. 10
- (3) Schedule 2, definition *approved authority*, paragraph (a)— 11
omit. 12
- (4) Schedule 2, definition *approved authority*, paragraphs (b) and 13
(c)— 14
renumber as paragraphs (a) and (b). 15
- (5) Schedule 2, definition *subsidiary operator*, ‘relevant chief 16
executive’— 17
omit, insert— 18
‘commissioner under the *Liquor Act 1992*’. 19

Clause 109 Amendment of various sections for reference to chief executive 20
21

- (1) Each of the following provisions is amended by omitting 22
‘chief executive’ or ‘chief executive’s’ and inserting 23
‘commissioner’ or ‘commissioner’s’— 24
- section 4 25
 - section 32(2) and (3), definition *new evidence* 26
 - section 49 27
 - section 53A(1), (2) and (4) 28
 - section 54(6)(c), (7), (8) and (9) 29
 - section 55A(1)(d) and (2) 30

[s 109]

• section 55C(2), (3) and (4)	1
• section 55D(1) and (4), definition <i>member of the public</i>	2
• section 55E(1)	3
• section 55F	4
• section 55G	5
• section 56(5)(n), (o) and (p) and (7)(b)	6
• section 56A(1)(b)(i)	7
• section 56B(1)(b)(i) and (2)(b)(i)	8
• section 59(3), (4), (5) and (6)	9
• section 61(3)(b), (4)(b) and (5)(d) and (g)	10
• section 64(5) and (6)	11
• section 65(2) and (3)	12
• section 66(1) and (2)	13
• section 67(3) and (6)	14
• section 69(2) and (8)	15
• section 70(1)	16
• section 71(1), (2) and (3)	17
• section 71A(2), (4) and (5)	18
• section 74(2), (4) and (5)	19
• section 75(1), (2) and (4)	20
• section 76	21
• section 78	22
• section 78A(2) and (3)	23
• section 79(1)(c)	24
• section 80(1) and (2)	25
• section 81(2)(b)	26
• section 85A(3)	27

• section 86(3),(5) and (6)	1
• section 87	2
• section 88(1)	3
• section 88A	4
• section 89	5
• section 90(1), (3) and (5)	6
• section 90A(4) and (5)	7
• section 91	8
• section 91A(2) and (5)	9
• section 91B	10
• section 91C	11
• section 92(1) and (2)	12
• section 93	13
• section 94	14
• section 95	15
• section 95A(2) and (3)	16
• section 95B(2)(d)	17
• section 99	18
• section 104(3), (5) and (6)	19
• section 105	20
• section 109(2), (3) and (5)	21
• section 109I(2) and (3)	22
• section 109M	23
• section 109O(2) and (5)	24
• section 109Q	25
• section 109R(2) and (3)	26
• section 109T	27

[s 109]

• section 109X	1
• section 109Y(2) and (3)	2
• section 109ZG(2) and (3)	3
• section 109ZH(2) and (4)	4
• section 109ZJ	5
• section 112	6
• section 113	7
• section 114	8
• section 115(2)(a)	9
• section 116(1)	10
• section 117	11
• section 118	12
• section 119	13
• section 120	14
• section 123(2)	15
• section 126(4)	16
• section 127(2)	17
• section 128	18
• section 129	19
• section 130(2)	20
• section 131	21
• section 132	22
• section 134	23
• section 136	24
• section 137	25
• section 138(3)	26
• section 139(2)(e)	27

• section 140	1
• section 141	2
• section 142	3
• section 143	4
• section 144	5
• section 145	6
• section 148(2) and (4)	7
• section 152	8
• section 153(1)	9
• section 154	10
• section 155(2)	11
• section 156(1)	12
• section 157(2)	13
• section 158	14
• section 159(2)	15
• section 161(2)	16
• section 162(2)	17
• section 163(3)	18
• section 164	19
• section 165	20
• section 166	21
• section 167(1)	22
• section 168	23
• section 170(2)	24
• section 173	25
• section 174	26
• section 175	27

[s 109]

• section 176	1
• section 177	2
• section 179	3
• section 180	4
• section 181	5
• section 182(1)	6
• section 183	7
• section 184(1)	8
• section 185	9
• section 188(1)	10
• section 189	11
• section 191	12
• section 192	13
• section 193	14
• section 198(4) and (6)	15
• section 199	16
• section 200	17
• section 201	18
• section 202(3)	19
• section 203	20
• section 205(1)	21
• section 206	22
• section 206A	23
• section 207	24
• section 209	25
• section 210(1) and (2)	26
• section 212	27

• section 213	1
• section 214(3)	2
• part 5, division 6, heading	3
• section 214A	4
• section 214B	5
• section 214C	6
• section 214D	7
• section 214E	8
• part 5, division 6, subdivision 2, heading	9
• section 214F	10
• section 214G	11
• section 214H	12
• section 214I	13
• section 215	14
• section 217	15
• section 218	16
• section 223(2)	17
• section 224	18
• section 225	19
• section 228(3)	20
• section 230(1)	21
• section 231	22
• section 232	23
• section 234(1)	24
• section 236	25
• section 240	26
• section 242A(1)(a)	27

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• section 247(4)(c)	1
• section 248	2
• section 249(1)	3
• section 261K	4
• section 264C	5
• section 265(2) and (3)	6
• section 265A(1)(b)	7
• section 266(1)	8
• section 267	9
• section 267A(2)	10
• section 268(2)	11
• section 269(e)	12
• section 270(e)	13
• section 272	14
• section 274	15
• section 275	16
• section 277	17
• section 281	18
• section 282(2)(b)	19
• section 283(2) and (2B)	20
• section 284(1)	21
• section 285	22
• section 287	23
• section 288	24
• section 289	25
• section 290	26
• section 291(2)(c)	27

• section 292(3) and (4)	1
• section 295(2)	2
• section 301	3
• section 302(3)(b)	4
• section 304	5
• section 305	6
• section 306	7
• section 307	8
• section 309(2)	9
• section 310	10
• section 312(1)	11
• section 314(2)	12
• section 316B(1)	13
• section 316C	14
• section 317	15
• section 319	16
• section 320	17
• section 321	18
• section 322(1) and (3)	19
• section 323	20
• section 324(1) and (3)	21
• section 325A	22
• section 325B(3)	23
• section 325C(1)	24
• section 325F	25
• section 325G	26
• section 325H	27

[s 109]

• section 325I	1
• section 329(1)(k)	2
• section 334	3
• section 337(3)	4
• section 337B	5
• section 337C	6
• section 337D	7
• section 337E	8
• section 337F	9
• section 337G	10
• section 337H	11
• section 337I(1)	12
• section 337J	13
• section 337K	14
• section 337L(2) and (4)	15
• section 337M	16
• section 337N	17
• section 339	18
• section 340	19
• section 341A	20
• section 343	21
• section 347	22
• section 348	23
• section 358	24
• section 361(d)	25
• section 363	26
• section 364	27

-
- section 365 1
 - schedule 2, definition *approved accountant*, paragraph (e) 2
3
 - schedule 2, definition *approved control system* 4
 - schedule 2, definition *approved game* 5
 - schedule 2, definition *approved place* 6
 - schedule 2, definition *approved responsible service of gambling course* 7
8
 - schedule 2, definition *approved training course* 9
 - schedule 2, definition *approved trust account* 10
 - schedule 2, definition *authorised gaming machine* 11
 - schedule 2, definition *excluded interested person* 12
 - schedule 2, definition *financial year* 13
 - schedule 2, definition *multiple site jackpot increments* 14
 - schedule 2, definition *registration number* 15
 - schedule 2, definition *restricted official*. 16
- (2) Each of the following provisions is amended by omitting 17
'Chief executive' or 'Chief executive's' and inserting 18
'Commissioner' or 'Commissioner's'— 19
- section 55F, heading 20
 - section 91B, heading 21
 - section 200, heading. 22

- Clause 110 Amendment of various sections for reference to commission** 23
24
- Each of the following provisions is amended by omitting 25
'commission' or 'commission's' and inserting 26
'commissioner' or 'commissioner's'— 27
- section 55B(2) and (3) 28
 - section 55D(2), examples 29

[s 110]

• section 55H(2) and (3)	1
• section 59(1) and (2)	2
• section 64(1), (2) and (3)	3
• section 65(1) and (3)(a)	4
• section 73(1)	5
• section 74(1) and (2)	6
• section 78(2)(b)	7
• section 78A(3)(b) and (4)(c)	8
• section 80A	9
• section 85(1) and (2)	10
• section 85AA	11
• section 87(11)	12
• section 90A(5)	13
• section 91(3)	14
• section 91A(5)	15
• section 95(2F)	16
• section 95A(1)	17
• section 95B(1)	18
• section 106	19
• section 107(2)	20
• section 108	21
• section 109K(2)	22
• section 109M	23
• section 109Q	24
• section 109T	25
• section 109X	26
• section 123	27

-
- section 126 1
 - section 127 2
 - section 148(1) and (5) 3
 - section 151(1) and (2) 4
 - section 152(2) and (3) 5
 - section 235(1) 6
 - section 342(4) and (5) 7
 - schedule 2, definition *power*. 8

Part 5 Amendment of Liquor Act 1992 9

Clause 111 Act amended 10
This part amends the *Liquor Act 1992*. 11

Clause 112 Amendment of s 4 (Definitions) 12

(1) Section 4, definitions *approved form*, *assistant commissioner*, *commission*, *commissioner* and *decision of significant community impact*— 13
omit. 14
15 16

(2) Section 4— 17
insert— 18
‘approved form means a form approved by the commissioner under section 234A. 19
20
assistant police commissioner, for a locality, means the 21
assistant commissioner under the *Police Service* 22
Administration Act 1990 in charge of the police service for the 23
locality. 24

[s 113]

commissioner means the Commissioner for Liquor and Gaming under the *Gaming Machine Act 1991*. 1
2

police commissioner means the commissioner of the police service. 3
4

Clause 113	Amendment of s 21 (Jurisdiction and powers of tribunal)	5
(1)	Section 21(2)— <i>omit.</i>	6 7
(2)	Section 21(3), ‘or the commission’— <i>omit.</i>	8 9
(3)	Section 21(3)— <i>renumber</i> as section 21(2).	10 11
Clause 114	Amendment of s 30 (Who may apply for review of decisions)	12 13
	Section 30(1), ‘or the commission’— <i>omit.</i>	14 15
Clause 115	Amendment of s 31 (Failure to notify about decision)	16
	Section 31(2), ‘or the commission’— <i>omit.</i>	17 18
Clause 116	Amendment of s 32 (Notification of review to interested persons)	19 20
(1)	Section 32(3)(c)— <i>omit.</i>	21 22
(2)	Section 32(3)(d)— <i>renumber</i> as section 32(3)(c).	23 24

Clause 117	Amendment of s 33 (Tribunal to decide review on evidence before the chief executive or the commission)	1 2
	Section 33, ‘or the commission’—	3
	<i>omit.</i>	4
Clause 118	Amendment of s 34 (Tribunal may give leave for review to be decided on new evidence in particular circumstances)	5 6
	Section 34, ‘or the commission’—	7
	<i>omit.</i>	8
Clause 119	Amendment of s 42A (Chief executive may issue guidelines)	9 10
	(1) Section 42A, ‘issue’—	11
	<i>omit, insert—</i>	12
	‘make’.	13
	(2) Section 42A(2), ‘issued’—	14
	<i>omit, insert—</i>	15
	‘made’.	16
Clause 120	Amendment of s 58A (Licences subject to conditions imposed under regulation)	17 18
	Section 58A(2), ‘or the commission’—	19
	<i>omit.</i>	20
Clause 121	Amendment of s 69 (Authority of subsidiary off-premises licence)	21 22
	(1) Section 69(1)(i), ‘chief executive’—	23
	<i>omit, insert—</i>	24
	‘commissioner’.	25
	(2) Section 69(1)(i) and (ii)—	26

[s 122]

renumber as section 69(1)(a) and (b).

1

Clause 122 Amendment of s 89 (Definitions for div 8)

2

(1) Section 89, definition *delegate*—

3

omit.

4

(2) Section 89—

5

insert—

6

'delegate means—

7

(a) a person to whom the chief executive delegated the chief executive's powers under former section 42; or

8

9

(b) a person to whom the commissioner has delegated the commissioner's powers under section 42.

10

11

former section 42 means section 42 as in force before 1 July 2013.

12

13

Clause 123 Amendment of s 94 (Protection from liability)

14

(1) Section 94(1), after 'executive'—

15

insert—

16

'or the commissioner'.

17

(2) Section 94(2), after 'executive'—

18

insert—

19

', the commissioner'.

20

(3) Section 94(4)—

21

omit.

22

Clause 124 Replacement of s 99G (Commissioner must provide information)

23

24

Section 99G—

25

omit, insert—

26

'99G	Police commissioner must provide information	1
	'(1) The commissioner may ask the police commissioner to give the commissioner the information the commissioner requires to decide whether to classify licensed premises as high risk under this division.	2 3 4 5
	'(2) Subject to subsection (3), the police commissioner must provide the information requested.	6 7
	'(3) The obligation of the police commissioner to comply with the commissioner's request applies only to information in the possession of the police commissioner or to which the police commissioner has access.'	8 9 10 11
Clause 125	Amendment of s 103N (Adult entertainment code)	12
	Section 103N(4)—	13
	<i>omit, insert—</i>	14
	'(4) The commissioner and the police commissioner are to make the code.'	15 16
Clause 126	Amendment of s 107 (Restrictions on grant of licence or permit)	17 18
	Section 107(5)(a), 'from the commissioner'—	19
	<i>omit, insert—</i>	20
	'from the police commissioner'.	21
Clause 127	Amendment of s 107F (Application to be referred to commissioner)	22 23
	(1) Section 107F, heading, 'commissioner'—	24
	<i>omit, insert—</i>	25
	'police commissioner' .	26
	(2) Section 107F(1), 'to the commissioner'—	27
	<i>omit, insert—</i>	28

[s 128]

‘to the police commissioner’. 1

(3) Section 107F(2), ‘the commissioner’— 2

omit, insert— 3

‘the police commissioner’. 4

(4) Section 107F(3), ‘The commissioner’— 5

omit, insert— 6

‘The police commissioner’. 7

(5) Section 107F(4) and (5), ‘The commissioner’s’— 8

omit, insert— 9

‘The police commissioner’s’. 10

Clause 128 Amendment of s 109B (Controllers) 11

(1) Section 109B(4), ‘to the commissioner’— 12

omit, insert— 13

‘to the police commissioner’. 14

(2) Section 109B(5), ‘the commissioner’— 15

omit, insert— 16

‘the police commissioner’. 17

(3) Section 109B(6), ‘The commissioner’— 18

omit, insert— 19

‘The police commissioner’. 20

(4) Section 109B(7) and (8), ‘The commissioner’s’— 21

omit, insert— 22

‘The police commissioner’s’. 23

Clause 129 Amendment of s 116 (When community impact statement to be given to chief executive) 24

(1) Section 116(7)— 25

26

	<i>omit.</i>	1
	(2) Section 116(8) and (9)	2
	<i>renumber</i> as section 116(7) and (8).	3
Clause 130	Amendment of s 119A (Objection by Minister to grant of applications having significant community impact)	4 5
	Section 119A(1)—	6
	<i>omit, insert—</i>	7
	‘(1) This section applies if notice of an application for either of the following is advertised under section 118—	8 9
	(a) a licence or variation of a licence;	10
	(b) an extended trading hours approval or variation of an extended trading hours approval.’.	11 12
Clause 131	Amendment of s 137 (Procedure for taking disciplinary action in relation to licence)	13 14
	Section 137(1), ‘, or the commission under section 142AO,’—	15
	<i>omit.</i>	16
Clause 132	Amendment of s 137A (Decision about disciplinary action)	17 18
	(1) Section 137A(1), (2) and (4), ‘, or the commission under section 142AO,’—	19 20
	<i>omit.</i>	21
	(2) Section 137A(1), (2) and (4), ‘or the commission’—	22
	<i>omit.</i>	23
Clause 133	Amendment of s 137B (Notice to be given about decision of chief executive or commission)	24 25
	(1) Section 137B, heading, ‘or commission’—	26

[s 134]

omit. 1

(2) Section 137B(1), (2) and (3), ‘or the commission’— 2

omit. 3

Clause 134 Amendment of s 137D (Amount payable as a debt due to the State) 4
5

Section 137D(1), ‘chief executive or the commission’— 6

omit, insert— 7

‘commissioner’. 8

Clause 135 Omission of pt 5, div 7 (Decisions of significant community impact to be made by commission) 9
10

Part 5, division 7— 11

omit. 12

Clause 136 Amendment of s 142R (Deciding application) 13

Section 142R(4), ‘from the commissioner’— 14

omit, insert— 15

‘from the police commissioner’. 16

Clause 137 Amendment of s 154A (Relocation of detached bottle shops) 17
18

Section 154A(6)(b), after ‘executive’— 19

insert— 20

‘or commissioner’. 21

Clause 138 Amendment of s 173ZQ (Commissioner must provide information relevant to applications) 22
23

(1) Section 173ZQ, heading, ‘Commissioner’— 24

omit, insert— 25

‘Police commissioner’.

(2) Section 173ZQ(1), ‘ask the commissioner’—
omit, insert—

‘ask the police commissioner’.

(3) Section 173ZQ(3), ‘commissioner’—
omit, insert—

‘police commissioner’.

(4) Section 173ZQ(4), ‘of the commissioner’—
omit, insert—

‘of the police commissioner’.

(5) Section 173ZQ(4), ‘which the commissioner’—
omit, insert—

‘which the police commissioner’.

Clause 139 Amendment of s 173ZR (Chief executive may give copy of order to commissioner)

(1) Section 173ZR, heading, ‘commissioner’—
omit, insert—

‘police commissioner’.

(2) Section 173ZR(2), ‘to the commissioner’—
omit, insert—

‘to the police commissioner’.

Clause 140 Amendment of s 219 (Community investment fund)

Section 219(3), definition *administered receipt*, from
‘*Financial*’—

omit, insert—

‘*Financial Accountability Act 2009*, section 7.’.

[s 141]

Clause 141	Amendment of s 232B (Commissioner to give information to chief executive)	1 2
	(1) Section 232B, heading, ‘Commissioner’—	3
	<i>omit, insert—</i>	4
	‘ Police commissioner ’.	5
	(2) Section 232B(2), ‘The commissioner’—	6
	<i>omit, insert—</i>	7
	‘The police commissioner’.	8
Clause 142	Insertion of new s 234A	9
	After section 234—	10
	<i>insert—</i>	11
	‘234A Approval of forms	12
	‘The commissioner may approve forms for use under this Act.’.	13 14
Clause 143	Insertion of new pt 12, div 12	15
	Part 12—	16
	<i>insert—</i>	17
	‘Division 12 Transitional provisions for Fiscal Repair Amendment Act 2012	18 19
	‘308 Definitions for div 12	20
	‘In this division—	21
	<i>commencement</i> means the commencement of this section.	22
	<i>commission</i> means the Queensland Liquor and Gaming Commission established under the <i>Gaming Machine Act 1991</i>	23 24
	as in force before the commencement.	25
	<i>former</i> , for a provision of this Act, means the provision as in force before the commencement.	26 27

‘309	Guidelines of chief executive or commissioner continue as guidelines of commissioner	1 2
‘(1)	This section applies to the following guidelines—	3
(a)	guidelines issued by the chief executive under former section 42A and in force immediately before the commencement;	4 5 6
(b)	guidelines issued by the commission under former section 142AR and in force immediately before the commencement.	7 8 9
‘(2)	On the commencement, the guidelines are taken to be guidelines made by the commissioner under section 42A.	10 11
‘310	Applications made to chief executive or commission taken to be made to commissioner	12 13
‘(1)	This section applies if, before the commencement, a person made an application under this Act to the chief executive or commission and, immediately before the commencement, the application had not been finally dealt with.	14 15 16 17
‘(2)	The application is taken to have been made to the commissioner and the commissioner may deal or continue to deal with the application after the commencement.	18 19 20
‘311	Orders etc. of chief executive or commission taken to be orders etc. of commissioner	21 22
‘(1)	This section applies to an order, application, direction, notice, approval, action, authorisation or decision of the chief executive or commission under this Act that is current immediately before the commencement.	23 24 25 26
‘(2)	After the commencement, the order, application, direction, notice, approval, action, authorisation or decision is taken to be an order, application, direction, notice, approval, action, authorisation or decision of the commissioner and the commissioner may deal or continue to deal with the matter the subject of the order, application, direction, notice, approval, action, authorisation or decision.	27 28 29 30 31 32 33

[s 143]

<i>Examples—</i>	1
1 A licence current immediately before the commencement is taken to have been granted by the commissioner and continues to be current.	2 3 4
2 A licence granted before the commencement that, immediately before the commencement, is suspended is taken to have been granted, and suspended, by the commissioner.	5 6 7
3 The chief executive gave a licensee notice under former section 98 in relation to premises considered to be high risk and, at the commencement, the 14-day period to make written representations under former section 99 had not ended. After the commencement, the commissioner may continue to act in relation to the notice under part 4, division 9.	8 9 10 11 12 13
‘(3) In this section— <i>current</i> includes in force.	14 15
‘312 Appeal to tribunal about decisions of chief executive or commission	16 17
‘(1) This section applies if—	18
(a) before the commencement, the chief executive or commission had made a decision about a matter for which an information notice must be given to a person; and	19 20 21 22
(b) immediately before the commencement, the person had not appealed the decision.	23 24
‘(2) The person may appeal the decision to the tribunal after the commencement as if the decision about the matter had been made by the commissioner.	25 26 27
‘(3) Nothing in this section affects —	28
(a) the requirement that the person start the appeal within 28 days after receiving an information notice for the decision being appealed; or	29 30 31
(b) the tribunal’s power to extend the time for starting an appeal.	32 33

‘313	Existing appeals about decisions of chief executive or commission	1 2
‘(1)	This section applies to an appeal against a decision of the chief executive or commission if, immediately before the commencement, the appeal had not been finally dealt with.	3 4 5
‘(2)	The appeal is taken to be an appeal against a decision of the commissioner and the court or tribunal may hear or continue to hear and decide the appeal after the commencement as if the decision had been made by the commissioner.	6 7 8 9
‘314	Documents held by chief executive or commission become documents of commissioner	10 11
‘(1)	This section applies to documents held by the chief executive or commission before the commencement that—	12 13
(a)	relate to functions under this Act of the chief executive or commission before the commencement; and	14 15
(b)	on the commencement, relate to similar functions to be performed by the commissioner under this Act.	16 17
‘(2)	On the commencement, the documents become the documents of the commissioner and may be used by the commissioner in performing the commissioner’s functions under this Act.	18 19 20 21
‘315	Approved forms continue as approved forms of commissioner	22 23
‘(1)	This section applies to an approved form in force immediately before the commencement.	24 25
‘(2)	The approved form continues in force after the commencement as if it had been approved by the commissioner until the earlier of the following—	26 27 28
(a)	the commissioner approves a new form for the matter the subject of the form;	29 30
(b)	12 months after the commencement.’	31

[s 144]

Clause 144	Amendment of various sections for reference to chief executive	1 2
(1)	Each of the following provisions is amended by omitting ‘chief executive’ or ‘chief executive’s’ and inserting ‘commissioner’ or ‘commissioner’s’—	3 4 5
	• section 4, definition <i>approved training course</i>	6
	• section 4, definition <i>community impact statement</i>	7
	• section 4, definition <i>controller</i>	8
	• section 4, definition <i>detached bottle shop</i>	9
	• section 4, definition <i>disciplinary action</i>	10
	• section 4, definition <i>information notice</i>	11
	• section 4, definition <i>interested person</i>	12
	• section 6(1)(a)(iii)	13
	• section 9	14
	• section 21	15
	• section 30	16
	• section 31	17
	• section 32	18
	• section 33	19
	• section 34	20
	• section 35(1)	21
	• section 42(1)	22
	• section 42A	23
	• section 43	24
	• section 44A	25
	• section 45	26
	• section 46(1)	27
	• section 47	28

• section 47A	1
• section 51	2
• section 52	3
• section 53	4
• section 58A(2)	5
• section 60	6
• section 61	7
• section 64(2)	8
• section 65	9
• section 67C	10
• section 67D	11
• section 67E(1)	12
• section 69A	13
• section 71C	14
• section 74	15
• section 77(2)	16
• section 78	17
• section 79(1)	18
• section 82	19
• section 83(1)	20
• section 84, note	21
• section 85	22
• section 88	23
• section 91(2)	24
• section 97	25
• section 98	26
• section 99	27

[s 144]

• section 99A	1
• section 99B	2
• section 99D	3
• section 99E	4
• section 99F	5
• section 102(2)(b)	6
• section 103	7
• section 103D	8
• section 103E(1)	9
• section 103H	10
• section 103I	11
• section 103J	12
• section 103K	13
• section 103L	14
• section 103M(1)	15
• section 103N(6)	16
• section 103P	17
• section 103Q	18
• section 103T(1)	19
• section 103U(2)	20
• section 103V	21
• section 105	22
• section 107	23
• section 107A	24
• section 107B	25
• section 107C(1)	26
• section 107D	27

• section 107E(1)	1
• section 107F(1) and (3)	2
• section 109B(2) to (4), (6), (9) and (10)	3
• section 110	4
• section 111	5
• section 112	6
• section 113	7
• section 113A(2)	8
• section 115	9
• section 116	10
• section 117	11
• section 117A	12
• section 118	13
• section 118A(1)	14
• section 119	15
• section 119A(2)	16
• section 120	17
• section 121	18
• section 122(1)	19
• section 123	20
• section 123A	21
• section 123B	22
• section 123C	23
• section 124(2)	24
• section 125	25
• section 126	26
• section 127	27

[s 144]

• section 129	1
• section 130	2
• section 131A	3
• section 132	4
• section 133	5
• section 134	6
• section 134A	7
• section 134B	8
• section 134C	9
• section 136	10
• section 137	11
• section 137A	12
• section 137B	13
• section 137C	14
• section 137E	15
• section 139	16
• section 140(1) and (2)	17
• section 141(1)	18
• section 141A(2)	19
• section 142A	20
• section 142B	21
• section 142C	22
• section 142D	23
• section 142E	24
• section 142F	25
• section 142G	26
• section 142H(1)	27

• section 142I	1
• section 142J	2
• section 142K	3
• section 142L	4
• section 142M	5
• section 142N	6
• section 142P	7
• section 142Q	8
• section 142R	9
• section 142S(1)	10
• section 142T(1)	11
• section 142U	12
• section 142V	13
• section 142W	14
• section 142X(1)	15
• section 142Y	16
• section 142Z(2) and (4)	17
• section 142ZA	18
• section 142ZB	19
• section 142ZC	20
• section 142ZD	21
• section 142ZE	22
• section 144	23
• section 148	24
• section 149	25
• section 150	26
• section 152(1)	27

[s 144]

• section 152A	1
• section 153	2
• section 153A(2)	3
• section 154	4
• section 154A(2) to (5) and (7)	5
• section 154B	6
• section 154C(2)	7
• section 155(4), definition <i>exempt minor</i>	8
• section 155AD	9
• section 155AF	10
• section 168	11
• section 168A(2)	12
• section 173J(1) and (3)	13
• section 173N	14
• section 173Q, definition <i>authorised person</i>	15
• section 173ZQ(1) and (4)	16
• section 173ZR	17
• section 173ZS	18
• section 174	19
• section 187EB	20
• section 187EC(4)	21
• section 187G	22
• section 201(1)	23
• section 202(2)	24
• section 203	25
• section 209	26
• section 215	27

-
- section 217 1
 - section 219(1) 2
 - section 220(1) 3
 - section 228(2) 4
 - section 232B 5
 - section 233 6
 - section 235(2). 7

(2) Each of the following provisions is amended by omitting
'Chief executive' or 'Chief executive's' and inserting
'Commissioner' or 'Commissioner's'— 8
9
10

- section 42A, heading 11
- section 99F, heading 12
- section 107C, heading 13
- section 115, heading 14
- section 123, heading 15
- section 123A, heading 16
- section 173ZR, heading. 17

**Clause 145 Amendment of various sections for reference to
commission 18
19**

Each of the following provisions is amended by omitting
'commission' and inserting 'commissioner'— 20
21

- section 86 22
- section 87. 23

**Clause 146 Amendment of various sections for reference to assistant
commissioner 24
25**

Each of the following provisions is amended by omitting
'assistant commissioner' and inserting 'assistant police
commissioner'— 26
27
28

[s 147]

- section 107D(2) 1
- section 112(1A) 2
- section 117(1) and (2) 3
- section 117A(1) 4
- section 121(1) 5
- section 173J(1). 6

Part 6 **Amendment of Mineral Resources Act 1989** 7
8

Clause 147 Act amended 9
This part amends the *Mineral Resources Act 1989*. 10

Clause 148 Insertion of new s 321A 11
After section 321— 12
insert— 13

‘321A Regulation may impose civil penalties 14

‘(1) This section applies if a regulation provides for a person to 15
make an election about the time and manner, or amount, of 16
payment of royalty to the State. 17

‘(2) To deter exploitation of the provision, the regulation may 18
impose a civil penalty— 19

(a) for contravention of a prescribed requirement; or 20

(b) in other prescribed circumstances. 21

‘(3) The amount of the civil penalty must be a prescribed amount 22
or a prescribed percentage of royalty payable.’. 23

Clause 149	Replacement of ss 332 and 333	1
	Sections 332 and 333—	2
	<i>omit, insert—</i>	3
‘332	Unpaid royalty interest	4
‘(1)	A person must pay interest (<i>unpaid royalty interest</i>) on the amount of royalty payable by the person to the State and unpaid from time to time (<i>unpaid royalty</i>).	5 6 7
‘(2)	Unpaid royalty interest accrues on unpaid royalty—	8
	(a) at the rate prescribed under a regulation; and	9
	(b) daily, for the period starting on the day after the amount is required to be paid under this Act (the <i>start date</i>) and ending on the day the unpaid royalty is paid in full, both days inclusive.	10 11 12 13
‘(3)	A regulation may prescribe how unpaid royalty interest is worked out in particular cases or classes of cases, including, for example, how the interest is worked out if royalty is, under a regulation, payable in instalments.	14 15 16 17
‘(4)	If the time for payment of royalty by a person is extended, the extension of time must be disregarded for working out the start date.	18 19 20
‘(5)	The order of application of a payment under section 332A applies to determine the amount of unpaid royalty on which unpaid royalty interest accrues.	21 22 23
‘(6)	The Minister may remit the whole or part of unpaid royalty interest payable under this section.	24 25
‘332A	Application of payments	26
	‘A payment made by a person to the State for a liability relating to royalty must be applied in the following order—	27 28
	(a) first, an amount payable under this Act in relation to the royalty, other than unpaid royalty interest or royalty;	29 30
	(b) second, unpaid royalty interest;	31

[s 150]

(c) last, royalty. 1

‘333 Recovery of unpaid amounts 2

‘(1) This section applies if a person does not pay the whole or part
of any of the following payable under this Act— 3
4

(a) royalty; 5

(b) unpaid royalty interest; 6

(c) a civil penalty. 7

‘(2) The unpaid amount is a debt payable to the relevant entity and
may be recovered by the relevant entity in a court of
competent jurisdiction. 8
9
10

‘(3) Subsection (2) applies in relation to a civil penalty despite
section 412(3). 11
12

‘(4) In this section— 13

civil penalty means a civil penalty provided for under a
regulation made under section 321A. 14
15

relevant entity means— 16

(a) for royalty payable to the State, unpaid royalty interest
or a civil penalty—the State; or 17
18

(b) for royalty payable to a person—the person to whom
royalty is payable.’. 19
20

Clause 150 Insertion of new pt 19, div 18 21

Part 19— 22

insert— 23

‘Division 18	Transitional provision for Fiscal Repair Amendment Act 2012	1 2
‘805	Application of Act to particular unpaid royalty	3
	‘(1) This section applies if, immediately before 1 October 2012, an amount of royalty payable by a person to the State is unpaid (the <i>unpaid royalty</i>).	4 5 6
	‘(2) This Act as in force on 1 October 2012 applies in relation to the unpaid royalty on and from that day.	7 8
	(3) For applying section 332 to the unpaid royalty under subsection (2), the start date is taken to be 1 October 2012.’.	9 10
Clause 151	Amendment of sch 2 (Dictionary)	11
	Schedule 2—	12
	<i>insert—</i>	13
	<i>‘unpaid royalty interest</i> see section 332(1).’.	14
Part 7	Amendment of Petroleum and Gas (Production and Safety) Act 2004	15 16 17
Clause 152	Act amended	18
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	19 20
Clause 153	Amendment of s 81 (Conditions for renewal application)	21
	Section 81(1)(d)—	22
	<i>omit, insert—</i>	23

[s 154]

‘(d) petroleum royalty for petroleum produced under the 1
authority, any unpaid royalty interest on it, or any civil 2
penalty payable under a regulation made under section 3
604A;’ . 4

Clause 154 Amendment of s 103 (Applying to divide) 5

Section 103(3)— 6

omit, insert— 7

‘(d) petroleum royalty for petroleum produced under the 8
authority, any unpaid royalty interest on it, or any civil 9
penalty payable under a regulation made under section 10
604A;’ . 11

Clause 155 Amendment of s 161 (Conditions for renewal application) 12

Section 161(1)(d)— 13

omit, insert— 14

‘(d) petroleum royalty for petroleum produced under the 15
lease, any unpaid royalty interest on it, or any civil 16
penalty payable under a regulation made under section 17
604A;’ . 18

Clause 156 Amendment of s 171 (Applying to divide) 19

Section 171(3)(d)— 20

omit, insert— 21

‘(d) petroleum royalty for petroleum produced under the 22
original lease, any unpaid royalty interest on it, or any 23
civil penalty payable under a regulation made under 24
section 604A;’ . 25

Clause 157 Amendment of s 595 (Fee for late lodgement of royalty return) 26
27

Section 595(3) and (4)— 28

omit, insert—

- (3) The prescribed fee must accompany a royalty return lodged after the day mentioned in section 594.
- (4) The prescribed fee is payable in addition to any penalty imposed under section 594.
- (5) The Minister may remit the whole or part of the fee mentioned in subsection (3).'

Clause 158 Amendment of s 597 (Petroleum producer's obligations if use of estimates approved)

Section 597(5), note, from '602'—

omit, insert—

'602.'

Clause 159 Amendment of s 600 (Overpayments)

Section 600(3), from 'for petroleum'—

omit, insert—

'for petroleum royalty, unpaid royalty interest or a civil penalty payable by the producer under a regulation made under 604A.'

Clause 160 Replacement of s 602 (Interest on unpaid petroleum royalty or additional petroleum royalty)

Section 602—

omit, insert—

'602 Unpaid royalty interest

- (1) This section applies if an amount (*unpaid petroleum royalty*) is payable by a person and unpaid from time to time for—
- (a) petroleum royalty that is payable under part 1; or
- (b) additional petroleum royalty that is payable under section 601.

[s 161]

- ‘(2) The person must pay interest (*unpaid royalty interest*) on the unpaid petroleum royalty. 1
2
- ‘(3) Unpaid royalty interest accrues on unpaid petroleum royalty— 3
4
- (a) at the rate prescribed under a regulation; and 5
- (b) daily, for the period starting on the day after the amount 6
is required to be paid under this Act and ending on the 7
day the unpaid petroleum royalty is paid in full, both 8
days inclusive. 9
- ‘(4) A regulation may prescribe how unpaid royalty interest is 10
worked out in particular cases or classes of cases, including, 11
for example, how the interest is worked out if royalty is, under 12
a regulation, payable in instalments. 13
- ‘(5) The order of application of a payment under section 602A 14
applies to determine the amount of unpaid petroleum royalty 15
on which unpaid royalty interest accrues. 16
- ‘(6) The Minister may remit the whole or part of unpaid royalty 17
interest payable under this section. 18

‘602A Application of payments 19

‘A payment made by a person to the State for a liability 20
relating to petroleum royalty must be applied in the following 21
order— 22

- (a) first, an amount payable under this Act in relation to the 23
royalty, other than unpaid petroleum royalty interest or 24
petroleum royalty; 25
- (b) second, unpaid petroleum royalty interest; 26
- (c) last, petroleum royalty.’. 27

**Clause 161 Amendment of s 603 (Recovery of unpaid petroleum 28
royalty and interest) 29**

- (1) Section 603, heading, from ‘petroleum’— 30
omit, insert— 31

-
- ‘amounts’.** 1
- (2) Section 603(c), ‘unpaid petroleum’— 2
omit, insert— 3
‘unpaid’. 4
- (3) Section 603— 5
insert— 6
‘(d) a civil penalty payable by the producer under a 7
regulation made under section 604A;’. 8
- (4) Section 603, ‘petroleum royalty or interest’— 9
omit, insert— 10
‘petroleum royalty, interest or civil penalty’. 11

Clause 162 Insertion of new s 604A 12
Chapter 6, part 3— 13
insert— 14

‘604A Regulation may impose civil penalties 15

- ‘(1) This section applies if a regulation provides for a person to 16
make an election about the time and manner, or amount, of 17
payment of petroleum royalty to the State. 18
- ‘(2) To deter exploitation of the provision, the regulation may 19
impose a civil penalty— 20
- (a) for contravention of a prescribed requirement; or 21
- (b) in other prescribed circumstances. 22
- ‘(3) The amount of the civil penalty must be a prescribed amount 23
or a prescribed percentage of petroleum royalty payable.’. 24

Clause 163 Insertion of new ch 15, pt 14 25
Chapter 15— 26
insert— 27

[s 164]

‘Part 14	Transitional provisions for Fiscal Repair Amendment Act 2012	1 2 3
‘974	Application of Act to particular unpaid royalty	4
‘(1)	This section applies if, immediately before 1 October 2012, an amount of petroleum royalty payable by a person to the State is unpaid (the <i>unpaid petroleum royalty</i>).	5 6 7
‘(2)	This Act as in force on 1 October 2012 applies in relation to the unpaid petroleum royalty on and from that day.	8 9
(3)	For applying section 602 to the unpaid petroleum royalty under subsection (2), the period in section 602(3)(b) is taken to start on 1 October 2012.	10 11 12
‘975	Remission of late payment fee under s 595	13
	‘Section 595(5), as in force on 1 October 2012, applies in relation to a fee paid or payable under section 595 before, on or after that date.’	14 15 16
Clause 164	Amendment of sch 2 (Dictionary)	17
(1)	Schedule 2, definition <i>unpaid petroleum royalty interest</i> — <i>omit.</i>	18 19
(2)	Schedule 2— <i>insert—</i> <i>‘unpaid royalty interest see section 602(2).’</i>	20 21 22

Part 8	Amendment of Queensland Competition Authority Act 1997	1 2
Clause 165	Act amended	3
	This part amends the <i>Queensland Competition Authority Act 1997</i> .	4 5
Clause 166	Amendment of s 10 (Authority's functions)	6
	(1) Section 10(1)(lb)—	7
	<i>omit, insert—</i>	8
	‘(lb) if directed by the Ministers—under the direction, to review and report on—	9 10
	(i) regulatory proposals of government agencies; or	11
	(ii) regulatory impact statements; and’.	12
	(2) Section 10(2)—	13
	<i>omit.</i>	14
Clause 167	Amendment of s 12 (Directions by Ministers about authority's functions)	15 16
	(1) Section 12(5)(a), ‘section 10(1)(e)’—	17
	<i>omit, insert—</i>	18
	‘section 10(e)’.	19
	(2) Section 12(5)(b), ‘section 10(1)(lb)’—	20
	<i>omit, insert—</i>	21
	‘section 10(lb)’.	22
Clause 168	Amendment of s 234 (Cabinet matter not to be disclosed)	23
	(1) Section 234, heading—	24
	<i>omit, insert—</i>	25

[s 169]

'234 Disclosure of Cabinet information'	1
(2) Section 234—	2
<i>insert—</i>	3
'(3) Subsection (4) applies if, in good faith, a person produces a document, answers a question or gives a statement relating to exempt matter for the purpose of enabling the authority to perform a function mentioned in section 10(e), (1b) or (1c) (a <i>relevant disclosure</i>).	4 5 6 7 8
'(4) The relevant disclosure by the person does not, of itself, constitute—	9 10
(a) a contravention of the Criminal Code, section 85; or	11
(b) a disciplinary ground under the <i>Public Service Act 2008</i> , section 187(1)(b) or (f); or	12 13
(c) official misconduct under the <i>Crime and Misconduct Act 2001</i> , section 15(b).'	14 15
Clause 169 Amendment of s 239, hdg (Confidential information)	16
Section 239, heading, after 'information'—	17
<i>insert—</i>	18
'—commercial activities'.	19
Clause 170 Insertion of new s 239A	20
After section 239—	21
<i>insert—</i>	22
'239A Confidential information—regulatory proposals, regulatory impact statements and exempt matter	23 24
'(1) This section applies if information (other than information to which section 187, 207 or 239 applies) is received by the authority in the course of performing its functions under section 10(1b), including, for example, the following information—	25 26 27 28 29

-
- (a) a regulatory proposal of a government agency or regulatory impact statement; 1
2
- (b) information relating to the regulatory proposal or regulatory impact statement submitted, or proposed to be submitted, to Cabinet for its consideration. 3
4
5
- ‘(2) This section also applies if information that is exempt matter (other than information to which section 187, 207 or 239 applies) is received by the authority in the course of performing its functions under section 10(e) or (lc). 6
7
8
9
- ‘(3) The authority must take all reasonable steps to ensure the information is not disclosed other than— 10
11
- (a) to a member; or 12
- (b) to an employee, consultant or agent of the authority who receives the information in the course of his or her duties; or 13
14
15
- (c) under an Act; or 16
- (d) with the consent of the government agency that gave the information to the authority; or 17
18
- (e) for information mentioned in subsection (1)—under guidelines about a regulatory impact statement system approved by the Treasurer.’ 19
20
21

Clause 171 Omission of pt 11 (Transitional provisions for Queensland Competition Authority Amendment Act 2008) 22
23
Part 11— 24
omit. 25

Clause 172 Amendment of sch 2 (Dictionary) 26
Schedule 2— 27
insert— 28
‘regulatory impact statement means a regulatory impact statement prepared for proposed legislation under guidelines 29
30

[s 173]

about a regulatory impact statement system approved by the
Treasurer.’. 1
2

Part 9 **Amendment of State Penalties** 3
Enforcement Act 1999 4

Clause 173 Act amended 5
This part amends the *State Penalties Enforcement Act 1999*. 6

Clause 174 Replacement of s 152 (Information from entities other 7
than police service) 8
Section 152— 9
omit, insert— 10

‘152 Information from persons other than police service 11

‘(1) The registrar may, by written notice given to a person, require
the person to— 12
13

(a) give to the registrar, either orally or in writing,
information in the person’s knowledge about a stated
matter within a stated reasonable time and in a stated
reasonable way; or 14
15
16
17

(b) give to the registrar a document about a stated matter in
the person’s possession or control within a stated
reasonable time and in a stated reasonable way. 18
19
20

‘(2) The power conferred under subsection (1) must only be
exercised for the administration or enforcement of this Act. 21
22

‘(3) A person must not fail, without reasonable excuse, to comply
with a requirement made under subsection (1) within the time,
and in the way, stated in the notice. 23
24
25

Maximum penalty—100 penalty units. 26

-
- ‘(4) If the person reasonably suspects giving the registrar information or a document is likely to endanger the safety of a person, it is a reasonable excuse for the person not to give the registrar that information or document. 1
2
3
4
- ‘(5) This section does not apply to the Queensland Police Service. 5

‘152A Attendance by persons other than police service 6

- ‘(1) The registrar may, by written notice given to a person, require the person to attend before the registrar to do either or both of the following— 7
8
9
- (a) give the registrar, either orally or in writing, information in the person’s knowledge about a stated matter; 10
11
- (b) give the registrar a document about a stated matter in the person’s possession or control. 12
13
- ‘(2) The notice must state a reasonable time and place for the person’s attendance. 14
15
- ‘(3) The registrar may require— 16
- (a) information to be given on oath; or 17
- (b) information or a document given to be verified by statutory declaration. 18
19
- ‘(4) The powers conferred under subsections (1) and (3) must only be exercised for the administration or enforcement of this Act. 20
21
- ‘(5) When making a requirement under this section, the registrar must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse. 22
23
24
- ‘(6) The person must not fail, without reasonable excuse, to— 25
- (a) attend as required by the notice; or 26
- (b) give information the person is required to give by the registrar in the way required; or 27
28
- (c) give a document the person is required to give by the notice; or 29
30
- (d) comply with a requirement under subsection (3). 31

[s 174]

Maximum penalty—100 penalty units.	1
‘(7) If the person reasonably suspects giving the registrar information or a document is likely to endanger the safety of a person, it is a reasonable excuse for the person not to give the registrar that information or document.	2 3 4 5
‘(8) A person, other than an enforcement debtor or the enforcement debtor’s representative, who is required under a notice under this section to attend a place is entitled to be paid the expenses prescribed under a regulation.	6 7 8 9
‘(9) For subsection (3)(a), the registrar may administer an oath.	10
‘(10) This section does not apply to the Queensland Police Service.	11
‘152B Power to record giving of information	12
‘(1) This section applies if a person is giving information to the registrar under a requirement under section 152A.	13 14
‘(2) With the person’s knowledge, a recording may be made, in the way the registrar considers appropriate, of questions asked by the registrar and information given by the person.	15 16 17
‘(3) If asked to do so by the person, the registrar must give the person a copy of the recording.	18 19
‘152C Registrar may require translation or conversion of document or information	20 21
‘(1) This section applies if—	22
(a) a person gives information or a document to the registrar; and	23 24
(b) the registrar reasonably believes the information or document is relevant to the administration or enforcement of this Act.	25 26 27
‘(2) The registrar may, by written notice given to the person, require the person to translate or convert into a written document in the English language and Australian currency the information or document mentioned in subsection (1).	28 29 30 31

‘(3) The notice must state the reasonable time for compliance with the requirement.	1 2
‘(4) The person must not fail, without reasonable excuse, to comply with the requirement. Maximum penalty—100 penalty units.	3 4 5
‘(5) If the person does not comply with the requirement, the registrar may have the document or information translated or converted.	6 7 8
‘(6) The costs and expenses incurred under subsection (5) are a debt payable to the State by the person and may be recovered by the registrar by action in a court of competent jurisdiction.	9 10 11
‘152D Self-incrimination not a reasonable excuse for failure to comply with requirement under s 152 or 152A	12 13
‘(1) This section applies if, under section 152 or 152A, a person is required by written notice given to the person to give information or a document to the registrar.	14 15 16
‘(2) It is not a reasonable excuse for the person to fail to comply with the requirement because complying with the requirement might tend to incriminate the person.	17 18 19
‘(3) However, evidence of, or evidence directly or indirectly derived from, information or a document given in compliance with the requirement by the person that might tend to incriminate the person is not admissible in evidence against the person in a criminal proceeding, other than a proceeding in which the falsity or misleading nature of the information or document is relevant.	20 21 22 23 24 25 26
‘152E False or misleading documents	27
‘(1) A person must not give the registrar a document containing information that the person knows, or should reasonably know, is false or misleading in a material particular. Maximum penalty—100 penalty units.	28 29 30 31

[s 174]

‘(2) Subsection (1) does not apply to a person who, when giving the document—	1 2
(a) tells the registrar of the extent to which the document is false or misleading; and	3 4
(b) to the extent the person has, or can reasonably get, the correct information—gives the correct information to the registrar.	5 6 7
‘152F False or misleading information	8
‘A person must not state anything to the registrar that the person knows is false or misleading in a material particular.	9 10
Maximum penalty—100 penalty units.	11
‘152G Disclosure of confidential information—information acquired by official in official’s capacity	12 13
‘(1) An official must not disclose confidential information acquired by the official in the official’s capacity to anyone else other than—	14 15 16
(a) for information mentioned in section 151—under that section; or	17 18
(b) for other information—under this section or section 152H.	19 20
Maximum penalty—100 penalty units.	21
‘(2) The registrar may disclose personal confidential information—	22 23
(a) to the person to whom the information relates or, if either of the following applies, to someone else—	24 25
(i) with the consent, express or implied, of the person to whom the information relates;	26 27
(ii) the registrar reasonably believes is acting for the person to whom the information relates; or	28 29

-
- (b) if the disclosure is expressly permitted or required under another Act; or
- (c) in connection with the administration or enforcement of this Act or a revenue law; or
- (d) in relation to a legal proceeding under this Act; or
- (e) to the Minister, or an officer of the department, for—
- (i) developing or monitoring policies for, or the operation of, this Act; or
- (ii) administering the *Financial Accountability Act 2009*, section 21.
- ‘(3) Also, if the registrar becomes aware, from information obtained or held by the registrar in the course of administering this Act, of a particular offence or suspected offence (whether against this Act or another law), the registrar may disclose confidential information about the offence or suspected offence to a member of the Queensland Police Service or the Australian Federal Police for an investigation or proceeding (including for starting an investigation or proceeding).
- ‘(4) Also, the registrar may disclose confidential information other than personal confidential information to any person, or for any purpose, the registrar is satisfied is appropriate in the circumstances.
- ‘(5) This section does not create a right in any person to be given confidential information.
- ‘(6) In this section—
- confidential information** means information, including a document, that is disclosed to, obtained by, or otherwise held by, an official under or in relation to this Act.
- official** means a person who is, or has been, engaged in administering or enforcing this Act.
- personal confidential information**, for a person, means confidential information that—
- (a) identifies, or is likely to identify, the person; or

[s 174]

(b) discloses matters about the person's affairs. 1

revenue law means— 2

(a) a law of the Commonwealth or a State about the 3
assessment, imposition or collection of a tax, fee, duty, 4
royalty or other impost; or 5

(b) another law administered by the Commissioner of State 6
Revenue appointed under the *Taxation Administration 7*
Act 2001. 8

Note— 9

See the *Taxation Administration Act 2001*, sections 7 and 8 for the 10
appointment and functions of the Commissioner of State Revenue. 11

'152H Other obligations about disclosure of confidential 12
information 13

'(1) Subsection (2) applies if— 14

(a) a person— 15

(i) knowingly acquires confidential information 16
without lawful authority; or 17

(ii) receives confidential information that the person 18
knows, or ought reasonably to know, is 19
confidential information; and 20

(b) the person is not an official who acquires the 21
information in the official's capacity. 22

Example for subsection (1)(a)(i)— 23

A person employed by a cleaning contractor engaged by the State to 24
clean reads a document in the registrar's office containing confidential 25
information. 26

Example for subsection (1)(a)(ii)— 27

A person, other than the addressee of an email, receives the email that 28
states the information in it is confidential and is intended for the 29
addressee's purposes only. 30

'(2) The person must not disclose the information to anyone else 31
unless the disclosure is permitted— 32

-
- (a) for information mentioned in section 151—under that section; or 1
2
- (b) for other information—under this section. 3
- Maximum penalty—100 penalty units. 4
- ‘(3) If, under section 152G, the registrar discloses confidential information to a person, the person may disclose the information— 5
6
7
- (a) to the extent necessary to enable the person to exercise a power or perform a function conferred on the person under a law for the administration or enforcement of the law; or 8
9
10
11
- (b) for the purpose for which it was disclosed under the section; or 12
13
- (c) to anyone else for any purpose if the information relates to the person. 14
15
- ‘(4) In this section— 16
confidential information see section 152G(6). 17
official see section 152G(6). 18
- ‘152I Refusal to disclose particular information 19**
- ‘(1) A person engaged in the administration or enforcement of this Act can not be compelled to disclose to a court or QCAT in a proceeding, or to a party to the proceeding— 20
21
22
- (a) confidential information; or 23
- (b) whether or not the person has received particular confidential information; or 24
25
- (c) the identity of the source of particular confidential information. 26
27
- ‘(2) Subsection (1) does not apply to a proceeding for the administration or enforcement of this Act.’ 28
29

[s 175]

Part 10	Amendment of Statutory Instruments Act 1992	1 2
----------------	--	--------

Clause 175	Act amended	3
	This part amends the <i>Statutory Instruments Act 1992</i> .	4
Clause 176	Amendment of s 4 (Displacement of Act by contrary intention)	5 6
	Section 4, '(other than part 5)'—	7
	<i>omit.</i>	8
Clause 177	Omission of pt 5 (Guidelines for regulatory impact statements)	9 10
	Part 5—	11
	<i>omit.</i>	12

Part 11	Amendment of Taxation Administration Act 2001	13 14
----------------	--	----------

Clause 178	Act amended	15
	This part amends the <i>Taxation Administration Act 2001</i> .	16
Clause 179	Amendment of s 111 (Disclosure of confidential information)	17 18
	(1) Section 111(2)(d)—	19
	<i>omit, insert—</i>	20
	'(d) to a person for the administration or enforcement of—	21

-
- (i) a recognised law or another law about taxation revenue; or 1
2
- (ii) a royalty law; or’. 3
- (2) Section 111(2)— 4
insert— 5
- ‘(h) to the registrar of the State Penalties Enforcement Registry, appointed under the *State Penalties Enforcement Act 1999*, for the administration or enforcement of that Act.’. 6
7
8
9
- (3) Section 111— 10
insert— 11
- ‘(7) In this section— 12
royalty law means an Act administered by the Minister providing for payment of a royalty.’. 13
14

Part 12 **Amendment of Vocational Education, Training and Employment Act 2000** 15
16
17

Clause 180 **Act amended** 18
This part amends the *Vocational Education, Training and Employment Act 2000*. 19
20

Clause 181 **Amendment of ch 5, hdg (Ombudsman and Skills Queensland)** 21
22
Chapter 5, heading, ‘Ombudsman and’— 23
omit. 24

[s 182]

Clause 182	Omission of ch 5, pt 1 (Training ombudsman)	1
	Chapter 5, part 1—	2
	<i>omit.</i>	3
Clause 183	Replacement of ch 5, pt 3, hdg (Training and Employment Recognition Council)	4
	Chapter 5, part 3, heading—	5
	<i>omit, insert—</i>	6
	‘Part 3 Particular functions of Skills Queensland’.	7
		8
		9
Clause 184	Amendment of s 183B (Decision about employment exemption)	10
	Section 183B(4)(d)—	11
	<i>omit, insert—</i>	12
	‘(d) that the young person or parent of the young person may apply, as provided under the QCAT Act, to QCAT for a review of the decision;’.	13
		14
		15
		16
Clause 185	Amendment of s 183C (Amending or cancelling employment exemption)	17
	Section 183C(5)(d)—	18
	<i>omit, insert—</i>	19
	‘(d) that the young person or parent of the young person may apply, as provided under the QCAT Act, to QCAT for a review of the decision;’.	20
		21
		22
		23
Clause 186	Amendment of s 224 (Review by QCAT)	24
	Section 224(2)—	25
	<i>omit, insert—</i>	26

‘(2) The application must be made as provided under the QCAT Act.’. 1
2

Clause 187 Amendment of s 277 (False or misleading statements to official) 3
4

(1) Section 277(2), definition *official*, paragraph (b)— 5
omit. 6

(2) Section 277(2), definition *official*, paragraphs (c) and (d)— 7
renumber as paragraphs (b) and (c). 8

Clause 188 Amendment of s 284 (Other disclosure of interests) 9

Section 284(2)— 10
omit, insert— 11

‘(2) The person must disclose the interest to— 12

(a) if the person is the chief executive officer—the 13
chairperson of Skills Queensland; or 14

(b) otherwise—the chief executive. 15

Maximum penalty—50 penalty units.’. 16

Clause 189 Amendment of s 286 (Protection of confidentiality) 17

Section 286(3)(c), ‘or the ombudsman’— 18
omit. 19

Clause 190 Amendment of s 289 (Evidentiary provisions) 20

(1) Section 289(2)(a)(i)— 21
omit. 22

(2) Section 289(2)(a)(iii) and (iv)— 23
renumber as section 289(2)(a)(i) and (ii). 24

[s 191]

- (3) Section 289(3), ‘the ombudsman,’— 1
omit. 2

Clause 191 Amendment of s 290 (Protection from liability) 3

- (1) Section 290(3), definition *indemnified person*, paragraph 4
(b)— 5
omit. 6

- (2) Section 290(3), definition *indemnified person*, paragraphs (d) 7
to (i)— 8
renumber as paragraphs (b) to (g). 9

Clause 192 Insertion of new ch 10, pt 8 10

Chapter 10— 11
insert— 12

‘Part 8 Transitional provisions for 13
Fiscal Repair Amendment Act 14
2012 15

‘407 Definitions for pt 8 16

‘In this part— 17
commencement means the time this part commences. 18

former ombudsman means the person holding appointment as 19
the training ombudsman under repealed section 133 20
immediately before the commencement. 21

‘408 End of appointment 22

‘(1) On the commencement, the former ombudsman goes out of 23
office. 24

‘(2) No compensation is payable to the former ombudsman 25
because of subsection (1). 26

‘409 Documents and records	1
‘On the commencement, documents and records of the former ombudsman become documents and records of the department.	2 3 4
‘410 Transitional regulation-making power	5
‘(1) A transitional regulation may provide for anything—	6
(a) necessary to provide for, allow or facilitate a matter relating to the omission of provisions of this Act about the training ombudsman; and	7 8 9
(b) for which this Act does not provide or sufficiently provide.	10 11
‘(2) The matters for which a transitional regulation may provide include—	12 13
(a) an entity that may or must deal with an outstanding matter; and	14 15
(b) how an outstanding matter may or must be dealt with; and	16 17
(c) the giving of a notice to a person to whom an outstanding matter relates; and	18 19
(d) the review of a decision by an entity that deals with an outstanding matter.	20 21
‘(3) A transitional regulation may have retrospective operation to a day that is not earlier than the day on which this section commences.	22 23 24
‘(4) A transitional regulation must declare it is a transitional regulation.	25 26
‘(5) This section and any transitional regulation expire 1 year after the day on which this section commences.	27 28
‘(6) In this section— <i>outstanding matter</i> means—	29 30

[s 193]

- (a) a complaint, application or other matter received by the former ombudsman that, on the commencement, had not been finally dealt with; or
- (b) a review started by the former ombudsman but not completed before the commencement.’.

Clause 193	Amendment of sch 3 (Dictionary)	6
(1)	Schedule 3, definitions <i>adverse decision about an employment exemption, ombudsman and referable matter</i> — <i>omit.</i>	7 8 9
(2)	Schedule 2, definition <i>information notice</i> , ‘the ombudsman,’— <i>omit.</i>	10 11 12

Part 13 **Repeals and amendment of other Acts** 13 14

Division 1 **Repeals** 15

Clause 194	Repeal of Acts	16
	The following Acts are repealed—	17
	• Brisbane Markets Act 2002, No. 16	18
	• Family Security Friendly Society (Distribution of Moneys) Act 1991, No. 89.	19 20

Division 2 **Amendment of other Acts** 1

Clause 195	Minor and consequential amendments	2
	The schedule amends the Acts mentioned in it.	3

Schedule	Acts amended	1
	section 195	2
Child Care Act 2002		3
1	Part 10, division 4—	4
	<i>omit.</i>	5
Coastal Protection and Management Act 1995		6
1	Section 54(4)—	7
	<i>omit.</i>	8
Corporations (Ancillary Provisions) Act 2001		9
1	Section 23(3)—	10
	<i>omit.</i>	11
Disaster Management Act 2003		12
1	Section 67(5)—	13
	<i>omit.</i>	14

2	Section 72(5)—	1
	<i>omit.</i>	2
Evidence Act 1977		3
1	Section 47(2)—	4
	<i>insert—</i>	5
	<i>‘regulatory impact statement</i> means a regulatory impact statement prepared under—	6
	statement prepared under—	7
	(a) the <i>Statutory Instruments Act 1992</i> , part 5 as in force from time to time before its repeal by the <i>Fiscal Repair Amendment Act 2012</i> ; or	8
		9
		10
	(b) guidelines, for a regulatory impact statement system, approved by the Treasurer.’.	11
		12
Legislative Standards Act 1992		13
1	Section 2, definition <i>significant subordinate legislation</i>, ‘the <i>Statutory Instruments Act 1992</i>’—	14
	<i>omit, insert—</i>	15
		16
	‘guidelines, for a regulatory impact statement system, approved by the Treasurer’.	17
		18

	Marine Parks Act 2004	1
1	Section 16(2), ‘the information that would, but for section 19(5), be required under the Statutory Instruments Act 1992, section 44 for a regulatory impact statement’—	2
	<i>omit, insert—</i>	3
	‘the RIS information’.	4
2	Section 16(8)—	5
	<i>insert—</i>	6
	‘ <i>RIS information</i> means the information required to be included in a regulatory impact statement under the <i>Statutory Instruments Act 1992</i> , section 44 as in force immediately before its repeal by the <i>Fiscal Repair Amendment Act 2012</i> .’.	7
3	Section 19(5)—	8
	<i>omit.</i>	9
		10
		11
		12
	Motor Racing Events Act 1990	13
1	Section 50—	14
	<i>omit.</i>	15
		16
		17
	Parliament of Queensland Act 2001	18
1	Section 93(2)(b), ‘parts 5’—	19
	<i>omit, insert—</i>	20
	‘parts 6’.	21

2	Section 93(2)—	1
	<i>insert—</i>	2
	‘(c) for subordinate legislation—the guidelines, for a regulatory impact statement system, approved by the Treasurer.	3 4 5
	<i>Editor’s note—</i>	6
	The guidelines may be accessed on the website of Queensland Treasury and Trade at < www.treasury.qld.gov.au >.’.	7 8
 Public Health Act 2005		9
1	Section 323(6)—	10
	<i>omit.</i>	11
 Public Safety Preservation Act 1986		12
1	Section 14(6)—	13
	<i>omit.</i>	14
 Supreme Court of Queensland Act 1991		15
1	Section 88, heading, ‘RIS requirements and’—	16
	<i>omit.</i>	17
2	Section 88(1), ‘parts 5 and 7 do’—	18
	<i>omit, insert—</i>	19

	‘part 7 does’.	1
	Tobacco and Other Smoking Products Act 1998	2
1	Section 14, definition <i>gaming machine area</i>, ‘schedule’—	3
	<i>omit, insert—</i>	4
	‘schedule 2’.	5
2	Schedule, definition <i>gaming machine</i>, ‘schedule’—	6
	<i>omit, insert—</i>	7
	‘schedule 2’.	8
	Transport Operations (Marine Safety) Act 1994	9
1	Section 45(3)—	10
	<i>omit.</i>	11
	Transport Operations (Passenger Transport) Act 1994	12
1	Section 92(3)—	13
	<i>omit.</i>	14

Water Act 2000	1
1 Chapter 2, part 3, division 2, subdivision 6—	2
<i>omit.</i>	3
2 Section 71—	4
<i>omit.</i>	5
Wet Tropics World Heritage Protection and Management Act 1993	6
	7
1 Section 41(5)—	8
<i>omit.</i>	9
	10