

Charitable and Non-Profit Gaming (Two-up) Amendment Act 2011

Explanatory notes for Amendments to be moved during consideration in detail by the Honourable Paul Lucas MP, Attorney-General, Minister for Local Government and Special Minister of State.

Title of the Bill

Charitable and Non-Profit Gaming (Two-up) Amendment Bill 2011

Objectives of the Amendments

The objectives of the amendments to the Charitable and Non-Profit Gaming (Two-up) Amendment Bill 2011 are:

- to clarify that two-up is a game under the *Charitable and Non-Profit Gaming Act 1999*; and
- to exclude Remembrance Day from the days on which two-up is allowed to be conducted (by RSL and Services clubs and persons approved by an RSL sub-branch) as it is considered to be a sombre day of remembrance.

The objective of the amendments to the *Liquor Act 1992* is to allow the sale of liquor during sporting events held at major sports facilities in Queensland, on Good Friday, without the requirement that the sale be in association with consumption of a meal on the premises.

Reasons for the Amendments

Charitable and Non-Profit Gaming Act 1999

The amendments to the Bill were recommended in the Report by the Finance and Administration Committee tabled on 1 December 2011, on the Charitable and Non-Profit Gaming (Two-up) Amendment Bill 2011 and Criminal Code (Anzac Day Betting) Amendment Bill 2011. The

amendments were identified during the committee's consultation with stakeholders.

The insertion of an amendment that clarifies that two-up is a game as defined in the *Charitable and Non-Profit Gaming Act 1999* (the Act) was recommended to ensure there is no legal ambiguity as to whether two-up constitutes a game under the Act.

Remembrance Day is being removed from the Bill as a day on which RSL and Services clubs, and persons authorised by an RSL sub-branch (in a liquor licensed premises) can conduct two-up as the RSL advised the Finance and Administration Committee that Remembrance Day is a more sombre day of remembrance than Anzac Day.

Liquor Act 1992

The *Liquor Act 1992* regulates the sale and supply of liquor. Section 9(5) of the Act currently prohibits the sale of liquor to a person on Good Friday unless the sale of liquor is to a person who consumes a meal in a part of the premises ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises.

A Super Rugby match between the Queensland Reds and ACT Brumbies is scheduled to be held in Brisbane on Good Friday, 6 April 2012 at 7.40pm at Suncorp Stadium, which is owned and managed by Stadiums Queensland.

Without legislative amendment, the Super Rugby match may be relocated interstate, most likely to Canberra, the home of the ACT Brumbies. This may impact adversely on the State's reputation for conducting major events.

This legislative amendment is proposed to apply to all major sports facilities in Queensland to ensure fairness and consistency by providing the same opportunities for all major sporting codes and events. This is particularly important as Queensland is a decentralised state. Further, most other states and territories in Australia do not have similar restrictions on the conduct of major sport events on Good Friday. This could impact adversely on Queensland's reputation for hosting major sporting events, with wider implications than events scheduled for Good Friday.

Achievement of the Objectives

The amendments achieve the objective to clarify that two-up is a game under the Act by amending the Bill to insert a reference to two-up as an

example of a game under section 11 of the Act, which prescribes the meaning of 'game'. The Bill also makes minor consequential amendments to ensure that there is no ambiguity regarding the status of two-up as a game.

The amendments also achieve the objective of removing Remembrance Day from the Bill as a designated day where two-up can be legally conducted outside a casino, by removing references to 11 November from the definition of a designated day.

The amendments further achieve the objective of allowing the sale of liquor at all major sports facilities in Queensland during sporting events on Good Friday by prescribing ordinary trading hours for the sale of liquor at major sports facilities in Queensland during sporting events on Good Friday. This amendment will exempt major sports facilities from the application of section 9(5) of the *Liquor Act 1992*, which prohibits all licensed premises (other than premises to which a producer/wholesaler licence relates) from selling liquor unless the liquor is sold in association with the consumer eating a meal in a part of the premises ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises.

Alternative ways of achieving policy objectives

The policy objectives are unable to be achieved other than through legislative amendment.

Estimated cost for government implementation

The cost to government in implementing the Bill is negligible. There are no implications for Consolidated Revenue.

Consultation

Charitable and Non-Profit Gaming Act 1999

In developing the Charitable and Non-Profit Gaming (Two-up) Amendment Bill 2011, the Queensland Government consulted with a variety of stakeholders, including Queensland casinos and the RSL (Queensland Branch).

As part of its inquiry into the Bill (and the Private Members Bill, the Criminal Code (Anzac Day Betting) Amendment Bill 2011), the committee advertised in the Courier Mail and wrote to stakeholder groups inviting

written submissions on the Bill. Six public submissions were received. The committee also conducted a public hearing on 16 November 2011, with witnesses from the Queensland Hotels Association, the RSL and Services Clubs Association Queensland Inc, the Queensland Law Society and the RSL (Queensland Branch).

Liquor Act 1992

Queensland government agencies that provide services in and around Suncorp Stadium during event nights, including TransLink, Queensland Fire and Rescue Service, Queensland Ambulance Service and the Queensland Police Service, have all been consulted and raised no significant issues.

Stadiums Queensland conduct community consultation on an ongoing basis with local residents and businesses and the Suncorp Stadium Management Advisory Committee, which comprises key stakeholders such as religious groups, local community members, businesses, Members of Parliament, not-for-profit organisations, local government, emergency service organisations and stadium management.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Notes on Provisions

Clause 1 inserts the heading ‘Part 1 Preliminary’ into the beginning of the Bill as the Bill is now divided into parts to incorporate amendments to multiple Acts. The original Bill amended only one Act. The amendments to be moved in consideration in detail of the Bill relate to both the *Charitable and Non-Profit Gaming Act 1999* and the *Liquor Act 1992*.

Clause 2 inserts the heading ‘Part 2 Amendment of *Charitable and Non-Profit Gaming Act 1999*’ into the beginning of the Bill as the Bill is now divided into parts to incorporate amendments to multiple Acts. The original Bill amended only one Act.

Clause 3 amends Clause 2 of the Bill, by specifying that ‘this part’ relates to the Charitable and Non-Profit Gaming Act, as the Bill is now divided into parts to incorporate amendments to multiple Acts.

Clause 4 inserts Clause 2A into the Bill which amends Section 6 (Meaning of *art union*) by inserting two-up in the list of games that an art union is not. This is required due to the way art union is defined in the legislation i.e. art union currently means games other than the games listed, and if two-up is included as an example in the definition of a game, the amendment to this provision is also necessary to list two-up so that it cannot be considered to be an art union game.

Clause 4 also inserts Clause 2B into the Bill which amends Section 11 of the Act (Meaning of *game*) by including two-up as an example of a game. This is necessary to clarify the status of two-up as a game under the Act, as recommended by the Finance and Administration Committee. This amendment clarifies that two-up can be considered to be a game under the definition of game in the Act, as winnings returned to players from wagers can be considered to be a prize.

Clause 5 amends Clause 3 of the Bill to omit references to two-up only applying to Part 8A. As two-up is considered to be a game under the Act, references to two-up should apply to the whole Act and not just to Part 8A.

Clause 6 amends Clause 3 of the Bill to remove the words ‘to remove doubt, it is declared’. Given the insertion of ‘two-up’ as an example of a game in Clause 2A, the additional wording in this clause is now obsolete.

Clause 7 amends Clause 4 of the Bill to amend Schedule 2 (Dictionary) of the Act. This amendment to the Bill removes 11 November from the definition of ‘designated day’, that are days on which it is lawful to play two-up, in accordance with section 179(2)(b) of the Bill. This amendment is required as 11 November is Remembrance Day, and the Finance and Administration Committee, after consultation with stakeholders, recommended that Remembrance Day be excluded from the days on which two-up is allowed to be played under provision in the Act as Remembrance Day is considered to be a more sombre day of remembrance.

Clause 8 omits references to two-up only applying to Part 8A from Clause 4 of the Bill (which had included this provision in Schedule 2 (Dictionary) of the Act). As two-up is considered to be a game under the Act, references to two-up should apply to the whole Act and not just to Part 8A.

Clause 9 inserts a new part into the Bill which relates to the amendment of the Liquor Act. Specifically, Clause 9 inserts Clause 5 into the Bill which indicates that Part 3 amends the Liquor Act. Clause 9 also inserts Clause 6 into the Bill which amends section 9 of the Liquor Act. Section 9(5) is amended to provide that the sale of liquor on licensed premises on Good Friday and Christmas Day (other than for premises to which a producer/wholesaler licence relates), is now also to be subject to section 9(6). Section 9(6) is inserted to provide that if a sporting event is held at a major sports facility in Queensland on Good Friday, the ordinary trading hours of the licensee at the sports facility on Good Friday are to be between 10am and midnight. This allows major sports facilities in Queensland to sell liquor at sporting events on Good Friday, which was previously prohibited under section 9(5) of the Liquor Act, (unless the liquor was sold in association with the consumer eating a meal in a part of the premises ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises). Clause 9 also inserts a new subsection 9(14) which provides a definition of major sports facility as that defined in the *Major Sports Facilities Act 2001*, schedule 2.

Clause 10 amends the long title of the Bill to include ‘and the *Liquor Act 1992*’, as the Bill now relates to amendments to both the Charitable and Non-Profit Gaming Act and the Liquor Act.