

Gaming Machine (Prescribed Liquor Licences) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 86

made under the

Gaming Machine Act 1991

General Outline

Short title

Gaming Machine (Prescribed Liquor Licences) Amendment Regulation 2019.

Authorising law

Sections 366(2)(b) and 366(2)(j) of the *Gaming Machine Act 1991*.

Policy objectives and the reasons for them

The policy objective of the *Gaming Machine (Prescribed Liquor Licences) Amendment Regulation 2019* (Amendment Regulation) is to enable the new owners of Innes Park Country Club to enter into an agency agreement with Keno Qld Pty Ltd, Queensland's sole keno licensee, for the conduct of keno at the premises.

The conduct of keno in Queensland is regulated by the *Keno Act 1996* (Keno Act), which provides that a keno licensee (Keno Qld Pty Ltd) may enter into agency agreements with persons prescribed as eligible by regulation. Section 4 of the *Keno Regulation 2007* (Keno Regulation) prescribes, among others, the holder of a prescribed liquor licence as an eligible person. For the purposes of section 4 of the Keno Regulation, 'prescribed liquor licence' has the meaning given by section 57 of the *Gaming Machine Regulation 2002* (Gaming Machine Regulation), which includes a licence mentioned in schedule 6 of the Gaming Machine Regulation.

There are four liquor licences prescribed under schedule 6 of the Gaming Machine Regulation, including the commercial special facility licence (liquor licence) held by Innes Park Country Club Tavern Pty Ltd ACN 082 223 747, Innes Park Road, Innes Park.

On 11 May 2017, the liquor licence for Innes Park Country Club was transferred to new owners Ms Louise Cole and Mr Ronald Peat under the partnership arrangement of L.M Cole & R.G Peat. Ms Cole and Mr Peat wish to continue conducting keno at the premises. Unlike commercial hotels and community clubs, the eligibility for the holders of prescribed liquor licences to enter into keno agency agreements under the Keno Regulation does not transfer with the liquor licence. To extend Ms Cole and Mr Peat the same authority to conduct keno as granted to the previous owner, it is necessary for the liquor licence held by the partnership to be prescribed as a prescribed liquor licence

under schedule 6 of the Gaming Machine Regulation. For consistency with the other prescribed liquor licences, it is also intended to insert the name and site address for the premises.

The amendments are machinery in nature and do not extend the regulatory framework for keno or the existing policy about the types of licensed venues that are considered suitable for the conduct of gaming in Queensland.

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by prescribing the commercial special facility licence held by L.M Cole & R.G Peat for Innes Park Country Club as a prescribed liquor licence, and consequently, deeming the partnership as an eligible person to enter into an agency agreement with Keno Qld Pty Ltd for the provision of keno at the premises.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Keno Act by continuing to limit the conduct of keno to suitable licensed venues in Queensland.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There is no alternative way of achieving the policy objective.

Benefits and costs of implementation

There are no anticipated costs associated with implementing the Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The licensees, Ms Cole and Mr Peat, were consulted.

In accordance with The Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the proposal. Departmental officers applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) – Regulatory proposals of a machinery nature) as the proposed amendments are machinery in nature and do not affect the current policy or operation of the legislation.