

# Gaming Machine Amendment Regulation 2023

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence provide this human rights certificate with respect to the *Gaming Machine Amendment Regulation 2023* (Amendment Regulation) made under the *Gaming Machine Act 1991* (Gaming Machine Act).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The Amendment Regulation provides a further 12-month reduction of the sales commission payable into the Consolidated Fund for category 1 licensed premises operating authorities (commercial hotels and most commercial special facilities).

Section 109E of the Gaming Machine Act provides that a regulation may prescribe a percentage of an amount to be paid into the consolidated fund following the authorised sale of one or more operating authorities by a licensee of a category 1 licensed premises. Ordinarily, the prescribed percentage of sales commission is 33 per cent.

On 30 June 2022, the *Gaming Machine Regulation 2002* (Gaming Machine Regulation) was amended to temporarily reduce the proportion of proceeds from the sale of category 1 licensed premises operating authorities payable by the seller into the consolidated fund to 15 per cent for a trial period of 12 months. Following automatic expiration of the provisions on 30 June 2023, the prescribed percentage of sales commission payable would revert back to 33 per cent.

Reducing the sales commission on a 12-month trial basis was intended to encourage the transfer of category 1 licensed premises operating authorities within the existing State-wide and regions-specific caps and support greater economic development in the hospitality sector. The Queensland Government has identified additional time is required to complete a comprehensive evaluation of the effect of the reduced sales commission on the transfer of these operating authorities.

Accordingly, the Amendment Regulation amends section 10BA of the Gaming Machine Regulation to prescribe a reduced rate of 15 per cent payable into the consolidated fund for category 1 licensed premises operating authorities sold between 1 July 2023 and 30 June 2024. The ordinary prescribed rate of 33 per cent sales commission will apply from 1 July 2024.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Amendment Regulation does not affect or engage human rights under the *Human Rights Act 2019*.

## Conclusion

I consider that the *Gaming Machine Amendment Regulation 2023* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**YVETTE D'ATH MP**  
ATTORNEY-GENERAL AND MINISTER FOR JUSTICE  
MINISTER FOR THE PREVENTION OF DOMESTIC  
AND FAMILY VIOLENCE

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