

**Legislative Council—No 62**

As received from the House of Assembly and read a first time, 18 October 2018

South Australia

**Statutes Amendment and Repeal (Budget Measures) Bill 2018**

A BILL FOR

An Act to make amendments to various Acts, and to repeal various Acts, for the purposes of the 2018 State Budget.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

5 This Act may be cited as the *Statutes Amendment and Repeal (Budget Measures) Act 2018*.

### 2—Commencement

- (1) Subject to this section, this Act will come into operation on the day on which it is assented to by the Governor.
- (2) The following provisions will come into operation on a day to be fixed by proclamation:
  - (a) Part 2;
  - (b) Part 3;
  - (c) Part 5;
  - (d) Part 6;
  - (e) Part 7;
  - (f) Part 8;
  - (g) sections 113 and 114;
  - (h) Part 14;
  - (i) Part 16;
  - (j) Part 19;

(k) Part 20;

(l) Part 21.

(3) Part 9 will come into operation at midnight on 30 June 2020.

(4) Part 11 will come into operation on 1 July 2019.

5 (5) Section 119 will be taken to have come into operation on 1 July 2016.

(6) Sections 120 and 121 will be taken to have come into operation on 1 July 2018.

(7) Part 18 will be taken to have come into operation on 1 January 2018.

### 3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Authorised Betting Operations Act 2000*

### 4—Amendment of section 3—Interpretation

(1) Section 3(1), definition of *authorised officer*, (b)—delete paragraph (b)

(2) Section 3(1), definition of *Authority*—delete the definition

15 (3) Section 3(1), definition of *licensing authority*—delete the definition

### 5—Amendment of section 6A—Codes of practice etc

(1) Section 6A(3)(ab)—delete "*Independent Gambling Authority Act 1995*" and substitute:

*Gambling Administration Act 1995*

20 (2) Section 6A(6)—delete subsection (6)

### 6—Amendment of section 6B—Criminal intelligence

Section 6B(1) to (3)—delete "the Authority or" wherever occurring

### 7—Amendment of section 12—Approved licensing agreements

(1) Section 12(3)(d)—delete paragraph (d)

25 (2) Section 12(5) and (6)—delete ", the Authority" wherever occurring

(3) Section 12(6)—delete "*Independent Gambling Authority Act 1995*" and substitute:

*Gambling Administration Act 1995*

(4) Section 12(7)(c)—delete paragraph (c)

(5) Section 12(8)—delete "and has no effect unless approved by the Authority"

30 (6) Section 12(10)—delete subsection (10)

**8—Amendment of section 15—Approved licensing agreement to be tabled in Parliament**

Section 15(1)—delete subsection (1) and substitute:

5           The Minister must, within 12 sitting days after entering into an approved licensing agreement or an agreement for the variation of an approved licensing agreement, have copies of the agreement laid before both Houses of Parliament.

**9—Amendment of section 18—Other transactions under which outsiders may acquire control or influence**

10           Section 18(2)(a)—delete "and the Authority"

**10—Amendment of section 23—Investigations**

Section 23(1) to (3)—delete "it" wherever occurring and substitute in each case:  
the Commissioner

**11—Amendment of section 24—Investigative powers**

15           Section 24(4)—delete "*Independent Gambling Authority Act 1995*" and substitute:  
*Gambling Administration Act 1995*

**12—Amendment of section 28—Licensee to supply Commissioner with copy of audited accounts**

20           Section 28(1) and (2)—delete "Authority" wherever occurring and substitute in each case:  
Commissioner

**13—Amendment of section 29—Duty of auditor**

Section 29(4)—delete "or the Commissioner"

**14—Amendment of section 34—Classes of licences**

25           Section 34(1)—delete "licensing authority" and substitute:  
Commissioner

**15—Amendment of section 36—Conditions of licences**

30           Section 36(1) and (2)—delete "licensing authority" wherever occurring and substitute in each case:  
Commissioner

**16—Amendment of section 37—Application for grant or renewal, or variation of condition, of licence**

35           Section 37(1) and (2)—delete "licensing authority" wherever occurring and substitute in each case:  
Commissioner

**17—Amendment of section 38—Determination of applications**

Section 38(1) and (2)—delete "licensing authority" wherever occurring and substitute in each case:

Commissioner

5 **18—Amendment of section 40H—Regulations**

Section 40H(2)—delete "the Authority,"

**19—Amendment of section 43—Prevention of betting by children**

Section 43(2)—delete "by the Authority"

10 **20—Amendment of section 60—Prevention of betting with children by bookmaker or agent**

Section 60(1a)—delete "by the Authority"

**21—Amendment of section 62—Rules relating to bookmakers' operations**

Section 62(2)(a)—delete paragraph (a)

**22—Amendment of section 62A—Prevention of betting by children**

15 Section 62A(b)—delete "by the Authority"

**23—Amendment of section 62I—Prosecution requires Commissioner's consent**

Section 62I—delete "Authority" wherever occurring and substitute in each case:

Commissioner

**24—Amendment of section 63—Responsibility of the Commissioner**

20 Section 63—delete "to the Authority"

**25—Amendment of section 64—Power to obtain information**

Section 64(1) and (2)—delete "the Authority or" wherever occurring

**26—Amendment of heading to Part 7**

Heading to Part 7—delete "and appeal"

25 **27—Amendment of section 77—Review of Commissioner's decision**

(1) Section 77(1)—delete "(including a decision made by the Commissioner as a delegate of the Authority)"

(2) Section 77(1)—delete "Authority" second occurring and substitute:

Court

30 (3) Section 77(3)—delete subsection (3) and substitute:

(2) A review under this section is in the nature of a rehearing.

(3) On a review under this section, the Court may exercise any 1 or more of the following powers:

(a) affirm, vary or quash the decision subject to the review;

(b) make any decision that should, in the opinion of the Court, have been made in the first instance;

(c) refer a matter back to the Commissioner for rehearing or reconsideration;

(d) make any incidental or ancillary order.

(4) If the reasons of the Commissioner are not given in writing at the time of making a decision and the person aggrieved by the decision, within 30 days after receiving notice of the decision, requires the Commissioner to state the reasons in writing, the time for applying for a review of the decision runs from the time when the person receives the written statement of those reasons.

(5) In this section—

*Court* means the Licensing Court of South Australia.

## **28—Repeal of section 78**

Section 78—delete the section

## **29—Amendment of section 85—Reasons for decision**

Section 85(2) to (5)—delete subsections (2) to (5) (inclusive) and substitute:

(2) Subject to this Act, the Commissioner is not bound to give reasons for a decision of the Commissioner under this Act.

## **30—Amendment of section 86—Power of Commissioner in relation to approvals**

(1) Section 86—delete "the Authority or"

(2) Section 86(a) and (b)—delete "Authority or" wherever occurring

## **31—Amendment of section 87—Confidentiality of information provided by Commissioner of Police**

Section 87—delete "the Authority or"

## **32—Amendment of section 89—Evidence**

Section 89(2)—delete "the Authority or"

## **33—Amendment of section 90—Annual report**

(1) Section 90(1) and (2)—delete subsections (1) and (2) and substitute:

(1) The Commissioner must, on or before 30 September in each year, prepare and present to the Minister a report on the performance of the Commissioner's functions under this Act during the preceding financial year.

(2) A report of the Commissioner required under this Act may be combined with a report of the Commissioner required under any other Act (provided that such reports relate to the same period).

(2) Section 90(3)(c)—delete "the Authority or"

- (3) Section 90(3)(d)—delete paragraph (d)

### **34—Amendment of section 91—Regulations**

- (1) Section 91(3)(b)—delete "the Authority or"  
(2) Section 91(4)—delete "Part 2 of the *Statutes Amendment (Budget 2016) Act 2016*" and substitute:

any amendments to this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act

- (3) Section 91(5)—delete "Part 2 of the *Statutes Amendment (Budget 2016) Act 2016*" and substitute:

the amendments or provisions, or on the making of the regulations,

### **35—Other amendments of Act**

- (1) Whole Act—delete all remaining references to "Authority" wherever occurring and substitute, in each case:

Commissioner

- (2) Whole Act—delete all remaining references to "Authority's" wherever occurring and substitute, in each case:

Commissioner's

### **36—Transitional provisions**

- (1) A recommendation, designation, classification, ratification or consent given or made by the Independent Gambling Authority and in force under the *Authorised Betting Operations Act 2000* immediately before the commencement of this section continues in force as if it had been given or made under that Act as in force after the commencement of this section.

- (2) A notice, direction, order, requirement, request, determination or certificate given, issued or made by the Independent Gambling Authority and in force under the *Authorised Betting Operations Act 2000* immediately before the commencement of this section continues in force as if it had been given, issued or made under that Act as in force after the commencement of this section.

- (3) A notice, direction or request given to or received by the Independent Gambling Authority and in force under the *Authorised Betting Operations Act 2000* immediately before the commencement of this section continues in force as if it had been given or received under that Act as in force after the commencement of this section.

- (4) A notice prescribing a code of practice or requirements for systems and procedures published by the Independent Gambling Authority and in force under section 6A of the *Authorised Betting Operations Act 2000* as in force immediately before the commencement of this section continues in force as if it had been published under that Act as in force after the commencement of this section.

- (5) A licence or approval granted by the Independent Gambling Authority and in force under the *Authorised Betting Operations Act 2000* immediately before the commencement of this section continues in force (subject to the conditions (if any) applying to the licence or approval) as if it had been granted under that Act as in force after the commencement of this section.

(6) If a review has been commenced but not finally determined by the Independent Gambling Authority under section 77 of the *Authorised Betting Operations Act 2000* before the commencement of section 27 of this Act, the review may be continued and completed by the Court as if it had been commenced under section 77 as in force after the commencement of section 27.

(7) If any application, investigation or other proceeding had been commenced but not finally determined by the Independent Gambling Authority under the *Authorised Betting Operations Act 2000* before the commencement of this section, the application, investigation or proceeding may be continued and completed by the Commissioner as if it had been commenced under that Act as in force after the commencement of this section.

(8) The provisions of this section are subject to any regulations made under section 91(4) of the *Authorised Betting Operations Act 2000* (as in force after the commencement of section 34(2)).

(9) In this section—

*Commissioner* has the same meaning as in the *Authorised Betting Operations Act 2000*;

*Court* means the Licensing Court of South Australia;

*Independent Gambling Authority* means the Authority established under the *Independent Gambling Authority Act 1995* (as in force immediately before the commencement of this section);

*notice* includes—

(a) a *compliance notice* within the meaning of section 69(1) of the *Authorised Betting Operations Act 2000*; and

(b) an *expiation notice* within the meaning of section 70(1) of the *Authorised Betting Operations Act 2000*.

## Part 3—Amendment of *Casino Act 1997*

### 37—Amendment of section 3—Interpretation

(1) Section 3(1), definition of *authorised officer*, (b)—delete paragraph (b)

(2) Section 3(1), definition of *Authority*—delete the definition

### 38—Amendment of section 9—Term and renewal of licence

(1) Section 9(2)—delete ", and the agreement as renegotiated is approved by the Authority"

(2) Section 9(2a)—delete subsection (2a)

### 39—Amendment of section 14—Other transactions under which outsiders may acquire control or influence

Section 14(2)(a)—delete "and the Authority"

### 40—Amendment of section 15—Surrender of licence

Section 15(1)—delete ", with the approval of the Authority,"

**41—Amendment of section 16—Approved licensing agreement**

- (1) Section 16(3)(c)—delete paragraph (c)  
(2) Section 16(4a)—delete ", the Authority"  
(3) Section 16(5)—delete "and has no effect unless approved by the Authority"  
5 (4) Section 16(7)—delete subsection (7)

**42—Amendment of section 18—Agreements to be tabled in Parliament**

Section 18(1)—delete subsection (1) and substitute:

- (1) The Minister must, within 12 sitting days after entering into an approved licensing agreement or an agreement for the variation of an approved licensing agreement, have copies of the agreement laid before both Houses of Parliament.

**43—Amendment of section 23—Investigative powers**

Section 23(4)—delete "*Independent Gambling Authority Act 1995*" and substitute:  
*Gambling Administration Act 1995*

**44—Amendment of section 41A—Codes of practice**

- (1) Section 41A(2)—delete "*Independent Gambling Authority Act 1995*" wherever occurring and substitute in each case:  
*Gambling Administration Act 1995*  
(2) Section 41A(6)—delete subsection (6)

**45—Amendment of section 47A—Requirement for Commissioner to consult licensee**

Section 47A(1)—after paragraph (d) insert:

- (e) the power to approve the basis on which staff gifts or gratuities may be accepted.

**46—Repeal of section 47B**

Section 47B—delete the section

**47—Amendment of section 50—Duty of auditor**

Section 50(3)—delete ", the Treasurer or the Commissioner" wherever occurring and substitute in each case:

or the Treasurer

**48—Amendment of section 53—Responsibility of Commissioner**

Section 53—delete "to the Authority"

**49—Amendment of section 54—Power to obtain information**

Section 54—delete "or the Authority"

**50—Amendment of section 55—Powers of inspection**

Section 55(4)—delete "and to the Authority"

**51—Amendment of heading to Part 8**

Heading to Part 8—delete "and appeal"

5 **52—Amendment of section 65—Review of decisions**

- (1) Section 65(1) and (2)—delete "Authority" wherever occurring and substitute in each case:

Court

- (2) Section 65(3)—delete subsection (3) and substitute:

10 (3) On a review under this section, the Court may exercise any 1 or more of the following powers:

- (a) affirm, vary or quash the decision subject to the review;  
(b) make any decision that should, in the opinion of the Court, have been made in the first instance;  
15 (c) refer a matter back to the decision-maker for rehearing or reconsideration;  
(d) make any incidental or ancillary order.

(3a) If the reasons of the Commissioner are not given in writing at the time of making a decision and the person aggrieved by the decision, within 30 days after receiving notice of the decision, requires the Commissioner to state the reasons in writing, the time for applying for a review of the decision runs from the time when the person receives the written statement of those reasons.

- (3) Section 65(4)—before the definition of *decision* insert:

25 *Court* means the Licensing Court of South Australia;

**53—Repeal of section 66**

Section 66—delete the section

**54—Amendment of section 66A—Procedure in relation to criminal intelligence**

Section 66A—delete "Authority or the Supreme"

30 **55—Amendment of section 68—Reasons for decision**

Section 68(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) Subject to this Act, the Commissioner is not bound to give reasons for a decision of the Commissioner under this Act.

**56—Repeal of section 68A**

35 Section 68A—delete the section

**57—Amendment of section 69—Confidentiality of criminal intelligence and other information provided by Commissioner of Police**

- (1) Section 69(1)—delete "the Authority or"
- (2) Section 69(2)—delete "the Authority,"

5 **58—Amendment of section 70—Prohibition of gambling by Commissioner etc**

Section 70(2)—after "officer" insert:

, and any person of a class prescribed by the regulations,

**59—Amendment of section 71—Annual report**

- (1) Section 71(1) and (2)—delete subsections (1) and (2) and substitute:

- 10 (1) The Commissioner must, on or before 30 September in each year, prepare and present to the Minister a report on the performance of the Commissioner's functions under this Act during the preceding financial year.
- 15 (2) A report of the Commissioner under this Act may be combined with a report of the Commissioner required under any other Act (provided that such reports relate to the same period).

- (2) Section 71(3)(aa)—delete paragraph (aa)

- (3) Section 71(3)(c)—delete paragraph (c)

**60—Amendment of section 72—Regulations**

20 Section 72—after subsection (1a) insert:

- (1ab) The regulations may make provisions of a saving or transitional nature consequent on the enactment of any amendments to this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act.

25 **61—Other amendments of Act**

- (1) Whole Act—delete all remaining references to "Authority" wherever occurring and substitute in each case:

Commissioner

- 30 (2) Whole Act—delete all remaining references to "Authority's" wherever occurring and substitute in each case:

Commissioner's

**62—Transitional provisions**

- 35 (1) An approval, exemption, recommendation, order, designation or ratification given or made by the Independent Gambling Authority under the *Casino Act 1997* (as in force immediately before the commencement of this section) continues in force as if it were an approval, exemption, recommendation, order, designation or ratification given or made by the Commissioner under the *Casino Act 1997* (as in force after the commencement of this section).

- 5 (2) An application made to the Independent Gambling Authority under the *Casino Act 1997* (as in force immediately before the commencement of this section) that has not been finally determined before the commencement of this section, may be continued and determined by the Commissioner under the *Casino Act 1997* (as in force after the commencement of this section).
- 10 (3) An investigation being undertaken by the Independent Gambling Authority under Part 3 of the *Casino Act 1997* (as in force before the commencement of this section) that has not been completed before the commencement of this section, will be continued and completed by the Commissioner as if it had been commenced under Part 3 of the *Casino Act 1997* (as in force after the commencement of this section).
- 15 (4) A position designated or classified by the Independent Gambling Authority under section 28 of the *Casino Act 1997* (as in force immediately before the commencement of this section) continues in force as a designation or classification of the Commissioner under section 28 of the *Casino Act 1997* (as in force after the commencement of this section).
- 20 (5) A notice of the following kind given by the Independent Gambling Authority and in force immediately before the commencement of this section continues in force as if it were a notice under the relevant provision of the *Casino Act 1997* as in force after the commencement of this section:
- 25 (a) recognising a course of training under section 33A(1) or a notice withdrawing such a recognition notice;
  - (b) prescribing criteria for recognition of courses of training under section 33A(2) or varying or revoking such a notice;
  - (c) recognising or withdrawing recognition of a system under section 40B(1);
  - 30 (d) prescribing criteria under section 40B(2) for a system recognised under section 40B(1) or varying or revoking such a prescription notice;
  - (e) prescribing advertising or responsible gambling codes of practice under section 41A or varying or revoking such a prescription notice;
  - (f) a notice to a licensee under section 47A.
- 35 (6) A direction given to the licensee by the Independent Gambling Authority under section 47 of the *Casino Act 1997* (as in force immediately before the commencement of this section) continues in force as if it were a direction given by the Commissioner under section 47 of the *Casino Act 1997* (as in force after the commencement of this section).
- 40 (7) A notice or order given by the Independent Gambling Authority under Part 7 of the *Casino Act 1997* (as in force immediately before the commencement of this section) continues in force as if it were a notice or order given by the Commissioner under Part 7 of the *Casino Act 1997* (as in force after the commencement of this section).
- (8) If a review has been commenced but not finally determined by the Independent Gambling Authority under section 65 of the *Casino Act 1997* before the commencement of section 52 of this Act, the review may be continued and completed by the Court as if it had been commenced under section 65 as in force after the commencement of section 52.

(9) The provisions of this section are subject to any regulations made under section 72(1ab) of the *Casino Act 1997* (as in force after the commencement of section 60).

(10) In this section—

5 *Commissioner* has the same meaning as in the *Casino Act 1997*;

*Court* means the Licensing Court of South Australia;

*Independent Gambling Authority* means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995* as in force immediately before the commencement of this section.

## 10 **Part 4—Repeal of *Commissioner for Kangaroo Island Act 2014***

### **63—Repeal of Act**

The *Commissioner for Kangaroo Island Act 2014* is repealed.

## **Part 5—Amendment of *Environment Protection Act 1993***

### **64—Insertion of section 135A**

15 After section 135 insert:

#### **135A—Recovery of administrative and technical costs associated with action under Part 10A**

(1) This section applies to the following action taken by the Authority:

- 20 (a) conducting investigations (including taking samples or conducting tests, examinations or analyses) in connection with—
- (i) issuing a site contamination assessment order or site remediation order; or
- 25 (ii) entering into an agreement for an approved voluntary site contamination assessment proposal under section 103I or an approved voluntary site remediation proposal under section 103K; or
- (b) investigating or monitoring compliance with such an order or agreement (including taking samples or conducting tests, examinations or analyses); or
- 30 (c) conducting negotiations with the relevant person in relation to such an order or agreement.

35 (2) If the Authority has incurred costs or expenses in taking action to which this section applies, the Authority may, by notice in writing served on the relevant person, require the person to pay to the Authority a fee fixed by, or calculated in accordance with, the regulations.

- (3) Subject to subsection (4), an amount payable to the Authority in accordance with a notice under this section must be paid within the period specified in the notice.
- (4) On application by a person who has been served a notice under this section, the Authority may, by notice in writing—
- (a) extend the time for payment of an amount payable in accordance with the notice; or
  - (b) waive payment of such an amount or reduce the amount payable.
- (5) A person who fails to pay an amount payable to the Authority in accordance with this section is guilty of an offence.  
Maximum penalty: \$1 000.  
Expiation fee: \$500.
- (6) If a notice issued under this section requires payment of an amount in respect of a site contamination assessment order or site remediation order and the order is the subject of an appeal, the notice is suspended until the appeal has been determined (but if the court, on appeal, finds that the order was contravened or that the order was properly issued, as the case may be, the notice will have effect as if the period for payment specified in the notice commenced on the day on which the appeal was determined).
- (7) If an amount payable to the Authority is not paid in accordance with this section, the amount may be recovered as a debt by the Authority.
- (8) In this section—
- relevant person*, in relation to a site, means the person—
- (a) who is or who would be the appropriate person to be issued with a site contamination assessment order or site remediation order in respect of the site (determined in accordance with section 103C); and
  - (b) in respect of whom action to which this section applies is being or has been taken.

### 65—Amendment of Schedule 1—Prescribed activities of environmental significance

Schedule 1, Part A, clause 1—after subclause (5) insert:

(5a) **Petrol stations**

the conduct of a petrol station, being a facility for the storage and retail sale of petroleum products or other liquid organic chemical substances.

In this subclause—

*petroleum product* has the same meaning as in the *Petroleum Products Regulation Act 1995*.

## 66—Transitional provisions

- 5 (1) Subject to this section, the Authority must, despite the provisions of Part 6 of the principal Act (except section 47(3)), grant a licence to a person to enable the person to conduct a petrol station within the meaning of Schedule 1 Part A clause 1(5a) of the principal Act as amended by this Part (to have effect from the commencement of this Part), if, immediately before the commencement of this Part, the retail sale of petroleum products from that petrol station was authorised under a licence pursuant to Part 2 of the *Petroleum Products Regulation Act 1995*.
- 10 (2) The Authority is not required to grant a licence under this section except on application and payment of the appropriate application fee and authorisation fee under Part 6 of the principal Act.
- (3) A licence granted pursuant to this section—
- 15 (a) has effect for a term of 2 years or such shorter or longer term as may be determined by the Authority and specified in the licence; and
- (b) is—
- (i) except as specified in this section—subject to the principal Act; and
- (ii) subject to any conditions of the licence imposed by the Authority under Part 6 of the principal Act and specified in the licence.
- 20 (4) Notice is not required to be given under Part 6 of the principal Act in respect of an application for the grant of a licence pursuant to this section.
- (5) In this section—
- petroleum product* has the same meaning as in the *Petroleum Products Regulation Act 1995*;
- principal Act* means the *Environment Protection Act 1993*.

## 25 Part 6—Amendment of *Gaming Machines Act 1992*

### 67—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *Authority*—delete the definition
- (2) Section 3(1), definition of *responsible gambling agreement*—delete "by the Authority" wherever occurring

### 30 68—Amendment of section 5—Commissioner responsible for scrutiny of operations under all licences

Section 5—delete "to the Authority"

**69—Amendment of heading to Part 2 Division 3**

Heading to Part 2 Division 3—delete the heading and substitute:

**Division 3—Commissioner's power to prescribe, recognise  
and give directions**

5 **70—Amendment of section 10A—Certain matters prescribed by  
Commissioner**

(1) Section 10A—delete "Authority" wherever occurring and substitute in each case:

Commissioner

10 (2) Section 10A(2)—delete "*Independent Gambling Authority Act 1995*" wherever  
occurring and substitute in each case:

*Gambling Administration Act 1995*

(3) Section 10A(7)—delete subsection (7)

**71—Amendment of section 10B—Recognitions**

(1) Section 10B—delete "Authority" wherever occurring and substitute in each case:

15 Commissioner

(2) Section 10B(2)—delete "it" and substitute:

the Commissioner

**72—Amendment of section 11—Commissioner may give directions to licensees**

(1) Section 11(1)—delete "Authority" and substitute:

20 Commissioner

(2) Section 11(3)—delete subsection (3)

**73—Amendment of section 12—Criminal intelligence**

Section 12(1)—delete "the Authority or"

25 **74—Amendment of section 47—Offence of breach of mandatory provisions of  
codes**

Section 47(2)—delete "Authority" and substitute:

Commissioner

**75—Amendment of section 53A—Prohibition of certain gaming machines**

Section 53A(1) and (2)—delete "by the Authority" wherever occurring

30 **76—Amendment of heading to Part 6**

Heading to Part 6—delete the heading and substitute:

**Part 6—Review**

**77—Amendment of section 69—Right of review**

- (1) Section 69(1)—delete "appeal to the Court against" and substitute:  
 apply to the Court for a review of
- (2) Section 69(2)—delete "appeal to the Authority against" and substitute:  
 5 apply to the Court for a review of
- (3) Section 69(3)—delete "appeal under this section must be instituted" and substitute:  
 application for review under this section must be made
- (4) Section 69(3)—delete "or the Authority, as the case may be,"
- (5) Section 69(4)—delete "An appeal" and substitute:  
 10 A review
- (6) Section 69(5)—delete "or Authority" wherever occurring
- (7) Section 69(5)—delete "an appeal" and substitute:  
 a review
- (8) Section 69(5)(a)—delete "appeal" and substitute:  
 15 review
- (9) Section 69—after subsection (5) insert:  
 (5a) If the reasons of the Commissioner are not given in writing at the  
 time of making or giving a decision, order or direction and the  
 person aggrieved by the decision, order or direction within 1 month  
 20 after receiving notice of the decision, order or direction requires the  
 Commissioner to state the reasons in writing, the time for applying  
 for a review of the decision, order or direction runs from the time  
 when the person receives the written statement of those reasons.
- (10) Section 69(7)—delete "or Authority on an appeal" and substitute:  
 25 on a review

**78—Amendment of section 70—Operation of decisions pending review**

- (1) Section 70(1)—delete subsection (1) and substitute:  
 (1) Subject to subsection (2), a decision, order or direction in relation to  
 30 which a right of review exists continues to operate despite that right  
 of review or the commencement of review proceedings.
- (2) Section 70(2)—delete "appropriate appellate authority" and substitute:  
 Court
- (3) Section 70(2)(a)—delete "against which an appeal has been commenced" and  
 substitute:  
 35 in relation to which an application for review has been made
- (4) Section 70(3)—delete subsection (3)

**79—Amendment of section 70A—Procedure in relation to criminal intelligence**

Section 70A—delete "or the Authority"

**80—Amendment of section 73BA—Gamblers Rehabilitation Fund**

Section 73BA(10)—delete "or the Authority" wherever occurring

5 **81—Substitution of sections 74 and 74A**

Sections 74 and 74A—delete the sections and substitute:

**74—Annual report**

- 10 (1) The Commissioner must, on or before 30 September in each year, prepare and submit to the Minister a report on the performance of the Commissioner's functions under this Act during the preceding financial year.
- (2) A report of the Commissioner required under this Act may be combined with a report of the Commissioner required under any other Act (provided that such reports relate to the same period).
- 15 (3) The Commissioner's report under this section must include the following information in relation to the financial year to which the report relates:
- (a) the number of expiation notices issued for offences against this Act;
- 20 (b) the number of prosecutions commenced for offences against this Act.
- (4) The Minister must, within 12 sitting days after receiving the Commissioner's report, have copies of the report laid before both Houses of Parliament.

25 **82—Amendment of section 76—Power to refuse to pay winnings**

Section 76(3)—delete "appealable" and substitute:  
reviewable

**83—Amendment of section 82—Service**

Section 82(1aa)—delete "or the Authority" wherever occurring

30 **84—Amendment of section 87—Regulations**

- (1) Section 87(4)—delete ", the Authority"
- (2) Section 87—after subsection (4) insert:
- 35 (4a) The regulations may make provisions of a saving or transitional nature consequent on the enactment of any amendments to this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act.

## 85—Transitional provisions

- (1) A matter prescribed by the Independent Gambling Authority under section 10A of the *Gaming Machines Act 1992* as in force immediately before the commencement of this section continues in force as if it were prescribed by the Commissioner.
- 5 (2) A notice of recognition given by the Independent Gambling Authority under section 10B of the *Gaming Machines Act 1992* as in force immediately before the commencement of this section continues in force as if it had been given by the Commissioner.
- 10 (3) A direction given by the Independent Gambling Authority under section 11 of the *Gaming Machines Act 1992* as in force immediately before the commencement of this section continues in force as if it had been given by the Commissioner.
- (4) If an appeal has been commenced but not finally determined by the Independent Gambling Authority under section 69(2) of the *Gaming Machines Act 1992* before the commencement of section 77 of this Act, the appeal may be continued and completed by the Court as if it had been commenced (as proceedings for a review) under section 69(2) as in force after the commencement of section 77.
- 15 (5) The provisions of this section are subject to any regulations made under section 87(4a) of the *Gaming Machines Act 1992* (as in force after the commencement of section 84(2)).
- 20 (6) In this section—  
*Commissioner* has the same meaning as in the *Gaming Machines Act 1992*;  
*Court* means the Licensing Court of South Australia;  
*Independent Gambling Authority* means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995* as in force  
25 immediately before the commencement of this section.

## Part 7—Amendment of *Independent Gambling Authority Act 1995*

### 86—Amendment of long title

30 Long title—delete "establish the Independent Gambling Authority and to provide for its powers and functions" and substitute:

give certain powers and functions to the Liquor and Gambling Commissioner to regulate and control gambling activities in the State

### 87—Amendment of section 1—Short title

Section 1—delete "Independent Gambling Authority" and substitute:

35 Gambling Administration

## 88—Insertion of section 2

After section 1 insert:

### 2—Purpose and objectives

- 5
- (1) The main purpose of this Act is to consolidate various regulatory functions and powers relating to different forms of gambling in the State.
- (2) The main objectives of this Act are—
- 10
- (a) the fostering of responsibility in gambling and, in particular, the minimising of harm caused by gambling, recognising the positive and negative impacts of gambling on communities; and
- (b) the maintenance of an economically viable and socially responsible gambling industry (including an economically viable and socially responsible club and hotel gaming machine industry) in this State.
- 15

## 89—Amendment of section 3—Interpretation

- (1) Section 3, definition of *Authority*—delete the definition and substitute:

*Advisory Council* means the *Gambling Advisory Council* established under Part 2A;

- 20
- (2) Section 3, definition of *prescribed Act*—delete the definition and substitute:

*prescribed Act* means each of the following:

- (a) the *Authorised Betting Operations Act 2000*;
- (b) the *Casino Act 1997*;
- (c) the *Gaming Machines Act 1992*;
- 25
- (d) the *Problem Gambling Family Protection Orders Act 2004*;
- (e) any other Act prescribed by regulation;

- (3) Section 3—after the definition of *proceedings* insert:

*welfare agency* means the administrative unit of the Public Service that is, under a Minister responsible for the administration of the *Family and Community Services Act 1972*, responsible for performing functions in relation to the Gamblers Rehabilitation Fund (established under section 73BA of the *Gaming Machines Act 1992*).

30

## 90—Substitution of Part 2

Part 2—delete the Part and substitute:

### **Part 2—Functions of Commissioner**

#### **4—Functions and powers of Commissioner**

- 5 (1) The Commissioner has the following functions:
- (a) to develop and promote strategies for reducing the incidence of problem gambling and for preventing or minimising the harm caused by gambling; and
  - 10 (b) to undertake, assist in or co-ordinate ongoing research into matters relevant to gambling and the Commissioner's functions relating to gambling, including research into—
    - (i) the social and economic costs and benefits to the community of gambling and the gambling industry; and
    - 15 (ii) the likely impact, both negative and positive, on the community of any new gambling product or gambling activity that might be introduced by any section of the gambling industry; and
    - 20 (iii) strategies for reducing the incidence of problem gambling and preventing or minimising the harm caused by gambling; and
    - (iv) any other matter directed by the Minister; and
  - 25 (c) to provide a proactive whole-of-industry and client-centric responsive approach to the promotion of responsible gambling practices and the prevention or minimisation of harm caused by gambling; and
  - (d) to ensure that an effective and efficient system of supervision is established and maintained over the operations of licensees under prescribed Acts; and
  - 30 (e) to conduct consumer and licensee education campaigns and publish advertisements directed at reducing the incidence of problem gambling and for preventing or minimising the harm caused by gambling; and
  - 35 (f) to encourage the gambling industry and related professional associations to disseminate to their members, and enforce compliance with, mandatory responsible gambling and advertising codes of practice; and
  - 40 (g) to publish reports and disseminate statistical information on matters relating to the operation of licensees under prescribed Acts; and

5 (h) to consider representations from, and give consideration to matters identified by, the Advisory Council or the welfare agency relating to the incidence of problem gambling or measures for preventing or minimising the harm caused by gambling; and

(i) to advise, and make recommendations to, the Minister on matters relating to the operations of licensees under prescribed Acts or on any aspect of the operation, administration or enforcement of prescribed Acts; and

10 (j) to perform other functions assigned to the Commissioner under this Act or a prescribed Act or by the Minister.

(2) The Commissioner has power to do anything that is necessary for, or incidental to, the performance of the Commissioner's functions.

**Note—**

15 For other provisions relevant to the Commissioner see also Part 2 Division 1 of the *Liquor Licensing Act 1997* which includes, for example, a power of delegation.

## Part 2A—Gambling Advisory Council

### 5—Establishment of Advisory Council

20 (1) The *Gambling Advisory Council* is established.

(2) The Advisory Council is to consist of—

(a) the Commissioner or a nominee of the Commissioner; and

25 (b) the following members, appointed, from time to time, by the Commissioner on terms and conditions determined by the Commissioner:

(i) a nominee of the welfare agency;

30 (ii) such other members as the Commissioner thinks appropriate so as to be representative of charitable, gambling support or social welfare organisations, the gambling industry and government.

(3) The functions of the Advisory Council are—

(a) to assist the Commissioner in formulating, and advise the Commissioner on implementing, policies and legislative proposals affecting—

35 (i) the minimisation of harm caused by (and associated with) gambling, recognising the positive and negative impacts of gambling on communities; and

(ii) the maintenance of a socially responsible gambling industry; and

(b) to provide a forum for the exchange of information and views between industry, welfare and government sectors concerning issues relating to responsible gambling and harm-minimisation practices; and

5 (c) to consider other matters referred to the Advisory Council by the Commissioner.

## 6—Proceedings

The procedures to be observed by the Advisory Council in relation to the conduct of its business will be—

10 (a) as determined by the Commissioner; or

(b) insofar as a procedure is not determined under paragraph (a)—as determined by the Advisory Council.

## 7—Use of staff and facilities

15 The Advisory Council may, by agreement with the Minister responsible for an administrative unit in the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

## 8—Committees

20 (1) The Advisory Council may establish such committees as it thinks fit to assist it in the performance of its functions.

(2) The membership of a committee will be determined by the Advisory Council and may, but need not, consist of or include members of the Advisory Council.

25 (3) The procedures to be observed by a committee in relation to the conduct of its business will be—

(a) as determined by the Advisory Council;

(b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

## 91—Substitution of heading to Part 3

30 Heading to Part 3—delete the heading and substitute:

### **Part 3—Inquiries and other proceedings**

## 92—Repeal of section 12

Section 12—delete the section

## 93—Amendment of section 13—Inquiries by Commissioner

35 (1) Section 13—delete "Authority" wherever occurring and substitute in each case:  
Commissioner

- (2) Section 13(1)(a)—delete "it considers it necessary or desirable to do so for the purpose of carrying out its" and substitute:

the Commissioner considers it necessary or desirable to do so for the purpose of carrying out the Commissioner's

5 **94—Amendment of section 14—Powers and procedures of Commissioner**

- (1) Section 14—delete "Authority" wherever occurring and substitute in each case:

Commissioner

- (2) Section 14(1)—delete "its functions" and substitute:

any functions

- 10 (3) Section 14(1)(c)—delete "it and retain them for such reasonable period as it" and substitute:

the Commissioner and retain them for such reasonable period as the Commissioner

- (4) Section 14(1)(e)—delete "any member of"

- 15 (5) Section 14(2)(c)—delete "or any member of the Authority"

- (6) Section 14(6)—delete subsection (6) and substitute:

(6) The Commissioner may conduct proceedings at any time and in any place (including a place outside this State) and may adjourn any proceedings from time to time and from place to place.

- 20 (7) Section 14(7)(a)—delete "it" and substitute:

the Commissioner

- (8) Section 14(7)(b)—delete "its discretion it" and substitute:

the Commissioner's discretion the Commissioner

- (9) Section 14—after subsection (7) insert:

- 25 (8) The Commissioner may—

(a) conduct any proceedings by telephone or other electronic means; and

(b) allow a person to participate in any proceedings by telephone or other electronic means.

30 **95—Amendment of section 15—Representation before Commissioner**

- (1) Section 15—delete "Authority" wherever occurring and substitute in each case:

Commissioner

- (2) Section 15—after subsection (2) insert:

(3) The welfare agency may be represented before the Commissioner—

- 35 (a) by a member of the welfare agency; or

(b) by counsel.

**96—Amendment of section 15C—Barring orders**

Section 15C(1), (4), (6), (7) and (8)—delete "Authority" wherever occurring and substitute in each case:

Commissioner

5 **97—Amendment of section 15D—Variation or revocation of barring order**

Section 15D—delete "Authority" wherever occurring and substitute in each case:

Commissioner

**98—Amendment of section 15E—Notice of barring order etc**

10 Section 15E(4) and (5)—delete "Authority" wherever occurring and substitute in each case:

Commissioner

**99—Amendment of section 15G—Review of barring order by gambling provider**

15 Section 15G(1) and (2)—delete "Authority" wherever occurring and substitute in each case:

Commissioner

**100—Amendment of section 15H—Reconsideration of barring order by Commissioner**

20 (1) Section 15H(1), (2), (3) and (4)—delete "Authority" wherever occurring and substitute in each case:

Commissioner

(2) Section 15H(1)—delete "its decision" and substitute:  
the decision

**101—Amendment of sections 15L and 15M**

25 Sections 15L and 15M—delete "Authority" wherever occurring and substitute in each case:

Commissioner

**102—Amendment of section 16—Participation in gambling**

30 Section 16—delete "A member of the Authority or the Commissioner must not engage in a gambling activity to which the Authority's" and substitute:

The Commissioner, and any person of a class prescribed by the regulations, must not engage in a gambling activity to which the Commissioner's

### 103—Amendment of section 17—Confidentiality

- 5 (1) Section 17(1)—delete "A member or former member of the Authority or of a committee established by the Authority, the Commissioner or a former Commissioner or any officer or employee engaged or formerly engaged in administration or enforcement of this Act or a prescribed Act" and substitute:

10 The Commissioner or a person who is or has been engaged in the administration or enforcement of this Act or a prescribed Act, or who is or has been a member of the Advisory Council or any other body or committee established, at any time, under this Act (including the former Independent Gambling Authority or a committee established by that Authority)

- (2) Section 17(3)(b)—delete "or the Authority"

### 104—Repeal of sections 18 and 19

Sections 18 and 19—delete the sections

### 105—Amendment of section 20—Regulations

15 Section 20—after its present contents (now to be designated as subsection (1)) insert:

- (2) The regulations may—
- (a) be of general or limited application; and
  - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
  - 20 (c) make provisions of a saving or transitional nature consequent on the enactment of any amendments to this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act; and
  - 25 (d) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Commissioner or another person.

### 106—Review

30 The Attorney-General must, as soon as practicable after the enactment of this Act, undertake a review of the functions of the Commissioner and the Gambling Advisory Council under any Act (as amended by this Act) with a view to achieving greater consistency in regulatory requirements and processes applicable to the gambling industry.

### 107—Transitional provisions

- 35 (1) All members of the Independent Gambling Authority cease to hold office on the commencement of this subsection.
- (2) All assets, rights and liabilities of the Independent Gambling Authority are, on the commencement of this subsection, transferred to the Attorney-General.
- 40 (3) After the commencement of subsection (1), a reference in any instrument, contract, agreement or other document to the Independent Gambling Authority will have effect as if it were a reference to the Commissioner.

(4) If an inquiry being conducted by the Independent Gambling Authority under Part 3 of the *Independent Gambling Authority Act 1995* (as in force before the commencement of subsection (1)) has not been completed before the commencement of subsection (1), that inquiry—

5 (a) may be continued and completed by the Commissioner as if it had been commenced under Part 3 of the *Gambling Administration Act 1995* as in force after the commencement of subsection (1); or

(b) may be suspended or discontinued by the Commissioner.

10 (5) A barring order in force under Part 4 of the *Independent Gambling Authority Act 1995* (as in force before the commencement of subsection (1)) continues in force as if it had been made under Part 4 of the *Gambling Administration Act 1995* (as in force after the commencement of subsection (1)).

15 (6) The Register maintained by the Independent Gambling Authority under Part 4 of the *Independent Gambling Authority Act 1995* (as in force before the commencement of subsection (1)) continues as the Register maintained by the Commissioner under Part 4 of the *Gambling Administration Act 1995* (as in force after the commencement of subsection (1)).

20 (7) The Commissioner may exempt a person from a requirement under the *Gambling Administration Act 1995* or a prescribed Act if satisfied that the exemption is necessary or appropriate to avoid a duplication of requirements, or an inconsistency in applicable requirements, arising as a consequence of amendments enacted by this Act (and such exemption may be subject to any conditions specified in the instrument of exemption).

25 (8) The provisions of this section are subject to any regulations made under section 20(2)(c) of the *Gambling Administration Act 1995* (as in force after the commencement of section 105).

(9) In this section—

*Commissioner* has the same meaning as in the *Gambling Administration Act 1995*;

30 *Independent Gambling Authority* means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995* (as in force before the commencement of subsection (1));

*prescribed Act* has the same meaning as in the *Gambling Administration Act 1995*.

## Part 8—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

### 35 108—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *cognitive impairment* insert:

*Commissioner* has the same meaning as in the *Gambling Administration Act 1995*;

### 109—Amendment of section 24—Problem gambling order

40 Section 24(1) and (5)(b)(i)(A)—delete "Independent Gambling Authority" wherever occurring and substitute in each case:

Commissioner

## 110—Amendment of section 27—Problem gambling orders

Section 27(2)—delete "Independent Gambling Authority" and substitute:

Commissioner

## Part 9—Amendment of *Land Tax Act 1936*

### 111—Repeal of section 8

Section 8—delete the section

### 112—Amendment of section 8A—Scales of land tax

(1) Section 8A(1), (2) and (3)—delete subsections (1), (2) and (3) and substitute:

- (1) Land tax for the 2020/2021 financial year, and for each subsequent financial year, is calculated on the basis of the taxable value of the land in accordance with the following table:

<b>Taxable value of land</b>	<b>Amount of tax</b>
Not exceeding Threshold A	Nil
Exceeding Threshold A but not exceeding Threshold B	\$0.50 for every \$100 or fractional part of \$100 over Threshold A
Exceeding Threshold B but not exceeding Threshold C	LT (TB) plus \$1.65 for every \$100 or fractional part of \$100 over Threshold B
Exceeding Threshold C but not exceeding Threshold D	LT (TC) plus \$2.40 for every \$100 or fractional part of \$100 over Threshold C
Exceeding Threshold D but not exceeding Threshold E	LT (TD) plus \$2.90 for every \$100 or fractional part of \$100 over Threshold D
Exceeding Threshold E	LT (TE) plus \$3.70 for every \$100 or fractional part of \$100 over Threshold E

- (2) For the 2020/2021 financial year, the thresholds will be as follows:

<b>Threshold</b>	<b>Amount</b>
Threshold A	\$450 000
Threshold B	\$550 000 (the <i>unadjusted 2010/2011 amount</i> ) adjusted in accordance with subsection (2a)
Threshold C	\$800 000 (the <i>unadjusted 2010/2011 amount</i> ) adjusted in accordance with subsection (2a)
Threshold D	\$1 000 000 (the <i>unadjusted 2010/2011 amount</i> ) adjusted in accordance with subsection (2a)
Threshold E	\$5 000 000

- (2a) An amount described as an "unadjusted 2010/2011 amount" in the table in subsection (2) is to be adjusted according to the following formula (to take into account increases in the site value of land occurring since the thresholds were last set in relation to the 2010/2011 financial year):

$$Threshold_{2020} = Threshold_1 \times Index\ value_{2020}$$

where—

***Threshold*<sub>2020</sub>** represents the adjusted threshold for the 2020/2021 financial year

***Threshold*<sub>1</sub>** represents the unadjusted 2010/2011 amount

***Index value*<sub>2020</sub>** = Index value<sub>2019</sub> x (1 + average percentage change in site values for the 2020/2021 financial year)

where ***Index value*<sub>2019</sub>** is the Index value for the 2019/2020 financial year determined in accordance with this section as in force immediately before the commencement of this subsection, ***Index value*<sub>2020</sub>** is the Index value for the 2020/2021 financial year and the average percentage change in site values for that financial year is determined under subsection (4).

- (3) Subject to this section, for each financial year after the 2020/2021 financial year (***year x***), each of the thresholds will be adjusted to take into account increases in the site value of land according to the following formula:

$$Threshold_{year\ x} = Threshold_1 \times Index\ value_{year\ x}$$

where—

***Threshold*<sub>year x</sub>** represents each of the thresholds for the relevant financial year (***year x***)

***Threshold*<sub>1</sub>** represents each of the relevant thresholds set out in subsection (2) for the 2020/2021 financial year

***Index value*<sub>year x</sub>** = Index value<sub>year x-1</sub> x (1 + Avg percentage change in site values<sub>year x</sub>)

where ***Index value*<sub>year x</sub>** is the Index value for the relevant financial year (***year x***) and the average percentage change in site values for that financial year is determined under subsection (4), and with the Index value for the 2020/2021 financial year being 1.

- (2) Section 8A(4)—delete "subsection (3)" and substitute:  
subsections (2a) and (3)

(3) Section 8A(5)—delete subsection (5) and substitute:

(4a) If, after applying subsection (4) to determine the Index value for the 2020/2021 financial year under subsection (2a), the result would be an Index value for that year that would be less than or equal to the Index value that applied for the 2019/2020 financial year or a preceding financial year, the adjusted thresholds for the 2020/2021 financial year will be taken to be the thresholds that applied for the 2019/2020 financial year.

(5) If, after applying subsection (4) to determine the Index value for a particular financial year after the 2020/2021 financial year (*year x*) under subsection (3), the result would be an Index value for year *x* that would be less than or equal to an Index value that has applied for the 2020/2021 financial year or a subsequent financial year occurring before year *x*, the thresholds for year *x* will remain unchanged (so as to be equal to the year *x*-1 amounts).

(4) Section 8A(10)—after the definition of *LT (TD)* insert:

*LT (TE)* means the land tax payable with respect to land with a taxable value equal to Threshold E.

## **Part 10—Amendment of *Liquor Licensing Act 1997***

### **113—Amendment of section 9—Inspectors and other officers**

(1) Section 9(1)—after "this Act" insert:

and any other Acts under which the Commissioner exercises functions and powers

(2) Section 9(2)—delete "this Act" and substitute:

an Act

### **114—Amendment of section 10—Delegation**

Section 10(2)—after paragraph (c) insert:

and

(d) may, if the instrument of delegation so provides, be further delegated.

### **115—Amendment of section 138—Regulations**

Section 138—after subsection (1a) insert:

(1b) The regulations may (without limiting any other provision of this section or section 50A) prescribe differential fees, or provide for a discount on or reduction of any fees, for licences under this Act based on any factor including, for example, the geographical location of licensed premises or whether the licensee holds any other licence under this Act or under the *Gaming Machines Act 1992*.

## Part 11—Amendment of *Local Government Act 1999*

### 116—Amendment of section 294—Power to enter and occupy land in connection with an activity

- (1) Section 294(7)(a)—delete paragraph (a)
- 5 (2) Section 294(7a)(b) to (d)—delete paragraphs (b) to (d) (inclusive)
- (3) Section 294(7a)(e)—delete "sections 17G and" and substitute:  
section
- (4) Section 294(7b)(b)—delete paragraph (b)
- (5) Section 294(8), definitions of *designated amount*, *prescribed amount* and *prescribed fund*—delete the definitions
- 10

### 117—Transitional provisions

- (1) In this section—  
*principal Act* means the *Local Government Act 1999*.
- (2) The amendments to section 294 of the principal Act effected by this Act do not  
15 affect—
  - (a) any liability of a council to pay royalty on extractive minerals for the 2018/2019 financial year, or for any preceding financial year (and that section will be taken to continue to apply in relation to such a liability as if it had not been amended); or
  - 20 (b) any requirement to pay the designated amount on account of a royalty referred to in paragraph (a) into the prescribed fund (and that section will be taken to continue to apply in relation to such a requirement as if it had not been amended).

## Part 12—Amendment of *Mining Act 1971*

### 118—Amendment of section 17A—Reduced royalty for new mines

- (1) Section 17A—after subsection (1) insert:
  - (1a) An application may not be made by a person under subsection (1) on or after 1 July 2020.
- (2) Section 17A(2)—delete "the period of 5 years commencing on the date on which the first royalty payment under this Act is due and payable" and substitute:  
30 the prescribed period
- (3) Section 17A—after subsection (2) insert:
  - (2a) In subsection (2), the *prescribed period* is the period commencing on the day on which the first royalty payment under this Act is due and payable and ending—  
35 (a) on the day falling 5 years after that day; or

(b) on 30 June 2026,  
whichever occurs first.

## **Part 13—Amendment of *Payroll Tax Act 2009***

### **119—Amendment of section 29—Motor vehicle allowances**

- 5 (1) Section 29(7)(a)—delete paragraph (a) and substitute:
- (a) the rate determined by legislative instrument under section 28-25 of  
the ITAA for calculating a deduction for car expenses using the  
"cents per kilometre method" in the financial year immediately  
10 preceding the financial year in which the allowance is paid or  
payable; or
- (ab) if there is more than 1 rate under the determination referred to in  
paragraph (a), the highest of those rates, or
- (2) Section 29(7)(b)—delete "prescribed" (first occurring) and substitute:  
determined

### **120—Amendment of section 32—What is a relevant contract?**

- 15 (1) Section 32(2)(c)—delete ", unless the Commissioner determines that the contract or  
arrangement under which the services are so supplied was entered into with an  
intention either directly or indirectly of avoiding or evading the payment of tax by any  
person"
- 20 (2) Section 32(2)(d)(i)—after "services" insert:  
solely for or
- (3) Section 32(2)(d)—delete ", unless the Commissioner determines that the contract or  
arrangement under which the services are so supplied was entered into with an  
intention either directly or indirectly of avoiding or evading the payment of tax by any  
25 person"
- (4) Section 32—after subsection (2) insert:
- (2a) Subsection (2)(a), (2)(b)(i), (2)(b)(iv) or (2)(d) does not apply to a  
contract under which services not referred to in that subsection are  
supplied in addition to services referred to in that subsection.
- 30 (2b) Subsection (2)(b)(ii) or (iii) does not apply to—
- (a) a contract under which services not referred to in that  
subsection are supplied in addition to services referred to in  
that subsection; or
- (b) a contract under which services referred to in that subsection  
35 are provided for a period exceeding a period referred to in  
that subsection.
- (2c) Subsection (2)(c) does not apply to a contract under which work is  
performed in a manner other than a manner referred to in that  
subsection, in addition to work performed in a manner referred to in  
40 that subsection.

- (2d) Subsection (2) does not apply if the Commissioner determines that the contract under which the services are supplied was entered into with an intention either directly or indirectly of avoiding or evading the payment of tax by any person.

5 **121—Transitional provisions**

- (1) Section 32 of the principal Act, as amended by section 120 of this Act, applies in respect of work performed on or after 1 July 2018 irrespective of when amounts are paid or become payable in respect of the work.
- (2) Section 32 of the principal Act, as in force immediately before the commencement of section 120 of this Act, continues to apply in respect of work performed before 10 1 July 2018 irrespective of when amounts are paid or become payable in respect of the work.
- (3) In this section—  
*principal Act* means the *Payroll Tax Act 2009*.

15 **Part 14—Amendment of *Problem Gambling Family Protection Orders Act 2004***

**122—Amendment of section 3—Interpretation**

- (1) Section 3(1), definition of *Authority*—delete the definition
- (2) Section 3(1)—after the definition of *close personal relationship* insert:  
20 *Commissioner* has the same meaning as in the *Gambling Administration Act 1995*;

**123—Amendment of section 7—Complaints**

Section 7(5)—delete subsection (5) and substitute:

- 25 (5) On the making of a complaint, the Commissioner may exercise any powers vested in the Commissioner under the *Gambling Administration Act 1995*.

**124—Amendment of section 9—Making problem gambling family protection order in respondent's absence**

Section 9(8)—delete subsection (8)

30 **125—Substitution of section 11**

Section 11—delete the section and substitute:

**11—Conduct of proceedings**

- 35 (1) In proceedings under this Act the Commissioner may exercise any powers vested in the Commissioner under the *Gambling Administration Act 1995*.
- (2) The Commissioner may refer a question of law arising in proceedings under this Act to the Court.

- (3) In proceedings under this Act, the Commissioner is to decide questions of fact on the balance of probabilities.
- (4) The Commissioner is not bound by rules of evidence but may inform himself or herself in such manner as the Commissioner thinks fit.
- 5 (5) If, as a result of proceedings under this Act, the Commissioner is satisfied that it would be appropriate to make an order under Part 4 of the *Gambling Administration Act 1995* instead of, or in addition to, an order under this Act, the Commissioner may make such an order.

10 **126—Amendment of section 13—Notification of orders by Commissioner**

Section 13(3)—delete "*Independent Gambling Authority Act 1995*" and substitute:

*Gambling Administration Act 1995*

**127—Amendment of section 15—Removal of respondent barred from certain premises**

15 Section 15—delete "*Independent Gambling Authority Act 1995*" and substitute:

*Gambling Administration Act 1995*

**128—Substitution of section 18**

Section 18—delete the section and substitute:

**18—Regulations**

- 20 (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) The regulations may—
- 25 (a) be of general or limited application; and
- (b) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
- (c) make provisions of a saving or transitional nature consequent on the enactment of any amendments to this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act; and
- 30 (d) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Commissioner or another person.

**129—Other amendments of Act**

35 Whole Act—delete all remaining references to "Authority" wherever occurring and substitute in each case:

Commissioner

### 130—Transitional provisions

- 5 (1) An order made by the Independent Gambling Authority and in force under the *Problem Gambling Family Protection Orders Act 2004* immediately before the commencement of this Part continues in force as if it had been made under that Act as in force after the commencement of this Part.
- 10 (2) If any proceedings have been commenced but not finally determined by the Independent Gambling Authority under the *Problem Gambling Family Protection Orders Act 2004* before the commencement of this Part, the proceedings may be continued and completed by the Commissioner as if they had been commenced under that Act as in force after the commencement of this Part.
- (3) The provisions of this section are subject to any regulations made under section 18(2)(c) of the *Problem Gambling Family Protection Orders Act 2004* (as in force after the commencement of section 128).

### 15 Part 15—Repeal of *Racing (Proprietary Business Licensing) Act 2000*

#### 131—Repeal of Act

The *Racing (Proprietary Business Licensing) Act 2000* is repealed.

### Part 16—Amendment of *Real Property Act 1886*

#### 132—Amendment of section 277—Regulations

- 20 (1) Section 277(2)(b)—delete "provide for and prescribe" and substitute:
- prescribe, and provide for the payment, recovery, waiver, reduction or refund of,
- (2) Section 277(4)—delete subsection (4) and substitute:
- 25 (3a) An unpaid fee or charge for registering a transfer of land is, until payment, a first charge in respect of the land.
- (4) A regulation prescribing fees or charges for registering a transfer of land may also provide that the Registrar-General may—
- 30 (a) recover an amount (including interest) as a debt if the Registrar-General determines, having regard to the capital value of land as determined by the Valuer-General or any other relevant information, that the value of the transferred land at the time of the transfer was higher than the value of the transferred land used as the basis for calculating the fee or charge; or
- 35 (b) refund an amount if the Registrar-General determines, having regard to the capital value of land as determined by the Valuer-General or any other relevant information, that the value of the transferred land at the time of the transfer was lower than the value of the transferred land used as the basis for calculating the fee or charge.
- 40

## Part 17—Amendment of *Stamp Duties Act 1923* that takes effect on assent

### 133—Amendment of section 71CC—Interfamilial transfer of farming property

(1) Section 71CC(1)—delete subsection (1) and substitute:

5 (1) A transfer of an interest in land used for the business of primary production is exempt from stamp duty if a familial relationship exists between the transferor and the transferee and the Commissioner is satisfied—

10 (a) that the land to which the transfer relates is used wholly or mainly for the business of primary production and is not less than 0.8 hectares in area; and

(b) that the sole or principal business of—

15 (i) the natural person who, or whose trustee, is the transferor; or

(ii) if the transferor is a company, at least 1 shareholder of the company,

is (immediately before the instrument) the business of primary production; and

20 (c) that for a period of 12 months immediately before the instrument there was a business relationship between—

(i) at least 1 of the shareholders of the company or natural person (A) who, or whose trustee, is the transferor; and

25 (ii) at least 1 of the shareholders of the company or natural person (B) who, or whose trustee, is the transferee, or a lineal ancestor or spouse or domestic partner of B,

with respect to the use of the property for the business of primary production; and

30 (d) in the case of a transfer where either or both parties are trustees, that no person is a beneficiary of the trust or trusts other than—

(i) the natural person (A) who, or whose trustee, is transferor; or

35 (ii) the natural person (B) who, or whose trustee, is transferee; or

(iii) a relative (or relatives) of A or B; and

40 (e) that the transfer does not arise from arrangements or a scheme devised for the principal purpose of taking advantage of the benefit of this section.

(1aaa) For the purposes of subsection (1), a familial relationship exists between a transferor and a transferee if—

- (a) the transferor is a natural person, or a trustee for a natural person, and the transferee is a relative of, or a trustee for a relative of, that natural person; or
- (b) the transferor is a natural person, or a trustee for a natural person, and the transferee is a family company the shareholders of which are relatives of that natural person; or
- (c) the transferor is a family company and the transferee is a relative of the shareholders of the company, or a trustee for a relative of the shareholders of the company; or
- (d) the transferor and the transferee are family companies and the shareholders of the transferor are relatives of the shareholders of the transferee.

(2) Section 71CC(5)—before the definition of *natural person* insert:

*family company*—a company is a family company if each shareholder of the company is a relative of all other shareholders of the company;

### **134—Transitional provision**

The amendments made by section 133 to section 71CC of the *Stamp Duties Act 1923* apply only in relation to instruments executed after the commencement of this Part.

## **Part 18—Amendment of *Stamp Duties Act 1923* taken to have effect from 1 January 2018**

### **135—Amendment of section 32—Interpretation**

Section 32(1)—after the definition of *life insurer* insert:

*multi-peril crop insurance* means insurance covering the total or partial loss of crops resulting from drought (whether or not the policy under which the insurance is provided also covers loss resulting from other perils);

### **136—Amendment of section 36—Certain premiums exempt from duty**

Section 36—after paragraph (i) insert:

- (j) a premium received or charged in respect of multi-peril crop insurance where the policy under which the premium is payable commenced on or after 1 January 2018.

## **Part 19—Amendment of *Stamp Duties Act 1923* that takes effect on day fixed by proclamation**

### **137—Amendment of section 2—Interpretation**

(1) Section 2(1)—after the definition of *stamp* insert:

*stamp duty certificate* means a certificate issued under section 3E in relation to an instrument;

(2) Section 2(13)—delete subsection (13) and substitute:

(13) A requirement under this Act for an instrument to be duly stamped will be taken to be satisfied if—

- (a) the Commissioner has issued a stamp duty certificate certifying as to the payment of duty in respect of the instrument; and
- (b) a stamp duty identification number appears on the instrument,

and such instrument will, for the purposes of the law of the State, be treated in the same way as an instrument that has been duly stamped.

(13a) If—

- (a) the Commissioner has issued a stamp duty certificate certifying that an instrument has been assessed as not chargeable with duty; and
- (b) a stamp duty identification number appears on the instrument,

the instrument will, for the purposes of the law of the State, be treated in the same way as an instrument that has been stamped by the Commissioner with a stamp denoting that it is not chargeable with duty.

## **138—Insertion of Part 1 Division 4**

After section 3D insert:

### **Division 4—Stamp duty certificates**

#### **3E—Commissioner may issue stamp duty certificate**

- (1) The Commissioner may, by notice published on a website determined by the Commissioner, determine classes of instruments that may be the subject of an application under this section.
- (2) The Commissioner may, on application by a person made in accordance with any requirements of the Commissioner, issue a certificate (a *stamp duty certificate*)—
  - (a) certifying as to the payment of duty in respect of an instrument identified in the certificate; or
  - (b) certifying that the instrument has been assessed as not chargeable with duty.
- (3) A stamp duty certificate must include the stamp duty identification number that is to appear on the instrument and may include any other information the Commissioner thinks fit.

### 139—Transitional provision

Section 2(13) of the *Stamp Duties Act 1923*, as in force immediately before the commencement of section 137 of this Act, continues to apply in relation to dutiable instruments described in that provision that are executed before the commencement of that section.

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## Part 20—Amendment of *State Lotteries Act 1966*

### 140—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *Authority*—delete the definition
- (2) Section 3(1)—after the definition of *foreign lotteries body* insert:

10

*Liquor and Gambling Commissioner* means the person for the time being holding or acting in the office of the Liquor and Gambling Commissioner under the *Liquor Licensing Act 1997* (or the Commissioner's delegate);

### 141—Amendment of section 13B—Codes of practice etc

- (1) Section 13B—delete "Authority" wherever occurring and substitute in each case:

15

Liquor and Gambling Commissioner

- (2) Section 13B(2)(b)—delete "*Independent Gambling Authority Act 1995*" and substitute:

*Gambling Administration Act 1995*

- (3) Section 13B(5)—delete subsection (5)

20

### 142—Transitional provisions

- (1) A notice prescribing a code of practice or requirements for systems and procedures published by the Authority and in force under section 13B of the *State Lotteries Act 1966* as in force immediately before the commencement of this section continues in force as if it had been published under that Act as in force after the commencement of this section.

25

- (2) In this section—

*Authority* means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995* (as in force immediately before the commencement of this section).

30

## Part 21—Amendment of *Taxation Administration Act 1996*

### 143—Amendment of section 78—Permitted disclosure in particular circumstances or to particular persons

Section 78(e)—after "under" insert:

this Act or

**144—Amendment of section 80—Prohibition of disclosures by other persons**

Section 80(c)—delete "this Division" and substitute:

this Part

**145—Amendment of section 81—Restriction on power of courts to require disclosure**

Section 81—delete "this Division" and substitute:

this Part

**146—Insertion of Part 9 Division 4**

After section 81 insert:

**Division 4—Collection of information for disclosure to Commonwealth**

**81A—Interpretation**

In this Division—

*public sector agency* has the same meaning as in the *Public Sector Act 2009*;

*reportable information* means information that is reportable by the State to the Commissioner of Taxation of the Commonwealth under Subdivision 396-B of Division 396 of Part 5-25 of Chapter 5 of Schedule 1 to the *Taxation Administration Act 1953* of the Commonwealth.

**81B—Relationship with other laws**

- (1) Nothing in this Act or any other Act or law prevents the collection or disclosure of reportable information in accordance with this Division.
- (2) Nothing in this Division prevents the collection or disclosure of reportable information in accordance with any other provisions of this Act or any other Act or law.
- (3) Information may be collected and disclosed in accordance with this Division even if—
  - (a) the information is collected only for the purposes of disclosure to the Commissioner of Taxation of the Commonwealth and not collected under or in relation to the administration of any law of the State (except for this Division); and
  - (b) the information is not disclosed in connection with the administration or execution of any law of the State (except for this Division).

### **81C—Collection and disclosure of reportable information**

- (1) The Commissioner or a public sector agency may collect reportable information.
- (2) A public sector agency may disclose reportable information to the Commissioner.
- (3) The Commissioner may disclose reportable information to the Commissioner of Taxation of the Commonwealth.

### **81D—Commissioner may direct agency to collect and disclose**

- (1) The Commissioner may direct a public sector agency to disclose any reportable information held by the agency to the Commissioner and may also direct the public sector agency to collect reportable information for the purposes of that disclosure.
- (2) A public sector agency must make such arrangements as are necessary for the collection, and disclosure to the Commissioner, of reportable information, in accordance with the direction of the Commissioner.

### **81E—How reportable information may be collected**

- (1) The Commissioner or a public sector agency may collect reportable information by requiring a person providing information for the purposes of a function carried out under a taxation law, or a law administered by the Minister to whom the public sector agency is responsible, to provide the reportable information.
- (2) Without limiting subsection (1), the Commissioner or a public sector agency may require reportable information to be provided in connection with the lodgment of an instrument, record or return, or the making of an application, under a taxation law or a law administered by the Minister to whom the public sector agency is responsible.
- (3) Nothing in this section limits the circumstances in which the Commissioner or a public sector agency may collect reportable information.

### **81F—Enforcement**

The provisions of Part 8 (other than sections 48 and 59) and of section 109 extend to a person who is required by the Commissioner or a public sector agency to provide reportable information under section 81E(1) or (2) and for that purpose—

- (a) a reference in section 55 to a tax officer includes a reference to any person engaged (whether as an employee or otherwise) in collecting reportable information in accordance with this Division; and
- (b) a reference in any of those sections to a return or record kept or required under a taxation law includes a reference to the following:

5

- (i) any of the reportable information that the Commissioner or public sector agency requires the person to provide;
- (ii) any document, statement or return that the Commissioner or public sector agency requires to be lodged in support of that reportable information.