

Queensland



Keno Act 1996

KENO REGULATION 1997

**Reprinted as in force on 6 December 2002
(includes amendments up to SL No. 320 of 2002)**

Reprint No. 2F

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This regulation is reprinted as at 6 December 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

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Queensland



KENO REGULATION 1997

TABLE OF PROVISIONS

Section		Page
1	Short title	3
2	Definitions	3
3	Persons with whom keno licensee may enter into agency agreements—Act, s 85	5
4	Day for giving monthly gross revenue return—Act, s 111	6
5	Percentage of keno tax for community investment fund—Act, s 113(3)	6
6	Percentages for penalties for late payment—Act, s 114	6
7	Approved places of operation for appointed agents—Act, s 142	6
8	Prohibited periods for keno games for keno licensees—Act, s 143(1)	7
9	Prohibited periods for keno games for appointed agents—Act, s 143(2)	7
10	Requests to resolve claims for payment—Act, s 152	7
11	Requests to review decisions about claims for payment—Act, s 152	8
12	Entities to whom information may be disclosed—Act, s 240	10
13	Regulated keno equipment—Act, sch 4	10
13A	Evaluation of regulated keno equipment—Act, s 145	10
14	Fees	10
	SCHEDULE 1	11
	ENTITIES	
	SCHEDULE 2	13
	REGULATED KENO EQUIPMENT	
	SCHEDULE 3	14
	FEES	

ENDNOTES

1	Index to endnotes	15
2	Date to which amendments incorporated.	15
3	Key	15
4	Table of earlier reprints	16
5	List of legislation	16
6	List of annotations	17

KENO REGULATION 1997

[as amended by all amendments that commenced on or before 6 December 2002]

1 Short title

This regulation may be cited as the *Keno Regulation 1997*.

2 Definitions

In this regulation—

“advanced evaluation” means an evaluation of any of the following things relating to regulated keno equipment—

- (a) communications protocols;
- (b) monitoring systems;
- (c) random number generators.

“basic evaluation” means an evaluation of any of the following things relating to regulated keno equipment—

- (a) artwork;
- (b) cabinet design;
- (c) documentation, including for example, operational manuals.

“body corporate” see the *Gaming Machine Act 1991*, section 2.¹

“casino licence” see the *Casino Control Act 1982*, section 4.

1 *Gaming Machine Act 1991*, schedule (Dictionary)—

“body corporate” means—

- (a) a corporation as defined in the Corporations Act; or
- (b) an incorporated association as defined in the *Associations Incorporation Act 1981*; or
- (c) any other body incorporated under any other Act or law.

“casino licensee” see the *Casino Control Act 1982*, section 4.²

“casino operator” see the *Casino Control Act 1982*, section 4.

“club licence” means a club licence under the *Liquor Act 1992*.

“general licence” means a general licence under the *Liquor Act 1992*.

“intermediate evaluation” means an evaluation of any of the following things relating to regulated keno equipment—

- (a) hardware, other than hardware subject to basic evaluation;
- (b) software, other than software subject to advanced evaluation;
- (c) the mathematical treatise of the derivation of the theoretical return to a player.

“keno ball drawing device” means a device—

- (a) containing 80 balls numbered 1 to 80; and
- (b) designed and used to select, at random and 1 at a time, 20 balls.

“keno computer system” means a computer system used for the conduct of keno games by a keno licensee under a keno licence.

“keno draw controller” means a device—

- (a) electronically linked to a keno computer system; and
- (b) used to activate a keno ball drawing device or keno random number generator.

“keno network controller” means a device that electronically links a keno computer system to keno terminals.

“keno random number generator” means an electronic device designed and used to select, at random, 20 numbers from the numbers 1 to 80.

“keno result display system” means a system—

2 *Casino Control Act 1982*, schedule (Dictionary)—

“casino licence” means a licence granted by the Governor in Council on the recommendation of the Minister authorising the conduct and playing in a casino of such games as may in the particular case be authorised by the Minister.

“casino licensee” means the holder for the time being of a casino licence, and includes a person referred to in this Act as a casino licensee who, whilst not at the material time the holder of a casino licence, is a person to whom it is proposed to grant a casino licence under and in accordance with an agreement as referred to in section 19.

- (a) connected to a keno computer system and keno terminals; and
- (b) used to display the winning numbers for a keno game.

“keno terminal” means a device that accepts information about a person’s wager for a keno game for validation by a keno computer system.

“prescribed liquor licence” means a liquor licence mentioned in the *Gaming Machine Regulation 1991*, section 51.³

“subsidiary operator” see the *Gaming Machine Act 1991*, section 2.

“totalisator” see *Wagering Act 1998*, section 8.⁴

“wagering licensee”, see the *Wagering Act 1998*, schedule 2.⁵

3 Persons with whom keno licensee may enter into agency agreements—Act, s 85

For section 85(1)⁶ of the Act, each of the following persons is prescribed as a person eligible to be a keno agent—

- (a) a body corporate that holds a club licence;
- (b) the holder of a general licence;

3 *Gaming Machine Regulation 1991*, section 51 (Prescribed liquor licences—Act, s 2)

4 *Wagering Act 1998*, section 8—

8 Meaning of “totalisator”

(1) A **“totalisator”** is a system used—

- (a) to enable persons to invest money on events or contingencies with a view to successfully predicting specified outcomes of the events or contingencies; and
- (b) to enable the totalisator pool to be divided and distributed among the persons who successfully predict the outcomes.

(2) A **“totalisator”** also includes an instrument, machine or device under which the system mentioned in subsection (1) is operated.

(3) In subsection (1)(b), a reference to the totalisator pool is a reference to the amount left from the investments after—

- (a) making allowances for refunds of investments; and
- (b) deducting any amount payable by way of commission for the conduct of the totalisator.

5 *Wagering Act 1998*, schedule 2 (Dictionary)—

“wagering licensee” means a person who holds a wagering licence.

6 Section 85 (Conditions for entering into agency agreement) of the Act

- (c) the holder of a prescribed liquor licence;
- (d) a casino licensee;
- (e) a casino operator;
- (f) a wagering licensee;
- (g) a subsidiary operator.

4 Day for giving monthly gross revenue return—Act, s 111

For section 111(2)(b)⁷ of the Act, the day prescribed is the 10th day after the end of the month to which the monthly gross revenue return relates.

5 Percentage of keno tax for community investment fund—Act, s 113(3)

For section 113(3)⁸ of the Act, the percentage is 8.5%.

6 Percentages for penalties for late payment—Act, s 114

(1) For section 114(2)⁹ of the Act, the percentage prescribed is 5%.

(2) For section 114(4) of the Act, the percentage prescribed is 5%.

7 Approved places of operation for appointed agents—Act, s 142

(1) This section prescribes, for section 142(2)(a)¹⁰ of the Act, each of the places that is an approved place for an appointed agent.

(2) If the appointed agent is the holder of a club licence, general licence or prescribed liquor licence, the approved place is the part of the premises to which the licence relates where the sale and consumption of liquor is authorised under the licence.

(3) If the appointed agent is a casino licensee or casino operator, the approved place is the casino to which the relevant casino licence relates.

7 Section 111 (Monthly gross revenue return) of the Act

8 Section 113 (Application of keno tax and licence fee) of the Act

9 Section 114 (Penalty for late payment) of the Act

10 Section 142 (Places of operation) of the Act

(4) If the appointed agent is a wagering licensee, the approved place is each place where a totalisator is operated by or for the licensee.

8 Prohibited periods for keno games for keno licensees—Act, s 143(1)

For section 143(1)¹¹ of the Act, the following periods are prescribed—

- (a) Anzac Day—between 3 a.m. and 1 p.m.;
- (b) Good Friday and Christmas Day—between 3 a.m. and midnight.

9 Prohibited periods for keno games for appointed agents—Act, s 143(2)

(1) This section prescribes periods for section 143(2) of the Act.

(2) If the appointed agent is the holder of a club licence, general licence or prescribed liquor licence, the periods prescribed are any periods that are not periods during which the consumption of liquor on the premises to which the licence relates is authorised under the licence.

(3) If the appointed agent is a casino licensee or casino operator, the periods prescribed are any periods that are not periods approved by the chief executive as periods during which the casino to which the relevant casino licence relates is required to be operated.

(4) If the appointed agent is a wagering licensee, the periods prescribed are any periods that are not periods during which a totalisator may be operated by or for the licensee.

10 Requests to resolve claims for payment—Act, s 152

(1) This section prescribes, for section 152(6)¹² of the Act, the way in which the chief executive must deal with a request, made by a person (the “**claimant**”) under section 152(4)(a) of the Act, to resolve a claim for payment of a prize for an approved keno game.

(2) The chief executive must ask the authorised keno operator to immediately try to resolve the claim.

11 Section 143 (Times of conduct of approved keno games) of the Act

12 Section 152 (Claims for payment) of the Act

(3) If, within 14 days of making the request under subsection (2), the chief executive is not advised of the resolution of the claim by the authorised keno operator or claimant, the chief executive must by written notice given to the operator invite the operator, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the claim within 1 month after receiving the notice (the “**submission period**”).

(4) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the claim; and
- (b) request a report of the investigation to be given to the chief executive.

(5) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the authorised keno operator and claimant; and
- (b) consider any report given to the chief executive under subsection (4); and
- (c) make a decision about the claim; and
- (d) give the authorised keno operator and claimant a written notice stating the decision and the reasons for the decision.

(6) However, the chief executive is not required to take or complete action under subsection (5) if the chief executive is advised of the resolution of the claim by the authorised keno operator or claimant.

(7) Nothing in this section affects or prejudices any other right or remedy of an authorised keno operator or participant in a keno game.

11 Requests to review decisions about claims for payment—Act, s 152

(1) This section prescribes, for section 152(6)¹³ of the Act, the way in which the chief executive must deal with a request, made by a person (the “**claimant**”) under section 152(4)(b) of the Act, to review a decision of an authorised keno operator (the “**operator’s decision**”).

13 Section 152 (Claims for payment) of the Act

Keno Regulation 1997

(2) The chief executive must either review, or refuse to review, the operator's decision.

(3) The chief executive may refuse to review the operator's decision only if—

- (a) the request was not made within 10 days after the claimant received the claim result notice for the decision; or
- (b) the chief executive considers the request was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the operator's decision, the chief executive must—

- (a) give written notice of the chief executive's decision to the authorised keno operator and claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive's decision.

(5) If the chief executive decides to review the operator's decision, the chief executive must—

- (a) give the authorised keno operator a copy of the claimant's request; and
- (b) by written notice given to the operator invite the operator, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the operator's decision within 1 month after receiving the notice (the "**submission period**").

(6) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the review; and
- (b) request a report of the investigation to be given to the chief executive.

(7) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the authorised keno operator and claimant; and
- (b) consider any report given to the chief executive under subsection (6); and
- (c) make a decision about the review; and

- (d) give the authorised keno operator and claimant a written notice stating the decision and the reasons for the decision.

(8) Nothing in this section affects or prejudices any other right or remedy of an authorised keno operator or participant in a keno game.

12 Entities to whom information may be disclosed—Act, s 240

The entities prescribed for section 240(3)(a)¹⁴ of the Act are set out in schedule 1.

13 Regulated keno equipment—Act, sch 4

For the definition “**regulated keno equipment**” in schedule 4¹⁵ of the Act, the keno equipment specified in schedule 2 is regulated keno equipment.

13A Evaluation of regulated keno equipment—Act, s 145

For section 145(2)(a) of the Act, an evaluation carried out by the chief executive may include 1 or more of the following types of evaluation—

- (a) basic evaluation;
- (b) intermediate evaluation;
- (c) advanced evaluation.

14 Fees

The fees payable under the Act are in schedule 3.

14 Section 240 (Confidentiality of information) of the Act

15 Schedule 4 (Dictionary) of the Act

SCHEDULE 1**ENTITIES**

section 12

Alberta Gaming and Liquor Commission, Canada
Australian Bureau of Criminal Intelligence
Australian Capital Territory Gambling and Racing Commission
Australian Federal Police
Australian Securities and Investments Commission
Australian Security Intelligence Organisation
Australian Taxation Office
British Columbia Gaming Commission, Canada
Casino Control Authority, New Zealand
Colorado Division of Gaming, USA
Colorado State Police, USA
Crime and Misconduct Commission
Department of Gaming and Racing, New South Wales
Department of Industries and Business, Northern Territory
Department of Internal Affairs, New Zealand
Department of Treasury and Finance, South Australia
Gaming Board for Great Britain
Gaming Board of the Commonwealth of the Bahamas
Independent Gambling Authority, South Australia
Interpol
Liquor Licensing Division, Queensland
Lotteries Commission of South Australia
Lotteries Commission of Western Australia

SCHEDULE 1 (continued)

National Crime Authority
Nevada Gaming Commission, USA
Nevada Gaming Control Board, USA
New Jersey Casino Control Commission, USA
New Jersey Division of Gaming Enforcement, USA
New South Wales Casino Control Authority
New South Wales Crime Commission
New South Wales Liquor Administration Board
New South Wales Police Service
New Zealand Police
Northern Territory Police
Office of Fair Trading, Queensland
Office of Gambling Regulation, Victoria
Office of Racing, Gaming and Liquor, Western Australia
Office of the Liquor and Gaming Commissioner, South Australia
Queensland Police Service
Racing Services Tasmania
South Australia Police
Tasmania Police
Tasmanian Gaming Commission
Victoria Police
Victorian Casino and Gaming Authority
Western Australian Gaming Commission
Western Australian Police Service

SCHEDULE 2

REGULATED KENO EQUIPMENT

section 13

keno ball drawing device

keno computer system (hardware and software)

keno draw controller

keno network controller

keno random number generator

keno result display system

keno terminal

SCHEDULE 3**FEES**

section 14

	\$
1. Application for keno employee licence (s 49(2)(c) of the Act)	319.00
2. Issue of replacement keno employee licence (s 59(4) of the Act)	22.00
3. Evaluation of regulated keno equipment (s 145(3)(a) of the Act), for each hour or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation	132.00
(ii) intermediate evaluation	165.00
(iii) advanced evaluation	198.00
(iv) administration for an evaluation	99.00
(b) giving advice for an evaluation	99.00
(c) holding meetings for an evaluation	99.00
4. Filing a notice of appeal (s 235(2)(a) of the Act) . .	266.00

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	15
3 Key	15
4 Table of earlier reprints	16
5 List of legislation	16
6 List of annotations	17

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 December 2002. Future amendments of the Keno Regulation 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of earlier reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of earlier reprints, see the latest reprint.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	16 June 1997	17 July 1997
1A	to SL No. 332 of 1997	10 October 1997	5 January 1998
1B	to SL No. 242 of 1999	29 October 1999	8 November 1999
1C	to SL No. 13 of 2000	4 February 2000	18 February 2000
2	to SL No. 137 of 2000	1 July 2000	7 July 2000
2A	to SL No. 286 of 2000	1 December 2000	15 December 2000
2B	to SL No. 270 of 2001	21 December 2001	4 January 2002
2C	to SL No. 128 of 2002	7 June 2002	13 June 2002
2D	to SL No. 138 of 2002	14 June 2002	21 June 2002
2E	to SL No. 244 of 2002	1 October 2002	

5 List of legislation

Keno Regulation 1997 SL No. 149

made by the Governor in Council on 16 June 1997
 notfd gaz 16 June 1997 pp 779–80
 commenced on date of notification
exp 1 September 2007 (see SIA s 54)
 amending legislation—

Gaming Laws Amendment Regulation (No. 1) 1997 SL No. 332 pts 1, 3

notfd gaz 10 October 1997 pp 586–7
 commenced on date of notification

Keno Amendment Regulation (No. 1) 1999 SL No. 242

notfd gaz 29 October 1999 pp 814–7
 commenced on date of notification

Gaming Legislation Amendment Regulation (No. 1) 2000 SL No. 13 pts 1, 4

notfd gaz 4 February 2000 pp 371–4
 commenced on date of notification

Gaming Legislation Amendment Regulation (No. 2) 2000 SL No. 136 pts 1, 6

notfd gaz 30 June 2000 pp 736–48
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2000 (see s 2)

- Treasury Legislation Amendment Regulation (No. 1) 2000 SL No. 137 pts 1, 6**
 notfd gaz 30 June 2000 pp 736–48
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2000 (see s 2)
- Gambling Legislation Amendment Regulation (No. 1) 2000 SL No. 286 pts 1, 4**
 notfd gaz 17 November 2000 pp 1093–5
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 December 2000 (see s 2)
- Gambling Legislation Amendment Regulation (No. 1) 2001 SL No. 270 s 1, pt 6**
 notfd gaz 21 December 2001 pp 1482–8
 commenced on date of notification
- Gambling Legislation Amendment Regulation (No. 1) 2002 SL No. 128 pts 1, 6**
 notfd gaz 7 June 2002 pp 575–8
 commenced on date of notification
- Gambling Legislation Amendment Regulation (No. 2) 2002 SL No. 138 pts 1, 7**
 notfd gaz 14 June 2002 pp 697–700
 commenced on date of notification
- Gambling Legislation Amendment Regulation (No. 3) 2002 SL No. 244 ss 1, 2(2) pt 6**
 notfd gaz 27 September 2002 pp 340–4
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 October 2002 (see s 2(2))
- Keno Amendment Regulation (No. 1) 2002 SL No. 320**
 notfd gaz 6 December 2002 pp 1162–66
 commenced on date of notification

6 List of annotations

Definitions

- s 2 def “**advanced evaluation**” ins 2002 SL No. 128 s 18
 def “**basic evaluation**” ins 2002 SL No. 128 s 18
 def “**body corporate**” amd 2001 SL No. 270 s 12(1); 2002 SL No. 138 s 36(3)
 def “**casino licence**” amd 2002 SL No. 138 s 36(3)
 def “**casino licensee**” amd 2002 SL No. 138 s 36(3)
 def “**casino operator**” amd 2002 SL No. 138 s 36(3)
 def “**intermediate evaluation**” ins 2002 SL No. 128 s 18
 def “**prescribed liquor licence**” amd 2001 SL No. 270 s 12(2)
 def “**subsidiary operator**” ins 1999 SL No. 242 s 3
 sub 2002 SL No. 138 s 36
 def “**totalisator**” sub 2000 SL No. 13 s 9
 def “**Totalisator Administration Board**” om 2002 SL No. 138 s 36(1)
 def “**wagering licensee**” ins 2002 SL No. 138 s 36(2)

- Persons with whom keno licensee may enter into agency agreements—Act, s 85**
 s 3 amd 1999 SL No. 242 s 4; 2002 SL No. 138 s 37; 2002 SL No. 244 s 13

Percentage of keno tax for community investment fund—Act, s 113(3)**prov hdg** amd 2002 SL No. 320 s 3**s 5** sub 2000 SL No. 286 s 20**Approved places for operation for appointed agents—Act, s 142****s 7** amd 2002 SL No. 138 s 38**Prohibited periods for keno games for appointed agents—Act, s 143(2)****s 9** amd 2002 SL No. 138 s 39**Requests to resolve claims for payment—Act, s 152****s 10** amd 1999 SL No. 242 s 5**Requests to review decisions about claims for payment—Act, s 152****s 11** amd 1999 SL No. 242 s 6**Evaluation of regulated keno equipment—Act, s 145****s 13A** ins 2002 SL No. 128 s 19**SCHEDULE 1—ENTITIES**

sub 2000 SL No. 136 s 60

amd 2002 SL No. 138 s 40

SCHEDULE 3—FEES

sub 1997 SL No. 332 s 5

amd 2000 SL No. 136 s 61; 2000 SL No. 137 s 14

sub 2001 SL No. 270 s 13

amd 2002 SL No. 128 s 20; 2002 SL No. 244 s 14