

Queensland



# **TREASURY LEGISLATION AMENDMENT ACT 1997**

**Act No. 57 of 1997**



# Queensland



## TREASURY LEGISLATION AMENDMENT ACT 1997

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Queensland



## **Treasury Legislation Amendment Act 1997**

**Act No. 57 of 1997**

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**An Act to amend certain Acts administered by the Treasurer**

*[Assented to 16 October 1997]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Treasury Legislation Amendment Act 1997*.

### **Commencement**

2. Section 30 is taken to have commenced on 1 September 1994.<sup>1</sup>

## **PART 2—AMENDMENT OF ART UNIONS ACT 1992**

### **Act amended in pt 2**

3. This part amends the *Art Unions Act 1992*.

### **Amendment of s 95 (Direction by chief executive to authority holder to take action)**

4. Section 95(1), ‘require’—  
*omit, insert—*  
‘direct’.

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<sup>1</sup> The date of 1 September 1994 is the date on which the provisions of the *Motor Accident Insurance Act 1994* (other than sections 1 and 2) commenced.

## PART 3—AMENDMENT OF CASINO CONTROL ACT 1982

### Act amended in pt 3

5. This part amends the *Casino Control Act 1982*.

### Amendment of s 4 (Interpretation)

6.(1) Section 4(1)—

*insert—*

‘**“agency related keno game”**, for a casino operator, means an approved keno game that—

- (a) is played in the casino; and
- (b) in relation to which the casino operator is a keno agent within the meaning of the *Keno Act 1996*.

**“approved keno game”** see *Keno Act 1996*, schedule 4.<sup>2</sup>

**“casino based keno game”** means a game designated under the rules as a game of keno.’.

(2) Section 4(1), definition **“casino gross revenue”**, ‘conduct of gaming’—

*omit, insert—*

‘conduct of gaming and agency related keno games’.

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<sup>2</sup> *Keno Act 1996, schedule 4—*

**“approved keno game”** means a keno game conducted by a keno licensee under the keno licence.

**Replacement of s 15 (Power of delegation)**

7. Section 15—

*omit, insert—*

**‘Delegations**

**‘15.(1)** The Minister may delegate the Minister’s powers under this Act to—

- (a) the chief executive; or
- (b) an appropriately qualified inspector or appropriately qualified officer of the department.

**‘(2)** The chief executive may delegate the chief executive’s powers under this Act to an appropriately qualified inspector or appropriately qualified officer of the department.

**‘(3)** In this section—

**“appropriately qualified”** includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of ‘standing’—*

A person’s classification level in the public service.’.

**Amendment of s 20 (Suitability of casino licensee and other persons)**

8. Section 20—

*insert—*

**‘(3)** If, for an investigation about a person under this section, the Minister asks the commissioner of the police service for a written report about the person’s criminal history, the commissioner must give the report to the Minister.

**‘(4)** However, the report is required to contain only criminal history in the commissioner’s possession or to which the commissioner has access.’.

**Amendment of s 30 (Investigations concerning continued suitability of casino licensee etc.)****9.** Section 30—*insert—*

‘(3) If, for an investigation about a person under this section, the Minister asks the commissioner of the police service for a written report about the person’s criminal history, the commissioner must give the report to the Minister.

‘(4) However, the report is required to contain only criminal history in the commissioner’s possession or to which the commissioner has access.’.

**Amendment of s 36 (Requirement to apply for casino key employee licence in certain cases)****10.** Section 36(4), ‘chief executive’—*omit, insert—*

‘Minister’.

**Amendment of s 37 (Consideration of application)****11.** Section 37—*insert—*

‘(3) If, for an investigation about the applicant under this section, the chief executive asks the commissioner of the police service for a written report about the applicant’s criminal history, the commissioner must give the report to the chief executive.

‘(4) However, the report is required to contain only criminal history in the commissioner’s possession or to which the commissioner has access.’.

**Amendment of s 38 (Minister may grant or refuse to grant application)****12.** Section 38—*insert—*

‘(5) If the Minister refuses to grant an application for a casino key employee licence or casino employee licence, the chief executive must, as soon as practicable, cause the fingerprints and palm prints of the applicant taken under section 37(1) for the application to be destroyed.’.

**Amendment of s 43A (Investigations about casino key employees or casino employees)****13.** Section 43A—*insert—*

‘(8) If, for an investigation about a casino key employee or casino employee under this section, the chief executive asks the commissioner of the police service for a written report about the employee’s criminal history, the commissioner must give the report to the chief executive.

‘(9) However, the report is required to contain only criminal history in the commissioner’s possession or to which the commissioner has access.’.

**Insertion of new s 47A****14.** After section 47—*insert—***‘Destruction of fingerprints and palm prints of former licence holders**

‘**47A.** If the casino key employee licence or casino employee licence held by a person ceases to be in force, the chief executive must, as soon as practicable, cause the fingerprints and palm prints of the person taken under section 37(1)<sup>3</sup> for the person’s application for the licence to be destroyed.’.

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<sup>3</sup> Section 37 (Consideration of application)

**Amendment of s 60 (Variation of casino layout)**

**15.(1)** Section 60(1), before ‘details’—

*insert—*

‘written’.

**(2)** Section 60—

*insert—*

‘**(1A)** Despite subsection (1), if the proposed variation is a variation of the closed-circuit television system on a temporary basis to evaluate new camera positions, the details of the proposed variation—

- (a) may be submitted to the chief executive at any time before the date proposed for giving effect to the variation; and
- (b) are not required to be in writing or accompanied by plans and diagrams illustrating the proposal.’.

**(3)** Section 60(3) and (4)—

*omit, insert—*

‘**(3)** A variation to which subsection (1A) applies must not continue for more than 14 days.’.

**Amendment of s 61 (Hours of operation)**

**16.** Section 61(8)(b), ‘1.30 p.m.’—

*omit, insert—*

‘1 p.m.’.

**Amendment of s 62A (Gaming equipment outside of casino)**

**17.(1)** Section 62A(1) and (2)—

*omit, insert—*

‘**62A.(1)** Despite section 62(2),<sup>4</sup> a casino operator may operate gaming equipment outside of a casino with the written approval of the chief

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<sup>4</sup> Section 62 (Gaming equipment and chips)

executive.’.

(2) Section 62A(3), ‘A supervising inspector’ to ‘he or she’—  
*omit, insert—*

‘The chief executive may approve the operation of gaming equipment outside of a casino only if the chief executive’.

### **Insertion of new s 64AA**

18. After section 64—  
*insert—*

#### **‘Claims for prizes for casino based keno games**

‘64AA.(1) A claim for payment of a prize for a casino based keno game must be made within 5 years after the day on which the game was conducted.

‘(2) In this section, a reference to a casino based keno game includes a reference to a casino based keno game conducted before the commencement.’.

### **Amendment of s 81 (Submission of reports)**

19.(1) Section 81(1), ‘, containing such information as is prescribed’—  
*omit.*

(2) Section 81—  
*insert—*

‘(1A) A report must be in the approved form.’.

### **Amendment of s 92 (Entry to and exclusion of entry from casino)**

20. Section 92(2) to (3)—  
*omit, insert—*

‘(2) A casino operator or casino manager may give a written direction to a person prohibiting the person from entering or remaining in the casino.

‘(3) A direction may be given to a person only if the casino operator or manager believes on reasonable grounds—

- (a) the person has engaged in dishonest acts in relation to gaming; or
- (b) the person has acted in a way affecting, or potentially affecting—
  - (i) the proper conduct or integrity of gaming; or
  - (ii) the safety or wellbeing of persons in the casino; or
- (c) the person has engaged in unlawful conduct and, because of the conduct, the person’s presence in the casino would not be in the interests of the casino operator or persons in the casino.

‘(4) If a casino operator operates more than 1 casino, a direction may relate to a stated casino, or all casinos, operated by the operator.

‘(5) In this section—

“**casino manager**”, for a casino, means—

- (a) a person designated as a shift manager for the casino by the casino operator; or
- (b) another person who—
  - (i) occupies a position equivalent, similar or more senior to the position of a person mentioned in paragraph (a); and
  - (ii) is concerned with, or takes part in, managing the operations of the casino.’.

### **Amendment of s 102 (Provisions relating to minors in respect of casinos)**

**21.** Section 102(4), ‘prescribed form’—

*omit, insert—*

‘approved form’.

### **Amendment of s 108 (Offences relating to unauthorised games)**

**22.** Section 108—

*insert—*

‘(2) Subsection (1) does not apply if the person is the casino operator for the casino and the game is—

- (a) a machine game; or
- (b) an agency related keno game.’.

### **Insertion of new ss 130 and 131**

**23.** After section 129—

*insert—*

#### **‘Extended time for making claims for prizes for certain casino based keno games**

‘**130.(1)** This section applies to a casino based keno game—

- (a) that was conducted at least 5 years before the commencement; and
- (b) for which a claim for payment of a prize for the keno game was not made before the commencement.

‘(2) This section also applies to a casino based keno game—

- (a) that was conducted less than 5 years before the commencement; and
- (b) for which a claim for payment of a prize for the keno game was not made before the commencement; and
- (c) for which, apart from subsection (3), the claim for payment would be required to be made less than 3 months after the commencement.

‘(3) Despite section 64AA,<sup>5</sup> a claim for payment of a prize for the casino based keno game may be made within 3 months after the commencement.

‘(4) This section expires 3 months after it commences.

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<sup>5</sup> Section 64AA (Claims for prizes for casino based keno games)

**‘Transitional provision about forms**

‘**131.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

‘**(2)** Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

‘**(3)** This section expires 6 months after it commences.’.

**PART 4—AMENDMENT OF KENO ACT 1996****Act amended in pt 4**

**24.** This part amends the *Keno Act 1996*.

**Amendment of s 53 (Decision about application)**

**25.** Section 53(2)—

*omit, insert—*

‘**(2)** If the chief executive decides to refuse to grant an application for a keno employee licence, the chief executive must—

- (a) promptly give the applicant an information notice about the decision; and
- (b) as soon as practicable, cause the fingerprints of the applicant taken under section 51(1) for the application to be destroyed.’.

**Insertion of new s 74A**

**26.** After section 74—

*insert—*

**‘Destruction of fingerprints of former licence holders**

**‘74A.(1)** This section applies if—

- (a) a person ceases to be a licensed keno employee; and
- (b) the keno employee licence was issued under section 53.<sup>6</sup>

**‘(2)** As soon as practicable after the person ceases to be a licensed keno employee, the chief executive must cause the fingerprints of the person taken under section 51(1)<sup>7</sup> for the person’s application for the keno employee licence to be destroyed.’

## **PART 5—AMENDMENT OF MOTOR ACCIDENT INSURANCE ACT 1994**

**Act amended in pt 5**

**27.** This part amends the *Motor Accident Insurance Act 1994*.

**Insertion of new s 52A**

**28.** After section 52—

*insert—*

**‘Recovery of contribution by or from Nominal Defendant in certain cases**

**‘52A.(1)** This section applies if—

- (a) the Nominal Defendant is 1 of 2 or more insurers liable on a motor vehicle accident claim; and
- (b) the claim is not a claim in relation to which the insurers are, under the industry deed and within the time stated in the deed, required to resolve questions about—

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<sup>6</sup> Section 53 (Decision about application)

<sup>7</sup> Section 51 (Conditions for granting application)

- (i) which insurer is to be the claim manager; and
- (ii) the basis on which claim costs are to be shared between the insurers.<sup>8</sup>

‘(2) For the recovery of contribution by or from the Nominal Defendant, the *Law Reform Act 1995*, part 3, division 2<sup>9</sup> applies as if the Nominal Defendant were a tortfeasor.’

### **Insertion of new s 104**

#### **29. Part 7—**

*insert—*

#### **‘Personal injury claims**

‘**104.(1)** A contract of insurance in force under the former Act immediately before the commencement of this Act continues in force until the earlier of the following—

- (a) the contract is replaced by a CTP insurance policy under this Act;
- (b) 30 days after the end of the registration period to which it related.

‘(2) If personal injury arises out of a motor vehicle accident happening before the commencement of this Act, a claim for the personal injury must be dealt with as if this Act had not been enacted.

‘(3) If personal injury arises out of a motor vehicle accident happening on or after the commencement of this Act, a claim for the personal injury must be dealt with under this Act (even though the accident may have happened while a policy of insurance issued under the former Act remains in force).

‘(4) This section is enacted to remove any doubt and does not affect the operation of the *Acts Interpretation Act 1954*, section 20A<sup>10</sup> in relation to

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<sup>8</sup> The relevant provision of the industry deed dealing with claims for which the requirement to resolve the questions is imposed is section 5(1).

<sup>9</sup> *Law Reform Act 1995*, part 3 (Tortfeasors contribution and contributory negligence), division 2 (Proceedings against, and contribution between, tortfeasors)

<sup>10</sup> *Acts Interpretation Act 1954*, section 20A (Repeal does not end saving, transitional or validating effect etc.)

section 104 of this Act as originally enacted after the expiry of that section on 31 December 1995.’.

### **Amendment of s 106 (Nominal Defendant)**

**30.** Section 106(5)—

*omit.*

## **PART 6—AMENDMENT OF STATUTORY BODIES FINANCIAL ARRANGEMENTS ACT 1982**

### **Act amended in pt 6**

**31.** This part amends the *Statutory Bodies Financial Arrangements Act 1982*.

### **Replacement of s 8 (General banking powers under pt 4 are additional)**

**32.** Section 8—

*omit, insert—*

#### **‘Status of general banking powers under pt 4**

**‘8.(1)** A statutory body’s powers under part 4<sup>11</sup>—

- (a) are additional to—
  - (i) its powers under the other parts of this Act; and
  - (ii) its powers under its authorising Act or another Act to operate a basic institutional account; and
- (b) do not affect its express powers under its authorising Act or another Act to operate an overdraft institutional account.

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<sup>11</sup> Part 4 (General banking powers)

‘(2) However, if there is no express power to operate an overdraft institutional account in the body’s authorising Act or another Act, its powers to operate an overdraft institutional account are limited to the powers under this Act even though, for example, its authorising Act or another Act states the body has—

- (a) the powers of a body corporate or individual; or
- (b) the power generally to enter into contracts; or
- (c) the power to do all things necessary or convenient for, or in connection with, the performance of its functions.

‘(3) In this section—

“**basic institutional account**” means a deposit and withdrawal account with a financial institution without an overdraft facility.

“**overdraft institutional account**” means a deposit and withdrawal account with a financial institution with an overdraft facility.’.

### **Amendment of s 20 (Guarantee not affected by transfer of liability)**

33. Section 20(1)(a), ‘section 16 or 21’—

*omit, insert—*

‘a guarantee section’.

### **Amendment of s 22 (Application of division)**

34. Section 22, ‘section 16 or 21’—

*omit, insert—*

‘a guarantee section’.

### **Amendment of s 29 (Recovery of amounts as debt from statutory body)**

35. Section 29, ‘section 16 or 21’—

*omit, insert—*

‘a guarantee section’.

**Amendment of s 30 (Treasurer may take security held by person paid guarantee amount)**

**36.** Section 30(1)(b), ‘section 16 or 21’—

*omit, insert—*

‘a guarantee section’.

**Amendment of schedule (Dictionary)**

**37.(1)** Schedule—

*insert—*

‘**“guarantee section”** means section 16, 21 or 82.<sup>12</sup>’.

(2) Schedule, definitions **“guarantee amount”** and **“recovery amounts”**, ‘section 16 or 21’—

*omit, insert—*

‘a guarantee section’.

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<sup>12</sup> Section 16 (Guarantees for the State), 21 (Loans from QTC to statutory bodies) or 82 (Certain loans by QTC taken to be guaranteed)