

Queensland



**INTERACTIVE GAMBLING  
(PLAYER PROTECTION)  
AMENDMENT ACT 1999**

**Act No. 37 of 1999**



# Queensland



## INTERACTIVE GAMBLING (PLAYER PROTECTION) AMENDMENT ACT 1999

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**Interactive Gambling (Player Protection)  
Amendment Act 1999**

**Act No. 37 of 1999**

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**An Act to amend the *Interactive Gambling (Player Protection) Act 1998***

*[Assented to 20 August 1999]*

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**The Parliament of Queensland enacts—**

**Short title**

1. This Act may be cited as the *Interactive Gambling (Player Protection) Amendment Act 1999*.

**Act amended**

2. This Act amends the *Interactive Gambling (Player Protection) Act 1998*.

**Amendment of s 44 (Grounds for suspension or cancellation)**

3. Section 44(1)—

*insert—*

‘(ba) a business or executive associate of the licensed provider is a person whom the provider is required to ensure is not a business or executive associate under a regulation under section 263(4)(b);’.

**Insertion of new ss 261A–261C**

4. After section 261—

*insert—*

**‘Cancellation of Gocorp’s interactive gambling licence**

‘**261A.(1)** Gocorp’s interactive gambling licence is cancelled on the due day unless, before the due day—

- (a) Gocorp satisfies the chief executive of all of the following—
  - (i) neither Navari nor Topki has a beneficial interest (whether direct or indirect) in Gocorp;
  - (ii) neither Navari nor Topki is a business or executive associate

of Gocorp;

- (iii) there is no disqualified person with a beneficial interest (whether direct or indirect) in Gocorp;
  - (iv) there is no disqualified person who is a business or executive associate of Gocorp; and
- (b) the chief executive, by gazette notice, declares that, having regard to representations made by Gocorp for the purposes of paragraph (a), the chief executive is satisfied of the matters mentioned in paragraph (a)(i) to (iv).

‘(2) In this section—

“**due day**” means the day that is 30 days after the commencement of this section.

“**Gocorp**” means GOCORP Limited (ACN 083 201 923).

“**Navari**” means Navari Pty Ltd (ACN 063 913 020).

“**Topki**” means Topki Holdings Pty Ltd (ACN 003 726 841).

**‘Person not to profit from a transaction ending or lessening a prohibited person’s interest in Gocorp**

‘**261B.(1)** This section applies if—

- (a) before the due day as defined under section 261A, a person (the “**first person**”) disposes of an interest; and
- (b) because of the disposal, a prohibited person—
  - (i) no longer has a beneficial interest in Gocorp; or
  - (ii) has less of a beneficial interest in Gocorp than the prohibited person had before the disposal; and
- (c) the consideration received for the interest disposed of is more than the consideration given by the first person in acquiring the interest.

*Examples—*

1. A disqualified person has shares in ABC Pty Ltd, which has shares in Gocorp. Before the due day, the person sells all or some of the person’s shares in ABC Pty

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Ltd for more than the person originally paid for them.

2. A disqualified person has shares in ABC Pty Ltd, which has shares in Gocorp. Before the due day, ABC Pty Ltd sells all or some of its shares in Gocorp for more than ABC Pty Ltd originally paid for them.

‘(2) The amount of the difference between the consideration received for the interest disposed of and the consideration given by the first person in acquiring the interest is forfeited from the first person to the State.

‘(3) If the consideration received or given consists wholly or partly of something other than money, a reference in subsection (1) or (2) to the consideration is a reference to the monetary value of the consideration.

‘(4) If the first person is a corporation, the first person and its directors are jointly and severally liable for an amount forfeited to the State under subsection (2).

‘(5) The chief executive may, by written notice given to a person, require the person to give the chief executive, within the reasonable time stated in the notice (but not less than 14 days), information or a document that is necessary and reasonable to help the chief executive decide what amount, if any, is forfeited to the State under subsection (2).

‘(6) A person must comply with a requirement made under subsection (5).

Maximum penalty—200 penalty units.

‘(7) The chief executive may recover an amount forfeited under subsection (2) as a debt payable to the State.

‘(8) This section applies to a disposal mentioned in subsection (1)—

- (a) whether the disposal happened before or after the commencement of this section; and
- (b) whether the consideration was received before or after the commencement of this section or will be received at any future time.

‘(9) This section has effect despite anything in the Corporations Law.

‘(10) In this section—

“**Gocorp**” means GOCORP Limited (ACN 083 201 923).

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**“prohibited person”** means Navari Pty Ltd (ACN 063 913 020), Topki Holdings Pty Ltd (ACN 003 726 841) or a disqualified person.

**‘State immunity**

**‘261C.(1)** The State is not civilly liable because of section 261A or 261B or anything done, or omitted to be done, for the purposes of those sections.

**‘(2)** In this section—

**“State”** includes an employee or agent of the State and a Minister.’.

**Amendment of s 263 (Regulation-making power)**

**5. Section 263—**

*insert—*

**‘(2)** A regulation may impose a penalty of not more than 20 penalty units for a contravention of the regulation.

**‘(3)** Subsection (2) does not limit any forfeiture under a regulation.

**‘(4)** A regulation may—

- (a) prohibit a disqualified person from having, or otherwise limit the extent to which a disqualified person may have, a beneficial interest in a licensed corporation; or
- (b) require a licensed corporation to ensure that a disqualified person is not a business or executive associate of the corporation; or
- (c) prohibit a disqualified person from holding an interactive gambling licence or key person licence.

**‘(5)** A regulation under subsection (4)(a) may also provide for any of the following—

- (a) stating the disqualified persons to whom the regulation applies;
- (b) stating when a disqualified person is taken to have a beneficial interest in a licensed corporation;
- (c) requiring a disqualified person to dispose of a non-complying interest, or otherwise ensure that the person ceases to have a

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- non-complying interest, within a stated time;
- (d) if a person does not comply with a requirement under paragraph (c)—
- (i) if the non-complying interest consists of a shareholding or other property—forfeiting the non-complying interest to the State or another person; or
  - (ii) if the non-complying interest consists of being a director of a corporation or holding another office—declaring that the person stops being a director of the corporation or stops holding the office, or is disqualified from again becoming a director of the corporation or holding the office;
- (e) providing for the sale by the State or another person of an interest forfeited to the State or other person and application of the proceeds;
- (f) limiting the value of the consideration received for an interest on making a compliance disposal of the interest;
- (g) if the consideration received for an interest on making a compliance disposal of the interest is more than the limit under paragraph (f), forfeiting the excess amount;
- (h) requiring a person to give to the chief executive information or a document that is necessary and reasonable to help the chief executive decide a matter for the purposes of the regulation, including—
- (i) whether a person is a disqualified person; and
  - (ii) whether an interest is a beneficial interest in a licensed corporation; and
  - (iii) whether an interest is a non-complying interest; and
  - (iv) what amount, if any, is liable to be forfeited under the regulation.

‘(6) A regulation under subsection (4) has effect despite anything in the Corporations Law.

‘(7) The State is not civilly liable because of a regulation made under

subsection (4) or anything done, or omitted to be done, for the purposes of the regulation.

‘(8) A regulation may be made in aid of section 261A or 261B, including a regulation under subsection (4).

‘(9) In this section—

“**compliance disposal**”, of an interest, means the disposal of the interest, as a result of which a disqualified person—

- (a) no longer has a beneficial interest in a licensed corporation; or
- (b) has less of a beneficial interest in a licensed corporation than the person had before the disposal.

“**non-complying interest**” means a beneficial interest in a licensed corporation to the extent to which the interest is held by a person in contravention of a regulation under subsection (4)(a).

“**State**” includes an employee or agent of the State and a Minister.’.

### **Amendment of sch 3 (Dictionary)**

#### **6. Schedule 3—**

*insert—*

‘ “**associated entity**”, of a registered political party, means an entity whose functions include investing amounts for the party, but does not include an entity that carries on an investment business merely because it invests amounts for the party, as well as other persons, in the course of carrying on that business.

“**consideration received**”, for an interest, includes anything received, or to be received, for the interest under a contract, arrangement or understanding.

“**disqualified person**” means any of the following—

- (a) a member of the Legislative Assembly;
- (b) a spouse or child of a member of the Legislative Assembly;
- (c) a staff member of a member of the Legislative Assembly;

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- (d) a councillor of a local government;
  - (e) a spouse or child of a councillor of a local government;
  - (f) a registered political party within the meaning of the *Electoral Act 1992*, or a senior officer of the party or an associated entity of the party;
  - (g) a person, whether or not of a similar class to a person mentioned in paragraph (a) to (e), prescribed under a regulation.

**“licensed corporation”** means a corporation that holds an interactive gambling licence.

**“senior officer”**, of a registered political party, means the president, secretary or treasurer of the party or another person who is concerned with, or takes part in, the party’s management.

**“spouse”** includes a de facto spouse.

**“staff member”**, of a member of the Legislative Assembly, means a person employed or otherwise engaged by the member for the purpose of the member’s electoral or Ministerial functions.’.