

Queensland



**GAMING MACHINE AND  
OTHER LEGISLATION  
AMENDMENT ACT (No. 2)  
1999**

**Act No. 77 of 1999**



Queensland



**GAMING MACHINE AND OTHER  
LEGISLATION AMENDMENT ACT  
(No. 2) 1999**

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Queensland



**Gaming Machine and Other Legislation  
Amendment Act (No. 2) 1999**

**Act No. 77 of 1999**

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**An Act to amend the *Gaming Machine Act 1991* and certain other  
Acts**

*[Assented to 14 December 1999]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *Gaming Machine and Other Legislation Amendment Act (No. 2) 1999*.

### **Commencement**

**2.(1)** The following provisions commence on assent—

- section 21
- section 154, to the extent it inserts new part 11, division 3 heading and new section 241
- parts 3 to 9
- schedule 2.

**(2)** The remaining provisions commence on a day to be fixed by proclamation.

## **PART 2—AMENDMENT OF GAMING MACHINE ACT 1991**

### **Act amended in pt 2 and sch 1**

**3.** This part and schedule 1 amend the *Gaming Machine Act 1991*.



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### Amendment of s 3 (Definitions)

**4.(1)** Section 3, definitions “**approved place**”, “**associates (operators audit program)**”, “**audit guidelines**”, “**division**”, “**information notice**”, “**licensed operator**”, “**listed person**”, “**money clearance**”, “**officer of the division**”, “**operators audit program**”, “**recognised manufacturer or supplier of gaming machines**” and “**recognised supplier of restricted components**”—

*omit.*

**(2)** Section 3—

*insert—*

‘ **“accounting record”**, of a licensee, means an accounting record required to be kept and maintained by the licensee under section 158(1).<sup>1</sup>

**“affected person”**, for a payout refusal decision, see section 111A(2)(a).

**“appeal authority”** means—

- (a) for an appeal against a decision mentioned in section 25A<sup>2</sup>—the Magistrates Court; or
- (b) for an appeal against a decision mentioned in section 25AA<sup>3</sup>—the commission.

**“approved accountant”** means—

- (a) a member of the Institute of Chartered Accountants in Australia who holds a current certificate of public practice issued by the institute; or
- (b) a member of the Australian Society of Certified Practising Accountants who holds a current public practice certificate issued by the society; or
- (c) a member of the National Institute of Accountants who—
  - (i) holds a current public practice certificate issued by the

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<sup>1</sup> Section 158 (Accounts and analyses)

<sup>2</sup> Section 25A (Appeals to Magistrates Court)

<sup>3</sup> Section 25AA (Appeals to commission)

institute; and

- (ii) has satisfactorily completed an auditing component of a course of study in accountancy at a tertiary level conducted by an institution prescribed under the Corporations Law, section 1280(2)(a)(ii);<sup>4</sup> or
- (d) a registered company auditor; or
- (e) a person approved by the chief executive as having the necessary experience or qualifications to conduct audits for the gaming operations of licensees.

**“approved evaluator”** means an entity declared under a regulation to be an approved evaluator.

**“approved game”** means a game approved by the chief executive under section 145(1)(c) or 146(8).<sup>5</sup>

**“approved place”**, for the keeping of a licensee’s accounting records for licensed premises of the licensee, means—

- (a) the licensed premises; or
- (b) a place approved by the chief executive under section 161E(1)(a)<sup>6</sup> for the records.

**“approved place”**, for the keeping of monitoring records of a licensed monitoring operator, means—

- (a) the operator’s main office; or
- (b) a place approved by the chief executive under section 72ZZF(1)(a)<sup>7</sup> for the records.

**“associates (suppliers) audit program”** means an audit program, for investigating associates of licensed suppliers, approved by the Minister

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<sup>4</sup> Corporations Law, section 1280 (Registration of auditors)

<sup>5</sup> Section 145 (Procedure for determination of tenders) or 146 (Acceptance by chief executive of gaming machines and games for evaluation)

<sup>6</sup> Section 161E (Notices about keeping accounting records)

<sup>7</sup> Section 72ZZF (Notices about keeping monitoring records)

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under section 72ZB(1).<sup>8</sup>

**“category 2 licensee”** means a licensee of category 2 licensed premises.

**“claimant”**, for a review of a payout refusal decision, see section 111C(2).

**“decision maker”**, for an appeal made to the Magistrates Court under section 25A or the commission under section 25AA, means the person who made the decision appealed against.

**“departmental gaming officer”** means a departmental officer who performs functions as a departmental officer solely or mainly for the purposes of this Act or a gaming Act.

**“departmental officer”** means a public service employee employed in the department, and includes any person to whom section 236<sup>9</sup> applies.

**“displayed win”** see section 111(1).

**“exempt accounting record”** see section 161E.

**“former licensee”** see section 161(2).

**“former operator”** see section 72ZZO(2).

**“gaming operations”**, of a licensee, means gaming conducted, and the conduct of gaming, on the licensee’s licensed premises.

**“gaming related system”** means—

- (a) an electronic monitoring system; or
- (b) a centralised credit system.

**“gaming system component”** means—

- (a) a gaming machine; or
- (b) gaming equipment, other than a gaming machine; or
- (c) equipment, other than gaming equipment, that is ancillary or related equipment for a gaming machine; or
- (d) the approved game for a gaming machine.

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<sup>8</sup> Section 72ZB (Approving audit programs)

<sup>9</sup> Section 236 (Existing additional employees)

**“gaming system malfunction”** means a malfunction of a gaming system component.

**“information notice”** see section 6AC(1).

**“inspectors audit program”** means an audit program, for investigating inspectors, approved by the Minister under section 28(1).<sup>10</sup>

**“involved licensed monitoring operator”**, for a payout refusal decision for a displayed win, means—

- (a) if paragraph (b) does not apply—a licensed monitoring operator who, when the decision was made, was supplying basic monitoring services to the involved licensee; or
- (b) if, when the decision was made, the gaming machine to which the displayed win related was part of a linked jackpot arrangement—the licensed monitoring operator by whom the arrangement was operated.

**“involved licensee”**, for a payout refusal decision, see section 111A(2)(b).

**“licensed dealer”** means—

- (a) a licensed major dealer; or
- (b) a licensed secondary dealer.

**“licensed major dealer”** means the holder of a major dealer’s licence in force under this Act.

**“licensed monitoring operator”** means the holder of an operator’s licence in force under this Act.

**“licensed secondary dealer”** means the holder of a secondary dealer’s licence in force under this Act.

**“licensed supplier”** means—

- (a) a licensed monitoring operator; or
- (b) a licensed major dealer; or
- (c) a licensed secondary dealer.

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<sup>10</sup> Section 28 (Approving audit program for inspectors)

**“licensees audit guidelines”** see section 160A(1).

**“main office”**, of a licensed monitoring operator, means—

- (a) the operator’s principal place of business in the State; or
- (b) if the operator is a corporation and has its registered office in the State—its registered office.

**“malfunction”**, of a gaming system component, means a failure of the component to function—

- (a) in the way it is designed to function; and
- (b) for a component programmed to function in a particular way—in the way it is programmed to function.

**“management letter”** means a written notice—

- (a) that is issued by an auditor in relation to an audit; and
- (b) that is not part of an audit report; and
- (c) in which the auditor identifies issues the auditor considers may be of concern to an entity or an entity’s executive officers.

*Examples of issues for paragraph (c)—*

- 1. Weaknesses in an internal control structure.
- 2. Inefficiencies.
- 3. Potential areas of risk.

**“money clearance”** means—

- (a) for a gaming machine—the removal of gaming tokens from the cash box or banknote acceptor of the gaming machine; or
- (b) for a centralised credit system—the deduction of an amount in relation to amounts received by a licensee from persons for establishing gaming machine credits under the system for the persons.

**“operators audit guidelines”** see section 72ZZN(1).

**“payout refusal decision”**, for a displayed win, means a decision of a

gaming employee under section 111(2)<sup>11</sup> refusing—

- (a) to make a payment, or to allow a payment to be made, to a person for the credit the subject of the displayed win; or
- (b) to pay, or to allow to be paid, to a person the amount the subject of the displayed win; or
- (c) to award, or to allow to be awarded, to a person the non-monetary prize the subject of the displayed win.

**“registrar”**, of the commission, means the officer of the department responsible for the time being for performing functions as the registrar of the commission.

**“relevant chief executive”** means the chief executive of the department in which the *Liquor Act 1992* is administered.

**“restricted official”** means an inspector or departmental officer—

- (a) to whom a direction has been given by the chief executive under section 187(1);<sup>12</sup> and
- (b) for whom the direction is in force.

**“review decision”** see section 111C(4)(a).

**“special facility liquor licence”** means a licence mentioned in the *Liquor Act 1992*, section 58(1)(f).<sup>13</sup>

**“special facility premises”** means premises to which a special facility liquor licence relates.

**“subsidiary operator”** means—

- (a) an individual or body corporate to which the holder of a special facility liquor licence has, with the approval of the relevant chief executive—
  - (i) let or sublet part of the special facility premises; and
  - (ii) let or sublet the right to sell liquor; or

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<sup>11</sup> Section 111 (Gaming system malfunctions)

<sup>12</sup> Section 187 (Restricted officials prohibited from playing gaming machines)

<sup>13</sup> *Liquor Act 1992*, section 58 (Available licences)

- (b) an individual or body corporate with which the holder of a special facility liquor licence has, with the approval of the relevant chief executive—
  - (i) entered into a franchise or management agreement for part of the special facility premises; and
  - (ii) let or sublet the right to sell liquor.

**“suppliers audit program”** means an audit program, for investigating licensed suppliers, approved by the Minister under section 72ZB.<sup>14</sup>

**“supplier’s licence”** means—

- (a) an operator’s licence; or
- (b) a major dealer’s licence; or
- (c) a secondary dealer’s licence.

**“supply operations”**, of a licensed supplier, means operations conducted by the licensed supplier under its supplier’s licence.’.

(3) Section 3, definition **“additional premises application”**, ‘a club that is a licensee’—

*omit, insert—*

‘a category 2 licensee’.

(4) Section 3, definition **“additional premises application”**, ‘club’s’—

*omit, insert—*

‘licensee’s’.

(5) Section 3, definition **“club liquor licence”**—

*insert—*

- ‘(c) a right to sell liquor held by a person as a subsidiary operator that is a non-proprietary club.’.

(6) Section 3, definition **“financial institution”**, paragraph (e)—

*omit.*

<sup>14</sup> Section 72ZB (Approving audit programs)

(7) Section 3, definition “**gaming trainer**”, ‘listed person’—

*omit, insert—*

‘licensed dealer’.

(8) Section 3, definition “**liquor licence**”—

*insert—*

‘(c) a right to sell liquor held by a person as a subsidiary operator.’.

(9) Section 3, definition “**non-proprietary club**”, ‘a club whose’—

*omit, insert—*

‘a body corporate whose’.

(10) Section 3, definition “**non-proprietary club**”, paragraphs (a) and (b), ‘club’—

*omit, insert—*

‘body’.

(11) Section 3, definition “**privately acquired gaming machine**”, paragraph (a)(ii)—

*omit, insert—*

‘(ii) a licensed monitoring operator, approved financier, gaming trainer or licensed major dealer; or’.

## **Insertion of new ss 6AB and 6AC**

5. After section 6AA—

*insert—*

### **‘Meaning of “due date for payment”**

‘**6AB.(1)** This section applies if—

- (a) a contract is entered into between a licensed supplier and a licensee under which an amount (other than a basic monitoring fee) is payable by the licensee to the licensed supplier; and
- (b) the contract does not state a due date for payment of the amount.



‘(2) This section also applies if—

- (a) a contract is entered into between a licensed monitoring operator and a licensee under which a basic monitoring fee is payable by the licensee to the operator; and
- (b) the contract does not state a due date for payment of the fee.

‘(3) In this Act, a reference to the due date for payment of the amount or fee is a reference to the date that is 1 month after the incurring of liability for payment of the amount or fee.

### ‘Meaning of “information notice”

‘6AC.(1) An “information notice” is a written notice of a decision under this Act of the commission, the chief executive or an inspector complying with the requirements of this section.

‘(2) The information notice must state—

- (a) the decision to which it relates; and
- (b) the reasons for the decision; and
- (c) the appropriate appeal details; and
- (d) how the appeal may be made.

‘(3) For subsection (2)(c) the appropriate appeal details are as follows—

- (a) for a commission appeal notice—that the person to whom the notice is given may appeal against the decision to which the notice relates to the commission within 28 days after the person receives the notice;
- (b) for a court appeal notice—that the person to whom the notice is given may appeal against the decision to which the notice relates to a Magistrates Court within 28 days after the person receives the notice;
- (c) for a Minister appeal notice—that the person to whom the notice is given may appeal against the decision to which the notice relates to the Minister within 14 days after the person receives the notice.

‘(4) In this section—

“**commission appeal notice**” means an information notice required to be given to a person who has a right to appeal against the decision to which the notice relates to the commission.

“**court appeal notice**” means an information notice required to be given to a person who has a right to appeal against the decision to which the notice relates to a Magistrates Court.

“**Minister appeal notice**” means an information notice required to be given to a person who has a right to appeal against the decision to which the notice relates to the Minister.’.

#### **Amendment of s 24 (Appeals to Minister)**

**6.(1)** Section 24(1)(b), ‘or a listed person’—

*omit.*

**(2)** Section 24—

*insert—*

‘(7A) Nothing in sections 25B to 25F applies to an appeal under this section.’.

**(3)** Section 24(8)(ba), ‘club’s’—

*omit, insert—*

‘category 2 licensee’s’.

**(4)** Section 24(8)(o) and (p)—

*omit.*

**(5)** Section 24(9)(a), ‘an operator’s licence’—

*omit, insert—*

‘a supplier’s licence’.

**(6)** Section 24(9)(b)—

*omit, insert—*

‘(b) a decision of the chief executive under section 72Y<sup>15</sup> refusing, on an application made on the ground mentioned in subsection (1)(a) of the section, to replace a supplier’s licence.’.

### Insertion of new s 25AA

7. After section 25A—

*insert—*

#### ‘Appeals to commission

‘**25AA.(1)** A person who seeks the chief executive’s approval for section 101 or 149<sup>16</sup> may appeal to the commission against a decision of the chief executive refusing to give the approval.

‘**(2)** A person who submits a gaming machine type or game to the chief executive under section 146<sup>17</sup> for evaluation may appeal to the commission against a decision of the chief executive rejecting the gaming machine type or game.

‘**(3)** The owner of an article, record or other thing seized by an inspector may appeal to the commission against a decision of an inspector under section 182A<sup>18</sup> resulting in the thing being forfeited.’.

### Amendment of s 25B (Starting appeal)

**8.(1)** Section 25B(1), after ‘An appeal’—

*insert—*

‘to the Magistrates Court’.

**(2)** Section 25B—

*insert—*

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<sup>15</sup> Section 72Y (Replacement of licence)

<sup>16</sup> Section 101 (Installation, operation and modification of gaming related systems) or 149 (Requirements for approvals for linked jackpot arrangements)

<sup>17</sup> Section 146 (Approval and rejection of gaming machines and games)

<sup>18</sup> Section 182A (Forfeiture of things that have been seized)

**(1A)** An appeal to the commission is started by—

- (a) filing a written notice of appeal with the registrar of the commission; and
- (b) serving a copy of the notice on the chief executive.’.

**(3)** Section 25B(3), ‘court’—

*omit, insert—*

‘appeal authority’.

### **Amendment of s 25C (Stay of operations of decisions)**

**9.(1)** Section 25C(1), ‘Magistrates Court’—

*omit, insert—*

‘appeal authority’.

**(2)** Section 25C(2) and (3), ‘court’—

*omit, insert—*

‘appeal authority’.

**(3)** Section 25C(3), ‘stay’—

*omit, insert—*

‘period of a stay under this section’.

### **Amendment of s 25D (Hearing procedures)**

**10.(1)** Section 25D(1), ‘Magistrates Court’—

*omit, insert—*

‘appeal authority’.

**(2)** Section 25D(1)(a), ‘commission’—

*omit, insert—*

‘decision maker’.

**(3)** Section 25D(1)(d)—

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*omit, insert—*

‘(d) if the appeal authority is the commission—may hear the appeal in public or in private.’

### **Insertion of new s 25DA**

**11.** After section 25D—

*insert—*

#### **‘Power of commission to gather evidence**

**‘25DA.(1)** This section applies only to an appeal made to the commission.

**‘(2)** The commission may, by written notice signed by the registrar, require a person—

- (a) to give written answers to questions, or produce a document, stated in the notice for an appeal mentioned in the notice; or
- (b) to appear before the commission at a stated time and place to answer questions, or produce a stated document, related to an appeal mentioned in the notice.

**‘(3)** A notice under subsection (2)(a) may require the answers to questions given in response to the notice to be verified by statutory declaration.

**‘(4)** A person must not, without reasonable excuse—

- (a) fail to comply with a requirement of a notice under this section; or
- (b) if appearing for examination before the commission—
  - (i) fail to take an oath or make an affirmation when required to do so by a member of the commission or the registrar; or
  - (ii) fail to answer a question relevant to the subject of the appeal to the best of the person’s knowledge, information or belief; or
  - (iii) fail to produce a document the person is required to produce under subsection (2)(b).

Maximum penalty—40 penalty units.

‘(5) A member of the commission may administer an oath or affirmation to a person appearing before the commission for examination.

‘(6) It is a reasonable excuse for a person to fail to comply with a requirement to answer a question or produce a document if complying with the requirement might tend to incriminate the person.’.

### **Amendment of s 25E (Powers of court on appeal)**

**12.(1)** Section 25E, heading—

*omit, insert—*

**‘Powers of appeal authority’.**

**(2)** Section 25E(1), ‘Magistrates Court’—

*omit, insert—*

‘appeal authority’.

**(3)** Section 25E(1)(c), ‘commission’—

*omit, insert—*

‘decision maker’.

**(4)** Section 25E(1)(c), ‘court’—

*omit, insert—*

‘appeal authority’.

**(5)** Section 25E(2)—

*omit, insert—*

‘(2) If the appeal authority substitutes another decision, the substituted decision is, for this Act (other than section 25A or 25AA), taken to be the decision maker’s decision.

‘(3) For an appeal to the commission, the commission must immediately give the parties to the appeal written notice of its decision on the appeal and the reasons for its decision.’.

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**Amendment of s 25F (Appeal to District Court)**

**13.** Section 25F, ‘a Magistrates Court’—

*omit, insert—*

‘an appeal authority’.

**Replacement of ss 26–28**

**14.** Sections 26 to 28—

*omit, insert—*

**‘Inspectors**

**‘26.** The chief executive may appoint as inspectors—

- (a) public service officers or employees; or
- (b) other persons prescribed under a regulation.

**‘Qualifications for appointment as inspector**

**‘27.(1)** The chief executive may appoint a person as an inspector only if—

- (a) the chief executive considers the person has the necessary expertise or experience to be an inspector; or
- (b) the person has satisfactorily finished training approved by the chief executive.

**‘(2)** Also, the chief executive may appoint a person as an inspector only if the chief executive is satisfied the person is a suitable person to be an inspector, having regard to—

- (a) the person’s character; and
- (b) the person’s current financial position and financial background.

**‘(3)** Before appointing a person as an inspector, the chief executive may investigate the person to help the chief executive decide whether the person is a suitable person to be an inspector.

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**‘Approving audit program for inspectors**

‘**28.(1)** The Minister may approve an audit program for investigating inspectors.

‘**(2)** An audit program approved by the Minister may not provide for the investigation of inspectors under the program at intervals of less than 2 years.

**‘Investigating inspectors**

‘**28A.(1)** The chief executive may investigate an inspector to help the chief executive decide whether the inspector is a suitable person to be an inspector.

‘**(2)** However, the chief executive may investigate an inspector only if—

- (a) the investigation is conducted under an inspectors audit program;  
or
- (b) the chief executive reasonably suspects the inspector is not a suitable person to be an inspector.

‘**(3)** The chief executive must ensure the investigation of an inspector under an inspectors audit program is conducted in compliance with the program.

**‘Powers of inspectors**

‘**28B.(1)** An inspector has the powers given under this Act.

‘**(2)** An inspector is subject to the directions of the chief executive in exercising the powers.

‘**(3)** An inspector’s powers may be limited—

- (a) under a condition of appointment; or
- (b) by written notice given by the chief executive to the inspector.

**‘Appointment conditions for inspectors**

‘**28C.(1)** An inspector holds office on the conditions stated in the



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instrument of appointment.

‘(2) An inspector ceases holding office as follows—

- (a) if the appointment provides for a term of appointment—at the end of the term;
- (b) if the appointment conditions provide—on ceasing to hold another office (the “**main office**”) stated in the appointment conditions.

‘(3) An inspector may resign by signed notice of resignation given to the chief executive.

‘(4) However, an inspector may not resign from the office of inspector (the “**secondary office**”) if a term of the inspector’s employment for the main office requires the inspector to hold the secondary office.

#### ‘**Identity cards for inspectors**

‘**28D.(1)** The chief executive must give each inspector an identity card.

‘(2) The identity card must—

- (a) contain a recent photograph of the inspector; and
- (b) be signed by the inspector; and
- (c) include an expiry date; and
- (d) identify the person as an inspector under this Act.

#### ‘**Return of identity cards**

‘**28E.** A person who ceases to be an inspector must return the person’s identity card to the chief executive as soon as practicable (but within 21 days) after ceasing to be an inspector, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

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**‘Production or display of identity cards**

**‘28F.(1)** An inspector may exercise a power in relation to someone else (the **“other person”**) only if the inspector—

- (a) first produces the inspector’s identity card for the other person’s inspection; or
- (b) has the identity card displayed so it is clearly visible to the other person.

**‘(2)** However, if for any reason it is not practicable to comply with subsection (1) before exercising the power, the inspector must produce the identity card for the other person’s inspection at the first reasonable opportunity.

**‘Approved evaluators**

**‘28G.** The Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating—

- (a) centralised credit systems; and
- (b) electronic monitoring systems; and
- (c) gaming machine types and games; and
- (d) linked jackpot arrangements.’.

**Amendment of s 29 (Officers of division to be of good repute)**

**15.(1)** Section 29, heading, **‘Officers of division’**—

*omit, insert—*

**‘Departmental gaming officers’.**

**(2)** Section 29(1), **‘Officers of the division’**—

*omit, insert—*

**‘Departmental gaming officers’.**

**(3)** Section 29(2) and (3)—

*omit, insert—*

‘(2) Before a person is appointed to be a departmental gaming officer, the chief executive may investigate the person for the purpose of finding out whether the person is of good repute.’.

(4) Section 29(4), ‘an officer of the division’—

*omit, insert—*

‘a departmental gaming officer’.

### **Omission of s 30 (Machine Gaming Division)**

16. Section 30—

*omit.*

### **Amendment of s 30A (Delegation by Minister)**

17.(1) Section 30A, ‘powers under this Act’—

*omit, insert—*

‘designated powers’.

(2) Section 30A—

*insert—*

‘(2) In this section—

**“designated powers”**, of the Minister, means—

- (a) the powers of the Minister under sections 72ZB and 90;<sup>19</sup> or
- (b) the power of the Minister to give a direction for section 72ZRA(3)(b);<sup>20</sup> or
- (c) the power of the Minister to determine criteria for section 76(1)(b)(ii).<sup>21</sup>.

<sup>19</sup> Sections 72ZB (Approving audit programs) and 90 (Approving audit programs for licensed gaming nominees and associates)

<sup>20</sup> Section 72ZRA (Terms of appointment, and role, of administrator)

<sup>21</sup> Section 76 (Certain persons must apply for gaming employee’s licence)

### **Amendment of s 34 (Criminal history reports for investigations)**

**18.** Section 34(1), ‘section 29(4),’ to ‘72ZC(1),’—

*omit, insert—*

‘sections 27(3), 28A(1), 29(2) and (4), 40(2)(a), 60(1), 72ZC.’

### **Amendment of s 35 (Secrecy)**

**19.(1)** Section 35(2), words before paragraph (a)—

*omit, insert—*

‘(2) A person who is or was a departmental officer—’.

**(2)** Section 35(2)(b)—

*omit, insert—*

‘(b) must not communicate or reveal the information.’.

**(3)** Section 35(2A)—

*omit, insert—*

‘(2A) A person who is a licensed monitoring operator or was a licensed operator or licensed monitoring operator must not communicate or reveal information about a licensee’s operations that the person obtained in the course of the person’s operations as a licensed monitoring operator or licensed operator.

Maximum penalty—200 penalty units or 1 year’s imprisonment.’.

**(4)** Section 35(2B), words before ‘(whether’—

*omit, insert—*

‘(2B) A person who is employed by or works for a licensed monitoring operator, or a person who was employed by or worked for a licensed operator or licensed monitoring operator’.

**(5)** Section 35(2C)(c), ‘or commission’—

*omit.*

**(6)** Section 35(3) to (5)—

*omit, insert—*

‘(3) The chief executive may, for a person mentioned in subsection (2), (2A) or (2B), approve the communication or revealing of information mentioned in the subsection by the person to—

- (a) an entity prescribed under a regulation; or
- (b) an officer, employee or member of the entity; or
- (c) a stated department, office holder or person.

‘(4) If, under an approval of the chief executive under subsection (3), information is communicated or revealed by a person mentioned in subsection (2), (2A) or (2B) to an entity, department or person, the entity, department or person, and each employee or other person under the control of the entity, department or person—

- (a) is, for the information, taken to be a person to whom the secrecy provision applies; and
- (b) is taken to have gained the information in the way mentioned in the secrecy provision.’.

(7) Section 35(6), ‘the commission’—

*omit, insert—*

‘the chief executive’.

(8) Section 35—

*insert—*

‘(7) In this section—

“**secrecy provision**”, for information communicated or revealed by a person under this section, means the subsection (being subsection (2), (2A) or (2B)) in which the person by whom the information is communicated or revealed is mentioned.’.

### **Omission of s 36 (Identification cards)**

20. Section 36—

*omit.*

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**Amendment of s 38 (Gaming lawful and does not constitute nuisance)****21.** Section 38—

*insert—*

‘**(1A)** Without limiting subsection (1)(a), the other information or material the commission may have regard to includes information or material about social and community issues.’.

**Amendment of s 39 (Application for gaming machine licences)****22.(1)** Section 39(1)(d)(iii)—

*omit.*

**(2)** Section 39(1)(e) and (f)—

*omit, insert—*

- ‘(e) an individual who has applied to become the holder of a general liquor licence; or
- (f) a subsidiary operator, other than a subsidiary operator that is a non-proprietary club.’.

**(3)** Section 39(6)—

*omit.*

**Amendment of s 40 (Recommendation by chief executive about application for gaming machine licence)****23.(1)** Section 40(5), ‘the applicant agrees’—

*omit, insert—*

‘the applicant, if asked, agrees’.

**(2)** Section 40(8)(c)—

*insert—*

- ‘(iii) the public interest; or’.

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**Amendment of s 40A (Decision on application for gaming machine licence)**

**24.** Section 40A(11), definition “**election**”, after ‘committee’—  
*insert*—  
‘or board’.

**Amendment of s 41 (Application by clubs for additional licensed premises)**

**25.(1)** Section 41, heading, ‘**by clubs**’—  
*omit.*

**(2)** Section 41(1), ‘club that is a licensee’—  
*omit, insert*—  
‘category 2 licensee’.

**(3)** Section 41(1), ‘club’s’—  
*omit, insert*—  
‘licensee’s’.

**Amendment of s 41A (Recommendation by chief executive about additional premises application)**

**26.** Section 41A(6)(a)—  
*insert*—  
‘(iii) the public interest; or’.

**Amendment of s 42A (Changes in circumstances of licensees of category 2 licensed premises)**

**27.(1)** Section 42A, heading—  
*omit, insert*—

**‘Changes in circumstances of category 2 licensees’.**

(2) Section 42A(1), words before paragraph (a)—

*omit, insert—*

**‘42A.(1)** This section applies to a category 2 licensee, in relation to the category 2 licensed premises, if—’.

(3) Section 42A(3), words before paragraph (b)—

*omit, insert—*

**‘(3)** For subsection (1)(a), the relevant time, for the category 2 licensee, is—

- (a) the time the licensee became the licensee of the category 2 licensed premises; or’.

**Amendment of s 46 (Issue of copy gaming machine licences)**

**28.(1)** Section 46, heading, after ‘**copy**’—

*insert—*

**‘or replacement’.**

(2) Section 46—

*insert—*

**‘(1A)** If the chief executive is satisfied the name of a licensee has been changed, the chief executive must issue to the licensee a fresh licence, stating the licensee’s current name, to replace the licence (the **“affected licence”**) previously issued to the licensee.

**‘(1B)** However, the chief executive is required to issue a licence to a licensee under subsection (1A) only if—

- (a) the fee prescribed under a regulation for the issue of the licence has been paid to the chief executive; and
- (b) the licensee’s affected licence has been returned to the chief executive.’.



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**Amendment of s 55A (Directions to licensees about authorised gaming machines)**

**29.** Section 55A(2)—

*omit, insert—*

‘(2) However, the chief executive may give a direction about a gaming machine only if—

- (a) the game that may be played on the machine is not an approved game; or
- (b) if the game that may be played on the machine is an approved game—the chief executive reasonably believes subsection (2A) applies to the machine.

‘(2A) This subsection applies for subsection (2)(b) if—

- (a) the machine malfunctions when it is being used; and
- (b) the making of the proposed alteration will stop the machine malfunctioning; and
- (c) without the proposed alteration being made, the continued use of the machine may compromise proper standards of integrity affecting gaming or adversely affect the public interest in some other way.’.

**Amendment of s 57C (Matters to be taken into account for decrease proposal)**

**30.** Section 57C(4)(d), words before subparagraph (ii)—

*omit, insert—*

‘(d) if the licensee of the subject premises is a category 2 licensee—

- (i) the interests of the members of the licensee; and’.

**Amendment of s 58 (Relocation of gaming machine areas)**

**31.(1)** Section 58(1), ‘the licensee’s licensed premises’—

*omit, insert—*

‘licensed premises of the licensee’.

(2) Section 58(1), penalty—

*omit, insert—*

‘Maximum penalty—40 penalty units.’.

(3) Section 58(5) and (6), penalties, ‘or 1 year’s imprisonment’—

*omit.*

### **Amendment of s 64 (Cancellation or suspension of gaming machine licences and letters of censure)**

**32.(1)** Section 64(1)(c)(v), ‘is a club’—

*omit, insert—*

‘is a category 2 licensee’.

(2) Section 64(1)(c)(v), ‘the club’—

*omit, insert—*

‘the licensee’.

(3) Section 64(1)(c)(v), ‘the club’s’—

*omit, insert—*

‘the licensee’s’.

(4) Section 64—

*insert—*

‘**(16A)** In the application of subsection (1)(c)(v)(L) to a category 2 licensee, a reference in a paragraph of section 40A(4) to a club that is an applicant for a gaming machine licence is taken to be a reference to the licensee.’.

(5) Section 64(17), definition “**directly interested person**”, paragraph (c)—

*omit, insert—*

‘(c) for a category 2 licensee—a member of the licensee.’.

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**Amendment of s 69 (Appointment of administrator instead of suspension)**

**33.(1)** Section 69(1), ‘a club’—

*omit, insert—*

‘a category 2 licensee’.

**(2)** Section 69, ‘the club’—

*omit, insert—*

‘the licensee’.

**Amendment of s 70 (Expenses of administration)**

**34.(1)** Section 70(1), ‘a club’—

*omit, insert—*

‘a category 2 licensee’.

**(2)** Section 70(1), ‘the club’—

*omit, insert—*

‘the licensee’.

**Amendment of s 71 (Liability for losses incurred during administration)**

**35.(1)** Section 71, ‘a club’—

*omit, insert—*

‘a category 2 licensee’.

**(2)** Section 71, ‘the club’—

*omit, insert—*

‘the licensee’.

**Amendment of pt 3A, hdg (Licensing of monitoring operators)**

**36.** Part 3A, heading, after ‘**OPERATORS**’—

*insert—*

‘**AND DEALERS**’.

**Replacement of ss 72A–72C**

**37.** Sections 72A to 72C—

*omit, insert—*

**‘References to particular licensed suppliers**

‘**72A.** In this Act, a reference to a licensed supplier in association with a reference to a supplier’s licence is a reference to the licensed supplier who holds the supplier’s licence.

**‘References to particular suppliers’ licences**

‘**72B.** In this Act, a reference to a supplier’s licence in association with a reference to a licensed supplier is a reference to the supplier’s licence held by the licensed supplier.’.

**Amendment of s 72E (Suitability of applicants for, and holders of, monitoring operators’ licences)**

**38.(1)** Section 72E, heading, ‘**monitoring operators**’—

*omit, insert—*

‘**suppliers**’.

**(2)** Section 72E(1)(a) and (b)—

*omit, insert—*

- ‘(a) an applicant (the “**involved body**”) for an operator’s licence, or a licensed monitoring operator (also the “**involved body**”), is a suitable person to hold an operator’s licence; or
- (b) an applicant (also the “**involved body**”) for a major dealer’s

licence, or a licensed major dealer (also the **“involved body”**), is a suitable person to hold a major dealer’s licence; or

- (c) an applicant (also the **“involved body”**) for a secondary dealer’s licence, or a licensed secondary dealer (also the **“involved body”**), is a suitable person to hold a secondary dealer’s licence.’.

**(3)** Section 72E(2)(d)—

*omit, insert—*

‘(d) the involved body’s general suitability to hold a supplier’s licence of the kind applied for, or held, by the involved body;’.

**(4)** Section 72E(2)(f), ‘the operations of a licensed operator’—

*omit, insert—*

‘operations conducted under a supplier’s licence of the kind applied for, or held, by the involved body’.

**(5)** Section 72E(2)(g) and (h)—

*omit, insert—*

‘(g) whether the involved body has, or is able to obtain, the services of persons with appropriate business ability, knowledge or experience to enable the involved body to successfully conduct operations under a supplier’s licence of the kind applied for, or held, by the involved body;’.

**Amendment of s 72F (Suitability of associates)**

**39.** Section 72F(1)(a) and (b)—

*omit, insert—*

‘(a) an associate of an applicant for an operator’s licence, or of a licensed monitoring operator, is a suitable person to be associated with the monitoring operations of a licensed monitoring operator; or

- (b) an associate of an applicant for a major dealer’s licence, or of a licensed major dealer, is a suitable person to be associated with the supply operations of a licensed major dealer; or

- (c) an associate of an applicant for a secondary dealer's licence, or of a licensed secondary dealer, is a suitable person to be associated with the supply operations of a licensed secondary dealer.'

### **Amendment of s 72M (Investigations about application)**

**40.(1)** Section 72M(1)—

*omit, insert—*

**'72M.(1)** In considering an application for a supplier's licence, the chief executive must conduct the investigations the chief executive considers are necessary to help the chief executive decide—

- (a) whether the applicant is a suitable person to hold a supplier's licence of the kind applied for; and
- (b) if there is a disclosed associate for the applicant—whether the associate is a suitable person to be associated with the operations of a licensed supplier holding a supplier's licence of the kind applied for.'

**(2)** Section 72M(2), 'an associate of a licensed operator'—

*omit, insert—*

'associated with the operations of a licensed supplier holding a supplier's licence of the kind applied for'.

### **Amendment of s 72O (Recommendation about application)**

**41.(1)** Section 72O(1) and (6), 'an operator's licence'—

*omit, insert—*

'a supplier's licence'.

**(2)** Section 72O(2)(a)—

*omit, insert—*

- (a) the suitability of the applicant to hold a supplier's licence of the kind applied for; and'.

**(3)** Section 72O(2)(b) and (3), 'an associate of a licensed operator'—

*omit, insert—*

‘associated with the operations of a licensed supplier holding a supplier’s licence of the kind applied for’.

(4) Section 72O(4), ‘to be a licensed operator’—

*omit, insert—*

‘to hold a supplier’s licence of the kind applied for’.

### **Amendment of s 72Q (Conditions of licences)**

42.(1) Section 72Q(1), ‘An operator’s licence’—

*omit, insert—*

‘A supplier’s licence’.

(2) Section 72Q(1)(c)—

*omit, insert—*

‘(c) for the proper conduct of the licensed supplier’s supply operations, including, for a licensed monitoring operator, its operations involving electronic monitoring systems.’.

(3) Section 72Q(2), ‘an operator’s licence’—

*omit, insert—*

‘a supplier’s licence’.

### **Amendment of s 72S (Duration of licence)**

43. Section 72S—

*insert—*

‘(2) A dealer’s licence remains in force for 5 years from its date of issue.’.

### **Insertion of new s 72SA**

44. Part 3A, division 3, after section 72S—

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*insert—*

**‘Provisional licences**

**‘72SA.(1)** The commission may grant to an applicant for a supplier’s licence a provisional licence for the kind of licence applied for.

**‘(2)** However, the commission may grant a provisional licence only if the commission considers—

- (a) a decision about the applicant’s application for a supplier’s licence may not be made for some time; and
- (b) the conduct of gaming may be prejudiced or disadvantaged if the applicant is not granted the provisional licence; and
- (c) the issue of the provisional licence to the applicant will not prejudice or disadvantage gaming or the conduct of gaming.

**‘(3)** The commission may grant a provisional licence—

- (a) on conditions the commission considers necessary or desirable for the proper conduct of gaming; and
- (b) on other conditions the commission considers necessary or desirable in the public interest.

**‘(4)** If the commission grants a provisional licence to a person, the chief executive must immediately issue the licence to the person.

**‘(5)** A provisional licence must be in the approved form.

**‘(6)** A provisional licence issued to an applicant for a supplier’s licence remains in force until—

- (a) a supplier’s licence of the kind applied for is issued to the applicant; or
- (b) the commission decides to refuse to grant the application; or
- (c) the licence is surrendered or cancelled.

**‘(7)** While a provisional licence for a particular kind of supplier’s licence is in force, it has the same effect, and this Act applies to the holder of the licence, as if the licence were a supplier’s licence of that kind.’



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**Amendment of s 72T (Changing conditions of licence)**

**45.(1)** Section 72T(1) and (4), ‘an operator’s licence’—  
*omit, insert—*

‘a supplier’s licence’.

**(2)** Section 72T(1)(c)—

*omit, insert—*

‘(c) for the proper conduct of the licensed supplier’s supply operations, including, for a licensed monitoring operator, its operations involving electronic monitoring systems.’.

**(3)** Section 72T(2), ‘operator’—

*omit, insert—*

‘supplier’.

**Amendment of s 72W (Renewal of licence—application)**

**46.** Section 72W(1)—

*omit, insert—*

‘**72W.(1)** A licensed supplier may apply for renewal of its supplier’s licence.’.

**Amendment of s 72X (Renewal of licence—decision)**

**47.(1)** Section 72X(1), ‘an operator’s licence’—

*omit, insert—*

‘a supplier’s licence’.

**(2)** Section 72X(2), ‘operator’—

*omit, insert—*

‘supplier’.

**(3)** Section 72X(4), ‘10 years’—

*omit, insert—*

‘the standard licence period’.

(4) Section 72X—

*insert—*

‘(5) In this section—

“**standard licence period**” means—

- (a) for an operator’s licence—10 years; or
- (b) for a dealer’s licence—5 years.’.

### **Replacement of ss 72Y and 72Z**

48. Sections 72Y and 72Z—

*omit, insert—*

#### **‘Replacement of licence**

‘72Y.(1) A licensed supplier may apply to the chief executive for the replacement of its supplier’s licence if—

- (a) the licence is lost, stolen, destroyed or damaged; or
- (b) the licensee’s name changes.

‘(2) The application must be accompanied by—

- (a) the fee prescribed under a regulation for issuing a replacement licence; and
- (b) for a lost licence application based on damage or a name change application—the licensed supplier’s current licence.

‘(3) The chief executive must consider the application and either—

- (a) replace the licence by issuing another supplier’s licence to the applicant with, for a name change application, the name of the licensed supplier changed to reflect the licensed supplier’s current name; or
- (b) refuse to replace the licence.

‘(4) The chief executive must replace the licence if—

- (a) for a lost licence application—the chief executive is satisfied the

licence—

- (i) has been lost, stolen or destroyed; or
- (ii) has been damaged in a way to require its replacement; or
- (b) for a name change application—the chief executive is satisfied the change of name has taken place.

‘(5) If, on a lost licence application, the chief executive refuses to replace the licence, the chief executive must immediately give the applicant an information notice for the decision.

‘(6) If, on a name change application, the chief executive refuses to replace the licence, the chief executive must immediately give the applicant a written notice stating the decision and the reason for the decision.

‘(7) In this section—

“**lost licence application**” means an application under this section made on a ground mentioned in subsection (1)(a).

“**name change application**” means an application under this section made on the ground mentioned in subsection (1)(b).

### ‘Licence not transferable

‘72Z. A supplier’s licence is not transferable.’.

### Amendment of s 72ZA (Surrender of licence)

49.(1) Section 72ZA(1), ‘operator’—

*omit, insert—*

‘supplier’.

(2) Section 72ZA(1), ‘the operator’s licence’—

*omit, insert—*

‘its supplier’s licence’.

(3) Section 72ZA(3), ‘the operator’—

*omit, insert—*

‘the licensed supplier’.

(4) Section 72ZA(5)—

*omit, insert—*

‘(5) If the licensed supplier is a licensed monitoring operator, the licensed supplier must give a copy of the notice of surrender to—

- (a) any licensee to whom the licensed supplier is supplying basic monitoring services; and
- (b) any other licensed monitoring operator using the electronic monitoring system of the licensed supplier, or a part of the system, to supply basic monitoring services to licensees.

Maximum penalty for subsection (5)—40 penalty units.’.

### **Replacement of s 72ZC (Conducting investigations)**

50. Section 72ZC—

*omit, insert—*

#### **‘Conducting investigations**

‘72ZC.(1) The chief executive may investigate a licensed supplier to help the chief executive decide whether the licensed supplier is a suitable person to hold the supplier’s licence.

‘(2) The chief executive may investigate an associate of a licensed supplier to help the chief executive decide whether the associate is a suitable person to be associated with the licensed supplier’s supply operations.

‘(3) However, the chief executive may investigate a licensed supplier only if—

- (a) the investigation is conducted under a suppliers audit program; or
- (b) the chief executive reasonably suspects the licensed supplier is not a suitable person to hold the supplier’s licence.

‘(4) Also, the chief executive may investigate an associate of a licensed supplier only if—

- (a) the investigation is conducted under an associates (suppliers)

audit program; or

- (b) the chief executive reasonably suspects the associate is not a suitable person to be associated with the licensed supplier's supply operations; or
- (c) for an associate who became an associate of the licensed supplier after the issue of its supplier's licence—the associate has not been investigated previously under an associates (suppliers) audit program.

'(5) The chief executive must ensure the investigation of a person under a suppliers audit program or associates (suppliers) audit program is conducted in compliance with the program.'

#### **Amendment of s 72ZG (Grounds for suspension or cancellation)**

**51.(1)** Section 72ZG(1), words before paragraph (b)—

*omit, insert—*

'**72ZG.(1)** A ground for suspending or cancelling a supplier's licence exists if the licensed supplier, or an associate of the licensed supplier—'

**(2)** Section 72ZG(1)(e)—

*omit, insert—*

'(e) fails to discharge the licensed supplier's, or associates, financial commitments; or'

**(3)** Section 72ZG(2)—

*omit, insert—*

'**(2)** Also, a ground for suspending or cancelling the supplier's licence exists if—

- (a) the licensed supplier is not a suitable person to hold the supplier's licence; or
- (b) an associate of the licensed supplier is not a suitable person to be associated with the licensed supplier's supply operations; or
- (c) the licensed supplier contravenes a condition of the licence; or

- (d) the licence was issued because of a materially false or misleading representation or declaration.’.

**Amendment of s 72ZH (Show cause notice)**

**52.(1)** Section 72ZH(1)(a), ‘an operator’s licence’—

*omit, insert—*

‘a supplier’s licence’.

**(2)** Section 72ZH(2) and (4), ‘licensed operator’—

*omit, insert—*

‘licensed supplier’.

**(3)** Section 72ZH(2)(a), ‘operator’s’—

*omit, insert—*

‘supplier’s’.

**(4)** Section 72ZH(2)(d) and (3), ‘the operator’—

*omit, insert—*

‘the licensed supplier’.

**(5)** Section 72ZH(2)(e)—

*omit, insert—*

- ‘(e) if the licensed supplier is a licensed monitoring operator—stating any requirements made of the licensed supplier by the chief executive under section 72ZI(2).’.

**Amendment of s 72ZI (Involvement of interested persons in show cause process)**

**53.(1)** Section 72ZI, heading, after ‘**persons**’—

*insert—*

‘**of licensed monitoring operators**’.

**(2)** Section 72ZI, before subsection (1)—

*insert—*

‘(1A) This section applies only if the licensed supplier to whom the show cause notice is given is a licensed monitoring operator.’.

(3) Section 72ZI, ‘licensed operator’—

*omit, insert—*

‘licensed supplier’.

(4) Section 72ZI, ‘the operator’—

*omit, insert—*

‘the licensed supplier’.

(5) Section 72ZI(3) and (4)(c), ‘operator’s’—

*omit, insert—*

‘licensed supplier’s’.

(6) Section 72ZI(4)(b), ‘operator’s’—

*omit, insert—*

‘supplier’s’.

### **Amendment of s 72ZJ (Consideration of representations)**

54. Section 72ZJ(a) and (b)—

*omit, insert—*

(a) the licensed supplier; or

(b) if the licensed supplier is a licensed monitoring operator—an interested person of the licensed supplier to whom a copy of the show cause notice is given, or is required to be given.’.

### **Amendment of s 72ZO (Decision of commission)**

55.(1) Section 72ZO(1)—

*omit, insert—*

‘72ZO.(1) This section applies to the commission on receiving a

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recommendation from the chief executive about a supplier's licence held by a licensed supplier.

**(1A)** The commission may—

- (a) decide not to take any action in relation to the licensed supplier or licence; or
- (b) by written notice given to the licensed supplier, censure the licensed supplier for a matter relevant to the show cause notice; or
- (c) if the commission considers a matter relevant to the show cause notice is reasonably capable of being rectified—by written notice given to the licensed supplier, direct the licensed supplier to rectify the matter within the reasonable period stated in the commission's notice; or
- (d) suspend the licence for the period the commission considers appropriate; or
- (e) cancel the licence; or
- (f) if the licensed supplier is a licensed monitoring operator—appoint an administrator to conduct the monitoring operations of the licensed supplier under its operator's licence.'.

**(2)** Section 72ZO(2), 'subsection (1)'—

*omit, insert—*

'subsection (1A)'.

**(3)** Section 72ZO(3) and (4)—

*omit, insert—*

**(3)** If the commission directs the licensed supplier to rectify a matter and the licensed supplier fails to comply with the direction within the period stated in the relevant notice, the commission may—

- (a) take the action mentioned in subsection (1A)(d) or (e); or
- (b) if the licensed supplier is a licensed monitoring operator—take the action mentioned in subsection (1A)(f).

**(4)** If the commission decides not to take any action about the licensed supplier or supplier's licence, the chief executive must immediately give the



licensed supplier written notice of the decision.’.

**Amendment of s 72ZP (Suspension, cancellation and appointment of administrator)**

**56.(1)** Section 72ZP(1)—

*omit, insert—*

**‘72ZP.(1)** This section applies if the commission decides—

- (a) to suspend or cancel a supplier’s licence held by a licensed supplier; or
- (b) for a licensed supplier who is a licensed monitoring operator—to appoint an administrator to conduct the licensed supplier’s monitoring operations.

**‘(1A)** The chief executive must immediately give the licensed supplier an information notice for the decision.’.

**(2)** Section 72ZP(2)(a), ‘operator’—

*omit, insert—*

‘supplier’.

**(3)** Section 72ZP(3) and (4), ‘an operator’s licence’—

*omit, insert—*

‘a supplier’s licence’.

**(4)** Section 72ZP(4), ‘the operator’—

*omit, insert—*

‘the licensed supplier’.

**Amendment of s 72ZS (Notices to interested persons)**

**57.(1)** Section 72ZS(1) and (2)(a) and (c), ‘licensed operator’—

*omit, insert—*

‘licensed supplier’.

**(2)** Section 72ZS(2), ‘section 72ZO(1)’—

*omit, insert—*

‘section 72ZO(1A)’.

**(3)** Section 72ZS(2)(a), ‘operator’s’—

*omit, insert—*

‘supplier’s’.

**(4)** Section 72ZS(2)(d) and (3)(a) and (c), ‘an operator’s licence’—

*omit, insert—*

‘a supplier’s licence’.

**(5)** Section 72ZS(2)(e) and (3)(b), ‘a licensed operator’s monitoring operations’—

*omit, insert—*

‘the monitoring operations of a licensed monitoring operator’.

**(6)** Section 72ZS(4) and (5)—

*omit, insert—*

**(3A)** However, this section applies only if the licensed supplier is a licensed monitoring operator and—

- (a) the chief executive gave a copy of the relevant show cause notice to a person under section 72ZI;<sup>22</sup> or
- (b) the licensed supplier gave, or was required to give, a copy of the relevant show cause notice to a person because of a requirement made of the licensed supplier under section 72ZI.

**(4)** If the chief executive took the action mentioned in subsection (3A)(a) in relation to a person, the chief executive must, as soon as practicable after an event mentioned in subsection (1), (2) or (3) happens, give written notice of the event to the person.

**(5)** If the licensed supplier took, or was required to take, the action

<sup>22</sup> Section 72ZI (Involvement of interested persons of licensed monitoring operators in show cause process)

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mentioned in subsection (3A)(b) in relation to a person, the licensed supplier must, within 7 days after receiving a show cause result notice for an event mentioned in subsection (1), (2) or (3), give a copy of the notice to the person.’

### **Replacement of pt 3A, div 7, hdg (Obligations of licensed operators)**

**58.** Part 3A, division 7, heading—

*omit, insert—*

*‘Division 7—Obligations of licensed suppliers*

*‘Subdivision 1—Obligations for all licensed suppliers’.*

### **Replacement of ss 72ZVA–72ZW**

**59.** Sections 72ZVA to 72ZW—

*omit, insert—*

#### **‘Returns about employees**

**‘72ZVA.(1)** A licensed supplier must give the chief executive a return as required under section 72ZZRA<sup>23</sup> stating the name of each person employed by the licensed supplier for the supply operations of the licensed supplier when the return is given.

Maximum penalty—40 penalty units.

**‘(2)** However, if the licensed supplier is a licensed monitoring operator, the licensed supplier is not required to state under subsection (1) in the return—

- (a) the name of a person employed by the licensed supplier as a licensed key monitoring employee; or
- (b) the name of a person employed by the licensed supplier as a licensed repairer.

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<sup>23</sup> Section 72ZZRA (Requirements for returns about employees)

### **‘Notice about failure of licensee to pay amount**

**‘72ZVB.(1)** This section applies if a licensee fails to pay to a licensed supplier, on or before the due date for payment, an amount or a part of an amount (other than a basic monitoring fee) payable by the licensee to the licensed supplier for a matter relating to the supply operations of the licensed supplier.

**‘(2)** The licensed supplier must give the chief executive a notice as required under section 72ZZRB<sup>24</sup> advising of the licensee’s failure to pay the amount, or the part of the amount, on or before the due date for payment.

Maximum penalty for subsection (2)—40 penalty units.

### ***‘Subdivision 2—Additional obligations for licensed monitoring operators***

### **‘Returns about licensed key monitoring employees**

**‘72ZW.** A licensed monitoring operator must give the chief executive a return as required under section 72ZZRA<sup>25</sup> stating the name and licence number of each person employed by the operator as a licensed key monitoring employee when the return is given.

Maximum penalty—40 penalty units.’.

### **Insertion of new s 72ZZAA**

**60.** Part 3A, division 7, after section 72ZZ—

*insert—*

### **‘Notice about failure of licensee to pay basic monitoring fee**

**‘72ZZAA.(1)** This section applies if a licensee fails to pay to a licensed monitoring operator, on or before the due date for payment, a basic

<sup>24</sup> Section 72ZZRB (Requirements for notices about unpaid amounts)

<sup>25</sup> Section 72ZZRA (Requirements for returns about employees)

monitoring fee, or a part of a basic monitoring fee, payable by the licensee to the operator for basic monitoring services supplied by the operator to the licensee.

‘(2) The licensed monitoring operator must give the chief executive a notice as required under section 72ZZRB<sup>26</sup> advising of the licensee’s failure to pay the fee, or the part of the fee, on or before the due date for payment.

Maximum penalty for subsection (2)—40 penalty units.’.

### **Amendment of s 72ZZB (Control system submission)**

**61.(1)** Section 72ZZB(1) and (2)(a), ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

**(2)** Section 72ZZB(3), words after ‘explain’—

*omit, insert—*

‘the control system proposed for the monitoring operations of the licensed monitoring operator’.

**(3)** Section 72ZZB(4), ‘for the licensed operator’s monitoring operations’—

*omit.*

### **Amendment of s 72ZZC (Control system (change) submission)**

**62.(1)** Section 72ZZC(1) and (2)(a), ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

**(2)** Section 72ZZC(3), words after ‘particulars of’—

*omit, insert—*

‘the changes proposed to be made to the approved control system of the

<sup>26</sup> Section 72ZZRB (Requirements for notices about unpaid amounts)

licensed monitoring operator’.

### **Amendment of s 72ZZF (Notices about keeping monitoring records)**

**63.(1)** Section 72ZZF(1)—

*omit, insert—*

**‘72ZZF.(1)** The chief executive may, by written notice given to a licensed monitoring operator—

- (a) approve, as a place at which the operator may keep the operator’s monitoring records, a place, other than the operator’s main office, nominated by the operator; or
- (b) specify a monitoring record of the operator (an **“exempt monitoring record”**) that may be kept at a place that is not an approved place for the keeping of the record; or
- (c) specify a monitoring record of the operator that may be kept temporarily at a place (a **“holding place”**) that is not an approved place for the keeping of the record, and the period for which, or the circumstances in which, the record may be kept at the holding place; or
- (d) approve the keeping of information contained in a monitoring record of the operator in a way different from the way the information was originally kept; or
- (e) approve the destruction of a monitoring record the chief executive considers need not be kept.’

**(2)** Section 72ZZF(2), ‘other than the approved place’—

*omit, insert—*

‘that is not an approved place for the keeping of the record’.

### **Replacement of s 72ZZG (Monitoring records to be kept at certain place)**

**64.** Section 72ZZG—

*omit, insert—*

**‘Places at which monitoring records to be kept**

**72ZZG.(1)** A licensed monitoring operator must keep the operator’s monitoring records at a place that is an approved place for the keeping of the records.

Maximum penalty—40 penalty units.

**(2)** Subsection (1) does not apply to a licensed monitoring operator for an exempt monitoring record.’.

**Amendment of s 72ZZH (Monitoring records to be kept for required period)**

**65.(1)** Section 72ZZH(1), ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

**(2)** Section 72ZZH(2), after ‘apply to’—

*insert—*

‘a licensed monitoring operator for’.

**Amendment of s 72ZZN (Audit guidelines)**

**66.(1)** Section 72ZZN, heading—

*omit, insert—*

**‘Operators audit guidelines’.**

**(2)** Section 72ZZN(1), ‘(“audit guidelines”)’—

*omit, insert—*

‘(“operators audit guidelines”)’.

**(3)** Section 72ZZN(2) to (4), before ‘audit guidelines’—

*insert—*

‘operators’.

### Amendment of s 72ZZO (Audit of monitoring operations)

67.(1) Section 72ZZO, ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

(2) Section 72ZZO—

*insert—*

‘(2) If a licensed monitoring operator ceases to be a licensed monitoring operator, the person (the **“former operator”**) must, within the required time, at the former operator’s own expense, take the appropriate audit action.

Maximum penalty—200 penalty units.

‘(3) The appropriate audit action for subsection (2) is for the former operator to cause the former operator’s books, accounts and financial statements for the former operator’s monitoring operations for the operating period to be audited by a registered company auditor approved by the chief executive.

‘(4) The required time for the former operator to take the appropriate audit action is—

- (a) the period ending 1 month after the former operator ceases to be a licensed monitoring operator; or
- (b) if the chief executive extends, or further extends, the period for the former operator to take the action, by written notice given to the former operator in the period or extended period—the period as extended.

‘(5) In this section—

**“operating period”**, for a former operator, means—

- (a) if an audit for the former operator’s monitoring operations has been done for subsection (1)—the period—
  - (i) starting on the day immediately after the end of the period to which the audit, or last audit, related; and
  - (ii) ending on the day the former operator ceased to be a licensed



monitoring operator; or

- (b) if paragraph (a) does not apply—the period starting on the day the former operator’s monitoring operations started and ending on the day the former operator ceased to be a licensed monitoring operator.’.

### **Amendment of s 72ZZP (Carrying out of audit)**

**68.** Section 72ZZP(1)—

*omit, insert—*

‘**72ZZP.(1)** A registered company auditor carrying out an audit for section 72ZZO must—

- (a) to the extent it is reasonably practicable, comply with any operators audit guidelines; and
- (b) complete the audit within 3 months after the end of the financial year or other period to which the audit relates; and
- (c) immediately after completing the audit, give a copy of the audit report to the licensed monitoring operator or former operator.

Maximum penalty—40 penalty units.’.

### **Insertion of new s 72ZZPA**

**69.** After section 72ZZP—

*insert—*

#### **‘Dealing with audit report**

‘**72ZZPA.** Within 14 days after a licensed monitoring operator or former operator receives a copy of an audit report under section 72ZZP(1)(c), the operator or former operator must give a copy of the report to the chief executive.

Maximum penalty—200 penalty units.’.

**Amendment of s 72ZZQ (Licensed operator to give documents about audit to chief executive)**

**70.(1)** Section 72ZZQ, heading—

*omit, insert—*

**‘Associated documents for audit report for licensed monitoring operator’.**

**(2)** Section 72ZZQ(1) to (3)—

*omit, insert—*

**72ZZQ.(1)** A licensed monitoring operator, on receiving a copy of an audit report under section 72ZZP(1)(c) for a financial year, must, in addition to giving a copy of the report to the chief executive under section 72ZZPA, give to the chief executive, as required under this section—

- (a) if the registered company auditor who carried out the audit issued a management letter for the audit—a copy of the management letter; and
- (b) a copy of the audited financial statements for the operator’s monitoring operations for the financial year; and
- (c) a copy of a profit and loss statement containing the required details of revenue and expenditure for the operator’s monitoring operations for the financial year; and
- (d) if an entity is a parent entity of the licensed monitoring operator—a copy of the consolidated financial statements for the parent entity.

Maximum penalty—200 penalty units.

**(2)** A document mentioned in subsection (1)(a) must be given to the chief executive with the copy of the audit report given to the chief executive.

**(3)** A document mentioned in subsection (1)(b) to (d) must be given to the chief executive—

- (a) if the licensed monitoring operator’s annual general meeting for the financial year was held before the operator received the copy of the audit report—with the copy of the audit report given to the

chief executive; or

- (b) if paragraph (a) does not apply—within 14 days after the licensed monitoring operator’s annual general meeting for the financial year is held.

‘**(3A)** Subsection (1) applies to the licensed monitoring operator for a profit and loss statement only to the extent to which the audited financial statements given to the chief executive do not contain the required details of revenue and expenditure for the operator’s monitoring operations for the relevant financial year.’

**(3)** Section 72ZZQ(4), definitions “**required details of expenditure**” and “**required details of revenue**”, ‘a licensed operator’s monitoring operations’—

*omit, insert—*

‘the monitoring operations of a licensed monitoring operator’.

### **Insertion of new s 72ZZQA**

**71.** Part 3A, division 7A, subdivision 5, after section 72ZZQ—

*insert—*

#### **‘Further information about audit report or associated documents**

‘**72ZZQA.(1)** This section applies on the receipt by the chief executive of—

- (a) a copy of an audit report under section 72ZZPA; or  
(b) a document under section 72ZZQ.

‘**(2)** The chief executive may, by written notice given to the person from whom the copy of the audit report or other document is received, require the person to give the chief executive, within a reasonable time stated in the notice, the information stated in the notice.

‘**(3)** The chief executive may require a person to give the chief executive information about a matter under subsection (2) only if—

- (a) the matter relates to the person’s monitoring operations; and  
(b) the matter is mentioned in, or arises out of—

- (i) the audit report a copy of which is received by the chief executive from the person; or
- (ii) the other document received by the chief executive from the person.

‘(4) When making a requirement of a person under subsection (2), the chief executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

‘(5) A person to whom a notice is given under subsection (2) must comply with the requirement mentioned in the notice within the stated time, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

‘(6) It is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.’

### **Insertion of new ss 72ZZRA and 72ZZRB**

**72.** Part 3A, division 8, after section 72ZZR—

*insert—*

#### **‘Requirements for returns about employees**

**‘72ZZRA.**(1) This section applies to—

- (a) a return required to be given to the chief executive under section 72ZVA<sup>27</sup> by a licensed supplier (the “**licensed entity**”); or
- (b) a return required to be given to the chief executive under section 72ZW<sup>28</sup> by a licensed monitoring operator (also the “**licensed entity**”).

‘(2) The return must—

- (a) be in the approved form; and

<sup>27</sup> Section 72ZVA (Returns about employees)

<sup>28</sup> Section 72ZW (Returns about licensed key monitoring employees)

- (b) be given within 14 days after the licensed entity receives a written request from the chief executive to give the return.

‘(3) However, the chief executive must not, for subsection (2)(b), ask a licensed entity to give the chief executive a return under section 72ZVA or 72ZW within 1 month after the time by which the licensed entity was last required to give a return under the section.

### ‘Requirements for notices about unpaid amounts

‘72ZZRB.(1) This section applies to—

- (a) a notice required to be given to the chief executive by a licensed supplier under section 72ZVB;<sup>29</sup> or
- (b) a notice required to be given to the chief executive by a licensed monitoring operator under section 72ZZAA.<sup>30</sup>

‘(2) The notice must—

- (a) be in writing; and
- (b) be given within 1 month after the due date for payment of the fee or other amount to which the notice relates.

‘(3) The notice must state—

- (a) the matter for which the fee or other amount to which the notice relates is payable; and
- (b) the due date for payment; and
- (c) the amount involved; and
- (d) whether or not, when the notice is given, the fee or other amount, or a part of the fee or other amount, remains unpaid.’

### Replacement of s 74 (Unlicensed persons not to be service contractors)

73. Section 74—

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<sup>29</sup> Section 72ZVB (Notice about failure of licensee to pay amount)

<sup>30</sup> Section 72ZZAA (Notice about failure of licensee to pay basic monitoring fee)

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*omit, insert—*

**‘Entering into service contracts**

**‘74.(1)** A person must not enter into a service contract with a licensed monitoring operator or the chief executive unless the person is—

- (a) an authorised service provider; or
- (b) a licensee.

Maximum penalty—100 penalty units.

**‘(2)** A person must not enter into a service contract with an authorised service provider unless the person is—

- (a) a licensed monitoring operator; or
- (b) a gaming trainer.

Maximum penalty—100 penalty units.

**‘(3)** A person must not enter into a service contract with a licensee unless the person is a licensed monitoring operator.

Maximum penalty—100 penalty units.

**‘(4)** A person must not enter into an agreement with an authorised service provider to subcontract a service contract from the authorised service provider unless the person is an authorised service provider.

Maximum penalty—100 penalty units.

**‘(5)** An authorised service provider must not enter into an agreement with another person to subcontract a service contract to the other person unless the other person is an authorised service provider.

Maximum penalty—100 penalty units.

**‘(6)** An authorised service provider to whom a service contract is subcontracted under an agreement with another authorised service provider must not subcontract the service contract.

Maximum penalty—100 penalty units.

**‘(7)** A person must not enter into an agreement with a licensed monitoring operator to subcontract a service contract from the operator unless the person is a licensed monitoring operator.

Maximum penalty—100 penalty units.

‘(8) A licensed monitoring operator must not enter into an agreement with another person to subcontract a service contract to the other person unless the other person is a licensed monitoring operator.

Maximum penalty—100 penalty units.

‘(9) A licensed monitoring operator to whom a service contract is subcontracted under an agreement with another licensed monitoring operator must not subcontract the service contract.

Maximum penalty—100 penalty units.

‘(10) In this section—

“**authorised service provider**” means—

- (a) a licensed service contractor; or
- (b) a licensed repairer carrying on the business of a licensed repairer in the person’s own right and not as a partner in a partnership.’.

### **Amendment of s 75 (Licensing requirements for carrying out gaming duties on licensed premises)**

74. Section 75(15), definition “**eligible licensee**”, paragraph (b)—

*omit, insert—*

‘(b) is not required under section 76D(2) to have a nominee for the premises; and’.

### **Replacement of s 76B (Meaning of nominee)**

75. Section 76B—

*omit, insert—*

#### **‘Meaning of nominee**

‘76B.(1) A person is a nominee of a licensee for premises if—

- (a) the person is a licensed gaming nominee; and
- (b) the person is designated by the licensee to be the licensee’s

- 
- nominee for the premises; and
- (c) when the designation takes effect—
- (i) the person is not the nominee of the licensee or another licensee for other premises; and
  - (ii) another person is not the licensee’s nominee for the premises.
- ‘(2) A person is a nominee of a licensee for premises if—
- (a) the person is a licensed gaming employee employed by the licensee; and
  - (b) the person is designated by the licensee to be the licensee’s nominee for the premises for a period of not more than 1 month; and
  - (c) when the designation takes effect—
- (i) the person is not the nominee of the licensee or another licensee for other premises; and
  - (ii) another person is not the licensee’s nominee for the premises under this subsection or subsection (3), (4) or (5).
- ‘(3) A person is a nominee of a licensee for premises if the person—
- (a) is a licensed gaming employee employed by the licensee; and
  - (b) is, with the chief executive’s approval, designated by the licensee to be the licensee’s nominee for the premises for a period longer than 1 month.
- ‘(4) A person is a nominee of a licensee for premises if the person—
- (a) is an applicant for a gaming nominee’s licence; and
  - (b) is, with the chief executive’s approval, designated by the licensee to be the licensee’s nominee for the premises.
- ‘(5) A person is a nominee of a licensee for premises if the person is, with the chief executive’s approval, designated by the licensee to be the licensee’s nominee for the premises for a period of not more than 7 days.
- ‘(6) However, a person is a licensee’s nominee only if—



- (a) the designation by the licensee of the person as the licensee's nominee is done with the person's agreement; and
- (b) the designation and agreement are in force; and
- (c) for a person designated by the licensee to be the licensee's nominee for a stated period—the stated period has not ended.

'(7) A person stops being a nominee of a licensee for premises under subsection (1) during any period for which another person is the licensee's nominee for the premises under subsection (2), (3), (4) or (5).

'(8) The chief executive must refuse to give an approval for subsection (3), (4) or (5) if—

- (a) the person sought to be designated by the licensee for the premises is the nominee of the licensee or another licensee for other premises; or
- (b) another person is the licensee's nominee for the premises under a provision of this section other than subsection (1).'

### **Amendment of s 76D (Nominees of licensees)**

**76.** Section 76D(2), 'holding more than 1 gaming machine licence'—  
*omit.*

### **Amendment of s 77 (Applications for licences under this part)**

**77.(1)** Section 77(5), 'Subsection (1)(g)'—  
*omit, insert—*

'Subsection (4)(g).'

**(2)** Section 77(6)—  
*omit.*

**(3)** Section 77(8), definitions "**employment notice**", paragraphs (a)—  
*omit.*

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**Replacement of s 79 (Consideration of applications)**

**78.** Section 79—

*omit, insert—*

**‘Recommendation by chief executive about applications**

**‘79.(1)** The chief executive must—

- (a) consider an application for a licence under this part; and
- (b) recommend to the commission that a licence either be granted or refused.

**‘(2)** In considering the application, the chief executive—

- (a) must conduct investigations the chief executive considers are necessary and reasonable to help the chief executive make a recommendation; and
- (b) may require the applicant, or an associate of the applicant, to give the chief executive further information or a document for the application.

**‘(3)** A requirement under subsection (2)(b)—

- (a) must be made by written notice given to the applicant or associate; and
- (b) may only relate to information or a document that is necessary and reasonable to help the chief executive make a recommendation.

**‘(4)** The notice mentioned in subsection (3)(a) must state the period within which the requirement is to be complied with.

**‘(5)** Also, in considering the application, the chief executive must assess—

- (a) if the applicant is an individual—the financial stability, general reputation and character of the applicant; and
- (b) if the applicant is a body corporate—
  - (i) the financial stability and business reputation of the body corporate; and

- 
- (ii) the financial stability, general reputation and character of the secretary and each executive officer of the body corporate; and
  - (c) the suitability of the applicant to be the holder of a licence of the kind to which the application relates; and
  - (d) if a person is stated in an affidavit under section 89<sup>31</sup> as being a person who satisfies a description mentioned in subsection (4)(a) or (b) of that section—the suitability of the person to be an associate of the applicant; and
  - (e) if the chief executive considers it appropriate—the suitability of any other associate of the applicant to be an associate of the applicant.

‘(6) If the applicant is an individual, the chief executive may, with the applicant’s agreement, cause the applicant’s fingerprints to be taken.

‘(7) Despite subsection (1)(a), if the applicant is an individual, the chief executive is required to consider the application only if the applicant, if asked, agrees to having the applicant’s fingerprints taken.

‘(8) In making a recommendation, the chief executive must have regard to any supporting material for the application.

‘(9) The chief executive must recommend that a licence be refused if—

- (a) for an application by an individual—
  - (i) the applicant is not 18; or
  - (ii) the applicant’s fingerprints have not been taken under subsection (6) because of the applicant’s failure to agree to the action being taken; or
- (b) for an application by a body corporate—the secretary or an executive officer of the body corporate is not 18.

‘(10) The chief executive may recommend that a licence be refused if the applicant, or an associate of the applicant, fails to comply with a requirement of the chief executive under subsection (2)(b) without a reasonable excuse.

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<sup>31</sup> Section 89 (Disclosure of influential or benefiting parties)

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‘(11) If the commission has delegated its powers under section 80 in relation to an application for a licence under this part to the chief executive, the chief executive—

- (a) is not required to make a recommendation about the application under this section; but
- (b) must take the action mentioned in subsection (2)(a) and (5), and may take the action mentioned in subsection (6), as if the chief executive were dealing with the application for making a recommendation under this section.’.

### **Amendment of s 82 (Issue of copy licence)**

**79.(1)** Section 82, heading, after ‘**copy**’—

*insert—*

‘**or replacement**’.

**(2)** Section 82—

*insert—*

‘**(1A)** If the chief executive is satisfied the name of a person who is the holder of a licence under this part has been changed, the chief executive must issue to the person a fresh licence, stating the person’s current name, to replace the licence (the “**affected licence**”) previously issued to the person.

‘**(1B)** However, the chief executive is required to issue a licence to a person under subsection (1A) only if—

- (a) the fee prescribed under a regulation for the issue of the licence has been paid to the chief executive; and
- (b) the person’s affected licence has been returned to the chief executive.’.

### **Insertion of new s 91A**

**80.** After section 91—

*insert—*

**‘Employment of licensed repairers**

**‘91A.** A person (an **“employer”**) must not employ a licensed repairer to carry out functions as a licensed repairer, unless the employer is a licensed monitoring operator, a licensed service contractor or another licensed repairer.

Maximum penalty—100 penalty units.’.

**Amendment of s 92 (Returns about employees and agreements)**

**81.** Section 92(5)(b), ‘7 days’—

*omit, insert—*

‘14 days’.

**Amendment of s 98 (Installation and storage of gaming machines by licensees)**

**82.** Section 98(3), ‘1 month’—

*omit, insert—*

‘2 months’.

**Amendment of s 100 (Gaming equipment not to be an annoyance etc.)**

**83.(1)** Section 100(2), (4) and (5), ‘listed person’—

*omit, insert—*

‘licensed dealer’.

**(2)** Section 100(3)—

*omit.*

**(3)** Section 100(4), ‘subsection (1), (2) or (3)’—

*omit, insert—*

‘subsection (1) or (2)’.

**(4)** Section 100(5), penalty—

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*omit, insert—*

‘Maximum penalty for subsection (5)—200 penalty units.’.

### **Insertion of new ss 100A and 100B**

**84.** After section 100—

*insert—*

#### **‘Advertising gaming**

**‘100A.** A person who advertises gaming must take reasonable steps to ensure the advertisement—

- (a) is not indecent or offensive; and
- (b) is based on fact; and
- (c) is not false, deceptive or misleading in a material particular.

#### **‘Directions about advertising**

**‘100B.(1)** If the chief executive reasonably believes an advertisement about gaming does not comply with section 100A, the chief executive may direct the person appearing to be responsible for authorising the advertisement to take the appropriate steps—

- (a) to stop the advertisement being shown; or
- (b) to change the advertisement.

**‘(2)** The direction must—

- (a) be in writing; and
- (b) state the grounds for the direction; and
- (c) for a direction to change the advertisement—state how the advertisement is to be changed.

**‘(3)** A person to whom a direction is given must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—200 penalty units.’.

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**Amendment of s 101 (Installation of electronic monitoring systems)**

**85.(1)** Section 101, heading—

*omit, insert—*

**‘Installation, operation and modification of gaming related systems’.**

**(2)** Section 101(1) and (2)—

*omit, insert—*

**‘101.(1)** A person (other than the chief executive) who is not a licensed monitoring operator must not—

- (a) install a gaming related system on licensed premises; or
- (b) modify an electronic monitoring system operating on licensed premises.

Maximum penalty—200 penalty units.

**‘(2)** A person who is not a licensee or licensed monitoring operator must not operate a gaming related system on licensed premises.

Maximum penalty—200 penalty units.

**‘(2A)** A licensed monitoring operator must not, without the chief executive’s written approval—

- (a) install a gaming related system on licensed premises; or
- (b) modify an electronic monitoring system operating on licensed premises.

Maximum penalty—200 penalty units.

**‘(2B)** A licensee or licensed monitoring operator must not operate a gaming related system on licensed premises—

- (a) without the chief executive’s written approval; and
- (b) unless the system was installed on the premises by the chief executive or a licensed monitoring operator.

Maximum penalty—200 penalty units.

**‘(2C)** A person must not cause a gaming related system to be installed on licensed premises, or cause an electronic monitoring system on licensed

premises to be modified—

- (a) without the chief executive's written approval; and
- (b) unless the installation or modification is carried out by the chief executive or a licensed monitoring operator.

Maximum penalty—200 penalty units.

**(2D)** A person must not cause a gaming related system on licensed premises to be operated—

- (a) without the chief executive's written approval; and
- (b) unless the operation is carried out by a licensee or licensed monitoring operator; and
- (c) unless the system was installed on the premises by the chief executive or a licensed monitoring operator.

Maximum penalty—200 penalty units.'

**(3)** Section 101(3), 'licensed operator'—

*omit, insert—*

'licensed monitoring operator'.

**(4)** Section 101(3) and (4), 'subsection (2)'—

*omit, insert—*

'this section'.

**(5)** Section 101(3) and (4), penalties, 'or 1 year's imprisonment'—

*omit.*

**(6)** Section 101(5), from 'approved' to 'subsection (2)'—

*omit, insert—*

'installed, or proposed to be installed, under this section'.

**(7)** Section 101(5), penalty—

*omit, insert—*

'Maximum penalty for subsection (5)—200 penalty units'.



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**Insertion of new s 101AA**

**86.** After section 101—

*insert—*

**‘Approvals for gaming related systems**

**‘101AA.(1)** This section applies to the chief executive for giving, or refusing to give, an approval for section 101 for a gaming related system.

**‘(2)** If, for deciding whether or not to give the approval, the chief executive considers it is necessary for the gaming related system to be evaluated, the chief executive may—

- (a) carry out the evaluation; or
- (b) direct the applicant—
  - (i) to arrange to have the system evaluated by an approved evaluator; and
  - (ii) to give the chief executive a written report of the evaluation.

**‘(3)** If the chief executive carries out an evaluation of the gaming related system—

- (a) the applicant must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
- (b) if an amount of the fee is not paid by the applicant, the State may recover the amount from the applicant as a debt.

**‘(4)** The chief executive may refuse to give an approval if—

- (a) the fee payable for an evaluation carried out by the chief executive is not paid; or
- (b) the applicant fails to comply with a direction of the chief executive under subsection (2)(b).

**‘(5)** If the chief executive gives the approval, the chief executive must immediately give the applicant written notice of the decision.

**‘(6)** If the chief executive refuses to give the approval, the chief executive must immediately give the applicant an information notice for the decision.

**‘(7)** In this section—

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“**applicant**” means the person by whom an approval of the chief executive for section 101 is sought.’.

**Amendment of s 102 (Maintenance of facilities etc.)**

**87.(1)** Section 102(1), penalty, ‘or 1 year’s imprisonment’—

*omit.*

**(2)** Section 102(2), penalty—

*omit, insert—*

‘Maximum penalty for subsection (2)—40 penalty units.’.

**Amendment of s 107 (Gaming tokens)**

**88.(1)** Section 107(1)—

*insert—*

‘Maximum penalty—200 penalty units.’.

**(2)** Section 107, penalty—

*omit, insert—*

‘Maximum penalty for subsection (2)—200 penalty units.’.

**Amendment of s 108 (Gaming tokens that are not Australian currency)**

**89.(1)** Section 108(2) to (6)—

*insert—*

‘Maximum penalty—200 penalty units.’.

**(2)** Section 108, penalty—

*omit, insert—*

‘Maximum penalty for subsection (7)—200 penalty units.’.

## Replacement of ss 109–111

90. Sections 109 to 111—

*omit, insert—*

### ‘Entitlement of players to winnings

‘109.(1) This section applies if a person (the “**player**”) playing a gaming machine installed on licensed premises becomes entitled to receive an amount or a non-monetary prize because of the playing of the gaming machine.

‘(2) The responsible licensed person must ensure the player—

- (a) is paid the amount the player is entitled to receive, calculated in the way prescribed under a regulation; or
- (b) receives the non-monetary prize the player is entitled to receive.

Maximum penalty—200 penalty units.

‘(3) In this section—

“**responsible licensed person**”, for an amount or non-monetary prize mentioned in subsection (1), means—

- (a) if the gaming machine under which the entitlement to the amount or prize arises is not part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 149<sup>32</sup>—the licensee of the licensed premises on which the gaming machine is installed; or
- (b) if the gaming machine under which the entitlement to the amount or prize arises is part of a multiple site linked jackpot arrangement for which a licensed monitoring operator has an approval for its operation under section 149—the licensed monitoring operator who has the approval for the operation of the arrangement.

### ‘Payments for gaming

‘110.(1) This section applies to a licensee or licensed monitoring operator

<sup>32</sup> Section 149 (Approval of linked jackpot arrangements)

who is required to make a payment for—

- (a) an amount for winnings, or gaming machine credits, that is not made by a gaming machine; or
- (b) the redemption of gaming tokens.

‘(2) The licensee or licensed monitoring operator must make the payment—

- (a) if paragraph (b) does not apply—with Australian currency; or
- (b) if, under a regulation or the ancillary rules, the payment is required to be made in a way prescribed under the regulation or stated in the rules—in the way prescribed or stated.

Maximum penalty—200 penalty units.

‘(3) Subsection (2) does not apply to a licensee or licensed monitoring operator for a payment that, apart from this subsection, would be required to be made with Australian currency if, at the request of the person entitled to receive the payment, the licensee or operator makes the payment by—

- (a) gaming tokens (other than Australian currency); or
- (b) a cheque; or
- (c) a combination of Australian currency, gaming tokens (other than Australian currency) and a cheque.

‘(4) Nothing in subsection (3) requires a licensee or licensed monitoring operator to make a payment in the way requested by a person.

‘(5) In this section—

“**ancillary rules**”, for a payment under this section, means the rules that, under section 105, are required to be displayed on the licensed premises on which the gaming machine to which the payment relates is installed.

### ‘**Gaming by employees of licensees**

‘**110A.(1)** This section applies if—

- (a) an employee of a licensee who is not a gaming employee plays a gaming machine on the licensee’s licensed premises for carrying

out the employee's duties; and

- (b) a winning result is obtained by the playing of the gaming machine.<sup>33</sup>

‘(2) No amount is payable to the employee for the winning result and any winnings produced by the obtaining of the winning result remain the property of the licensee.

### ‘Gaming system malfunctions

‘111.(1) This section applies if—

- (a) a credit of gaming tokens (a “**displayed win**”) is registered by a gaming machine by the playing of the gaming machine; or
- (b) a gaming system component produces a display (also a “**displayed win**”) to indicate, for a gaming machine—
  - (i) an amount (a “**prize amount**”) has been won by the playing of the gaming machine; or
  - (ii) a non-monetary prize (a “**prize item**”) has been won by the playing of the gaming machine.

‘(2) A gaming employee for the licensed premises on which the gaming machine is installed may—

- (a) refuse to make a payment, or to allow a payment to be made, to a person for the registered credit; or
- (b) refuse to pay the prize amount, or to allow the prize amount to be paid, to a person; or
- (c) refuse to award the prize item, or to allow the prize item to be awarded, to a person.

‘(3) However, the gaming employee may make a payout refusal decision about a displayed win only if the gaming employee is satisfied the registering or production of the displayed win is caused by a gaming system malfunction.

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<sup>33</sup> The issue of the playing of gaming machines by gaming employees is dealt with in section 186 (Certain persons not to play gaming machines).

‘(4) If a gaming employee makes a payout refusal decision about a displayed win, the gaming employee must ensure the gaming machine to which the displayed win relates is not played, except for testing purposes, until the gaming system malfunction is rectified.

Maximum penalty—200 penalty units.

‘(5) A gaming employee may make a payout refusal decision regardless of the reason for the gaming system malfunction.

‘(6) Subsection (1) applies to a displayed win whether the displayed win is attributable to the obtaining of a winning result, promotions or something else.

#### ‘Notices and reports about payout refusal decisions

‘111A.(1) This section applies if a gaming employee makes a payout refusal decision about a displayed win.

‘(2) As soon as practicable after making the decision, the gaming employee must—

- (a) give the person affected by the decision (the “**affected person**”) a written notice stating—
  - (i) that the person may ask for a review of the decision; and
  - (ii) how the request for the review may be made; and
- (b) give a report of the decision, in the approved form, to the licensee (the “**involved licensee**”) of the licensed premises at which the gaming employee is carrying out gaming duties.

Maximum penalty—40 penalty units.

‘(3) As soon as practicable after receiving a report under subsection (2), the involved licensee must give a copy of the report to the involved licensed monitoring operator.

Maximum penalty for subsection (3)—40 penalty units.

#### ‘Requests for review of payout refusal decisions

‘111B.(1) An affected person who is dissatisfied with a payout refusal

decision may ask for a review of the decision.

‘(2) A request under subsection (1) must—

- (a) be in writing; and
- (b) be given to the involved licensee; and
- (c) be made within 10 days after the payout refusal decision is made; and
- (d) state the grounds for seeking a review of the decision.

‘(3) As soon as practicable after receiving a request for a review of a payout refusal decision, the involved licensee must give a copy of the request to the involved licensed monitoring operator.

#### ‘Review of payout refusal decisions

‘**111C.(1)** This section applies to an involved licensed monitoring operator on receiving a copy of a request about a payout refusal decision under section 111B.

‘(2) The involved licensed monitoring operator must—

- (a) review the payout refusal decision as soon as practicable after receiving the copy of the request; and
- (b) decide the review by either confirming or overruling the payout refusal decision; and
- (c) immediately after making a decision for the review, give written notice of the decision, as required under this section, to—
  - (i) the person by whom the request for the review was made (the “**claimant**”); and
  - (ii) the involved licensee.

‘(3) However, the involved licensed monitoring operator may confirm the payout refusal decision only if the operator is satisfied the registering or production of the displayed win to which the decision relates was caused by a gaming system malfunction.

‘(4) The notice mentioned in subsection (2)(c) must state—

- 
- (a) the outcome of the review (the “**review decision**”); and
  - (b) the reasons for the review decision; and
  - (c) if the review decision is a decision confirming the payout refusal decision—
    - (i) that the claimant may ask the chief executive to review the review decision; and
    - (ii) how the request for the further review may be made.

#### **‘Review of initial review decisions**

**‘111D.(1)** This section applies if a claimant for a review of a payout refusal decision—

- (a) receives a notice under section 111C(2) confirming the decision; or
- (b) does not receive a notice under section 111C(2) within 1 month after asking for the review.

**‘(2)** If this section applies because of subsection (1)(a), the claimant may ask the chief executive to review the review decision.

**‘(3)** If this section applies because of subsection (1)(b), the claimant may ask the chief executive to review the payout refusal decision.

**‘(4)** A request to the chief executive under this section must—

- (a) be made in the way, and within the time, prescribed under a regulation; and
- (b) be dealt with by the chief executive in the way prescribed under a regulation.

#### **‘Effect of reviews on payout refusal decisions**

**‘111E.(1)** If, following the review of a review decision by the chief executive, the chief executive sets aside the review decision—

- (a) the payout refusal decision to which the review decision relates ceases to have effect; and



- (b) this Act applies to the involved licensee in relation to the displayed win to which the payout refusal decision related as if the decision had not been made.

‘(2) If an involved licensed monitoring operator overrules a payout refusal decision—

- (a) the decision ceases to have effect; and  
(b) this Act applies to the involved licensee in relation to the displayed win to which the decision related as if the decision had not been made.

‘(3) Nothing in section 111B to 111D affects or prejudices any other right or remedy of an affected person in relation to a displayed win to which a payout refusal decision relates.’.

### **Amendment of s 112 (Defective gaming machines not allowed)**

**91.(1)** Section 112, heading—

*omit, insert—*

**‘Defective gaming system components not allowed’.**

**(2)** Section 112(2)—

*omit, insert—*

‘(2) A licensee must not allow a gaming system component installed, or available for use, on the licensee’s licensed premises to be played or used, except for testing purposes, if the component malfunctions when it is played or used.

Maximum penalty—200 penalty units.’.

**(3)** Section 112(3)(a), from ‘gaming machine’ to ‘function’—

*omit, insert—*

‘gaming system component did not malfunction when it was played or used’.

**(4)** Section 112(3)(b), from ‘gaming machine’ to ‘function’—

*omit, insert—*

---

‘gaming system component was malfunctioning’.

**Amendment of s 113 (Security of keys etc.)**

**92.(1)** Section 113(1)—

*insert—*

‘Maximum penalty—200 penalty units.’.

**(2)** Section 113, penalty—

*omit, insert—*

‘Maximum penalty for subsection (2)—200 penalty units.’.

**Omission of s 117 (Minors cannot be employed)**

**93.** Section 117—

*omit.*

**Amendment of s 118 (Minors cannot play gaming machines)**

**94.** Section 118—

*insert—*

‘(2) Subsection (1) does not apply to a minor if the minor—

- (a) is an employee of the licensee of the licensed premises; and
- (b) plays the gaming machine only to the extent that is necessary for carrying out the minor’s duties as the licensee’s employee.

*Example of circumstances in which minor may play gaming machine for subsection (2)(b)—*

If a gaming machine has malfunctioned and has been adjusted to correct the malfunction, a minor may play the gaming machine to test that it is operating properly.’.

**Amendment of s 119 (Minors cannot be allowed to game)**

**95.(1)** Section 119(1)—

*insert—*

‘Maximum penalty—

- (a) for a person who is the licensee of, or a gaming employee for, the licensed premises—250 penalty units; or
- (b) for another person—40 penalty units.’

(2) Section 119(2)—

*omit, insert—*

‘(2) A person does not commit an offence against subsection (1) if the minor—

- (a) is an employee of the licensee of the licensed premises; and
- (b) plays the gaming machine only to the extent that is necessary for carrying out the minor’s duties as the licensee’s employee.

*Example of circumstances in which minor may play gaming machine for subsection (2)(b)—*

If a gaming machine has malfunctioned and has been adjusted to correct the malfunction, a minor may play the gaming machine to test it is operating properly.’

### **Omission of ss 130–134**

96. Sections 130 to 134—

*omit.*

### **Amendment of s 135 (Manufacture, sale, supply, obtaining or possession of gaming machines)**

97.(1) Section 135(1)(b)—

*omit, insert—*

‘(b) linked jackpot equipment; or’.

(2) Section 135(1)(c), ‘arrangement’—

*omit, insert—*

‘equipment’.

(3) Section 135, ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

(4) Section 135(1A), ‘a recognised manufacturer or supplier of gaming machines’—

*omit, insert—*

‘a licensed major dealer’.

(5) Section 135(1E), ‘licensed operator’s’—

*omit, insert—*

‘licensed monitoring operator’s’.

(6) Section 135(7)—

*omit.*

### **Insertion of new s 135A**

**98.** After section 135—

*insert—*

#### **‘Possession of gaming equipment and other property by licensed monitoring operators**

**‘135A.(1)** A licensed monitoring operator must not use premises for storing or handling designated property, unless the premises are approved by the chief executive for the purpose.

Maximum penalty—200 penalty units.

**‘(2)** An application for the approval of premises must be made in the way prescribed under a regulation.

**‘(3)** In this section—

**“designated property”** means—

- (a) gaming equipment; or
- (b) property of a licensed monitoring operator that is ancillary or related to the operator’s gaming equipment; or

(c) restricted components.’.

**Amendment of s 136 (Possession etc. of gaming machines and restricted components by recognised manufacturers or suppliers of gaming machines)**

**99.(1)** Section 136, heading, ‘**recognised manufacturers or suppliers of gaming machines**’—

*omit, insert—*

**‘by licensed major dealers’.**

**(2)** Section 136, ‘recognised manufacturer or supplier of gaming machines’—

*omit, insert—*

**‘licensed major dealer’.**

**(3)** Section 136(1), ‘arrangements’—

*omit, insert—*

**‘equipment’.**

**(4)** Section 136(1)(b)(ia), ‘licensed operator’—

*omit, insert—*

**‘licensed monitoring operator’.**

**(5)** Section 136(1)(b)(ii)—

*omit, insert—*

**‘(ii) linked jackpot equipment or restricted components to a person authorised under this Act to obtain and be in possession of the equipment or components; and’.**

**(6)** Section 136(2), ‘gaming machines, linked jackpot arrangements or restricted components,’—

*omit, insert—*

**‘designated equipment’.**

**(7)** Section 136(2), penalty, ‘or 1 year’s imprisonment’—

*omit.*

**(8)** Section 136(4)—

*omit, insert—*

**‘(4)** In this section—

**“designated equipment”** means—

- (a) gaming equipment; or
- (b) property of a licensed major dealer that is ancillary or related to the dealer’s gaming equipment; or
- (c) restricted components.’.

**Amendment of s 137 (Possession etc. of restricted components by recognised suppliers of restricted components)**

**100.(1)** Section 137, heading—

*omit, insert—*

**‘Possession etc. of restricted components by licensed secondary dealers’.**

**(2)** Section 137, ‘recognised supplier of restricted components’—

*omit, insert—*

‘licensed secondary dealer’.

**Amendment of s 138 (Possession etc. of gaming machines and restricted components by licensed repairers)**

**101.(1)** Section 138(d), ‘arrangement’—

*omit, insert—*

‘equipment’.

**(2)** Section 138(e), ‘a linked jackpot arrangement’—

*omit, insert—*

‘linked jackpot equipment’.

---

(3) Section 138(e), ‘the arrangement’—  
*omit, insert*—  
‘the equipment’.

**Amendment of s 139 (Possession etc. of restricted components by licensed service contractors)**

**102.(1)** Section 139(d), ‘arrangement’—  
*omit, insert*—  
‘equipment’.

(2) Section 139(e), ‘a linked jackpot arrangement’—  
*omit, insert*—  
‘linked jackpot equipment’.

(3) Section 139(e), ‘the arrangement’—  
*omit, insert*—  
‘the equipment’.

**Amendment of s 140 (Possession etc. of gaming machines and restricted components by licensees)**

**103.(1)** Section 140(2)—  
*omit, insert*—

‘(2) A licensee must not, on the licensee’s licensed premises, be in possession of, or allow a person to play, a gaming machine unless—

- (a) the gaming machine is an authorised gaming machine of the licensee; and
- (b) the game for the machine is an approved game, whether or not changed by an alteration of the gaming machine under this Act.

Maximum penalty—1 000 penalty units or 5 years imprisonment.’.

(2) Section 140—

*insert—*

‘(4) If a licensee’s gaming machine licence is cancelled, the licensee may be in possession of gaming machines and restricted components supplied to the licensee under this section until—

- (a) the end of the period allowed for appealing against the decision to cancel the licence; or
- (b) if an appeal is made against the decision—the appeal is finally decided.’.

**Amendment of s 141 (Possession etc. of gaming machines etc. by other persons)**

**104.(1)** Section 141(2) and (4), ‘arrangements’—

*omit, insert—*

‘equipment’.

(2) Section 141(3), ‘arrangments’ (first mention)—

*omit, insert—*

‘equipment’.

(3) Section 141(3)(a)—

*omit, insert—*

‘(a) the gaming machines, linked jackpot equipment and restricted components being provided by—

- (i) the chief executive, a licensee or an approved financier; or
- (ii) a licensed monitoring operator, licensed major dealer, licensed service contractor or licensed repairer; or
- (iii) another gaming trainer.’.

(4) Section 141(4), ‘or other officer of the division’—

*omit, insert—*

‘, a departmental officer’.



---

(5) Section 141(5), words after ‘conduct of gaming’—

*omit, insert—*

‘a gaming machine, linked jackpot equipment, a restricted component or a device capable of being represented as being a gaming machine or linked jackpot equipment’.

### **Amendment of s 141B (Repossession of gaming machines)**

**105.(1)** Section 141B, ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

(2) Section 141B, penalty—

*omit, insert—*

‘Maximum penalty—100 penalty units.’.

(3) Section 141B—

*insert—*

‘(2) For obtaining the chief executive’s approval for subsection (1), an application must be made to the chief executive.

‘(3) The application must—

- (a) be in the approved form; and
- (b) be accompanied by the fee prescribed under a regulation for the application.’.

### **Amendment of s 141C (Storage of gaming machines by operators and financiers)**

**106.(1)** Section 141C(2) and (3), penalties, ‘or 1 year’s imprisonment’—

*omit.*

---

(2) Section 141C(3), ‘1 month’—  
*omit, insert—*  
‘2 months’.

**Omission of s 142 (Consignment or movement of gaming machines)**

**107.** Section 142—  
*omit.*

**Amendment of s 142A (Destruction of gaming machines)**

**108.** Section 142A, penalty—  
*omit, insert—*  
‘Maximum penalty—100 penalty units.’.

**Amendment of s 143 (Purchase of gaming machines etc.)**

**109.(1)** Section 143(1)(e)(ii), after ‘arrangements’—  
*insert—*

‘, linked jackpot equipment’.

(2) Section 143(1)(g) and (h)—  
*omit, insert—*

‘(g) sell gaming equipment and ancillary or related property; and

(h) contract for the service and maintenance of gaming equipment and ancillary or related property of the State; and’.

(3) Section 143(1)(i), ‘arrangements’—  
*omit, insert—*  
‘equipment’.

---

**Replacement of s 146 (Acceptance by chief executive of gaming machines and games for evaluation)**

**110.** Section 146—

*omit, insert—*

**‘Approval and rejection of gaming machines and games**

**‘146.(1)** Nothing in this section affects the operation of section 144 or 145.

**‘(2)** The chief executive may accept gaming machine types and games from a person (the **“applicant”**) for evaluation.

**‘(3)** If the chief executive accepts a gaming machine type or game for evaluation, the chief executive must—

- (a) carry out the evaluation; or
- (b) direct the applicant—
  - (i) to arrange to have the gaming machine type or game evaluated by an approved evaluator; and
  - (ii) to give the chief executive a written report of the evaluation.

**‘(4)** If the chief executive decides to carry out the evaluation, the chief executive may require the applicant to give the chief executive further information or material for the evaluation.

**‘(5)** A requirement under subsection (4)—

- (a) must be made by written notice given to the applicant; and
- (b) may only relate to information or material that is necessary and reasonable for carrying out an appropriate evaluation.

**‘(6)** The notice mentioned in subsection (5)(a) must state the period within which the requirement is to be complied with.

**‘(7)** If the chief executive carries out an evaluation of a gaming machine type or game—

- (a) the applicant must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
- (b) if an amount of the fee is not paid by the applicant, the State may

recover the amount from the applicant as a debt.

‘(8) As soon as practicable as the circumstances allow, the chief executive may either approve or reject a gaming machine type or game accepted by the chief executive under this section.

‘(9) The chief executive may reject a gaming machine type or game if—

- (a) the fee payable for an evaluation carried out by the chief executive is not paid; or
- (b) the applicant fails to comply with—
  - (i) a direction of the chief executive under subsection (3)(b); or
  - (ii) a requirement of the chief executive under subsection (4).

‘(10) A rejection under subsection (9)(b) may be made without an evaluation having been carried out.

‘(11) If the chief executive approves a gaming machine type or game, the chief executive must immediately give the applicant written notice of the decision.

‘(12) If the chief executive rejects a gaming machine type or game, the chief executive must immediately give the applicant an information notice for the decision.’.

#### **Amendment of s 146A (Replacing approved games)**

**111.(1)** Section 146A(1) and (2), ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

**(2)** Section 146A(3)—

*omit.*

#### **Amendment of s 146B (Change to percentage returns)**

**112.(1)** Section 146B, ‘licensed operator’—

*omit, insert—*

---

‘licensed monitoring operator’.

(2) Section 146B(1), ‘a game’—

*omit, insert—*

‘an approved game’.

(3) Section 146B(2)(a) to (c)—

*omit, insert—*

‘(a) is installed on the licensed premises; and

(b) has the same game and betting unit as the gaming machine to which the change relates; and

(c) is not part of a linked jackpot arrangement.’.

### **Amendment of s 148 (Gaming machines supplied to be in accordance with approval)**

**113.(1)** Section 148, ‘recognised manufacturer or supplier of gaming machines’—

*omit, insert—*

‘licensed major dealer’.

(2) Section 148, penalty, ‘or 1 year’s imprisonment’—

*omit.*

### **Amendment of s 149 (Approval of linked jackpot arrangements)**

**114.(1)** Section 149, heading—

*omit, insert—*

**‘Requirements for approvals for linked jackpot arrangements’.**

(2) Section 149, before subsection (1)—

*insert—*

‘(1A) A person who is not a licensee or licensed monitoring operator must not—

- (a) install or operate or cause or allow to be installed or operated a single site linked jackpot arrangement; or
- (b) install or operate, or cause or allow to be installed or operated, or participate in the operation of, a multiple site linked jackpot arrangement.

Maximum penalty—200 penalty units.’.

(3) Section 149, ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

(4) Section 149(1) and (4), penalties, ‘or 1 year’s imprisonment’—

*omit.*

(5) Section 149(2), after ‘subsection (1)’—

*insert—*

‘relating to the installation of an unrestricted arrangement’.

(6) Section 149(3)—

*omit.*

(7) Section 149(5), penalty—

*omit, insert—*

‘Maximum penalty—200 penalty units.’.

(8) Section 149(11)—

*omit, insert—*

‘(9) In this section—

**“restricted arrangement”** means a single or multiple site linked jackpot arrangement under which the only amounts or other things able to be won by the playing of gaming machines forming part of the arrangement are promotions.

**“unrestricted arrangement”** means a single or multiple site linked jackpot arrangement that is not a restricted arrangement.’.

**Insertion of new s 149A**

**115.** After section 149—

*insert—*

**‘Decisions about approvals for linked jackpot arrangements**

**‘149A.(1)** This section applies to the chief executive for giving, or refusing to give, an approval for section 149 for a linked jackpot arrangement.

**‘(2)** If, for deciding whether or not to give the approval, the chief executive considers it is necessary for the linked jackpot arrangement to be evaluated, the chief executive may—

- (a) carry out the evaluation; or
- (b) direct the applicant—
  - (i) to arrange to have the arrangement evaluated by an approved evaluator; and
  - (ii) to give the chief executive a written report of the evaluation.

**‘(3)** If the chief executive carries out an evaluation of the linked jackpot arrangement—

- (a) the applicant must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
- (b) if an amount of the fee is not paid by the applicant, the State may recover the amount from the applicant as a debt.

**‘(4)** The chief executive may refuse to give an approval if—

- (a) the fee payable for an evaluation carried out by the chief executive is not paid; or
- (b) the applicant fails to comply with a direction of the chief executive under subsection (2)(b).

**‘(5)** If the chief executive gives the approval, the chief executive must immediately give the applicant written notice of the decision.

**‘(6)** If the chief executive refuses to give the approval, the chief executive must immediately give the applicant an information notice for the decision.

‘(7) In this section—

“**applicant**” means the person by whom an approval of the chief executive for section 149 is sought.’.

### **Amendment of s 152 (Unlawful interference with gaming equipment)**

**116.(1)** Section 152(1)(a), after ‘device’—

*insert—*

‘or computer software’.

**(2)** Section 152(1)(c), ‘the game as approved by the chief executive’—

*omit, insert—*

‘the approved game’.

**(3)** Section 152(2)(a), before ‘licensed repairer’—

*insert—*

‘licensed monitoring operator or’.

### **Amendment of s 153 (Protection of sensitive areas of gaming equipment)**

**117.(1)** Section 153(1)(g), ‘arrangement or’—

*omit, insert—*

‘equipment or an’.

**(2)** Section 153(2), ‘the licensed operator’s approval’—

*omit, insert—*

‘the approval of the licensed monitoring operator’.

**(3)** Section 153(3), penalty—

*omit, insert—*

‘Maximum penalty—200 penalty units.’.



**Amendment of s 155 (Use of unauthorised gaming machines)**

**118.** Section 155(1), ‘an officer of the division’—

*omit, insert—*

‘a departmental officer’.

**Amendment of s 156 (Monthly money clearances)**

**119.(1)** Section 156(1), ‘of all gaming machines’—

*omit, insert—*

‘complying with section 157A of all gaming machines and any centralised credit system’.

**(2)** Section 156(1)—

*insert—*

‘Maximum penalty—200 penalty units.’.

**(3)** Section 156(2), ‘, and the licensee must comply with the direction’—

*omit.*

**(4)** Section 156—

*insert—*

‘**(2A)** A licensee to whom a direction is given under subsection (2) must comply with the direction.

Maximum penalty—200 penalty units.’.

**(5)** Section 156, penalty—

*omit, insert—*

‘Maximum penalty for subsection (3)—200 penalty units.’.

**Amendment of s 157 (Weekly money clearances)**

**120.(1)** Section 157(1), ‘of each gaming machine’—

*omit, insert—*

‘complying with section 157A of each gaming machine and any

centralised credit system’.

(2) Section 157(1)—

*insert—*

‘Maximum penalty—200 penalty units.’.

(3) Section 157, penalty—

*omit, insert—*

‘Maximum penalty for subsection (2)—200 penalty units.’.

### **Insertion of new s 157A**

**121.** After section 157—

*insert—*

#### **‘Requirement for money clearance**

**‘157A.(1)** This section applies for carrying out a money clearance under section 156 or 157.

**‘(2)** For a money clearance of a gaming machine, the gaming tokens to be removed from the gaming machine are all the tokens in the gaming machine, other than gaming tokens in the hopper.

**‘(3)** For a money clearance of a centralised credit system, the amount to be deducted is the amount calculated on the basis fixed under a regulation.’.

### **Amendment of s 158 (Accounts and analyses)**

**122.(1)** Section 158(1)—

*insert—*

‘Maximum penalty—200 penalty units.’.

(2) Section 158, penalty—

*omit, insert—*

‘Maximum penalty for subsection (2)—200 penalty units.’.

**Amendment of s 159 (Monthly gaming machine reconciliation reports)**

**123.(1)** Section 159(1)(a), after ‘report’—

*insert—*

‘complying with subsection (2)’.

**(2)** Section 159(1)—

*insert—*

‘Maximum penalty—200 penalty units.’.

**(3)** Section 159, penalty—

*omit.*

**Replacement of ss 161 and 162**

**124.** Sections 161 and 162—

*omit, insert—*

**‘Licensees audit guidelines**

**‘160A.(1)** The chief executive may prepare guidelines (**“licensees audit guidelines”**) for the carrying out of audits for the gaming operations of category 2 licensees.

**‘(2)** The chief executive must keep copies of the licensees audit guidelines available for inspection and permit a person—

(a) to inspect the guidelines without fee; and

(b) to take extracts from the guidelines without fee.

**‘(3)** Also, the chief executive must keep copies of the licensees audit guidelines available for supply to persons and permit a person to obtain a copy of the guidelines, or a part of the guidelines, without fee.

**‘(4)** For subsection (2)—

(a) copies of the licensees audit guidelines—

(i) must be kept at the head office and any regional office of the department; and

- (ii) may be kept at any other place the chief executive considers appropriate; and
- (b) the copies of the guidelines kept at a place must be available for inspection during office hours on business days for the place.

### **‘Audit of gaming operations**

**‘161.(1)** As soon as practicable after the end of a financial year, a category 2 licensee must, for each of the licensee’s licensed premises, at the licensee’s own expense, cause the licensee’s accounts and accounting records for the licensee’s gaming operations for the licensed premises for the financial year to be audited by an approved accountant.

Maximum penalty—200 penalty units.

**‘(2)** If a category 2 licensee ceases to be a category 2 licensee of premises, the person (the **“former licensee”**) must, within the required time, at the former licensee’s own expense, cause the former licensee’s accounts and accounting records for the former licensee’s gaming operations for the premises for the operating period to be audited by an approved accountant.

Maximum penalty—200 penalty units.

**‘(3)** The required time for the former licensee to take action under subsection (2) is—

- (a) the period ending 1 month after the former licensee ceases to be a category 2 licensee; or
- (b) if the chief executive extends, or further extends, the period for the former licensee to take the action, by written notice given to the former licensee in the period or extended period—the period as extended.

**‘(4)** In this section—

**“operating period”**, for a former licensee, means—

- (a) if an audit for the former licensee’s gaming operations has been done for subsection (1)—the period—
  - (i) starting on the day immediately after the end of the period to

- which the audit, or last audit, related; and
- (ii) ending on the day the former licensee ceased to be a category 2 licensee; and
  - (b) if paragraph (a) does not apply—the period starting on the day the former licensee’s gaming operations started and ending on the day the former licensee ceased to be a category 2 licensee.

**‘Carrying out of audit**

**‘161A.(1)** An approved accountant carrying out an audit for section 161(1) or (2) must—

- (a) to the extent it is reasonably practicable, comply with any licensees audit guidelines; and
- (b) complete the audit within 3 months after the end of the financial year or other period to which the audit relates; and
- (c) immediately after completing the audit, give a copy of the audit report to the category 2 licensee or former licensee.

Maximum penalty—40 penalty units.

**‘(2)** Subsection (1)(b) does not apply to the approved accountant if—

- (a) in the circumstances, it would be unreasonable to require the accountant to comply with the paragraph; and
- (b) the accountant completes the audit as soon as practicable.

**‘Dealing with audit report**

**‘161B.** Within 14 days after a category 2 licensee or former licensee receives a copy of an audit report under section 161A(1)(c), the category 2 licensee or former licensee must give a copy of the report to the chief executive.

Maximum penalty—200 penalty units.

**‘Associated documents for audit report for category 2 licensee**

**‘161C.(1)** A category 2 licensee, on receiving a copy of an audit report under section 161A(1)(c) for a financial year, must, in addition to giving a copy of the report to the chief executive under section 161B, give to the chief executive, as required by this section—

- (a) if the approved accountant who carried out the audit issued a management letter in relation to the audit—a copy of the management letter; and
- (b) a statement—
  - (i) stating the number of members in each class of membership of the licensee at the end of the financial year; and
  - (ii) identifying each class of membership of the licensee for which the members in the class have voting rights; and
- (c) a copy of a profit and loss statement containing details of all revenue received, and expenditure incurred, by the licensee in carrying on the licensee’s general operations for the licensee’s licensed premises to which the audit report relates for the financial year; and
- (d) a copy of any balance sheet, financial statement, auditor’s report or other statement or report, relating to the licensee’s general operations that was presented to the licensee’s annual general meeting for the financial year.

Maximum penalty—200 penalty units.

**‘(2)** A document mentioned in subsection (1)(a) or (b) must be given to the chief executive with the copy of the audit report given to the chief executive.

**‘(3)** A document mentioned in subsection (1)(c) or (d) must be given to the chief executive—

- (a) if the category 2 licensee’s annual general meeting for the financial year was held before the licensee received the copy of the audit report—with the copy of the audit report given to the chief executive; or
- (b) if paragraph (a) does not apply—within 14 days after the

licensee's annual general meeting for the financial year is held.

'(4) Subsection (1) applies to the category 2 licensee in relation to the profit and loss statement mentioned in paragraph (c) of the subsection only to the extent to which a document mentioned in paragraph (d) of the subsection does not contain the details mentioned in paragraph (c), specifically relating to the licensee's licensed premises to which the audit report relates.

'(5) Words and expressions used in a Gaming Act and subsection (6), definition "**general operations**", paragraph (b) have the same meanings in that paragraph as they have in the Gaming Act.

'(6) In this section—

"**general operations**", of a licensee, means operations conducted by the licensee—

- (a) under the licensee's gaming machine licence; or
- (b) in relation to the conduct of—
  - (i) keno games by a keno licensee under a keno licence; or
  - (ii) wagering by a wagering licensee under a wagering licence; or
  - (iii) art unions by the holder of an authority under the authority; or
- (c) relating to the supply of—
  - (i) liquor and other beverages; and
  - (ii) food.

**'Further information about audit report or associated documents**

'161D.(1) This section applies on the receipt by the chief executive of—

- (a) a copy of an audit report under section 161B; or
- (b) a document under section 161C.

'(2) The chief executive may, by written notice given to the person from whom the copy of the audit report or other document is received, require the

person to give the chief executive, within a reasonable time stated in the notice, the information stated in the notice.

‘(3) The chief executive may require a person to give the chief executive information about a matter under subsection (2) only if—

- (a) the matter relates to the person’s gaming operations; and
- (b) the matter is mentioned in, or arises out of—
  - (i) the audit report a copy of which is received by the chief executive from the person; or
  - (ii) the other document received by the chief executive from the person.

‘(4) When making a requirement of a person under subsection (2), the chief executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

‘(5) A person to whom a notice is given under subsection (2) must comply with the requirement mentioned in the notice within the stated time, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

‘(6) It is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.

### ‘Notices about keeping accounting records

‘161E.(1) The chief executive may, by written notice given to a licensee—

- (a) approve, as a place at which the licensee may keep the licensee’s accounting records for licensed premises of the licensee, a place, other than the licensed premises, nominated by the licensee; or
- (b) specify an accounting record of the licensee (an “**exempt accounting record**”) that may be kept at a place that is not an approved place for the keeping of the record; or
- (c) specify an accounting record of the licensee that may be kept temporarily at a place (a “**holding place**”) that is not an approved



place for the keeping of the record, and the period for which, or the circumstances in which, the record may be kept at the holding place; or

- (d) approve the keeping of information contained in an accounting record of the licensee in a way different from the way the information was originally kept; or
- (e) approve the destruction of an accounting record of the licensee the chief executive considers need not be kept.

‘(2) The chief executive may specify an accounting record for subsection (1)(b) only if the chief executive considers there is sufficient reason for the record to be kept at a place that is not an approved place for the keeping of the record.

‘(3) An accounting record mentioned in subsection (1)(c) is also an **“exempt accounting record”**—

- (a) for the period stated in the notice; or
- (b) while the circumstances stated in the notice exist.

‘(4) The exercise of the chief executive’s power under subsection (1)(d) or (e) is subject to any other law about the retention or destruction of the accounting record.

#### **‘Places at which licensee’s accounting records to be kept**

‘**161F.(1)** A licensee must keep the licensee’s accounting records for licensed premises of the licensee at a place that is an approved place for the keeping of the records.

Maximum penalty—40 penalty units.

‘(2) Subsection (1) does not apply to an exempt accounting record.

#### **‘Period for which licensee’s accounting records to be kept**

‘**162.(1)** A licensee must keep an accounting record of the licensee for 5 years after the end of the transaction to which the record relates.

Maximum penalty—40 penalty units.

‘(2) Subsection (1) does not apply to an accounting record if—

- (a) the information previously contained in the record is kept in another way under an approval of the chief executive; or
- (b) the record has been destroyed under an approval of the chief executive.

‘(3) Subsection (1) has effect subject to any other law about the retention or destruction of the accounting record.’.

### **Amendment of s 163 (Monthly taxable metered win)**

**125.** Section 163(1) to (1B)—

*omit, insert—*

‘**163.(1)** Each month the chief executive must, for the preceding month, make an assessment of the monthly taxable metered win of each licensed premises and, subject to section 175, the assessment is taken to be the monthly taxable metered win for the premises for the preceding month.’.

### **Amendment of s 164 (Monthly fees)**

**126.** Section 164(3), ‘for each licensed premises’—

*omit, insert—*

‘by the licensee’.

### **Amendment of s 165 (Gaming machine tax)**

**127.** Section 165(3)—

*omit, insert—*

‘(3) If the licensee’s licence relates to single premises only, the amount of gaming machine tax payable by the licensee is the amount represented by the percentage prescribed, for the category of licensed premises to which the licensee’s licensed premises belong, of the monthly taxable metered win for the licensee’s licensed premises for the month for which the tax is payable.

‘(4) If the licensee’s licence relates to 2 or more premises, the amount of

gaming machine tax payable by the licensee is the amount represented by the percentage prescribed, for category 2 licensed premises, of the sum of the monthly taxable metered wins for both or all of the licensee's licensed premises for the month for which the tax is payable.'.

**Amendment of s 170 (Payment of monthly fees, taxes etc.)**

**128.(1)** Section 170(1), 'Subject' to 'must'—

*omit, insert—*

'Subject to subsections (1A) and (1B), a licensee must'.

**(2)** Section 170(1)(a), after 'tax'—

*insert—*

'payable by the licensee'.

**(3)** Section 170(1)(b), after 'payable'—

*insert—*

'by the licensee'.

**(4)** Section 170(1)(c), after 'payable'—

*insert—*

'by the licensee'.

**(5)** Section 170(1), penalty, 'or 1 year's imprisonment'—

*omit.*

**(6)** Section 170(2)—

*omit, insert—*

'(2) For the payment of an amount to the chief executive for monthly fees, gaming machine tax or penalty under section 171, the licensee must ensure the payment—

(a) is identifiable as being for the licensee's licensed premises only;  
and

(b) is exclusive of any payment for any other licensee or purpose.

Maximum penalty—40 penalty units.'

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**Amendment of s 171 (Penalty for late payment)**

**129.(1)** Section 171(1), from ‘Subject’ to ‘premises,’—

*omit, insert—*

‘If,’.

**(2)** Section 171(1), from ‘is less than’ to ‘in respect of’—

*omit, insert—*

‘from a licensee is less than the total amount the licensee is, under that subsection, required to ensure is received by the chief executive for’.

**Amendment of s 173 (Licensed operator’s financial statement)**

**130.(1)** Section 173, heading—

*omit, insert—*

**‘Financial statement of licensed monitoring operator’.**

**(2)** Section 173(1) and (2)—

*omit, insert—*

**‘173.(1)** A licensed monitoring operator who supplies basic monitoring services for licensed premises of a licensee must, as required under subsection (2)—

- (a) give the licensee a financial statement for the premises; or
- (b) have a financial statement for the premises available in a form capable of being accessed by the licensee.

Maximum penalty—100 penalty units.

**‘(2)** The financial statement for the licensed premises must—

- (a) be given to, or made available for access by, the licensee as soon as practicable after the end of the assessment period for the premises; and
- (b) contain the particulars stated by the chief executive in a written notice given to the licensed monitoring operator as the particulars the chief executive considers appropriate for the premises.’.

(3) Section 173(3) to (6), ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

(4) Section 173(7), ‘dependant’s’—

*omit, insert—*

‘defendant’s’.

### **Amendment of s 175 (Adjustment of monthly fees etc. in certain circumstances)**

**131.(1)** Section 175, from ‘opinion’ to ‘metered win’—

*omit, insert—*

‘opinion that an assessment of the monthly taxable metered win for licensed premises’.

(2) Section 175, from ‘month in respect of’ to ‘section 173(1),’—

*omit, insert—*

‘month’.

### **Amendment of s 176 (Recovery of fees and taxes)**

**132.** Section 176(1)(b), ‘that holds a category 1 licence’—

*omit, insert—*

‘and the licensed premises to which licensee’s licence relates are category 1 licensed premises’.

### **Amendment of s 179 (Interpretation)**

**133.** Section 179, definition “**article**”, paragraph (c), ‘arrangement’—

*omit, insert—*

‘equipment’.

### **Amendment of s 180 (Directions to licensees and licensed operators)**

**134.(1)** Section 180, heading, ‘licensed’—

*omit.*

**(2)** Section 180, ‘licensed operator’—

*omit, insert—*

‘licensed monitoring operator’.

**(3)** Section 180(2), penalty, ‘or 1 year’s imprisonment’—

*omit.*

**(4)** Section 180(3), after ‘the licensee’—

*insert—*

‘or operator’.

**(5)** Section 180, penalty, ‘Maximum penalty’—

*omit, insert—*

‘Maximum penalty for subsection (3)’.

### **Insertion of new s 180A**

**135.** After section 180—

*insert—*

#### **‘Stop directions**

**‘180A.(1)** This section applies if an inspector reasonably believes—

- (a) a thing used for gaming, or in the conduct of gaming, is unsatisfactory for the purpose for which it is used; and
- (b) the continued use of the thing may—
  - (i) jeopardise the integrity of gaming or the conduct of gaming; or
  - (ii) adversely affect the public interest.

**‘(2)** The inspector may direct the person who has, or reasonably appears to have, authority to exercise control over the thing to stop using the thing,

or allowing the thing to be used, for gaming or in the conduct of gaming.

‘(3) A direction under subsection (2) (a “**stop direction**”) may be given orally or by written notice (a “**stop notice**”).

‘(4) However, if the direction is given orally, it must be confirmed by written notice (also a “**stop notice**”) given to the person as soon as practicable.

‘(5) A stop direction may be given for a thing at or on licensed premises.

‘(6) A stop direction does not apply to a use of the thing carried out for repairing or testing the thing.

‘(7) A stop notice must state—

- (a) the grounds on which the inspector believes the thing is unsatisfactory; and
- (b) the circumstances (if any) under which the stop direction may be cancelled.

‘(8) A person to whom a stop direction is given must comply with the direction.

Maximum penalty for subsection (8)—40 penalty units.’

### **Amendment of s 181 (Powers of inspectors)**

**136.(1)** Section 181, heading—

*omit, insert—*

**‘General powers of inspectors’.**

**(2)** Section 181(1)(f), ‘and retain’—

*omit.*

**(3)** Section 181(1)(k)(iii)—

*omit, insert—*

- ‘(iii) take possession of and remove any gaming equipment or ancillary or related property of the State, and do anything that is necessary and reasonable to effect the taking possession, or removal, of the equipment or property; and’.

(4) Section 181(3)(c), ‘and retain’—  
*omit.*

(5) Section 181(3)(i)(i), ‘or a police officer’—  
*omit.*

(6) Section 181(4) to (6)—  
*omit.*

### **Insertion of new ss 182A-182D**

**137.** After section 182—  
*insert—*

#### **‘Forfeiture of things that have been seized**

**‘182A.(1)** An article, record or other thing seized under section 181(1)(f) or (3)(c) is forfeited to the State if the inspector who seized the thing—

- (a) can not find its owner, after making reasonable inquiries; or
- (b) can not return it to its owner, after making reasonable efforts; or
- (c) reasonably believes it is necessary to retain the thing to prevent it being used to commit an offence against this Act.<sup>34</sup>

**‘(2)** In applying subsection (1)—

- (a) subsection (1)(a) does not require the inspector to make inquiries if it would be unreasonable to make inquiries to find the owner; and
- (b) subsection (1)(b) does not require the inspector to make efforts if it would be unreasonable to make efforts to return the thing to its owner.

**‘(3)** If the inspector makes a decision under subsection (1)(c), the inspector must immediately give the owner an information notice for the decision.

**‘(4)** Subsection (3) does not apply if—

<sup>34</sup> Section 209 (Forfeiture on order of court) also deals with forfeiture.



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- (a) the inspector can not find the owner, after making reasonable inquiries; or
  - (b) it is impracticable or would be unreasonable to give the notice.

‘(5) Regard must be had to the nature, condition and value of an article or other thing (other than a record)—

- (a) in deciding—
  - (i) whether it is reasonable to make inquiries or efforts for this section; and
  - (ii) if making inquiries or efforts—what inquiries or efforts, including the period over which they are made, are reasonable; or
- (b) in deciding whether it would be unreasonable to give notice about the article or other thing.

#### **‘Return of things that have been seized**

‘**182B.(1)** If an article, record or other thing that has been seized is not forfeited, an inspector must return it to its owner—

- (a) at the end of 6 months; or
- (b) if a proceeding for an offence involving the thing is started within 6 months—at the end of the proceeding and any appeal from the proceeding.

‘(2) Despite subsection (1), unless an article, record or other thing has been forfeited, the inspector must immediately return the article, record or other thing seized as evidence to its owner if the inspector stops being satisfied its continued retention as evidence is necessary.

#### **‘Access to things that have been seized**

‘**182C.(1)** Until an article, record or other thing that has been seized is forfeited or returned, an inspector must allow its owner—

- (a) to inspect it; and
- (b) for a record or another thing that is a document—to copy it.

‘(2) Also, until a record or another document that has been seized is forfeited or returned, an inspector must, at the request of the owner of the record or other document, give the owner a correct copy of the record or other document.

‘(3) A copy of a record or another document given to a person under subsection (2) certified by an inspector as being a correct copy is admissible as evidence in any court and has the same effect as if it were the original of the record or other document.

‘(4) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

#### **‘Dealing with forfeited things**

‘**182D.(1)** On the forfeiture of a thing to the State, the thing becomes the State’s property and may be dealt with by the chief executive as the chief executive considers appropriate.

‘(2) Without limiting subsection (1), the chief executive may destroy or otherwise dispose of the thing.

‘(3) Despite subsection (1), the chief executive must not deal with the thing in a way that could prejudice the outcome of an appeal under this Act of which the chief executive is aware.

‘(4) The forfeiture of a thing, or the dealing with a thing under this section, does not confer a right to compensation on any person.’.

#### **Amendment of s 184 (Review and termination of agreements)**

**138.(1)** Section 184(1), (3) and (7), ‘A listed person or a holder’—

*omit, insert—*

‘A holder’.

(2) Section 184(1), ‘the listed person or holder’—

*omit, insert—*

‘the holder’.

(3) Section 184(1) and (3), penalties, ‘or 1 year’s imprisonment’—  
*omit.*

(4) Section 184(4), ‘a listed person or a holder’—  
*omit, insert—*  
‘a holder’.

### **Replacement of s 187 (Officers of division may be prohibited from playing gaming machines)**

**139.** Section 187—  
*omit, insert—*

#### **‘Restricted officials prohibited from playing gaming machines**

‘**187.(1)** The chief executive may direct an inspector or departmental officer not to play authorised gaming machines of a licensee.

‘(2) A direction under subsection (1)—

- (a) must be given by written notice given to the inspector or departmental officer; and
- (b) may be given only if the chief executive considers it appropriate to give the direction in the public interest; and
- (c) may be given on conditions the chief executive considers appropriate.

‘(3) A restricted official must not, except to the extent that is necessary for carrying out the official’s functions as an inspector or departmental officer, play an authorised gaming machine of a licensee in contravention of a direction given to the official by the chief executive under this section.

Maximum penalty for subsection (3)—40 penalty units.’.

### **Amendment of s 188 (Prohibition on control of applications by clubs)**

**140.(1)** Section 188, heading, ‘clubs’—  
*omit, insert—*

**‘category 2 licensees’.**

**(2)** Section 188, ‘a club’—

*omit, insert—*

‘a category 2 licensee’.

**(3)** Section 188, ‘the club’—

*omit, insert—*

‘the licensee’.

**(4)** Section 188, penalty, ‘or 1 year’s imprisonment’—

*omit.*

### **Replacement of s 188A (Prohibition on control of gaming at clubs)**

**141.** Section 188A—

*omit, insert—*

#### **‘Prohibition on control of gaming at category 2 licensed premises**

**‘188A.(1)** A person who is not an approved person for category 2 licensed premises must not—

- (a) have, or gain, control over the conduct of gaming at the premises;  
or
- (b) have, or gain, the ability to control the conduct of gaming at the premises.

Maximum penalty—200 penalty units.

**‘(2)** For subsection (1), a person has or gains control over, or has or gains the ability to control, the conduct of gaming if the person—

- (a) has or gains the capacity to dominate, directly or indirectly, decision-making about policies for the conduct of the gaming; or
- (b) has or gains the capacity to enjoy the majority of the benefits, and to be exposed to the majority of the risks, associated with the conduct of the gaming.

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‘(3) In this section—

“**approved person**”, for category 2 licensed premises, means the secretary, an executive officer, or a member, of the licensee of the premises performing functions or exercising powers or rights as the secretary, an executive officer or a member, of the licensee.’.

### **Amendment of s 191 (Approvals and authorities under this Act)**

**142.(1)** Section 191(3), penalty, ‘or 1 year’s imprisonment’—  
*omit.*

**(2)** Section 191, penalty—  
*omit, insert—*

‘Maximum penalty for subsection (4)—200 penalty units.’.

### **Amendment of s 193 (Bribery of commissioners or officers of division)**

**143.(1)** Section 193, heading—  
*omit, insert—*

‘**Bribery of gaming officials**’.

**(2)** Section 193, ‘commissioner or officer of the division’—  
*omit, insert—*

‘gaming official’.

**(3)** Section 193, ‘the commissioner or officer’—  
*omit, insert—*

‘the official’.

**(4)** Section 193, ‘commissioner’s or officer’s’—  
*omit, insert—*

‘official’s’.

**(5)** Section 193, ‘commission of an offence’—  
*omit, insert—*

‘commission of an offence against this Act’.

(6) Section 193(1)—

*insert—*

‘Maximum penalty—400 penalty units or 2 years imprisonment.’.

(7) Section 193—

*insert—*

‘(3) In this section—

**“gaming official”** means—

- (a) a commissioner; or
- (b) a departmental officer; or
- (c) an inspector.’.

**Amendment of s 194 (Financial connections and interests of officers of the division)**

**144.(1)** Section 194, heading, ‘**officers of the division**’—

*omit, insert—*

**‘restricted officials’.**

(2) Section 194(1), ‘An officer of the division—’—

*omit, insert—*

‘A restricted official—’.

(3) Section 194(1), ‘a listed person or’—

*omit.*

(4) Section 194(1)(c)—

*omit.*

(5) Section 194—

*insert—*

**‘(1A)** A person who was a restricted official must not, for 1 year after

ceasing to be a restricted official, without the chief executive's approval—

- (a) accept or solicit employment from a holder of a licence under this Act; or
- (b) be an employee in any capacity of a holder of a licence under this Act; or
- (c) knowingly have, directly or indirectly—
  - (i) a business or financial association with a holder of a licence under this Act; or
  - (ii) a business or financial interest in something together with or a holder of a licence under this Act.

Maximum penalty—200 penalty units.’.

**(6)** Section 194(2), ‘A listed person or a holder’—

*omit, insert—*

‘A holder’.

**(7)** Section 194(2), ‘an officer of the division’—

*omit, insert—*

‘a restricted official’.

**(8)** Section 194(3), ‘An officer of the division’—

*omit, insert—*

‘A restricted official’.

**(9)** Section 194(3), ‘a listed person,’—

*omit.*

**(10)** Section 194(3), ‘become listed,’—

*omit, insert—*

‘become’.

**(11)** Section 194(4), ‘an officer of the division’—

*omit, insert—*

‘a restricted official’.

**(12)** Section 194(4)(a)—

*omit, insert—*

‘(a) from being a financial member of a category 2 licensee, or having another financial connection with a category 2 licensee of a kind that members of the licensee generally have; or’.

**(13)** Section 194(4)(b), ‘a listed person or holder’—

*omit, insert—*

‘a holder’.

**(14)** Section 194(5)—

*omit, insert—*

‘(5) A restricted official must, immediately after applying for membership of a category 2 licensee, or of a club that is an applicant for a gaming machine licence, notify the chief executive of the making of the application.’.

**(15)** Section 194(6), definition “**officer of the division**”—

*omit, insert—*

‘**“restricted official”** includes a person who has ceased to be a restricted official if less than 1 year has elapsed since the person ceased to be a restricted official.’.

### **Amendment of s 197 (Forgery and like offences)**

**145.** Section 197(d), ‘an officer of the division’—

*omit, insert—*

‘departmental officer’.

### **Amendment of s 204 (Protection of officers etc.)**

**146.** Section 204, ‘or any other officer of the division’—

*omit, insert—*

‘, any departmental officer’.



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**Amendment of s 206 (Proceedings for offences)**

**147.(1)** Section 206(3), words before ‘may be prosecuted’—  
*omit, insert—*

‘(3) A serious offence’.

**(2)** Section 206 (4) and (7), ‘an offence’ to ‘197’—  
*omit, insert—*

‘a serious offence’.

**(3)** Section 206—  
*insert—*

‘(8) In this section—

“**serious offence**” means an offence against section 67, 99(1), 135(1) or (2), 136(2) or (3), 140(2), 148A(1) or (2), 149(7A), 151(1) or (2), 152(1), (3) or (4), 153(1), 155(1) or (3), 177, 193, 196 or 197.’.

**Replacement of s 209 (Forfeiture)**

**148.** Section 209—  
*omit, insert—*

**‘Forfeiture on order of court**

‘**209.(1)** On the conviction of a person for an offence against this Act, the court may order the forfeiture to the State of—

- (a) anything used to commit the offence; or
- (b) anything else the subject of the offence.

‘**(2)** The court may make the order—

- (a) whether or not the thing has been seized; and
- (b) if the thing has been seized—whether or not the thing has been returned to its owner.

‘**(3)** If a person charged with an offence against this Act is not convicted of any offence, the court may order the forfeiture to the State of anything that—

- 
- (a) was found in the possession or under the control of the person;  
and
  - (b) was seized under section 181(1)(f) or (3)(c); and
  - (c) was not returned to the person under section 182B.

‘(4) The court may make any order to enforce a forfeiture under this section it considers appropriate.

‘(5) This section does not limit the court’s powers under the *Penalties and Sentences Act 1992* or another law.’.

### **Amendment of s 211 (Evidentiary provisions)**

**149.(1)** Section 211(a), ‘other officer of the division’—

*omit, insert—*

‘departmental officer’.

**(2)** Section 211(c), from ‘purports to be a copy’ to ‘such evidence’—

*omit.*

**(3)** Section 211(d)—

*omit, insert—*

‘(d) a certificate purporting to be signed by the chief executive stating that at a stated time, or during a stated period, a licence, approval, authorisation or exemption was, or was not, in force under this Act is evidence of the matter stated.’.

### **Amendment of s 212 (Disclosure of criminal history)**

**150.(1)** Section 212, ‘disclose’ to ‘taken not to be convictions’—

*omit, insert—*

‘disclose the person’s criminal history’.

**(2)** Section 212, penalty, ‘or 1 year’s imprisonment’—

*omit.*

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**Amendment of s 215 (Regulation making power)**

**151.(1)** Section 215(2)(a), ‘repairer’s gaming nominee’s’—  
*omit, insert—*

‘repairer’s, gaming nominee’s’.

**(2)** Section 215(2)(b), ‘listed persons or’—  
*omit.*

**(3)** Section 215(2)—  
*insert—*

‘(ka) establishing a float for use in financial transactions relating to gaming and the conduct of gaming, and maintaining and using the float; and’.

**(4)** Section 215(2)(m), ‘recognised manufacturer or supplier of gaming machines’—  
*omit, insert—*

‘licensed major dealer’.

**Insertion of new s 217A**

**152.** Part 10, after section 217—  
*insert—*

**‘Numbering and renumbering of Act**

‘**217A.** In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’.

**Amendment of s 223 (Definitions)**

**153.** Section 223, ‘this part—’—  
*omit, insert—*

‘this division—’.

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**Insertion of new pt 11, div 3**

**154.** Part 11, after section 232—

*insert—*

***‘Division 3—Provisions for Gaming Machine and Other Legislation  
Amendment Act (No. 2) 1999***

**‘Definitions**

**‘233.** In this division—

**“commencement day”** means the day on which the provision in which the term is used commences.

**“listed manufacturer”** means a person who, immediately before the commencement day, was listed on the roll of recognised manufacturers and suppliers of gaming machines maintained under section 130 as in force immediately before the commencement day.

**“listed supplier”** means a person who, immediately before the commencement day, was listed on the roll of recognised suppliers of restricted components maintained under section 130 as in force immediately before the commencement day.

**‘Continuation of appeals by former listed persons**

**‘234.(1)** This section applies if—

- (a) before the commencement day, an appeal was made to the Minister by a person against a decision of the commission under section 134(1); and
- (b) the appeal was not finally decided before the commencement day.

**‘(2)** This section also applies if, immediately before the commencement day, a right of appeal existed for a decision of the commission made under section 134(1).

**‘(3)** This section applies despite the amendment of this Act by the *Gaming Machine and Other Legislation Amendment Act (No. 2) 1999*.

**‘(4)** If this section applies because of subsection (1), the appeal may be

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continued and decided under this Act as in force immediately before the commencement day.

‘(5) If this section applies because of subsection (2), the right of appeal may be exercised, within the time allowed under section 24 for starting appeals, and an appeal resulting from the exercise of the right may be dealt with and decided, under this Act as in force immediately before the commencement day.

#### ‘Existing inspectors

‘235. A person who, immediately before the commencement day, was an inspector continues as an inspector on and from the commencement day.

#### ‘Existing additional employees

‘236.(1) This section applies to a person who, immediately before the commencement day, was a person to whom section 27 applied.

‘(2) From the commencement day—

- (a) the person continues to be employed under this Act; and
- (b) the terms that apply to the person for the person’s employment are the same terms that applied to the person immediately before the commencement day.

#### ‘Certain listed manufacturers taken to be licensed major dealers

‘237.(1) This section applies to a listed manufacturer if—

- (a) before the commencement day, the chief executive approved a gaming machine type or game under section 146 submitted to the chief executive for evaluation by the listed manufacturer; and
- (b) the approval was in force immediately before the commencement day.

‘(2) On the commencement day, the listed manufacturer is taken to be a licensed major dealer.

‘(3) On, or as soon as practicable after the commencement day, the chief

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executive must issue a major dealer's licence to the listed manufacturer.

**'Listed suppliers taken to be licensed secondary dealers**

**'238.(1)** On the commencement day, a listed supplier is taken to be a licensed secondary dealer.

**'(2)** On, or as soon as practicable after the commencement day, the chief executive must issue a secondary dealer's licence to a listed supplier.

**'Appeal decisions resulting in persons taken to be licensed dealers**

**'239.(1)** This section applies if, on an appeal to which section 234 applies, the Minister directs that the decision appealed against (the "**original decision**") be set aside.

**'(2)** If the original decision was a decision relating to the removal of the name of a person from the roll of recognised manufacturers and suppliers of gaming machines—

- (a) on the direction being given, the person is taken to be a licensed major dealer; and
- (b) as soon as practicable after the direction is given, the chief executive must issue a major dealer's licence to the person.

**'(3)** If the original decision was a decision relating to the removal of the name of a person from the roll of recognised suppliers of restricted components—

- (a) on the direction being given, the person is taken to be a licensed secondary dealer; and
- (b) as soon as practicable after the direction is given, the chief executive must issue a secondary dealer's licence to the person.

**'Continuation of directions prohibiting the playing of gaming machines**

**'240.** A direction given to a person under section 187 before the commencement of this section and in force immediately before the commencement continues to have effect in relation to the person, after the

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commencement, as if the direction were given to the person under section 187 as in force immediately after the commencement.

**‘Consideration of social and community issues for existing applications**

**241.** Applications for gaming machine licences for which section 38(1A) has effect include applications made before the commencement of the subsection that, at the commencement, are still to be decided by the commission.’.

**Penalty amendments—omitting imprisonment and retaining number of penalty units at 200**

**155.(1)** The relevant provisions, penalties, ‘or 1 year’s imprisonment’—  
*omit.*

**(2)** In subsection (1)—

**“relevant provisions”** means sections 48, 60(3), 72ZF(1), 72ZY(1), 73(1) and (2), 75A(1) and (2), 76(3), (5) and (6), 76A(3), (5) and (6), 103, 106(1), 114, 147(2), 150(5), 154, 185(1), 186(1) and 189(1).

**Penalty amendments—omitting imprisonment and reducing number of penalty units from 200 to 100**

**156.** Sections 42(1) and (2), 59(2), 72J(2), 72K(2), 72ZT(1), 72ZU(2), 78(1) and (2), 89(2), 98A(1) and 141D(1), penalties—

*omit, insert—*

‘Maximum penalty—100 penalty units.’.

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**Penalty amendments—omitting imprisonment and reducing number of penalty units from 200 to 40**

**157.** Sections 61, 72ZP(3), 72ZV(2), 91 and 94(15), penalties—  
*omit, insert—*

‘Maximum penalty—40 penalty units.’.

**PART 3—AMENDMENT OF CASINO CONTROL  
ACT 1982**

**Act amended in pt 3**

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

**Amendment of s 4 (Interpretation)**

**159.** Section 4(1)—  
*insert—*

‘**“approved evaluator”** means an entity declared under a regulation to be an approved evaluator.’.

**Insertion of new s 14A**

**160.** After section 14—  
*insert—*

**‘Approved evaluators**

**‘14A.** The Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating gaming equipment.’.



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**Amendment of s 44 (Cancellation or suspension of licence)**

**161.(1)** Section 44(1)—

*insert—*

‘(aa)if the holder contravenes a provision of this Act (being a provision a contravention of which is not an offence against this Act);’.

**(2)** Section 44(1)—

*insert—*

‘(ca)if the holder acts in a way that is inappropriate for a casino’s operations;’.

**(3)** Section 44—

*insert—*

‘**(1A)** For subsection (1)(ca), the holder of a casino key employee licence or casino employee licence acts in a way that is inappropriate for a casino’s operations if the licensee does, or omits to do, an act that results in—

- (a) the operation of the casino at which the licensee is employed not being conducted in accordance with the system of internal controls and administrative and accounting procedures approved by the chief executive under section 73<sup>35</sup> for the casino’s operation; and
- (b) the integrity of the casino’s operations being jeopardised.’.

**Amendment of s 62 (Gaming equipment and chips)**

**162.(1)** Section 62(3), words before paragraph (a)—

*omit, insert—*

‘**(3)** A person must not possess, maintain or exhibit any gaming equipment in the area of a casino used for the conduct and playing of games (a “**casino’s gaming area**”), or bring into or remove from a casino’s gaming area any gaming equipment, unless the equipment—’.

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<sup>35</sup> Section 73 (System of controls and procedures)

(2) Section 62(3), ‘the casino’—

*omit, insert—*

‘the casino’s gaming area’.

(3) Section 62(3AA)—

*omit.*

## **PART 4—AMENDMENT OF CHARITABLE AND NON-PROFIT GAMING ACT 1999**

### **Act amended in pt 4**

**163.** This part amends the *Charitable and Non-Profit Gaming Act 1999*.

### **Amendment of s 10 (Meaning of “eligible association”)**

**164.(1)** Section 10(1)(a), ‘educational, patriotic, religious’—

*omit, insert—*

‘patriotic’.

(2) Section 10(1)—

*insert—*

‘(aa) an association formed and operated principally for an educational or religious purpose; or’.

(3) Section 10(1)—

*insert—*

‘(d) another association prescribed under a regulation.’.

**Replacement of s 99 (Evaluating equipment)**

**165.** Section 99—

*omit, insert—*

**‘Evaluating equipment**

**‘99.(1)** If, for deciding the application, the chief executive considers it is necessary for the equipment, or the equipment as proposed to be modified, to be evaluated, the chief executive must—

- (a) carry out the evaluation; or
- (b) direct the applicant—
  - (i) to arrange to have the equipment evaluated by an approved evaluator; and
  - (ii) to give the chief executive a written report of the evaluation.

**‘(2)** If the chief executive carries out an evaluation of the equipment—

- (a) the applicant must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
- (b) if an amount of the fee is not paid by the applicant, the State may recover the amount from the applicant as a debt.’.

**Amendment of s 100 (Deciding application)**

**166.(1)** Section 100(1), ‘and carrying out any evaluation under section 99’—

*omit.*

**(2)** Section 100(3)—

*omit, insert—*

**‘(3)** The chief executive may refuse to approve the equipment or modification if—

- (a) the fee payable for an evaluation carried out by the chief executive is not paid; or
- (b) the applicant fails to comply with a direction of the chief executive under section 99(1)(b).

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‘(4) If the chief executive gives an approval, the chief executive must immediately give the applicant written notice of the decision.

‘(5) If the chief executive refuses to give an approval, the chief executive must immediately give the applicant an information notice for the decision.’.

### **Insertion of new s 100A**

**167.** Part 5, division 9, after section 100—

*insert—*

#### **‘Approved evaluators**

‘**100A.** The Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating regulated general gaming equipment.’.

### **Amendment of s 174 (Appeals)**

**168.** Section 174(1)—

*insert—*

- ‘(h) refusing to approve regulated general gaming equipment; or
- (i) refusing to approve a modification of regulated general gaming equipment.’.

### **Amendment of sch 2 (Dictionary)**

**169.** Schedule 2—

*insert—*

‘**“approved evaluator”** means an entity declared under a regulation to be an approved evaluator.’.

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## PART 5—AMENDMENT OF INTERACTIVE GAMBLING (PLAYER PROTECTION) ACT 1998

### Act amended in pt 5

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

### Amendment of s 18 (Procedure for registration)

**171.(1)** Section 18(1), ‘An authorised provider’—

*omit, insert—*

‘A licensed provider’.

**(2)** Section 18(3)—

*omit, insert—*

‘**(3)** A person may be registered as an unrestricted or restricted player.

‘**(4)** A person who is registered as a restricted player may subsequently be registered as an unrestricted player.

‘**(5)** If a person registered as a restricted player is subsequently registered as an unrestricted player, the person’s registration as a restricted player is cancelled.

‘**(6)** Unless sooner cancelled under subsection (5), a person’s registration as a restricted player ceases to have effect at the end of—

(a) the period prescribed under a regulation; or

(b) if the chief executive extends the period—the period as extended.’.

### Replacement of s 19 (Verification of player’s identity)

**172.** Section 19—

*omit, insert—*

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**‘Restrictions for registration**

**‘19.(1)** A licensed provider, or an agent of a licensed provider, must not register a person as an unrestricted player unless—

- (a) the person’s identity has been authenticated under the licensed provider’s approved control system; and
- (b) the person’s place of residence has been verified under the licensed provider’s approved control system; and
- (c) the person’s age has been verified under the licensed provider’s approved control system to be at least 18.

Maximum penalty—200 penalty units.

**‘(2)** A licensed provider, or an agent of a licensed provider, must not register a person as a restricted player unless—

- (a) the registration is carried out in accordance with the licensed provider’s approved control system; and
- (b) the licensed provider has informed the person in writing of the effect of sections 20(4), 20A and 22A.

Maximum penalty—200 penalty units.’.

**Amendment of s 20 (Player’s account)**

**173.** Section 20(2)—

*omit, insert—*

**‘(2)** A player’s account must be established on the basis mentioned in this section.

**‘(3)** A player’s account must be established on a basis under which, while the player is an unrestricted player, the player may only have direct recourse to the funds in the account—

- (a) to obtain the balance of funds in the account and close the account; or
- (b) to obtain the whole or part of the amount paid into the account as a prize in an authorised game; or

(c) as authorised by the licensed provider or chief executive.

‘(4) Also, a player’s account must be established on a basis under which, while the player is a restricted player, the player may not—

- (a) have recourse to funds in the account to obtain the whole or part of the balance of the funds in the account; or
- (b) close the account if there is a balance standing to the credit of the account.

‘(5) Subsection (4) applies whether the balance—

- (a) consists of amounts deposited into the account by the player (“**deposited amounts**”); or
- (b) consists of amounts paid into the account as prizes in authorised games (“**winnings**”); or
- (c) consists partly of deposited amounts and partly of winnings.’.

### **Insertion of new s 20A**

**174.** After section 20—

*insert—*

#### **‘Restrictions on deposits for player’s account**

‘**20A.** A licensed provider must not, for the player’s account of a restricted player, permit the player—

- (a) to make a deposit that is more than the amount prescribed under a regulation (the “**fixed amount**”); or
- (b) in a period prescribed under a regulation, to make deposits totalling more than the fixed amount.

Maximum penalty—200 penalty units.’.

### **Insertion of new s 22A**

**175.** Part 2, division 3, after section 22—

*insert—*

**‘Accounting for account balances for restricted players**

**‘22A.(1)** This section applies if—

- (a) a person’s registration as a restricted player ceases to have effect because of section 18(6); and
- (b) when the registration ceases to have effect, an amount (the **“account balance”**) is standing to the credit of a player’s account established in the name of the person.

**‘(2)** The licensed provider must pay the account balance to the chief executive.

**‘(3)** If an amount of the account balance is not paid by the licensed provider, the State may recover the amount from the provider as a debt.’

**Amendment of s 132 (Funds in player’s account to be remitted on demand)**

**176.** Section 132, ‘the registered player’—

*omit, insert—*

‘an unrestricted player’.

**Amendment of s 134 (Licensed providers limited recourse to players accounts)**

**177.(1)** Section 134(b) and (c)—

*omit, insert—*

- ‘(b) to debit to the account amounts authorised under this section to be debited to the account;
- (c) for an unrestricted player—to remit funds standing to the credit of the account to the player at the player’s request;
- (d) as otherwise authorised under this Act.’

**(2)** Section 134—

*insert—*

**‘(2)** The licensed provider may debit an amount to the account for—



- 
- (a) fees, charges or expenses necessarily incurred by the licensed provider on transactions made on the account; and
  - (b) services supplied by the licensed provider to the player at the player's request that are additional to the services generally supplied by the licensed provider to players.

‘(3) However, the licensed provider may debit an amount to the account for a matter mentioned in subsection (2) only if the matter is a matter for which—

- (a) the player has agreed in writing debits may be made to the account; and
- (b) provision for debiting players' accounts is made in the licensed provider's approved control system.

‘(4) Despite subsection (2)(a), the licensed provider may not debit an amount to the account for fees payable for maintaining the account.’.

### **Amendment of s 137 (Prohibition of interactive gambling)**

**178.** Section 137(1)(a), ‘resident in Queensland’—

*omit, insert—*

‘a registered player’.

### **Amendment of pt 7, div 13, hdg**

**179.** Part 7, division 13, heading—

*omit, insert—*

*‘Division 13—Interrupted and aborted games’.*

### **Insertion of new s 159A**

**180.** Part 7, division 13, before section 160—

*insert—*

**‘Interrupted games**

**‘159A.(1)** This section applies if, after making a wager in an authorised game conducted by a licensed provider, a player’s participation in the game is interrupted by a failure of an operating or telecommunication system that prevents the player from continuing with the game.

**‘(2)** The licensed provider must—

- (a) inform the player the game (the **“interrupted game”**) has not been finished; and
- (b) at any time after operation of the operating or telecommunication system is restored and before the period (the **“game completion period”**) prescribed under a regulation ends, allow the player to continue with the game.

**‘(3)** Also, the licensed provider must not allow the player—

- (a) to continue with the interrupted game after the end of the game completion period; or
- (b) to participate in another authorised game conducted by the provider until the earlier of the following—
  - (i) the interrupted game is finished;
  - (ii) the game completion period for the interrupted game ends.

**‘(4)** If the interrupted game is not finished in the game completion period, the licensed provider must pay the amount of the wager for the game to the chief executive.

**‘(5)** If an amount of the wager is not paid by the licensed provider to the chief executive as required under subsection (4), the State may recover the amount from the provider as a debt.’

**Amendment of s 160 (Aborted games)**

**181.** Section 160(1)—

*omit.*

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**Amendment of s 162 (Approval of regulated interactive gambling equipment)**

**182.** Section 162(2) to (5)—

*omit, insert—*

‘(2) The chief executive must consider the application and if, for deciding the application, the chief executive considers it is necessary for the equipment, or the equipment as proposed to be modified, to be evaluated, the chief executive must—

- (a) carry out the evaluation; or
- (b) direct the licensed provider—
  - (i) to arrange to have the equipment evaluated by an approved evaluator; and
  - (ii) to give the chief executive a written report of the evaluation.

‘(3) If the chief executive carries out an evaluation of the equipment—

- (a) the licensed provider must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
- (b) if an amount of the fee is not paid by the licensed provider, the State may recover the amount from the licensed provider as a debt.

‘(4) The chief executive may refuse to give an approval if—

- (a) the fee payable for an evaluation carried out by the chief executive is not paid; or
- (b) the licensed provider fails to comply with a direction of the chief executive under subsection (2)(b).

‘(5) If the chief executive gives an approval, the chief executive must immediately give the licensed provider written notice of the decision.

‘(6) If the chief executive refuses to give an approval, the chief executive must immediately give the licensed provider an information notice for the decision.’.

### **Insertion of new s 163A**

**183.** Part 7, division 14, after section 163—

*insert—*

#### **‘Approved evaluators**

‘**163A.** The Governor in Council may, under a regulation, declare an entity to be an approved entity for evaluating regulated interactive gambling equipment.’.

### **Amendment of sch 2 (Decisions of chief executive subject to appeal)**

**184.** Schedule 2, part 1—

*insert—*

‘162

Refusing to approve regulated interactive gambling equipment

162

Refusing to approve a modification of regulated interactive gambling equipment’.

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

**185.** Schedule 3—

*insert—*

‘**“approved evaluator”** means an entity declared under a regulation to be an approved evaluator.’.

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

**186.** Schedule 3—

*insert—*

‘**“restricted player”** means a person registered by a licensed provider, or an agent of a licensed provider, as a restricted player.’.

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“**unrestricted player**” means a person registered by a licensed provider, or an agent of a licensed provider, as an unrestricted player.’.

## PART 6—AMENDMENT OF KENO ACT 1996

### Act amended in pt 6

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

### Amendment of s 145 (Approval of regulated keno equipment)

**188.** Section 145(2) to (5)—

*omit, insert—*

‘(2) The chief executive must consider the application and if, for deciding the application, the chief executive considers it is necessary for the equipment, or the equipment as proposed to be modified, to be evaluated, the chief executive must—

- (a) carry out the evaluation; or
- (b) direct the keno licensee—
  - (i) to arrange to have the equipment evaluated by an approved evaluator; and
  - (ii) to give the chief executive a written report of the evaluation.

‘(3) If the chief executive carries out an evaluation of the equipment—

- (a) the keno licensee must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
- (b) if an amount of the fee is not paid by the keno licensee, the State may recover the amount from the keno licensee as a debt.

‘(4) The chief executive may refuse to give an approval if—

- (a) the fee payable for an evaluation carried out by the chief executive is not paid; or

- (b) the keno licensee fails to comply with a direction of the chief executive under subsection (2)(b).

‘(5) If the chief executive gives an approval, the chief executive must immediately give the keno licensee written notice of the decision.

‘(6) If the chief executive refuses to give an approval, the chief executive must immediately give the keno licensee an information notice for the decision.’.

### **Insertion of new s 146A**

**189.** After section 146—

*insert—*

#### **‘Approved evaluators**

‘**146A.** The Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating regulated keno equipment.’.

### **Omission of s 234 (Court to which appeal may be made)**

**190.** Section 234—

*omit.*

### **Insertion of new s 237A**

**191.** After section 237—

*insert—*

#### **‘Power to gather evidence**

‘**237A.(1)** The Gaming Commission may, by written notice signed by the registrar, require a person—

- (a) to give written answers to questions, or produce a document, stated in the notice for an appeal mentioned in the notice; or
- (b) to appear before the commission at a stated time and place to answer questions, or produce a stated document, relating to an

appeal mentioned in the notice.

‘(2) The answers to questions given in response to a notice under subsection (1)(a) must, if the notice so requires, be verified by statutory declaration.

‘(3) A person must not, without reasonable excuse—

- (a) fail to comply with a requirement of a notice under this section; or
- (b) if appearing for examination before the Gaming Commission—
  - (i) fail to take an oath or make an affirmation when required to do so by a member of the commission or the registrar; or
  - (ii) fail to answer a question relevant to the subject of the appeal to the best of the person’s knowledge, information or belief; or
  - (iii) fail to produce a document the person is required to produce under subsection (1)(b).

Maximum penalty—40 penalty units.

‘(4) A member of the Gaming Commission may administer an oath or affirmation to a person appearing before the commission for examination.

‘(5) It is a reasonable excuse for a person to fail to comply with a requirement to answer a question or produce a document if complying with the requirement might tend to incriminate the person.’

### **Insertion of new pt 13**

**192.** After section 243—

*insert—*

## **‘PART 13—TRANSITIONAL PROVISION FOR GAMING MACHINE AND OTHER LEGISLATION AMENDMENT ACT (No. 2) 1999**

### **‘Continuation of appeals**

**‘244.(1)** This section applies if—

- (a) an appeal to a Magistrates Court was started under this Act before the commencement of this section; and
- (b) the appeal was not finally decided before the commencement.

‘(2) This section applies despite the amendment of this Act by the *Gaming Machine and Other Legislation Amendment Act (No. 2) 1999*.

‘(3) The appeal may be continued and decided under this Act as in force immediately before the commencement of this section.’.

### **Amendment of sch 2 (Decisions of chief executive subject to appeal)**

**193.** Schedule 2, part 1—

*insert—*

- |      |  |
|------|--|
| ‘145 | Refusing to approve regulated keno equipment                     |
| 145  | Refusing to approve a modification of regulated keno equipment’. |

### **Amendment of sch 4 (Dictionary)**

**194.** Schedule 4—

*insert—*

- ‘ **“approved evaluator”** means an entity declared under a regulation to be an approved evaluator.’.

## **PART 7—AMENDMENT OF LOTTERIES ACT 1997**

### **Act amended in pt 7**

**195.** This part amends the *Lotteries Act 1997*.



**Amendment of s 129 (Claims for prizes)****196.(1)** Section 129(3)(b)—*omit, insert—*

‘(b) the end of the period after the closure of the lottery in which the prize is won that is the reference period for the approved lottery.’.

**(2)** Section 129—*insert—***‘(5)** In this section—**“reference period”**, for an approved lottery, means—

- (a) if the approved lottery is prescribed under a regulation as a designated lottery for this section—3 years; or
- (b) if paragraph (a) does not apply—7 years.’.

**Amendment of s 133 (Approval of regulated lottery equipment)****197.** Section 133(2) to (5)—*omit, insert—*

**‘(2)** The chief executive must consider the application and if, for deciding the application, the chief executive considers it is necessary for the equipment, or the equipment as proposed to be modified, to be evaluated the chief executive must—

- (a) carry out the evaluation; or
- (b) direct the lottery licensee—
  - (i) to arrange to have the equipment evaluated by an approved evaluator; and
  - (ii) to give the chief executive a written report of the evaluation.

**‘(3)** If the chief executive carries out an evaluation of the equipment—

- (a) the lottery licensee must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
- (b) if an amount of the fee is not paid by the lottery licensee, the State

may recover the amount from the lottery licensee as a debt.

‘(4) The chief executive may refuse to give an approval if—

- (a) the fee payable for an evaluation carried out by the chief executive is not paid; or
- (b) the lottery licensee fails to comply with a direction of the chief executive under subsection (2)(b).

‘(5) If the chief executive gives an approval, the chief executive must immediately give the lottery licensee written notice of the decision.

‘(6) If the chief executive refuses to give an approval, the chief executive must immediately give the lottery licensee an information notice for the decision.’.

### **Insertion of new s 134A**

**198.** After section 134—

*insert—*

#### **‘Approved evaluators**

‘**134A.** The Governor in Council may, under a regulation, declare an entity to be an approved entity for evaluating regulated lottery equipment.’.

### **Omission of s 219 (Court to which appeal may be made)**

**199.** Section 219—

*omit.*

### **Insertion of new s 222A**

**200.** After section 222—

*insert—*

#### **‘Power to gather evidence**

‘**222A.(1)** The Gaming Commission may, by written notice signed by the registrar, require a person—

- 
- (a) to give written answers to questions, or produce a document, stated in the notice for an appeal mentioned in the notice; or
  - (b) to appear before the commission at a stated time and place to answer questions, or produce a stated document, relating to an appeal mentioned in the notice.

‘(2) The answers to questions given in response to a notice under subsection (1)(a) must, if the notice so requires, be verified by statutory declaration.

‘(3) A person must not, without reasonable excuse—

- (a) fail to comply with a requirement of a notice under this section; or
- (b) if appearing for examination before the Gaming Commission—
  - (i) fail to take an oath or make an affirmation when required to do so by a member of the commission or the registrar; or
  - (ii) fail to answer a question relevant to the subject of the appeal to the best of the person’s knowledge, information or belief; or
  - (iii) fail to produce a document the person is required to produce under subsection (1)(b).

Maximum penalty—40 penalty units.

‘(4) A member of the Gaming Commission may administer an oath or affirmation to a person appearing before the commission for examination.

‘(5) It is a reasonable excuse for a person to fail to comply with a requirement to answer a question or produce a document if complying with the requirement might tend to incriminate the person.’

### **Insertion of new pt 12, div 3**

**201.** After section 246—

*insert—*

***‘Division 3—Transitional provision for Gaming Machine and Other  
Legislation Amendment Act (No. 2) 1999***

### **‘Continuation of appeals**

**‘247.(1)** This section applies if—

- (a) an appeal to a Magistrates Court was started under this Act before the commencement of this section; and
- (b) the appeal was not finally decided before the commencement.

**‘(2)** This section applies despite the amendment of this Act by the *Gaming Machine and Other Legislation Amendment Act (No. 2) 1999*.

**‘(3)** The appeal may be continued and decided under this Act as in force immediately before the commencement of this section.’.

### **Amendment of sch 2 (Decisions of chief executive subject to appeal)**

**202.** Schedule 2, part 1—

*insert—*

‘133	Refusing to approve regulated lottery equipment
133	Refusing to approve a modification of regulated lottery equipment’.

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

**203.** Schedule 3—

*insert—*

**‘“approved evaluator”** means an entity declared under a regulation to be an approved evaluator.’.

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## **PART 8—AMENDMENT OF WAGERING ACT 1998**

### **Act amended in pt 8**

**204.** This part amends the *Wagering Act 1998*.

### **Amendment of s 208 (Approval of regulated wagering equipment)**

**205.** Section 208(3) to (5)—

*omit, insert—*

‘(3) The chief executive must consider the application and if, for deciding the application, the chief executive considers it is necessary for the equipment, or the equipment as proposed to be modified, to be evaluated, the chief executive must—

- (a) carry out the evaluation; or
- (b) direct the authority operator—
  - (i) to arrange to have the equipment evaluated by an approved evaluator; and
  - (ii) to give the chief executive a written report of the evaluation.

‘(4) If the chief executive carries out an evaluation of the equipment—

- (a) the authority operator must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
- (b) if an amount of the fee is not paid by the authority operator, the State may recover the amount from the authority operator as a debt.

‘(5) The chief executive may refuse to give an approval if—

- (a) the fee payable for an evaluation carried out by the chief executive is not paid; or
- (b) the authority operator fails to comply with a direction of the chief executive under subsection (3)(b).

‘(6) If the chief executive gives an approval, the chief executive must immediately give the authority operator written notice of the decision.

---

‘(7) If the chief executive refuses to give an approval, the chief executive must immediately give the authority operator an information notice for the decision.’.

### **Insertion of new s 208A**

**206.** After section 208—

*insert—*

#### **‘Approved evaluators**

‘**208A.** The Governor in Council may, under a regulation, declare an entity to be an approved entity for evaluating regulated wagering equipment.’.

### **Amendment of s 228 (Employment of minors prohibited)**

**207.** Section 228—

*insert—*

‘(2) Subsection (1) does not apply to a general operator, in relation to the employment of a minor, if—

- (a) the general operator is—
  - (i) a designated wagering manager; or
  - (ii) a wagering agent of a designated wagering manager; and
- (b) the general operator employs the minor for a purpose relating to the conduct of the game the operations for which the designated wagering manager is appointed as wagering manager.

‘(3) In this section—

“**designated wagering manager**” means a wagering manager appointed by a wagering licensee to manage the operations relating to the game ‘Sports Tipping’ conducted under the licensee’s wagering licence.’.

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**Amendment of s 291 (Appeals by authority operators)**

**208.** Section 291, at the end—

*insert—*

- a decision under section 208<sup>36</sup> refusing to approve regulated wagering equipment
- a decision under section 208 refusing to approve a modification of regulated wagering equipment.’.

**Amendment of sch 2 (Dictionary)**

**209.** Schedule 2—

*insert—*

- “**approved evaluator**” means an entity declared under a regulation to be an approved evaluator.’.

## **PART 9—OTHER AMENDMENTS OF GAMING ACTS**

**Acts amended in sch 2**

**210.** Schedule 2 amends the Gaming Acts mentioned in it.

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<sup>36</sup> Section 208 (Approval of regulated wagering equipment)

**SCHEDULE 1****MINOR AMENDMENTS OF GAMING MACHINE  
ACT 1991**

section 3

**1.(1) The relevant provisions, ‘licensed operator’—***omit, insert—*

‘licensed monitoring operator’.

**(2)** In subsection (1)—**“relevant provisions”** means—

- (a) section 3, definitions **“basic monitoring services”**, **“control system”**, **“directly interested person”**, **“excluded interested person”**, **“indirectly interested person”**, **“interested person”**, **“monitoring operations”**, **“monitoring record”**, **“monthly taxable metered win”**, **“parent entity”** and **“promotions”**; and
- (b) section 77(8), definitions **“employment notice”**, paragraph (b); and
- (c) section 148A(4), definition **“acquirer”**; and
- (d) sections 51(7), 57B(6)(a)(ii), 62(6) and (7)(a)(ii), 68A(4)(a), 72ZRA, 72ZX, 72ZY, 72ZZ, 72ZZA, 72ZZD, 72ZZE, 72ZZI, 72ZZJ(1), 72ZZK, 72ZZL, 72ZZM, 72ZZS, 72ZZT, 75A(2), 76A, 77(4)(g), 92, 101A, 141A(2), 141C(1) and (2), 141D(1), 142A, 186(2A) and (2B) and 189(6).

**2. Sections 25A(1), 72H(1), 72I(1), 72J(1), 72K(1), 72L, 72P, 72ZQ, 72ZR and 72ZZR(1), ‘an operator’s licence’—***omit, insert—*

‘a supplier’s licence’.



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**SCHEDULE 1 (continued)**

**3. Sections 25A(2), 72U, 72V, 72ZK(2), 72ZL, 72ZM, 72ZN(1), 72ZQ(3)(a) and (4), 72ZR(a), 72ZT, 72ZU, 72ZV and 72ZZR(1) and (2), ‘licensed operator’—**

*omit, insert—*

‘licensed supplier’.

**4. Section 25A(4)—**

*omit.*

**5. Part 3A, divisions 3 and 6, heading, ‘monitoring operators’ licences’—**

*omit, insert—*

‘suppliers’ licences’.

**6. Section 72H(3)(c)—**

*omit.*

**7. Section 72P(7), ‘issue the licence’—**

*omit, insert—*

‘issue the appropriate supplier’s licence’.

**8. Section 72R(1), ‘An operator’s licence’—**

*omit, insert—*

‘A supplier’s licence’.

**9. Part 3A, division 4, heading, ‘operators’ licences’—**

*omit, insert—*

‘suppliers’ licences’.

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**SCHEDULE 1 (continued)****10. Sections 72U, 72V(1), 72ZK(1), 72ZL, 72ZM(1)(a), 72ZN(2), 72ZZR(4), ‘operator’s licence’—***omit, insert—*

‘supplier’s licence’.

**11. Sections 72U(1), 72ZL(3), 72ZM(3)(a) and (5)(b), 72ZQ(3)(b), 72ZT(2), 72ZU(1)(b) and (c) and 72ZV(1), ‘the operator’—***omit, insert—*

‘the licensed supplier’.

**12. Part 3A, division 5, heading and section 72ZB(1), ‘licensed operators’—***omit, insert—*

‘licensed suppliers’.

**13. Section 72ZRA(1), ‘a licensed operator’s monitoring operations’—***omit, insert—*

‘the monitoring operations of a licensed monitoring operator’.

**14. Section 72ZU(1)(a), ‘the operator’s licence’—***omit, insert—*

‘its supplier’s licence’.

**15. Section 72ZZA, heading and section 72ZZD(2) and (4)(b), ‘licensed operator’s’—***omit.*

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SCHEDULE 1 (continued)

**16. Section 72ZZH, heading—**

*omit, insert—*

**‘Period for which monitoring records to be kept’.**

**17. Section 72ZZH(1) and (2), after ‘monitoring record’—**

*insert—*

**‘of the operator’.**

**18. Section 141D, heading, ‘Licensed operators’—**

*omit, insert—*

**‘Operators’.**

## **SCHEDULE 2**

### **OTHER AMENDMENTS OF GAMING ACTS**

section 210

#### **CASINO CONTROL ACT 1982**

**1. Section 92(3)(b)(ii)—**

*omit, insert—*

‘(ii) the safety or wellbeing of the person or other persons in the casino; or’.

#### **INTERACTIVE GAMBLING (PLAYER PROTECTION) ACT 1998**

**1. Section 185(a)—**

*omit.*

**2. Section 187(3), ‘chief inspector’—**

*omit, insert—*

‘chief executive’.

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**SCHEDULE 2 (continued)****KENO ACT 1996****1. Sections 101(6)(b), 190(5)(b), 239 and schedule 4, definition “information notice”, paragraph (c), ‘a Magistrates Court’—***omit, insert—*

‘the Gaming Commission’.

**2. Sections 228 to 233, after ‘appeal’—***insert—*

‘to the Gaming Commission’.

**3. Section 235(1)(a), ‘the clerk of the court of the Magistrates Court’—***omit, insert—*

‘the registrar of the Gaming Commission’.

**4. Sections 235(3) and 236(2)(a) and (3), ‘court’—***omit, insert—*

‘Gaming Commission’.

**5. Sections 236(1), 237(1) and 238, ‘Magistrates Court’—***omit, insert—*

‘Gaming Commission’.

**6. Sections 236(2)(b) and (c) and 238(1)(c), ‘court’—***omit, insert—*

‘commission’.

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**SCHEDULE 2 (continued)****7. Section 237(1)(d), ‘in court or chambers’—***omit, insert—*

‘in public or in private’.

**8. Section 238, heading—***omit, insert—*‘**Powers of Gaming Commission**’.**9. Schedule 4—***insert—*

‘**“Gaming Commission”** means the Queensland Gaming Commission under the *Gaming Machine Act 1991*.

**“registrar”**, of the Gaming Commission, see *Gaming Machine Act 1991*, section 3.<sup>37</sup>.

**LOTTERIES ACT 1997****1. Sections 88(5)(b), 176(5)(b), 224 and schedule 3, definition “information notice”, paragraph (c), ‘a Magistrates Court’—***omit, insert—*

‘the Gaming Commission’.

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<sup>37</sup> *Gaming Machine Act 1991*, section 3—

**“registrar”**, of the commission, means the officer of the department responsible for the time being for performing functions as the registrar of the commission.

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**SCHEDULE 2 (continued)****2. Sections 214 to 218, after ‘appeal’—***insert—*

‘to the Gaming Commission’.

**3. Section 220(1)(a), ‘the clerk of the court of the Magistrates Court’—***omit, insert—*

‘the registrar of the Gaming Commission’.

**4. Sections 220(3) and 221(2)(a) and (3), ‘court’—***omit, insert—*

‘Gaming Commission’.

**5. Sections 221(1), 222(1) and 223, ‘Magistrates Court’—***omit, insert—*

‘Gaming Commission’.

**6. Sections 221(2)(b) and (c) and 223(1)(c), ‘court’—***omit, insert—*

‘commission’.

**7. Section 222(1)(d), ‘in court or chambers’—***omit, insert—*

‘in public or in private’.

**8. Section 223, heading—***omit, insert—*

‘Powers of Gaming Commission’.

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SCHEDULE 2 (continued)

**9. Part 12, heading, ‘, AMENDMENTS’—**

*omit.*

**10. Part 12, division 3, heading—**

*omit, insert—*

*‘Division 2—Transitional provisions for Lotteries Act 1997’.*

**11. Schedule 3—**

*insert—*

‘ **“Gaming Commission”** means the Queensland Gaming Commission under the *Gaming Machine Act 1991*.

**“registrar”**, of the Gaming Commission, see the *Gaming Machine Act 1991*, section 3.<sup>38</sup>.

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<sup>38</sup> *Gaming Machine Act 1991*, section 3—

**“registrar”**, of the commission, means the officer of the department responsible for the time being for performing functions as the registrar of the commission.