

Queensland



GAMBLING LEGISLATION AMENDMENT ACT 2002

Act No. 43 of 2002

Queensland



GAMBLING LEGISLATION AMENDMENT ACT 2002

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Queensland



Gambling Legislation Amendment Act 2002

Act No. 43 of 2002

An Act to amend the *Casino Control Act 1982, Charitable and Non-Profit Gaming Act 1999, Gaming Machine Act 1991, Interactive Gambling (Player Protection) Act 1998, Keno Act 1996, Lotteries Act 1997 and Wagering Act 1998, and for other purposes*

[Assented to 12 September 2002]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Gambling Legislation Amendment Act 2002*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

PART 2—AMENDMENT OF CASINO CONTROL ACT 1982

3 Act amended in pt 2

This part amends the *Casino Control Act 1982*.

4 Amendment of s 4 (Interpretation)

(1) Section 4, heading—

omit, insert—

‘4 Definitions’.

(2) Section 4(1), ‘In this Act—’—

omit, insert—

‘The dictionary in the schedule defines particular words used in this Act.’.

(3) Section 4(1)—

insert—

‘**“accepted representations”**’ see section 44B.

“gaming commission” means the Queensland Gaming Commission under the *Gaming Machine Act 1991*.

“holder”, of a casino key employee licence or a casino employee licence, means the person to whom the licence is issued.

“information notice”, for a decision of the chief executive, means a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may appeal to the gaming commission against the decision within 28 days after the person receives the notice; and
- (d) how the person may appeal to the gaming commission.

“registrar”, of the gaming commission, means the officer or person designated under a regulation under the *Wagering Act 1998* as the registrar of the commission.

“relevant casino operator”, for part 4, division 2, means—

- (a) for a person who is asked, under section 36(1), to apply for a casino key employee licence—the casino operator for whom the chief executive reasonably believes the person is a casino key employee; or
- (b) for another person—the casino operator who intends to employ the person as a casino key employee or a casino employee.

“show cause notice”, for part 4, division 5, see section 44A(1)(a).’

(4) Section 4(1), definition “approved keno game”, after ‘see’—

insert—

‘the’.

(5) Section 4(1), definition “casino key employee”, paragraphs (b) and (c), ‘, in the opinion of the Minister,’—

omit.

(6) Section 4(1), definition “casino key employee”, paragraph (c), ‘determined by the Minister’—

omit, insert—

‘prescribed under a regulation’.

(7) Section 4(1), definition “casino operator”, at the end of paragraphs (a) and (b)—

insert—

‘or’.

(8) Section 4(1), definition “casino operator”, at the end of paragraphs (d) and (e)—

insert—

‘and’.

(9) Section 4(1), definitions (as amended)—

relocate to the schedule as inserted by this Act.

5 Insertion of new s 35A

After section 35—

insert—

‘35A Further information or documents to support application

‘(1) The chief executive may, by written notice given to the applicant, require the applicant to give the chief executive further information or a document about the application within the reasonable time stated in the notice.

‘(2) The requirement must relate to information or a document that is necessary and reasonable to help the chief executive decide the application.’

6 Amendment of s 36 (Requirement to apply for casino key employee licence in certain cases)

(1) Section 36(1) and (1A)—

omit, insert—

‘(1) If the chief executive reasonably believes a person is a casino key employee for a casino operator and is not the holder of a casino key employee licence, the chief executive must, by written notice given to the person, require the person to apply for a casino key employee licence within 7 days after receiving the notice.

‘(1A) The person must comply with the requirement within 7 days after receiving the notice, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.’.

(2) Section 36(4), ‘Minister’—

omit, insert—

‘chief executive’.

7 Amendment of s 37 (Consideration of application)

(1) Section 37(1), from ‘licensee;’—

omit, insert—

‘licensee.’.

(2) Section 37(1A)—

omit.

(3) Section 37(2), ‘making a recommendation’—

omit, insert—

‘deciding the application’.

8 Replacement of ss 38 and 39

Sections 38 and 39—

omit, insert—

‘38 Decision on application

‘(1) The chief executive must, after considering an application under this part, either grant or refuse to grant the application.

‘(2) If the chief executive decides to grant the application, the chief executive must immediately—

- (a) issue the casino key employee licence or casino employee licence to the applicant; and
- (b) give written notice of its issue to the relevant casino operator.

‘(3) If the chief executive decides to refuse to grant the application, the chief executive must—

- (a) immediately give—
 - (i) an information notice for the decision to the applicant; and
 - (ii) written notice of the decision to the relevant casino operator; and
- (b) as soon as practicable destroy the applicant’s fingerprints taken under section 37(1)(a).

‘39 Conditions of licence

‘(1) The chief executive may issue a casino key employee licence or a casino employee licence on conditions the chief executive considers necessary or desirable in the public interest or for the proper operation of a casino.

‘(2) If the chief executive decides to issue a casino key employee licence or a casino employee licence on conditions the chief executive must immediately—

- (a) give the applicant an information notice for the decision; and
- (b) give a copy of the notice to the relevant casino operator.

‘39A Form of licence

‘(1) A casino key employee licence and a casino employee licence must be in the approved form.

‘(2) The approved form must provide for the inclusion of the following—

- (a) the name of the casino key employee licensee or casino employee licensee;
- (b) a recent photograph of the licensee;
- (c) the date of issue of the licence;
- (d) whether the licensee is a casino key employee or casino employee;
- (e) the conditions of the licence;
- (f) other particulars prescribed under a regulation.

‘39C Changing conditions of licence

‘(1) The chief executive may decide to change the conditions of a casino key employee licence or a casino employee licence if the chief executive considers it is necessary or desirable to make the change in the public interest or for the proper operation of a casino.

‘(2) If the chief executive decides to change the conditions, the chief executive must immediately—

- (a) give the holder of the licence—
 - (i) written notice of the changed conditions; and
 - (ii) an information notice for the decision; and
- (b) if the chief executive believes the holder is an employee of a casino operator—give a copy of the information notice to the casino operator.

‘(3) A change of conditions takes effect on—

- (a) the day the information notice is given to the holder; or
- (b) if a later day is stated in the notice—the later day.

‘(4) The power of the chief executive to change the conditions of a casino key employee licence or a casino employee licence includes the power to add conditions to the licence.

‘39D Recording change of conditions

‘(1) The holder of a casino key employee licence or a casino employee licence must return the licence to the chief executive within 7 days after receiving an information notice under section 39C(2)(a), unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

‘(2) On receiving the licence, the chief executive must—

- (a) amend the licence to include the changed conditions and return it to the holder; or
- (b) give the holder a replacement licence showing the changed conditions.

‘(3) The amendment of the licence does not depend on it being amended or replaced under this section.

‘39E Replacement of licence

‘(1) The holder of a casino key employee licence or a casino employee licence may apply to the chief executive for a replacement licence if—

- (a) the licence has been damaged, destroyed or lost; or
- (b) the holder has changed his or her name.

‘(2) The application must be accompanied by the fee prescribed under a regulation.

‘(3) The chief executive must consider the application and either grant or refuse to grant the application.

‘(4) The chief executive may grant the application only if the chief executive is satisfied—

- (a) for an application to replace a licence that has been damaged, destroyed or lost—the licence has been damaged, destroyed or lost; or
- (b) for an application to replace a licence because of a change of name—the holder of the licence has changed his or her name.

‘(5) If the chief executive decides to grant the application, the chief executive must immediately give the applicant a replacement licence.

‘(6) If the chief executive decides to refuse to grant the application, the chief executive must immediately—

- (a) give the applicant an information notice for the decision; and
- (b) if the chief executive believes the holder of the licence is an employee of a casino operator—give a copy of the notice to the casino operator.’

9 Replacement of ss 44 and 45

Sections 44 and 45—

omit, insert—

‘Division 5—Suspension and cancellation of casino key employee and casino employee licences

‘44 Grounds for suspension or cancellation

‘(1) Each of the following is a ground for suspending or cancelling a casino key employee licence or a casino employee licence—

- (a) the licence was issued because of a materially false or misleading representation or document;
- (b) the holder of the licence has a conviction, other than a spent conviction, for—
 - (i) an offence against this Act or a gaming Act; or
 - (ii) another offence that is an indictable offence, whether dealt with on indictment or summarily;
- (c) the holder of the licence—
 - (i) is not a suitable person to hold the licence; or
 - (ii) acts in a way that is inappropriate for a casino’s operations; or
 - (iii) contravenes a provision of this Act, other than a provision a contravention of which is an offence against this Act; or
 - (iv) contravenes a condition of the licence.

‘(2) In deciding if the holder of a licence is a suitable person to hold the licence, the chief executive may have regard to the matters mentioned in section 37(1)(c)(i) to (iii).¹

¹ Section 37 (Consideration of application)

‘(3) For subsection (1)(c)(ii), the holder of a casino key employee licence or a 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 under the system of internal controls and administrative and accounting procedures approved by the chief executive under section 75² for the casino’s operations; and
- (b) the integrity of the casino’s operations being jeopardised.

‘(4) In this section—

“**spent conviction**” means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

‘44A Procedure for suspension or cancellation

‘(1) If the chief executive believes a ground exists to suspend or cancel a casino key employee licence or a casino employee licence, the chief executive must—

- (a) give the holder of the licence a written notice (a “**show cause notice**”); or
- (b) take action under section 44E³ if the chief executive considers—
 - (i) a matter relating to the ground for suspension or cancellation is reasonably capable of being rectified; and
 - (ii) it is appropriate to give the licence holder an opportunity to rectify the matter without giving a show cause notice.

‘(2) The show cause notice must state each of the following—

- (a) the action (the “**proposed action**”) the chief executive proposes taking under this division;
- (b) the grounds for the proposed action;

2 Section 75 (Chief executive’s approval)

3 Section 44E (Direction to rectify)

- (c) the facts and circumstances that are the basis for the grounds;
- (d) if the proposed action is suspension of the licence—the suspension period;
- (e) that the holder may make, within a stated period, written representations to show why the proposed action should not be taken.

‘(3) The stated period must end at least 21 days after the holder is given the notice.

‘(4) If the chief executive believes the holder is an employee of a casino operator, the chief executive must immediately give a copy of the notice to the casino operator.

‘(5) The casino operator may make, within the stated period, written representations to show why the proposed action should not be taken.

‘44B Considering representations

‘The chief executive must consider all written representations (the **“accepted representations”**) made under section 44A(2)(e) or (5).

‘44C Ending show cause process without further action

‘(1) This section applies if, after considering the accepted representations, the chief executive no longer believes a ground exists to suspend or cancel the casino key employee licence or casino employee licence.

‘(2) The chief executive—

- (a) must not take any further action about the show cause notice; and
- (b) must give each of the following written notice stating that no further action is to be taken—
 - (i) the holder of the licence;
 - (ii) a casino operator to whom a copy of the show cause notice was given under section 44A(4).

‘44D Censuring licensee

‘(1) This section applies if, after considering the accepted representations, the chief executive still believes a ground exists to suspend

or cancel the casino key employee licence or casino employee licence but—

- (a) does not believe suspension or cancellation of the licence is warranted; and
- (b) does not consider it is appropriate to take action under section 44E.

‘(2) The chief executive may censure the holder for a matter relating to the ground for suspension or cancellation.

‘(3) If the chief executive decides to censure the holder, the chief executive must give the holder an information notice for the decision.

‘(4) If the chief executive believes the holder is an employee of a casino operator, the chief executive must immediately give a copy of the information notice to the casino operator.

‘44E Direction to rectify

‘(1) This section applies if, after considering the accepted representations, the chief executive still believes a ground exists to suspend or cancel the casino key employee licence or casino employee licence but considers—

- (a) a matter relating to the ground for suspension or cancellation is reasonably capable of being rectified; and
- (b) that it is appropriate to give the holder of the licence an opportunity to rectify the matter.

‘(2) This section also applies if—

- (a) the chief executive has not given a show cause notice to the holder of the casino key employee licence or casino employee licence; and
- (b) the chief executive believes a ground exists to suspend or cancel the licence; and
- (c) the chief executive considers—
 - (i) a matter relating to the ground for suspension or cancellation is reasonably capable of being rectified; and
 - (ii) that it is appropriate to give the holder of the licence an opportunity to rectify the matter without giving a show cause notice; and

- (d) the holder has been given—
- (i) written notice that the chief executive proposes to give a direction under this section; and
 - (ii) a reasonable opportunity to make representations about the proposed direction.

‘(3) However, this section applies because of subsection (1) only if the chief executive does not believe suspension or cancellation of the casino key employee licence or the casino employee licence is warranted.

‘(4) The chief executive may, by written notice given to the holder of the licence, direct the holder to rectify the matter within the period stated in the notice.

‘(5) The notice must state the reason for the decision to give the direction.

‘(6) The period stated in the notice must be reasonable, having regard to the nature of the matter to be rectified.

‘(7) If the chief executive believes the holder is an employee of a casino operator, the chief executive must immediately give a copy of the notice to the casino operator.

‘(8) The holder of a casino key employee licence or a casino employee licence must comply with a direction under this section.

‘44F Suspension or cancellation of licence

‘(1) This section applies if, after considering the accepted representations, the chief executive—

- (a) still believes a ground exists to suspend or cancel the casino key employee licence or casino employee licence; and
- (b) believes suspension or cancellation of the licence is warranted.

‘(2) This section also applies if—

- (a) there are no accepted representations for the show cause notice; or
- (b) a direction to rectify a matter is given to the holder of the casino key employee or casino employee licence under section 44E(4) and the holder fails to comply with the direction within the period stated in the notice for the direction.

‘(3) The chief executive may—

- (a) if the proposed action stated in the show cause notice is to suspend the licence—suspend the licence for no longer than the proposed suspension period; or
- (b) if the proposed action stated in the show cause notice is to cancel the licence—cancel the licence or suspend it for a period.

‘(4) If the chief executive suspends or cancels the licence, the chief executive must immediately—

- (a) give the holder of the licence an information notice for the decision; and
- (b) if the chief executive believes the holder is an employee of a casino operator—give a copy of the information notice to the casino operator.

‘(5) The decision takes effect on—

- (a) the day the information notice is given to the holder; or
- (b) if a later day is stated in the notice—the later day.

‘(6) If the licence is cancelled, the person who held the licence must, within 14 days after receiving the information notice for the decision, return the licence to the chief executive.

Maximum penalty for subsection (6)—40 penalty units.

‘44G Immediate suspension of licence

‘(1) This section applies if the chief executive believes—

- (a) a ground exists to suspend or cancel a casino key employee licence or a casino employee licence; and
- (b) it is necessary to immediately suspend the licence—
 - (i) in the public interest; or
 - (ii) to ensure the integrity of the conduct of casino operations is not jeopardised.

‘(2) The chief executive may immediately suspend the licence by written notice given to the holder of the licence.

‘(3) The notice must state the reason for the decision to immediately suspend the licence.

‘(4) If the chief executive believes the holder of the licence is an employee of a casino operator, the chief executive must give a copy of the notice to the casino operator.

‘(5) The chief executive must, within 7 days after giving the holder a notice under subsection (2)—

- (a) give the holder a show cause notice; and
- (b) if the chief executive believes the holder is an employee of a casino operator—give a copy of the show cause notice to the casino operator.

‘(6) The licence is suspended under this section until the show cause notice is finally dealt with.’.

10 Amendment of s 62 (Gaming equipment and chips)

(1) Section 62(4) to (6)—

omit, insert—

‘(4) A casino operator must ensure a drop box or other receptacle (a “**deposit receptacle**”) used for the deposit of money, chips, vouchers, slips or other papers at the casino (whether or not there is any thing in the deposit receptacle) is fitted with 2 locks.

Maximum penalty—40 penalty units.

‘(4A) A casino operator must ensure a gaming table to which a deposit receptacle is attached is fitted with a lock that secures the deposit receptacle to the gaming table.

Maximum penalty—40 penalty units.

‘(4B) A casino operator must ensure a count room or storage area in which a deposit receptacle is being used in connection with the operation of the casino is fitted with 2 locks.

Maximum penalty—40 penalty units.

‘(4C) A casino operator must—

- (a) ensure the keys of 1 of the locks mentioned in subsections (4) and (4B) are under the exclusive control of the casino operator; and
- (b) give the keys of the other lock to an inspector at the casino.

Maximum penalty—40 penalty units.

‘(4D) A casino operator must ensure the keys of the lock mentioned in subsection (4A) are under the exclusive control of the casino operator.

Maximum penalty—40 penalty units.

‘(4E) A casino operator must ensure each lock mentioned in subsection (4), (4A) or (4B) is not able to be unlocked by a key of any other lock at the casino.

Maximum penalty—40 penalty units.

‘(4F) A casino operator must ensure a deposit receptacle is not brought into or removed from the area of the casino used for the conduct and playing of games other than at a time and in a way approved by the chief executive.

Maximum penalty—200 penalty units.

‘(4G) A casino operator must ensure a deposit receptacle is not locked or unlocked other than at a time, and in a place and way, approved by the chief executive.

Maximum penalty—200 penalty units.

‘(5) A casino operator must ensure that chips used, or for use, in the casino are clearly and permanently impressed, engraved or imprinted with—

- (a) the name of the casino or a symbol identifying the casino; and
- (b) any other matters provided for under a regulation.

Maximum penalty—40 penalty units.

‘(6) A casino operator must, before placing an order for chips with a chips manufacturer, give the order to the chief executive for approval.

Maximum penalty—200 penalty units.

‘(6A) A casino operator must not purchase chips from a chips manufacturer other than a chips manufacturer approved by the chief executive.

Maximum penalty—200 penalty units.’

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

Section 62A(1)—

omit, insert—

‘(1) A casino operator must not operate gaming equipment outside of a casino unless the casino operator has an approval under this section to operate the gaming equipment.

Maximum penalty—200 penalty units.

‘(2) A casino operator does not commit an offence under section 62(2) in so far as the possession, maintenance or exhibition of gaming equipment is merely incidental to the equipment being operated under an approval given under this section.’.

12 Amendment of s 63 (Casino games)

(1) Section 63(6)—

omit, insert—

‘(6) For each type of game, a casino operator must not conduct more than the maximum number of that type approved by the Minister.

Maximum penalty—40 penalty units.’.

(2) Section 63(9)—

omit, insert—

‘(8A) A casino operator must comply with a direction given to the operator under subsection (8).

Maximum penalty—200 penalty units.

‘(9) The casino operator must ensure that each game conducted in the casino is conducted under the rules made under subsection (1) for the game.

Maximum penalty—200 penalty units.

‘(10) A casino key employee or a casino employee who is involved in the conduct of a game at a casino must ensure the game is conducted under the rules made under subsection (1) for the game.

Maximum penalty—40 penalty units.’.

13 Amendment of s 64A (Wagers other than permissible minimum and maximum wagers)

Section 64A(4)—

omit, insert—

‘(4) If a patron makes a wager less than the permissible minimum wager, or more than the permissible maximum wager, for a table or location, a casino employee at the table or location must not accept the wager unless—

- (a) the wager is made under an arrangement mentioned in subsection (1); and
- (b) the patron’s document for the arrangement—
 - (i) is on the table, or at the location, in front of the patron; and
 - (ii) is clearly visible to the employee.

Maximum penalty for subsection (4)—20 penalty units.’.

14 Amendment of s 72 (Training courses for employees)

Section 72(2)—

omit, insert—

‘(2) In providing a training course mentioned in subsection (1), a casino operator must ensure—

- (a) the course is provided by the casino operator or, with the chief executive’s approval, by the casino operator’s nominee; and
- (b) the course complies with the content, format and duration, approved by the chief executive, for the course.

Maximum penalty—40 penalty units.’.

15 Insertion of new ss 72A and 72B

Part 6, after section 72—

insert—

‘72A Advertising casinos

‘An advertisement about a casino must—

- (a) not be indecent or offensive; and

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

‘72B Directions about advertising

‘(1) If the chief executive reasonably believes an advertisement about a casino does not comply with section 72A, the chief executive may direct the person who appears to be responsible for authorising the advertisement to take the appropriate steps—

- (a) to stop using the advertisement; 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—200 penalty units.’.

16 Amendment of s 76 (Books etc. to be kept on premises)

(1) Section 76, heading—

omit, insert—

‘76 Keeping books, records and documents’.

(2) Section 76(3)—

omit, insert—

‘(3) The casino operator must keep a book, record or document mentioned in subsection (1) for 5 years after the end of the transaction to which the book, record or document relates.

Maximum penalty—200 penalty units.

‘(4) Subsection (3) does not apply to a book, record or document if—

- (a) the information previously contained in the book, record or document is kept in another way under an approval of the chief executive; or
- (b) the book, record or document has been destroyed under an approval of the chief executive.

‘(5) Subsection (3) has effect subject to any other law about the retention or destruction of the book, record or document.’.

17 Replacement of s 82 (Audit provisions)

Section 82—

omit, insert—

‘82 Audit of operations

‘(1) As soon as practicable after the end of each financial year, a casino operator must have the operator’s books, accounts and financial statements for the operation of the operator’s hotel-casino complex or casino for the financial year audited by a person who—

- (a) is a registered company auditor under the Corporations Act; and
- (b) is approved by the chief executive to conduct the audit.

Maximum penalty—200 penalty units.

‘(2) The auditor must—

- (a) complete the audit within 4 months after the end of the financial year; and
- (b) immediately after completion of the audit, give a copy of the audit report to the chief executive and casino operator.

Maximum penalty—40 penalty units.

‘(3) Subsection (2)(a) does not apply to the auditor if, in the circumstances, it would be unreasonable to require the auditor to comply with the paragraph and the auditor completes the audit as soon as practicable.’.

18 Insertion of new s 87A

After section 87—

insert—

‘87A Power to require name and address

‘(1) This section applies if—

- (a) an inspector finds a person committing or attempting to commit an offence against this Act; or
- (b) an inspector finds a person in circumstances that lead, or has information that leads, the inspector to reasonably suspect the person is committing, or has committed, an offence against this Act.

‘(2) The inspector may require the person to state the person’s name and residential address.

‘(3) When making the requirement, the inspector must warn the person it is an offence to fail to state the person’s name or residential address, unless the person has a reasonable excuse.

‘(4) The inspector may also require the person to give evidence of the correctness of the stated name or residential address if—

- (a) the inspector reasonably suspects the stated name or address to be false; and
- (b) in the circumstances, it would be reasonable to expect the person to—
 - (i) be in possession of evidence of the correctness of the stated name and address; or
 - (ii) otherwise be able to give the evidence.

‘(5) A person of whom a requirement is made under subsection (2) or (4) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

‘(6) A person does not commit an offence against subsection (5) if—

- (a) the person was required by an inspector who suspected the person was committing or attempting to commit, or had committed, an offence against this Act, to state the person’s name

and residential address or to give evidence of the correctness of the stated name or residential address; and

- (b) the person is not proved to have committed the offence.’.

19 Insertion of new pt 9A

Before part 10—

insert—

‘PART 9A—APPEALS TO GAMING COMMISSION

‘91A Who may appeal

‘A person who is or was an applicant for, or a holder of, a casino key employee licence or a casino employee licence may appeal to the gaming commission against the following decisions of the chief executive—

- (a) a decision, under section 38(1), refusing to grant an application for the licence;
- (b) a decision, under section 39, imposing a condition on the licence;
- (c) a decision, under section 39C(1), changing a condition of the licence;
- (d) a decision, under section 39E(3), refusing to grant an application to replace the licence;
- (e) a decision, under section 44D(2), censuring the holder of the licence;
- (f) a decision, under section 44F(3)(a) or (b), suspending the licence;
- (g) a decision, under section 44F(3)(b), cancelling the licence.

‘91B Starting appeal

‘(1) An appeal is started by—

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

‘(2) The notice of appeal must be—

- (a) accompanied by the fee prescribed under a regulation; and
- (b) filed within 28 days after the appellant receives the information notice for the decision.

‘(3) The gaming commission may at any time extend the period for filing the notice of appeal.

‘(4) The notice of appeal must state fully the grounds, and the facts relied on, for the appeal.

‘91C Stay of operation of decision

‘(1) The gaming commission may grant a stay of the operation of a decision appealed against to secure the effectiveness of the appeal.

‘(2) The stay—

- (a) may be granted on conditions the gaming commission considers appropriate; and
- (b) has effect for the period stated by the commission; and
- (c) may be amended or revoked by the commission.

‘(3) The period of the stay must not extend past the time when the commission decides the appeal.

‘(4) An appeal against a decision does not affect the operation of the decision unless the commission stays the decision.

‘91D Hearing procedures

‘(1) In deciding an appeal, the gaming commission—

- (a) has the same powers as the chief executive in making the decision appealed against; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice; and
- (d) may hear the appeal in public or in private.

‘(2) An appeal is by way of rehearing unaffected by the decision appealed against on the material before the chief executive and any further evidence allowed by the gaming commission.

‘91E Power to gather evidence

‘(1) The gaming commission may, by written notice signed by the registrar of the gaming commission, 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 gaming 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 mentioned in subsection (1)(b) must, if the notice requires, be verified by statutory declaration.

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

- (a) fail to comply with a requirement under subsection (1) or (2); or
- (b) if appearing for examination before the gaming commission—
 - (i) fail to take or make an oath when required by a member of the commission or the registrar; or
 - (ii) fail to answer a question relevant to the appeal to the best of the person’s knowledge, information or belief.

Maximum penalty—40 penalty units.

‘(4) A member of the gaming commission may administer an oath 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.

‘91F Powers of gaming commission on appeal

‘(1) In deciding an appeal, the gaming commission may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute the commission’s own decision; or
- (c) set aside the decision and return the issue to the chief executive with the directions the commission considers appropriate.

‘(2) A decision of the gaming commission under subsection (1)(b) is, other than for this part, taken to be the decision of the chief executive.

‘91G Appeals to District Court

‘An appeal lies to the District Court from a decision of the gaming commission, but only on a question of law.’.

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

Section 92(3)—

insert—

‘(d) the safety of a dependant, or someone in the care, of the person, is at risk because of the person’s presence in the casino.’.

21 Amendment of s 93 (Appeal to Minister)

Section 93(1), ‘may appeal’—

omit, insert—

‘may, within 3 months after the day the person receives the direction, appeal’.

22 Amendment of s 127 (Regulations)

Section 127(2)(h), ‘10 penalty units’—

omit, insert—

‘20 penalty units’.

23 Insertion of new pt 11, div 3

After section 129—

insert—

***‘Division 3—Transitional provisions for Gambling Legislation
Amendment Act 2002***

‘130 Definition for div 3

‘In this division—

“**commencement**” means the commencement of the provision in which the term is used.

‘131 Unredeemed keno dollars

‘(1) This section applies to keno dollars that would have been capable of being used or redeemed under this Act before 23 June 1997 at a casino.

‘(2) The keno dollars may be redeemed for cash with the casino operator only within 1 year after the commencement.

‘(3) The casino operator must pay unredeemed keno dollars by cheque to the chief executive as soon as practicable after the keno dollars become unredeemed keno dollars.

‘(4) In this section—

“**unredeemed keno dollars**” means keno dollars that are not redeemed for cash within 1 year after the commencement.

‘132 Dealing with existing applications

‘(1) This section applies to an application for a casino key employee licence or a casino employee licence made under section 35(1) and not decided before the commencement.

‘(2) The application must be decided under this Act as in force immediately after the commencement.

‘133 Appeals

‘(1) Subsection (2) applies if—

(a) immediately before the commencement a person could have appealed against a direction, under section 92, of a casino operator or a casino manager; and

(b) the person has not appealed before the commencement.

‘(2) Despite section 93(1), the person may appeal, and the Minister may hear and decide the appeal under this Act.’.

PART 3—AMENDMENT OF CHARITABLE AND NON-PROFIT GAMING ACT 1999

24 Act amended in pt 3

This part amends the *Charitable and Non-Profit Gaming Act 1999*.

25 Amendment of s 69 (Investigations)

Section 69(4)—

insert—

‘(d) the associate—

- (i) was a business or executive associate of the licensee when the licensee applied for the licence; and
- (ii) has not been investigated under section 48(2).⁴.

26 Insertion of new s 100B

Part 5, division 9, after section 100A—

insert—

‘100B Offences about using or modifying regulated general gaming equipment

‘(1) A person must not use regulated general gaming equipment in conducting a game unless the equipment is approved equipment.

Maximum penalty—40 penalty units.

‘(2) A person must not modify approved equipment unless the modification is approved under section 100(1).

Maximum penalty—40 penalty units.

‘(3) In this section—

“**approved equipment**” means regulated general gaming equipment approved under section 100(1).’.

4 Section 48 (Investigations of suitability of applicant)

27 Amendment of sch 2 (Dictionary)

Schedule 2, definition “regulated general gaming equipment”, paragraphs (a) and (b)—

omit, insert—

- ‘(a) a lucky envelope vending machine with an electronic or computer controlled random number generator; or
- (b) equipment with an electronic or computer controlled random number generator intended for the conduct of an art union, bingo or a promotional game; or’.

**PART 4—AMENDMENT OF GAMING MACHINE
ACT 1991****28 Act amended in pt 4**

This part amends the *Gaming Machine Act 1991*.

29 Amendment of s 2 (Definitions)

(1) Section 2, ‘In this Act—’—

omit, insert—

‘The dictionary in the schedule defines particular words used in this Act.’.

(2) Section 2, definitions “parent entity” and “supporting material” for an application for a licence under part 5—

omit.

(3) Section 2—

insert—

‘**“associates (contractors) audit program”** means an audit program, for investigating associates of licensed service contractors, approved under section 211(1)(b).

“associates (repairers) audit program” means an audit program, for investigating associates of licensed repairers, approved under section 211(1)(b).

“contractors audit program” means an audit program, for investigating licensed service contractors, approved under section 211(1)(a).

“holder”, of a licence under this Act, means the person to whom the licence is issued.

“repairers audit program” means an audit program, for investigating licensed repairers, approved under section 211(1)(a).

“supporting material”, for an application for a licence under part 5, means any information or document received by the chief executive in response to a notice given under section 200(3)(a) about the application.’.

(4) Section 2, definition “administered receipt”, after ‘see’—

insert—

‘the’.

(5) Section 2, definition “approved authority”, paragraph (b), ‘Authority’—

omit, insert—

‘Service’.

(6) Section 2, definition “approved financier”, paragraph (b)—

omit, insert—

‘(b) a registered entity under the *Financial Sector (Collection of Data) Act 2001* (Cwlth)’.

(7) Section 2, definition “control system”, from ‘licensed’—

omit, insert—

‘licensed supplier of the supplier’s supply operations.’.

(8) Section 2, definitions “licensed repairer” and “licensed service contractor”, from ‘licence,’—

omit, insert—

‘licence in force under this Act.’.

(9) Section 2, definition “progressive jackpot prize meter”, ‘the licensee’—

omit, insert—

‘a licensee or licensed monitoring operator’.

(10) Section 2, definitions (as amended)—

relocate to the schedule as inserted by this Act.

30 Amendment of s 5 (Meaning of “associate”)

(1) Section 5(a)(xii), ‘holds a controlling interest’—

omit, insert—

‘has a substantial holding’.

(2) Section 5(a)(xiii)—

omit, insert—

‘(xiii)if the person is a body corporate—a person who has a substantial holding in the body corporate;’.

(3) Section 5(b), ‘hold a controlling interest’—

omit, insert—

‘have a substantial holding’.

(4) Section 5(b), ‘15%’—

omit, insert—

‘5%’.

31 Amendment of s 28 (Decisions or determinations of commission)

(1) Section 28(1)—

omit.

(2) Section 28(5), ‘section 29(5)’—

omit, insert—

‘section 29A(1)’.

(3) Section 28(2) to (5)—

renumber as section 28(1) to (4).

32 Amendment of s 29 (Appeals to Minister)

(1) Section 29(2)(d), ‘14 days of the date when’—

omit, insert—

‘28 days after the day’.

(2) Section 29(5)—

omit.

(3) Section 29(9)(b), from ‘that’—

omit, insert—

‘that is—

- (i) for premises mentioned in section 56(2)(c)—less than the number sought in the relevant application for the premises and less than the number approved for the premises at the time the application is made; or
- (ii) for other premises—less than the number sought in the relevant application for the premises; or’.

(4) Section 29(9)(n) to (r)—

omit.

(5) Section 29(10)(e) to (g)—

omit.

33 Insertion of new s 29A

After section 29—

insert—

‘29A Stay of operation of decision or determination

‘(1) The Minister may grant a stay of the operation of a decision or determination appealed against under section 29, other than a decision of the chief executive under section 99.⁵

‘(2) Before granting a stay under subsection (1) the Minister must have regard to whether the integrity of gaming and the conduct of gaming will

5 Section 99 (Suspension of gaming machine licence for non-payment of gaming machine tax, levy or penalty)

be jeopardised, or the public interest will be adversely affected, if the stay is granted.

‘(3) The stay—

- (a) may be granted on conditions the Minister considers appropriate; and
- (b) has effect for the period stated by the Minister; and
- (c) may be amended or revoked by the Minister.

‘(4) The period of the stay must not extend past the time when the Minister decides the appeal.

‘(5) An appeal against a decision or determination does not affect the operation of the decision or determination unless the Minister stays the decision or determination.’.

34 Amendment of s 30 (Minister’s determination of appeals)

(1) Section 30(1), from ‘relevant;’—

omit, insert—

‘relevant to the appeal.’.

(2) Section 30(2) to (5)—

omit.

35 Insertion of new ss 30A–30C

After section 30—

insert—

‘30A Powers of Minister on appeal

‘(1) On an appeal, the Minister may make any decision that the entity that made the decision appealed against could have made.

‘(2) Without limiting subsection (1), the Minister may—

- (a) confirm the decision or determination appealed against; or
- (b) set aside the decision or determination and substitute the Minister’s own decision; or
- (c) set aside the decision or determination and return the matter to the commission or chief executive for further consideration.

‘(3) Before making a decision under this section, the Minister must have regard to whether the integrity of gaming and the conduct of gaming will be jeopardised, or the public interest will be adversely affected, by the decision.

‘(4) If the Minister takes action as mentioned in subsection (2)(c), the Minister may provide the commission or chief executive with any information or documents the Minister considers relevant to the matter the subject of the appeal.

‘30B Minister to give reasons for decision

‘(1) A decision of the Minister under section 30A(1) must—

- (a) be in writing; and
- (b) state the decision and the reasons for the decision.

‘(2) As soon as practicable after the Minister makes the decision, the Minister must give each party to the appeal written notice about the decision.

‘30C Effect of Minister’s decision

‘(1) The Minister’s decision relating to an appeal takes effect when it is given or the later date stated in the decision.

‘(2) A decision of the Minister under section 30A(2)(b) is, other than for section 29(1), taken to be the decision of the entity that made the decision appealed against.

‘(3) Subsection (4) applies if, under section 30A(2)(c), the Minister sets aside a decision or determination and returns the matter to the commission or chief executive for further consideration.

‘(4) Despite section 29(1), a decision of the commission or chief executive about the matter after further consideration of the matter is not a decision to which section 29 applies.’

36 Amendment of s 32 (Appeals to commission)

Section 32, before subsection (1)—

insert—

‘(1A) A person who is or was an applicant for, or a holder of, a licence under this Act may appeal to the commission against the following decisions of the chief executive—

- (a) a decision, under section 196, 197 or 201(1), refusing to grant an application for the licence;
- (b) a decision, under section 205, imposing a condition on the licence;
- (c) a decision, under section 206(1), changing a condition of the licence;
- (d) a decision, under section 207, refusing to renew the licence;
- (e) a decision, under section 219(12)(b) or (14), censuring the holder of the licence;
- (f) a decision, under section 219(12) or (13), cancelling or suspending the licence;
- (g) a decision, under section 220(2), suspending the licence.’

37 Amendment of s 50 (Delegation by Minister)

Section 50(2), definition “designated powers”, paragraph (c)—

omit.

38 Amendment of s 51 (Delegation by commission)

Section 51(2), definition “designated powers”, from ‘sections’—

omit, insert—

‘sections 97(16) and (17), 98, 147 and 336.’⁶

⁶ Sections 97 (Cancellation or suspension of gaming machine licences and letters of censure), 98 (Immediate suspension of gaming machine licences), 147 (Decision of commission) and 336 (Review and termination of agreements)

39 Amendment of s 54 (Secrecy)

Section 54(8), ‘subsection (6)’—

omit, insert—

‘subsection (6)(c)’

40 Amendment of s 57 (Recommendation by chief executive about application for gaming machine licence)

Section 57—

insert—

‘(10A) A recommendation to grant a gaming machine licence may be subject to the reasonable conditions the chief executive considers appropriate having regard to—

- (a) the nature or character of the subject premises; or
- (b) the general use of the premises or the enjoyment of persons using the premises; or
- (c) the public interest.’.

41 Amendment of s 58 (Decision on application for gaming machine licence)

Section 58—

insert—

‘(9A) If the commission decides to impose, under section 73(1)(b),⁷ a condition on the licence, the chief executive must immediately give the applicant an information notice for the decision.’.

42 Amendment of s 59 (Number of gaming machines and hours of gaming to be fixed on grant of gaming licence)

(1) Section 59, heading, ‘gaming licence’—

omit, insert—

‘gaming machine licence’.

⁷ Section 73 (Conditions of gaming machine licences)

(2) Section 59—

insert—

‘(2A) Despite subsection (2)(a)(i), if the application is in relation to category 1 licensed premises mentioned in section 56(2)(c),⁸ the number of machines that may be installed on the premises must not be more than the number approved for the premises at the time the application is made.’.

(3) Section 59—

insert—

‘(3A) If the number of gaming machines fixed for premises mentioned in subsection (2A) is less than the number sought in the application but not less than the number approved for the premises at the time the application is made, the chief executive must immediately give written notice of the decision to the applicant.’.

(4) Section 59—

insert—

‘(5) Subsection (4) does not apply to an application to which subsection (3A) applies.’.

43 Amendment of s 62 (Recommendation by chief executive about additional premises application)

Section 62—

insert—

‘(9A) A recommendation that approval of the additional premises be given may be subject to the reasonable conditions the chief executive considers appropriate having regard to—

- (a) the nature or character of the additional premises; or
- (b) the general use of the premises or the enjoyment of persons using the premises; or
- (c) the public interest.’.

8 Section 56 (Application for gaming machine licences)

44 Amendment of s 74 (Imposition or variation of conditions)

Section 74(2)—

omit, insert—

‘(2) If the commission decides to impose or vary conditions under subsection (1), the chief executive must immediately give the licensee—

- (a) written notice of the conditions or varied conditions; and
- (b) an information notice for the decision.’.

45 Amendment of s 76 (Renewal and continuance of gaming machine licences)

Section 76(6), ‘written notice of, and the reasons for,’—

omit, insert—

‘an information notice for’.

46 Insertion of new s 80A

Part 3, division 6, after section 80—

insert—

‘80A When gaming machine licence lapses and number of approved gaming machines changes

‘(1) If the licensee under a gaming machine licence has not started to conduct gaming on the licensed premises by the relevant date, the gaming machine licence lapses.

‘(2) If the licensee under a gaming machine licence has started to conduct gaming on the licensed premises by the relevant date but the approved number of gaming machines for the licensed premises have not been installed, the number of gaming machines approved for the licensed premises is taken to be the number installed by that date.

‘(3) The commission may fix a date as the relevant date for particular licensed premises if—

- (a) the licensee—
 - (i) applies in writing to the commission, for deferment of the relevant date, before the day that is 1 year after the day the licence was granted by the commission; and

- (ii) gives the commission information and materials for which it reasonably asks to help it decide the application; and
- (b) the commission is, after considering the application and any information or materials requested under paragraph (a)(ii), satisfied there is good reason to allow the deferment of the date for the licensed premises.

Example of good reason to allow a deferment—

The commission might consider the fact that licensed premises are under construction and the construction work is substantially complete or has been delayed for reasons outside the licensee's control are good reasons for deferment of the relevant date.

‘(4) However, the commission may fix a date under subsection (3) only if the date is not more than 2 years after the day the gaming machine licence was granted.

‘(5) The commission may grant a deferment of the relevant date on conditions the commission considers appropriate and, if a condition is not complied with, the deferment does not operate beyond the date of the noncompliance.

‘(6) In this section—

“**gaming machine licence**” means a gaming machine licence granted after the commencement of this section.

“**relevant date**”, in relation to a gaming machine licence, means—

- (a) the date that is 1 year after the day the licence was granted; or
- (b) for premises for which the commission has fixed a later date under subsection (3)—the date fixed by the commission or an earlier date on which the deferment ceases to operate under subsection (5).’.

47 Amendment of s 82 (Recommendation by chief executive about increase application)

Section 82—

insert—

‘(2A) A recommendation mentioned in subsection (2)(a) or (b) may be subject to the reasonable conditions the chief executive considers appropriate having regard to—

- (a) the nature or character of the licensed premises of the licensee; or

- (b) the general use of the premises or the enjoyment of persons using the premises; or
- (c) the public interest.’.

48 Insertion of new s 85AA

Part 3, division 7, after section 85—

insert—

‘85AA When approval lapses and number of additional gaming machines changes

‘(1) This section applies to an approval given by the commission under section 83 after the commencement of this section for an increase in the number of gaming machines for licensed premises.

‘(2) If the licensee has not installed any additional gaming machines under the approval for the licensed premises by the relevant date, the approval lapses.

‘(3) If the licensee has installed some, but not all, of the additional gaming machines under the approval for the licensed premises by the relevant date, the number of additional gaming machines approved under the approval is taken to be the number installed by that date.

‘(4) The commission may fix a date as the relevant date for particular licensed premises if—

- (a) the licensee—
 - (i) applies in writing to the commission, for deferment of the relevant date, before the day that is 6 months after the day the approval was given; and
 - (ii) gives the commission information and materials for which it reasonably asks to help it decide the application; and
- (b) the commission is, after considering the application and any information or materials requested under paragraph (a)(ii), satisfied there is good reason to allow the deferment of the date for the licensed premises.

Example of good reason to allow a deferment—

The commission might consider the fact that licensed premises are under construction and the construction work is substantially complete or has been delayed for reasons outside the licensee’s control are good reasons for deferment of the relevant date.

‘(5) However, the commission may fix a date under subsection (4) only if the date is not more than 1 year after the day the approval was given.

‘(6) The commission may grant a deferment of the relevant date on conditions the commission considers appropriate and, if a condition is not complied with, the deferment does not operate beyond the date of the noncompliance.

‘(7) In this section—

“**relevant date**”, in relation to an approval, means—

- (a) the date that is 6 months after the day the approval was given; or
- (b) for premises for which the commission has fixed a later date under subsection (4)—the date fixed by the commission or an earlier date on which the deferment ceases to operate under subsection (6).’.

49 Amendment of s 86 (Proposals to decrease approved number of gaming machines)

(1) Section 86(4)—

omit, insert—

‘(4) An application by a licensee must be—

- (a) in the approved form; and
- (b) given to the chief executive; and
- (c) if the licensee intends to relocate the gaming machine areas for licensed premises of the licensee—accompanied by an application under section 91.⁹

‘(4A) A request or report mentioned in subsection (2) or (3) must—

- (a) be in writing; and
- (b) be given to the chief executive; and
- (c) state, by reference to a number, the decrease requested or recommended; and
- (d) state the approved number of gaming machines for the licensed premises if the decrease were to be approved.’.

9 Section 91 (Relocation of gaming machine areas)

(2) Section 86(3A) to (5)—
renumber as section 86(4) to (7).

50 Amendment of s 91 (Relocation of gaming machine areas)

Section 91(2)—

omit, insert—

‘(2) An application for approval must be—

- (a) in the approved form; and
- (b) given to the chief executive; and
- (c) accompanied by a plan of the premises showing the proposed locations on the premises where it is intended to install gaming machines.’.

51 Insertion of new pt 3, div 11A

Part 3, after section 91—

insert—

‘Division 11A—Ceasing gaming at particular licensed premises

‘91A Ceasing gaming at licensed premises

‘(1) This section applies to a category 2 licensee if—

- (a) additional premises have been approved under section 63(1)¹⁰ for the licence; and
- (b) the licensee ceases the conduct of gaming on any licensed premises under the licence.

‘(2) The licensee must, immediately after ceasing the conduct of gaming on the licensed premises, give the chief executive—

- (a) the licence; and
- (b) a written notice stating—
 - (i) the day the conduct of gaming ceased; and

10 Section 63 (Decision on additional premises application)

- (ii) details of the licensed premises on which the conduct of gaming ceased.

Maximum penalty—40 penalty units.

‘91B Chief executive may amend or replace licence

‘(1) On receiving the licence, the chief executive must—

- (a) amend the licence to show the licensed premises on which the conduct of gaming may take place under the licence; or
- (b) issue a replacement licence, showing the licensed premises on which the conduct of gaming may take place under the licence.

‘(2) As soon as practicable after amending or replacing a licence under subsection (1), the chief executive must give the licensee the amended or replacement licence.

‘91C Dealing with gaming machines on ceasing the conduct of gaming

‘(1) As soon as practicable after receiving a notice under section 91A(2)(b), the chief executive must, by written notice given to the licensee, approve the way in which gaming machines at premises on which the conduct of gaming ceased may be disposed of.

‘(2) An approval under subsection (1) may provide for the disposal of the gaming machines by sale or destruction of the machines.

‘(3) A licensee to whom notice of an approval is given under subsection (1) must dispose of the gaming machines—

- (a) within 1 month after receiving the notice; or
- (b) if the chief executive extends, or further extends, the period for the disposal by written notice given to the licensee in the period or extended period—within the period as extended.

Maximum penalty—200 penalty units.

‘(4) The chief executive may give the licensee a notice extending the period if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.

‘(5) Also, the chief executive must, as soon as practicable after receiving a notice under section 91A(2)(b), give written notice of the ceasing of the

conduct of gaming to each licensed monitoring operator the chief executive believes is supplying basic monitoring services to the licensee.’.

52 Amendment of s 95 (Surrender of gaming machine licences)

Section 95(7)—

omit, insert—

‘(7) An approval under subsection (5) may provide for the disposal of the gaming machines by sale or destruction of the machines.’.

53 Amendment of s 97 (Cancellation or suspension of gaming machine licences and letters of censure)

Section 97(19), from ‘written notice’—

omit, insert—

‘an information notice for the decision to cancel or suspend the licence.’.

54 Amendment of s 98 (Immediate suspension of gaming machine licence)

Section 98(2)(a), from ‘written notice’—

omit, insert—

‘an information notice for the decision to suspend the licence; and’.

55 Amendment of s 99 (Suspension of gaming machine licence for non-payment of monthly fees, gaming tax or penalty)

(1) Section 99, heading, ‘**monthly fees, gaming tax or penalty**’—

omit, insert—

‘**gaming machine tax, levy or penalty**’.

(2) Section 99—

insert—

‘(4A) The suspension notice must be accompanied by an information notice for the decision to suspend the licence.’.

56 Amendment of s 104 (Recovery or disposal of gaming machines and other property on cancellation or non-renewal of gaming machine licence)

(1) Section 104, heading—

omit, insert—

‘104 Disposal of gaming machines on cancellation or non-renewal of gaming machine licence’.

(2) Section 104(4)—

omit, insert—

‘(4) The approval under subsection (3) may provide for the disposal of the gaming machines by sale or destruction of the machines.’.

57 Amendment of s 121 (Recommendation about application)

Section 121—

insert—

‘(4A) A recommendation to grant an application may be subject to the reasonable conditions the chief executive decides.’.

58 Amendment of s 123 (Conditions of licences)

Section 123—

insert—

‘(3) The holder of a supplier’s licence must not contravene a condition of the licence.

Maximum penalty—200 penalty units.’.

59 Amendment of s 131 (Renewal of licence—decision)

Section 131(3), from ‘a written notice’—

omit, insert—

‘an information notice for the decision to refuse to renew the licence.’.

60 Amendment of s 136 (Conducting investigations)

Section 136(4)—

insert—

- ‘(d) for an associate who was an associate of the licensed supplier when the supplier’s licence was issued—the associate has not been investigated under section 120.’.

61 Replacement of ss 163–167

Sections 163 to 167—

omit, insert—

‘163 Approved control system for supply operations

‘(1) A licensed supplier must not conduct the supplier’s supply operations unless the supplier has an approved control system for the operations.

Maximum penalty—200 penalty units.

‘(2) If a licensed supplier has an approved control system for the supplier’s supply operations, the licensed supplier must not contravene the approved control system in the conduct of the operations.

Maximum penalty—200 penalty units.

‘(3) A licensed supplier must not change the supplier’s approved control system other than under a direction or approval of the chief executive.

Maximum penalty—200 penalty units.

‘164 Control system submission

‘(1) A licensed supplier may make a submission (a “**control system submission**”) to the chief executive for approval of the supplier’s proposed control system.

‘(2) A control system submission must be in writing and be made—

- (a) at least 90 days before the licensed supplier proposes to start conducting the supplier’s supply operations; or
- (b) if the chief executive considers it appropriate to allow a submission to be made at a later time—by the time allowed by the chief executive.

‘(3) A control system submission must describe and explain the control system proposed for the supplier’s supply operations.

‘(4) In particular, a control system submission must include information about—

- (a) the following things to be used for the supply operations—
 - (i) accounting systems and procedures, and chart of accounts;
 - (ii) administrative systems and procedures;
 - (iii) computer software;
 - (iv) standard forms and terms; and
- (b) the general procedures to be followed for the supply operations; and
- (c) the procedures and standards for the maintenance, security, storage and transportation of equipment to be used for the supply operations; and
- (d) the procedures for using and maintaining security facilities for the supply operations.

‘(5) A control system submission may include other information about the supply operations or proposed control system.

‘165 Control system (change) submission

‘(1) A licensed supplier may make a submission (a “**control system (change) submission**”) to the chief executive for approval to change the supplier’s approved control system.

‘(2) A control system (change) submission must be in writing and be made—

- (a) at least 90 days before the licensed supplier proposes to start conducting the supplier’s supply operations under the approved control system, as proposed to be changed; or
- (b) if the chief executive considers it appropriate to allow a submission to be made at a later time—by the time allowed by the chief executive.

‘(3) A control system (change) submission must contain particulars of the proposed changes to the supplier’s approved control system.

‘166 Dealing with submissions

‘(1) This section applies to a control system submission or control system (change) submission made to the chief executive by a licensed supplier.

‘(2) The chief executive must consider the submission and either approve or refuse to approve the proposed control system or proposed change of the approved control system.

‘(3) The chief executive may, by written notice given to the licensed supplier, require the supplier, within a reasonable time stated in the notice, to give the chief executive further information that is necessary and reasonable to help the chief executive make a decision about the submission.

‘(4) In considering whether to give an approval, the chief executive must have regard to—

- (a) whether the submission satisfies the requirements under this subdivision for the submission; and
- (b) whether the proposed control system, or approved control system as proposed to be changed, is capable of providing satisfactory and effective control over the supplier’s supply operations.

‘(5) The chief executive may refuse to give an approval if the licensed supplier fails to comply with a requirement under subsection (3) without a reasonable excuse.

‘(6) If the chief executive approves the proposed control system, or proposed change of the approved control system, the chief executive must immediately give the licensed supplier written notice of the decision.

‘(7) If the chief executive refuses to approve the proposed control system, or proposed change of the approved control system, the chief executive must immediately give the licensed supplier a written notice that—

- (a) states the decision and the reasons for the decision; and
- (b) if the chief executive believes the submission can easily be changed to enable the chief executive to give an approval—
 - (i) explains how the submission may be changed; and
 - (ii) invites the licensed supplier to resubmit the submission after making the appropriate changes.

‘167 Direction to change approved control system

‘(1) The chief executive may, by written notice given to a licensed supplier, direct the supplier to change the supplier’s approved control system within the period, and in the way, stated in the notice.

‘(2) The licensed supplier must comply with the direction.

‘(3) If the licensed supplier does not comply with the direction, at the end of the period stated in the notice the supplier’s approved control system is taken to have been changed in the way stated in the notice.’

62 Amendment of s 173 (Submission of reports)

(1) Section 173, ‘monitoring operator’—

omit, insert—

‘supplier’.

(2) Section 173, ‘operator’s monitoring’—

omit, insert—

‘supplier’s supply’.

(3) Section 173, ‘the operator’—

omit, insert—

‘the supplier’.

(4) Section 173(7)(a), ‘the operator’s’—

omit, insert—

‘the supplier’s’.

63 Amendment of s 180 (Associated documents for audit report for licensed monitoring operator)

(1) Section 180(1)(d)—

omit, insert—

‘(d) if an entity controls the licensed monitoring operator—a copy of the consolidated financial statements for the entity.’.

(2) Section 180(5)—

insert—

‘**“control”** see the Corporations Act, section 50AA.¹¹’.

64 Amendment of s 191 (Certain persons must apply for gaming employee’s licence)

(1) Section 191(1), from ‘Where’ to ‘connected’—

omit, insert—

‘If the chief executive considers a person connected’.

(2) Section 191(1)(b)(ii), ‘determined by the Minister’—

omit, insert—

‘prescribed under a regulation’.

(3) Section 191(1), ‘the commission, by’—

omit, insert—

‘the chief executive, by’.

(4) Section 191(2), (4) and (6), ‘commission’—

omit, insert—

‘chief executive’.

65 Amendment of s 192 (Certain persons must apply for key monitoring employee’s licence)

(1) Section 192, ‘commission’—

omit, insert—

‘chief executive’.

(2) Section 192(1), ‘, having regard to any relevant advice of the chief executive,’—

omit.

11 Corporations Act, section 50AA (Control)

66 Amendment of s 200 (Recommendation by chief executive about applications)

(1) Section 200, heading—

omit, insert—

‘200 Chief executive to consider application’.

(2) Section 200(1)—

omit, insert—

‘(1) The chief executive must consider an application for a licence under this part.’.

(3) Section 200(2)(a) and (3)(b), ‘make a recommendation’—

omit, insert—

‘decide the application’.

(4) Section 200(5), ‘assess—’—

omit, insert—

‘have regard to each of the following matters—’.

(5) Section 200(8), ‘making a recommendation, the chief executive’—

omit, insert—

‘considering an application, the chief executive also’.

(6) Section 200(9) to (11)—

omit.

67 Replacement of ss 201 and 202

Sections 201 and 202—

omit, insert—

‘201 Decision on application

‘(1) The chief executive must, after considering the application, either grant or refuse to grant the application.

‘(2) However, the chief executive may grant the application only if—

- (a) the chief executive is satisfied the applicant is a suitable person to hold the licence having regard to the matters mentioned in section 200(5); and

- (b) for an application by an individual—the applicant is over 18 years; and
- (c) for an application by a body corporate—the secretary and each executive officer of the body corporate is over 18 years.

‘(3) If the chief executive decides to grant the application, the chief executive must immediately give the applicant—

- (a) the licence; and
- (b) if the chief executive decides to impose conditions on the licence—
 - (i) an information notice for the decision; and
 - (ii) for a licence that does not state the conditions—a written notice of the conditions.

‘(4) If the chief executive decides to refuse to grant the application, the chief executive must—

- (a) immediately give the applicant an information notice for the decision; and
- (b) for an application by an individual—as soon as practicable, destroy the fingerprints of the applicant taken under section 200(6).

‘(5) Also, if the applicant is a person in relation to whom the chief executive has given an approval to a licensee for section 189(4) or (6), the chief executive must give written notice of a decision under subsection (1) to the licensee.

‘202 Form of licence

‘(1) A licence under this part must be in the approved form.

‘(2) The approved form must provide for the inclusion of each of the following—

- (a) the name of the holder of the licence;
- (b) for a repairer’s, gaming nominee’s, gaming employee’s or key monitoring employee’s licence—a recent photograph of the holder of the licence;
- (c) the date of expiry of the licence.

‘(3) Also, if the chief executive decides to impose conditions on the licence the conditions may be stated on the licence.’.

68 Amendment of s 205 (Conditions of licences)

(1) Section 205, ‘commission’—

omit, insert—

‘chief executive’.

(2) Section 205—

insert—

‘(2) A holder of a licence must not contravene a condition of the licence. Maximum penalty—200 penalty units.’.

69 Replacement of s 206 (Variation of conditions imposed on a licence)

Section 206—

omit, insert—

‘206 Changing conditions of licence

‘(1) The chief executive may decide to change the conditions of a licence under this part if the chief executive considers it is necessary or desirable to make the change in the public interest or for the proper conduct of gaming.

‘(2) If the chief executive decides to change the conditions, the chief executive must immediately give the holder of the licence—

- (a) written notice of the changed conditions; and
- (b) an information notice for the decision.

‘(3) A change of the conditions takes effect on—

- (a) the day the information notice for the decision is given to the holder; or
- (b) if a later day is stated in the notice—the later day.

‘(4) The power of the chief executive to change conditions of a licence includes the power to add conditions to the licence.

‘206A Recording change of conditions

‘(1) The holder of the licence must return the licence, and any written notice of conditions given to the holder under section 201(3)(b), to the chief executive within 14 days after receiving the information notice for the decision to change the conditions of the licence, unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

‘(2) On receiving the licence and, if applicable, a written notice mentioned in subsection (1), the chief executive must—

- (a) amend the licence or written notice to include the changed conditions and return them to the holder; or
- (b) if the chief executive does not consider it practicable to amend the licence or written notice—give the holder a replacement licence, or written notice, showing the changed conditions.

‘(3) The amendment of a licence does not depend on the licence or written notice being amended or replaced under this section.’

70 Amendment of s 207 (Renewal and continuance of licences)

Section 207(6), from ‘written notice’—

omit, insert—

‘an information notice for the decision to refuse to renew the licence.’

71 Amendment of s 211 (Approving audit programs for licensed gaming nominees and associates)

(1) Section 211, heading, from ‘for licensed’—

omit.

(2) Section 211(1)(a) and (b), after ‘nominees’—

insert—

‘, licensed repairers and licensed service contractors’.

72 Amendment of s 212 (Conducting investigations of licensed persons and associates)

(1) Section 212(3)(b), after ‘nominee’—

insert—

‘, licensed repairer or licensed service contractor’.

(2) Section 212(3)(b), after ‘program’—

insert—

‘, repairers audit program or contractors audit program’.

(3) Section 212(4)—

omit, insert—

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

- (a) the chief executive reasonably suspects the associate is not a suitable person to be an associate of the licensed person; or
- (b) for an associate who was an associate of the licensed person when the person’s licence was issued—the associate has not been investigated under section 200(2); or
- (c) for an associate who is an associate of a licensed gaming nominee, licensed repairer or licensed service contractor—
 - (i) the investigation is conducted under an associates (nominees) audit program, associates (repairers) audit program or associates (contractors) audit program; or
 - (ii) for an associate who became an associate of the licensed person after the issue of the person’s licence—the associate has not been investigated previously under an associates (nominees) audit program, associates (repairers) audit program or associates (contractors) audit program.’

(4) Section 212(5), ‘a nominees audit program or associates (nominees) audit program’—

omit, insert—

‘an audit program approved by the Minister under section 211(1)’.

73 Amendment of s 219 (Cancellation or suspension of licences under this part)

(1) Section 219(1)(b)(vi), ‘commission or’—

omit.

(2) Section 219(1)(b)(vii), ‘the commission,’—

omit.

(3) Section 219(1)(c)(ii), from ‘recommendation’—

omit, insert—

‘application would have been refused.’

(4) Section 219(12)(c)(ii)—

omit, insert—

‘(ii) cancel the licence or suspend it for a period.’

(5) Section 219(13), from ‘may recommend’—

omit, insert—

‘may cancel the licence or suspend it for a period.’

(6) Section 219(15) to (22)—

omit, insert—

‘(15) If the chief executive decides to issue a letter of censure under subsection (12)(b) or (14) to the holder of a licence, or to cancel or suspend a licence under subsection (12) or (13), the chief executive must give an information notice for the decision to—

(a) the holder of the licence; and

(b) each person the chief executive believes is an interested person of the holder.

‘(16) The decision takes effect on—

(a) the day the information notice for the decision is given to the holder; or

(b) if a later day is stated in the notice—the later day.

‘(17) If the chief executive cancels a licence, the person who held the licence must, within 14 days after receiving the information notice for the decision, return the licence to the chief executive.’

Maximum penalty—40 penalty units.’.

(7) Section 219(23)—

renumber as section 219(18).

74 Replacement of s 220 (Immediate suspension of licences)

Section 220—

omit, insert—

‘220 Immediate suspension

‘(1) This section applies if the chief executive believes—

- (a) a ground exists to suspend or cancel a licence under this part; and
- (b) it is necessary to immediately suspend the licence—
 - (i) in the public interest; or
 - (ii) to ensure the integrity of the conduct of gaming is not jeopardised.

‘(2) The chief executive may immediately suspend the licence by written notice given to the holder of the licence.

‘(3) The notice must—

- (a) state the reason for the decision to immediately suspend the licence; and
- (b) be accompanied by an information notice for the decision.

‘(4) The chief executive must, within 7 days after giving the holder a notice under subsection (2), give the holder, and each person the chief executive believes is an interested person of the holder, a notice under section 219(2).

‘(5) The licence is suspended under this section until the notice under section 219(2) is finally dealt with.’.

75 Amendment of s 222 (Notices to interested persons)

(1) Section 222(1)—

insert—

- ‘(d) cancels or suspends a licence under section 219(12) or (13); or

(e) suspends a licence under section 220(2).’.

(2) Section 222(2) and (3)—

omit.

76 Amendment of s 224 (Provisional licences)

Section 224, ‘commission’—

omit, insert—

‘chief executive’.

77 Amendment of s 265 (Manufacture, sale, supply, obtaining or possession of gaming machines)

Section 265—

insert—

‘(3) A person may apply to the chief executive for an approval under subsection (2).

‘(4) The application must be—

(a) in the approved form; and

(b) accompanied by the fee prescribed under a regulation.’.

78 Amendment of s 277 (Destruction of gaming machines)

Section 277—

insert—

‘(2) A person may apply to the chief executive for an approval under subsection (1).

‘(3) The application must be—

(a) in the approved form; and

(b) accompanied by the fee prescribed under a regulation.’.

79 Amendment of s 338 (Certain persons not to play gaming machines)

Section 338(5A), ‘or promotions’—

omit, insert—

‘, promotions or something else’.

80 Insertion of new pt 12, div 7

After section 403—

insert—

‘Division 7—Transitional provisions for Gambling Legislation Amendment Act 2002

‘404 Definition for div 7

‘In this division—

“**commencement**” means the commencement of the provision in which the term is used.

‘405 Application of particular provisions to licensed major dealer and secondary dealer

‘(1) This section applies to a licensed supplier who is a licensed major dealer or licensed secondary dealer immediately before the commencement.

‘(2) Section 163(1)¹² does not apply to the licensed supplier until 9 months after the commencement.

‘(3) Despite section 164(2)(a),¹³ the licensed supplier’s first control system submission under section 164 must be made to the chief executive at least 90 days before the day that is 9 months after the commencement.

12 Section 163 (Approved control system for supply operations)

13 Section 164 (Control system submission)

‘406 Dealing with existing applications

‘(1) This section applies to an application for a licence made under part 5 and not decided before the commencement.

‘(2) The application must be decided under this Act as in force immediately after the commencement.

‘407 Appeals

‘(1) Subsection (2) applies if—

- (a) a person has appealed to the Minister against a decision or determination of the commission made under an appeal provision; and
- (b) the appeal has not been decided before the commencement.

‘(2) The Minister may hear, or continue to hear, and decide the appeal under this Act as in force immediately before the commencement.

‘(3) Subsection (4) applies if—

- (a) immediately before the commencement a person could have appealed against a decision or determination of the commission made under an appeal provision; and
- (b) the person has not appealed before the commencement.

‘(4) The person may appeal, and the Minister may hear and decide the appeal, under this Act as in force immediately before the commencement.

‘(5) In deciding the appeal, the Minister may make any decision the Minister could have made in relation to the appeal immediately before the commencement.

‘(6) In this section—

“appeal provision” means any of the following provisions of this Act as in force from time to time before the commencement—

- (a) section 201(1);
- (b) section 205;
- (c) section 206(1);
- (d) section 219(16)(d) or (17);
- (e) section 220(1).’

PART 5—AMENDMENT OF INTERACTIVE GAMBLING (PLAYER PROTECTION) ACT 1998

81 Act amended in pt 5

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

82 Amendment of s 56 (Investigations)

Section 56(4)—

insert—

‘(d) the person—

- (i) was a business or executive associate of the licensed provider when the interactive gambling licence was issued; and
- (ii) has not been investigated under section 35(2).’.

83 Amendment of s 69 (Decision on application)

Section 69(2)(b), ‘a copy of the notice’—

omit, insert—

‘written notice of the decision’.

84 Amendment of s 82 (Suspension and cancellation of key person licence)

Section 82—

insert—

‘(6) If the chief executive cancels the licence, the person who held the licence must, within 14 days after receiving the information notice about the decision, give the licence to the chief executive.

Maximum penalty for subsection (6)—40 penalty units.’.

85 Replacement of s 127 (Authorised games to be conducted under an approved control system)

Section 127—

omit, insert—

‘127 Authorised games to be conducted under an approved control system

‘(1) A licensed provider must not conduct an authorised game unless the licensed provider has an approved control system for the game.

Maximum penalty—200 penalty units.

‘(2) If a licensed provider has an approved control system for the authorised game, the licensed provider must not contravene the approved control system in the conduct of the game.

Maximum penalty—200 penalty units.

‘(3) A licensed provider must not change the approved control system other than under a direction or approval of the chief executive.

Maximum penalty—200 penalty units.’.

86 Amendment of s 254 (Starting appeal)

Section 254(2)—

omit, insert—

‘(2) The notice of appeal must be—

- (a) accompanied by the fee prescribed under a regulation; and
- (b) filed within 28 days after the appellant receives notice of the decision.’.

87 Amendment of s 261 (Delegations)

(1) Section 261(3)—

omit.

(2) Section 261(4)—

renumber as section 261(3).

PART 6—AMENDMENT OF KENO ACT 1996

88 Act amended in pt 6

This part amends the *Keno Act 1996*.

89 Amendment of s 36 (Investigations)

Section 36(4)—

insert—

‘(d) the person—

- (i) was a business or executive associate of the licensee when the keno licence was issued; and
- (ii) has not been investigated under section 18(2).’.

90 Amendment of s 53 (Decision about application)

(1) Section 53(2)(b)—

omit, insert—

‘(b) as soon as practicable—

- (i) give written notice of the decision to the relevant keno licensee; and
- (ii) destroy the applicant’s fingerprints taken for the application.’.

(2) Section 53—

insert—

‘(3) In this section—

“**relevant keno licensee**” means—

- (a) for an applicant who is a key operator for a keno licensee—the keno licensee; or
- (b) for another applicant—the keno licensee who intends to employ the applicant as a keno employee.’.

91 Amendment of s 66 (Suspension and cancellation of licence)

Section 66—

insert—

‘(6) If the chief executive cancels the licence, the person who held the licence must, within 14 days after receiving the information notice about the decision, give the licence to the chief executive.

Maximum penalty for subsection (6)—40 penalty units.’.

92 Replacement of s 117 (Keno games to be conducted under approved control system)

Section 117—

omit, insert—

‘117 Keno games to be conducted under approved control system

‘(1) A keno licensee must not conduct a keno game under the keno licence unless the licensee has an approved control system for conducting the keno game.

Maximum penalty—200 penalty units.

‘(2) If a keno licensee has an approved control system for conducting the keno game, the keno licensee must not contravene the approved control system in the conduct of the keno game.

Maximum penalty—200 penalty units.

‘(3) A keno licensee must not change the approved control system other than under a direction or approval of the chief executive.

Maximum penalty—200 penalty units.’.

93 Amendment of s 235 (Starting appeal)

Section 235(2)—

omit, insert—

‘(2) The notice of appeal must be—

(a) accompanied by the fee prescribed under a regulation; and

(b) filed within 28 days after the appellant receives notice of the decision.’.

PART 7—AMENDMENT OF LOTTERIES ACT 1997

94 Act amended in pt 7

This part amends the *Lotteries Act 1997*.

95 Amendment of s 36 (Investigations)

Section 36(4)—

insert—

‘(d) the person—

- (i) was a business or executive associate of the lottery licensee when the lottery licence was issued; and
- (ii) has not been investigated under section 14(2).’.

96 Amendment of s 51 (Decision on application)

Section 51(2)(b), ‘a copy of the notice’—

omit, insert—

‘written notice of the decision’.

97 Amendment of s 64 (Suspension and cancellation of key person licence)

Section 64—

insert—

‘(6) If the chief executive cancels the licence, the person who held the licence must, within 14 days after receiving the information notice about the decision, give the licence to the chief executive.

Maximum penalty for subsection (6)—40 penalty units.’.

98 Amendment of s 79 (Conditions for entering into agency agreement)

Section 79(5), definition “small business”, paragraph (d)—

omit, insert—

‘(d) in which—

- (i) no more than 50 persons are employed; or
- (ii) if more than 50 persons are employed, the total number of hours worked by the employees in a week is no more than 2 000.’.

99 Replacement of s 100 (Lotteries to be conducted under an approved control system)

Section 100—

omit, insert—

‘100 Lottery to be conducted under an approved control system

‘(1) A lottery licensee must not conduct a lottery under the lottery licence unless the licensee has an approved control system for conducting the lottery.

Maximum penalty—200 penalty units.

‘(2) If a lottery licensee has an approved control system for conducting the lottery, the lottery licensee must not contravene the approved control system in the conduct of the lottery.

Maximum penalty—200 penalty units.

‘(3) A lottery licensee must not change the approved control system other than under a direction or approval of the chief executive.

Maximum penalty—200 penalty units.’.

100 Insertion of new s 181A

Part 8, division 2, before subdivision 6—

insert—

‘181A Direction about conduct of approved lottery

‘(1) This section applies to an inspector who is supervising a matter mentioned in section 127¹⁴ for an approved lottery.

‘(2) The inspector may direct the lottery licensee for the approved lottery to take reasonable action, within the reasonable period stated by the inspector, to ensure the lottery is conducted in a way that does not jeopardise the integrity of the conduct of the approved lottery.

‘(3) The direction may be given orally or by written notice.

‘(4) If the direction is given orally, it must be confirmed by written notice given to the licensee as soon as practicable.

‘(5) The lottery licensee must comply with the direction unless the licensee has a reasonable excuse.

Maximum penalty—40 penalty units.’.

101 Amendment of s 220 (Starting appeal)

Section 220(2)—

omit, insert—

‘(2) The notice of appeal must be—

- (a) accompanied by the fee prescribed under a regulation; and
- (b) filed within 28 days after the appellant receives notice of the decision.’.

102 Amendment of s 226 (Delegations)

(1) Section 226(3) and (4)—

omit.

(2) Section 226(5)—

renumber as section 226(3).

14 Section 127 (Official supervision)

PART 8—AMENDMENT OF WAGERING ACT 1998

103 Act amended in pt 8

This part amends the *Wagering Act 1998*.

104 Amendment of s 38 (Investigation of suitability of associates of wagering licensees)

Section 38(2)—

insert—

‘(d) the associate—

- (i) was a business or executive associate of the licensee when the licensee applied for the licence; and
- (ii) has not been investigated under section 24(2).’.

105 Amendment of s 108 (Decision on application)

Section 108(2)(b), ‘a copy of the notice’—

omit, insert—

‘written notice of the decision’.

106 Amendment of s 128 (Direction to rectify)

Section 128—

insert—

‘(8) A key person licensee must comply with a direction under this section.’.

107 Amendment of s 165 (Liability to wagering tax)

Section 165—

insert—

‘(2) However, subsection (1) does not apply to a permit holder in relation to a month in which the total amount invested in the holder’s totalisators for

the month is less than the amount prescribed under a regulation for this subsection.’.

108 Replacement of s 173 (Approved control system required for authorised wagering)

Section 173—

omit, insert—

‘173 Authorised wagering to be conducted under an approved control system

‘(1) An authority operator must not conduct authorised wagering under a wagering authority unless the authority operator has an approved control system for the wagering.

Maximum penalty—200 penalty units.

‘(2) If an authority operator has an approved control system for the wagering, the authority operator must not contravene the approved control system in the conduct of the wagering.

Maximum penalty—200 penalty units.

‘(3) An authority operator must not change the operator’s approved control system other than under a direction or approval of the chief executive.

Maximum penalty—200 penalty units.

‘(4) However, subsection (1) applies to a permit holder only if the total amount invested in the holder’s totalisators for the 12 months immediately preceding the day on which the holder conducts the authorised wagering is more than the amount prescribed under a regulation for this subsection.’.

109 Amendment of s 297 (Starting appeal)

Section 297(2)—

omit, insert—

‘(2) The notice of appeal must be—

- (a) accompanied by the fee prescribed under a regulation; and
- (b) filed within 28 days after the appellant receives notice of the decision.’.

110 Amendment of s 309 (Delegations)

(1) Section 309(3) and (4)—

omit.

(2) Section 309(5)—

renumber as section 309(3).

PART 9—OTHER AMENDMENTS**111 Amendments for penalties—sch 1**

Schedule 1 amends and inserts penalties in the Acts it mentions.

112 Minor and consequential amendments—sch 2

Schedule 2 amends the Acts it mentions.

SCHEDULE 1**AMENDMENTS FOR PENALTIES**

section 111

CASINO CONTROL ACT 1982**1 Section 22(3), from ‘shall produce’—***omit, insert—*

‘must give the licence to the Minister for endorsement of the variation on the licence.

Maximum penalty—40 penalty units.’.

2 Sections 34(1), (2) and (3) and 36(3) and (4), penalty—*omit, insert—*

‘Maximum penalty—200 penalty units.’.

3 Sections 42(1), 60(1), 64(1) and (2), 64A(2), 65(1), 65C, 72(1), 81(1) and 97(1) and (2)—*insert—*

‘Maximum penalty—40 penalty units.’.

4 Section 58—*insert—*

‘Maximum penalty—

- (a) for paragraph (a)—100 penalty units; and
- (b) for paragraphs (b) and (c)—200 penalty units.’.

SCHEDULE 1 (continued)

5 Sections 61(6), 62(1), 65(3) to (6), (7), (8) and (9) and 72(4)—*insert—*

‘Maximum penalty—100 penalty units.’.

6 Section 62(2)—*insert—*

‘Maximum penalty—50 penalty units.’.

7 Section 62(7)—*insert—*

‘Maximum penalty—

(a) for paragraph (a)—200 penalty units; and

(b) for paragraph (b)—40 penalty units.’.

8 Sections 62(8), 65(2) and 85(2) and (4)—*insert—*

‘Maximum penalty—200 penalty units.’.

9 Section 75(6)—*insert—*

‘Maximum penalty for subsection (6)—200 penalty units.’.

GAMING MACHINE ACT 1991**1 Sections 95(4), 217(7) and 225(3), penalty, ‘or 1 year’s imprisonment’—***omit.*

SCHEDULE 1 (continued)

KENO ACT 1996

- 1 Section 148(1) and (2), penalty, ‘or 2 years imprisonment’—**
omit.

WAGERING ACT 1998

- 1 Section 129(6), penalty—**
omit, insert—
‘Maximum penalty for subsection (6)—40 penalty units.’.

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

section 112

CASINO CONTROL ACT 1982

1 Section 4(2), as a heading—

insert—

‘4A References to “casino operation” or “operation of a casino”’.

2 Section 4(2), ‘(2) A reference’—

omit, insert—

‘A reference’.

3 Section 4(2), as amended—

renumber as section 4A.

4 Section 18, at the end of paragraphs (a) and (b)—

insert—

‘and’.

5 Section 22(3), ‘Where pursuant to’—

omit, insert—

‘If under’.

SCHEDULE 2 (continued)

6 Section 22—*insert—*

‘(4) If the Minister is given a licence under subsection (3), the Minister must endorse the variation on the licence.’.

7 Section 30(1)(a) to (d)—*omit, insert—*

- ‘(a) after an agreement has been entered into under section 19 and while the casino licence in relation to the agreement is in force;
or
- (b) after approval by the Governor in Council of a casino lease or casino management agreement under section 28 and while the casino lease or casino management agreement is in force;’.

8 Section 31(8)(a), ‘thereto;’—*omit, insert—*

‘to the notice or notices; or’.

9 Section 31(8)(b), after ‘cause;’—*insert—*

‘or’.

10 Section 32(2)(a), after ‘Council;’—*insert—*

‘and’.

11 Before section 34—*insert—*

‘Division 1—Preliminary’.

SCHEDULE 2 (continued)

12 Before section 35—*insert—*

‘Division 2—Obtaining casino key employee and casino employee licences’.

13 Section 35(1), from ‘shall be made’ to ‘in question’—*omit, insert—*

‘must’.

14 Sections 35(2) and 37(1)(a), ‘photograph, fingerprints and palm prints’—*omit, insert—*

‘photograph and fingerprints’.

15 Section 37(1), at the end of paragraphs (a) and (b)—*insert—*

‘and’.

16 Before section 40—*insert—*

‘Division 3—Obligations of casino operators and employees’.

17 Sections 42, 58, 60(1), 61(6), 62(1), (2), (7) and (8), 63(4), 65(2) to (6), (7) and (8), 66, 72(1), 75(6), 78, 79, 81(1), 85(2) and (4), 89, 97 and 102(3), ‘shall’—*omit, insert—*

‘must’.

SCHEDULE 2 (continued)

18 Section 42(2), at the end of paragraphs (a) to (c)—*insert—*

‘and’.

19 Section 43, after ‘until’—*insert—*

‘whichever of the following first happens’.

20 Sections 43(b) and 48, ‘Minister’—*omit, insert—*

‘chief executive’.

21 Section 43 (as amended)—*relocate and renumber as section 39B.***22 Before section 43A—***insert—**‘Division 4—Investigation of casino key employee and casino employee licensees’.***23 Before section 46—***insert—**‘Division 6—Other matters about casino key employee and casino employee licensees’.***24 Before section 48—***insert—**‘Division 7—Provisional licences’.*

SCHEDULE 2 (continued)

25 Section 48(5), ‘Minister’s’—*omit, insert—*

‘chief executive’s’.

26 Before section 49—*insert—**‘Division 8—Miscellaneous’.***27 Section 58, at the end of paragraphs (a) and (b)—***insert—*

‘and’.

28 Section 62(7)(a), after ‘executive;’—*insert—*

‘and’.

29 Section 65(6)(a), after ‘value;’—*insert—*

‘and’.

30 Sections 65C and 72(4), ‘may’—*omit, insert—*

‘must not’.

31 Section 65C, ‘only if’—*omit, insert—*

‘unless’.

SCHEDULE 2 (continued)

32 Section 66(1), at the end of paragraphs (a) to (e)—*insert—*

‘or’.

33 Section 72(4), ‘provided’—*omit, insert—*

‘unless’.

34 Section 73(1)(a), after ‘casino;’—*insert—*

‘and’.

35 Section 74, after ‘not limited to’—*insert—*

‘the following’.

36 Section 75(6)(a), ‘as aforesaid’—*omit, insert—*

‘for the operation of the casino’.

37 Section 75(6)(a)(ii), after ‘operator;’*insert—*

‘or’.

38 Section 76(2)(a), after ‘sufficient;’—*insert—*

‘or’.

SCHEDULE 2 (continued)

39 Section 78(a), after ‘may be;’—*insert—*

‘and’.

40 Section 78(b)(i), after ‘time;’—*insert—*

‘and’.

41 Section 79(a) and (b), after ‘year;’—*insert—*

‘and’.

42 Section 81(2), from ‘within a time’—*omit, insert—*

‘within a reasonable period nominated by the chief executive.’.

43 Section 81—*insert—*

‘(3) The casino operator must submit the information within the nominated period.

Maximum penalty—40 penalty units.’.

44 Section 85(10)(a), ‘thereto;’—*omit, insert—*

‘to the notice; or’.

SCHEDULE 2 (continued)

45 Section 88(1), ‘An inspector may’—*omit, insert—*

‘An inspector may do each of the following’.

46 Section 88(1)(a)(i), after ‘records;’—*insert—*

‘and’.

47 Section 88(1)(i)(i), after ‘duties;’—*insert—*

‘or’.

48 Section 89, at the end of paragraphs (a) to (f)—*insert—*

‘or’.

49 Before section 92—*insert—**‘Division 1—Matters about excluding people from casinos’.***50 Section 93(5)(a), after ‘operator;’—***insert—*

‘and’.

51 Before section 102—*insert—**‘Division 2—Minors’.*

SCHEDULE 2 (continued)

52 Section 102(3)(a), after ‘day;’—*insert—*

‘and’.

53 Before section 103—*insert—**‘Division 3—Cheating’.***54 Before section 107—***insert—**‘Division 4—Offences’.***55 Section 107, at the end of paragraphs (a) and (b)—***insert—*

‘or’.

56 Section 112(2), after ‘Act’—*insert—*

‘must not’.

57 Section 112(2)(a), ‘shall not’—*omit.***58 Section 112(2)(a), after ‘officer;’—***insert—*

‘or’.

SCHEDULE 2 (continued)

59 Section 112(2)(b), ‘shall not,’

omit.

60 Before section 113—

insert—

‘Division 5—Miscellaneous’.

61 Section 125(1), at the end of paragraphs (a) to (c)—

insert—

‘or’.

62 Section 126, at the end of paragraphs (a) to (f)—

insert—

‘and’.

63 Section 127, heading—

omit, insert—

‘127 Regulation-making power’.

64 Section 127(2)(b), ‘and palm prints’—

omit.

65 Part 11, heading—

omit, insert—

**‘PART 11—SAVING AND TRANSITIONAL
PROVISIONS’.**

SCHEDULE 2 (continued)

66 Before section 128—*insert—**‘Division 1—Saving provision for Statute Law (Miscellaneous Provisions) Act (No. 2) 1992’.***67 Before section 129—***insert—**‘Division 2—Transitional provision for Casino Control Amendment Act 1996’.***68 After section 133—***insert—***‘SCHEDULE****‘DICTIONARY**

section 4’.

GAMING MACHINE ACT 1991**1 Section 8(3)(c), ‘14 days’—***omit, insert—*

‘28 days’.

2 Section 30, heading, ‘determination’—*omit, insert—***‘consideration’.**

SCHEDULE 2 (continued)

- 3 Section 90(5), ‘(4)(b)’—**
omit, insert—
‘(3)(b)’.
- 4 Section 90(5)—**
renumber as section 90(4).
- 5 Section 94, ‘form determined by the chief executive’—**
omit, insert—
‘approved form’.
- 6 Section 95(8), ‘(5)(b)’—**
omit, insert—
‘(5)’.
- 7 Section 182(3), after ‘must be’—**
insert—
‘in the approved form and’.
- 8 Section 200(5), paragraphs (a), (d) and (e), ‘applicant; and’—**
omit, insert—
‘applicant;’.
- 9 Section 200(5), paragraph (b)(ii), ‘corporate; and’—**
omit, insert—
‘corporate;’.

SCHEDULE 2 (continued)

- 10 Section 200(5), paragraph (c), ‘relates; and’—**
omit, insert—
‘relates;’.
- 11 Section 221, ‘section 219(16) or (17) or 220(1)’—**
omit, insert—
‘section 219(12) or (13) or 220(2)’.
- 12 Section 221(b), ‘the powers of the commission or’—**
omit.
- 13 Section 222(4) and (5), ‘subsection (1), (2) or (3)’—**
omit, insert—
‘subsection (1)’.
- 14 Section 222(4), ‘section 219(3)’—**
omit, insert—
‘section 219(3) or 220(4)’.
- 15 Section 222(6), ‘subsections (4) and (5)’—**
omit, insert—
‘subsections (2) and (3)’.
- 16 Section 222(7), definition “show cause result notice”,
paragraph (a)(ii)—**
omit.

SCHEDULE 2 (continued)

- 17 Section 222(7), definition “show cause result notice”, paragraph (a)(iii), ‘subsection (2)(d) or (3)(a) or (b)’—**
omit, insert—
‘subsection (1)(d) or (e)’.
- 18 Section 222(7), definition “show cause result notice”, paragraph (a)(iii)—**
renumber as section 222(7), definition “show cause result notice”, paragraph (a)(ii).
- 19 Section 222(7), definition “show cause result notice”, paragraph (b), ‘or (2)(b)’—**
omit.
- 20 Section 222(7), definition “show cause result notice”, paragraph (c), ‘or (2)(c)’—**
omit.
- 21 Section 222(4) to (7)—**
renumber as section 222(2) to (5).
- 22 Section 224(3), ‘Where’—**
omit, insert—
‘If’.
- 23 Section 226(3), definition “leased”, after ‘1959’—**
insert—
‘and subleased’.

SCHEDULE 2 (continued)

- 24 Section 237(a), ‘prominently displayed’—**
omit, insert—
‘displayed in a conspicuous position’.
- 25 Sections 267, 269 and 271, headings, ‘machines and restricted components’—**
omit, insert—
‘equipment and other things’.
- 26 Section 270, heading, ‘restricted components’—**
omit, insert—
‘gaming equipment and other things’.
- 27 Section 275(4)—**
omit.
- 28 Section 276(1)(a), ‘or subleased’—**
omit.
- 29 Section 276(3), definition “leased”, after ‘1959’—**
insert—
‘and subleased’.
- 30 Section 299(2)(b)(ii), ‘lodged’—**
omit, insert—
‘kept’.

SCHEDULE 2 (continued)

31 Section 320, ‘Where—’—*omit, insert—*

‘If—’.

32 Section 320, paragraph (a)—*omit.***33 Section 320(b) to (e)—***renumber* as section 320(a) to (d).**34 Section 344(1), ‘commission, chief executive or director’—***omit, insert—*

‘commission or chief executive’.

35 After section 407—*insert—***‘SCHEDULE****‘DICTIONARY**

section 2’.

SCHEDULE 2 (continued)

**INTERACTIVE GAMBLING (PLAYER PROTECTION)
ACT 1998****1 Schedule 3, definition “registered company auditor”—***omit, insert—*

‘**“registered company auditor”** means a person registered, or taken to be registered, as an auditor under the Corporations Act, part 9.2.¹⁵’.

JUDICIAL REVIEW ACT 1991**1 Schedule 1, part 1, item 1, ‘31(23), 32(7), 38(3) and 44(4)’—***omit, insert—*

‘31(23) and 32(7)’.

KENO ACT 1996**1 Schedule 4, definition “casino”, ‘section 4’—***omit, insert—*

‘schedule’.

2 Schedule 4, definition “registrar”, ‘Gaming Machine Act 1991, section 2’—*omit, insert—*

‘the *Gaming Machine Act 1991*, schedule’.

15 Corporations Act, part 9.2 (Registration of auditors and liquidators)

SCHEDULE 2 (continued)

3 Schedule 4, definition “related body corporate”, ‘Corporations Law, section 50.’—*omit, insert—*‘Corporations Act, section 50.¹⁶’.**LOTTERIES ACT 1997****1 Part 8, division 2, subdivision 5, heading, ‘to stop using things’—***omit.***2 Schedule 3, definition “registrar”, ‘section 2’—***omit, insert—*

‘schedule’.

16 Corporations Act, section 9—

“related body corporate”, in relation to a body corporate, means a body corporate that is related to the first-mentioned body by virtue of section 50.

Corporations Act, section 50—

Related bodies corporate

Where a body corporate is:

- (a) a holding company of another body corporate; or
- (b) a subsidiary of another body corporate; or
- (c) a subsidiary of a holding company of another body corporate;

the first-mentioned body and the other body are related to each other.

SCHEDULE 2 (continued)

**TOBACCO AND OTHER SMOKING PRODUCTS ACT
1998**

- 1 Section 14, definition “gaming machine area”, ‘section 2’—**
omit, insert—
‘schedule’.

- 2 Schedule, definition “casino”, ‘section 4’—**
omit, insert—
‘schedule’.

WAGERING ACT 1998

- 1 Schedule 2, definitions “greyhound race”, “horse race”, “racing venue” and “trotting race”, after ‘see’—**
insert—
‘the’.

- 2 Schedule 2, definitions “registered company auditor” and “wholly-owned subsidiary”—**
omit.

SCHEDULE 2 (continued)

3 Schedule 2—*insert—*

‘**“registered company auditor”** means a person registered, or taken to be registered, as an auditor under the Corporations Act, part 9.2.¹⁷

“wholly-owned subsidiary” see the Corporations Act, section 9.¹⁸.

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17 Corporations Act, part 9.2 (Registration of auditors and liquidators)

18 Corporations Act, section 9—

“wholly-owned subsidiary”, in relation to a body corporate, means a body corporate none of whose members is a person other than:

- (a) the first-mentioned body; or
- (b) a nominee of the first-mentioned body; or
- (c) a subsidiary of the first-mentioned body, being a subsidiary none of whose members is a person other than:
 - (i) the first-mentioned body; or
 - (ii) a nominee of the first-mentioned body; or
- (d) a nominee of such a subsidiary.