

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

EXPLANATORY NOTES

Short Title

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

Objectives of the Legislation

The legislation provides for amendments required to continue the Government's implementation of changes to the gaming machine industry following the Review of Gaming Machine Regulatory Arrangements (the "White Paper") by the Government in 1996 and to extend the powers of the Queensland Gaming Commission (the "Commission") when considering licence applications.

The proposed legislation provides for the following amendments to be incorporated into the *Gaming Machine Act 1991*:

- Licensing of manufacturers and suppliers of gaming machines and restricted components;
- Strengthening of club audit provisions;
- The employment of minors by licensees in certain circumstances;
- Redrafting of existing provisions to modernise the Act;
- Consideration of community and social issues when assessing venue licence applications; and
- Minor administrative amendments.

Reasons for the Legislation

Following the 1996 Review of Gaming Machine Regulatory Arrangements the Government negotiated a package of changes with industry participants. Two of the most significant changes were the introduction of third party Licensed Operators to take over the electronic monitoring of gaming machines in licensed clubs and hotels, and for the Government to cease the ownership of gaming machines.

The first stage of the agreed changes was implemented on 1 July 1997 through the *Gaming Machine Amendment Act 1997*. The second stage was subsequently broken into two parts, with the first part given Assent on 30 March 1999. This Bill completes the final round of changes from the White Paper.

The amendments will provide for the licensing of manufacturers and suppliers of gaming machines and restricted components, the strengthening of club audit provisions, and the employment of minors at venues. It also includes a number of administrative amendments.

Separate to the changes emanating from the White Paper, but a very important part of this Bill, is the introduction of powers to enable the Commission to take into account community and social issues when considering applications for licences for gaming machine venues. This change is urgently required to provide the Commission with an ability to make decisions that more closely reflect community expectations in regard to the location of gaming machines in the community. This Government is clear in its intention to restrict the spread of gaming machines to venues such as shopping centres and locations adjacent to childcare centres.

In addition, the legislation makes urgent amendments required to the *Casino Control Act 1982*, *Charitable and Non-Profit Gaming Act 1999*, *Interactive Gambling (Player Protection) Act 1998*, *Keno Act 1996*, *Lotteries Act 1997* and *Wagering Act 1998*.

Estimated Cost for Government Implementation

There are no additional costs anticipated from the changes to the gaming machine industry as a result of this legislation.

Any increase in costs relating to the licensing of manufacturers and suppliers will be offset by the proposed licence fee that will be charged to obtain a licence.

Assessment of Bill's Consistency with Fundamental Legislative Principles

The legislation has been prepared taking into consideration fundamental legislative principles.

Consultation

Extensive consultation took place with industry participants and other parties, including Government agencies prior to, and during, the publication of the White Paper over a two-year period. Since the release of the White Paper in 1996, further consultation was undertaken leading to modifications to the Paper.

There has been extensive consultation with the gaming machine industry resulting in general agreement with the issues contained in this Bill.

An industry information session was held on 19 October 1999 where key industry stakeholders were informed of the proposed amendments and where highlighted concerns were addressed. Representatives present at the session included Licensed Monitoring Operators, Manufacturers, Clubs Queensland, Queensland Hotels Association, Club Managers Association and other stakeholders.

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Clause 1 sets out the short title of the Act.

Clause 2 provides for the commencement of this Act.

PART 2—AMENDMENT OF GAMING MACHINE ACT 1991

Clause 3 notes that Part 2 and Schedule 1 of this Act amend the *Gaming Machine Act 1991*.

Clause 4 lists amendments to the Definitions.

Clause 5 inserts section 6AB to provide for a ‘due date for payment’ in a contract between a licensed supplier and a licensee where the contract does not provide a date. The clause also inserts section 6AC to provide the meaning of an ‘information notice’.

Clause 6 amends sections 24(1)(b) and 24(8)(o) and (p) to omit references to “listed person” and section 24(8)(ba) to insert category 2 licensed premises in lieu of clubs in relation to appeals to the Minister. The clause also adds an additional section (7A) to differentiate between appeals under this section and appeals to the Magistrates Court.

Clause 7 inserts section 25AA allowing an appeal to the Commission against a decision of the chief executive under sections 101, 149, 146 and 182A.

Clause 8 amends section 25B to provide for the process by which an appeal may be started in the Magistrates Court and the Commission. The clause also introduces the term “appeal authority” to refer to the appeal bodies.

Clause 9 amends section 25C to replace the term “court” with the term “appeal authority”. *Clause 10* amends section 25D to replace the term “court” with the term “appeal authority” and the term “Commission” with the term “decision maker”, as well as outlining where appeals can be heard.

Clause 11 inserts section 25DA to provide power to the Commission to gather evidence in relation to appeals lodged with the Commission. The section also allows the Commission to require a person to give written answers to questions, produce documents and appear personally before the Commission.

Clause 12 amends the heading of section 25E and replaces the terms “Magistrates Court”, “Commission” and “court” with the term “appeal authority”.

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Clause 13 amends section 25F to provide for the term “appeal authority” to be used in lieu of “Magistrates Court”.

Clause 14 replaces sections 26 to 28 with new provisions which respectively deal with the appointment of inspectors, the suitability requirements for inspectors and the qualifications required for appointment as an inspector. The clause also inserts new sections 28A to 28G which deal with the approval of audit program for inspectors by the Minister, the investigating of inspectors by the chief executive, the powers of inspectors, appointment conditions for inspectors, the identity cards for inspectors, the return of identity cards, the production or display of identity cards respectively and approved evaluators.

Clause 15 amends section 29 by replacing references to “Officers of the Division” with the term “Departmental gaming officers”.

Clause 16 omits section 30.

Clause 17 amends section 30A to provide for designated powers of the Minister under sections 72ZB and 90, for the power of the Minister to give a direction for section 72ZRA(3)(b) and the power of the Minister to determine criteria under section 76.

Clause 18 amends section 34 to replace a reference to section 72ZC(1) with a reference to sections 27(3), 28A(1), 29(2), and (4), 40(2)(a), 60(1), 72ZC.

Clause 19 amends section 35(2) by omitting “officer of the division” and inserting “a person who is or was a departmental officer”. It also amends section 35(2)(b) by omitting the exceptions contained in section 53(2)(b)(i) to (iii). It also amends section 35(2A) and (2B) by omitting ‘licensed operator’ and inserting ‘licensed monitoring operator’. It also amends section 53(2C)(c) by omitting ‘or Commission’. Further, it replaces sections 35(3) to (5) with new sections 35(3) to (4) dealing with the chief executive’s approval for the communication or revealing of certain information. It also amends section 35(6) by omitting ‘the Commission’ and inserting ‘the chief executive’. It also adds section 35(7) that provides for the meaning of ‘secrecy provision’.

Clause 20 omits section 36.

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Clause 21 inserts a new section 38(1A) to include social and community issues as relevant information that the Commission may consider in granting or refusing to grant gaming machine licences.

Clause 22 amends section 39 to exclude subsidiary operators which are non-proprietary clubs from being able to apply for a gaming machine licence. The clause also deletes the definitions of “special facility liquor licence”, “special facility premises” and “subsidiary operator” from section 39(6).

Clause 23 amends section 40 by inserting the words ‘if asked’ in section 40(5) and inserting a new section 40(8)(c)(iii).

Clause 24 makes a minor amendment to the definition of “election of a club committee” in section 40A.

Clause 25 amends section 41 by replacing the word “club” with the words “category 2 licensee” or “licensee’s”.

Clause 26 amends section 41A by inserting a new section 41A(6)(a)(iii).

Clause 27 makes minor amendments to the heading of section 42A and replaces references to “a category 2 licensed premises” with a reference to “a category 2 licensee”.

Clause 28 makes a minor amendment to the heading of section 46 and provides for a “fresh gaming machine licence” to be issued under certain circumstances.

Clause 29 amends section 55A by omitting section 55A(2) and inserting new sections 55A(2) and (2A) that relate to when the chief executive may give a direction about a gaming machine.

Clause 30 amends section 57C(4)(d) by replacing the word “club” with the words “category 2 licensee” or “licensee”.

Clause 31 amends section 58 to provide for some changes in prescribed penalties and makes a minor technical amendment.

Clause 32 amends section 64 by replacing the word “club” with the words “category 2 licensee” or “licensee”. The clause also inserts a new section 64(16A) that provides that an applicant for a category 2 licence under section 40A(4) is taken to be a reference to the licensee.

Clause 33 amends section 69 by replacing the word “club” with the words “category 2 licensee” or “licensee”.

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Clause 34 amends section 70 by replacing the word “club” with the words “category 2 licensee” or “licensee”.

Clause 35 amends section 71 by replacing the word “club” with the words “category 2 licensee” or “licensee”.

Clause 36 makes a minor amendment to the heading of Part 3A to include the term “Dealers”.

Clause 37 replaces sections 72A to 72C which provide for references to licensed suppliers in association with a reference to a supplier’s licence is a reference to a supplier who holds a supplier’s licence (section 72A) and references to suppliers’ licences in association with a licensed supplier is a reference to the licence held by the licensed supplier (section 72B).

Clause 38 amends the heading of section 72E by replacing the words “monitoring operators” with the new term “suppliers”. The clause also introduces a major dealer’s licence and secondary dealer’s licence to the existing monitoring operator’s licence, all of which are termed suppliers, as well as making other minor amendments to the section.

Clause 39 amends section 72F to provide for the chief executive to consider the suitability of an associate of an applicant for, or a holder of, a major dealer’s or secondary dealer’s licence, in addition to a monitoring operator’s licence.

Clause 40 amends section 72M(1) to provide that the chief executive must undertake investigations to help the chief executive decide whether the applicant for a suppliers licence is a suitable person to hold a suppliers licence and if a disclosed associate of the applicant is a suitable person to be associated with the operations of a licensed supplier.

Clause 41 makes a minor amendment to section 72O to replace the words “an operator’s licence” with the words “a supplier’s licence”.

Clause 42 makes a minor amendment to section 72Q to replace the words “an operator’s licence” with the words “a supplier’s licence”.

Clause 43 inserts section (2) to section 72S that provides for a dealer’s licence to remain in force for 5 years.

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Clause 44 inserts section 72SA to provide for the granting of provisional licences to applicants for supplier's licences by the Commission. The section also allows the provisional licences to be granted with conditions that are considered necessary or desirable for the proper conduct of gaming and in the public interest and sets out how and when the licences must be issued.

Clause 45 makes a minor amendment to section 72T to refer to a "supplier" instead of "operator" and section 45(1)(c) to provide that, in addition to existing reasons, the Commission may change the conditions of a supplier's licence for the proper conduct of the licensed supplier's operations.

Clause 46 amends section 72W to allow a licensed supplier to apply for the renewal of a supplier's licence.

Clause 47 makes a minor amendment to section 72X to replace the words "an operator's licence" with the words "a supplier's licence". The clause also inserts a new section establishing the standard licensing periods for the licences under this section.

Clause 48 replaces sections 72Y and 72Z with new sections outlining the requirements for issuing a replacement licence if the original licence is lost, stolen, destroyed, damaged or the licensee's name changes.

Clause 49 makes a minor amendment to section 72ZA to replace references to an operator's licence with reference to a supplier's licence.

Clause 50 replaces section 72ZC with a new section outlining the requirements in relation to conducting investigations by the chief executive of licensed suppliers and associates of licensed suppliers.

Clause 51 makes a minor amendment to section 72ZG to replace the words "an operator's licence" with the words "a supplier's licence" and the words "licensed operator" with the words "licensed supplier" in relation to the grounds for suspension or cancellation of a licence.

Clause 52 makes a minor amendment to section 72ZH to replace the words "an operator's licence" with the words "a supplier's licence" and the words "licensed operator" with the words "licensed supplier" in relation to a show cause notice.

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Clause 53 amends the heading of section 72ZI and adds a new section 72ZI(1A) to ensure that the section only applies to licensed suppliers that are licensed monitoring operators. The clause also provides for the term “licensed operator” to be replaced with the term “licensed supplier” in relation to the involvement of interested persons of licensed monitoring operators in show cause process.

Clause 54 amends section 72ZJ to include licensed suppliers in the consideration of representation relating to show cause notices.

Clause 55 replaces section 72ZO(1) with new sections 72ZO(1) and (1A) to provide for the term “licensed supplier” to be used in lieu of the term “licensed operator”. The clause also makes minor amendments to section 72ZO (2)(3) and (4) to provide for action which may be taken by the Commission if a licensed supplier fails to comply with a direction within the period stated in the notice.

Clause 56 replaces section 72ZP(1) with new sections 72ZP(1) and 1(A) to provide for the term “licensed supplier” to be used in lieu of the term “licensed operator”. The clause also makes minor amendments to sections 72 ZP (2)(3) and (4).

Clause 57 amends section 72ZS to provide for the term “operators licence” to be replaced with the term “suppliers licence” and “licensed operator” to be replaced with the term “licensed supplier” in relation to notices to interested persons. The clause also replaces sections 72ZS(4) and (5) with new sections 72ZS(3A), (4) and (5) to ensure that the section only applies to a supplier which is a licensed monitoring operator and requires the chief executive to provide written notices to persons covered by the section.

Clause 58 amends the heading of PART 3A, division 7, to replace references to “licensed operators” with the title “licensed suppliers”.

Clause 59 replaces sections 72ZVA to 72ZW with new sections to provide for licensed suppliers to give the chief executive returns about the employees of the licensed supplier (section 72ZVA(1)). If the licensed supplier is a licensed monitoring operator, the return does not include key monitoring employees or licensed repairers (section 72ZVA(2)). The clause also provides for a licensed supplier to notify the chief executive if a licensee fails to make any overdue payment to a licensed supplier, other than a basic monitoring fee (section 72ZVB). The clause further requires a

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licensed monitoring operator to give a return to the chief executive of all people employed as licensed key monitoring employees (section 72ZW).

Clause 60 inserts a new section 72ZZAA to provide for a licensed monitoring operator to advise the chief executive in writing if a licensee fails to pay a basic monitoring fee, or part thereof, by the due date for payment.

Clause 61 amends section 72ZZB to replace the term “licensed operator” with the term “licensed suppliers” in relation to control system submissions and makes a minor technical amendment to section 72ZZB(4).

Clause 62 amends section 72ZZC to replace the term “licensed operator” with the term “licensed suppliers” in relation to control system change submissions and makes a minor technical amendment to section 72ZZC(3).

Clause 63 replaces section 72ZZF(1) with a section that provides for written notices by the chief executive to be given to licensed monitoring operators about keeping monitoring records. *Clause 64* replaces the heading of section 72ZZG and amends the section to provide for licensed operators to keep monitoring records at an approved place.

Clause 65 makes minor technical amendments to section 72ZZH.

Clause 66 amends section 72ZZN to replace the words “audit guidelines” with the words “operators audit guidelines” throughout the section.

Clause 67 amends section 72ZZO to replace the term “licensed operator” with the term “licensed monitoring operator”. The clause also inserts new sections 72ZZO(2) to (4) to provide that licensed monitoring operators, when they cease to be licensed monitoring operators, to have the operations audited by a registered company auditor within certain time limits.

Clause 68 amends section 72ZZP to clarify that an auditor must be a registered company auditor and to provide for the completion of the audit over a period to which the audit relates, as well as, to cover former operators as well as current operators.

Clause 69 inserts a new section 72ZZPA to provide that the licensed monitoring operator or former operator must give a copy of the audit report to the chief executive within 14 days. *Clause 70* amends the heading of section 72ZZQ and also replaces sections 72ZZQ(1) to (3) with new sections detailing the associated documents which need to be given to the

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chief executive with the audit report, as well as making minor technical amendments to section 72ZZQ(4).

Clause 71 inserts a new section 72ZZQA that allows the chief executive to obtain more information regarding the audit report or other related documents received under sections 72ZZPA and 72ZZQ.

Clause 72 inserts new sections 72ZZRA and 72ZZRB to require licensed suppliers or licensed monitoring operators to provide returns about employees (section 72ZZRA) and notices about unpaid amounts (72ZZRB) to the chief executive.

Clause 73 inserts a new heading for section 74 and replaces the section with a new section that provides instructions about ‘entering into service contracts’.

Clause 74 amends section 75 to clarify the conditions under which a person is considered to be an eligible licensee.

Clause 75 replaces section 76B with a new section expanding the meaning of nominee of a licensee to include persons nominated to be a nominee for periods of not more than one month (section 76B(2)), greater than one month with chief executive’s approval (section 76B(3)(4)), and not more than to 7 days (section 76B(5)). The section also sets out the conditions under which a person can be a nominee of a licensee (section 76B(6)(7)(8)).

Clause 76 omits section 76D(2) that refers to licensees holding more than one gaming machine licence.

Clause 77 amends section 77 by omitting the words ‘Subsection (1)(g)’ in section 77(5) and inserting the words ‘Section (4)(g)’. It also omits section 77(6) and part of section 77(8).

Clause 78 amends the heading of section 79 and substantially alters section 79 in form. The clause also inserts a new section 79(2)(b) that allows the chief executive to require an applicant for a licence to give further information or documents to assist the chief executive to make a recommendation about the licence. The clause also inserts new sections providing for the chief executive to make a recommendation to refuse the licence if the further information is not provided. Finally, this clause provides that the chief executive need not make a recommendation if the Commission has delegated its power to the chief executive.

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Clause 79 amends the heading of section 82 and inserts a new section to allow the chief executive to issue a fresh licence stating the person's current name (section 82(1A)) and the conditions under which the licence is issued (section 82(1B)).

Clause 80 inserts a new section 91A to provide that an employer must not employ licensed repairers unless the employer is a licensed monitoring operator, a service contractor or another licensed repairer.

Clause 81 makes a minor technical amendment to section 92.

Clause 82 amends section 98(3) by changing the time for which a licensee must not store a gaming machine from 'more than 1 month' to 'more than 2 month

Clause 83 makes minor amendments to section 100.

Clause 84 inserts a new section 100A to provide certain requirements upon a person who advertises gaming. It also inserts a new section 100B which provides what the chief executive may do when 100A is not complied with.

Clause 85 inserts a new heading for section 101 and replaces sections 101(1) and (2) with new sections which provide that only a licensed monitoring operator and the chief executive can install or modify a gaming related system on licensed premises and only a licensee or licensed monitoring operator can operate a gaming related system and under what conditions on licensed premises.

Clause 86 inserts new section 101AA which provides that the chief executive, when deciding whether or not to give an approval under section 101 for a gaming related system, may have the gaming related system evalu

Clause 87 amends section 102 by amending the penalties attributed to failing to maintain facilities (section 102(1)) and allowing a barker or shill to entice any person to play the gaming machines on premises (section 102(2)).

Clause 88 amends the penalty provisions contained in section 107 that concerns the use of gaming tokens.

Clause 89 amends and adds penalty provisions in and for section 108 that concerns the use of gaming tokens that are not Australian currency.

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Clause 90 replaces sections 109 to 111 with new sections that provide for entitlements of players to winnings (section 109); payments for gaming must be in Australian currency or as prescribed under a regulation (section 110); gaming by employees of licensees who are not entitled to the winnings obtained on gaming machines (section 110A); gaming system malfunctions where a gaming employee can refuse to make a payment (section 111); notices and reports about payout refusal decisions (section 111A), requests for review of payout decision (section 111B), review of refusal decision (section 111C), review of initial review decision (section 111D); and effect of review decisions on payout refusal decisions (section 111E).

Clause 91 amends the heading of section 112 to include gaming components and replaces section 112(2) with a new section that prohibits the use by a licensee of malfunctioning components; and makes minor amendments to the wording of sections 112(3) and (4).

Clause 92 amends the maximum penalty for a breach under section 113.

Clause 93 omits section 117.

Clause 94 inserts a new section 118(2) that provides that a minor can only play a gaming machine to the extent that is necessary for carrying out the minor's duties as a licensee's employee.

Clause 95 amends section 119 by inserting a maximum penalty provision into section 119(1) and omitting section 119(2) and replacing it with a new section allowing a minor to play a gaming machine if the minor is an employee and the play is necessary for carrying out the minor's duties.

Clause 96 omits sections 130 to 134.

Clause 97 makes minor technical amendments to section 135 to rename certain persons.

Clause 98 inserts a new section 135A to provide that licensed monitoring operators may only use premises for storing or handling gaming equipment that have been approved by the chief executive for that purpose.

Clause 99 makes minor technical amendments to section 136 and omits section 136(4).

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Clause 100 amends section 137 to replace the words “recognised suppliers of restricted components” with the words “licensed secondary dealer”.

Clause 101 makes minor technical amendments to section 138 to replace the words “arrangement” and “linked jackpot arrangement” with the words “linked jackpot equipment”.

Clause 102 makes minor technical amendments to section 139 to replace the words “arrangement” and “linked jackpot arrangement” with the words “linked jackpot equipment”.

Clause 103 replaces section 140(2) with a new section prohibiting a licensee from possessing or allowing a person to play a gaming machine unless it is an authorised gaming machine and the game for the machine is an approved. The clause also inserts a new section 140(4) to allow a licensee to maintain possession of gaming equipment until the end of the appeal period if the licence is cancelled.

Clause 104 amends section 141 by replacing section 141(3)(a) with a new section that will allow gaming trainers to be in possession of gaming equipment provided by the chief executive, a licensee, an approved financier, a licensed monitoring operator, a licensed major dealer, a licensed service contractor, a licensed repairer and another gaming trainer. The clause also makes some minor technical amendments.

Clause 105 amends section 141B by replacing the term “licensed operator” with the term “licensed monitoring operator”. The clause also inserts a new section to provide that an application must be made for the chief executive’s approval prior to repossession of gaming machines. Further, the application must be in the approved form and the prescribed fee must be paid.

Clause 106 makes minor amendments to the maximum penalty for a breach under section 141C.

Clause 107 omits section 142.

Clause 108 increases the maximum penalty in 142A to 200 penalty units

Clause 109 amends section 143(1) to include linked jackpot equipment on the list of items that the chief executive may provide to a licensee. The clause also replaces sections 143(1)(g) and (h) with new sections which, respectively, provide for the sale of gaming equipment by the chief

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executive and for the contract of maintenance services for gaming equipment owned by the State.

Clause 110 replaces section 146 with a new section which provides for the approval and rejection of gaming machines and games by the chief executive.

Clause 111 amends section 146A to replace the term “licensed operator” with the term “licensed monitoring operator” and omits section 146A(3).

Clause 112 amends section 146B to replace the term “licensed operator” with the term “licensed monitoring operator” and the term “a game” with the term “the approved game”. The clause also replaces section 146B(2)(a) to (c) with a new section specifying games that must have identical percentage returns.

Clause 113 amends section 148 to replace the term “recognised manufacturer or supplier of gaming machines” with the term “licensed major dealer” in relation to the supply of gaming machines. The clause also omits the words ‘or 1 years imprisonment’.

Clause 114 amends section 149 to provide that a person must not, with the exception of a licensee or a licensed monitoring operator, install or operate a single site or multi site linked jackpot arrangement. The clause also replaces the term ‘licensed operator’ with ‘licensed monitoring operator’ and omits the words ‘or 1 year’s imprisonment’ in sections 149(1) and (4). Further, the clause defines the terms “restricted arrangement” and “unrestricted arrangement”.

Clause 115 inserts a new section 149A which provides for decisions by the chief executive about approvals for linked jackpot arrangements.

Clause 116 makes minor technical amendments to section 152.

Clause 117 makes minor technical amendments to section 153.

Clause 118 makes minor technical amendments to section 155.

Clause 119 amends section 156 to ensure that monthly money clearances comply with the requirements for money clearances specified in section 157A. It also makes other minor technical amendments to section 156.

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Clause 120 amends section 157 to ensure that weekly money clearances comply with the requirements for money clearances specified in section 157A. It also changes the maximum penalty in sections 157(1) and (2) to 200 penalty units.

Clause 121 inserts a new section 157A which sets out the requirements for money clearances of a gaming machine, which is all tokens in the gaming machines excluding those in the hopper, and of centralised credit system, which is the amount calculated on the basis fixed by regulation.

Clause 122 amends section 158 to provide the maximum penalty unit for sections 158(1) and (2) as 200 penalty units.

Clause 123 makes minor technical amendments to 159

Clause 124 omits sections 161 and 162 and inserts new sections 160A, 161, 161A to F and 162. Section 160A outlines guidelines for the carrying out of audits for the gaming operations of category 2 licensees. Section 161 outlines that, as soon as practicable after the end of the financial year, a category 2 licensee must cause the audit of the accounts and accounting records, including the accounts of the former licensee's gaming operations if the licensee of a premises changes within the financial year. Sections 161A to C provide for the carrying out the audit, the giving of a copy of the audit report to the chief executive and the provision of associated documents to the chief executive. Section 161E provides that the chief executive may issue a notice approving the handling of a licensee's accounting records and section 161F specifies places where accounting records may be kept. Finally, section 162 provides that accounting records must be kept for 5 years unless otherwise approved under section 161E.

Clause 125 amends section 163 to provide that the chief executive must assess the monthly taxable metered win of each licensed premises.

Clause 126 makes minor technical amendments to section 164.

Clause 127 replaces section 165(3) and inserts a new section 165(4) that provide details on the calculation of gaming machine tax for licensees who operate from a single premises only and for licensees whose licence relates to two or more premises.

Clause 128 makes minor technical amendments to section 170.

Clause 129 makes minor technical amendments to section 171 to ensure that the penalty for late payment is received by the chief executive.

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Clause 130 amends section 173 to ensure that a licensed monitoring operator who provides monitoring services provides the licensee with a financial statement for the premises or make the financial statement otherwise available. Such statements must be available for access by licensees and contain particulars considered appropriate by the chief executive. There are also minor amendments made to the section to correct the terminology.

Clause 131 amends section 175 to provide that an adjustment of monthly fees is made considering monthly taxable metered win for licensed premises and another minor technical amendment.

Clause 132 clarifies the wording of section 176(1)(b) in relation to a category 1 licensed premises.

Clause 133 makes a minor amendment to section 179.

Clause 134 makes minor amendments to section 180.

Clause 135 inserts a new section 180A to provide for an inspector to direct a person to stop using a thing or allowing a thing to be used for the conduct of gaming if the thing is unsatisfactory for the purpose for which it is about or jeopardises the integrity of gaming or the public interest. This section also contains the information which must be contained in the stop notice and requires a person to comply with the notice.

Clause 136 amends section 181 to enable an inspector to take possession of and remove gaming equipment or ancillary or related property of the State. This section also deletes sections 181(4) to (6).

Clause 137 inserts new section 182A to D to provide for the handling of things that have been seized. Section 182A provides for the circumstances in which an article, record or other thing which has been seized is forfeited to the State. Section 182B provides for the return of seized things following the conclusion of an investigation and appeal process or at the end of six months. Section 182C outlines the circumstances in which a person may have access to a thing which has been seized and section 182D provides for the handling of things which have been forfeited.

Clause 138 amends section 184 to replace references to “a listed person or holder” with references to “a holder” and omits the words ‘or 1 years imprisonment’ in sections 184(1) and (3).

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Clause 139 replaces section 187 with a new section that provides that the chief executive may provide written direction to an inspector or departmental officer not to play the authorised gaming machines of a licensee. An inspector or departmental office must comply with such a direction.

Clause 140 amends section 188 to replace references to “clubs” with references to “category 2 licensees” and to omit the words ‘or 1 years imprisonment’

Clause 141 replaces section 188A to provide that only approved persons for category 2 licensed premises may have control over the conduct of gaming at the premises or have the ability to gain control over gaming at the premises. A definition of approved persons is provided and includes secretary, executive officer, member of the licensee of the premises and performing functions or exercising powers or rights as the secretary, executive officer or member of the licensee.

Clause 142 amends section 191 to provide the maximum penalty in sections 191(3) and (4) be 200 penalty units.

Clause 143 amends section 193 to replace references to “Commissioner or officer of the division” with references to “gaming officials”. A definition of a gaming official includes a departmental officer or an inspector.

Clause 144 amends section 194 to replace the terms “an officer of the division” and “a listed person” with the “restricted official”. A restricted official will be prohibited from working for a licensee or hold a licence for a period of 1 year after ceasing to be a restricted official. Other minor amendments are also made to this section. A person is considered to be a restricted official for 1 year after the person ceases to be a restricted official.

Clause 145 makes a minor amendment to section 197.

Clause 146 makes a minor amendment to section 204.

Clause 147 makes a minor amendment to section 206.

Clause 148 replaces section 209 with a new section that provides that, on conviction of an offence against the Act, the court may order the forfeiture of things used to commit the offence, or anything else subject to the offence. This may occur whether or not the thing was seized or was returned to its owner.

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Clause 149 makes minor amendments to section 211 to correct references to a departmental officer and to ensure that a certificate purported to be signed by the chief executive in specific circumstances is evidence of the matter stated.

Clause 150 makes amendment to section 212 to clarify the disclosure of a person's criminal history and to omit the words '1 years imprisonment'.

Clause 151 makes some minor amendments to section 215 and provides for regulations to be made for the establishment of a float for use in financial transactions relating to the conduct of gaming and maintaining and using the float.

Clause 152 inserts a new section 217A which provides for the numbering and renumbering of the Act in the next reprint in accordance with the requirements of the *Reprints Act 1992*.

Clause 153 makes a minor amendment to section 223.

Clause 154 inserts a new part 11, division 3 "Provisions for Gaming Machine and Other Legislation Amendment Act (No 2) 1999" immediately after section 231. This includes the creation of new sections 233 to 240. These sections provide for the definitions to be used under the new Part II (section 233): the continuation of appeals made before the commencement day (section 234); inspectors under the previous legislation to continue to be inspectors under the new legislation (section 235); persons employed under the previous legislation continue to be employees under the new legislation (section 236); certain listed manufacturers under the previous legislation are taken to be licensed major dealers under the new legislation (section 237); listed suppliers under the previous legislation are taken to be licensed secondary dealers under the new legislation (section 238); a person who has had an appeal made under section 234 set aside by the Minister is taken to be a licensed secondary dealer and must be issued with a secondary dealer's licence as soon as practicable (section 239); and any direction to prohibit a person from playing gaming machines under the previous Act is taken to be made under the new legislation (section 240).

Clause 155 omits the words 'or 1 years imprisonment' from a number of "relevant provisions" throughout the Act.

Clause 156 amends several sections to omit imprisonment and reduces the number of penalty units from 200 to 100 for a number of provisions throughout the Act.

Clause 157 amends several sections to omit imprisonment and reduces the number of penalty units from 200 to 40 for a number of provisions throughout the Act.

PART 3—AMENDMENT OF CASINO CONTROL ACT 1982

Clause 158 provides that Part 3 amends the *Casino Control Act 1982*.

Clause 159 amends section 4 to insert a definition for an ‘approved evaluator’.

Clause 160 inserts a new section 14A which provides that the Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating gaming equipment.

Clause 161 amends section 44 to insert new sections 44(1)(aa) and (1)(ca) and (1A) that outline further situations that will allow the Minister to cancel or suspend a casino key employee licence or a casino employee licence.

Clause 162 amends section 62 to provide that a person must not possess, maintain or exhibit gaming equipment outside of the casino’s gaming area or bring into or remove from the gaming area any equipment unless the equipment is to be used for specific purposes. The clause also replaces the words ‘the casino’ in section 62(3) with the words ‘the casino’s gaming area’. It also omits section 62(3AA).

PART 4—AMENDMENT OF CHARITABLE AND NON-PROFIT GAMING ACT 1999

Clause 163 provides that Part 4 amends the *Charitable and Non-Profit Gaming Act 1999*.

Clause 164 makes minor amendments to section 10 to clarify the meaning of eligible association.

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Clause 165 replaces section 99 with a new section 99 which provides that the chief executive, when deciding an application for approval of regulated general gaming equipment, may have the equipment evaluated, may use an approved evaluator and provides for a fee to be prescribed for evaluating equipment.

Clause 166 amends section 100 to omit the words ‘and carrying out any evaluation under section 99’. It also omits section 100(3) and inserts a new section 100(3) that extends when a chief executive may refuse to approve general gaming equipment to include when the applicant fails to comply with a direction of the chief executive under section 99(1)(b). It also inserts new sections 100(4) and (5) to require the chief executive to provide a written notice of the approval or an information notice about the refusal.

Clause 167 inserts a new section 100A that provides that the Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating regulated general gaming equipment.

Clause 168 amends section 174 by inserting new sections 174(1)(h) and (i) that extend the type of decision to which section 174 will apply. It now includes a chief executive decision refusing to approve regulated general gaming equipment and a chief executive's decision refusing to approve a modification of regulated general gaming equipment.

Clause 169 amends the dictionary in Schedule 2 by inserting a definition for an “approved evaluator”.

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

Clause 170 provides that Part 5 amends the *Interactive Gambling (Player Protection) Act 1998*.

Clause 171 amends section 18 to omit the words ‘An authorised provider’ and insert ‘A licensed provider’ in section 18(1). It also omits section 18(3) and replaces it with sections 18(3) to (6) to differentiate between restricted and unrestricted players and provide for a prescribed timeframe within which the registration process is to be completed.

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Clause 172 replaces section 19 with a new section 19 that provides for the requirements to be satisfied to complete the registration of players. The registration process of a licensed provider is to be included in their approved control system. Limitations applicable to restricted players are to be advised to players when registering.

Clause 173 amends section 20 by omitting section 20(2) and replacing it with sections 20(2) to (5) to provide the basis on which a player's account must be established and differentiates between unrestricted players and restricted players in describing the access to that account.

Clause 174 inserts a new section 20A that places restrictions on the amount of deposits that can be made into a restricted player's account.

Clause 175 inserts a new section 22A which provides that where a player's registration is not completed as required under section 18, any balance in the person's account is to be paid to the chief executive by the licensed provider.

Clause 176 amends section 132 to replace the words 'a registered player' with 'an unrestricted player' to clarify which type of player is permitted to request remittance of the balance from a player account.

Clause 177 makes minor technical amendments to section 134 to clarify when a licensed provider may have recourse to a player's account. The increased access is to allow recovery of fees, charges or expenses only if agreed by the player and approved in the provider's control system.

Clause 178 amends section 137 by omitting the words 'resident in Queensland' in section (1)(a) and inserting 'a registered player' to more accurately reflect who may apply for a prohibition order.

Clause 179 amends the heading of Part 7, Division 13.

Clause 180 inserts a new section 159A to deal with interrupted games. The licensed provider is required to notify the player of the interruption (for example, one method of notification may be by e-mail) and is required to complete that game with the player within a prescribed period prior to participating in any other game, otherwise the wager will be forfeited to the chief executive.

Clause 181 amends section 160 by omitting section 160(1).

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Clause 182 amends section 162 to broaden the process by which the chief executive must consider an application for approval of regulated interactive gambling equipment. The process includes considering the application and deciding whether the equipment or modification to the equipment must be evaluated, including the use of an approved evaluator if the chief executive so directs. If the chief executive carries out an evaluation of the equipment, the licensed provider must pay the fee prescribed for the evaluation.

Clause 183 inserts a new section 163A that provides that the Governor in Council may, under a regulation, declare an entity to be an approved entity for evaluating regulated interactive gambling equipment.

Clause 184 amends Schedule 2, part 1 by extending decisions of chief executive subject to appeal to include a refusal to approve regulated interactive gambling equipment and a refusal to approve a modification of regulated interactive gambling equipment, both under section 162

Clause 185 amends the dictionary in Schedule 3 by inserting a definition for an “approved evaluator”.

Clause 186 amends the dictionary in Schedule 3 by inserting definitions for a ‘restricted player’ and for an ‘unrestricted player’

PART 6—AMENDMENT OF KENO ACT 1996

Clause 187 provides that Part 6 amends the *Keno Act 1996*.

Clause 188 amends section 145 to outline the process by which the chief executive must consider an application for approval of regulated keno equipment. This includes considering the application and deciding whether the equipment or modification to the equipment must be evaluated, including use of approved evaluators. If the chief executive carries out an evaluation of the equipment, the licensee must pay the fee prescribed for the evaluation. The chief executive is required to provide a written notice of the approval or an information notice about the refusal.

Clause 189 inserts a new section 146A that provides that the Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating regulated keno equipment.

Clause 190 omits section 234.

Clause 191 inserts a new section 237A that outlines the power of the Gaming Commission to gather evidence, including the power, by written notice, to require a person to give written answers or appear before the Commission. A member of the Commission may administer an oath or affirmation to a person appearing before the Commission. It is an offence to fail to appear before the Commission or fail to take an oath or affirmation, fail to answer a question or fail to produce a document requested by the Commission without reasonable excuse. However, a person may refuse to answer questions or produce a document if it might incriminate them.

Clause 192 inserts a new part 13 after section 243 titled “Transitional Provision for Gaming Machine and Other Legislation Amendment Act (No2) 1999”. This includes the insertion of a new section 244 which provides for the continuation of appeals made to a Magistrates Court started under this Act but before the commencement of this section and the appeal was not finalised before the commencement of this section, as if made under the Act with the provision having been commenced.

Clause 193 amends Schedule 2, part 1 by extending decisions of chief executive subject to appeal to include a refusal to approve regulated keno equipment and a refusal to approve a modification of regulated keno equipment, both under section 145

Clause 194 amends the dictionary in Schedule 4 by inserting a definition for an “approved evaluator”.

PART 7—AMENDMENT OF LOTTERIES ACT 1997

Clause 195 provides that Part 7 amends the *Lotteries Act 1997*.

Clause 196 amends section 129 to provide that claims for prizes may be made in the reference period for a lottery. The reference period is defined as being three years for a lottery prescribed as a designated lottery, and seven years for all other lotteries.

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Clause 197 amends section 133 to outline the process by which the chief executive must consider an application for approval of regulated lottery equipment. This includes considering the application and deciding whether the equipment or modification to the equipment must be evaluated, including the use of an approved evaluator. If the chief executive carries out an evaluation of the equipment, the licensee must pay the fee prescribed for the evaluation. The chief executive is required to provide a written notice of the approval or an information notice about the refusal.

Clause 198 inserts a new section 134A that provides that the Governor in Council may, under a regulation, declare an entity to be an approved entity for evaluating regulated lottery equipment.

Clause 199 omits section 219.

Clause 200 inserts a new section 222A that outlines the power of the Gaming Commission to gather evidence, including the power, by written notice, to require a person to give written answers or appear before the Commission. A member of the Commission may administer an oath or affirmation to a person appearing before the Commission. It is an offence to fail to appear before the Commission or fail to take an oath or affirmation, fail to answer a question or fail to produce a document requested by the Commission without reasonable excuse. However, a person may refuse to answer questions or produce a document if it might incriminate them.

Clause 201 inserts a new part 12, division 3 after section 246 titled “Transitional Provision for Gaming Machine and Other Legislation Amendment Act (No2) 1999”. This includes the insertion of a new section 247 which provides for the continuation of appeals made to a Magistrates Court started under this Act but before the commencement of this section and the appeal was not finalised before the commencement of this section, as if made under the Act with the provision having been commenced.

Clause 202 amends Schedule 2, part 1 by extending decisions of chief executive subject to appeal to include a refusal to approve regulated lottery equipment and a refusal to approve a modification of regulated lottery equipment, both under section 133.

Clause 203 amends the dictionary in Schedule 3 by inserting a definition for an “approved evaluator”.

PART 8—AMENDMENT OF WAGERING ACT 1998

Clause 204 provides that Part 8 amends the *Wagering Act 1998*.

Clause 205 amends section 208 to outline the process by which the chief executive must consider an application for approval of regulated wagering equipment. This includes considering the application and deciding whether the equipment or modification to the equipment must be evaluated, including the use of an approved evaluator. If the chief executive carries out an evaluation of the equipment, the authority operator must pay the fee prescribed for the evaluation. The chief executive is required to provide a written notice of the approval or an information notice about the refusal.

Clause 206 inserts a new section 208A that provides that the Governor in Council may, under a regulation, declare an entity to be an approved entity for evaluating regulated wagering equipment.

Clause 207 makes a minor technical amendment to section 228 to enable minors to sell sports tipping products in specific situations.

Clause 208 amends section 291 by extending decisions of chief executive subject to appeal to include a decision under section 208 refusing to approve regulated wagering equipment, and a decision under section 208 refusing to approve a modification of regulated wagering equipment.

Clause 209 amends the dictionary in Schedule 2 by inserting a definition for an “approved evaluator”.

PART 9—OTHER AMENDMENTS OF GAMING ACTS

Clause 210 provides that Schedule 2 makes minor amendments to the Gaming Acts.

SCHEDULES

Schedule 1 provides for minor amendments to be made to the Gaming Machine Act 1991.

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

Schedule 2 provides for minor amendments to be made to certain gaming Acts.