



Queensland

Gaming Legislation Amendment Regulation (No. 3) 2022

Subordinate Legislation 2022 No. 172

made under the

Casino Control Act 1982

Wagering Act 1998

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Gaming Legislation Amendment Regulation (No. 3) 2022*.

Part 2 Amendment of Casino Control Regulation 1999

2 Regulation amended

This part amends the *Casino Control Regulation 1999*.

3 Amendment of s 3 (Definitions)

Section 3—

insert—

casino principal means—

- (a) a casino licensee; or
- (b) a lessee under a casino lease; or
- (c) a proposed lessee; or
- (d) a casino operator under a casino management agreement; or
- (e) a proposed casino operator.

proposed casino operator means a person with whom a casino licensee, or a lessee under a casino lease, proposes to enter into a casino management agreement under section 25 of the Act.

proposed lessee means a person to whom a casino licensee proposes to lease the casino licensee's hotel-casino complex or casino under section 24 of the Act.

[s 4]

4 Amendment of s 6 (Requirements generally)

Section 6(5), definitions *casino principal*, *proposed casino operator* and *proposed lessee*—

omit.

5 Replacement of ss 46A and 46B

Sections 46A and 46B—

omit, insert—

46A Fee for investigations of suitability

- (1) This section applies if the Minister undertakes, or proposes to undertake, an investigation under section 20(1), 26(1) or 30(1) of the Act into—
 - (a) a casino principal; or
 - (b) a person who, in the opinion of the Minister, is associated or connected, or to be associated or connected, with the ownership, administration or management of the operations or business of a casino principal.
- (2) The casino principal must pay a fee for the investigation to the chief executive.
- (3) The amount of the fee is the reasonable cost, decided by the chief executive, of conducting the investigation.

Examples of costs that may be incurred as part of the reasonable cost of conducting the investigation—

- costs of professional services, for example, legal or accounting services
- internal costs, including staff costs
- travel and accommodation costs incurred inside or outside the State or overseas

46B Chief executive may require payment of fee by notice

- (1) The chief executive may give a casino principal a notice requiring payment of an amount towards the fee payable under section 46A for an investigation.
- (2) The notice—
 - (a) may be given—
 - (i) before the investigation starts; or
 - (ii) at any time during the investigation; and
 - (b) may require the payment of an amount for a cost of conducting the investigation before the cost is incurred; and
 - (c) may require the payment of an amount for all or part of the estimated reasonable cost of conducting the investigation.
- (3) If the notice is given before the investigation starts, the chief executive may decide not to start the investigation until the amount stated in the notice is paid.
- (4) The amount stated in the notice must be paid within 28 days after the notice is given.
- (5) The amount stated in the notice must be—
 - (a) not more than the chief executive's estimate or latest estimate of the fee payable under section 46A; and
 - (b) reduced by the amount, if any, already paid by the casino principal to the chief executive for the investigation.

46BA Finalising fees

As soon as reasonably practicable after an

[s 6]

investigation undertaken under section 20(1), 26(1) or 30(1) of the Act ends, the chief executive must—

- (a) give a written itemised account of the costs included in the fee payable under section 46A for the investigation to the casino principal who is liable to pay the fee; and
- (b) if the casino principal has overpaid the amount of the fee—refund the amount of the overpayment to the casino principal.

46BB Recovering underpaid amounts

- (1) This section applies if there is a shortfall between the amount paid by a casino principal under section 46B for an investigation, and the fee payable by the casino principal under section 46A for the investigation.
- (2) The chief executive may give the casino principal a notice requiring the amount of the shortfall to be paid to the chief executive.
- (3) The chief executive may recover the amount of the shortfall regardless of whether the chief executive complies with section 46BA(a) for the investigation.
- (4) In a proceeding to recover the amount, a written itemised account of the costs for the investigation given to the casino principal under section 46BA(a) is evidence of the costs.

6 Insertion of new pt 9

After part 8—

insert—

Part 9 Transitional provision for Gaming Legislation Amendment Regulation (No. 3) 2022

48 Fees for existing investigations

- (1) This section applies if—
 - (a) before the commencement, an investigation under section 20(1), 26(1) or 30(1) of the Act had started; and
 - (b) immediately before the commencement, the full amount of the fee payable under former section 46A for the investigation had not been paid to the chief executive.
- (2) Former sections 46A and 46B continue to apply in relation to the fee as if the *Gaming Legislation Amendment Regulation (No. 3) 2022* had not been made.
- (3) In this section—
former, for a provision of this regulation, means the provision as in force immediately before the commencement.

Part 3 Amendment of Wagering Regulation 1999

7 Regulation amended

This part amends the *Wagering Regulation 1999*.

[s 8]

8 Amendment of s 15I (End of registration as a restricted investor)

Section 15I(3)—

omit, insert—

- (3) If a person's registration as a restricted investor is not sooner cancelled under subsection (2), the registration ends 72 hours after the person was registered.
- (4) Despite subsection (3), if the period that applies to verifying the person's identity under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cwlth), section 34(1) is less than 72 hours, the registration ends when that period ends.

9 Amendment of s 15IA (Authentication of identity after 90 days)

- (1) Section 15IA, heading, 'after 90 days'—

omit, insert—

within 1 year

- (2) Section 15IA(1)(a), after '15I(3)'—

insert—

or (4)

- (3) Section 15IA(1)(b), 'more than 90 days'—

omit, insert—

after the person's registration has ended

10 Amendment of s 15O (Accounting for account balances for restricted investors)

Section 15O(1)(a), after '15I(3)'—

insert—

or (4)

11 Insertion of new s 18

After section 17B—

insert—

18 Transitional provision for Gaming Legislation Amendment Regulation (No. 3) 2022

- (1) This section applies if—
 - (a) before the commencement, a person was registered as a restricted investor; and
 - (b) immediately before the commencement, the registration had not been cancelled or had not ended.
- (2) Section 15I, as amended by the *Gaming Legislation Amendment Regulation (No. 3) 2022*, applies to the person's registration.

ENDNOTES

- 1 Made by the Governor in Council on 1 December 2022.
- 2 Notified on the Queensland legislation website on 2 December 2022.
- 3 The administering agency is the Department of Justice and Attorney-General.

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