Queensland

Charitable and Non-Profit Gaming Act 1999

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Charitable and Non-Profit Gaming Act 1999

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Charitable and Non-Profit Gaming Act 1999

An Act to regulate gaming conducted to raise funds for charitable and non-profit purposes, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Charitable and Non-Profit Gaming Act 1999*.

2 Commencement

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

3 Object

(1) The overarching object of this Act is to ensure that, on balance, the State and the community as a whole benefit from general gaming.

(2) The balance is achieved by allowing general gaming subject to a system of regulation and control designed to protect players and the community through—

(a) ensuring the integrity and fairness of games; and

(b) ensuring the probity of those involved in the conduct of general gaming; and

(c) minimising the potential for harm from general gaming.

(3) Within the overarching object, the following objects are included—

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(a) to set and maintain appropriate standards and levels of accountability for the conduct of general gaming;

(b) to ensure the public obtains reasonable net benefits from the conduct of general gaming;

(c) to prevent individuals engaged in conducting general gaming from deriving personal gain from it;

(d) to maintain and protect the integrity of general gaming;

(e) to maintain public confidence and trust in buying general gaming tickets as a worthwhile way of supporting fundraising activities.

4 Application of Act

This Act does not apply to the conduct of a game permitted under another jurisdiction's law, if the conduct of the game in Queensland consists only of advertising the game.

Part 2 Interpretation

Division 1 Standard definitions

5 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

Division 2 Key definitions

6 Meaning of *art union*

An ***art union*** is a game other than bingo, a calcutta sweep, lucky envelopes, a promotional game and two-up.

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7 Meaning of *association*

An ***association*** is a group of at least 4 persons, whether or not incorporated, formed for a common purpose that is not likely to harm—

(a) the integrity of general gaming; or

(b) public confidence and trust in buying gaming tickets as a worthwhile way of supporting fundraising activities by persons for charitable and non-profit purposes.

8 Meaning of *bingo*

Bingo is a game known as bingo, housie or housie-housie, or a similar game, whatever called, in which—

(a) each player is given a ticket with numbers, letters or symbols printed on it; and

(b) the winner is decided by the player matching randomly selected numbers, letters or symbols to the numbers, letters or symbols on the player's ticket.

9 Meaning of *calcutta sweep*

(1) A ***calcutta sweep*** is a game conducted on a horse race held at a licensed venue, or an event approved under section 30, in which, before the race or event starts—

(a) each player buys a ticket for a chance to be allocated, by lot, a participant in the race or event; and

(b) an auction takes place at which anyone present, whether or not the person holds a ticket, is entitled to bid for each participant in the race or event.

(2) The winners in the game are decided entirely or partly by chance, according to the result of the race or event.

(3) In this section—

horse race means a race for galloping horses.

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licensed venue means a place, whether in Queensland or elsewhere, at which a horse race may lawfully be held.

10 Meaning of *eligible association*

(1) An ***eligible association*** is—

(a) an association formed and operated principally for a charitable, community, patriotic or sporting purpose or a similar purpose prescribed under a regulation; or

(aa) an association formed and operated principally for an educational or religious purpose; or

(b) a parents and citizens association formed under the *Education (General Provisions) Act 2006*; or

(c) a registered political party under the *Electoral Act 1992*; or

(d) another association prescribed under a regulation.

(2) An association mentioned in subsection (1)(a) must—

(b) have a management committee, elected by the members—

(i) the members of which hold office for at least 1 year; and

(ii) that holds regular meetings, including an annual general meeting, and keeps minutes of its meetings; and

(c) have a treasurer who keeps proper financial records for the association and presents an audited income and expenditure statement and balance sheet at its annual general meeting; and

(d) operate banking accounts in its name; and

(e) require cheques issued by it to be signed by at least 2 members authorised for the purpose.

(3) An association mentioned in subsection (1)(a) must also have a constitution that provides, if the association is disbanded, for its assets, after payment of its liabilities, to be distributed to—

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(a) a fund with objects similar to the association's objects; or

(b) a fund used exclusively for charitable purposes; or

(c) an association incorporated under the *Associations Incorporation Act 1981* with objects similar to the association's objects.

(4) A constituent unit of an eligible association is also an eligible association.

(5) In this section—

charitable purpose means—

(a) the purpose of helping individuals who—

(i) are persons with a disability under the *Disability Services Act 2006*; or

(ii) need help because of their age (whether young or old), sickness, infirmity, bereavement, poverty or unemployment; or

(iii) need help because their property has been damaged or destroyed by, or because of, a natural disaster; or

(iv) are dependants of individuals mentioned in subparagraphs (i) to (iii); or

(b) another purpose prescribed under a regulation if there are reasonable grounds for considering the purpose to be a charitable purpose.

community purpose means the purpose of promoting, other than for personal or commercial gain, the general welfare of the public or a section of it.

constituent unit, of an eligible association, means a branch, sub-branch, committee, council or other body of persons established under the association's rules (whatever the rules are called).

educational purpose means—

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(a) the purpose of helping any of the following established, or proposed to be established, other than for personal or commercial gain—

(i) a school, college or university;

(ii) TAFE Queensland established under the *TAFE Queensland Act 2013*;

(iii) an educational institution other than an entity mentioned in subparagraph (i) or (ii);

(vi) a school of arts or public library; or

(b) another purpose prescribed under a regulation if there are reasonable grounds for considering the purpose to be an educational purpose.

patriotic purpose means—

(a) the purpose of helping members of the Australian Defence Force (the ***ADF***), or members of the armed forces of another country with whom the ADF members are serving during a war, defence emergency or United Nations peacekeeping operations in which the ADF members are involved, by providing—

(i) things for the comfort or convenience of the ADF members, or the members of the forces of the other country, in or outside Australia; or

(ii) functions in Queensland to farewell or welcome the members; or

(b) another purpose prescribed under a regulation if there are reasonable grounds for considering the purpose to be a patriotic purpose.

religious purpose means—

(a) the purpose of helping a church, mosque, pagoda, synagogue, temple or other religious body that is established, or proposed to be established; or

(b) another purpose prescribed under a regulation if there are reasonable grounds for considering the purpose to be a religious purpose.

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sporting purpose means—

(a) the purpose of helping an association to conduct a sporting activity of a recreational nature; or

(b) another purpose prescribed under a regulation if there are reasonable grounds for considering the purpose to be a sporting purpose.

11 Meaning of *game*

(1) A ***game*** is a game, scheme or arrangement offering prizes, whether or not tickets are sold or distributed, in which the winners are decided—

(a) entirely or partly by chance; or

(b) by a competition or other activity having an outcome depending on chance, for example, a guessing competition.

Examples of game—

1 a calcutta sweep

2 an art union

3 a promotional game

4 bingo

5 lucky envelopes

6 two-up

(2) However, each of the following is not a game—

(a) a lottery conducted under the *Lotteries Act 1997*, or under arrangements approved under that Act;

(b) a game authorised under the *Interactive Gambling (Player Protection) Act 1998*.

12 Meaning of *lucky envelopes*

(1) ***Lucky envelopes*** is a game in which—

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(a) a ticket is torn, opened or scratched, whether physically or electronically, to reveal numbers, letters or symbols that may entitle the player to a prize; or

(b) a ticket is printed, electronically or mechanically, with a number, letter or symbol that may entitle the player to a prize.

(2) ***Lucky envelopes*** includes—

(a) the games known as lucky envelopes, break-open, pull-tab, lucky numbers and instant art union; and

(b) any similar game, by whatever name called.

(3) However, ***lucky envelopes*** does not include—

(a) a promotional game; or

(b) a game in which the determination of the winning ticket depends on a future event.

Example for paragraph (b)—

a game in which a ticket becomes a winning ticket if a particular team wins a future sporting match

13 Meaning of *promotional game*

A ***promotional game*** is a game conducted to promote goods or services.

Division 3 Categories of games

14 Meaning of *category 1 game*

(1) A ***category 1 game*** is a game in which—

(a) for bingo—the gross proceeds of all games in the bingo session are not more than $2,000; or

(b) for other games—the gross proceeds are not more than the amount prescribed by regulation.

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(2) However, a promotional game or lucky envelopes is not a category 1 game.

(3) For subsection (1)(b), the amount prescribed must not be more than the lower amount prescribed for a category 2 game under section 15(1)(c).

15 Meaning of *category 2 game*

(1) A ***category 2 game*** is a game in which—

(a) for bingo—the gross proceeds of all games in the bingo session are more than $2,000 but not more than $20,000; or

(b) for lucky envelopes—the gross proceeds of which are not more than $5,000; or

(c) for other games—the gross proceeds are between the amounts prescribed by regulation.

(2) However, a promotional game is not a category 2 game.

16 Meaning of *category 3 game*

(1) A ***category 3 game*** is a game, other than bingo, the gross proceeds of which are more than—

(a) an amount prescribed by regulation; or

(b) if the game is conducted under a special category 3 gaming licence—$5,000.

(2) However, a promotional game or lucky envelopes is not a category 3 game.

(3) For subsection (1)(a), the amount prescribed must not be less than the higher amount prescribed for a category 2 game under section 15(1)(c).

17 Meaning of *category 4 game*

A ***category 4 game*** is a promotional game.

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Part 3 General gaming

Division 1 Who may conduct general gaming

18 Category 1 games

(1) A person must not conduct a category 1 game unless the person is—

(a) an association; or

(b) authorised to conduct the game under another Act.

Maximum penalty—40 penalty units.

(2) However, an individual may conduct a category 1 game if—

(a) the individual does not derive a personal gain from conducting the game; and

(b) all proceeds of the game, or goods representing the value of the proceeds, are returned to the players as prizes.

19 Category 2 games

A person must not conduct a category 2 game unless the person—

(a) is an eligible association and complies with section 22; or

(b) is authorised to conduct the game under another Act.

Maximum penalty—100 penalty units.

20 Category 3 games

A person must not conduct a category 3 game unless the person—

(a) is an eligible association that complies with section 22 and holds a category 3 gaming licence; or

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(b) holds a special category 3 gaming licence; or

(c) is authorised to conduct the game under another Act.

Maximum penalty—200 penalty units.

Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 170, to have also committed the offence.

21 Category 4 games

Any person may conduct a category 4 game.

22 Restriction on persons conducting category 2 or 3 games

An eligible association may conduct a category 2 or 3 game only if the association—

(a) keeps its general gaming records at any of the following places—

(i) its principal place of business in Queensland;

(ii) if the eligible association is a corporation whose registered office, under the Corporations Act, is in Queensland—its registered office;

(iii) another place approved by the chief executive; and

(b) if the association uses or intends to use part or all of the game's net proceeds for a purpose outside Queensland—states on the tickets, or written advertising material for the game, the purpose for which the net proceeds are to be used.

Division 1A Third party operator agreements

22A Agreement to help in relation to an art union

(1) This section applies for the purpose of an eligible association entering into an agreement (a ***third party operator agreement***)

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with another entity (a ***third party operator***) for the third party operator to help the eligible association with any of the following matters in relation to an art union—

(a) the sale of tickets in the art union;

(b) receiving and banking money from the sale;

(c) accounting for the proceeds of the sale.

(2) A third party operator agreement must—

(a) be in writing; and

(b) be signed by both the eligible association and the third party operator; and

(c) provide for the arrangements between the association and the operator relating to the art union; and

(d) state details of the help the operator will give the association.

Note—

Under section 46(f) and (g), a contravention of subsection (2) may be a relevant consideration in deciding whether an applicant for a licence is a suitable person to hold the licence.

(3) Failure to comply with subsection (2) does not affect the validity of the agreement or its status as a third party operator agreement.

(4) A third party operator who enters into a third party operator agreement with an eligible association is taken to be a business associate of the eligible association.

(5) An eligible association that enters into a third party operator agreement continues to be responsible under this Act for the conduct of the art union to which the agreement relates.

(6) An agreement between an eligible association and a person in the person's capacity as an employee of the association or a commission agent is not a third party operator agreement.

(7) In this section—

commission agent, in relation to an eligible association, means an individual, other than an employee of the

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association, who receives payment for selling art union tickets on behalf of the association.

22B Notice to chief executive of intention to enter third party operator agreement

(1) An eligible association must not enter into a third party operator agreement unless it has given the chief executive a copy of the proposed agreement at least 28 days before it enters into the agreement.

Maximum penalty—100 penalty units.

(2) If the parties to the proposed agreement make a material change to the agreement before it is entered into, the association must, as soon as practicable after the change is made, give the chief executive a copy of the proposed agreement as changed.

Maximum penalty—100 penalty units.

22C Notice to chief executive of intention to amend third party operator agreement

(1) An eligible association that intends amending a third party operator agreement the association has entered into must, at least 28 days before the amending agreement is to take effect, give the chief executive a copy of the proposed agreement.

Maximum penalty—100 penalty units.

(2) If the parties to the proposed amending agreement materially further change the agreement before it is entered into, the association must, as soon as practicable after the change is made, give the chief executive a copy of the proposed agreement as changed.

Maximum penalty—100 penalty units.

22D Copy of third party operator agreement to chief executive

An eligible association that enters into a third party operator agreement or an agreement amending a third party operator

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agreement must, as soon as practicable after entering into the agreement, give the chief executive a copy of the agreement.

Maximum penalty—100 penalty units.

22E Notice to chief executive of cancellation of third party operator agreement

If a third party operator agreement is rescinded or otherwise comes to an end, the eligible association that is a party to the agreement must, as soon as practicable after the agreement ends, give the chief executive notice that the agreement has ended.

Maximum penalty—100 penalty units.

Division 2 Other provisions about general gaming

Subdivision 1 Bingo

23 Restrictions on conducting bingo

(1) A person must not conduct bingo if the gross proceeds of all games in the bingo session are more than $20,000.

Maximum penalty—200 penalty units.

(2) A person must not conduct bingo at a bingo centre unless—

(a) the person is an eligible association; and

(b) a bingo centre licence is in force for the bingo centre; and

(c) the person has appointed an individual as an ordinary member of the bingo centre licensee.

Maximum penalty—40 penalty units.

(3) In this section—

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bingo centre means premises where 2 or more eligible associations conduct, between or amongst them, more than 25 bingo sessions each week.

Subdivision 2 Lucky envelopes

24 Restriction on conducting lucky envelopes

A person must not conduct lucky envelopes if the gross proceeds of the game are more than $5,000.

Maximum penalty—200 penalty units.

25 Approving, installing and operating lucky envelope vending machines

(1) A person must not conduct lucky envelopes from a lucky envelope vending machine unless the machine is approved by the chief executive under part 5, division 9.

(2) A person conducting lucky envelopes must ensure the lucky envelope vending machine is installed and operated in the way prescribed under a regulation.

Maximum penalty—40 penalty units.

26 Printing lucky envelopes

(1) A person must not print lucky envelopes unless the person holds a lucky envelope printer licence.

Maximum penalty—100 penalty units.

(2) The holder of a lucky envelope printer licence must comply with the requirements prescribed under a regulation for printing lucky envelopes.

Maximum penalty—50 penalty units.

(3) To remove doubt, it is declared that a person does not print lucky envelopes if the person merely sells lucky envelopes—

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(a) from a lucky envelope vending machine; or

(b) obtained from the holder of a lucky envelope printer licence.

27 Safe custody of lucky envelopes

(1) The holder of a lucky envelope printer licence must ensure—

(a) stocks of lucky envelopes held by the holder are kept in a secure place; and

(b) adequate security arrangements exist to prevent access to the place by persons who are not authorised by the holder to have the access.

(2) A person conducting lucky envelopes must ensure—

(a) the following are kept in a secure place—

(i) stocks of lucky envelopes held by the person;

(ii) any microchip or other program storage media for random number generator software used by the person in a lucky envelope vending machine; and

(b) adequate security arrangements exist to prevent access to the place by persons who are not authorised by the person conducting the lucky envelopes to have the access.

Maximum penalty—40 penalty units.

28 Selling lucky envelopes

A person must not sell lucky envelopes unless the envelopes have been printed under a lucky envelope printer licence.

Maximum penalty—50 penalty units.

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Subdivision 3 Approval for events for calcutta sweeps

29 Application for approval of events

(1) A person may apply to the chief executive for approval for an event on which the person intends to conduct a calcutta sweep.

(2) The application must be in writing and describe the event for which approval is sought.

30 Decision on application

(1) The chief executive must consider the application and either give, or refuse to give, the approval sought by the application.

(2) An approval may relate to an event in or outside Australia.

(3) The chief executive must not give an approval for an event the chief executive considers to be offensive or contrary to the public interest.

31 Conditions of approval

The chief executive may give the approval—

(a) on conditions the chief executive considers necessary or desirable for the proper conduct of the calcutta sweep; or

(b) on other conditions the chief executive considers necessary or desirable in the public interest.

32 Notice of decision

(1) If the chief executive gives the approval, the chief executive must give the person a notice stating—

(a) the decision; and

(b) any conditions of the approval.

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(2) The notice may also state the period for which the approval remains in force.

(3) If the chief executive refuses the approval, the chief executive must give the person a notice stating the decision and the reasons for it.

33 Period of approval

An approval remains in force—

(a) if a period is stated in the notice under section 32(2)—for the stated period; or

(b) if no period is stated in the notice—until the approval is withdrawn.

34 Withdrawal of approval

(1) The chief executive may, for any reason the chief executive considers appropriate, withdraw an approval given under section 30.

(2) However, the approval may be withdrawn only if the chief executive—

(a) has given the person a reasonable opportunity to be heard or to make representations on the proposed withdrawal; and

(b) has considered any representations made by the person in the process carried out by the chief executive under paragraph (a).

(3) The withdrawal must be made by notice given to the person and stating the reasons for the decision.

(4) The decision takes effect—

(a) on the day the notice is given to the person; or

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

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Subdivision 4 Application of net proceeds of games

35 Application of net proceeds of games

A person must not use or apply the net proceeds of a category 1, 2 or 3 game other than for a purpose for which the game was conducted.

Maximum penalty—100 penalty units.

Part 4 Licences

Division 1 Types and form

36 Types of general licences

The following types of general licence may be issued under this Act—

(a) a bingo centre licence;

(b) a category 3 gaming licence;

(c) a lucky envelope printer licence;

(d) a special category 3 gaming licence.

37 Form, content and term of general licences

(1) A general licence must—

(a) be in the approved form; and

(b) include the following particulars—

(i) the licensee's name;

(ii) the date of issue;

(iii) the term for which it is issued;

(iv) its conditions;

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(v) other particulars prescribed under a regulation.

(2) A general licence is issued for the following term—

(a) for a bingo centre licence—1 year;

(b) for a category 3 gaming licence—1 year;

(c) for a lucky envelope printer licence—5 years;

(d) for a special category 3 gaming licence—4 months.

Division 2 Issue and renewal

38 Who may apply for a bingo centre licence

(1) For the purpose of an application for a bingo centre licence, an association must be established that complies with subsection (2).

(2) An applicant for a bingo centre licence (the ***applicant association***) must be an association—

(a) incorporated under the *Associations Incorporation Act 1981*; and

(b) the ordinary members of which consist only of individuals appointed by eligible associations conducting, or intending to conduct, bingo at the premises for which the licence is sought.

(3) An eligible association may appoint an individual as an ordinary member of the applicant association if the individual is an ordinary member of the eligible association.

(4) The number of individuals appointed to the applicant association by each eligible association must be the same.

39 Who may apply for category 3 gaming licence

An applicant for a category 3 gaming licence must be—

(a) an incorporated eligible association; or

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(b) a parents and citizens association formed under the *Education (General Provisions) Act 2006*; or

(c) a parents and friends association formed for a non-State school accredited under the *Education (Accreditation of Non-State Schools) Act 2017*; or

(d) a registered political party under the *Electoral Act 1992*.

40 Who may apply for a lucky envelope printer licence

An applicant for a lucky envelope printer licence must be a corporation.

41 Who may apply for a special category 3 gaming licence

An applicant for a special category 3 gaming licence must be a person intending to conduct a single art union for the welfare or benefit of—

(a) individuals who need help because of a disaster; or

(b) a disadvantaged individual.

Example of disadvantaged individual—

an individual who is financially disadvantaged

42 Special category 3 gaming licence not renewable

A special category 3 gaming licence is not renewable.

43 Application for issue or renewal of a general licence

(1) An application must—

(a) be made to the chief executive in the approved form; and

(b) be accompanied by the application fee, if any, prescribed under a regulation.

(1A) Subsection (1B) applies if—

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(a) the application is for, or for the renewal of, a category 3 gaming licence; and

(b) at the time the application is made, the applicant intends entering into a third party operator agreement.

(1B) The applicant must include a copy of the proposed agreement with the application.

Note—

See part 3, division 1A (Third party operator agreements).

(2) The application must be made in the time prescribed under a regulation.

(3) The chief executive may, by notice, ask the applicant to give the chief executive further information or a document that is necessary and reasonable to help the chief executive decide the application.

(4) The applicant must comply with the request within the reasonable time stated in the notice.

44 Consideration of application

The chief executive must consider the application and any additional information or document given to the chief executive under section 43, and either grant or refuse to grant the application.

45 Conditions for granting application

(1) The chief executive may grant an application for a licence, other than a special category 3 licence, only if the chief executive is satisfied—

(a) the applicant is a suitable person to hold the licence; and

(b) each business or executive associate of the applicant is a suitable person to be associated with the applicant's proposed operations under the licence.

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(2) The chief executive may grant an application for a special category 3 gaming licence to conduct an art union only if the chief executive is satisfied—

(a) the applicant is a suitable person to hold the licence, or, if the application is made for an unincorporated association, each management member of the association would be a suitable person to hold the licence if the member were the applicant; and

(b) it is reasonable to grant the licence because of the exceptional circumstances of the case.

Examples of exceptional circumstances for subsection (2)—

1 a financially disadvantaged individual requires urgent medical treatment

2 a financially disadvantaged individual requires financial assistance to participate in an international sporting event

(3) However, the chief executive may refuse to grant an application for a licence even if the chief executive is satisfied of the matters mentioned in subsection (1) or (2).

46 Suitability of applicant to hold general licence

In deciding whether the applicant, or a management member of the applicant, is a suitable person as mentioned in section 45, the chief executive may have regard to any relevant matter, including the following—

(a) the applicant or management member's character or business reputation;

(b) the applicant or management member's current financial position and financial background;

(c) if the applicant is not an individual—whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure for conducting the licensee's proposed operations under the licence;

(d) whether the applicant or management member has, or is able to obtain, the services of persons who have—

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(i) financial resources the chief executive considers adequate to ensure the financial viability of operations conducted under the licence; and

(ii) appropriate experience to ensure the proper and successful conduct of the applicant's proposed operations under the licence;

(e) for an application for a category 3 gaming licence or a special category 3 gaming licence—whether the applicant has in place adequate corporate governance practices for the planning, supervising and reporting of category 3 games;

(f) if the application is for a category 3 gaming licence and the applicant intends entering into a third party operator agreement—the proposed agreement including whether it complies with section 22A(2);

(g) if the application is for a category 3 gaming licence and the applicant has entered into a third party operator agreement—the agreement including whether it complies with section 22A(2);

(h) if the applicant or management member has a business or executive association with another person—

(i) the other person's character or business reputation; and

(ii) the other person's current financial position and financial background.

47 Suitability of business and executive associates of applicant

In deciding whether a business or executive associate of the applicant is a suitable person to be associated with the applicant's proposed operations under the licence, the chief executive may have regard to any relevant matter including the following—

(a) the associate's character or business reputation;

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(b) the associate's current financial position and financial background;

(c) if the associate has a business or executive association with another person—

(i) the other person's character or business reputation; and

(ii) the other person's current financial position and financial background.

48 Investigations of suitability of applicant

(1) The chief executive may investigate the applicant, or a management member of the applicant, to decide whether the applicant or management member is a suitable person to hold the licence.

(2) The chief executive may investigate a business or executive associate of the applicant to decide whether the business or executive associate is a suitable person to be associated with the applicant's proposed operations under the licence.

49 Criminal history reports for investigations

(1) If the chief executive, in investigating a person under section 48, asks the commissioner of the police service for a written report on the person's criminal history, the commissioner must give the report to the chief executive.

(2) The report must contain—

(a) all relevant information the commissioner possesses; and

(b) all relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and

(c) all other relevant information to which the commissioner has access.

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50 Inspection before issue or renewal of general licence

(1) For deciding the application, the chief executive may ask an inspector—

(a) to enter and inspect a place that is being, or is proposed to be, used—

(i) for conducting general gaming; or

(ii) for printing lucky envelopes; and

(b) to inspect and test equipment that is being, or is proposed to be used for conducting games or printing lucky envelopes.

(2) The inspector may enter the place under section 119 and carry out the inspection and testing.

(3) For the purposes of the application, the applicant must consent to the entry.

51 Other matters chief executive may have regard to in deciding applications for bingo centre licences

(1) In deciding whether to grant an application for a bingo centre licence, the chief executive may also have regard to whether—

(a) the applicant is capable of complying with this Act; and

(b) the practices and procedures followed, or proposed to be followed, by the applicant in conducting the bingo centre are adequate to ensure, to the greatest extent reasonably possible—

(i) the integrity of bingo games conducted at the bingo centre; and

(ii) the elimination of opportunity for practices that could damage public confidence in bingo games conducted at the bingo centre; and

(c) the premises and the facilities provided, or to be provided, at the bingo centre, including facilities for

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conducting bingo, are suitable and of an appropriate standard for conducting bingo.

(2) Subsection (1) does not limit the matters the chief executive may have regard to in deciding whether to grant or refuse the application.

52 Other matters to be considered by chief executive in deciding applications for category 3 gaming licences

(1) In deciding whether to grant an application for a category 3 gaming licence, the chief executive may also have regard to—

(a) whether the applicant is capable of complying with this Act; and

(b) whether the applicant is fulfilling or is able to fulfil the objects for which the applicant was formed.

(2) Subsection (1) does not limit the matters the chief executive may consider in deciding whether to grant or refuse the application.

53 Other matters to be considered by chief executive in deciding applications for lucky envelope printer licences

(1) In deciding whether to grant an application for a lucky envelope printer licence, the chief executive may also have regard to whether—

(a) the applicant is capable of complying with this Act; and

(b) the facilities provided, or to be provided, by the applicant are adequate for printing lucky envelopes; and

(c) the practices and procedures followed, or proposed to be followed, by the applicant in printing lucky envelopes are adequate to ensure, to the greatest extent reasonably possible—

(i) the integrity of lucky envelopes; and

(ii) the elimination of opportunity for practices that could damage public confidence and trust in

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buying lucky envelopes as a worthwhile way of supporting fundraising activities by persons for charitable and non-profit purposes.

(2) Subsection (1) does not limit the matters the chief executive may have regard to in deciding whether to grant or refuse the application.

54 Decision on application

(1) Subject to subsection (2), if the chief executive decides to grant an application, the chief executive must immediately issue or renew the licence.

(2) The chief executive may issue or renew the licence only if the applicant has given the chief executive the licence or renewal fee prescribed under a regulation.

(3) If the chief executive decides to refuse to grant the application, the chief executive must immediately give the applicant an information notice about the decision.

Division 3 Conditions

55 Conditions imposed on issue or renewal of general licence

(1) The chief executive may issue or renew a general licence on conditions the chief executive considers necessary or desirable—

(a) in the public interest; or

(b) for the proper conduct, by the licensee, of the activity authorised by the licence.

Example—

The chief executive may ask the applicant to give the chief executive a financial institution guarantee to ensure delivery of prizes for the games proposed to be conducted by the applicant.

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(2) If the chief executive decides to impose a condition on the issue or renewal of a general licence, the chief executive must immediately give the applicant an information notice about the decision.

56 Changing conditions of general licence

(1) The chief executive may change the conditions of a general licence if the chief executive considers it is necessary or desirable to make the change—

(a) in the public interest; or

(b) for the licensee's proper conduct of the activity authorised by the licence.

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

(a) notice of the changed conditions; and

(b) an information notice about the decision.

(3) A change of conditions takes effect on—

(a) the day the information notice is given to the licensee; or

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

(4) The chief executive's power under subsection (1) includes the power to add conditions to an unconditional licence.

56A Recording change of conditions

(1) If a general licensee receives an information notice under section 56(2), the licensee must return the licence to the chief executive within 7 days after receiving the notice, unless the licensee has a reasonable excuse.

Maximum penalty—40 penalty units.

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

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(a) amend the licence to include the changed conditions and return it to the licensee; or

(b) give the licensee a replacement licence showing the changed conditions.

57 Non-compliance with general licence conditions

A general licensee must comply with the licence conditions.

Maximum penalty—

(a) for the first offence—40 penalty units; or

(b) for a subsequent offence—100 penalty units.

Division 4 Suspension and cancellation

58 Grounds for suspension or cancellation of general licence

(1) Each of the following is a ground for suspending or cancelling a general licence—

(a) the general licensee is not a suitable person to hold the licence, or, if the licensee is an unincorporated association, each management member of the association is not a suitable person to hold the licence if the member were the licensee;

(b) for a general licence other than a special category 3 gaming licence—a business or executive associate of the general licensee is not a suitable person to be associated with the licensee's operations under the licence;

(c) the general licensee is convicted of an offence against this Act or a gaming Act;

(d) the general licensee is convicted of an indictable offence;

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(e) the general licensee fails to comply with a condition of the licence;

(f) the general licensee fails to comply with a direction given by the chief executive about the licensee's management practices or conduct of general gaming;

(g) the general licensee fails to discharge the licensee's financial commitments for the licensee's operations under the licence;

(h) the general licensee is affected by bankruptcy action;

(i) the general licensee is affected by control action under the Corporations Act;

(j) a mortgagee is in possession of premises owned by the general licensee and used for general gaming under the licence.

(2) For forming a belief that the ground mentioned in subsection (1)(a) exists, the chief executive may have regard to the same issues to which the chief executive may have regard in deciding whether a proposed licensee is a suitable person to hold the licence.

(3) For forming a belief that the ground mentioned in subsection (1)(b) exists, the chief executive may have regard to the same issues to which the chief executive may have regard in deciding whether a business or executive associate of a proposed licensee is a suitable person to be associated with the licensee's proposed operations under the licence.

(4) For subsection (1)(h), a licensee is affected by bankruptcy action if the licensee—

(a) is bankrupt; or

(b) has compounded with creditors; or

(c) has otherwise taken, or applied to take, advantage of any law about bankruptcy.

(5) For subsection (1)(i), a licensee is affected by control action under the Corporations Act if the licensee—

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(a) has executed a deed of company arrangement under that Act; or

(b) is the subject of a winding-up, whether voluntarily or under a court order, under that Act; or

(c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under that Act.

59 Show cause notice

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

(a) a ground exists to suspend or cancel a general licence; and

(b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and

(c) either the integrity of general gaming, or the public interest, may be affected in an adverse and material way.

(2) The chief executive must give the licensee a notice (a ***show cause notice***) stating the following—

(a) the action (the ***proposed action***) the chief executive proposes taking under this division;

(b) the grounds for the proposed action;

(c) the facts and circumstances forming the basis for the grounds;

(d) if the proposed action is suspension of the licence, the proposed suspension period;

(e) that the licensee may make, within a stated period (the ***show cause period***), written representations to show why the proposed action should not be taken.

(3) The show cause period must be not less than 21 days after the show cause notice is given to the licensee.

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60 Copy of show cause notice to be given to interested persons

(1) The chief executive must immediately give a copy of the show cause notice to each person (an ***interested person***) the chief executive believes has an interest in the licence if the chief executive considers—

(a) the person's interest may be affected adversely by the suspension or cancellation of the licence; and

(b) it is otherwise appropriate in the circumstances to give the copy to the person.

(2) In considering whether it is appropriate to give the copy to an interested person, the issues to which the chief executive may have regard include the following—

(a) the nature of the interested person's interest;

(b) whether the licensee's interest may be improperly prejudiced.

(3) An interested person to whom the copy is given may make written representations about the notice to the chief executive in the show cause period.

61 Consideration of representations

The chief executive must consider all written representations (the ***accepted representations***) made during the show cause period by—

(a) the licensee; or

(b) an interested person to whom a copy of the show cause notice is given.

62 Immediate suspension

(1) The chief executive may suspend a general licence immediately if the chief executive reasonably believes—

(a) a ground exists to suspend or cancel the licence; and

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(b) the circumstances are so extraordinary that it is imperative to suspend the licence immediately to ensure the integrity of general gaming, or the public interest, is not affected in an adverse and material way.

(2) The suspension—

(a) must be effected by notice (a ***suspension notice***) given to the licensee with a show cause notice; and

(b) operates immediately the suspension notice is given; and

(c) continues to operate until the show cause notice is finally dealt with.

63 Censuring general licensee

(1) This section applies if the chief executive—

(a) believes a ground exists to suspend or cancel a general licence; but

(b) does not believe the giving of a show cause notice to the licensee is warranted.

(2) This section also applies if, after considering the accepted representations for a show cause notice, the chief executive—

(a) still believes a ground exists to suspend or cancel a licence; but

(b) does not believe suspension or cancellation of the licence is warranted.

(3) The chief executive may, by notice given to the general licensee, censure the licensee for a matter relating to the ground for suspension or cancellation.

64 Direction to rectify

(1) This section applies if, after considering the accepted representations for a show cause notice, the chief executive—

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(a) still believes a ground exists to suspend or cancel a general licence; but

(b) considers a matter relating to the ground for suspension or cancellation is capable of being rectified and it is appropriate to give the licensee an opportunity to rectify the matter.

(2) The chief executive may, by notice given to the licensee, direct the licensee to rectify the matter within the period stated in the notice.

(3) The period stated must be reasonable, having regard to the nature of the matter to be rectified.

65 Other action by chief executive

(1) This section applies if, after considering the accepted representations for a show cause notice, the chief executive still believes—

(a) a ground exists to suspend or cancel a general licence; and

(b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and

(c) either the integrity of general gaming, or the public interest, may be affected in an adverse and material way.

(2) This section also applies if a general licensee fails to comply with a direction to rectify a matter within the period stated in the relevant notice.

(3) The chief executive may—

(a) if the proposed action stated in the show cause notice was to suspend the licence for a stated period, suspend the licence for not longer than the stated period; or

(b) if the proposed action stated in the show cause notice was to cancel the licence—

(i) suspend the licence for a period; or

(ii) cancel the licence; or

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(iii) appoint an administrator to conduct the licensee's operations under the licence.

(4) The chief executive must immediately give the licensee an information notice about the decision.

(5) The decision takes effect on the later of the following—

(a) the day the notice is given to the licensee;

(b) the day of effect stated in the notice.

66 Terms of appointment and role of administrator

(1) This section applies to an administrator appointed by the chief executive under section 65(3)(b)(iii) to conduct operations under a general licence.

(2) The administrator holds office on terms decided by the chief executive.

(3) The administrator—

(a) has full control of, and responsibility for, the licensee's operations conducted under the licence; and

(b) subject to any directions of the chief executive, must conduct the operations under this Act as if the administrator were the licensee.

(4) The costs of and incidental to the administrator's conduct and administration of the licensee's operations under the licence are payable by the licensee.

(5) This section and section 65(3)(b)(iii) apply despite the Corporations Act.

67 Cancellation or reduction of period of suspension

(1) If a general licence is suspended, at any time the suspension is in force, the chief executive may, for any remaining period of the suspension—

(a) cancel the period; or

(b) reduce the period by a stated period.

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(2) The chief executive must immediately give notice of the decision to the licensee.

Division 5 Investigations of licensees and associates

68 Audit program

(1) The Minister may approve an audit program (an ***approved audit program***) for investigating general licensees or business or executive associates of general licensees.

(2) The chief executive is responsible for ensuring an investigation of a person under an approved audit program is conducted in accordance with the program.

(3) A person may be investigated under an approved audit program only once every year.

69 Investigations

(1) The chief executive may investigate a general licensee to decide whether the licensee is a suitable person to hold the general licence or, if the licensee is an unincorporated association, each management member of the association is a suitable person to hold the licence if the member were the licensee.

(2) The chief executive may investigate a business or executive associate of the licensee to decide whether the associate is a suitable person to be associated with the licensee's operations under the licence.

(3) However, the chief executive may investigate the licensee or management member only if—

(a) the chief executive reasonably suspects the licensee or management member is not a suitable person to hold the licence; or

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(b) the investigation is made under an approved audit program.

(4) Also, the chief executive may investigate a business or executive associate of the licensee only if—

(a) the chief executive reasonably suspects the associate is not a suitable person to be associated with the licensee's operations under the licence; or

(b) the investigation is made under an approved audit program; or

(c) the associate—

(i) became a business or executive associate of the licensee after the licence was issued; and

(ii) has not been investigated previously under an approved audit program; or

(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).

70 Requirement to give information or material for investigation

(1) In investigating a general licensee or business or executive associate of a general licensee, the chief executive may, by notice given to the person being investigated, require the person to give the chief executive information or material that is relevant to the investigation.

(2) When making the requirement, the chief executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse for not complying with it.

(3) The person must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

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Maximum penalty—200 penalty units.

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

71 Reports about person's criminal history

(1) If the chief executive, in making an investigation about a person under section 69, asks the commissioner of the police service for a written report about the person's criminal history, the commissioner must give the report to the chief executive.

(2) The report must contain—

(a) relevant information in the commissioner's possession; and

(b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and

(c) other relevant information to which the commissioner has access.

Part 5 Compliance requirements

Division 1 Rules

72 General gaming rules

(1) The Minister may make rules about general gaming.

(2) The Minister must notify the making of a rule on the department's website.

(3) A rule takes effect—

(a) on the day the making of the rule is notified on the department's website; or

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(b) if a later day is stated in the Minister's notice or the rule—on that day.

(4) The chief executive must make a copy of the rule available for public inspection on the department's website.

73 Compliance with rules

Each of the following persons must comply with the rules in conducting or participating in a game—

(a) the person, including an administrator, conducting the game;

(b) a player.

Maximum penalty—40 penalty units.

Division 2 General gaming records

74 Keeping general gaming records—category 2 or 3 games

(1) A person conducting a category 2 or 3 game must keep records (***general gaming records***) about conduct of the game.

Maximum penalty—20 penalty units.

(2) The person must keep the records at one of the following places—

(a) the person's principal place of business in Queensland;

(b) if the person is a corporation whose registered office, under the Corporations Act, is in Queensland—its registered office;

(c) another place approved by the chief executive.

Maximum penalty—40 penalty units.

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75 Keeping general gaming records—bingo centre licensees

(1) The holder of a bingo centre licence must keep records (also ***general gaming records***) about the conduct of each bingo game conducted at the centre.

(2) The holder must keep the records in a safe place.

Maximum penalty—20 penalty units.

76 Keeping general gaming records—lucky envelope printers

(1) The holder of a lucky envelope printer licence must, for each game of lucky envelopes printed under the licence, keep records (also ***general gaming records***) about the conduct of the activity authorised by the licence.

(2) The holder must keep the records in a safe place.

Maximum penalty—20 penalty units.

77 Period for which general gaming records to be kept

(1) A person required to keep general gaming records must keep the records for 5 years after the end of the game to which the records relate.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to records if—

(a) the information previously contained in the records is kept in another way approved by the chief executive; or

(b) the records have been destroyed with the chief executive's approval.

(3) Subsection (1) has effect subject to any other law about the retention or destruction of records.

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Division 3 Financial accounts and records

78 Keeping accounting records

(1) A person conducting a category 2 or 3 game must—

(a) keep accounting records correctly recording and explaining the financial transactions for the game; and

(b) keep the accounting records in a way that allows—

(i) true and fair financial statements and accounts to be prepared when necessary; and

(ii) the financial statements and accounts to be conveniently and properly audited.

Maximum penalty—100 penalty units.

(2) A person conducting a category 1 game must keep accounting records correctly recording and explaining the transactions for the game.

Maximum penalty—20 penalty units.

(3) A person required to keep general gaming records must also keep (in addition to other records the person is required to keep) accounting records required under a regulation.

Maximum penalty for subsection (3)—20 penalty units.

79 Preparing financial statements and accounts

(1) This section applies to the holder of a category 3 gaming licence.

(2) The holder must prepare financial statements and accounts as required by this section giving a true and fair view of the holder's financial operations for the game.

Maximum penalty—40 penalty units.

(3) The financial statements and accounts must include the following for each financial year the holder conducts the game—

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(a) trading accounts, if applicable;

(b) profit and loss accounts;

(c) a balance sheet as at the end of the financial year;

(d) other information prescribed under a regulation.

Division 4 Financial institution accounts

80 Keeping accounts

A person conducting a category 3 game must keep a financial institution account for use for banking or similar transactions for the person's general gaming operations.

Maximum penalty—40 penalty units.

Division 5 Reports and returns

81 Submitting reports for category 3 games

(1) A person conducting a category 3 game must give a written report to the chief executive as required by this section about the person's general gaming operations.

Maximum penalty—40 penalty units.

(2) The report must be given at the reasonable times stated in a notice given to the person by the chief executive.

(3) After receiving a report under this section, the chief executive may, by a further notice given to the person, require the person to give the chief executive a further report within the reasonable time stated in the further notice to explain a matter contained in a previous report.

(4) The person must not give the chief executive a report the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

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(5) It is enough for a complaint against a person for an offence against subsection (4) to state that the report was 'false or misleading' to the person's knowledge, without specifying which.

82 Submitting returns for category 3 games

(1) A person conducting a category 3 game must give the chief executive the return, as required by this section, about each draw in the game.

Maximum penalty—40 penalty units.

(2) The person must give the return, in the approved form—

(a) if the game is conducted under a special category 3 gaming licence—within 2 months after the last draw in the game; or

(b) otherwise—within the time, after the last draw, required by the chief executive by notice given to the person.

83 Submitting returns for other games

(1) This section applies if the chief executive, by notice given to a person conducting a category 1, 2 or 4 game, asks the person to give the chief executive a return about the game or, for bingo, the bingo session.

(2) The person must give the return, in the approved form, within the time stated in the notice.

Maximum penalty—40 penalty units.

84A False or misleading returns

(1) A person must not give the chief executive a return, under section 82 or 83, the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

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(2) It is enough for a complaint against a person for an offence against subsection (1) to state that the return was 'false or misleading' to the person's knowledge, without specifying which.

Division 6 Audit

85 Definition for div 6

In this division—

accountant means—

(a) a member of the Institute of Chartered Accountants in Australia who holds a current certificate of public practice issued by the institute; or

(b) a member of CPA Australia who holds a current public practice certificate issued by CPA Australia; or

(c) a person registered as an auditor under the Corporations Act; or

(d) a member of the Institute of Public Accountants who holds a current public practice certificate issued by the institute; or

(e) a person approved by the chief executive as having the necessary experience or qualifications to be an accountant for this section.

86 Audit for category 1 or 4 gaming operations

(1) This section applies if—

(a) a person is conducting category 1 or 4 gaming; and

(b) the chief executive considers it necessary in the public interest, or for the proper conduct of general gaming, that the person's financial accounts, records and statements for the person's category 1 or 4 gaming operations be audited.

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(2) The chief executive may, by notice given to the person, require the person, as soon as practicable after the end of the financial year nominated in the notice, to ensure the accounts, records and statements are audited by an accountant.

(3) The person must comply with the notice unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(4) The person must pay the cost of the audit.

87 Audit for category 2 or 3 gaming operations

(1) This section applies to a person conducting—

(a) a category 2 game if the gross proceeds of the game are more than the amount prescribed under a regulation; or

(b) a category 3 game.

(2) The person must, as soon as practicable after the end of each financial year in which the person conducts the game, ensure the person's financial accounts, records and statements for the person's general gaming operations for the game are audited by an accountant.

Maximum penalty—40 penalty units.

(3) The person must pay the cost of the audit.

88 Audit—bingo centre licensees

(1) The holder of a bingo centre licence must, as soon as practicable after the end of each financial year, ensure the holder's financial accounts, records and statements for the holder's operations under the licence are audited by an accountant.

Maximum penalty—40 penalty units.

(2) The holder must pay the cost of the audit.

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89 Audit—lucky envelope printers

(1) The holder of a lucky envelope printer licence must ensure the financial accounts, records and statements for the holder's operations under the licence are audited—

(a) by an accountant; and

(b) as soon as practicable after the end of each financial year.

Maximum penalty—40 penalty units.

(2) The holder must pay the cost of the audit.

90 Finishing audit

(1) An accountant conducting an audit under this division must, despite any other Act, finish the audit within 3 months after the end of the financial year to which the audit relates, unless the accountant has a reasonable excuse for not finishing the audit within the 3 months.

(2) The accountant must, immediately after finishing the audit, give a copy of the audit report to—

(a) the person conducting the general gaming to which the report relates; or

(b) for an audit conducted under section 88 or 89—the holder of the licence.

Maximum penalty—40 penalty units.

91 Giving audit report to chief executive

The person given an audit report under section 90(2) must immediately give the chief executive a copy of the report, unless the person has a reasonable excuse for not giving the copy to the chief executive.

Maximum penalty—40 penalty units.

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92 Chief executive's power to ask auditor for copy of audit report

(1) This section applies if the person fails to give the chief executive a copy of an audit report under section 91.

(2) The chief executive may, by notice given to the accountant who prepared the report, ask the accountant to give a copy of the report to the chief executive within the period stated in the notice.

(3) The accountant must comply with the notice, unless the accountant has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

93 Further information following audit

(1) On receiving a copy of an audit report, the chief executive may, by notice given to the person to which the audit relates, require the person to give the chief executive, within a reasonable time stated in the notice, further information about a matter relating to the operations mentioned in the report.

(2) The person must comply with the requirement within the time stated in the notice, unless the person has a reasonable excuse for not complying with it in the stated time.

Maximum penalty—40 penalty units.

94 Exemption from audit requirement

(1) A person may, because of the extent of the person's general gaming operations, ask the chief executive to declare the person to be an exempt person for this division.

(2) The application must be written and must state the extent of the operations.

(3) The chief executive may make the declaration only if the chief executive considers the extent of the person's general gaming operations does not warrant an audit of any of the person's records about the operations.

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Examples—

1 The person's gaming operations had no gross proceeds.

2 The game conducted by the person did not proceed to a draw and all the gross proceeds were refunded to the players.

(4) The declaration must be made by notice given to the person.

Division 7 Prizes

95 Dealing with prizes

(1) A person conducting a game must ensure the prize for the game is given to the winner in the way prescribed under a rule, unless the person has a reasonable excuse for not doing so.

Maximum penalty—200 penalty units.

(2) Until the prize is given to the winner, the person must—

(a) keep it for the winner for the period prescribed under a rule; and

(b) identify the prize as an unclaimed prize in the person's financial accounts.

(3) Despite subsection (2), if a prize is perishable, the person may dispose of the prize in a way the person considers will bring a reasonable price and identify the proceeds, in the person's financial accounts, as the proceeds of an unclaimed prize.

(4) If the person is unable, after making reasonable efforts, to locate the prize winner in the period mentioned in subsection (2)(a), the person may deal with the prize in the way prescribed under a rule.

(5) Subsection (6) applies if a person conducting a category 2, 3 or 4 game is unable to give a prize for the game to the prize winner in the time prescribed under a rule.

(6) The person must, within 7 days after becoming aware of the inability, give the chief executive notice of the fact and

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circumstances of the inability, unless the person has a reasonable excuse for not doing so.

Maximum penalty—40 penalty units.

96 Claims for prizes

(1) This section applies if the entitlement to a prize for a game is in dispute.

(2) A claim for the prize must be made to the person that conducted the game within the period prescribed under a rule.

(3) The person must—

(a) immediately try to resolve the claim; and

(b) if the person is not able to resolve it—by notice (a ***claim result notice***) given to the claimant, immediately inform the claimant—

(i) of the person's decision on the claim; and

(ii) that the claimant may, within 10 days after receiving the notice, ask the chief executive to review the decision.

(4) The claimant may ask the chief executive—

(a) if the claim is not resolved under subsection (3)—to review the person's decision on the claim; or

(b) otherwise—to resolve the claim.

(5) The claimant's request must be in writing and, if the claimant received a claim result notice, be made within 10 days after receiving the notice.

(6) If a request is made to the chief executive, the chief executive—

(a) must deal with the request in the way prescribed under a regulation; and

(b) may carry out investigations the chief executive considers necessary to resolve matters in dispute.

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(7) If a claim for a prize is made under this section, the operation of a rule about keeping or disposing of the prize is suspended until the claim is resolved.

Division 8 Tickets

97 Tickets

A person must not issue a ticket for a game unless the ticket includes the information prescribed under a rule.

Maximum penalty—40 penalty units.

Division 9 Approval of regulated general gaming equipment

98 Application for approval of regulated general gaming equipment

A person may, in the approved form, apply to the chief executive for—

(a) approval of regulated general gaming equipment proposed to be used in conducting a game; or

(b) approval to modify regulated general gaming equipment used in conducting a game.

99 Evaluating equipment

(1) If, for deciding the application, the chief executive considers it is necessary for the equipment, or the equipment as proposed to be modified, to be evaluated, the chief executive must—

(a) carry out the evaluation; or

(b) direct the applicant—

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(i) to arrange to have the equipment evaluated by an approved evaluator; and

(ii) to give the chief executive a written report of the evaluation.

(2) If the chief executive carries out an evaluation of the equipment—

(a) the applicant must pay the fee prescribed under a regulation for the evaluation to the chief executive; and

(b) if an amount of the fee is not paid by the applicant, the State may recover the amount from the applicant as a debt.

100 Deciding application

(1) After considering the application, the chief executive must decide to—

(a) approve the equipment or modification; or

(b) approve the equipment or modification with conditions; or

(c) refuse to approve the equipment or modification.

(2) The chief executive may approve the equipment or modification only if the chief executive is satisfied—

(a) the equipment is, or after the proposed modification, will be, of a standard that ensures, to the greatest extent reasonably possible—

(i) the integrity of the game for which it is, or is proposed to be, used; and

(ii) the elimination of opportunity for practices that could damage public confidence and trust in participating in games as a worthwhile way of supporting fundraising activities by persons for charitable and non-profit purposes; and

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(b) for approval for a lucky envelope vending machine or a lucky envelope vending machine after a proposed modification—

(i) its make and model incorporate the features prescribed under a regulation to ensure the machine's integrity; and

(ii) it is not capable of accruing playing credits; and

(iii) it does not resemble, or is not capable of being converted to, a gaming machine under the *Gaming Machine Act 1991*.

(3) The chief executive may refuse to approve the equipment or modification if—

(a) the fee payable for an evaluation carried out by the chief executive is not paid; or

(b) the applicant fails to comply with a direction of the chief executive under section 99(1)(b).

(4) When the chief executive makes a decision under subsection (1), the chief executive must—

(a) for a decision to approve equipment or a modification—immediately give the applicant written notice of the decision; or

(b) for a decision to approve equipment or a modification with conditions—immediately give the applicant an information notice for the decision; or

(c) for a decision to refuse to approve equipment or a modification—immediately give the applicant an information notice for the decision.

100AA Changes to conditions of approval of regulated general gaming equipment

(1) The chief executive may act under subsection (2) only if, having regard to the objects of this Act, the chief executive considers taking the action is—

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(a) necessary or appropriate for the proper conduct of general gaming; or

(b) otherwise in the public interest.

(2) At any time after granting an approval under section 100, the chief executive may decide to—

(a) impose conditions on the approval, whether or not the approval is already subject to conditions; or

(b) vary a condition of the approval; or

(c) remove a condition of the approval.

(3) When the chief executive makes a decision under subsection (2), the chief executive must—

(a) for a decision to impose a condition on an approval—give the approval holder an information notice for the decision; or

(b) for a decision to vary a condition of an approval—give the approval holder an information notice for the decision; or

(c) for a decision to remove a condition of an approval—give the approval holder written notice of the decision.

100A Approved evaluators

The Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating regulated general gaming equipment.

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—200 penalty units.

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

Maximum penalty—200 penalty units.

(3) A person must not use approved equipment in conducting a game unless the use is consistent with an approval of the equipment or a modification of the equipment under section 100, including any conditions of the approval.

Maximum penalty—200 penalty units.

(4) In this section—

approved equipment means regulated general gaming equipment approved under section 100(1).

Division 10 Advertising

101 Advertising

A person advertising the conduct of a game must take reasonable steps to ensure the advertisement—

(a) is not indecent or offensive; and

(b) is based on fact; and

(c) is not false, deceptive or misleading in a material particular; and

(d) complies with the rules for the game.

Maximum penalty—100 penalty units.

102 Directions about advertising

(1) If the chief executive reasonably believes a person has published an advertisement for a game that does not comply with section 101, the chief executive may direct the person to take appropriate steps to—

(a) stop the advertisement being shown or published; or

(b) change the advertisement.

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(2) The direction must—

(a) be written; and

(b) state the grounds for the direction; and

(c) if the direction is a direction to change the advertisement—state how the advertisement is required to be changed.

(3) The person must comply with the direction, unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (3)—50 penalty units.

Division 10A Harm minimisation measures

102A Harm minimisation measures

(1) A regulation may prescribe measures (***harm minimisation measures***) that have the purpose of minimising potential harm from general gaming, including, for example, measures for any of the following purposes—

(a) delaying the start of a process in particular circumstances;

(b) interrupting a process in particular circumstances;

(c) using particular technology or software;

(d) providing particular information to the chief executive or persons participating in general gaming;

(e) enabling a person to access a service that provides help with gambling problems.

(2) The Minister may recommend the making of a regulation under subsection (1) only if satisfied—

(a) the harm minimisation measure—

(i) is necessary and appropriate to minimise potential harm from general gaming; and

(ii) is consistent with the objects of this Act; or

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(b) it is in the public interest to prescribe the harm minimisation measure.

(3) A regulation made under subsection (1) may also prescribe the persons involved in conducting games that must implement a harm minimisation measure.

(4) A person prescribed under subsection (3) must implement the harm minimisation measure as prescribed.

Maximum penalty for subsection (4)—200 penalty units.

Division 11 Complaints

103 Inquiries about complaints

(1) A person must inquire into—

(a) all written complaints made to the person about—

(i) the conduct of the person's general gaming operations under a general licence; or

(ii) if the person is not a general licensee—the person's conduct of a game; or

(b) all complaints referred to the person by the chief executive under subsection (3).

(2) Within 21 days after a complaint is received by, or referred to, the person, the person must give notice of the result of the person's inquiry to—

(a) the complainant; and

(b) if the complaint was referred to the person by the chief executive—the chief executive.

(3) If a complaint is made to the chief executive about the conduct of a game, the chief executive must immediately—

(a) inquire into the complaint; or

(b) if the chief executive considers it appropriate—refer the complaint to the person who conducted the game.

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(4) The chief executive must immediately advise the complainant of—

(a) the result of the chief executive's inquiry; or

(b) the chief executive's decision to refer the complaint to the person.

104 Reporting improper behaviour

(1) This section applies if a person (the ***informer***) becomes aware, or reasonably suspects, that another person, by a dishonest act, has obtained a benefit for the other person or someone else in relation to a game conducted by the informer.

(2) Within 7 days after becoming aware of, or suspecting, the dishonest act, the informer must give the chief executive a notice advising the chief executive of the facts known to the informer about the matter.

Maximum penalty—200 penalty units.

(3) The other person must not mistreat the informer because—

(a) the informer has given, or may give, a notice under subsection (2); or

(b) the other person reasonably believes the informer has given, or may give, a notice under subsection (2).

Maximum penalty—200 penalty units.

(4) In this section—

dishonest act means fraud, misrepresentation or theft.

mistreat a person means—

(a) end the person's employment or prejudice the person's career in another way; or

(b) prejudice the person's safety; or

(c) intimidate or harass the person.

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Division 12 General gaming offences

105 Bribery

(1) A general gaming official must not ask for, receive or obtain, or agree to receive or obtain a benefit for the official or another person for an improper purpose.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) A person must not give, confer or obtain, or promise or offer to give, confer or obtain a benefit to, on or for a general gaming official, or another person on account of a general gaming official, for an improper purpose.

Maximum penalty—200 penalty units or 2 years imprisonment.

(3) A general gaming official or other person does an act mentioned in subsection (1) or (2) for an improper purpose if the official or other person does the act on account of—

(a) the official not performing, or being influenced in performing, the official's functions under this Act; or

(b) anything already done or omitted to be done, or to be afterwards done or omitted to be done, by the official in performing the official's functions under this Act; or

(c) the official using, or taking advantage of, the official's office improperly to gain a benefit for, or facilitate the commission of an offence by—

(i) if the act is done by the official—another person; or

(ii) if the act is done by another person—that person or another person.

106 Cheating

(1) A person must not, in conducting or playing a game, dishonestly obtain a benefit.

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Maximum penalty—200 penalty units or 2 years imprisonment.

(2) For subsection (1), a person obtains a benefit if the person obtains for the person or another person, or induces a person to deliver, give or credit a benefit to the person or another person.

107 Extending credit

A person conducting a game must not make a loan or extend credit in any form to a person to enable the person or another person to play the game.

Maximum penalty—200 penalty units.

108 Forgery and uttering

(1) A person must not—

(a) forge an official general gaming document; or

(b) knowingly utter a forged official general gaming document.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) A person must not connive at the commission of an offence against subsection (1).

Maximum penalty—200 penalty units or 2 years imprisonment.

(3) A person forges a document if the person makes a false document, knowing it to be false, with the intention that—

(a) it may be used or acted on to the detriment or benefit of a person; or

(b) a person may, in the belief it is genuine, be induced to do, or refrain from doing, something.

(4) Without limiting subsection (3), a genuine document may become a false document because of—

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(a) an alteration of the document in a material respect; or

(b) an addition to the body of the document in a material respect; or

(c) an addition of a false date, signature, attestation, seal or other material matter.

(5) A person knowingly utters a forged document if the person utters the document knowing that it is a forged document with the intention that—

(a) it may be used or acted on to the detriment or benefit of a person; or

(b) a person may, in the belief it is genuine, be induced to do, or refrain from doing, something.

(6) In this section—

official general gaming document means—

(a) a ticket for a game; or

(b) a general licence; or

(c) an inspector's identity card.

utter, a document, means—

(a) use or deal with the document; or

(b) attempt to use or deal with the document; or

(c) induce a person to use, deal with or act on the document; or

(d) attempt to induce a person to use, deal with or act on the document.

109 Impersonating representatives of persons

(1) A person must not pretend to be—

(a) a representative of a person conducting general gaming; or

(b) a general gaming official.

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(2) A person must not connive at the commission of an offence against subsection (1).

Maximum penalty—200 penalty units.

110 Participation by minors

(1) A person involved in the conduct of a game must not accept an entry form, or an amount or other consideration for a ticket, for the game from a minor if a prize for the game is or includes liquor or a gaming product.

Maximum penalty—200 penalty units.

(2) It is a defence to a charge against subsection (1) to prove that the defendant had no reason to believe, and did not believe, that the person from whom the entry form, amount or other consideration was accepted was a minor.

(3) In this section—

gaming product means—

(a) a voucher or other acknowledgment for playing—

(i) a game under the *Casino Control Act 1982*; or

(ii) a gaming machine under the *Gaming Machine Act 1991*; or

(iii) an approved keno game under the *Keno Act 1996*; or

(b) a ticket in a game of lucky envelopes or a promotional game that is scratched to reveal numbers, letters or symbols that may entitle the player of the game to a prize; or

(c) a lottery ticket under the *Lotteries Act 1997*; or

(d) a ticket or other acknowledgment for a bet under the *Wagering Act 1998*.

liquor see the *Liquor Act 1992*, section 4B.

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Part 6 Investigation and enforcement

Division 1 Inspectors

Subdivision 1 Appointment of inspectors

111 Appointment and qualifications

(1) The chief executive may appoint a person as an inspector.

(2) However, a person may be appointed as an inspector only if—

(a) the person is—

(i) a public service officer or employee; or

(ii) a member of a class of persons prescribed under a regulation; and

(b) the chief executive is satisfied the person is qualified for the appointment because—

(i) the person has the necessary expertise or experience; or

(ii) the chief executive considers the person has the ability to quickly acquire the necessary expertise; and

(c) the chief executive is satisfied the person is a suitable person to be an inspector, having regard to—

(i) the person's character; and

(ii) the person's current financial position and financial background; and

(iii) any other matter the chief executive considers relevant to the person's suitability to be an inspector.

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Subdivision 2 Other matters about inspectors

112 Conditions and limit on powers

(1) An inspector holds office on any conditions stated in—

(a) the inspector's instrument of appointment; or

(b) a signed notice given to the inspector; or

(c) a regulation.

(2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector's powers under this Act.

(3) In this section—

signed notice means a notice signed by the chief executive.

113 Issue of identity card

(1) The chief executive must issue an identity card to each inspector.

(2) The identity card must—

(a) contain a recent photo of the inspector; and

(b) contain a copy of the inspector's signature; and

(c) identify the person as an inspector under this Act; and

(d) state an expiry date for the card.

(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

114 Production or display of identity card

(1) In exercising a power under this Act in relation to a person, an inspector must—

(a) produce the inspector's identity card for the person's inspection before exercising the power; or

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(b) have the identity card displayed so it is clearly visible to the person when exercising the power.

(2) However, if it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person's inspection at the first reasonable opportunity.

(3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector has entered a place as mentioned in section 119(1)(b) or (2).

115 When inspector ceases to hold office

(1) An inspector ceases to hold office if any of the following happens—

(a) the term of office stated in a condition of office ends;

(b) under another condition of office, the inspector ceases to hold office;

(c) the inspector's resignation under section 116 takes effect.

(2) Subsection (1) does not limit the ways an inspector may cease to hold office.

(3) In this section—

condition of office means a condition on which the inspector holds office.

116 Resignation

An inspector may resign by signed notice given to the chief executive.

117 Return of identity card

A person who ceases to be an inspector must return the person's identity card to the chief executive immediately after ceasing to be an inspector unless the person has a reasonable excuse.

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Maximum penalty—40 penalty units.

Subdivision 3 Audit program and report about criminal history

118 Audit program

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

(2) The chief executive may investigate an inspector under an approved audit program to help the chief executive decide whether the inspector is a suitable person to be an inspector, having regard to—

(a) the inspector's character; and

(b) the inspector's current financial position and financial background; and

(c) any other matter the chief executive considers relevant to the person's suitability to be an inspector.

(3) However, the chief executive may investigate an inspector under subsection (2) only once every 2 years, unless the chief executive reasonably suspects the inspector is not a suitable person to be an inspector having regard to the matters mentioned in subsection (2).

(4) The chief executive must ensure the investigation is conducted under the approved audit program.

(5) In this section—

approved audit program means an audit program approved by the Minister under subsection (1).

118A Report about criminal history

(1) To help decide whether a person is a suitable person to be an inspector or continue as an inspector, the chief executive may

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ask the commissioner of the police service for a written report about the person's criminal history.

(2) If asked by the chief executive, the commissioner of the police service must give the chief executive a written report about the criminal history of the person.

(3) The duty imposed on the commissioner of the police service applies only to information in the commissioner's possession or to which the commissioner has access.

Division 2 Powers of inspectors

Subdivision 1 Power to enter places

119 Entry to places

(1) An inspector may enter a place if—

(a) its occupier consents to the entry; or

(b) it is a public place and the entry is made when it is open to the public; or

(c) the entry is authorised by a warrant; or

(d) it is a general gaming place and is—

(i) open for conducting games, or parts of games; or

(ii) otherwise open for entry; or

(iii) required to be open for inspection under a general licence.

(2) For the purpose of asking the occupier of a place for consent to enter, an inspector may, without the occupier's consent or a warrant—

(a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or

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(b) enter part of the place the inspector reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.

(3) For subsection (1)(d), a general gaming place does not include a part of the place where a person resides.

Subdivision 2 Procedure for entry

120 Entry with consent

(1) This section applies if an inspector intends to ask an occupier of a place to consent to the inspector or another inspector entering the place under section 119(1)(a).

(2) Before asking for the consent, the inspector must tell the occupier—

(a) the purpose of the entry; and

(b) that the occupier is not required to consent.

(3) If the consent is given, the inspector may ask the occupier to sign an acknowledgment of the consent.

(4) The acknowledgment must state—

(a) the occupier has been told—

(i) the purpose of the entry; and

(ii) that the occupier is not required to consent; and

(b) the purpose of the entry; and

(c) the occupier gives the inspector consent to enter the place and exercise powers under this part; and

(d) the time and date the consent was given.

(5) If the occupier signs the acknowledgment, the inspector must immediately give a copy to the occupier.

(6) A court must find the occupier of a place did not consent to an inspector entering the place under this part if—

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(a) an issue arises in a proceeding before the court whether the occupier of the place consented to the entry under section 119(1)(a); and

(b) an acknowledgment mentioned in subsection (4) is not produced in evidence for the entry; and

(c) it is not proved by the person relying on the lawfulness of the entry that the occupier consented to the entry.

121 Application for warrant

(1) An inspector may apply to a justice for a warrant for a place.

(2) The application must be sworn and state the grounds on which the warrant is sought.

(3) The justice may refuse to consider the application until the inspector gives the justice all the information the justice requires about the application in the way the justice requires.

Example—

The justice may require additional information supporting the application to be given by statutory declaration.

122 Issue of warrant

(1) The justice may issue a warrant only if the justice is satisfied there are reasonable grounds for suspecting—

(a) there is a particular thing or activity (the ***evidence***) that may provide evidence of an offence against this Act; and

(b) the evidence is at the place, or, within the next 7 days, may be at the place.

(2) The warrant must state—

(a) that a stated inspector may, with necessary and reasonable help and force—

(i) enter the place and any other place necessary for entry; and

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(ii) exercise the inspector's powers under this part; and

(b) the offence for which the warrant is sought; and

(c) the evidence that may be seized under the warrant; and

(d) the hours of the day or night when the place may be entered; and

(e) the date, within 14 days after the warrant's issue, the warrant ends.

123 Special warrants

(1) An inspector may apply for a warrant (a ***special warrant***) by phone, fax, radio or another form of communication if the inspector considers it necessary because of—

(a) urgent circumstances; or

(b) other special circumstances, including, for example, the inspector's remote location.

(2) Before applying for the special warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.

(3) The inspector may apply for the special warrant before the application is sworn.

(4) After issuing the warrant, the justice must immediately fax a copy (a ***facsimile warrant***) to the inspector if it is reasonably practicable to fax the copy.

(5) If it is not reasonably practicable to fax a copy to the inspector—

(a) the justice must tell the inspector—

(i) what the terms of the special warrant are; and

(ii) the date and time the special warrant was issued; and

(b) the inspector must complete a form of warrant (a ***warrant form***) and write on it—

(i) the justice's name; and

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(ii) the date and time the justice issued the warrant; and

(iii) the terms of the warrant.

(6) The facsimile warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the other powers stated in the special warrant issued by the justice.

(7) The inspector must, at the first reasonable opportunity, send to the justice—

(a) the sworn application; and

(b) if the inspector completed a warrant form, the completed warrant form.

(8) On receiving the documents, the justice must attach them to the special warrant.

(9) A court must find the exercise of the power by an inspector was not authorised by a special warrant if—

(a) an issue arises in a proceeding before the court whether the exercise of the power was authorised by a special warrant; and

(b) the warrant is not produced in evidence; and

(c) it is not proved by the person relying on the lawfulness of the entry that the inspector obtained the special warrant.

124 Warrants—procedure before entry

(1) This section applies if an inspector named in a special warrant issued under this part for a place is intending to enter the place under the warrant.

(2) Before entering the place, the inspector must do or make a reasonable attempt to do the following things—

(a) identify himself or herself to a person present at the place who is an occupier of the place by producing a

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copy of the inspector's notice of appointment or other document evidencing the appointment;

(b) give the person a copy of the warrant or, if the entry is authorised by a facsimile warrant or warrant form mentioned in section 123(6), a copy of the facsimile warrant or warrant form;

(c) tell the person the inspector is permitted by the warrant to enter the place;

(d) give the person an opportunity to allow the inspector immediate entry to the place without using force.

(3) However, the inspector need not comply with subsection (2) if the inspector believes on reasonable grounds that immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.

Subdivision 3 General powers

125 General powers after entering places

(1) This section applies to an inspector who enters a place.

(2) However, if an inspector enters a place to get the occupier's consent to enter premises, this section applies to the inspector only if the consent is given or the entry is otherwise authorised.

(3) For monitoring or enforcing compliance with this Act, the inspector may—

(a) search any part of the place; or

(b) inspect, measure, test, photograph or film any part of the place or anything at the place; or

(c) take a thing, or a sample of or from a thing, at the place for analysis or testing; or

(d) copy a document at the place; or

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(e) for a general gaming place—access, electronically or in another way, a system used at the place for conducting games, or administrative purposes related to the conduct of games; or

(f) take into or onto the place any persons, equipment and materials the inspector reasonably requires for exercising a power under this part; or

(g) require the occupier of the place, or a person at the place, to give the inspector reasonable help to exercise the inspector's powers under paragraphs (a) to (f); or

(h) require the occupier of the place, or a person at the place, to give the inspector information to help the inspector ascertain whether this Act is being complied with.

(4) When making a requirement mentioned in subsection (3)(g) or (h), the inspector must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse for failing to comply with it.

126 Failure to help inspector

(1) A person required to give reasonable help under section 125(3)(g) must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(2) If the requirement is to be complied with by the person giving information, or producing a document, other than a document required to be kept by the person under this Act, it is a reasonable excuse for the person to fail to comply with the requirement, if complying with it might tend to incriminate the person.

127 Failure to give information

(1) A person of whom a requirement is made under section 125(3)(h) must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

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Maximum penalty—40 penalty units.

(2) It is a reasonable excuse for the person to fail to comply with the requirement if complying with it might tend to incriminate the person.

Subdivision 4 Power to seize evidence

128 Seizing evidence at general gaming places

An inspector who enters a general gaming place under this part may seize a thing at the place if the inspector reasonably believes the thing is evidence of an offence against this Act.

129 Seizing evidence at places other than general gaming places

(1) This section applies if an inspector enters a place other than a general gaming place.

(2) If the inspector enters the place with the occupier's consent, the inspector may seize a thing at the place if—

(a) the inspector reasonably believes the thing is evidence of an offence against this Act; and

(b) seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupier's consent.

(3) If the inspector enters the place with a warrant, the inspector may seize the evidence for which the warrant was issued.

(4) The inspector also may seize anything else at the place if the inspector reasonably believes—

(a) the thing is evidence of an offence against this Act; and

(b) the seizure is necessary to prevent the thing being—

(i) hidden, lost or destroyed; or

(ii) used to continue, or repeat, the offence.

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(5) Also, the inspector may seize a thing at the place if the inspector reasonably believes it has just been used in committing an offence against this Act.

130 Securing seized things

Having seized a thing, an inspector may—

(a) move the thing from the place where it was seized (the ***place of seizure***); or

(b) leave the thing at the place of seizure but take reasonable action to restrict access to it.

Example of restricting access to a thing—

1 sealing a thing and marking it to show access to it is restricted

2 sealing the entrance to a room where the seized thing is situated and marking it to show access to it is restricted

131 Tampering with seized things

If an inspector restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without an inspector's approval.

Maximum penalty—40 penalty units.

132 Powers to support seizure

(1) To enable a thing to be seized, an inspector may require the person in control of it—

(a) to take it to a stated reasonable place by a stated reasonable time; and

(b) if necessary, to remain in control of it at the stated place for a reasonable time.

(2) The requirement—

(a) must be made by notice in the approved form; or

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(b) if for any reason it is not practicable to give the notice, may be made orally and confirmed by notice in the approved form as soon as practicable.

(3) A person of whom a requirement is made must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

(4) A further requirement may be made under this section about the same thing if it is necessary and reasonable to make the further requirement.

133 Receipt for seized things

(1) As soon as practicable after an inspector seizes a thing, the inspector must give a receipt for it to the person from whom it was seized.

(2) However, if for any reason it is not practicable to comply with subsection (1), the inspector must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.

(3) The receipt must describe generally each thing seized and its condition.

(4) This section does not apply to a thing if it is impracticable or would be unreasonable to give the receipt given the thing's nature, condition and value.

134 Forfeiture of seized things

(1) A seized thing is forfeited to the State if the inspector who seized the thing—

(a) can not find its owner after making reasonable inquiries; or

(b) can not return it to its owner after making reasonable efforts; or

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(c) reasonably believes it is necessary to retain the thing to prevent it being used to commit an offence against this Act.

(2) In applying subsection (1)—

(a) subsection (1)(a) does not require the inspector to make inquiries if it would be unreasonable to make inquiries to find the owner; and

(b) subsection (1)(b) does not require the inspector to make efforts if it would be unreasonable to make efforts to return the thing to its owner.

(3) If the inspector decides to forfeit a thing under subsection (1)(c), the inspector must give the owner an information notice about the decision.

(4) Subsection (3) does not apply if—

(a) the inspector can not find the owner after making reasonable inquiries; or

(b) it is impracticable or would be unreasonable to give the notice.

(5) The information notice must state that the owner may apply for a stay of the decision if the owner appeals against the decision.

(6) Regard must be had to a thing's nature, condition and value—

(a) in deciding—

(i) whether it is reasonable to make inquiries or efforts; and

(ii) if making inquiries or efforts—what inquiries or efforts, including the period over which they are made, are reasonable; or

(b) in deciding whether it would be unreasonable to give the notice.

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135 Return of seized things

(1) If a seized thing has not been forfeited, the inspector must return it to its owner—

(a) at the end of 6 months; or

(b) if a proceeding for an offence involving the thing is started within 6 months—at the end of the proceeding and any appeal from the proceeding.

(2) Despite subsection (1), unless it has been forfeited, the inspector must immediately return a thing seized as evidence to its owner if the inspector stops being satisfied its continued retention as evidence is necessary.

136 Access to seized things

(1) Until a seized thing is forfeited or returned, an inspector must allow its owner to inspect it and, if it is a document, to copy it.

(2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

Subdivision 5 Power to give directions to stop using things

137 Direction to stop using thing

(1) This section applies if an inspector reasonably believes—

(a) a thing used for conducting games is unsatisfactory for the purpose for which it is used; and

(b) the continued use of the thing may adversely affect the integrity of the conduct of games or the public interest.

(2) The inspector may direct the person who has, or reasonably appears to have, authority to exercise control over the thing to stop using it, or allowing it to be used, in conducting games.

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138 Requirements about stop directions

(1) A direction to a person under section 137 (a ***stop direction***) may be given orally or by notice (a ***stop notice***).

(2) However, if the direction is given orally, it must be confirmed by notice (also a ***stop notice***) given to the person as soon as practicable.

(3) A stop direction may be given for a thing at a general gaming place.

(4) A stop direction does not apply to a use of a thing for repairing or testing it.

(5) A stop notice must state—

(a) the grounds on which the inspector believes the thing is unsatisfactory; and

(b) the circumstances, if any, under which the stop direction may be cancelled.

139 Failure to comply with stop direction

A person to whom a stop direction is given must comply with the direction, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

Subdivision 6 Power to obtain information

140 Power to require name and address

(1) This section applies if an inspector—

(a) finds a person committing an offence against this Act; or

(b) finds a person in circumstances that lead, or has information that leads, the inspector to reasonably suspect the person has just committed an offence against this Act.

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(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 for not stating it.

(4) The inspector may require the person to give evidence of the correctness of the stated name or residential address if the inspector reasonably suspects the stated name or address is false.

141 Failure to give name or address

(1) A person of whom a requirement is made under section 140(2) or (4) must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

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

(a) the person was required to state the person's name and residential address by an inspector who suspected the person had committed an offence against this Act; and

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

142 Power to require production of documents

(1) An inspector may require a person to make available for inspection by an inspector, or produce to an inspector for inspection, at a reasonable time and place nominated by the inspector—

(a) a document issued to the person under this Act; or

(b) a document required to be kept by the person under this Act; or

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(c) if the person is a general licensee, a document about the activity authorised by the general licence and kept by the person under the licence.

(2) The inspector may keep the document to copy it.

(3) If the inspector copies the document, or an entry in the document, the inspector may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.

(4) The inspector must return the document to the person as soon as practicable after copying it.

(5) However, if a requirement is made of a person under subsection (3), the inspector may keep the document until the person complies with the requirement.

143 Failure to produce document

(1) A person of whom a requirement is made under section 142(1) must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

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

144 Failure to certify copy of document

A person of whom a requirement is made under section 142(3) must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

145 Power to require attendance of persons

(1) An inspector may require a person of whom a requirement under section 142(1) has been made to attend before the

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inspector to answer questions or give information about the document to which the requirement relates.

(2) Also, an inspector who reasonably believes it is necessary in performing the inspector's functions under this Act, may require any person responsible for or connected with—

(a) the conduct of general gaming; or

(b) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of general gaming equipment;

to attend before the inspector to answer any questions or supply any information with respect to the matters referred to in this subsection.

(3) A requirement made of a person under this section must—

(a) be made by notice given to the person; and

(b) state a reasonable time and place for the person's attendance.

(4) When making the requirement, the inspector must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse for not complying with it.

146 Failure to comply with requirement about attendance

(1) A person of whom a requirement is made under section 145 must not, unless the person has a reasonable excuse—

(a) fail to attend before the inspector at the time and place stated in the notice imposing the requirement; or

(b) when attending before the inspector—

(i) fail to comply with a requirement to answer a question or give information; or

(ii) state anything the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

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(2) It is a reasonable excuse for a person to fail to comply with a requirement to answer a question or give information if complying with the requirement might tend to incriminate the person.

147 Power to require financial records

(1) This section applies to a person (the ***financial institution officer***) who is the manager or other principal officer at a place of business of a financial institution at which a person keeps an account for the person's general gaming operations.

(2) An inspector may, by notice given to the financial institution officer, require the officer to give to the inspector, within the time, of not less than 7 days, stated in the notice—

(a) a statement of account for the account; or

(b) copies of cheques or other records relevant to the account; or

(c) other particulars or documents relevant to the account stated in the notice.

(3) An inspector may make a requirement under subsection (2) only with the written approval of the chief executive.

148 Effect of compliance with s 147

(1) No liability attaches to a person who is the manager or other principal officer at a place of business of a financial institution for any breach of trust or other reason, merely because the person complies with a requirement under section 147(2).

(2) No liability attaches to the financial institution, for any breach of trust or other reason, merely because a person who is the manager or other principal officer at a place of business of the institution complies with the requirement.

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149 Failure to comply with s 147

A person of whom a requirement is made under section 147(2) must comply with the requirement within the time stated in the relevant notice, unless the person has a reasonable excuse for not complying with it in the stated time.

Maximum penalty—40 penalty units.

Division 3 Other enforcement matters

150 Direction about management practices

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

(a) the management, supervision or control of any part of a person's general gaming operations (the ***management practice***) is unsatisfactory; and

(b) the management practice may adversely affect the integrity of the person's conduct of games or the public interest.

(2) The chief executive may direct the person to stop, or change, the management practice.

(3) The direction must—

(a) be in writing; and

(b) if the direction is to change the management practice—clearly describe how it is required to be changed; and

(c) state when the person is required to comply with the direction.

(4) A person to whom a direction is given must comply with it, unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (4)—40 penalty units.

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151 Direction about conduct of general gaming

(1) The chief executive may give a direction to a person about the person's conduct of general gaming.

(2) The direction must—

(a) be in writing; and

(b) state when the person is required to comply with the direction; and

(c) be accompanied by, or include, an information notice about the chief executive's decision to give the direction.

(3) A person to whom a direction is given under subsection (1) must comply with the direction, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

152 Forfeiture on conviction

(1) On the conviction of a person for an offence against this Act, the court may order the forfeiture to the State of—

(a) anything used to commit the offence; or

(b) anything else the subject of the offence.

(2) The court may make the order—

(a) whether or not the thing has been seized; and

(b) if the thing has been seized—whether or not it has been returned to its owner.

(3) The court may make any order to enforce the forfeiture it considers appropriate.

(4) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

153 Forfeiture on payment of infringement notice penalty

(1) This section applies if—

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(a) an offence against this Act is declared under another Act to be an infringement notice offence; and

(b) a person is served with an infringement notice for the offence; and

(c) the person pays the infringement notice penalty as required by the notice.

(2) The chief executive may order the forfeiture to the State of—

(a) anything used to commit the alleged offence; or

(b) anything else the subject of the alleged offence.

(3) The chief executive may make the order—

(a) whether or not the thing has been seized; and

(b) if the thing has been seized—whether or not it has been returned to its owner.

154 Dealing with forfeited things

(1) On the forfeiture of a thing to the State, the thing becomes the State's property and may be dealt with by the chief executive as the chief executive considers appropriate.

(2) Without limiting subsection (1), the chief executive may destroy the thing.

155 Notice of damage

(1) This section applies if—

(a) an inspector damages something when exercising or purporting to exercise a power; or

(b) a person (the ***other person***) acting under the direction of an inspector damages something.

(2) The inspector must immediately give notice of particulars of the damage to the person who appears to the inspector to be the thing's owner.

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(3) If the inspector believes the damage was caused by a latent defect in the thing or circumstances beyond the inspector's or other person's control, the inspector may state the belief in the notice.

(4) If, for any reason, it is impracticable to comply with subsection (2), the inspector must leave the notice in a conspicuous position and in a reasonably secure way where the damage happened.

(5) This section does not apply to damage the inspector reasonably believes is trivial.

(6) In this section—

owner, of a thing, includes the person in possession or control of it.

156 Compensation

(1) A person may claim compensation from the State if the person incurs loss or expense because of the exercise or purported exercise of a power under any of the following subdivisions of division 2—

- subdivision 1
- subdivision 3
- subdivision 4
- subdivision 6.

(2) Without limiting subsection (1), compensation may be claimed for loss or expense incurred in complying with a requirement made of the person under the subdivision.

(3) Compensation may be claimed and ordered in a proceeding—

(a) brought in a court with jurisdiction in proceedings for the recovery of the amount of compensation claimed; or

(b) for an offence against this Act brought against the person claiming compensation.

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(4) A court may order compensation to be paid only if it is satisfied it is just to make the order in the circumstances of the particular case.

(5) A regulation may prescribe matters that may, or must, be taken into account by the court when considering whether it is just to make the order.

157 Protecting officials from liability

(1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.

(2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.

(3) In this section—

official means—

(a) the Minister; or

(b) the chief executive; or

(c) an inspector; or

(d) a person acting under the direction of an inspector.

Division 4 General enforcement offences

158 False or misleading statements

(1) A person must not state anything to an inspector the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

(2) It is enough for a complaint against a person for an offence against subsection (1) to state that the statement made was ‘false or misleading’ to the person’s knowledge, without specifying which.

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159 False or misleading documents

(1) A person must not give an inspector a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to a person if the person, when giving the document—

(a) tells the inspector, to the best of the person's ability, how it is false or misleading; and

(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

(3) Also, a person must not make an entry in a document required or permitted to be made or kept under this Act knowing the entry to be false or misleading in a material particular.

Maximum penalty—40 penalty units.

(4) It is enough for a complaint against a person for an offence against subsection (1) or (3) to state that the document or entry was 'false or misleading' to the person's knowledge, without specifying which.

160 Obstructing inspectors

(1) A person must not obstruct an inspector in the exercise of a power, unless the person has a reasonable excuse for the obstruction.

Maximum penalty—40 penalty units.

(2) If a person has obstructed an inspector and the inspector decides to proceed with the exercise of the power, the inspector must warn the person that—

(a) it is an offence to obstruct the inspector, unless the person has a reasonable excuse for the obstruction; and

(b) the inspector considers the person's conduct is an obstruction.

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Part 7 Legal proceedings

Division 1 Evidence

161 Application of division

This division applies to a proceeding under this Act.

162 Appointments and authority

It is not necessary to prove—

(a) the chief executive's appointment; or

(b) an inspector's appointment; or

(c) the authority of the chief executive or an inspector to do anything under this Act.

163 Signatures

A signature purporting to be the signature of the chief executive or an inspector is evidence of the signature it purports to be.

164 Evidentiary aids

A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—

(a) on a stated day, or during a stated period, a stated person was or was not the holder of a general licence;

(b) on a stated day, or during a stated period, a general licence—

(i) was or was not in force; or

(ii) was or was not subject to a stated condition;

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(c) on a stated day, a general licence was suspended for a stated period or cancelled;

(d) on a stated day, or during a stated period, a stated appointment (including a person's appointment as an inspector under a gaming Act) or stated approval was, or was not, in force for a stated person or thing;

(e) on a stated day, a stated person was given a stated notice or direction under this Act;

(f) on a stated day, a stated requirement was made of a stated person;

(g) a stated amount is payable under this Act by a stated person and has not been paid;

(h) a stated document is one of the following things made, given, issued or kept under this Act—

(i) an appointment, approval or decision;

(ii) a notice, direction or requirement;

(iii) a general licence;

(iv) a record or an extract from a record;

(i) a stated document is another document kept under this Act;

(j) a stated document is a copy of a thing mentioned in paragraph (h) or (i).

Division 2 Proceedings

165 Indictable and summary offences

(1) An offence against section 105, 106 or 108 is an indictable offence.

(2) Any other offence against this Act is a summary offence.

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166 Proceedings for indictable offences

(1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—

(a) by way of summary proceedings under the *Justices Act 1886*; or

(b) on indictment.

(2) A magistrate must not hear an indictable offence summarily if—

(a) the defendant asks at the start of the hearing that the charge be prosecuted on indictment; or

(b) the magistrate considers the charge should be prosecuted on indictment.

(3) If subsection (2) applies—

(a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and

(b) a plea of the person charged at the start of the proceeding must be disregarded; and

(c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and

(d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).

(4) The maximum penalty that may be summarily imposed for an indictable offence is 165 penalty units.

167 Limitation on who may summarily hear indictable offence proceedings

(1) A proceeding must be before a magistrate if it is a proceeding—

(a) for the summary conviction of a person on a charge for an indictable offence; or

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(b) for an examination of witnesses for a charge for an indictable offence.

(2) However, if a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

168 Limitation on time for starting summary proceedings

A proceeding for an offence against this Act by way of summary proceeding under the *Justices Act 1886* may be started within—

(a) 1 year after the offence is committed; or

(b) 6 months after the offence comes to the complainant's knowledge, but within 2 years after the offence is committed.

169 Responsibility for acts or omissions of representatives

(1) Subsections (2) and (3) apply in a proceeding for an offence against this Act.

(2) If it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—

(a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and

(b) the representative had the state of mind.

(3) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.

(4) In this section—

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representative means—

(a) of a corporation—an executive officer, employee or agent of the corporation; or

(b) of an unincorporated association—a member of the association, or an employee or agent of the association; or

(c) of an individual—an employee or agent of the individual.

state of mind of a person includes—

(a) the person's knowledge, intention, opinion, belief or purpose; and

(b) the person's reasons for the intention, opinion, belief or purpose.

170 Executive officer may be taken to have committed offence against s 20

(1) If a corporation commits an offence against section 20, each executive officer of the corporation is taken to have also committed the offence if—

(a) the officer authorised or permitted the corporation's conduct constituting the offence; or

(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.

(2) The executive officer may be proceeded against for, and convicted of, the offence against section 20 whether or not the corporation has been proceeded against for, or convicted of, the offence.

(3) This section does not affect either of the following—

(a) the liability of the corporation for the offence against section 20;

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 20.

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171 Treatment of unincorporated associations

(1) This section applies to the extent that, because of the definition of *person* in the dictionary, a provision of this Act that applies to a person is extended to apply also to an unincorporated association.

(2) Subject to subsection (6), an obligation or liability that, apart from this subsection, would be imposed by the provision on an unincorporated association, is imposed on the management members of the association.

(3) An amount that, apart from this subsection, would be payable under the provision by an unincorporated association, is payable by the management members of the association.

(4) If, under the provision, an offence against this Act is taken to have been committed by an unincorporated association, the offence is taken to have been committed by the management members of the association.

(5) However, it is a defence for a management member to prove—

(a) if the member was in a position to influence the conduct of the association in relation to the offence—the member exercised reasonable diligence to ensure the association complied with the provision; or

(b) the member was not in a position to influence the conduct of the association in relation to the offence.

(6) Also, subsection (2) or (4) does not impose an obligation or liability under section 105, 106 or 108 on a management member of an association.

172 Attempts to commit offences

(1) A person who attempts to commit an offence against this Act commits an offence.

(2) The maximum penalty for an attempt is one-half the maximum penalty for the completed offence.

(3) The Criminal Code, section 4 applies to subsection (1).

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173 Additional powers of court

(1) On the conviction of a person for an offence against section 18, 19 or 20, the court may order the forfeiture to the State of an amount received by the person in conducting a game in contravention of the section.

(2) The court may make any order to enforce the forfeiture it considers appropriate.

(3) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

Part 8 Review of decisions by tribunal

174 Who may apply for review

(1) Subsection (2) applies if the chief executive makes a decision—

(a) refusing an application for a general licence; or

(b) imposing a condition on a general licence; or

(c) changing a condition on a general licence; or

(d) suspending or cancelling a general licence; or

(e) refusing an application for renewal of a general licence; or

(f) refusing an application to amend a general licence; or

(g) appointing an administrator to conduct a general licensee's operations under a general licence; or

(h) approving regulated general gaming equipment or a modification of the equipment, with conditions; or

(i) refusing to approve regulated general gaming equipment or a modification of the equipment; or

(j) imposing a condition on an approval of regulated general gaming equipment or a modification of the equipment; or

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(k) varying a condition of an approval of regulated general gaming equipment or a modification of the equipment.

(2) The applicant or licensee may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.

(3) Subsection (4) applies if chief executive orders, under section 153(2), the forfeiture to the State of—

(a) anything used to commit the alleged offence; or

(b) anything else the subject of the alleged offence.

(4) The owner of the thing may apply, as provided under the QCAT Act, to the tribunal for a review of the chief executive's decision to make the order.

(5) The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 134 to forfeit the thing.

175 Tribunal to decide review on evidence before the chief executive

(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—

(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and

(b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.

(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—

(a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and

(b) decided in accordance with the same law that applied to the making of the original decision.

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(3) In this section—

original decision means the decision of the chief executive to which the proceeding for the review relates.

176 Tribunal may give leave for review to be decided on new evidence in particular circumstances

(1) Despite section 175, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the ***decision***) leave to present new evidence if the tribunal is satisfied—

(a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and

(b) in the circumstances, it would be unfair not to allow the party to present the new evidence.

(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.

(3) In this section—

new evidence means evidence that was not before the chief executive when the decision was made.

177 Appeals from tribunal only to Court of Appeal on a question of law

(1) This section applies to a decision of the tribunal (the ***tribunal decision***) in a proceeding for a review of a decision mentioned in section 174.

(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.

(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.

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(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.

Part 8A Two-up on designated day

178 Meaning of *two-up*

(1) ***Two-up*** means two-up conducted in a ring controlled by a ringkeeper in which—

(a) a spinner standing within the ring uses a kip to toss two or three coins in the air; and

(b) players wager on the outcome of the coin toss before the spinner tosses the coins.

(2) In this section—

kip means a wooden bat, or similar instrument, from which the coins are thrown.

ring means the area inside boundaries drawn or identified by the ringkeeper.

ringkeeper means the person who controls the spinner and administers the rules.

spinner means a player who has elected to toss the coins and has entered the centre of the ring.

179 Lawful two-up

(1) Two-up that complies with this section is lawful.

(2) For subsection (1), two-up complies with this section if it complies with the following—

(a) it is conducted by—

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(i) an RSL or Services Club on premises for which the RSL or Services Club is the licensee under the *Liquor Act 1992*; or

(ii) a person approved in writing by an RSL sub-branch at a function on premises which are licensed under the *Liquor Act 1992*;

(b) it is played on a designated day as part of the commemoration of the designated day;

(c) it is not played by a minor;

(d) either of the following makes the rules readily available for players to read before playing—

(i) the RSL or Services Club mentioned in paragraph (a)(i);

(ii) the person approved in writing under paragraph (a)(ii);

(e) if it is played with rules in addition to those mentioned in the definition in section 178(1)—those rules are in the spirit of the traditional rules of two-up;

(f) the RSL or Services Club mentioned in paragraph (a)(i) or person approved in writing under paragraph (a)(ii)—

(i) does not charge an entry fee for playing; or

(ii) charges an entry fee that is paid to the RSL or an RSL sub-branch to be used to support ex-service men and women and their families;

(g) the proceeds derived from it, other than an amount from an entry fee mentioned in paragraph (f)(ii), are returned to the players as winnings.

180 Two-up not category 1, 2, 3 or 4 game

Two-up under section 179 is not a category 1, 2, 3 or 4 game.

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181 Interaction with Casino Acts

(1) The State may permit or approve the conduct or playing of two-up on a designated day under this part despite the provisions of the Casino Acts which grant casinos the exclusive right to conduct or play two-up.

(2) To remove doubt, it is declared that a provision of the Casino Acts includes a provision of an agreement made under the Casino Acts.

(3) In this section—

Casino Acts means the following Acts—

(a) *Breakwater Island Casino Agreement Act 1984*;

(c) *Cairns Casino Agreement Act 1993*;

(d) *Jupiters Casino Agreement Act 1983*;

(e) *Queen's Wharf Brisbane Act 2016*.

Part 9 Miscellaneous

182 Recovery of amounts

The amount of a fee payable by a person under this Act is a debt payable by the person to the State.

183 Confidentiality of information

(1) A person who is, or was, an inspector, or officer or employee of the department, must not disclose confidential information gained by the person in performing functions under this Act.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) Subsection (1) does not apply to the disclosure of confidential information by a person—

(a) for a purpose under this Act or a gaming Act; or

(b) with a lawful excuse; or

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(c) under an approval of the chief executive under this section.

(3) The chief executive may approve the disclosure of confidential information by a person to—

(a) an entity prescribed under a regulation; or

(b) an officer, employee or member of the entity; or

(c) a stated department, person or other entity.

(4) Before giving an approval for subsection (3)(c), the chief executive must—

(a) give notice of the proposed approval to any person the chief executive considers is likely to be affected adversely by the disclosure; and

(b) give the person the opportunity of making a submission about the proposed approval within the time, of not less than 14 days, stated in the notice.

(5) If confidential information is disclosed to an entity or person under an approval given by the chief executive, the entity or person, and any employee or other person under the control of the entity or person, are taken to be persons to whom subsection (1) applies and to have gained the information in performing functions under this Act.

(6) In this section—

confidential information means information, other than information that is publicly available, about—

(a) a person's personal affairs, business affairs or reputation, character, criminal history, current financial position or financial background; or

(b) a person making an application under this Act.

183A Prohibition on control of application for category 3 gaming licence

(1) A person, other than an approved person, must not have or gain—

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(a) control over an application, or the content of an application, by an eligible association; or

(b) the ability to control an application or the content of an application by an eligible association; or

(c) the ability to interpose between the holder of a category 3 gaming licence and the chief executive in relation to an application made by the holder.

Maximum penalty—200 penalty units.

(2) In this section—

application means an application for, or to renew, a category 3 gaming licence.

approved person, in relation to an application by an eligible association, means a person who is, and is acting in the capacity of, the secretary, an executive officer or a member of the association.

183B Prohibition on control of category 3 gaming operations

(1) A person, other than an approved person, must not have or gain—

(a) control over the conduct of a category 3 game; or

(b) the ability to control the conduct of a category 3 game.

Maximum penalty—200 penalty units.

(2) For subsection (1), a person has or gains control over, or has or gains the ability to control, the conduct of a category 3 game if the person—

(a) has or gains the capacity to dominate, directly or indirectly, decision-making about policies for the conduct of the game; or

(b) has or gains the capacity to enjoy the majority of the benefits, and to be exposed to the majority of the risks, associated with the conduct of the game.

(3) In this section—

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approved person, in relation to the conduct of a category 3 game, means a person who is, and is acting in the capacity of, the secretary, an executive officer or a member of the eligible association that holds the category 3 gaming licence for the conduct of the game.

184 Delegations

(1) The Minister may delegate the Minister's powers under this Act to—

(a) the chief executive; or

(b) an appropriately qualified inspector or an appropriately qualified officer of the department.

(2) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified inspector or an appropriately qualified officer of the department.

(3) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

a person's classification level in the public service

184A Chief executive may issue guidelines

(1) The chief executive may issue guidelines to inform persons about—

(a) the attitude the chief executive is likely to adopt on a particular matter; or

(b) how the chief executive administers this Act.

Example—

The chief executive may issue a guideline about corporate governance practices for the planning, supervising and reporting of category 3 games.

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(2) The chief executive must keep copies of the guidelines available for inspection, free of charge, by members of the public at—

(a) the department's head office and regional offices; and

(b) other places the chief executive considers appropriate.

(3) Also, the chief executive must, if asked by a person, give the person a copy of a guideline, or an extract from a guideline, free of charge.

185 Approval of forms

The chief executive may approve forms for use under this Act.

186 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may—

(a) be about fees; or

(b) impose a penalty of not more than 20 penalty units for contravention of a regulation; or

(c) be about—

(i) an advertisement for a game; or

(ii) refunding a fee paid to enter a game; or

(iii) the order of drawing 2 or more prizes offered in a game; or

(iv) a prize in a game; or

(d) be about the methods of payment used—

(i) with general gaming equipment; or

(ii) to participate in a game; or

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(iii) for paying prizes or refunding a fee paid to enter a game.

Part 10 Repeal, transitional and validation provisions

Division 1 Transitional provisions and repeal provision for Act No. 26 of 1999

Subdivision 1 Preliminary

187 Definition for div 1

In this division—

repealed Act means the *Art Unions Act 1992*.

Subdivision 2 Transitional provisions

188 References to repealed Act

In an Act or document, a reference to the repealed Act may, if the context permits, be taken to be a reference to this Act.

189 Continuation of conduct of art unions

An art union started under the repealed Act that has not finished before the commencement of this section may be continued from the commencement as if the art union were a game.

190 Existing approvals for lucky envelope vending machines

(1) This section applies to an approval for a lucky envelope vending machine given under section 66 of the repealed Act

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and in force immediately before the commencement of this section.

(2) The approval continues in force as if it were an approval for a lucky envelope vending machine given under section 100 of this Act.

(3) However, if the approval was given more than 2 years before the commencement, the approval continues in force only for 1 year from the commencement.

191 Existing licences and permits

A licence or permit in force under the repealed Act immediately before the commencement of this section continues in force from the commencement, subject to this Act, as if it were—

(a) for a licence to print and supply lucky envelopes—a lucky envelope printer licence; or

(b) for a bingo centre licence—a bingo centre licence; or

(c) for a permit to conduct a major art union under which the permit holder conducted an art union with gross proceeds of more than $20,000—a category 3 gaming licence; or

(d) for a permit to conduct a calcutta sweep under which the permit holder conducted calcutta sweeps with gross proceeds of more than $20,000—a category 3 gaming licence.

192 Existing orders etc.

An order, direction, requirement or decision of the Minister, chief executive or an inspector under the repealed Act is, if its effect is not exhausted at the commencement of this section, subject to appeal under this Act in the same way as if it were an order, direction, requirement or decision of the Minister, chief executive or an inspector under this Act.

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193 Inspectors

A person who, immediately before the commencement of this section, was an inspector under the repealed Act is taken from the commencement to be an inspector appointed under this Act.

Subdivision 3 Repeal

195 Repeal

The Art Unions Act 1992 is repealed.

Division 2 Transitional provisions for Gambling Legislation Amendment Act 2005

196 Definitions for div 2

In this division—

commencement means the day the provision in which the term is used commences.

post-amended Act means this Act as in force immediately after the commencement.

197 Inspectors

A person who was an inspector immediately before the commencement is taken to be an inspector appointed under the post-amended Act, section 111.

198 Audit program for inspectors

The program that, immediately before the commencement, was the program approved by the Minister under section 113(1) of this Act as in force before the

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commencement is taken to be the approved audit program under the post-amended Act, section 118.

Division 3 Transitional provisions for Gambling Legislation Amendment Act 2008

199 Third party operator agreements—pt 3, div 1A

(1) This section applies if, on its commencement, an eligible association has entered into an agreement with an entity for the entity to help the eligible association with any of the following matters in relation to an art union—

(a) the sale of tickets in the art union;

(b) receiving and banking money from the sale;

(c) accounting for the proceeds of the sale.

(2) On the commencement—

(a) the entity is taken to be a third party operator; and

(b) the agreement is taken to be a third party operator agreement.

(3) If the agreement is in writing, the eligible association must, within 28 days after the commencement, give a copy of the agreement to the chief executive.

Maximum penalty—100 penalty units.

(4) If the agreement is not in writing, within 28 days after the commencement or, if the chief executive has approved a longer period, within the longer period—

(a) the eligible association and the third party operator must reduce the terms of the agreement to writing; and

(b) the eligible association must give a copy of the written agreement to the chief executive.

Maximum penalty—100 penalty units.

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(5) The chief executive may approve a longer period if—

(a) the eligible association asks the chief executive to approve a longer period and gives reasons for the request; and

(b) the chief executive is satisfied that, for the reasons given, the longer period is necessary.

Example of reason—

The parties have not reached agreement about the written terms of the third party operator agreement.

(6) Sections 22C and 22D apply to an amendment of an agreement entered into before the commencement and taken, under subsection (1), to be a third party operator agreement.

Division 4 Transitional and validation provision for Justice and Other Legislation Amendment Act 2026

200 Retrospective operation of s 181 and validation of permissions and approvals

(1) The amendment of section 181 by the *Justice and Other Legislation Amendment Act 2026*, section 10(2) (the ***amendment***) is taken to have had effect from the beginning of 27 May 2016.

(2) A permission or approval given by the State under section 181 on or after 27 May 2016 is taken to be, and always to have been, as valid and lawful as it would have been if the amendment had commenced on that day.

(3) No compensation is payable by the State to any person for, or in connection with, the giving of a permission or approval under section 181 to the extent that compensation would not have been payable if the amendment had commenced on 27 May 2016.

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Schedule 2 Dictionary

section 5

accepted representation, for a show cause notice, see section 61.

administrator means a person appointed as an administrator under section 65(3)(b)(iii).

applicant means an applicant for a general licence under this Act.

application means—

(a) for part 3, division 2, subdivision 3—an application for approval for an event for a calcutta sweep; or

(b) for part 4, division 2—an application for the issue or renewal of a general licence; or

(c) for part 5, division 9—an application for approval of regulated general gaming equipment.

approved audit program, for part 4, division 5, means an audit program approved under section 68(1).

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

approved form means a form approved under section 185.

art union see section 6.

association see section 7.

benefit includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute.

bingo see section 8.

bingo centre licence means a licence issued under section 36(a).

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bingo session means the period in which the number of bingo games for the session, decided by the person conducting the session, are played.

business associate, of an applicant for a general licence, means a person who the chief executive reasonably believes—

(a) is associated with the ownership or management of the applicant's operations; or

(b) will, if a general licence is issued to the applicant, be associated with the ownership or management of the general licensee's operations under the licence.

calcutta sweep see section 9.

category 1 game see section 14.

category 1 gaming operations means operations for conducting a category 1 game.

category 2 game see section 15.

category 2 gaming operations means operations for conducting a category 2 game.

category 3 game see section 16.

category 3 gaming licence means a license issued under section 36(b).

category 3 gaming operations means operations for conducting a category 3 game.

category 4 game see section 17.

category 4 gaming operations means operations for conducting a category 4 game.

commencement, for part 10, division 2, see section 196.

commercial gain means profit derived in business.

conduct includes promote, organise, manage, control and operate.

conviction includes the acceptance of a plea of guilty or a finding of guilt by a court even though a conviction is not recorded.

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criminal history, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

(a) despite section 6 of that Act, includes a conviction of the person to which the section applies; and

(b) despite section 5 of that Act, includes a charge made against the person for an offence.

designated day means—

(a) 25 April; or

(b) another day that is—

(i) significant to the remembrance of the sacrifice for the nation by the men and women of its Defence Force; and

(ii) prescribed under a regulation.

detriment includes—

(a) personal injury or prejudice to safety; and

(b) property damage or loss; and

(c) intimidation or harassment; and

(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and

(e) threats of detriment; and

(f) financial loss from detriment.

eligible association see section 10.

executive associate, of an applicant for a general licence, means an executive officer of a corporation, partner or trustee, or another person stated by the chief executive whom the chief executive reasonably believes—

(a) is associated with the ownership or management of the applicant's operations; or

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(b) will, if a licence is issued to the applicant, be associated with the ownership or management of the general licensee's operations under the licence.

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

game see section 11.

gaming Act means any of the following Acts—

- *Casino Control Act 1982*
- *Gaming Machine Act 1991*
- *Interactive Gambling (Player Protection) Act 1998*
- *Keno Act 1996*
- *Lotteries Act 1997*
- *Wagering Act 1998*.

general gaming means the playing of a game.

general gaming equipment means a machine or other device (whether electronic, electrical or mechanical), computer software, or another thing, used, or suitable for use, in connection with a game.

general gaming official means—

(a) an inspector; or

(b) an officer of the department.

general gaming operations means category 1, 2, 3 or 4 gaming operations.

general gaming place means a place used for—

(a) conducting games, or parts of games; or

(b) a purpose related to conducting games; or

(c) printing lucky envelopes.

general gaming records see sections 74(1), 75(1) and 76(1).

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general licence means a licence issued under this Act.

general licensee, for a general licence, means the person named in it as the person to whom it is issued.

give, for a ticket, includes allot electronically.

gross proceeds, of a game, means the total value of tickets sold in the game.

information notice means a written notice complying with the QCAT Act, section 157(2).

inspector means a person who is an inspector for this Act.

issued includes given.

lucky envelope printer licence means a licence issued under section 36(c).

lucky envelopes see section 12.

lucky envelope vending machine means a machine from which a person is given a ticket for lucky envelopes.

management committee, for an association, see section 10(2)(b).

management member, of an unincorporated association, means—

(a) if the association has a management committee—each member of the management committee; or

(b) otherwise—each member who is concerned with, or takes part in, the association's management, whatever name is given to the member's position in the association.

notice means written notice.

person includes an unincorporated association.

personal gain, for an individual, does not include an amount paid to the individual as an employee of, or paid fundraiser for, a person authorised to conduct a game.

play, a game, means participate in the game.

post-amended Act, for part 10, division 2, see section 196.

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promotional game see section 13.

reasonably believes means believes on grounds that are reasonable in all the circumstances.

reasonably suspects means suspects on grounds that are reasonable in all the circumstances.

regulated general gaming equipment means—

(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

(c) other general gaming equipment prescribed under a regulation.

rule, other than for part 8A, means a rule made under section 72.

show cause notice see section 59(2).

show cause period see section 59(2).

special category 3 gaming licence means a licence issued under section 36(d).

stop direction see section 138(1).

stop notice see section 138(1) and (2).

suitable person, in relation to a general licence, means a suitable person as decided in the way provided under section 46 for the grant of the licence.

third party operator see section 22A(1).

third party operator agreement see section 22A(1).

ticket, for a game, means a document or thing that evidences, or is intended to evidence, a person's right to play the game.

tribunal means QCAT.

two-up see section 178.

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