



Queensland

Gambling Legislation Amendment Act 2005

Act No. 12 of 2005



Queensland

Gambling Legislation Amendment Act 2005

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Queensland

Gambling Legislation Amendment Act 2005

Act No. 12 of 2005

**An Act to amend Acts administered by the Deputy Premier,
Treasurer and Minister for Sport**

[Assented to 22 April 2005]

The Parliament of Queensland enacts—**Part 1 Preliminary****1 Short title**

This Act may be cited as the *Gambling Legislation Amendment Act 2005*.

2 Commencement

- (1) Part 4, and part 10 and the schedule to the extent they amend the *Gambling Legislation Amendment Act 2004*, commence on assent.
- (2) Sections 38, 41 to 43, 51 (to the extent it inserts section 435, definition *ANTA*, and sections 436 to 439) and 52(2) (to the extent it inserts definitions *ANTA*, *approved training course*, *compliance program*, *compliance program document* and *compliance self-assessment*), commence on 1 July 2005.
- (3) The remaining provisions of this Act commence on 1 May 2005.

Part 2 Amendment of Casino Control Act 1982**3 Act amended in pt 2**

This part amends the *Casino Control Act 1982*.

4 Omission of ss 6–12

Sections 6 to 12—
omit.

5 Replacement of ss 73–75

Sections 73 to 75—

omit, insert—

‘73 Casino operations to be conducted under approved control system

‘(1) A casino operator must not operate a casino under a casino licence unless the operator has an approved control system for the casino.

Maximum penalty—200 penalty units.

‘(2) If a casino operator has an approved control system for the casino, the operator must not contravene the approved control system in the operation of the casino.

Maximum penalty—200 penalty units.

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

Maximum penalty—200 penalty units.

‘74 Control system submission

‘(1) A casino operator may make a submission (a *control system submission*) to the chief executive for approval of the operator’s proposed control system.

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

(a) at least 90 days before the casino operator proposes to start casino operations under the casino licence; or

(b) if the chief executive considers it appropriate to allow a submission to be made at a later time—by the time allowed by the chief executive.

‘(3) A control system submission must describe and explain the casino operator’s proposed control system.

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

- (a) the following things to be used in connection with the operation of the casino—
 - (i) accounting systems and procedures and chart of accounts;
 - (ii) administrative systems and procedures;
 - (iii) computer software;
 - (iv) standard forms and terms; and
 - (b) the general procedures to be followed in connection with the operation of the casino; and
 - (c) the procedures and standards for the maintenance, security, storage and transportation of equipment to be used in connection with the operation of the casino; and
 - (d) the procedures for making bets and paying winning bets; and
 - (e) the procedures for using and maintaining security facilities.
- ‘(5) However, a casino operator’s control system submission need not include particular information mentioned in subsection (4) if the chief executive is satisfied, having regard to the nature of the operator’s operations, that the information is not necessary for the chief executive’s proper consideration of the submission under section 75A.
- ‘(6) A control system submission may include information additional to the information mentioned in subsection (4).

‘75 Control system (change) submission

- ‘(1) A casino operator may make a submission (a *control system (change) submission*) to the chief executive for approval to change the operator’s approved control system.
- ‘(2) A control system (change) submission must be in writing and be made—
- (a) at least 90 days before the casino operator proposes to start operating the casino under the approved control system, as proposed to be changed; or

- (b) if the chief executive considers it appropriate to allow a submission to be made at a later time—by the time allowed by the chief executive.
- ‘(3) A control system (change) submission must contain particulars of the proposed changes of the casino operator’s approved control system.

‘75A Dealing with submissions

- ‘(1) This section applies to a control system submission or control system (change) submission made to the chief executive by a casino operator.
- ‘(2) The chief executive must consider the submission and either approve, or refuse to approve, the casino operator’s proposed control system or the proposed change of the casino operator’s approved control system.
- ‘(3) In considering the submission, the chief executive may, by written notice given to the casino operator, require the operator to give the chief executive, within a reasonable period stated in the notice, further information that is necessary and reasonable to help the chief executive make a decision about the submission.
- ‘(4) In considering whether to give an approval, the chief executive must have regard to—
 - (a) whether the submission satisfies the requirements under this part for the submission; and
 - (b) whether the casino operator’s proposed control system, or approved control system as proposed to be changed, is capable of providing satisfactory and effective control over the operations of the casino.
- ‘(5) The chief executive may refuse to give an approval if the casino operator fails to comply with a requirement under subsection (3) without a reasonable excuse.
- ‘(6) If the chief executive approves the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the casino operator written notice of the decision.

- ‘(7) If the chief executive refuses to approve the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the casino operator a written notice that—
- (a) states the decision and the reasons for the decision; and
 - (b) if the chief executive believes the submission can easily be changed to enable the chief executive to give an approval—
 - (i) explains how the submission can be changed; and
 - (ii) invites the casino operator to resubmit the submission after making the appropriate changes.

‘75B Direction to change approved control system

- ‘(1) The chief executive may, by written notice given to a casino operator, direct the operator to change the operator’s approved control system within the period, and in the way, stated in the notice.
- ‘(2) The casino operator must comply with the direction.
- ‘(3) If the casino operator does not comply with the direction, at the end of the period stated in the notice the operator’s approved control system is taken to have been changed in the way stated in the notice.’.

6 Insertion of new pt 9, div 1, and div 2, hdg

Part 9, before section 86—

insert—

‘Division 1 Inspectors

‘Subdivision 1 Appointment of inspectors

‘85E 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 person prescribed under a regulation; and
- (b) the chief executive is satisfied the person—
 - (i) has the necessary expertise or experience to be an inspector; or
 - (ii) has satisfactorily finished training approved by the chief executive; 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.

'Subdivision 2 Other matters about inspectors

'85F 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.

‘85G 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.

‘85H 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
 - (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 public place or the land around premises to ask its occupier for consent to enter the premises.

‘85I 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 85J 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.

'85J Resignation

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

'85K 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.

Maximum penalty—40 penalty units.

'Subdivision 3 Audit program and report about criminal history

'85L 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).

‘85M 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 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 Directions, powers of inspectors etc.’.

7 Omission of s 95 (Copy of direction to chief executive)

Section 95—

omit.

8 Amendment of s 127 (Regulation-making power)

- (1) Section 127(2), ‘made for or about the following matters’—
omit, insert—
‘about the following’.

(2) Section 127(2)(b) to (h)—

omit, insert—

‘(b) the casino tax mentioned in section 51;

(c) gaming machines and machine games;

(d) fees.’.

(3) Section 127—

insert—

‘(3) A regulation may impose a penalty of no more than 20 penalty units for contravention of a regulation.’.

9 Insertion of new pt 11, div 5

Part 11—

insert—

‘Division 5 Transitional provisions for Gambling Legislation Amendment Act 2005

‘140 Definitions for div 5

‘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.

‘141 Control systems

‘(1) This section applies to a system of internal controls and administrative and accounting procedures for a casino that was, immediately before the commencement, the system of controls and procedures for the operation of the casino approved by the chief executive under section 75 of this Act as in force before the commencement.

- ‘(2) The system of internal controls and administrative and accounting procedures is taken to be the approved control system for the casino.

‘142 Inspectors

‘A person who was an inspector immediately before the commencement is taken to be an inspector appointed under the post-amended Act, section 85E.

‘143 Audit program for inspectors

‘The audit program for an inspector under this Act immediately before the commencement is taken to be the approved audit program under the post-amended Act, section 85L.’.

10 Amendment of schedule (Dictionary)

- (1) Schedule, definition *audit program*—

omit.

- (2) Schedule—

insert—

‘***approved control system*** means a control system approved by the chief executive, and includes an approved control system changed under a direction or approval of the chief executive.

audit program, for a casino key employee or casino employee, means a program approved under section 43B(1).

commencement—

- (a) for part 11, division 3—see section 130; and
- (b) for part 11, division 4—see section 134; and
- (c) for part 11, division 5—see section 140.

control system means a system of internal controls and administrative and accounting procedures for the operation of a casino by a casino operator.

- (ii) has satisfactorily finished training approved by the chief executive; 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.

'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
 - (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.

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 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.’.

13 Amendment of s 183 (Confidentiality of information)

- (1) Section 183(3)(a), ‘another person’—
omit, insert—
‘an entity’.
- (2) Section 183(3)(b), ‘person’—
omit, insert—
‘entity’.
- (3) Section 183(3)(c), ‘or person’—
omit, insert—
‘, person or other entity’.
- (4) Section 183(5), from ‘disclosed’ to ‘taken’—
omit, insert—
‘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’.

14 Amendment of s 184 (Delegations)

- (1) Section 184(1)—
omit, insert—

- ‘(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) Section 184(3), definition *appropriately qualified*, ‘the exercise of’—

omit, insert—

‘exercise’.

15 Insertion of new pt 10, div 2

After section 195—

insert—

‘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

commencement is taken to be the approved audit program under the post-amended Act, section 118.’.

16 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*commencement*, for part 10, division 2, see section 196.

post-amended Act, for part 10, division 2, see section 196.’.

Part 4 **Amendment of Gambling
Legislation Amendment Act
2004**

17 Act amended in pt 4

This part amends the *Gambling Legislation Amendment Act 2004*.

**18 Amendment of s 5 (Replacement of pt 4, div 5
(Suspension and cancellation of casino key employee
and casino employee licences) of Act No. 78 of 1982)**

Section 5, proposed section 44(3)(a), from ‘system’—

omit, insert—

‘approved control system for the casino; and’.

**19 Omission of s 6 (Amendment of s 74 (Content of
submission) of Act No. 78 of 1982)**

Section 6—

omit.

20 Amendment of s 10 (Insertion of new pt 10, div 1, sdiv 1 of Act No. 78 of 1982)

Section 10, proposed sections 91O(3) and 91P(4)—
omit.

21 Omission of s 13 (Amendment of s 95 (Copy of direction to chief executive) of Act No. 78 of 1982)

Section 13—
omit.

22 Amendment of s 14 (Amendment of s 96 (Duration of direction) of Act No. 78 of 1982)

Section 14(2), proposed section 96(2)—
omit, insert—

‘(2) If a casino operator or the commissioner of the police service revokes a direction given to a person under section 92 or 94, the casino operator or commissioner must as soon as practicable give the person written notice of the revocation.’.

23 Amendment of s 15 (Replacement of ss 97–100 of Act No. 78 of 1982)

(1) Section 15, proposed section 99(5)—
omit, insert—

‘(5) If the casino operator decides to revoke the direction, the operator must as soon as practicable give the applicant notice of the revocation in the approved form (a *revocation notice*).’.

(2) Section 15, proposed section 100D—
omit, insert—

‘100D Report about prohibition under order or direction

‘(1) A regulation may require a casino operator to give a report to the chief executive about the prohibition of persons from entering or remaining in the casino under a self-exclusion order or an exclusion direction.

‘(2) The report must be in the approved form.

- ‘(3) The regulation may prescribe the times, and the way in which, the report is to be given to the chief executive.
- ‘(4) The casino operator must comply with the regulation.
Maximum penalty—40 penalty units.’.

24 Amendment of s 18 (Amendment of schedule (Dictionary of Act No. 78 of 1982))

Section 18(2), proposed definition *revocation notice*, paragraph (b), ‘section 99(5)(a)’—
omit, insert—
‘section 99(5)’.

25 Amendment of s 50 (Replacement of s 261 (Licensees to prohibit certain persons from gaming) of Act No. 7 of 1991)

- (1) Section 50, proposed sections 261A(3) and 261B(4)—
omit.
- (2) Section 50, proposed section 261C(3)—
omit, insert—
- ‘(3) If a licensee decides to give a person an exclusion direction, the direction must be accompanied by an information notice for the decision.’.
- (3) Section 50, proposed section 261F(5)—
omit, insert—
- ‘(5) If the licensee decides to revoke the direction, the licensee must as soon as practicable give the applicant notice of the revocation in the approved form (a *revocation notice*).’.
- (4) Section 50, proposed section 261K—
omit, insert—

‘261K Report about prohibition under order or direction

- ‘(1) A regulation may require a licensee to give the chief executive a report about the prohibition of persons from entering or remaining in the licensee’s licensed premises, or a gaming

machine area on the licensed premises, under a self-exclusion order or an exclusion direction.

- ‘(2) The report must be in the approved form.
 - ‘(3) The regulation may prescribe the times, and the way in which, the report is to be given to the chief executive.
 - ‘(4) The licensee must comply with the regulation.
- Maximum penalty—40 penalty units.’.

26 Amendment of s 60 (Amendment of schedule (Dictionary) of Act No. 7 of 1991)

Section 60(2), proposed definition *revocation notice*, paragraph (b), ‘section 261F(5)(a)’—

omit, insert—

‘section 261F(5)’.

27 Amendment of s 66 (Replacement of s 137 (Prohibition of interactive gambling) of Act No. 14 of 1998)

- (1) Section 66, proposed sections 137A(3) and 137B(4)—

omit.

- (2) Section 66, proposed section 137C(3)—

omit, insert—

- ‘(3) If a licensed provider decides to give a person an exclusion direction, the direction must be accompanied by an information notice about the decision.’.

- (3) Section 66, proposed section 137F(5)—

omit, insert—

- ‘(5) If the licensed provider decides to revoke the direction, the licensed provider must as soon as practicable give the applicant notice of the revocation in the approved form (a *revocation notice*).’.

- (4) Section 66, proposed section 137K—

omit, insert—

‘137K Report about prohibition under order or direction

- ‘(1) A regulation may require a licensed provider to give the chief executive a report about the prohibition of persons from participating as players in authorised games conducted by the provider under a self-exclusion order or an exclusion direction.
- ‘(2) The report must be in the approved form.
- ‘(3) The regulation may prescribe the times, and the way in which, the report is to be given to the chief executive.
- ‘(4) The licensed provider must comply with the regulation.
Maximum penalty—40 penalty units.’.

28 Amendment of s 73 (Amendment of sch 3 (Dictionary) of Act No. 14 of 1998)

Section 73(2), proposed definition *revocation notice*, paragraph (b), ‘section 137F(5)(a)’—

omit, insert—

‘section 137F(5)’.

29 Amendment of s 80 (Insertion of new pt 8, div 2A of Act No. 47 of 1996)

- (1) Section 80, proposed sections 154B(3) and 154C(4)—
omit.
- (2) Section 80, proposed section 154D(3)—
omit, insert—
- ‘(3) If an appointed agent decides to give a person an exclusion direction, the direction must be accompanied by an information notice about the decision.’.
- (3) Section 80, proposed section 154G(5)—
omit, insert—
- ‘(5) If the appointed agent decides to revoke the direction, the agent must as soon as practicable give the applicant notice of the revocation in the approved form (a *revocation notice*).’.

(4) Section 80, proposed section 154L—

omit, insert—

‘154L Report about prohibition under order or direction

‘(1) A regulation may require an appointed agent to give the chief executive a report about the prohibition of persons from taking part in keno gaming at, or entering or remaining in, the agent’s approved place of operation under a self-exclusion order or an exclusion direction.

‘(2) The report must be in the approved form.

‘(3) The regulation may prescribe the times, and the way in which, the report is to be given to the chief executive.

‘(4) The appointed agent must comply with the regulation.

Maximum penalty—40 penalty units.’.

30 Amendment of s 87 (Amendment of sch 4 (Dictionary of Act No. 47 of 1996))

Section 87(2), proposed definition *revocation notice*, paragraph (b), ‘section 154G(5)(a)’—

omit, insert—

‘section 154G(5)’.

31 Amendment of s 115 (Insertion of new pt 11, div 2A of Act No. 15 of 1998)

(1) Section 115, proposed division 2A, before subdivision 1—

insert—

‘Subdivision 1AA Preliminary

‘216AA Definition for div 3

‘In this division—

general operator does not include a permit holder.’.

(2) Section 115, proposed sections 216B(3) and 216C(4)—

omit.

(3) Section 115, proposed section 216D(3)—

omit, insert—

‘(3) If a general operator decides to give a person an exclusion direction, the direction must be accompanied by an information notice for the decision.’.

(4) Section 115, proposed section 216G(5)—

omit, insert—

‘(5) If the general operator decides to revoke the direction, the operator must as soon as practicable give the applicant notice of the revocation in the approved form (a *revocation notice*).’.

(5) Section 115, proposed section 216L—

omit, insert—

‘216L Report about prohibition under order or direction

‘(1) A regulation may require a general operator to give the chief executive a report about the prohibition of persons from taking part in approved wagering at, or entering or remaining in, the operator’s approved place of operation under a self-exclusion order or an exclusion direction.

‘(2) The report must be in the approved form.

‘(3) The regulation may prescribe the times, and the way in which, the report is to be given to the chief executive.

‘(4) The general operator must comply with the regulation.

Maximum penalty—40 penalty units.’.

32 Amendment of s 122 (Amendment of sch 2 (Dictionary) of Act No. 15 of 1998)

Section 122(2), proposed definition *revocation notice*, paragraph (b), ‘section 216G(5)(a)’—

omit, insert—

‘section 216G(5)’.

Part 5 Amendment of Gaming Machine Act 1991

33 Act amended in pt 5

This part amends the *Gaming Machine Act 1991*.

34 Omission of ss 39–47

Sections 39 to 47—

omit.

35 Replacement of ss 50–52

Sections 50 to 52—

omit, insert—

‘50 Delegations

‘(1) The Minister may delegate the Minister’s designated powers to—

- (a) the chief executive; or
- (b) an appropriately qualified inspector or an appropriately qualified officer of the department.

‘(2) The commission may delegate the commission’s designated powers to—

- (a) the chief executive; or
- (b) an appropriately qualified inspector or an appropriately qualified officer of the department.

‘(3) 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.

‘(4) 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

designated powers—

- (a) of the Minister, means—
 - (i) the powers of the Minister under sections 135 and 211;¹ or
 - (ii) the power of the Minister to give a direction for section 151(3)(b);² and
- (b) of the commission, means the powers of the commission under this Act, other than sections 97(16) and (17), 98, 147 and 336.³

36 Amendment of s 53 (Criminal history reports)

Section 53(1), ‘42(1),’—

omit.

37 Insertion of new ss 54B and 54C

Part 2, after section 54A—

insert—

‘54B Chief executive may make standard

- ‘(1) The chief executive may make standards about matters of a technical nature that—
 - (a) relate to a licensee’s gaming operations; and
 - (b) help the licensee conduct the gaming operations in compliance with this Act.
- ‘(2) A standard is a statutory instrument within the meaning of the *Statutory Instruments Act 1992*.

1 Sections 135 (Approving audit programs) and 211 (Approving audit programs)

2 Section 151 (Terms of appointment, and role, of administrator)

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

‘54C Notice and availability of standard

- ‘(1) The chief executive must, as soon as practicable after making a standard under section 54B(1), give each licensee written notice of the making of the standard.
- ‘(2) The notice must include the standard or a brief description of the standard.
- ‘(3) If a standard concerns all licensees or a class of licensees, the notice may be included as a part of another publication of the chief executive given to the licensees or members of the class of licensees.
- ‘(4) The notice may be given in electronic form.
- ‘(5) The chief executive must keep a copy of each standard, as in force from time to time, available for inspection free of charge by members of the public at—
 - (a) the department’s head office; and
 - (b) other places the chief executive considers appropriate.
- ‘(6) Also, the chief executive must publish each standard, as in force from time to time, on the department’s web site on the internet.’.

38 Amendment of s 56 (Application for gaming machine licences)

- (1) Section 56(5)—
 - insert—*
 - ‘(ka) must be accompanied by—
 - (i) a statement in the approved form about the compliance program for the licence; and
 - (ii) a compliance program document for the licence; and
 - (kb) for an application by an individual who is not required under this Act to have a nominee for the licensed premises under the licence—must be accompanied by evidence that the chief executive considers on reasonable grounds shows the applicant—

- (i) has successfully completed an approved training course; or
 - (ii) has made appropriate arrangements to complete an approved training course; and’.
- (2) Section 56(5)(ja) to (n)—
renumber as section 56(5)(k) to (q).

39 Amendment of s 80A (When gaming machine licence lapses and number of approved gaming machines changes)

- (1) Section 80A—
insert—
- ‘(4A) If the commission has fixed a later date under subsection (3) for particular licensed premises, and the deferment has not ceased to operate under subsection (5), the commission may fix a date after that date as the relevant date for the premises if—
- (a) the licensee—
 - (i) applies in writing to the commission, for deferment of the relevant date, before the date fixed under subsection (3); and
 - (ii) includes in the application information about the licensee’s exceptional circumstances for seeking a deferment under this subsection; and
 - (iii) gives the commission other information and materials for which it reasonably asks to help it decide the application; and
 - (b) the commission is, after considering the application and any information or materials given or requested under paragraph (a)(ii) or (iii), satisfied there are exceptional circumstances for the deferment.

Examples of exceptional circumstances—

- 1 The commission might consider the fact that the licensee’s gaming machine licence is for premises that are a part of a complex development or re-development is an exceptional circumstance for deferment of the relevant date.

- 2 The commission might consider the fact that the cumulative effect of things like complex approval processes, abnormal weather patterns or unusual shortages of materials or skilled labour is an exceptional circumstance for deferment of the relevant date.
- ‘(4B) The commission may fix a date under subsection (4A) only if the date is not more than 3 years after the day the gaming machine licence was granted.’.
- (2) Section 80A(6), definition *relevant date*, paragraph (b)—
omit, insert—
- ‘(b) for premises for which the commission has fixed a date under subsection (3) but not under subsection (4A)—the date fixed by the commission or an earlier date on which the deferment ceases to operate under subsection (5); or
- (c) for premises for which the commission has fixed dates under subsections (3) and (4A)—the date fixed by the commission under subsection (4A) or an earlier date on which the deferment ceases to operate under subsection (5).’.

40 Amendment of s 166 (Dealing with submissions)

- (1) Section 166(3)—
omit, insert—
- ‘(3) In considering the submission, the chief executive may, by written notice given to the licensed supplier, require the supplier to give the chief executive, within a reasonable period stated in the notice, further information that is necessary and reasonable to help the chief executive make a decision about the submission.’.
- (2) Section 166(6) and (7), ‘immediately’—
omit, insert—
‘as soon as practicable’.

41 Amendment of s 196 (Application for gaming nominee's licence by licensed gaming employee)

(1) Section 196(2)(d)—

renumber as section 196(2)(e).

(2) Section 196(2)—

insert—

‘(d) be accompanied by evidence that the chief executive considers on reasonable grounds shows the applicant has successfully completed an approved training course; and’.

42 Amendment of s 198 (Applications for licences under this part)

Section 198(4)(h), from ‘by a notice’—

omit, insert—

‘by—

- (i) a notice in the approved form from a licensee nominating the applicant to be the licensee's nominee for licensed premises of the licensee; and
- (ii) evidence that the chief executive considers on reasonable grounds shows the applicant has successfully completed an approved training course; and’.

43 Insertion of new pt 6, div 12

Part 6, after section 264—

insert—

‘Division 12 Reports about matters relating to compliance with Act**‘264A Compliance self-assessment**

- ‘(1) A licensee must, within 7 days after the end of each month, complete a report about matters relating to the licensee's

compliance with this Act (a **compliance self-assessment**) for each licensed premises of the licensee.

Maximum penalty—200 penalty units.

- ‘(2) The compliance self-assessment must—
- (a) be in the approved form; and
 - (b) be certified as correct by—
 - (i) if the licensee is an individual who does not have a nominee for the licensed premises—the licensee; or
 - (ii) otherwise—the licensee’s nominee for the licensed premises.
- ‘(3) If the licensee is a body corporate, the licensee must ensure the compliance self-assessment is considered by the licensee’s management committee or board.
- Maximum penalty—40 penalty units.
- ‘(4) If practicable, the licensee must have the compliance self-assessment considered under subsection (3) at the first meeting of the licensee’s management committee or board that happens after the assessment is completed.

‘264B Keeping compliance self-assessment

‘A licensee must, for 5 years after completing a compliance self-assessment for licensed premises of the licensee, keep the self-assessment available for inspection by an inspector at the licensed premises.

Maximum penalty—100 penalty units.

‘264C Report about particular activities

- ‘(1) A regulation may require a licensee to give a report to the chief executive about activities undertaken by the licensee in relation to the conduct of the licensee’s gaming operations to help ensure the gaming operations are conducted in compliance with this Act.
- ‘(2) The report must be in the approved form.

- ‘(3) The regulation may prescribe the times, and the way in which, the report is to be given to the chief executive.
- ‘(4) The licensee must comply with the regulation.
Maximum penalty—40 penalty units.’.

44 Amendment of s 290 (Gaming prohibited on unprotected devices)

- (1) Section 290(1), ‘of the gaming machine is’—
omit, insert—
‘and site controller of the gaming machine are’.
- (2) Section 290(2), after ‘cabinet’, first mention—
insert—
‘or site controller of a gaming machine’.
- (3) Section 290(2), ‘until the gaming machine’—
omit, insert—
‘until the gaming machine or site controller’.
- (4) Section 290(2), after ‘cabinet’, second mention—
insert—
‘or site controller’.

45 Amendment of s 292 (Protection of sensitive areas of gaming equipment)

- (1) Section 292(1)(a) and (b)—
omit, insert—
 - ‘(a) break a seal securing a computer cabinet or site controller of a gaming machine, or gain access to anything within the computer cabinet or site controller;
or
 - (b) affix a seal to a computer cabinet or site controller of a gaming machine; or’.
- (2) Section 292(1)(d)—
omit, insert—

‘(d) remove, replace or in any way affect or interfere with the operation of a computer cabinet or site controller of a gaming machine, or anything within the computer cabinet or site controller; or’.

(3) Section 292(3)—

omit, insert—

‘(3) If the licensed repairer breaks a seal securing a computer cabinet or site controller of a gaming machine, the licensed repairer must ensure that the gaming machine is not played, other than for testing purposes, until the computer cabinet or site controller is again secured with a seal approved by the chief executive.

Maximum penalty—200 penalty units.’.

46 Insertion of new s 292A

After section 292—

insert—

‘292A Licensee’s obligation about site controller

‘A licensee must ensure that each site controller of a gaming machine at the licensee’s licensed premises—

- (a) has a label securely fixed to the site controller clearly identifying it as a site controller; and
- (b) is installed at the premises in a way that allows an inspector to have unfettered access to the site controller, including the seal and any manufacturer’s identification plate or label fixed to the site controller.

Maximum penalty—200 penalty units.’.

47 Amendment of s 296 (Weekly money clearances)

(1) Section 296, heading, ‘**Weekly**’—

omit, insert—

‘Periodic’.

- (2) Section 296(1), ‘at least once in every 7 days’—
omit, insert—
‘at least 4 times a month’.
- (3) Section 296—
insert—
- ‘(1A) The money clearances required to be carried out by a licensee under subsection (1) must be carried out at intervals of not more than 10 days.
Maximum penalty—200 penalty units.
- ‘(1B) The money clearance carried out by a licensee under section 295(1) in a particular month is taken to be 1 of the money clearances required to be carried out in the month by the licensee under subsection (1).’.
- (4) Section 296(1A) to (2)—
renumber as section 296(2) to (4).
- (5) Section 296(4) as renumbered, penalty, ‘subsection (2)’—
omit, insert—
‘subsection (4)’.

48 Amendment of s 308 (Places at which licensee’s accounting records to be kept)

- (1) Section 308, heading—
omit, insert—
- ‘308 Keeping accounting records’.**
- (2) Section 308(2)—
omit, insert—
- ‘(2) A licensee must ensure an accounting record of the licensee is available for inspection by an inspector at the approved place for the keeping of the record for at least 1 year after the end of the transaction to which the record relates.
Maximum penalty—100 penalty units.

‘(3) Subsections (1) and (2) do not apply to an exempt accounting record.’.

49 Insertion of new pt 10, div 1, and div 2, hdg

Part 10, before section 326—

insert—

‘Division 1 Inspectors

‘Subdivision 1 Appointment of inspectors

‘325A 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—
 - (i) has the necessary expertise or experience to be an inspector; or
 - (ii) has satisfactorily finished training approved by the chief executive; 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.

‘Subdivision 2 Other matters about inspectors

‘325B 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.

‘325C 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.

‘325D 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
 - (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 public place or the land around premises to ask its occupier for consent to enter the premises.

‘325E 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 325F 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.

‘325F Resignation

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

‘325G 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.

Maximum penalty—40 penalty units.

‘Subdivision 3 Audit program and report about criminal history

‘325H 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).

‘325I 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 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 Directions, powers of inspectors etc.’.

50 Amendment of s 366 (Regulation-making power)

- (1) Section 366(2), ‘made for or about’—
omit, insert—
‘about the following’.
- (2) Section 366(2)(f), (s), (t) and (u)—
omit.
- (3) Section 366(2)(q)—
omit, insert—
‘(q) identification of gaming employees and licensed gaming nominees;’.
- (4) Section 366(2)(g) and (ga)—
renumber as section 366(2)(f) and (g).
- (5) Section 366(2), ‘; and’—
omit, insert—
‘;’.
- (6) Section 366—
insert—
- ‘(3) A regulation may impose a penalty of no more than 20 penalty units for contravention of a regulation.’.

51 Insertion of new pt 12, div 10

- Part 12—
insert—

‘Division 10 Provisions for Gambling Legislation Amendment Act 2005

‘435 Definitions for div 10

‘In this division—

ANTA means the Australian National Training Authority established under the *Australian National Training Authority Act 1992* (Cwlth).

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.

‘436 Application for gaming machine licence

‘(1) This section applies to an application for a gaming machine licence given to the chief executive, and not decided under section 58,⁴ before the commencement.

‘(2) To help the commission decide the application, the applicant must give to the commission—

- (a) a statement in the approved form about the applicant’s compliance program for the licence; and
- (b) a compliance program document for the licence.

‘(3) If—

- (a) the commission grants the application; and
- (b) the licensee is an individual who is not required under this Act to have a nominee for the licensed premises under the licence;

the licensee must, before 31 December 2005, give the chief executive evidence that the chief executive considers on reasonable grounds shows the licensee has successfully completed an approved training course.

4 Section 58 (Decision on application for gaming machine licence)

‘437 Application for gaming nominee’s licence

- ‘(1) This section applies to an application for a gaming nominee’s licence given to the chief executive, and not decided under part 5, before the commencement.
- ‘(2) If the chief executive grants the application, the holder of the gaming nominee’s licence must, before 31 December 2005, give the chief executive evidence that the chief executive considers on reasonable grounds shows the holder has successfully completed an approved training course.

‘438 Obligation of licensee

- ‘(1) This section applies to an individual who—
 - (a) was a licensee immediately before the commencement; and
 - (b) is not required under this Act to have a nominee for the licensed premises under the licence.
- ‘(2) The licensee must, before 31 December 2005, give the chief executive evidence that the chief executive considers on reasonable grounds shows the licensee has successfully completed an approved training course.
- ‘(3) However, subsection (2) does not apply to the licensee if—
 - (a) for at least 1 year immediately before the commencement, the licensee held a gaming machine licence; and
 - (b) before 31 December 2005, the licensee gives the chief executive evidence that the chief executive considers on reasonable grounds shows the licensee has, within 3 years before the commencement, successfully completed each of the following units of competency from the Hospitality (THH02) training package endorsed by ANTA—
 - (i) THHADG01B (Analyse and report on gaming machine data);
 - (ii) THHADG02A (Develop and manage gaming activities);
 - (iii) THHADG03B (Provide responsible gambling

services);

(iv) THHBG01B (Attend gaming machines).

'439 Obligation of licensed gaming nominee

- '(1) This section applies to a person who was the holder of a gaming nominee's licence in force under this Act immediately before the commencement.
- '(2) The holder must, before 31 December 2005, give the chief executive evidence that the chief executive considers on reasonable grounds shows the holder has successfully completed an approved training course.
- '(3) However, subsection (2) does not apply to the holder if—
- (a) for at least 1 year immediately before the commencement, the holder—
 - (i) was a licensed gaming nominee; and
 - (ii) was employed as a nominee of a licensee for licensed premises; and
 - (b) before 31 December 2005, the holder gives the chief executive evidence that the chief executive considers on reasonable grounds shows the holder has, within 3 years before the commencement, successfully completed each of the following units of competency from the Hospitality (THH02) training package endorsed by ANTA—
 - (i) THHADG01B (Analyse and report on gaming machine data);
 - (ii) THHADG02A (Develop and manage gaming activities);
 - (iii) THHADG03B (Provide responsible gambling services);
 - (iv) THHBG01B (Attend gaming machines).

‘440 Inspectors

‘A person who was an inspector immediately before the commencement is taken to be an inspector appointed under the post-amended Act, section 325A.

‘441 Audit program for inspectors

‘The program that was the inspectors audit program under this Act immediately before the commencement is taken to be the approved audit program under the post-amended Act, section 325H.’.

52 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *appropriately qualified* and *inspectors audit program*—

omit.

- (2) Schedule—

insert—

‘*ANTA*, for part 12, division 10, see section 435.

approved training course means a course of study, approved by the chief executive, about the conduct of gaming.

article, for part 10, division 2, see section 326.

commencement—

- (a) for part 12, division 7—see section 404; and
- (b) for part 12, division 8—see section 408; and
- (c) for part 12, division 9—see section 428; and
- (d) for part 12, division 10—see section 435.

compliance program, for a gaming machine licence, means a system of procedures and practices that—

- (a) relates to the licensee’s gaming operations; and
- (b) is used by the licensee—
 - (i) to ensure the licensee complies with this Act; and
 - (ii) to monitor the licensee’s compliance.

compliance program document, for a gaming machine licence, means a document describing the compliance program for the licence.

compliance self-assessment see section 264A(1).

post-amended Act, for part 12, division 10, see section 435.

records, for part 10, division 2, see section 326.

site controller, of a gaming machine, means an electronic device that, as a part of an electronic monitoring system, receives data directly from the gaming machine for the purpose of monitoring and controlling the operation of the gaming machine.’.

Part 6 **Amendment of Interactive Gambling (Player Protection) Act 1998**

53 **Act amended in pt 6**

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

54 **Amendment of s 130 (Consideration of, and decisions about, submissions)**

- (1) Section 130, heading—
omit, insert—

‘130 Dealing with submissions’.

- (2) Section 130(3)(a), ‘further information about the submission’—
omit, insert—
‘, within a reasonable period stated in the notice, further information’.

- (3) Section 130(4), ‘the following issues’—
omit.
- (4) Section 130(4)(a), after ‘submission;’—
insert—
‘and’.
- (5) Section 130(6) and (7)—
omit, insert—
- ‘(6) If the chief executive approves the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the licensed provider written notice of the decision.
- ‘(7) If the chief executive refuses to approve the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the licensed provider a written notice that—
- (a) states the decision and the reasons for the decision; and
- (b) if the chief executive believes the submission can easily be changed to enable the chief executive to give an approval—
- (i) explains how the submission can be changed; and
- (ii) invites the licensed provider to resubmit the submission after making the appropriate changes.’.

55 Replacement of ss 186–194

Sections 186 to 194—

omit, insert—

‘Subdivision 2 Appointment of inspectors

‘186 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—
 - (i) has the necessary expertise or experience to be an inspector; or
 - (ii) has satisfactorily finished training approved by the chief executive; 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.

'Subdivision 3 Other matters about inspectors

'187 Conditions and limit on powers

- '(1) An inspector holds office on any conditions stated in—
 - (a) for an appointed inspector—the inspector's instrument of appointment; or
 - (b) for a person who is an external inspector—the chief executive's authorisation for the person to act as an inspector under this Act; or
 - (c) a signed notice given to the inspector; or
 - (d) a regulation.
- '(2) The instrument of appointment, authorisation, 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.

‘188 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.

‘189 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
 - (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 196(a) or (d).

‘190 When appointed inspector ceases to hold office

- ‘(1) An appointed 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 191 takes effect.

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

‘(3) In this section—

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

‘191 Resignation

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

‘192 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.

Maximum penalty—40 penalty units.

‘Subdivision 4 Audit program and report about criminal history

‘193 Audit program

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

‘(2) The chief executive may investigate an appointed 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 appointed 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).

‘194 Report about criminal history

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

56 Replacement of s 261 (Delegations)

Section 261—

omit, insert—

‘261 Delegations

‘(1) The Minister may delegate the Minister’s powers under this Act to—

(a) the chief executive; or

(b) an appropriately qualified appointed inspector or an appropriately qualified officer of the department.

‘(2) The chief executive may delegate the chief executive’s powers under this Act to—

(a) an appropriately qualified appointed inspector; or

(b) 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’.

57 Insertion of new pt 12, div 2

Before schedule 1—

insert—

‘Division 2 Transitional provisions for Gambling Legislation Amendment Act 2005

‘268 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.

‘269 Inspectors

‘A person who, immediately before the commencement, held an appointment as an inspector under part 8, division 1, of this Act as in force before the commencement is taken to be an inspector appointed under the post-amended Act, section 186.

‘270 Audit program for inspectors

‘The audit program that, immediately before the commencement, was the audit program approved by the Minister under section 188(1) of this Act as in force before the commencement is taken to be the approved audit program under the post-amended Act, section 193.’.

58 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

‘appointed inspector see section 185(a).

commencement—

(a) for part 12, division 1—see section 264; and

(b) for part 12, division 2—see section 268.

external inspector see section 185(b).

post-amended Act, for part 12, division 2, see section 268.’.

Part 7 Amendment of Keno Act 1996**59 Act amended in pt 7**

This part amends the *Keno Act 1996*.

60 Amendment of s 120 (Consideration of, and decisions about, submissions)

(1) Section 120, heading—

omit, insert—

‘120 Dealing with submissions’.

(2) Section 120(3), ‘further information about the submission’—

omit, insert—

‘, within a reasonable period stated in the notice, further information’.

(3) Section 120(4), ‘the following issues’—

omit.

(4) Section 120(4)(a), after ‘submission;’—

insert—

‘and’.

(5) Section 120(6) and (7)—

omit, insert—

- ‘(6) If the chief executive approves the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the keno licensee written notice of the decision.
- ‘(7) If the chief executive refuses to approve the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the keno licensee a written notice that—
- (a) states the decision and the reasons for the decision; and
 - (b) if the chief executive believes the submission can easily be changed to enable the chief executive to give an approval—
 - (i) explains how the submission can be changed; and
 - (ii) invites the licensee to resubmit the submission after making the appropriate changes.’.

61 Amendment of s 167 (Appointment and qualifications)

Section 167(2)(c)—

insert—

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

62 Omission of pt 9, div 1, sdiv 2 (Other inspectors)

Part 9, division 1, subdivision 2—

omit.

63 Omission of s 171 (Identity card for inspector under gaming Act)

Section 171—

omit.

64 Amendment of s 171B (When inspector ceases to hold office)

- (1) Section 171B(1)(a) and (b)—

omit, insert—

- ‘(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 171A takes effect.’.

- (2) Section 171B(3), definition *condition of office*, ‘appointed’—

omit.

65 Amendment of s 171D (Return of identity card)

Section 171D, from ‘appointed’ to ‘days’—

omit, insert—

‘inspector must return the person’s identity card to the chief executive immediately’.

66 Amendment of s 171E (Audit program)

- (1) Section 171E(1), (2) and (3), ‘appointed’—

omit.

- (2) Section 171E(2)—

insert—

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

- (3) Section 171E(3), after ‘years’—

insert—

‘, 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)’.

67 Amendment of s 241 (Delegations)

Section 241(1)—

omit, insert—

- ‘(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.’.

68 Amendment of s 243 (Regulation-making power)

Section 243—

insert—

- ‘(2) A regulation may—
- (a) be about fees; or
 - (b) impose a penalty of no more than 20 penalty units for contravention of a regulation.’.

69 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *appointed inspector* and *inspector—*
omit.

- (2) Schedule 4—

insert—

‘***inspector*** means a person who is an inspector under this Act.’.

Part 8 **Amendment of Lotteries Act 1997**

70 **Act amended in pt 8**

This part amends the *Lotteries Act 1997*.

71 **Amendment of s 103 (Consideration of, and decisions about, submissions)**

(1) Section 103, heading—

omit, insert—

‘103 Dealing with submissions’.

(2) Section 103(3), ‘further information about the submission’—

omit, insert—

‘, within a reasonable period stated in the notice, further information’.

(3) Section 103(4), ‘the following issues’—

omit.

(4) Section 103(4)(a), after ‘submission;’—

insert—

‘and’.

(5) Section 103(6) and (7)—

omit, insert—

‘(6) If the chief executive approves the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the lottery licensee written notice of the decision.

‘(7) If the chief executive refuses to approve the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the lottery licensee a written notice that—

(a) states the decision and the reasons for the decision; and

- (b) if the chief executive believes the submission can easily be changed to enable the chief executive to give an approval—
 - (i) explains how the submission can be changed; and
 - (ii) invites the licensee to resubmit the submission after making the appropriate changes.’.

72 Amendment of s 153 (Appointment and qualifications)

Section 153(2)(c)—

insert—

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

73 Omission of pt 8, div 1, sdiv 2 (Other inspectors)

Part 8, division 1, subdivision 2—

omit.

74 Omission of s 157 (Identity card for inspector under gaming Act)

Section 157—

omit.

75 Amendment of s 157B (When inspector ceases to hold office)

Section 157B(1)(a) and (b)—

omit, insert—

- ‘(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 157A takes effect.’.

76 Amendment of s 157D (Return of identity card)

Section 157D, from ‘appointed’ to ‘days’—

omit, insert—

‘inspector must return the person’s identity card to the chief executive immediately’.

77 Amendment of s 157E (Audit program)

(1) Section 157E(1), (2) and (3), ‘appointed’—

omit.

(2) Section 157E(2)—

insert—

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

(3) Section 157E(3), after ‘years’—

insert—

‘, 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)’.

78 Amendment of s 226 (Delegations)

(1) Section 226(1)—

omit, insert—

‘(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) Section 226(3), definition *appropriately qualified*, ‘the exercise of’—

omit, insert—

‘exercise’.

79 Amendment of s 228 (Regulation-making power)

Section 228—

insert—

- ‘(2) A regulation may—
- (a) be about fees; or
 - (b) impose a penalty of no more than 20 penalty units for contravention of a regulation.’.

80 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *appointed inspector* and *inspector*—
omit.

- (2) Schedule 3—

insert—

‘*inspector* means a person who is an inspector under this Act.’.

Part 9 Amendment of Wagering Act 1998

81 Act amended in pt 9

This part amends the *Wagering Act 1998*.

82 Amendment of s 176 (Dealing with submissions)

- (1) Section 176(3), ‘further information about the submission’—
omit, insert—

‘, within a reasonable period stated in the notice, further information’.

- (2) Section 176(4), ‘the following issues’—
omit.

- (3) Section 176(4)(a), after ‘submission;’—
insert—
 ‘and’.
- (4) Section 176(6) and (7)—
omit, insert—
- ‘(6) If the chief executive approves the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the authority operator written notice of the decision.
- ‘(7) If the chief executive refuses to approve the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the authority operator a written notice that—
- (a) states the decision and the reasons for the decision; and
 - (b) if the chief executive believes the submission can easily be changed to enable the chief executive to give an approval—
 - (i) explains how the submission can be changed; and
 - (ii) invites the authority operator to resubmit the submission after making the appropriate changes.’.

83 Replacement of pt 12, div 1 (Inspectors)

Part 12, division 1—

omit, insert—

‘Division 1 Inspectors

‘Subdivision 1 Appointment of inspectors

‘229 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—
- (i) has the necessary expertise or experience to be an inspector; or
 - (ii) has satisfactorily finished training approved by the chief executive; 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.

'Subdivision 2 Other matters about inspectors

'230 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.

‘231 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.

‘232 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
 - (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 238(a) or (d).

‘233 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 234 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.

‘234 Resignation

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

‘235 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.

Maximum penalty—40 penalty units.

‘Subdivision 3 Audit program and report about criminal history

‘236 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).

‘237 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 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.’.

84 Amendment of s 309 (Delegations)

(1) Section 309(1)—

omit, insert—

‘(1) The Minister may delegate the Minister’s powers under this Act, other than part 14, division 2, to—

(a) the chief executive; or

(b) an appropriately qualified inspector or an appropriately qualified officer of the department.’.

(2) Section 309(3), definition *appropriately qualified*, ‘the exercise of’—

omit, insert—

‘exercise’.

85 Amendment of s 312 (Regulation-making power)

Section 312—

insert—

‘(2) A regulation may—

(a) be about fees; or

(b) impose a penalty of no more than 20 penalty units for contravention of a regulation.’.

86 Insertion of new pt 17, div 3

Part 17—

insert—

**‘Division 3 Transitional provisions for
Gambling Legislation Amendment
Act 2005**

‘336 Definitions for div 3

‘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.

‘337 Inspectors

‘A person who was an inspector immediately before the commencement is taken to be an inspector appointed under the post-amended Act, section 229.

‘338 Audit program for inspectors

‘The audit program that, immediately before the commencement, was the audit program approved by the Minister under section 231(1) of this Act as in force before the commencement is taken to be the approved audit program under the post-amended Act, section 236.’.

87 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *general operator*—

omit.

(2) Schedule 2—

insert—

‘commencement—

(a) for part 17, division 2—see section 330; and

(b) for part 17, division 3—see section 336.

general operator means—

(a) for part 11, division 3, see section 216AA; or

(b) otherwise—

(i) an authority operator; or

(ii) a wagering agent.

post-amended Act, for part 17, division 3, see section 336.’.

Part 10 Amendment of Acts**88 Minor amendments**

The schedule amends the Acts mentioned in it.

Schedule Minor amendments

section 88

Casino Control Act 1982

1 Section 15(1)(b) and (2), after ‘or’—

insert—

‘an’.

2 Part 9, heading—

omit, insert—

‘Part 9 Investigation and enforcement’.

3 Section 88(1)(a), and 89(b) and (d), ‘part’—

omit, insert—

‘division’.

4 Section 91E(2), ‘(1)(b)’—

omit, insert—

‘(1)(a)’.

Charitable and Non-Profit Gaming Act 1999

1 Section 179(2), ‘(1)(b)’—

omit, insert—

‘(1)(a)’.

Schedule (continued)

- 2 Section 186(2)(a), ‘made’—**
omit.
- 3 Part 10, division 1, heading—**
omit, insert—
- ‘Division 1 Transitional provisions and repeal
provision for Act No. 26 of 1999**
- Subdivision 1 Preliminary’.**
- 4 Section 187, heading, ‘pt 10’—**
omit, insert—
‘div 1’.
- 5 Section 187, ‘part’—**
omit, insert—
‘division’.
- 6 Part 10, division 2, heading, ‘Division’—**
omit, insert—
‘Subdivision’.
- 7 Part 10, division 3, heading, ‘Division’—**
omit, insert—
‘Subdivision’.

Schedule (continued)

8 **Schedule 2, definition *approved audit program*, before ‘means’—**

insert—

‘, for part 4, division 5.’.

**Gambling Legislation Amendment Act 2004
(Amendment of Casino Control Act 1982)****1** **Section 18(2), proposed definition *commencement*—**

omit.

**Gambling Legislation Amendment Act 2004
(Amendment of Gaming Machine Act 1991)****2** **Section 60(2), proposed definition *commencement*—**

omit.

**Gambling Legislation Amendment Act 2004
(Amendments of Interactive Gambling (Player Protection) Act 1998)****3** **Section 71, proposed part 12, heading—**

omit, insert—

Schedule (continued)

‘Part 12 Transitional provisions

**‘Division 1 Transitional provisions for
Gambling Legislation Amendment
Act 2004’.**

4 Section 71, proposed section 264, heading, ‘pt 12’—

omit, insert—

‘div 1’.

**5 Section 71, proposed section 264, ‘part’, first and second
mention—**

omit, insert—

‘division’.

6 Section 73(2), proposed definition *commencement*—

omit.

**7 Section 73(2), proposed definition *pre-amended Act*,
before ‘see’—**

insert—

‘division 1,’.

**Gambling Legislation Amendment Act 2004
(Amendment of Wagering Act 1998)**

8 Section 122(2), proposed definition *commencement*—

omit.

Schedule (continued)

Gaming Machine Act 1991**1 Section 54(8), ‘(6)(c)’—***omit, insert—*

‘(7)(c)’.

2 Sections 164(2) and 165(2), ‘in writing and be made’—*omit, insert—*

‘made in writing’.

3 Section 164(6), from ‘other information’—*omit, insert—*

‘information additional to the information mentioned in subsection (4)’.

4 Part 10, heading—*omit, insert—***‘Part 10 Investigation and enforcement’.****5 Section 326, ‘part’—***omit, insert—*

‘division’.

Schedule (continued)

Interactive Gambling (Player Protection) Act 1998

- 1 **Section 128(2)(b), ‘within’—**
omit, insert—
‘by’.

- 2 **Section 128(4)(d), after ‘recording’—**
insert—
‘wagers’.

- 3 **Section 129(2)(b), ‘time within’—**
omit, insert—
‘time—by’.

- 4 **Section 131(1), ‘time’—**
omit, insert—
‘period’.

- 5 **Part 8, division 1, heading—**
omit, insert—
‘Division 1 Inspectors

‘Subdivision 1 Preliminary’.

- 6 **Section 185(b) and (c)—**
renumber as section 185(a) and (b).

Schedule (continued)

Keno Act 1996

- 1 **Sections 118(2) and 119(2), ‘not later than’—**
omit.
- 2 **Sections 118(2)(a) and 119(2)(a), before ‘90’—**
insert—
‘at least’.
- 3 **Sections 118(2)(b) and 119(2)(b), before ‘the time’—**
insert—
‘by’.
- 4 **Section 118(4)(d), ‘paying and recording amounts won at’—**
omit, insert—
‘recording entries, and paying amounts won, in’.
- 5 **Section 121(1) and (3), ‘time’—**
omit, insert—
‘period’.
- 6 **Part 9, division 1, subdivisions 3 and 4—**
renumber as part 9, division 1, subdivisions 2 and 3.
- 7 **Section 169(1)(a), ‘for an appointed inspector—’—**
omit.

Schedule (continued)

- 8 Sections 170(1), 171C and 171F(1), ‘appointed’—**
omit.
- 9 Sections 169 to 171F—**
renumber as sections 168 to 171D.

Lotteries Act 1997

- 1 Sections 101(2) and 102(2), ‘not later than’—**
omit.
- 2 Sections 101(2)(a) and 102(2)(a), before ‘90’—**
insert—
‘at least’.
- 3 Sections 101(2)(b) and 102(2)(b), before ‘the time’—**
insert—
‘by’.
- 4 Section 101(4)(d), ‘recording and paying prizes won’—**
omit, insert—
‘recording entries, and paying prizes won.’.
- 5 Section 104, heading, after ‘approved’—**
insert—
‘control’.

Schedule (continued)

- 6 Section 104(1) and (3), ‘time’—**
omit, insert—
‘period’.
- 7 Part 8, division 1, subdivisions 3 and 4—**
renumber as part 8, division 1, subdivisions 2 and 3.
- 8 Section 155(1)(a), ‘for an appointed inspector—’—**
omit.
- 9 Sections 156(1), 157C and 157F(1), ‘appointed’—**
omit.
- 10 Sections 155 to 157F—**
renumber as sections 154 to 157D.

Wagering Act 1998

- 1 Sections 174(2) and 175(2), ‘in writing and be made’—**
omit, insert—
‘made in writing’.
- 2 Section 175(1), ‘holder’s’—**
omit, insert—
‘operator’s’.

Schedule (continued)

3 Section 177(1) and (3), 'time'—*omit, insert—*

'period'.