



Queensland

Gambling Legislation Amendment Act 2008

Act No. 2 of 2008



Queensland

Gambling Legislation Amendment Act 2008

Contents

		Page
Part 1	Preliminary	
1	Short title	6
2	Commencement	6
Part 2	Amendment of Casino Control Act 1982	
3	Act amended in pt 2	6
4	Amendment of s 62 (Gaming equipment and chips)	6
5	Insertion of new s 62AA	7
	62AA Approval of security devices	8
6	Amendment of s 85E (Appointment and qualifications)	8
7	Amendment of s 102 (Provisions relating to minors in respect of casinos)	8
8	Amendment of s 103 (Cheating)	10
9	Amendment of s 120 (Proceedings for offences)	10
10	Insertion of new pt 11, div 6	11
	Division 6 Transitional provision for Gambling Legislation Amendment Act 2008	
	144 Approved security devices—s 62AA	11
11	Amendment of schedule (Dictionary)	11
Part 3	Amendment of Charitable and Non-Profit Gaming Act 1999	
12	Act amended in pt 3	12
13	Insertion of new pt 3, div 1A	12
	Division 1A Third party operator agreements	
	22A Agreement to help in relation to an art union	12
	22B Notice to chief executive of intention to enter third party operator agreement	13
	22C Notice to chief executive of intention to amend third party operator agreement	13

	22D	Copy of third party operator agreement to chief executive	14
	22E	Notice to chief executive of cancellation of third party operator agreement	14
14		Amendment of s 43 (Application for issue or renewal of a general licence)	14
15		Amendment of s 46 (Suitability of applicant to hold general licence)	15
16		Amendment of s 77 (General gaming records to be kept for required period)	15
17		Insertion of new s 84A	16
	84A	False or misleading returns	16
18		Amendment of s 101 (Advertising)	17
19		Amendment of s 111 (Appointment and qualifications)	17
20		Insertion of new ss 183A and 183B	17
	183A	Prohibition on control of application for category 3 gaming licence	17
	183B	Prohibition on control of category 3 gaming operations	18
21		Insertion of new s 184A	19
	184A	Chief executive may issue guidelines	19
22		Insertion of new pt 10, div 3	19
	Division 3	Transitional provisions for Gambling Legislation Amendment Act 2008	
	199	Third party operator agreements—pt 3, div 1A	19
23		Amendment of sch 2 (Dictionary)	21
Part 4	Amendment of Gaming Machine Act 1991		
24		Act amended in pt 4	21
25		Amendment of s 5 (Meaning of associate)	21
26		Omission of s 48 (Approved evaluators)	21
27		Amendment of s 50 (Delegations)	21
28		Insertion of new s 55H	22
	55H	Limit on category 2 gaming machine licences for clubs	22
29		Amendment of s 56 (Application for gaming machine licences)	22
30		Amendment of s 68 (Issue of gaming machine licences generally)	22
31		Amendment of s 86 (Proposals to decrease approved number of gaming machines)	23
32		Omission of s 86A (Restriction on applying for decrease for category 1 licensed premises)	23

33	Amendment of s 87 (Decision on decrease proposal)	23
34	Amendment of s 96 (Action affecting gaming machine licences based on action affecting liquor licences).	23
35	Amendment of s 99 (Suspension of gaming machine licence for non-payment of gaming machine tax, levy or penalty)	24
36	Omission of s 109J (Chief executive to review particular provisions of Act)	24
37	Replacement of pt 4, hdg (Licensing of monitoring operators and dealers)	24
38	Amendment of s 112 (Suitability of applicants for, and holders of, suppliers' licences)	24
39	Amendment of s 113 (Suitability of associates)	25
40	Amendment of s 123 (Conditions of licences)	25
41	Amendment of s 125 (Duration of licence)	25
42	Amendment of s 127 (Changing conditions of licence)	26
43	Amendment of s 131 (Renewal of licence—decision)	26
44	Amendment of s 139 (Grounds for suspension or cancellation) . .	26
45	Amendment of s 147 (Decision of commission)	26
46	Amendment of s 156 (Returns about employees)	27
47	Insertion of new s 162A	27
	162A Application of sdiv 1	27
48	Amendment of s 229 (Advertisements relating to gaming)	27
49	Amendment of s 232 (Approvals for gaming related systems) . . .	27
50	Amendment of s 267 (Possession etc. of gaming equipment and other things by licensed major dealers)	28
51	Amendment of s 267A (Possession etc. of particular gaming equipment by approved evaluator)	28
52	Amendment of s 268 (Possession etc. of restricted components by licensed secondary dealers)	29
53	Amendment of s 272 (Possession etc. of gaming machines etc. by other persons)	29
54	Amendment of s 281 (Approval and rejection of gaming machines and games)	29
55	Amendment of s 288 (Decisions about approvals for linked jackpot arrangements)	30
56	Amendment of s 325A (Appointment and qualifications)	31
57	Amendment of s 326 (Interpretation)	31
58	Amendment of s 327 (Directions)	31
59	Amendment of s 329 (General powers of inspectors)	31
60	Amendment of s 330 (Offences relating to inspectors)	32

61	Amendment of s 335 (Minister may order inquiry)	32
62	Amendment of s 336 (Review and termination of agreements)	32
63	Amendment of s 341A (Restriction on membership of management committee or board)	32
64	Amendment of s 347 (Financial connections and interests of restricted officials)	33
65	Amendment of s 350 (Forgery and like offences).	33
66	Insertion of new pt 12, div 13	33
	Division 13 Provision for Gambling Legislation Amendment Act 2008	
	446 Application for gaming machine licence—s 56.	33
67	Amendment of schedule (Dictionary)	33
Part 5	Amendment of Interactive Gambling (Player Protection) Act 1998	
68	Act amended in pt 5	35
69	Amendment of s 186 (Appointment and qualifications)	35
70	Amendment of sch 3 (Dictionary)	35
Part 6	Amendment of Keno Act 1996	
71	Act amended in pt 6	36
72	Amendment of s 159A (Keno gaming by keno agent or keno agent’s employees)	36
73	Amendment of s 167 (Appointment and qualifications)	36
74	Amendment of sch 4 (Dictionary)	37
Part 7	Amendment of Lotteries Act 1997	
75	Act amended in pt 7	37
76	Amendment of s 153 (Appointment and qualifications)	37
Part 8	Amendment of Wagering Act 1998	
77	Act amended in pt 8	38
78	Amendment of s 229 (Appointment and qualifications)	38
79	Amendment of sch 2 (Dictionary)	38



Queensland

Gambling Legislation Amendment Act 2008

Act No. 2 of 2008

An Act to amend Acts administered by the Treasurer

[Assented to 20 February 2008]

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

This Act may be cited as the *Gambling Legislation Amendment Act 2008*.

2 Commencement

Sections 13, 14, 15(2) and (3), 22, 23, 25, 26, 37 to 55, 57 to 62, 64, 65 and 67(1), (2), (5) and (6) commence on a day to be fixed by proclamation.

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

This part amends the *Casino Control Act 1982*.

4 Amendment of s 62 (Gaming equipment and chips)

(1) Section 62(4) and (4B), ‘locks’—

omit, insert—

‘approved security devices’.

(2) Section 62(4A), ‘a lock’—

omit, insert—

‘an approved security device’.

(3) Section 62(4C), (4D) and (4E)—

omit, insert—

- ‘(4C) A casino operator must ensure—
- (a) the method of activating 1 of the approved security devices mentioned in subsections (4) and (4B) is under the exclusive control of the casino operator; and
 - (b) the method of activating the other approved security device is different from the method mentioned in paragraph (a) and is under the control of an inspector at the casino.

Maximum penalty—40 penalty units.

- ‘(4D) A casino operator must ensure the method of activating the approved security device mentioned in subsection (4A) is under the exclusive control of the casino operator.

Maximum penalty—40 penalty units.

- ‘(4E) A casino operator must ensure each approved security device mentioned in subsection (4), (4A) or (4B) is not able to be inactivated by the method of inactivating any other approved security device at the casino.

Maximum penalty—40 penalty units.’.

- (4) Section 62(4G), after ‘ensure’—

insert—

‘an approved security device used to secure’.

- (5) Section 62(4G), ‘locked or unlocked’—

omit, insert—

‘activated or inactivated’.

- (6) Section 62—

insert—

- ‘(11) In this section—

approved security device means a security device approved by the chief executive under section 62AA.’.

5 Insertion of new s 62AA

After section 62—

insert—

‘62AA Approval of security devices

- ‘(1) A casino operator may apply to the chief executive, in writing, for approval of a security device for the purpose of section 62.
- ‘(2) If the chief executive is satisfied the security device is suitable for the purpose for which it is to be used under section 62, the chief executive may approve the security device.
- ‘(3) The chief executive must give the casino operator written notice of the chief executive’s decision to approve or not to approve a security device.
- ‘(4) If the chief executive decides not to approve a security device, the chief executive must tell the casino operator—
 - (a) the reasons for the decision; and
 - (b) the changes to the device that are necessary for the device to be approved.’.

6 Amendment of s 85E (Appointment and qualifications)

Section 85E(2)(b)—

omit, insert—

- ‘(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’.

7 Amendment of s 102 (Provisions relating to minors in respect of casinos)

- (1) Section 102(3), penalty—

omit, insert—

‘Maximum penalty—

- (a) for a casino operator—100 penalty units; or

(b) for an employee or agent of a casino operator—40 penalty units.’.

(2) Section 102—

insert—

‘(3A) An adult must not aid or enable a person under 18 years to enter or remain in a casino during the hours of operation of the casino.

Maximum penalty—20 penalty units.

‘(3B) A casino operator or an employee or agent of a casino operator employed in or acting in connection with the casino must not allow a person under 18 years to gamble or attempt to gamble in the casino.

Maximum penalty—

(a) for a casino operator—200 penalty units; or

(b) for an employee or agent of a casino operator—40 penalty units.

‘(3C) A casino operator or an employee or agent of a casino operator employed in or acting in connection with the casino who finds a person under 18 years gambling or attempting to gamble in the casino must immediately prevent the person from gambling or attempting to gamble.

Maximum penalty—

(a) for a casino operator—200 penalty units; or

(b) for an employee or agent of a casino operator—40 penalty units.

‘(3D) Subsection (3E) applies for the purpose of prosecuting a casino operator or an employee or agent of a casino operator for—

(a) allowing a person under 18 years to attempt to gamble in a casino; or

(b) if the operator, employee or agent finds a person under 18 years attempting to gamble in a casino—not immediately preventing the person from attempting to gamble.

- ‘(3E) For deciding whether a person under 18 years attempted to gamble in a casino, the Criminal Code, section 4, applies as if gambling by a person under 18 years in a casino were an offence committed by the person against this Act.’.
- (3) Section 102(5), ‘subsection (3) to establish’—
omit, insert—
‘subsection (3), (3A), (3B) or (3C) to establish’.
- (4) Section 102(5)(b)—
omit, insert—
‘(b) that at the time of the offence, the defendant had obtained from the person in question a certificate mentioned in subsection (4), or acceptable evidence of age, indicating that the person was 18 years or more.’.

8 Amendment of s 103 (Cheating)

- (1) Section 103, after ‘security’—
insert—
‘(a *relevant benefit*)’.
- (2) Section 103, penalty—
omit, insert—
‘Maximum penalty—
(a) if the relevant benefit obtained or induced is not more than \$50000 in value—200 penalty units or 2 years imprisonment; or
(b) if the relevant benefit obtained or induced is more than \$50000 in value—500 penalty units or 5 years imprisonment.’.

9 Amendment of s 120 (Proceedings for offences)

- Section 120—
insert—
‘(3A) A person against whom proceedings are taken summarily under this section for an offence against section 103 to which

paragraph (b) of the penalty for that section would otherwise apply is liable on conviction to a penalty of not more than 300 penalty units or 3 years imprisonment.’.

10 Insertion of new pt 11, div 6

Part 11—

insert—

‘Division 6 Transitional provision for Gambling Legislation Amendment Act 2008

‘144 Approved security devices—s 62AA

- ‘(1) This section applies to a lock mentioned in section 62 and in use under section 62 as in force immediately before the commencement of this section.
- ‘(2) On the commencement, the lock is taken to be an approved security device for section 62.’.

11 Amendment of schedule (Dictionary)

Schedule, definition *problem gambler*—

omit, insert—

‘***problem gambler*** means a person whose behaviour relating to gambling—

- (a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and
- (b) leads to adverse consequences for the person, other persons or the community.’.

Part 3 **Amendment of Charitable and Non-Profit Gaming Act 1999**

12 **Act amended in pt 3**

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

13 **Insertion of new pt 3, div 1A**

Part 3, after section 22—

insert—

‘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*) 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 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 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.’.

14 Amendment of s 43 (Application for issue or renewal of a general licence)

Section 43—

insert—

- ‘(1A) Subsection (1B) applies if—

- (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).’.

15 **Amendment of s 46 (Suitability of applicant to hold general licence)**

(1) Section 46—

insert—

‘(da) 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;’.

(2) Section 46—

insert—

‘(db) 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);

(dc) 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);’.

(3) Section 46(da) to (e)—

renumber as section 46(e) to (h).

16 **Amendment of s 77 (General gaming records to be kept for required period)**

(1) Section 77, heading and subsections (1) and (2)—

omit, insert—

‘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) Section 77(3), ‘a record’—

omit, insert—

‘records’.

- (3) Section 77(3)(a), ‘it’—

omit, insert—

‘the records’.

- (4) Section 77(3)(b), ‘it has’—

omit, insert—

‘the records have’.

- (5) Section 77(4), ‘the record’—

omit, insert—

‘records’.

- (6) Section 77(3) and (4)—

renumber as section 77(2) and (3).

17 Insertion of new s 84A

Part 5, division 5—

insert—

‘84A False or misleading returns

- ‘(1) A person must not give the chief executive a return, under section 82, 83 or 84, 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 return was ‘false or

misleading' to the person's knowledge, without specifying which.'

18 Amendment of s 101 (Advertising)

Section 101—

insert—

'Maximum penalty—100 penalty units.'

19 Amendment of s 111 (Appointment and qualifications)

Section 111(2)(b)—

omit, insert—

'(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'

20 Insertion of new ss 183A and 183B

After section 183—

insert—

'183A Prohibition on control of application for category 3 gaming licence

- '(1) A person, other than an approved person, must not have or gain—
- (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—

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.’

21 Insertion of new s 184A

After section 184—

insert—

‘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.

- ‘(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.’.

22 Insertion of new pt 10, div 3

After section 198—

insert—

**‘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.
- ‘(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.’.

23 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘third party operator see section 22A(1).

third party operator agreement see section 22A(1).’.

Part 4 Amendment of Gaming Machine Act 1991**24 Act amended in pt 4**

This part amends the *Gaming Machine Act 1991*.

25 Amendment of s 5 (Meaning of *associate*)

Section 5(a)(vi)(C), ‘maintenance or repair of gaming equipment’—

omit, insert—

‘maintenance, repair or testing of gaming equipment’.

26 Omission of s 48 (Approved evaluators)

Section 48—

omit.

27 Amendment of s 50 (Delegations)

Section 50—

insert—

‘(1A) The Minister may delegate the following to the chief executive—

- (a) the Minister’s power under section 24(1) to appoint a commissioner to act as chairperson of the commission;

- (b) the Minister's power under section 322(6) to cause amounts to be paid out of the gambling community benefit fund for the benefit of the community.'

28 Insertion of new s 55H

Part 3, division 3—

insert—

'55H Limit on category 2 gaming machine licences for clubs

- '(1) A club can not hold more than 1 gaming machine licence for category 2 licensed premises (a *category 2 gaming machine licence*).
- '(2) If an application for more than 1 category 2 gaming machine licence is made by a club, the commission must refuse to grant the application.
- '(3) If an application for a category 2 gaming machine licence is made by a club that already holds a category 2 gaming machine licence, the commission must refuse to grant the application.'

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

Section 56(5)(m)—

omit, insert—

- '(m) must be accompanied by a compliance program document for the licence; and'.

30 Amendment of s 68 (Issue of gaming machine licences generally)

Section 68(2)(d)(iv)—

omit.

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

Section 86(1A)—

omit.

32 Omission of s 86A (Restriction on applying for decrease for category 1 licensed premises)

Section 86A—

omit.

33 Amendment of s 87 (Decision on decrease proposal)

Section 87(2)—

omit, insert—

‘(2) The chief executive may approve a decrease that is less than the decrease sought in a decrease proposal.’.

34 Amendment of s 96 (Action affecting gaming machine licences based on action affecting liquor licences)

Section 96(1A)—

omit, insert—

‘(1A) However, an associated gaming licence is not taken to be cancelled under subsection (1) if—

(a) the special facility liquor licence for the associated gaming licence is surrendered merely because the licensee for the associated gaming licence is issued with a general liquor licence for the associated gaming licence; or

(b) the general liquor licence for the associated gaming licence is surrendered merely because the licensee for the associated gaming licence is issued with a special facility liquor licence for the associated gaming licence.’.

35 Amendment of s 99 (Suspension of gaming machine licence for non-payment of gaming machine tax, levy or penalty)

Section 99(5), ‘(1)’—

omit, insert—

‘(3)’.

36 Omission of s 109J (Chief executive to review particular provisions of Act)

Section 109J—

omit.

37 Replacement of pt 4, hdg (Licensing of monitoring operators and dealers)

Part 4, heading—

omit, insert—

‘Part 4 Licensing of monitoring operators, dealers and testing facility operators’.

38 Amendment of s 112 (Suitability of applicants for, and holders of, suppliers’ licences)

(1) Section 112(1)(a), ‘an operator’s’—

omit, insert—

‘a monitoring operator’s’.

(2) Section 112(1)—

insert—

‘(d) an applicant (also the *involved body*) for a testing facility operator’s licence, or a licensed testing facility operator (also the *involved body*), is a suitable person to hold a testing facility operator’s licence.’.

39 Amendment of s 113 (Suitability of associates)

(1) Section 113(1)(a), ‘an operator’s’—

omit, insert—

‘a monitoring operator’s’.

(2) Section 113(1)—

insert—

‘(d) an associate of an applicant for a testing facility operator’s licence, or a licensed testing facility operator, is a suitable person to be associated with the testing operations of a licensed testing facility operator.’.

40 Amendment of s 123 (Conditions of licences)

Section 123(1)(c)—

omit, insert—

‘(c) for the proper conduct of the licensed supplier’s supply operations, including—

(i) for a licensed monitoring operator—its operations involving electronic monitoring systems; or

(ii) for a licensed testing facility operator—its operations involving the testing of gaming equipment.’.

41 Amendment of s 125 (Duration of licence)

(1) Section 125(1), ‘An operator’s’—

omit, insert—

‘A monitoring operator’s’.

(2) Section 125—

insert—

‘(3) A testing facility operator’s licence remains in force for 5 years from its date of issue.’.

42 Amendment of s 127 (Changing conditions of licence)

Section 127(1)(c)—

omit, insert—

‘(c) for the proper conduct of the licensed supplier’s supply operations, including—

(i) for a licensed monitoring operator—its operations involving electronic monitoring systems; or

(ii) for a licensed testing facility operator—its operations involving the testing of gaming equipment.’.

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

(1) Section 131(5), definition *standard licence period*, paragraph (a), ‘an operator’s’—

omit, insert—

‘a monitoring operator’s’.

(2) Section 131(5), definition *standard licence period*—

insert—

‘(c) for a testing facility operator’s licence—5 years.’.

44 Amendment of s 139 (Grounds for suspension or cancellation)

Section 139(2)—

insert—

‘(e) the licensed supplier is a licensed testing facility operator and gives the chief executive a written report of a test of gaming equipment that the supplier knows is false or misleading in a material particular.’.

45 Amendment of s 147 (Decision of commission)

Section 147(2)(f), ‘its operator’s’—

omit, insert—

‘its monitoring operator’s’.

46 Amendment of s 156 (Returns about employees)

Section 156(1), after ‘A licensed supplier’—

insert—

‘, other than a licensed testing facility operator.’.

47 Insertion of new s 162A

Part 4, division 8, subdivision 1, before section 163—

insert—

‘162A Application of sdiv 1

‘This subdivision does not apply to a licensed testing facility operator.’.

48 Amendment of s 229 (Advertisements relating to gaming)

Section 229(1)(c), ‘maintenance or repair of gaming equipment’—

omit, insert—

‘maintenance, repair or testing of gaming equipment’.

49 Amendment of s 232 (Approvals for gaming related systems)

(1) Section 232(2), from ‘evaluated’, 1st mention—

omit, insert—

‘tested, the chief executive may—

(a) carry out the test; or

(b) direct the applicant—

(i) to arrange to have the system tested by a licensed testing facility operator; and

(ii) to give the chief executive a written report of the test in the approved form.’.

(2) Section 232(3) and (4)(a), ‘an evaluation’—

omit, insert—

‘a test’.

(3) Section 232(3)(a), ‘evaluation’—

omit, insert—

‘test’.

50 Amendment of s 267 (Possession etc. of gaming equipment and other things by licensed major dealers)

Section 267(3)(a), ‘evaluation’—

omit, insert—

‘testing’.

51 Amendment of s 267A (Possession etc. of particular gaming equipment by approved evaluator)

(1) Section 267A, heading, ‘approved evaluator’—

omit, insert—

‘licensed testing facility operator’.

(2) Section 267A(1)—

omit, insert—

‘(1) A licensed testing facility operator is authorised to obtain and be in possession of gaming equipment or restricted components for testing the equipment or components.’.

(3) Section 267A(2), ‘An approved evaluator’—

omit, insert—

‘A licensed testing facility operator’.

(4) Section 267A(4), definition *designated equipment*, paragraph (b), ‘an approved evaluator’—

omit, insert—

‘a licensed testing facility operator’.

- (5) Section 267A(4), definition *designated equipment*, paragraph (b), ‘evaluator’s’—

omit, insert—

‘operator’s’.

52 Amendment of s 268 (Possession etc. of restricted components by licensed secondary dealers)

Section 268(2)(a), ‘evaluation’—

omit, insert—

‘testing’.

53 Amendment of s 272 (Possession etc. of gaming machines etc. by other persons)

Section 272(2), ‘obtain or be in possession of’—

omit, insert—

‘obtain, be in possession of or test’.

54 Amendment of s 281 (Approval and rejection of gaming machines and games)

- (1) Section 281(2), ‘evaluation’—

omit, insert—

‘testing’.

- (2) Section 281(3)—

omit, insert—

- ‘(3) If the chief executive accepts a gaming machine type or game for testing, the chief executive must—

(a) carry out the test; or

(b) direct the applicant—

- (i) to arrange to have the gaming machine type or game tested by a licensed testing facility operator; and

- (ii) to give the chief executive a written report of the test in the approved form.’.
- (3) Section 281(4) and (7)(a), ‘the evaluation’—
omit, insert—
‘the test’.
- (4) Section 281(5)(b), ‘evaluation’—
omit, insert—
‘test’.
- (5) Section 281(7), (9)(a) and (10), ‘an evaluation’—
omit, insert—
‘a test’.

55 Amendment of s 288 (Decisions about approvals for linked jackpot arrangements)

- (1) Section 288(2), from ‘evaluated’, 1st mention—
omit, insert—
‘tested, the chief executive may—
- (a) carry out the test; or
- (b) direct the applicant—
- (i) to arrange to have the arrangement tested by a licensed testing facility operator; and
- (ii) to give the chief executive a written report of the test in the approved form.’.
- (2) Section 288(3) and (4)(a), ‘an evaluation’—
omit, insert—
‘a test’.
- (3) Section 288(3)(a), ‘the evaluation’—
omit, insert—
‘the test’.

56 Amendment of s 325A (Appointment and qualifications)

Section 325A(2)(b)—

omit, insert—

‘(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’.

57 Amendment of s 326 (Interpretation)

(1) Section 326, definition *article*, paragraph (k)(ii), ‘maintenance or repair of gaming equipment’—

omit, insert—

‘maintenance, repair or testing of gaming equipment’.

(2) Section 326, definition *records*, paragraph (b), ‘maintenance or repair of gaming equipment’—

omit, insert—

‘maintenance, repair or testing of gaming equipment’.

58 Amendment of s 327 (Directions)

(1) Section 327(1)(d) and (e)—

renumber as section 327(1)(e) and (f).

(2) Section 327(1)—

insert—

‘(d) a licensed testing facility operator about the testing of gaming equipment; or’.

59 Amendment of s 329 (General powers of inspectors)

(1) Section 329(1)(a), ‘repaired or kept’—

omit, insert—

‘repaired, tested or kept’.

- (2) Section 329(1)(d)(ii)(B), (3)(d)(ii), and (3)(g)(iii), ‘maintenance or repair of gaming equipment’—

omit, insert—

‘maintenance, repair or testing of gaming equipment’.

60 Amendment of s 330 (Offences relating to inspectors)

Section 330(d)(iii), ‘maintenance or repair of gaming equipment’—

omit, insert—

‘maintenance, repair or testing of gaming equipment’.

61 Amendment of s 335 (Minister may order inquiry)

Section 335(1)(c), ‘maintenance or repair of gaming equipment’—

omit, insert—

‘maintenance, repair or testing of gaming equipment’.

62 Amendment of s 336 (Review and termination of agreements)

Section 336(4)(b)(iii), ‘maintenance or repair of gaming equipment’—

omit, insert—

‘maintenance, repair or testing of gaming equipment’.

63 Amendment of s 341A (Restriction on membership of management committee or board)

Section 341A(4)—

omit, insert—

- ‘(4) The chief executive must, as soon as practicable after giving an authorisation for subsection (2)(b), give and maintain notice of the authorisation on the department’s website.

Editor's note—

The Queensland Office of Gaming Regulation website address is <www.qogr.qld.gov.au>.

64 Amendment of s 347 (Financial connections and interests of restricted officials)

Section 347(5)(b), 'maintenance or repair of gaming equipment'—

omit, insert—

'maintenance, repair or testing of gaming equipment'.

65 Amendment of s 350 (Forgery and like offences)

Section 350(f), 'statement or affidavit'—

omit, insert—

'statement, affidavit, or report on the testing of gaming equipment'.

66 Insertion of new pt 12, div 13

Part 12—

insert—

'Division 13 Provision for Gambling Legislation Amendment Act 2008

'446 Application for gaming machine licence—s 56

'Section 56(5)(m) as in force immediately before the commencement of this section applies to an application made but not decided before the commencement.'

67 Amendment of schedule (Dictionary)

(1) Schedule, definitions *approved evaluator, gaming equipment and licensed monitoring operator—*

omit.

(2) Schedule—

*insert—****‘gaming equipment—***

(a) means the following—

- (i) a gaming machine;
- (ii) linked jackpot equipment;
- (iii) an electronic monitoring system;
- (iv) a centralised credit system;
- (v) a part of, or replacement part for, anything mentioned in subparagraph (i) to (iv); and

(b) in relation to the testing operations of a licensed testing facility operator, includes—

- (i) gaming machine types; and
- (ii) mathematics, artwork and software for a game.

licensed monitoring operator means the holder of a monitoring operator’s licence in force under this Act.***licensed testing facility operator*** means the holder of a testing facility operator’s licence in force under this Act.***testing operations***, of a licensed testing facility operator, means operations conducted by the operator under the operator’s licence.’.(3) Schedule, definition *problem gambler—**omit, insert—****‘problem gambler*** means a person whose behaviour relating to gambling—

- (a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and
- (b) leads to adverse consequences for the person, other persons or the community.’.

(4) Schedule, definition *category 1 licensed premises*, ‘Surfers Paradise Sports Club Inc.’—*omit, insert—*

‘Gold Coast Commerce Club Inc.’.

- (5) Schedule, definition *licensed supplier*—

insert—

‘(d) a licensed testing facility operator.’.

- (6) Schedule, definition *supplier’s licence*—

insert—

‘(d) a testing facility operator’s licence.’.

Part 5 Amendment of Interactive Gambling (Player Protection) Act 1998

68 Act amended in pt 5

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

69 Amendment of s 186 (Appointment and qualifications)

Section 186(2)(b)—

omit, insert—

‘(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’.

70 Amendment of sch 3 (Dictionary)

Schedule 3, definition *problem gambler*—

omit, insert—

‘problem gambler means a person whose behaviour relating to gambling—

- (a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and
- (b) leads to adverse consequences for the person, other persons or the community.’.

Part 6 Amendment of Keno Act 1996

71 Act amended in pt 6

This part amends the *Keno Act 1996*.

72 Amendment of s 159A (Keno gaming by keno agent or keno agent’s employees)

- (1) Section 159A, heading and subsection (1)—
omit, insert—

‘159A Keno gaming by appointed agent or agent’s employees

- ‘(1) An appointed agent or an employee of the agent must not take part in keno gaming at a place where the agent conducts keno gaming.

Maximum penalty—40 penalty units.’.

- (2) Section 159A(3), definition *employee*, ‘a keno agent’—
omit, insert—
‘an appointed agent’.

73 Amendment of s 167 (Appointment and qualifications)

Section 167(2)(b)—

omit, insert—

- ‘(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’.

74 Amendment of sch 4 (Dictionary)

Schedule 4, definition *problem gambler*—

omit, insert—

‘***problem gambler*** means a person whose behaviour relating to gambling—

- (a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and
- (b) leads to adverse consequences for the person, other persons or the community.’.

Part 7 Amendment of Lotteries Act 1997

75 Act amended in pt 7

This part amends the *Lotteries Act 1997*.

76 Amendment of s 153 (Appointment and qualifications)

Section 153(2)(b)—

omit, insert—

- ‘(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’.

Part 8 **Amendment of Wagering Act 1998**

77 Act amended in pt 8

This part amends the *Wagering Act 1998*.

78 Amendment of s 229 (Appointment and qualifications)

Section 229(2)(b)—

omit, insert—

- ‘(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’.

79 Amendment of sch 2 (Dictionary)

Schedule 2, definition *problem gambler*—

omit, insert—

‘***problem gambler*** means a person whose behaviour relating to gambling—

- (a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and

- (b) leads to adverse consequences for the person, other persons or the community.’.