



Queensland

# Gaming Legislation Amendment Regulation (No. 2) 2013

## Subordinate Legislation 2013 No. 212

made under the

*Casino Control Act 1982*

*Charitable and Non-Profit Gaming Act 1999*

*Gaming Machine Act 1991*

*Keno Act 1996*

*Lotteries Act 1997*

*Racing Act 2002*

*Wagering Act 1998*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Gaming Legislation Amendment Regulation (No. 2) 2013*.

## Part 2 Amendment of Casino Control Regulation 1999

### 2 Regulation amended

This part amends the *Casino Control Regulation 1999*.

### 3 Amendment of s 46 (Fees)

Section 46, 'in'—

*omit, insert—*

stated in section 46A and

### 4 Insertion of new ss 46A and 46B

After section 46—

*insert—*

#### **46A Fee for particular investigations**

(1) This section applies to the following persons for whom the Minister may undertake an investigation under the Act, section 26(1)—

- (a) a proposed lessee for a casino lease;
- (b) a proposed casino operator for a casino management agreement.

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- (2) This section also applies to a person for whom the Minister may undertake an investigation under the Act, section 30(1), other than—
  - (a) a casino licensee; or
  - (b) a lessee under a casino lease; or
  - (c) a casino operator under a casino management agreement.
- (3) The person must pay to the chief executive the reasonable costs of conducting the investigation.

*Examples of costs of conducting the investigation—*

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

#### **46B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 46A for an investigation.
- (2) The chief executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The chief executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the chief executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.

- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the chief executive's estimate or latest estimate of the fee payable under section 46A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the chief executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the chief executive must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—
    - (i) refund any overpayment to the relevant person; or
    - (ii) require, in writing, the relevant person to pay to the chief executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
  - (a) both of the following apply—
    - (i) the relevant person fails to comply with a written request by the chief executive to give the chief executive information or documents that are reasonably necessary for the purposes of the investigation;
    - (ii) the chief executive considers the investigation is finished; or

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- (b) the chief executive considers the investigation has been completed for the Minister's purposes under the Act, section 26(1) or 30(1).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the chief executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.

## **Part 3**

# **Amendment of Charitable and Non-Profit Gaming Regulation 1999**

### **5 Regulation amended**

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

### **6 Amendment of s 11 (Fees)**

Section 11(1), 'in'—

*omit, insert*—

stated in section 11A and

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## 7 Insertion of new ss 11A and 11B

After section 11—

*insert—*

### **11A Fee for particular investigations**

- (1) This section applies to a person who is a business or executive associate of a lucky envelope printer licence holder for whom the chief executive may undertake an investigation under the Act, section 69(2).
- (2) The person must pay to the chief executive the reasonable costs of conducting the investigation.

*Examples of costs of conducting the investigation—*

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

### **11B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 11A for an investigation.
- (2) The chief executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The chief executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the chief executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be

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- paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
- (a) an amount not more than the chief executive's estimate or latest estimate of the fee payable under section 11A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the chief executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the chief executive must—
- (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—
    - (i) refund any overpayment to the relevant person; or
    - (ii) require, in writing, the relevant person to pay to the chief executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
- (a) both of the following apply—
    - (i) the chief executive considers the relevant person has failed to comply with a requirement made by the chief executive under the Act, section 70 in relation to the investigation;





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## 10 Insertion of new ss 56A and 56B

Part 8—

*insert—*

### 56A Fee for particular investigations

- (1) This section applies to a person who is an associate of the holder of a supplier's licence for whom the commissioner may undertake an investigation under the Act, section 136(2).
- (2) This section also applies to an associate of a relevant licensed service contractor for whom the commissioner may undertake an investigation under the Act, section 212(2).
- (3) The person must pay to the commissioner the reasonable costs of conducting the investigation.

*Examples of costs of conducting the investigation—*

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

- (4) In this section—

*relevant licensed service contractor* means a licensed service contractor who is a category 2 body corporate.

### 56B How fee for investigation must be paid

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 56A for an investigation.
- (2) The commissioner may require, in writing, the relevant person to pay all or part of the fee in advance.

- (3) The commissioner may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the commissioner may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the commissioner's estimate or latest estimate of the fee payable under section 56A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the commissioner under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the commissioner must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—
    - (i) refund any overpayment to the relevant person; or
    - (ii) require, in writing, the relevant person to pay to the commissioner, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.

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- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
  - (a) both of the following apply—
    - (i) the commissioner considers the relevant person has failed to comply with a requirement made by the commissioner under the Act, section 213 in relation to the investigation;
    - (ii) the commissioner considers the investigation is finished; or
  - (b) the commissioner considers the investigation has been completed for the commissioner's purposes under the Act, section 136(2) or 212(2).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the commissioner to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.



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### **17B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 17A for an investigation.
- (2) The chief executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The chief executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the chief executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the chief executive's estimate or latest estimate of the fee payable under section 17A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the chief executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the chief executive must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—

- (i) refund any overpayment to the relevant person; or
  - (ii) require, in writing, the relevant person to pay to the chief executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
  - (a) both of the following apply—
    - (i) the chief executive considers the relevant person has failed to comply with a requirement made by the chief executive under the Act, section 37 in relation to the investigation;
    - (ii) the chief executive considers the investigation is finished; or
  - (b) the chief executive considers the investigation has been completed for the chief executive's purposes under the Act, section 36(2).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the chief executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.





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### **19B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 19A for an investigation.
- (2) The chief executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The chief executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the chief executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the chief executive's estimate or latest estimate of the fee payable under section 19A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the chief executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the chief executive must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—

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- (i) refund any overpayment to the relevant person; or
  - (ii) require, in writing, the relevant person to pay to the chief executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
  - (a) both of the following apply—
    - (i) the chief executive considers the relevant person has failed to comply with a requirement made by the chief executive under the Act, section 37 in relation to the investigation;
    - (ii) the chief executive considers the investigation is finished; or
  - (b) the chief executive considers the investigation has been completed for the chief executive's purposes under the Act, section 36(2).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the chief executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.



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### **15B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 15A for an investigation.
- (2) The gaming executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The gaming executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the gaming executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the gaming executive's estimate or latest estimate of the fee payable under section 15A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the gaming executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the gaming executive must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—

- (i) refund any overpayment to the relevant person; or
  - (ii) require, in writing, the relevant person to pay to the gaming executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
  - (a) both of the following apply—
    - (i) the gaming executive considers the relevant person has failed to comply with a requirement made by the gaming executive under the Act, section 214 in relation to the investigation;
    - (ii) the gaming executive considers the investigation is finished; or
  - (b) the gaming executive considers the investigation has been completed for the gaming executive's purposes under the Act, section 225(1).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the gaming executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the

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relevant person for the investigation under subsection (7)(a) is evidence of the costs.

## **Part 8**                      **Amendment of Wagering Regulation 1999**

### **20**      **Regulation amended**

This part amends the *Wagering Regulation 1999*.

### **21**      **Amendment of s 17 (Fees)**

Section 17(1), ‘in’—

*omit, insert*—

stated in section 17A and

### **22**      **Insertion of new ss 17A and 17B**

After section 17—

*insert*—

#### **17A Fee for particular investigations**

- (1) This section applies to a person who is a business or executive associate of a wagering licensee for whom the chief executive may undertake an investigation under the Act, section 38(1).
- (2) The person must pay to the chief executive the reasonable costs of conducting the investigation.

*Examples of costs of conducting the investigation—*

- costs of outsourcing professional services, for example, legal or accounting services
- internal costs, including staff costs

- travel and accommodation costs incurred inside or outside the State or overseas

### **17B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 17A for an investigation.
- (2) The chief executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The chief executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the chief executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the chief executive's estimate or latest estimate of the fee payable under section 17A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the chief executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the chief executive must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and

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- (b) either—
  - (i) refund any overpayment to the relevant person; or
  - (ii) require, in writing, the relevant person to pay to the chief executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
  - (a) both of the following apply—
    - (i) the chief executive considers the relevant person has failed to comply with a requirement made by the chief executive under the Act, section 40 in relation to the investigation;
    - (ii) the chief executive considers the investigation is finished; or
  - (b) the chief executive considers the investigation has been completed for the chief executive's purposes under the Act, section 38(1).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the chief executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the



relevant person for the investigation under subsection (7)(a) is evidence of the costs.

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#### ENDNOTES

- 1 Made by the Governor in Council on 31 October 2013.
- 2 Notified on the Queensland legislation website on 1 November 2013.
- 3 The administering agency is the Department of Justice and Attorney-General.

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