

KENO BILL 1996

EXPLANATORY NOTES

Short Title

Keno Act 1996.

Objectives of the Legislation

The legislation provides a regulatory framework for the expansion of the game of Keno to approved sites other than casinos. The provisions of the legislation will allow for the efficient and effective regulation of the operator and control the operation of Keno in participating sites.

Reasons for the Legislation

The conduct and playing of Keno is currently restricted to casinos. Whilst the casino version of the game will continue to be regulated by the *Casino Control Act 1982*, the conduct of Keno outside casinos requires additional legislation to ensure its proper regulation and control.

The legislation authorises the conduct and playing of the expanded Keno game, the licensing of a Keno operator and the appointment of agents and subagents for the conduct of the game.

The legislation is modelled on the proven *Casino Control Act 1982* and *Gaming Machine Act 1991* which regulate various forms of gaming in Queensland casinos, clubs and hotels.

Estimated Cost for Government Implementation

The Queensland Office of Gaming Regulation will be responsible for the administration of the legislation and an additional cost of approximately \$250,000 will be incurred annually to cover regulatory and administrative expenses.

Assessment of Bill's Consistency with Fundamental Legislative Principles

The only significant deviation from fundamental legislative principles is the provision that decisions of the Governor in Council or the Minister made under the Bill in relation to a keno licence, or person with an interest or potential interest in a keno licence, are final and may not be reviewed in any court. The removal of the right of review in such cases is considered to be absolutely necessary in the public interest to ensure the integrity of the conduct of Keno, and is consistent with the practices which have been incorporated in Queensland gaming practice for in excess of a decade. Information and reports considered by the Minister could contain confidential and highly sensitive material.

Consultation

Inter-departmental consultation was carried out with the Office of the Cabinet, Department of Family and Community Services, Office of Racing and Treasury's National Competition Unit. Industry consultation in relation to the provisions of the legislation occurred with Jupiters Limited and about the game's operation with:

Jupiters Limited

Breakwater Island Trust

Reef Casino

Golden Casket Art Union Office

TAB

Registered and Licensed Clubs Association

Queensland Hotels Association

The Lotteries Commission of South Australia

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Clause 1 sets out the Short Title of the Act.

Clause 2 refers to the Dictionary for the Act contained in Schedule 3.

Clauses 3 to 10 provide for the interpretation of terms referred to in the Act.

PART 2—LAWFULNESS OF KENO GAMES

Clause 11 makes lawful the conduct and playing of a keno game and the use of keno equipment by authorised persons under the Act, and other conduct required or authorised by the Act.

Clause 12 provides that the provisions of existing legislation which make the conduct and playing of keno illegal do not apply to such conduct.

PART 3—KENO LICENSEES

Clause 13 authorises the Minister to issue a keno licence.

Clause 14 allows the Minister only to issue a keno licence to a person who has entered into a keno agreement with the State and complied with any terms and conditions of the agreement which must be complied with before the licence may be issued.

Clause 15 provides that before entering into a keno agreement the Minister must be satisfied that the proposed keno licensee and all persons associated with the proposed keno licensee are suitable persons.

Clause 16 provides the criteria which the Minister may consider in deciding the suitability of the proposed keno licensee.

Clause 17 provides the criteria which the Minister may consider in deciding the suitability of persons associated with the proposed keno licensee.

Clause 18 authorises the chief executive to investigate the proposed keno licensee and associated persons for the purposes of determining suitability

Clause 19 authorises the Minister to impose conditions on keno licence.

Clause 20 provides that a keno licence cannot be transferred.

Clause 21 provides that a keno licence and the rights and benefits under the keno agreement cannot be mortgaged or encumbered.

Clause 22 provides for the amendment of a keno licence to reflect an amendment to the keno agreement.

Clause 23 allows the keno licensee to surrender the keno licence upon giving written notice to the Minister at least 3 months, or such shorter period approved by the Minister, before surrender.

Clause 24 sets out the grounds for suspension or cancellation of a keno licence.

Clause 25 sets out the requirements for a show cause notice to be given by the Minister to a keno licensee.

Clause 26 requires a copy of a show cause notice to be given to an interested person whose interests may be adversely affected by suspension or cancellation of the licence if the Minister considers it appropriate.

Clause 27 provides that the Minister must consider written representations made during the show cause period by the keno licensee or interested persons.

Clause 28 provides that the Minister may immediately suspend a keno licence in extraordinary circumstances.

Clause 29 provides that the Minister may censure a keno licensee in circumstances which do not warrant suspension or cancellation.

Clause 30 provides that the Minister may direct a keno licensee to rectify a matter which was a ground for suspension or cancellation and is capable of being rectified.

Clause 31 provides that if, in certain circumstances following the consideration of representations made during the show cause period, the Minister still believes that grounds for cancellation or suspension exist, or the keno licensee fails to comply with a direction to rectify a matter under clause 30, the Minister must give written notice to the Governor in Council of such belief or failure to comply.

Clause 32 allows the Governor in Council, upon receiving a written notice from the Minister under clause 31, to suspend a keno licence, cancel a keno licence or appoint an administrator to conduct the operations of a keno licensee.

Clause 33 sets out the terms of appointment of an administrator.

Clause 34 allows the Governor in Council to cancel or reduce the period of suspension of a keno licence at any time while the suspension remains in force.

Clause 35 provides that the Minister may approve an audit program for the investigation of a keno licensee, for which the chief executive is responsible, and under which the licensee may be investigated only once every 2 years.

Clause 36 allows the chief executive to investigate a keno licensee or associated person if the Minister suspects the person is not or is no longer a suitable person, or under the approved audit program.

Clause 37 provides that in an investigation of a keno licensee or an associate of a keno licensee, the chief executive can require a person to provide information, and provides limitations upon such a requirement.

Clause 38 sets out the required form and content of a keno licence.

Clause 39 provides the term of a keno licence.

Clause 40 requires the commissioner of the police service, when requested by the chief executive, to provide a report on the criminal history of a person subject to investigation under section 18 or 35 to the chief executive.

Clause 41 provides that the decisions of the Governor in Council and the Minister with respect to keno licence are final and conclusive and are not subject to review in any court.

PART 4—LICENSED KENO EMPLOYEES

Clause 42 allows the chief executive to exempt a keno employee or a class of keno employees from licensing requirements.

Clause 43 prohibits employees of a keno licensee from carrying out the functions of a keno employee unless they are a licensed keno employee or an exempt keno employee.

Clause 44 prohibits a keno licensee from employing persons as keno employees unless they are a licensed keno employee or an exempt keno employee.

Clause 45 provides that the chief executive may require key operators associated with the keno licensee to apply for a keno employee licence or stop being associated with the keno licensee.

Clause 46 provides that the chief executive may require the person to stop being a key operator of the keno licensee if the person's application for a keno employee licence is refused.

Clause 47 provides that the chief executive may require a keno licensee to end the association with the person if the person fails to apply for a keno employee licence or the person's application for a keno employee licence is refused.

Clause 48 provides that clauses 49 to 53 do not apply to applications for a keno employee licence by current licensed casino employees.

Clause 49 sets out the requirements for an application for a keno employee licence.

Clause 50 provides that the chief executive must consider an application for a keno employee licence and either grant or refuse to grant the application, but only if the applicant agrees to having the applicant's photograph and fingerprints taken.

Clause 51 provides that the chief executive may grant an application for a keno employee licence only if certain requirements have been fulfilled.

Clause 52 authorises the chief executive to investigate the suitability of an applicant for a keno employee licence.

Clause 53 requires the chief executive to promptly issue the licence if the application is granted, or promptly advise the applicant if the application is refused.

Clause 54 provides that clauses 55 and 56 apply to applications for keno employee licences by current licensed casino employees.

Clause 55 sets out the requirements for an application for a keno employee licence by licensed casino employees.

Clause 56 requires the chief executive to promptly issue a keno employee licence to the applicant.

Clause 57 allows the chief executive to impose conditions on a keno employee licence.

Clause 58 allows the chief executive to change the conditions of a keno employee licence, or add conditions to an unconditional licence.

Clause 59 provides that a lost, stolen, destroyed or damaged keno employee licence may be replaced upon application to the chief executive.

Clause 60 provides that a keno employee licence may be surrendered by the licensed keno employee.

Clause 61 sets out the grounds for suspension or cancellation of a keno employee licence.

Clause 62 sets out the requirements for a show cause notice given by the chief executive to a licensed keno employee.

Clause 63 allows the chief executive to immediately suspend a keno employee licence in certain circumstances.

Clause 64 allows the chief executive to censure a licensed keno employee in circumstances which do not warrant suspension or cancellation.

Clause 65 allows the chief executive to direct a licensed keno employee to rectify a matter which was a ground for suspension or cancellation and is capable of being rectified.

Clause 66 allows the chief executive to suspend or cancel a keno employee licence following consideration of representations received during the show cause period.

Clause 67 allows the chief executive to cancel or reduce the period of

suspension of a keno employee licence at any time the suspension is in force.

Clause 68 allows the chief executive to approve an audit program for the investigation of a licensed keno employee, for which the chief executive is responsible, and under which the employee may only be investigated once every 2 years.

Clause 69 allows the chief executive to investigate a licensed keno employee either if the chief executive reasonably suspects that the employee is not or is no longer a suitable person, or under the approved audit program.

Clause 70 provides that the chief executive may require a licensed keno employee to provide information relevant to an investigation, and provides limitations upon such a requirement.

Clause 71 allows the chief executive to require an applicant for a keno employee licence to provide further information or documentation.

Clause 72 sets out the required form and content of a keno employee licence.

Clause 73 provides the term of a keno employee licence.

Clause 74 provides that a keno employee licence, in the case of employees, lapses 1 year after the person ceases employment or if the person does not commence employment within 1 year, and in the case of key operators, lapses 1 year after the key operator ceases to be a key operator.

Clause 75 requires the commissioner of the police service, when requested by the chief executive, to provide reports on applicants for and holders of keno employee licences to the chief executive.

Clause 76 requires the keno licensee to notify the chief executive of the commencement of employment of a licensed or exempt keno employee within 7 days.

Clause 77 provides that the chief executive may require a keno licensee to provide a list of licensed and exempt keno employees.

Clause 78 requires the keno licensee to notify the chief executive of the cessation of employment of licensed or exempt keno employees within 7 days.

Clause 79 provides that the chief executive may require a keno licensee to end the employment of a keno employee where the employee no longer holds a keno employee licence. If the keno licensee ends the employment of the employee, the keno licensee will not breach any Act or law or industrial award or agreement, or incur any liability.

Clause 80 requires the keno licensee to notify the chief executive of a key operator ceasing to be a key operator within 7 days.

Clause 81 provides that the chief executive may require a keno licensee to end the association with a key operator where the key operator no longer holds a keno employee licence. If the keno licensee ends the association, the keno licensee will not breach any Act or law, or incur any liability.

Clause 82 makes it an offence for an applicant for a keno employee licence to make false or misleading statements in the application.

Clause 83 requires licensed keno employees to display or produce on request approved identification while carrying out the functions of a keno employee.

PART 5—KENO AGENTS AND SUBAGENTS

Clause 84 allows a keno licensee to enter into agreements with agents in relation to the conduct of keno games by the licensee.

Clause 85 provides conditions for entering into agency agreements, including eligibility of persons to be agents and required provisions of the agency agreement.

Clause 86 requires a keno licensee to notify the chief executive of a keno agent's name and place of operation within 7 days of entering the agency agreement.

Clause 87 provides that an agency agreement may only be amended with the approval of the chief executive.

Clause 88 allows the chief executive, by written notice, to delay the start of a keno agent's operations for up to 28 days in certain circumstances.

Clause 89 sets the time when a keno agent can commence operations.

Clause 90 requires a keno licensee to provide a list of current keno agents to the chief executive at least once every 6 months.

Clause 91 requires a keno licensee to inform the chief executive of any change in the place of operation of a keno agent within 7 days of the keno licensee becoming aware of the change.

Clause 92 allows a keno agent to appoint subagents for the conduct of keno games by the keno licensee for whom the agent acts.

Clause 93 requires a keno licensee to inform the chief executive of the appointment of a keno subagent and the name and place of operation of the keno subagent within 7 days of the keno licensee becoming aware of the appointment.

Clause 94 requires a keno licensee to provide a list of current keno subagents of which the keno licensee is aware to the chief executive at least once every 6 months.

Clause 95 requires a keno licensee to inform the chief executive of any change in the place of operation of a keno subagent within 7 days of the keno licensee becoming aware of the change.

Clause 96 sets out the grounds for terminating an agency agreement and the appointment of a keno subagent.

Clause 97 sets out the requirements for a show cause notice given by the chief executive to an appointed agent.

Clause 98 allows the chief executive to immediately suspend an agent's operations in certain circumstances.

Clause 99 allows the chief executive may censure an appointed agent in circumstances which do not warrant the termination of an agreement.

Clause 100 allows the chief executive to direct an appointed agent to rectify a matter which is a ground for termination of an agency agreement and is capable of being rectified.

Clause 101 requires the chief executive, in certain circumstances, following the consideration of representations received in response to a show cause notice, to direct a keno licensee to terminate an agency agreement, or direct an agent to terminate the appointment of a subagent.

Clause 102 requires a keno licensee to terminate an agency agreement if a notice is given by the chief executive under clause 101(3). The agency

agreement is terminated by the Act if the keno licensee fails to comply with the direction.

Clause 103 requires a keno agent to terminate a subagent's appointment if a notice is given by the chief executive under clause 101(4). The subagent's appointment is terminated by the Act if the agent fails to comply with the direction.

Clause 104 requires a keno licensee to notify the chief executive of the termination of an agency agreement other than because of a direction of the chief executive within 7 days of termination.

Clause 105 requires a keno agent to notify the chief executive of the termination of a keno subagent's appointment other than because of a direction of the chief executive within 7 days of termination.

Clause 106 allows the chief executive to investigate the suitability of appointed agents and their associates.

Clause 107 authorises the chief executive to require information to be provided in an investigation of appointed agents and their associates, and provides limitations upon such a requirement.

Clause 108 requires the commissioner for the police service, when requested by the chief executive, to provide reports on the criminal history of an appointed agent and associates of appointed agents to the chief executive.

PART 6—KENO TAX AND LICENCE FEE

Clause 109 requires keno tax to be paid monthly to the chief executive by the keno licensee.

Clause 110 provides that the keno tax which is payable by a keno licensee for a month is the percentage of the keno licensee's gross monthly revenue for the month that applies under the keno agreement.

Clause 111 requires a keno licensee to lodge a monthly gross revenue return with the chief executive in approved form by the prescribed date in each month.

Clause 112 requires a keno licensee to pay to the chief executive the licence fee stated in the keno agreement at the times stated in the keno agreement.

Clause 113 requires the chief executive to pay a proportion of any keno tax or keno licence fee received into the sport and recreation fund established under section 166 of the *Gaming Machine Act 1991*, and the charities and rehabilitation fund established under section 167 of the *Gaming Machine Act 1991*. The relevant portions are to be prescribed by regulation.

Clause 114 provides for a penalty to be imposed at the rate prescribed by regulation upon any keno tax or keno licence fee not remitted by the due date, and for additional penalties to be imposed for each succeeding month for which the amount remains outstanding.

Clause 115 provides that any unpaid keno tax, keno licence fee or penalty is a debt payable to the Crown.

Clause 116 provides penalties for a keno licensee who evades the payment of keno tax or keno licence fees, or knowingly lodges a return that contains false or misleading information.

PART 7—COMPLIANCE REQUIREMENTS

Clause 117 requires a keno licensee to have an approved control system that relates to its keno agents, and to conduct keno games under the system, and prohibits changes to the system unless directed or approved by the chief executive.

Clause 118 sets out the requirements for submissions to the chief executive for approval of the keno licensee's control system.

Clause 119 sets out the requirements for submissions to the chief executive for approval to change the keno licensee's control system.

Clause 120 provides that the chief executive must consider the submission and either approve or refuse to approve the control system or change of the control system. The chief executive may by written notice require further information to be provided by the keno licensee.

Clause 121 provides that the chief executive may direct a keno licensee to change the licensee's approved control system.

Clause 122 provides that the chief executive may approve a place at which keno records may be kept, and exempt certain records from being kept at that place.

Clause 123 requires a keno licensee to keep records at the licensee's principal place of business or registered office, or an approved place, unless an exemption applies.

Clause 124 requires keno records to be kept for 5 years unless otherwise approved.

Clause 125 provides for the keeping of accounting records by a keno licensee.

Clause 126 provides for the preparation of financial statements and accounts by a keno licensee.

Clause 127 provides for the submission to the chief executive by a keno licensee of reports on the operations of the keno licensee.

Clause 128 requires a keno licensee to keep financial institution accounts approved by the chief executive for banking transactions for the licensee's keno operations.

Clause 129 provides that a keno licensee must not use an approved financial institution account other than for approved purposes.

Clause 130 requires the keno licensee to engage a registered company auditor approved by the chief executive to audit the keno licensee's operations at the end of each financial year.

Clause 131 sets out the requirements for lodgment by the auditor of the audit report with the chief executive.

Clause 132 allows the chief executive to require a keno licensee to provide further information about a matter relating to the licensee's operations mentioned in the audit report.

PART 8—CONDUCT OF APPROVED KENO GAMES

Clause 133 provides that upon application by the keno licensee, the Minister may approve ancillary keno agreements.

Clause 134 provides that a keno licensee must not enter into ancillary keno agreement without the Minister's approval.

Clause 135 provides that the Minister may require a keno licensee to provide information about certain related agreements.

Clause 136 allows the Minister to issue a show cause notice to a keno licensee with respect to a related agreement in certain circumstances.

Clause 137 allows the Minister to direct the termination of a related agreement in certain circumstances following consideration of representations made during the show cause period.

Clause 138 provides for the making of keno rules by the Minister.

Clause 139 requires a keno licensee to conduct keno games in accordance with the rules.

Clause 140 requires a keno licensee to take reasonable steps to ensure that the appointed agents of the keno licensee comply with the rules.

Clause 141 requires an appointed agent to comply with the rules in doing an act for the conduct of keno games by the keno licensee.

Clause 142 provides requirements for places of operation of keno games by a keno licensee and keno agents.

Clause 143 provides for the times when keno games may be conducted by a keno licensee and appointed agents.

Clause 144 provides that a keno prize must be claimed within 5 years after the day on which the game was conducted.

Clause 145 provides that the chief executive may approve or refuse to approve keno equipment to be used in the conduct of keno games. The chief executive may, if considered necessary, evaluate the equipment on payment of the prescribed fee.

Clause 146 provides that a keno licensee and appointed agent must not use equipment that has not been approved by the chief executive or modify such equipment without the approval of the chief executive.

Clause 147 provides for the establishment by a keno licensee of deposit advance accounts for persons playing keno.

Clause 148 prohibits a keno licensee or appointed agent extending credit to a person for the playing of keno.

Clause 149 requires persons advertising the conduct of keno games to ensure that the advertising is not indecent or offensive, is based on fact, and is not false, misleading or deceptive in a material particular.

Clause 150 allows the chief executive to issue and enforce directions with respect to keno advertising which does not comply with clause 149.

Clause 151 requires a keno licensee and the chief executive to inquire into written complaints, and allows the chief executive to refer complaints to the chief executive in the first instance.

Clause 152 requires a keno licensee or appointed agent to resolve a claim for payment of a prize or notify the claimant if the licensee or agent is not able to resolve the claim. If the claim is not resolved the claimant may ask the chief executive to resolve the claim or review the licensee's or agent's decision.

Clause 153 requires a keno licensee directly selling tickets in a keno game or an appointed agent to prohibit an excessive or compulsive gambler from playing keno for 1 month if the licensee or agent reasonably believes that the peace and happiness of the person's family may be endangered.

Clause 154 requires a keno licensee or keno agent to report dishonest acts and contraventions of the Act to the chief executive, and provides for the protection of such persons.

Clause 155 prohibits cheating in keno games.

Clause 156 makes it an offence for a person to forge or utter a forged official keno document.

Clause 157 makes it an offence for a person to impersonate a licensed keno employee or keno official.

Clause 158 provides for an offence of bribery on the part of a keno official and persons who bribe or attempt to bribe a keno official.

Clause 159 prohibits a licensed keno employee playing keno while carrying out the functions of a keno employee, and casino employees directly involved in the draw for or recording of results of a keno game

from taking part in the game. Such persons are not eligible to win a prize in a keno game from which they are prohibited.

Clause 160 provides for the declaration of key officials by the chief executive and for the giving of directions not to take part in keno gaming or have a financial relationship with a keno licensee or appointed agent.

Clause 161 provides that a key official who has been so directed must not take part in keno gaming.

Clause 162 prohibits key officials who have been so directed from being employed by or having a business or financial relationship with a keno licensee or appointed agent.

Clause 163 requires a key official who has been directed by the chief executive not to have a financial relationship with an authorised keno operator to notify the chief executive of any business or financial association or interest with a prospective keno licensee, and allows the chief executive to direct the official to end the association or interest.

Clause 164 provides that a keno licensee or appointed agent must not have a business or financial association with a key official who has been so directed.

Clause 165 prohibits minors from taking part in keno gaming.

Clause 166 provides an offence for allowing minors to take part in keno gaming, and sets out requirements for giving acceptable evidence of age.

PART 9—INVESTIGATION AND ENFORCEMENT

Clause 167 provides that an officer holding appointment as an inspector under the *Art Unions and Public Amusements Act 1992*, the *Casino Control Act 1982* or the *Gaming Machine Act 1991* is an inspector for the purposes of this Act.

Clause 168 defines the powers of inspectors.

Clause 169 sets out the circumstances in which an inspector ceases to hold office.

Clause 170 provides requirements for the identity cards of inspectors.

Clause 171 sets out requirements for the production and display of an inspector's identity card when exercising powers under the Act.

Clause 172 allows an inspector to enter certain places without consent or warrant.

Clause 173 allows an inspector to enter any other place only with the consent of the occupier or a warrant.

Clause 174 provides a procedure for obtaining of consent of the occupier for an inspector to enter a place.

Clause 175 provides evidentiary presumptions in relation to whether the occupier's consent for an inspector to enter a place has been obtained.

Clause 176 sets out requirements for applications by an inspector to a Magistrate for a warrant to enter a place.

Clause 177 sets out requirements for a Magistrate to issue a warrant and for the contents of the warrant.

Clause 178 provides for the application for and issue of a special warrant in urgent and other special circumstances.

Clause 179 provides evidentiary presumptions in relation to proving that a special warrant was issued.

Clause 180 sets out general powers of inspectors where entry to a place is authorised.

Clause 181 provides a penalty for the failure by a person to assist an inspector when required to do so under section 170(3)(g).

Clause 182 provides a penalty for the failure by a person to give information required by an inspector under clause 170(3)(h).

Clause 183 provides that inspectors may ask police officers for assistance in exercising powers.

Clause 184 allows an inspector to seize a thing that the inspector reasonably believes is evidence of an offence at a keno gaming place.

Clause 185 provides requirements for an inspector to seize a thing at a place that is not a keno gaming place.

Clause 186 provides for the securing of things seized by an inspector.

Clause 187 provides a penalty for tampering with a thing seized by an inspector.

Clause 188 allows an inspector to require a person in control of a thing to take action in order to enable a thing to be seized, and provides an offence for failure to comply with the requirement.

Clause 189 provides for the issue of a receipt for anything seized by an inspector.

Clause 190 provides for the forfeiture to the State of things seized by an inspector in certain circumstances.

Clause 191 requires an inspector to return seized things which have not been forfeited within 6 months of seizure, at the end of any proceeding for an offence or appeal from the proceeding, or when the thing is no longer required as evidence.

Clause 192 provides for an owner to obtain access to a seized thing which has not been forfeited or returned.

Clause 193 allows an inspector to direct a person to stop using a thing in the conduct of keno.

Clause 194 sets out the requirements for the issue of a direction by an inspector to stop using a thing for the conduct of keno.

Clause 195 provides an offence for failure to comply with the direction of an inspector.

Clause 196 provides that an inspector may require a person to state their name and address in certain circumstances, and provides limitations on such a requirement.

Clause 197 provides an offence for the failure by a person to provide an inspector with the person's name and address.

Clause 198 sets out the steps which police officers may take where a person fails to provide an inspector with the person's name and address.

Clause 199 allows an inspector to require the production of a document for the purposes of copying the document, and the certification of a copy of the document.

Clause 200 provides an offence for failure to produce a document to an inspector when required.

Clause 201 provides an offence for failure to certify a document required by an inspector.

Clause 202 allows an inspector to require a person to attend before the inspector at a reasonable time and place to answer questions about a document required to be produced under clause 199, or the operations of a keno licensee or appointed agent.

Clause 203 provides an offence for failure to attend before the inspector under clause 202, failure to answer a question or provide information, or making false and misleading statements.

Clause 204 provides that an inspector may require information from the manager of a place of business of a financial institution with respect to accounts of a keno licensee and appointed agents.

Clause 205 provides that the manager of a place of business of a financial institution is not liable for breach of trust by complying with the requirements of an inspector.

Clause 206 provides an offence for failure to comply with the requirement of an inspector.

Clause 207 provides that the Minister may direct a keno licensee or appointed agent to stop, or change, a management practice in certain circumstances.

Clause 208 allows a Court to order forfeiture of things which have been used to commit an offence or are the subject of an offence where a person has been convicted of an offence under the Act.

Clause 209 provides that a thing which has been forfeited to the Crown under clause 190 or 208 becomes the property of the Crown and may be destroyed by the chief executive.

Clause 210 requires an inspector to notify an owner whose property has been damaged by the inspector in the exercise of the inspector's powers.

Clause 211 allows a person to claim compensation from the Crown where the person suffers loss or damage as a result of the exercise of certain powers.

Clause 212 provides immunity to the Minister, chief executive, an inspector or person acting under the direction of an inspector from civil liability for any act done honestly and without negligence under the Act.

Clause 213 provides an offence for giving a false or misleading statement to an inspector.

Clause 214 provides an offence for providing a document containing false or misleading information to an inspector.

Clause 215 provides an offence for obstructing an inspector in the exercise of a power.

Clause 216 sets out the steps which a police officer may take if an inspector is obstructed while exercising a power.

PART 10—LEGAL PROCEEDINGS

Clause 217 is self explanatory.

Clause 218 contains evidentiary provisions in relation to appointments and authorities.

Clause 219 is an evidentiary provision in relation to signatures of the chief executive and inspectors.

Clause 220 contains evidentiary provisions in relation to matters certified by the chief executive.

Clause 221 sets out the offences in the Act which are indictable offences.

Clause 222 provides for the hearing of indictable offences by summary proceedings or on indictment.

Clause 223 provides for indictable offence proceedings which must be heard before a Magistrate.

Clause 224 limits the time for starting summary proceedings for an offence under the Act.

Clause 225 defines the responsibility of a person for acts or omissions by the person's representative.

Clause 226 requires executive officers of corporations to ensure that the corporation complies with the Act and extends liability for offences committed by corporations to executive officers of the corporation in certain circumstances.

Clause 227 provides that it is an offence to attempt to commit an offence against the Act.

PART 11—APPEALS

Clause 228 provides a keno licensee with a right of appeal against the decisions of the chief executive set out in schedule 2, part 1.

Clause 229 provides an applicant for a keno employee licence with a right of appeal if the application for the licence is refused by the chief executive.

Clause 230 provides a licensed keno employee with a right of appeal against the decisions of the chief executive set out in schedule 2, part 2.

Clause 231 provides a keno agent with a right of appeal against the decisions of the chief executive set out in schedule 2, part 3.

Clause 232 provides a keno subagent with a right of appeal against the decisions of the chief executive set out in schedule 2, part 4.

Clause 233 provides the owner of a thing seized by an inspector with a right of appeal against the decision of the inspector to forfeit the thing.

Clause 234 provides for appeals to be made to the Magistrates Court.

Clause 235 sets out the procedure for starting an appeal.

Clause 236 allows the Magistrates Court to stay the operation of a decision appealed from in order to secure the effectiveness of the appeal, and sets out the requirements of the stay.

Clause 237 provides procedures for the Court's hearing of an appeal. An appeal is by way of rehearing.

Clause 238 sets out the actions the Court may take in relation to the decision appealed from.

Clause 239 allows an appeal from a decision of the Magistrates Court to the District Court only on a question of law.

PART 12—MISCELLANEOUS

Clause 240 provides requirements for confidentiality of information by inspectors and officers of the department, but allows disclosure with the approval of the chief executive to certain persons and entities.

Clause 241 allows the delegation of the Minister's and chief executive's powers under the Act.

Clause 242 authorises the chief executive to approval forms fro use under the Act.

Clause 243 authorises the making of regulations for the purposes of the Act.

PART 13—CONSEQUENTIAL AMENDMENTS

Clause 244 is self explanatory.

Schedules

Schedule 1 sets out the decisions of the Governor in Council and the Minister which pursuant to clause 41 are not subject to appeal.

Schedule 2 sets out the decisions of the chief executive against which keno licensees, licensed keno employees, keno agents and keno subagents have a right of appeal.

Schedule 3 contains the following consequential amendments to other Acts:

1. Amendment of the *Art Unions and Public Amusements Act 1992*, *Casino Control Act 1982*, and *Gaming Machine Act 1991* to authorise officers to use information obtained under any of those Acts for the purposes of all those Acts and this Act.

2. Amendment of the *Liquor Act 1992* to allow approved keno games conducted by a keno licensee under a keno licence to be played on licensed premises.

3. Amendment of section 189 of the *Racing and Betting Act 1980* to allow the Totalisator Agency Board to enter agency agreements with a keno licensee.

Schedule 4 contains the Dictionary which defines the terms used in the Act.