

# **CHARITABLE AND NON-PROFIT GAMING BILL 1999**

## **EXPLANATORY NOTES**

### **Short Title**

*Charitable and Non-Profit Gaming Bill 1999*

### **Objectives of the Legislation**

The Bill provides the regulatory framework to ensure the integrity and probity of the games and individuals associated with charitable and non-profit gaming, in order to ensure that the public derives benefit from fundraising conducted through charitable and non-profit gaming.

### **Reasons for the Legislation**

In recent years, charitable and non-profit organisations have called for reform of the existing charitable gaming regulatory regime which was regulated under the *Art Unions Act 1992*. These groups stressed the need to amend the current act, in order to maintain the industry's viability; particularly, in light of the changing nature of the gaming and entertainment environment as a whole.

As result, the Queensland Office of Gaming Regulation released the Art Unions Discussion Paper in April 1998 and received extensive feedback on the Paper's recommendations. The Paper, combined with the feedback received during the consultation process, has formed the basis for the regulatory regime proposed in the Charitable and Non-Profit Gaming Bill 1999.

The Bill repeals and replaces the *Art Unions Act 1992* and will ensure that present regulatory burdens are streamlined. It will also ensure that greater flexibility is provided to operators, whilst public confidence in the probity and integrity of charitable and non-profit gaming schemes continues to be preserved and protected.

**Estimated Cost for Government Implementation**

There are no additional costs anticipated from the implementation of this legislation. This Bill will enable the regulatory role of the Queensland Office of Gaming Regulation to be streamlined, thus allowing it to more clearly focus its resources on the regulation of the higher risk (generally the larger) parts of the industry.

**Assessment of Bill's Consistency with Fundamental Legislative Principles**

The Bill has been prepared taking into consideration the fundamental legislative principles. However, a deviation from these principles has occurred firstly in relation to giving inspectors powers to enter premises without warrants where charitable and non-profit gaming activities are being or are about to be conducted.

It is proposed that inspectors, in the absence of a warrant, will only enter a place where a charitable and non-profit gaming activity is being, or is about to be, conducted or a place where a charitable and non-profit association carries on business or is otherwise open for entry. This is considered reasonable as associations wishing to be involved in charitable and non-profit gaming must be willing to be subjected to such scrutiny in the interest of the overall integrity of all forms of charitable and non-profit gaming.

Secondly, the Chief Executive may refuse to grant a licence even if satisfied with the suitability of the applicant to hold a licence. These powers are absolutely necessary in the public interest to ensure the integrity of the conduct of charitable and non-profit gaming and are consistent with other existing Queensland gaming practices.

A number of other standard provisions, essential to the integrity of gaming, have been included in the Bill. These include the power of the chief executive to access criminal history reports through the commissioner of Police, the investigation of licensees and their associates and the power to immediately suspend a licence in exceptional circumstances. These are standard provisions in all gaming legislation and are essential to ensure the integrity of gaming in the public interest.

It is proposed that the Bill identify persons who should be held accountable for the conduct of charitable and non-profit gaming. This is designed to correct difficulties that have been experienced in the investigation and prosecution of breaches under the *Art Unions Act 1992* and will enable those persons responsible for the conduct of gaming to be identified. This power is considered crucial particularly in instances where a game is conducted by an unincorporated association.

It is proposed that appeals to the Queensland Gaming Commission be allowed with respect to specified decisions of the chief executive. The Commission is an appellate body with respect to like decisions under the *Interactive Gambling (Player Protection) Act 1998* and the *Wagering Act 1998* and it is considered appropriate that appeals under the Bill be dealt with in this way.

It is proposed that transitional regulations be able to be made to ensure the smooth transition between the conduct of games under the *Art Unions Act 1992* and the conduct of charitable and non-profit games under the new legislation. Whilst it is anticipated that Part 10 of the Bill deals with all matters necessary to effect the transition, the complexity of some of the issues may result in unforeseen circumstances which are not dealt with in the Bill. Similar provisions exist in the *Wagering Act 1998* and the *Lotteries Act 1997*.

## **Consultation**

The Bill is based on drafting instructions that were developed following an extensive public consultation process on charitable and non-profit fundraising in Queensland. The consultation process focussed around the Art Unions Discussion Paper. Feedback on the Discussion Paper was generally very positive and constructive. In addition to the feedback from the general public, consultation has occurred with other relevant Government agencies during the preparation of the Bill.

## **NOTES ON PROVISIONS**

### **PART 1—PRELIMINARY**

*Clause 1* sets out the Short Title of the Act.

*Clause 2* provides for the Act to commence on proclamation.

*Clause 3* sets out the objectives of the Act.

*Clause 4* states that the Act does not apply to the conduct of a game permitted under another jurisdiction's law if the conduct of the game consists only of advertising the game within Queensland.

### **PART 2—INTERPRETATION**

*Clause 5* refers to the dictionary of terms contained in schedule 2 of the Act.

*Clause 6* defines “art union”

*Clause 7* defines “association”

*Clause 8* defines “bingo”

*Clause 9* defines “calcutta sweep”

*Clause 10* defines “eligible association”

*Clause 11* defines “game”

*Clause 12* defines “lucky envelopes”

*Clause 13* defines “promotional game”

*Clause 14* defines “category 1 game”

*Clause 15* defines “category 2 game”

*Clause 16* defines “category 3 game”

*Clause 17* defines “category 4 game”

### **PART 3—GENERAL GAMING**

*Clause 18* provides that a category 1 game can only be conducted by an association or by an individual who derives no personal gain from the conduct of the game, unless the conduct of the game is authorised under another Act.

*Clause 19* provides that a category 2 game can only be conducted by an eligible association that complies with clause 22, unless the conduct of the game is authorised under another Act.

*Clause 20* provides that a category 3 game can only be conducted by an eligible association that holds a category 3 gaming licence and complies with clause 22 or by a person that holds a special category 3 gaming licence, unless the conduct of the game is authorised under another Act.

*Clause 21* provides that any person may conduct a category 4 game.

*Clause 22* provides that an eligible association may conduct a category 2 or 3 game only if it conducts its business and keeps its gaming records in an office within the State and clearly states on the tickets the purpose to which the net proceeds will be applied, if any of the proceeds are to be applied for a purpose outside Queensland.

*Clause 23* defines “bingo centre” and states that a person must not conduct bingo if the gross proceeds of all the games in a bingo session exceed \$20,000. It also provides that a person may conduct bingo only at a licensed bingo centre and only if the person is an eligible association with an individual appointed as an ordinary member of the bingo centre licensee.

*Clause 24* provides that an entity must not conduct lucky envelopes if the gross proceeds of the game exceeds \$5,000.

*Clause 25* requires a person conducting lucky envelopes to ensure that the lucky envelope vending machine is approved by the chief executive and installed and operated in accordance with the Regulations.

*Clause 26* requires a person printing lucky envelopes to have a lucky envelope printer licence and to ensure compliance with the requirements for printing lucky envelopes.

*Clause 27* outlines the security measures to be taken by both the lucky envelope printer and the person conducting lucky envelopes in relation to the storage of lucky envelope stocks.

*Clause 28* provides that a person may only sell lucky envelopes that have been printed under a lucky envelope printer licence.

*Clause 29* provides that a person may apply in writing to the chief executive for approval for an event on which the person intends to conduct a calcutta sweep.

*Clause 30* provides that the chief executive must consider the application made under clause 29 and either grant or refuse the application.

*Clause 31* outlines the conditions for approval of the application made under clause 29, by the chief executive.

*Clause 32* provides that the chief executive must provide the person with a written notice as to the chief executive's decision regarding the approval or refusal of the application made under clause 29.

*Clause 33* states the period for which an approval remains in force.

*Clause 34* states that the chief executive may withdraw the approval and outlines the withdrawal procedure.

*Clause 35* provides that a person must only apply the net proceeds of a category 1, 2 or 3 game for a purpose for which the game was conducted.

## **PART 4—LICENCES**

*Clause 36* outlines the four types of general licence that may be issued under the Act.

*Clause 37* provides that a general licence must be in an approved form and sets out the matters to be included in the licence. It also provides the different terms for which each of the four types of general licence remains in force.

*Clause 38* provides that an applicant association for a bingo centre licence must be incorporated and comprise equal numbers of members from those eligible associations intending to conduct bingo at the centre.

*Clause 39* states that only incorporated eligible associations may apply for a category 3 gaming licence.

*Clause 40* states that only a corporation may apply for a lucky envelope printer licence.

*Clause 41* outlines the requirements for eligibility to apply for a special category 3 gaming licence.

*Clause 42* provides that a special category 3 gaming licence is not renewable.

*Clause 43* provides that an application for the issue or renewal of a general licence must be made in an approved form, accompanied by the prescribed application fee and lodged within the prescribed time. The applicant must also supply additional information to the chief executive upon request.

*Clause 44* provides that the chief executive must consider an application for the issue or renewal of a licence and either grant or refuse the application.

*Clause 45* provides that the chief executive must be satisfied as to the suitability of the applicant (for all types of applicant) and the applicant's business and executive associates (except a special category 3 applicant) to hold such a licence. In the case of a special category 3 gaming licence, the chief executive must also be satisfied that the "exceptional circumstances" involved warrant such a licence. However, the chief executive may refuse to grant any type of licence even if satisfied of such matters.

*Clause 46* sets out the matters to which the chief executive may have regard in deciding whether an applicant for a licence is a suitable person to hold a general licence.

*Clause 47* sets out the matters to which the chief executive may have regard in deciding whether a business or executive associate of an applicant for a licence is a suitable person to be associated with the applicant's operations.

*Clause 48* provides that the chief executive may investigate an applicant, a management member of an applicant or a business or executive associate of an applicant, in the course of determining their suitability.

*Clause 49* provides that the chief executive can ask for and obtain criminal history reports from the commissioner of the police service during investigations conducted under clause 48.

*Clause 50* provides that, in the course of deciding an application for the issue or renewal of a licence, the chief executive can ask an inspector to enter and inspect premises associated with the conduct of general gaming or the printing of lucky envelopes. An inspector may also be requested to

inspect and test equipment.

*Clause 51* outlines other matters to which the chief executive may have regard in deciding whether to grant an application for a bingo centre licence. However, the chief executive is not limited to these particular considerations when deciding whether to grant or refuse such an application.

*Clause 52* outlines other matters to which the chief executive may have regard in deciding whether to grant an application for a category 3 gaming licence. However, the chief executive is not limited to these particular considerations when deciding whether to grant or refuse such an application.

*Clause 53* outlines other matters that the chief executive may consider in deciding whether to grant an application for a lucky envelope printer licence. However, the chief executive is not limited to these particular considerations when deciding whether to grant or refuse such an application.

*Clause 54* provides that if the chief executive decides to grant an application then the chief executive must immediately issue or renew the licence subject to having received the prescribed application fee from the applicant. If the chief executive decides to refuse to grant an application then the chief executive must immediately provide the applicant with an information notice to this effect.

*Clause 55* provides that the chief executive may issue or renew a general licence on conditions deemed necessary for the proper conduct of the licensee in the public interest. The chief executive must immediately provide the applicant with an information notice concerning this decision.

*Clause 56* provides that the chief executive may change the conditions of a general licence if necessary for the proper conduct of the licensee in the public interest. The chief executive must immediately provide the licensee with an information notice concerning this decision and issue a replacement licence.

*Clause 57* provides penalties for failure to comply with general licence conditions.

*Clause 58* provides grounds for the suspension or cancellation of a general licence.

*Clause 59* provides that a licensee must be given a show cause notice of proposed action if the chief executive believes a ground exists to suspend or cancel a general licence and the act or omission is of a serious and fundamental nature which compromises the integrity of gaming or affects



the public interest in an adverse or material way. The licensee is given a period of, at least, 21 days in which to respond as to why action should not be taken.

*Clause 60* provides that the chief executive must immediately give a copy of the show cause notice to persons the chief executive believes to have an interest in a licence. Such persons are able to make written representations about the notice to the chief executive.

*Clause 61* provides that the chief executive must consider all written representations made during the show cause period.

*Clause 62* provides for immediate suspension of a general licence where the chief executive reasonably believes that a ground exists to suspend or cancel the licence and the seriousness of the situation justifies immediate action in order to safeguard the public interest or the integrity of gaming.

*Clause 63* provides that the chief executive may censure, by notice in writing, a general licensee for a matter relating to a ground for suspension or cancellation of a general licence in circumstances where the chief executive does not believe cancellation or suspension is warranted.

*Clause 64* provides that the chief executive may, by written notice, direct a licensee to rectify a matter within a specified reasonable time period if the chief executive still believes a ground exists to suspend or cancel a general licence after considering the accepted representations for a show cause notice but also believes that the matter is capable of being rectified.

*Clause 65* outlines other actions the chief executive may take after considering the accepted representations for a show cause notice if the chief executive still believes a ground exists to suspend or cancel a general licence or if a licensee fails to comply with a rectification notice in the stipulated time period. Such action includes suspension or cancellation of the general licence or the appointment of an administrator to conduct the operation of the licensee. The chief executive must immediately notify the licensee of any action to be taken.

*Clause 66* provides for the term and functions of an administrator appointed by the chief executive to conduct the operations of the general licensee.

*Clause 67* provides that, at any time, the chief executive may cancel or reduce the remaining period of suspension of a general licence. The chief executive must immediately notify the licensee of any such change.

*Clause 68* allows the Minister to approve an audit program for investigating a general licensee or business or executive associates of a licensee. Such an audit is the responsibility of the chief executive and a person can only be investigated in this manner once a year.

*Clause 69* provides for circumstances where an investigation may be undertaken by the chief executive to determine whether a general licensee, or a business or executive associate of a licensee, is suitable to hold or be associated with a licensee. Such investigations can only be instigated where the chief executive reasonably suspects a person is not suitable or where the investigations form part of an approved audit program for licensees or where a person became an associate of the licensee after the general licence was issued.

*Clause 70* provides that a person may be required, by written request from the chief executive, to supply information or documentation that the chief executive considers relevant to an investigation and it provides penalties for failure to comply, without reasonable excuse, with such a requirement.

*Clause 71* provides that the chief executive can ask for and obtain criminal history reports from the commissioner of the police service during investigations conducted under clause 69.

## **PART 5—COMPLIANCE REQUIREMENTS**

*Clause 72* provides that the Minister can make rules about general gaming and that these rules are subordinate legislation.

*Clause 73* provides that persons conducting the game (including an administrator) and players must comply with the rules.

*Clause 74* provides that a person conducting a category 2 or 3 game must keep general gaming records at its principal place of business in Queensland or, if incorporated, at its registered office in Queensland.

*Clause 75* provides that a holder of a bingo centre licence must keep general gaming records about each bingo game, in a safe place.

*Clause 76* provides that a holder of a lucky envelope printer licence must keep general gaming records about each game of lucky envelopes printed, in a safe place.

*Clause 77* provides that general gaming records must be kept for a period approved by the chief executive, of not more than 5 years after the end of the relevant game.

*Clause 78* provides for the keeping of accounting records by a person conducting category 1, 2 or 3 games.

*Clause 79* provides for the preparation of financial statements and accounts by the holder of a category 3 gaming licence.

*Clause 80* requires a person conducting a category 3 game to keep a financial institution account for banking transactions for the person's gaming operations.

*Clause 81* requires the submission to the chief executive of reports about the operation of the game of a person conducting a category 3 game.

*Clause 82* requires that a person conducting a category 3 game must provide the chief executive with a return about each draw in the game within the period stated by the chief executive. In the case of a special category 3 game, this return must be submitted within 2 months after the last draw.

*Clause 83* provides that a person conducting a category 1, 2 or 4 game must respond to a written request from the chief executive for a return about a game or session within the time period stated in the notice.

*Clause 84* requires a holder of a lucky envelope printer licence to provide the chief executive with a return every 6 months.

*Clause 85* defines "accountant".

*Clause 86* provides that if the chief executive considers it necessary for the public interest or for the proper conduct of general gaming, the chief executive may require a person conducting category 1 or 4 gaming to ensure the person's financial records for the gaming operations are audited by an accountant as soon as practicable after the end of the financial year.

*Clause 87* provides that a person conducting a category 3 game or certain category 2 games (where the gross proceeds exceed an amount prescribed in a Regulation) must ensure the person's financial records for the general gaming operations are audited by an accountant as soon as practicable after the end of the financial year.

*Clause 88* provides that a holder of a bingo centre licence must ensure its financial records for operating the bingo centre are audited by an accountant as soon as practicable after the end of the financial year.

*Clause 89* provides that a holder of a lucky envelope printer licence must ensure the financial records for the holder's operations are audited by an accountant as soon as practicable after the end of the financial year.

*Clause 90* outlines the requirements for an accountant undertaking an audit under the division.

*Clause 91* provides that the chief executive must immediately be given a copy of an audit report prepared under clause 90.

*Clause 92* provides that, if a person fails to give the chief executive a copy of an audit report under clause 91, then the chief executive may ask the auditor for a copy of the report.

*Clause 93* allows the chief executive to require a person to provide further information about matters contained in the entity's audit report.

*Clause 94* provides that the chief executive may declare a person to be exempt from audit requirements if the chief executive considers that the extent of the person's gaming operations does not warrant an audit.

*Clause 95* outlines the way in which a person must deal with prizes including the requirements relating to the delivery of prizes and the processes for dealing with unclaimed prizes.

*Clause 96* outlines the way in which a person must deal with disputed prize claims.

*Clause 97* provides that a person must only issue tickets for a game if the tickets include the information prescribed under a rule.

*Clause 98* provides that a person may apply to the chief executive for approval of regulated general gaming equipment or a proposed modification to such equipment.

*Clause 99* provides that the chief executive must consider an application lodged under clause 98, and must carry out any evaluation of the equipment considered to be necessary.

*Clause 100* provides that the chief executive must approve, or refuse to approve, the equipment or its modification. The chief executive may approve such equipment only when satisfied that the equipment or proposed

modification meets certain specified criteria.

*Clause 101* provides that a person advertising a game must take reasonable steps to ensure that the advertisement is not indecent or offensive; is based on fact; is not false, deceptive or misleading in a material particular and complies with the rules for the game.

*Clause 102* provides that the chief executive may direct a person to stop or change advertisements relating to a game that the chief executive believes contravenes clause 101.

*Clause 103* provides for a system of complaint resolution in relation to the conduct of gaming operations.

*Clause 104* requires a person to report to the chief executive, dishonest acts relating to the conduct of gaming and provides that a person can not be mistreated as a result of submitting such a report to the chief executive.

*Clause 105* prohibits bribery of general gaming officials.

*Clause 106* prohibits cheating in relation to a game.

*Clause 107* prohibits a person conducting a game from extending credit in any form to enable a player to participate in a game.

*Clause 108* prohibits the forging or uttering of official general gaming documents.

*Clause 109* prohibits the impersonation of a representative of a person conducting general gaming or a general gaming official.

*Clause 110* provides that a person involved in the conduct of a game must not allow a minor to participate in a game if a prize for the game includes liquor.

## **PART 6—INVESTIGATION AND ENFORCEMENT**

*Clause 111* provides that the chief executive may appoint inspectors who are public service officers or employees or are otherwise prescribed under a regulation.

*Clause 112* outlines the qualifications that a person must possess prior to being appointed as an inspector.

*Clause 113* provides that the Minister may approve an audit program for investigating inspectors. The audit program may be used by the chief executive in reconsidering whether a person is suitable to perform the duties of an inspector.

*Clause 114* provides for matters that the chief executive is to consider when assessing the suitability of a person to be appointed, or to continue, as an inspector; including asking for and obtaining criminal history reports from the commissioner of the police service.

*Clause 115* defines the powers of inspectors.

*Clause 116* provides that an inspector is appointed on conditions that are outlined in the instrument of appointment. The clause also outlines circumstances where an inspector ceases to hold office.

*Clause 117* provides that the chief executive must issue an inspector with an identity card and outlines the information that must be included on the identity card. A person who ceases to be an inspector is to return the person's identity card to the chief executive.

*Clause 118* sets out requirements for the production and display, wherever practicable, of an inspector's identity card when exercising powers under the Act.

*Clause 119* outlines an inspector's right of entry to certain places with and without consent or warrant.

*Clause 120* provides a procedure for obtaining the consent of the occupier for an inspector to enter a place under clause 119 (1) (a).

*Clause 121* provides for an application to a justice for a warrant. The application must be sworn and must state the grounds on which the warrant is sought.

*Clause 122* sets out requirements to be satisfied for a justice to issue a warrant and for the contents of any such warrant.

*Clause 123* provides for the application for and issue of a special warrant in urgent or special circumstances and provides evidentiary presumptions in relation to proving that a special warrant was issued.

*Clause 124* provides a procedure for an inspector to follow prior to entering a place under a special warrant. However, an inspector is not required to comply with this procedure if the inspector reasonably believes that immediate entry to the place is required to ensure the effective execution of the warrant.

*Clause 125* sets out general powers of inspectors where entry to a place is authorised.

*Clause 126* provides a penalty for the failure by a person to provide reasonable assistance to an inspector when required to do so under clause 125 (3) (g).

*Clause 127* provides a penalty for the failure by a person to give information required by an inspector under clause 125 (3) (h).

*Clause 128* allows an inspector who enters a general gaming place to seize a thing that the inspector reasonably believes is evidence of an offence under this Act.

*Clause 129* provides requirements for an inspector to seize a thing at a place, other than a general gaming place, where entry was with the consent of the occupier or with a warrant.

*Clause 130* provides for the securing of things seized by an inspector.

*Clause 131* provides a penalty for tampering with a thing seized by an inspector.

*Clause 132* 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 133* provides for the issue of a receipt for anything seized by an inspector.

*Clause 134* provides for the forfeiture to the State, in certain cases, of things that have been seized by an inspector and outlines the procedures to be followed in the event of forfeiture.

*Clause 135* requires an inspector to return seized things which have not been forfeited within 6 months of seizure, or from the end of any proceeding for an offence or appeal from the proceeding, or when the thing is no longer required as evidence.

*Clause 136* provides for an owner to obtain access to a seized thing that has not been forfeited or returned.

*Clause 137* empowers an inspector to give a direction stopping the use of a particular thing in conducting games if the inspector reasonably believes that the continued use of the thing may jeopardise integrity in conducting games or adversely affect the public interest.

*Clause 138* deals with how a stop direction or notice under clause 137 is to be given. The notice in which the direction is given must state the grounds for the direction.

*Clause 139* provides an offence for failure to comply with the stop direction.

*Clause 140* provides that an inspector may require a person to state their name and address in certain circumstances.

*Clause 141* provides an offence for the failure by a person to provide an inspector with the person's name and address.

*Clause 142* allows an inspector to require production of documents issued, or required to be kept under, the Act. An inspector may also copy a document and may require a person to certify a copy of a document as a true copy.

*Clause 143* provides an offence for failure to produce a document to an inspector when required.

*Clause 144* provides an offence for failure to certify a document required by an inspector.

*Clause 145* 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, the conduct of general gaming or issues associated with general gaming equipment.

*Clause 146* provides an offence for failure to attend before an inspector, failure to answer a question or provide information; or making false and misleading statements.

*Clause 147* provides that an inspector may require information from the manager at a place of business of a financial institution with respect to accounts for a person's general gaming operations.



*Clause 148* provides that the manager or the financial institution is not liable for breach of trust merely by complying with the requirement of an inspector under clause 147.

*Clause 149* provides an offence for failure to comply with a financial records requirement.

*Clause 150* empowers the chief executive to direct a person to stop or change an unsatisfactory management practice if the chief executive reasonably believes that it may compromise the integrity of the conduct of games or adversely affect the public interest.

*Clause 151* empowers the chief executive to issue a person with a direction about the person's conduct of general gaming.

*Clause 152* allows a court to order the forfeiture of things that 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 153* provides that, if a person is served with an infringement notice for an offence under the Act and duly pays the infringement penalty, then the chief executive may order the forfeiture of things which have been used to commit an offence or are the subject of an offence.

*Clause 154* provides that a thing that has been forfeited to the State becomes the property of the State and may be destroyed by the chief executive.

*Clause 155* requires an inspector to notify an owner whose property has been damaged by the inspector in the exercise of the inspector's powers.

*Clause 156* allows a person to claim compensation from the State for damage caused, or cost incurred, in the exercise or purported exercise of an inspector's powers and it outlines the manner and extent to which compensation may be sought.

*Clause 157* protects certain officials from liability in relation to acts, or omissions, made honestly and without negligence under the Act.

*Clause 158* makes it an offence to knowingly make a false or misleading statement to an inspector.

*Clause 159* makes it an offence to knowingly provide a document containing false, misleading or incomplete information to an inspector.

*Clause 160* makes it an offence to obstruct an inspector in the exercise of a power.

## **PART 7—LEGAL PROCEEDINGS**

*Clause 161* specifies the application of Division 1 of this part.

*Clause 162* contains evidentiary provisions in relation to appointments and authorities.

*Clause 163* is an evidentiary provision in relation to signatures of the chief executive and inspectors.

*Clause 164* contains evidentiary provisions in relation to matters certified by the chief executive.

*Clause 165* outlines which offences in the Act are indictable offences and which are summary offences.

*Clause 166* outlines proceedings for indictable offences.

*Clause 167* specifies indictable offence proceedings that must be heard before a magistrate.

*Clause 168* limits the time for starting summary proceedings for an offence under the Act.

*Clause 169* defines the responsibility of a person for acts or omissions by the entity or the person's representative.

*Clause 170* provides that the executive officers of a corporation must ensure the corporation complies with the Act and outlines the extent to which liability for offences committed by the corporation are extended to the executive officers.

*Clause 171* outlines the extent to which liability for offences committed by unincorporated associations under the Act are applied to specified management members of the association.

*Clause 172* provides that it is an offence to attempt to commit an offence against the Act.

*Clause 173* provides that a court may order the forfeiture to the State of monies received by an entity convicted of conducting gaming in contravention of clauses 18, 19 or 20.

## **PART 8—APPEALS**

*Clause 174* provides that an appeal may be made to the Queensland Gaming Commission by an applicant or licensee against specified decisions of the chief executive.

*Clause 175* provides the owner of a thing seized by an inspector with a right of appeal to the Queensland Gaming Commission against the decision of the inspector to forfeit the thing under clause 134.

*Clause 176* sets out the procedure for starting an appeal.

*Clause 177* provides that the Queensland Gaming Commission may grant a stay of the operation of the decision appealed against, to secure the effectiveness of the appeal. Such an appeal may be given on conditions the Commission considers appropriate, operate for a time period fixed by the Commission and may be revoked or amended by the Commission.

*Clause 178* outlines the powers able to be exercised by the Gaming Commission in deciding an appeal and states that an appeal is by way of rehearing.

*Clause 179* provides that the Gaming Commission may require a person to attend and to provide evidence under oath.

*Clause 180* allows the Gaming Commission, in deciding an appeal, to confirm a decision, set aside a decision and substitute another decision or set aside a decision and return it to the decision maker with directions.

*Clause 181* allows an appeal to a District Court from a decision of the Gaming Commission on a question of law.

## **PART 9—MISCELLANEOUS**

*Clause 182* provides that a fee payable by a person under the Act is a debt payable to the State.

*Clause 183* imposes a duty of confidentiality on persons who are, or have been, engaged in functions related to the administration or enforcement of the Act but it allows disclosure for a purpose under the Act or with the approval of the chief executive to certain persons and entities or with some lawful excuse.

*Clause 184* provides for delegation of powers under the Act by the Minister and the chief executive.

*Clause 185* authorises the chief executive to approve forms for use under the Act.

*Clause 186* authorises the making of regulations under the Act.

## **PART 10—TRANSITIONAL PROVISIONS AND REPEAL**

*Clause 187* defines the “repealed Act” as the *Art Unions Act 1992*.

*Clause 188* outlines that references to the repealed Act are to be taken to be references to this Act.

*Clause 189* provides for games started under the repealed Act to continue under this Act.

*Clause 190* outlines the transitional standing of approvals for a lucky envelope vending machine given under section 66 of the repealed Act, in relation to clause 100 of this Act and the period of such standing given the nature of the initial approval.

*Clause 191* outlines how licences and permits will continue under this Act.

*Clause 192* outlines the transitional standing of existing orders, directions, requirements or decisions under the repealed Act, in relation to this Act.

*Clause 193* provides that inspectors under the repealed Act will be taken to be appointed under this Act.

*Clause 194* provides for regulations to be made that are of a saving or transitional nature.

*Clause 195* provides for the repeal of the *Art Unions Act 1992*.

## **PART 11—CONSEQUENTIAL AND OTHER AMENDMENTS**

*Clause 196* provides that Schedule 1 amends the Acts mentioned in it.

### *Schedules*

*Schedule 1* provides for consequential amendments to other Acts. Included in the consequential amendments for the Wagering Act 1998 is an administrative amendment to section 166—Calculation and payment of wagering tax – to provide a more efficient method of calculating totalisator and fixed odds wagering tax. The definition of “gross revenue” has also been amended to provide for the calculation of wagering tax where the operator is a party to an ancillary wagering agreement.

*Schedule 2* contains the Dictionary that defines the terms used in the Act.