

# **Gambling Legislation Amendment Bill 2007**

## **Explanatory Notes**

### **General Outline**

### **Policy Objectives**

The Bill will amend the seven principal gaming Acts, namely to implement processes relating to third party operators who assist in general gaming; strengthen the Government's stance against minors entering, remaining and gambling in casinos and introduce a licensing regime for those businesses that test gaming equipment. The Bill will also make a number of miscellaneous amendments to the principal gaming Acts.

### **Reasons for the Bill**

Art unions conducted under the *Charitable and Non-Profit Gaming Act 1999* are an important way for eligible associations to raise funds. There is renewed concern over ensuring that appropriate standards and levels of accountability are set and maintained, personal gain by individuals is prevented, integrity is maintained, and public confidence and trust in buying tickets as a worthwhile way of supporting fundraising is encouraged. Amendments will be aimed at reinforcing the objectives of the *Charitable and Non-Profit Gaming Act 1999* that the State and the community as a whole should benefit from general gaming. It is considered that the industry and those purchasing art union tickets would benefit from strengthening certain aspects of the legislation.

The Government is serious about preventing minors from entering and gambling in casinos and has identified several areas where the *Casino Control Act 1982* could be enhanced to reflect the Government's attitude to these issues.

The Government confirms a longstanding policy that clubs (category 2 licensees) can not hold more than one gaming licence. Clubs maintain the ability to seek approval to conduct machine gaming at additional premises under the club's gaming licence.

After the trial of outsourcing gaming equipment evaluation work to non-government evaluators under the *Gaming Machine Act 1991*, the Government has identified a need to introduce a licensing regime for evaluators (who will be known as “Licensed Testing Facility Operators”) to ensure the continued integrity of machine gaming in Queensland.

Finally, a number of miscellaneous amendments to the gaming Acts have been identified.

### **Achievement of the Objectives**

To ensure the integrity of general gaming and the probity of those persons involved in general gaming, the *Charitable and Non-Profit Gaming Act 1999* will be amended to insert provisions dealing with third party operators who perform certain tasks for eligible associations conducting art unions. This will include the informal review of third party operator agreements and the investigation of third party operators as suitable business associates of eligible associations.

The Government will strengthen its stand against minors entering, remaining and gambling in casinos by making amendments to the *Casino Control Act 1982* to further limit and discourage minor’s involvement in casino gambling. The penalty for allowing or suffering a minor to enter or remain in the casino will be increased. A new offence of allowing a minor to gamble or attempt to gamble in a casino will be introduced. It will also become an offence for an adult to aid or enable a minor to enter or remain in a casino unless such entry is otherwise authorised.

To enhance the regulation of those persons involved in machine gaming and help ensure the integrity of gaming, a new licensing regime will be introduced into the *Gaming Machine Act 1991* which will apply to those businesses who test or evaluate gaming equipment. Licensed Testing Facility Operators will be subject to more control by the regulator than is currently possible by the approval of evaluators.

Miscellaneous amendments are also made to several gaming Acts.

### **Alternatives to the Bill**

The policy objectives can only be achieved by legislative enactment.

### **Estimated Cost for Government Implementation**

Implementation costs are not expected to be significant.

## **Consistency with Fundamental Legislative Principles**

The Gambling Legislation Amendment Bill 2007 has been drafted with regard to fundamental legislative principles.

## **Consultation**

Government consultation was undertaken with the Departments of the Premier and Cabinet; Treasury; Tourism, Fair Trading and Wine Industry Development; Local Government, Planning, Sport and Recreation; Communities; State Development; Transport; Infrastructure; Justice and Attorney-General; Education, Training and the Arts; and Employment and Industrial Relations.

Consultation was also undertaken with industry participants and other relevant stakeholders. These stakeholders included the Queensland casinos (Tabcorp Holdings Ltd and the Reef Hotel Casino), members and observers of the Responsible Gambling Advisory Committee, the Queensland Gaming Commission, heads of churches, UNiTAB Limited, the Golden Casket Lottery Corporation Limited, Clubs Queensland, the Queensland Hotels Association, the Fundraising Institute of Australia, entities which undertake charitable and non-profit gaming and the Association of Gaming Machine Manufacturers Australia, GLI Australia, Technical Systems Testing Pty Ltd, Global Gaming Systems and Bellamy, Miller and Moneypenny Pty Ltd. Several consultation papers were also posted for public consultation on the Queensland Office of Gaming Regulation website and the ConsultQld website.

# **Notes on Provisions**

## **Part 1                      Preliminary**

Clause 1 sets out the short title of the Bill as the Gambling Legislation Amendment Bill 2007.

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

## **Part 2**                      **Amendment of the Casino Control Act 1982**

Clause 3 provides that Part 2 of the Bill amends the *Casino Control Act 1982*.

Clause 4 amends section 62 to provide for new technology in deposit receptacle, count room and storage area security. The word “locks” is omitted from section 62(4) and (4B) and the words “approved security devices” are inserted. The words “a lock” are omitted from section 62(4A) and the words “an approved security device” are inserted. Sections 62(4C), (4D) and (4E) are omitted and new sections 62(4C), (4D) and (4E) are inserted to provide detail of the uniqueness of the methods of activation of devices, and control of the methods of activation. The words “an approved security device used to secure” are inserted after the word “ensure” in section 62(4G). The words “locked or unlocked” are omitted from section 62(4G) and the words “activated or inactivated” are inserted. A new section 62(11) is inserted to define the term “approved security device”.

Although the new terms introduced are slightly unusual, the aim of the amendments is to ensure that suitable technology (including keys, locks, other technology which may not be properly characterised as a key or a lock, and other methods which may not be properly characterised as locking or unlocking a device) can be used to secure a deposit receptacle, count room or storage area.

Clause 5 inserts a new section 62AA which provides that the casino operator may apply to the chief executive, in writing, for approval of a security device. The amendment outlines the circumstances in which the chief executive may approve a security device and how the casino operator is notified of the chief executive’s decision on whether approval was granted or refused. Where the chief executive decides not to approve a security device, the chief executive must provide the reasons for the decision to the casino operator and advise the casino operator of the changes to the device that are necessary for the device to be approved.

Clause 6 omits section 85E(2)(b) and replaces it with a new section 85E(2)(b). The new section varies one of the criteria that must be met before the chief executive may appoint a person as an inspector. Relevantly, an appointment may be made if the chief executive is satisfied the person is qualified because of their expertise or experience, or the chief executive considers the person has the ability to quickly acquire such expertise. This allows the chief executive to have more flexibility in the

appointment of inspectors without diminishing the quality of new inspectorial appointments.

Clause 7 amends section 102 to implement changes which will strengthen the Government's stance against minors being exposed to the casino environment and reflects the seriousness the Government places on this issue.

The maximum penalty in section 102(3) will be increased to 100 penalty units for a casino operator and 40 penalty units for employees and agents of a casino operator.

A new offence will be introduced for adults who aid or enable a minor to enter or remain in a casino during the hours of operation of the casino.

A new offence will be introduced to specifically target casino gambling by minors. It will be an offence by the casino operator, employee or agent of the operator to allow a minor to gamble or attempt to gamble, and the casino operator, employee or agent of the operator if they find a person under 18 years gambling or attempting to gamble must immediately prevent the minor from gambling or attempting to gamble.

The defence in section 102(5)(b) will be reworded to provide clarity. The substance of the defence will not change.

Clause 8 inserts the words "(a relevant benefit)" after "security" in section 103. Also, the penalty is omitted and replaced with a penalty which applies when the relevant benefit obtained or induced is not more than \$50,000 in value, and a higher penalty when the relevant benefit obtained or induced is more than \$50,000 in value. The increased penalty of 500 penalty units or 5 years imprisonment for larger cheating cases reflects the seriousness of the offence which will generally be prosecuted on indictment.

Clause 9 inserts a new section 120(3A) which provides that a person against whom proceedings are taken summarily under section 120, for a cheating offence involving an amount of more than \$50,000, is liable on conviction to a penalty of not more than 300 penalty units or three years imprisonment.

Clause 10 inserts Part 11, Division 6 which contains transitional provisions. On commencement, a lock, to which the unamended section 62 applied to, is taken to be an approved security device for the purposes of the amended section 62.

Clause 11 omits the definition of problem gambler from the Schedule (Dictionary) and inserts a new definition of problem gambler. The new definition of problem gambler is based on the national definition of

problem gambling developed by the national gambling research program, Gambling Research Australia, and endorsed by the Ministerial Council on Gambling.

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

Clause 12 provides that Part 3 of the Bill amends the *Charitable and Non-Profit Gaming Act 1999*.

Clause 13 inserts a new Part 3, Division 1A which is concerned with third party operators, being organisations which sell art union tickets, receive and bank money from the sale or account for the proceeds of sale on behalf of eligible associations who are holders of a category 3 gaming licence. A “category 3 game” is a game, other than bingo, the gross proceeds of which are more than \$20,000. The administration of the ticket buyer’s database is an element of selling art union tickets.

Agreements with third party operators must be in writing and submitted to the chief executive before being executed. The chief executive may review the agreement as part of the investigation into the suitability of the association to be the holder of a category 3 gaming licence but does not formally approve the agreement.

The chief executive must be notified if the parties make a material change to the unexecuted agreement. If the parties intend to make a change to an executed agreement, the parties must give the chief executive a copy of the proposed agreement at least 28 days before the amending agreement is to take effect. If the parties to the proposed amending agreement make a material further change to the agreement before it is entered into, the association must, as soon as practicable after the change is made, give the chief executive a copy of the proposed agreement as changed. A copy of the executed agreement must be provided to the chief executive. If the agreement is cancelled or otherwise comes to an end, the eligible association must, as soon as practicable after the agreement ends, notify the chief executive that the agreement has ended. A third party operator is deemed to be a business associate of the eligible association.

Clause 14 inserts new sections 43(1A) and (1B) which provide that if an eligible association makes an application for the issue or renewal of a category 3 gaming licence and, at the time the application is made, intends

to enter a third party operator agreement, the application must be accompanied by the proposed agreement.

Clause 15 inserts new sections 46(da), (db) and (dc) to provide new matters which the chief executive may have regard to in deciding whether the applicant, or a management member of the applicant, is a suitable person to hold certain licences. These new matters relate to the association's corporate governance practices and executed and unexecuted third party operator agreements. Subsections are renumbered for clarity.

Clause 16 provides certainty for persons required to keep general gaming records. The records must be kept for 5 years after the end of the game to which the record relates. The heading for section 77 together with sections 77(1) and (2) are omitted. New heading for section 77 and a new section 77(1) are inserted, renumbering the remaining subsections accordingly.

Clause 17 inserts a new section 84A prohibiting the giving of a return about a game, which a person knows is false or misleading in a material particular, to the chief executive. If prosecution action is brought against the person who gave the return, it is sufficient for the complaint to state that the return was "false or misleading" to the person's knowledge.

Clause 18 introduces a penalty of 100 penalty units for a breach of the advertising provisions in section 101. Although this provision has general application, this penalty is introduced to deal mainly with one-off breaches of the provision where the giving of a direction by the chief executive in relation to future conduct and subsequent actions as provided by section 102, would be ineffective or not considered appropriate.

Clause 19 omits section 111(2)(b) and replaces it with a new section 111(2)(b). The new section varies one of the criteria that must be met before the chief executive may appoint a person as an inspector. Relevantly, an appointment may be made if the chief executive is satisfied the person is qualified because of their expertise or experience, or the chief executive considers the person has the ability to quickly acquire such expertise. This allows the chief executive to have more flexibility in the appointment of inspectors without diminishing the quality of new inspectorial appointments.

Clause 20 inserts a new section 183A and 183B to make certain prohibitions relating to control over an application for a licence and control of category 3 gaming operations.

Clause 21 inserts a new section 184A to give the chief executive a power to issue guidelines about the attitude the chief executive is likely to adopt on a

particular matter or how the chief executive administers the Act. The section contains provisions about public access to the guidelines.

Clause 22 inserts a new Part 10, Division 3 which contains transitional provisions. Existing agreements between an eligible association and an entity under which, in relation to an art union, the entity helps the eligible association with the sale of tickets in the art union, receiving and banking the money from the sale or accounting for the proceeds of sale are taken to be third party operator agreements and the entity is taken to be a third party operator. A copy of a written third party operator agreement must be given to the chief executive within 28 days. Agreements which are not written must be reduced to writing and a copy given to the chief executive within 28 days or a longer period approved by the chief executive. Sections 22C and 22D apply to these third party operator agreements.

Clause 23 inserts a new definition of third party operator and third party operator agreement into Schedule 2 (Dictionary).

## **Part 4                      Amendment of Gaming Machine Act 1991**

Clause 24 provides that Part 4 of the Bill amends the *Gaming Machine Act 1991*.

Clause 25 omits the words “maintenance or repair of gaming equipment” from section 5(a)(vi)(C) and inserts the words “maintenance, repair or testing of gaming equipment”.

Clause 26 omits section 48 as that section is no longer needed.

Clause 27 inserts a new section 50(1A) which provides that the Minister may delegate, to the chief executive, the Minister’s power under section 24(1), to appoint a commissioner to act as chairperson of the Commission.

Clause 28 inserts a new section 55H which confirms a longstanding position and provides that a club can not hold more than one gaming machine licence for category 2 licensed premises. An application made by a club for more than one category 2 gaming machine licence must be refused. An application for a category 2 gaming machine licence made by a club that already holds a category 2 gaming machine licence must be refused.



Clause 29 omits section 56(5)(m) and inserts a new section 56(5)(m) to remove the requirement that an application for a gaming machine licence must be accompanied by a statement about the compliance program for the licence. It is considered that this statement is not necessary, however, the need for the application to be accompanied by a compliance program document remains.

Clause 30 omits section 68(2)(d)(iv).

Clause 31 omits section 86(1A) as it is no longer proposed to restrict the approved number of gaming machines which a category 1 licensee may apply to have decreased.

Clause 32 omits section 86A as it is no longer proposed to restrict a licensee's ability to apply to decrease the approved number of gaming machines for licensed premises after the sale of an operating authority for the licensee's category 1 licensed premises.

Clause 33 omits section 87(2) and inserts a new section 87(2) which provides that the chief executive may approve a decrease that is less than the decrease sought in a decrease proposal. The previous constraint in approving a decrease for category licensed premises by the chief executive is removed.

Clause 34 omits section 96(1A) and inserts a new section 96(1A) which details when an associated gaming licence is not cancelled if a liquor licence is cancelled. The section extends the existing exception to the cancellation rule to include the circumstance where a general liquor licence is surrendered merely because the licensee is issued with a special facility liquor licence.

Clause 35 omits the reference to subsection "(1)" from section 99(5) and inserts a reference to subsection "(3)".

Clause 36 omits section 109J as the provision is no longer required.

Clause 37 omits the heading for Part 4 and inserts a new heading for Part 4.

Clause 38 omits the words "an operator's" from section 112(1)(a) and inserts the words "a monitoring operator's", and inserts a new section 112(1)(d) to enable the chief executive to have regard to whether an applicant for a testing facility operator's licence, or a licensed testing facility operator, is a suitable person to hold a testing facility operator's licence.

Clause 39 omits the words "an operator's" from section 113(1)(a) and inserts the words "a monitoring operator's", and inserts a new section

113(1)(d) to enable the chief executive to have regard to whether an associate of an applicant for a testing facility operator's licence, or a licensed testing facility operator, is a suitable person to be associated with the testing operations of a licensed testing facility operator.

Clause 40 omits section 123(1)(c) and inserts a new section 123(1)(c) to enable the Commission to place conditions on a licensed monitoring operator licence and a licensed testing facility operator licence in certain circumstances when the licence is issued.

Clause 41 omits the words "An operator's" from section 125(1) and inserts the words "A monitoring operator's", and inserts a new section 125(3) which provides that a testing facility operator's licence remains in force for 5 years from its date of issue.

Clause 42 omits section 127(1)(c) and inserts a new section 127(1)(c) to enable the Commission to change the conditions on a licensed monitoring operator licence and a licensed testing facility operator licence in certain circumstances.

Clause 43 omits the words "an operator's" in paragraph (a) of the definition of standard licence period in section 131(5) and inserts the words "a monitoring operator's", and inserts a new paragraph (c) into the definition of standard licence period in section 131(5) to provide that the standard licence period for a testing facility operator's licence is 5 years.

Clause 44 inserts a new section 139(2)(e) to insert a new ground for the suspension or cancellation of a licensed testing facility operator licence.

Clause 45 omits the words "its operator's" from section 147(2)(f) and inserts the words "its monitoring operator's".

Clause 46 inserts the words " , other than a licensed testing facility operator," after the words "A licensed supplier" in section 156(1).

Clause 47 inserts a new section 162A which provides that Part 4, Division 8, Subdivision 1 does not apply to a licensed testing facility operator.

Clause 48 omits the words "maintenance or repair of gaming equipment" and inserts the words "maintenance, repair or testing of gaming equipment" in section 229(1)(c).

Clause 49 omits words from section 232(2), (3), (3)(a) and (4)(a) and inserts new words into section 232(2), (3), (3)(a) and (4)(a) to reflect the change from using the words "evaluated" and "evaluation" to using the words "test" and "tested", and to use the new term of "licensed testing facility operator".

Clause 50 omits the word “evaluation” from section 267(3)(a) and inserts the word “testing”.

Clause 51 omits the words “approved evaluator” from the heading of section 267A and inserts the words “licensed testing facility operator”, omits section 267A(1) and inserts a new section 267A(1) which provides that a licensed testing facility operator is authorised to obtain and be in possession of gaming equipment or restricted components for testing the equipment or components, omits the words “An approved evaluator” from section 267A(2) and inserts the words “A licensed testing facility operator”, omits the words “an approved evaluator” from paragraph (b) of the definition of designated equipment in section 267A(4) and inserts the words “a licensed testing facility operator”, and omits the word “evaluator’s” from paragraph (b) of the definition of designated equipment in section 267A(4) and inserts the word “operator’s”.

Clause 52 omits the word “evaluation” from section 268(2)(a) and inserts the word “testing”.

Clause 53 omits the words “obtain or be in possession of” from section 272(2) and inserts the words “obtain, be in possession of or test”.

Clause 54 omits words from section 281(2), (3), (4), (5)(b), (7), (7)(a), (9)(a) and (10) and inserts new words into section 281(2), (3), (4), (5)(b), (7), (7)(a), (9)(a) and (10) to reflect the change from using the words “evaluated”, “evaluating” and “evaluation” to using the words “test”, “testing” and “tested”, and to use the new term of “licensed testing facility operator”.

Clause 55 omits words from section 288(2), (3), (3)(a) and (4)(a) and inserts new words into section 288(2), (3), (3)(a) and (4)(a) to reflect the change from using the words “evaluated” and “evaluation” to using the words “test” or “tested”, and to use the new term of “licensed testing facility operator”.

Clause 56 omits section 325A(2)(b) and replaces it with a new section 325A(2)(b). The subsection varies one of the criteria that must be met before the chief executive may appoint a person as an inspector. Relevantly, an appointment may be made if the chief executive is satisfied the person is qualified because of their expertise or experience, or the chief executive considers the person has the ability to quickly acquire such expertise. This allows the chief executive to have more flexibility in the appointment of inspectors without diminishing the quality of new inspectorial appointments.

Clause 57 omits the words “maintenance or repair of gaming equipment” from paragraph (k)(ii) of the definition of article in section 326 and inserts the words “maintenance, repair or testing of gaming equipment”, and omits the words “maintenance or repair of gaming equipment” from paragraph (b) of the definition of records in section 326 and inserts the words “maintenance, repair or testing of gaming equipment”.

Clause 58 renumbers section 327(1)(d) and (e) as section 327(1)(e) and (f), respectively, and inserts a new section 327(1)(d) which enables the chief executive to, by written notice, give directions to a licensed testing facility operator about the testing of gaming equipment.

Clause 59 omits the words “repaired or kept” from section 329(1)(a) and inserts the words “repaired, tested or kept”, and omits the words “maintenance or repair of gaming equipment” from section 329(1)(d)(ii)(B), (3)(d)(ii) and (3)(g)(iii) and inserts the words “maintenance, repair or testing of gaming equipment”.

Clause 60 omits the words “maintenance or repair of gaming equipment” from section 330(d)(iii) and inserts the words “maintenance, repair or testing of gaming equipment”.

Clause 61 omits the words “maintenance or repair of gaming equipment” from section 335(1)(c) and inserts the words “maintenance, repair or testing of gaming equipment”.

Clause 62 omits the words “maintenance or repair of gaming equipment” from section 336(4)(b)(iii) and inserts the words “maintenance, repair or testing of gaming equipment”.

Clause 63 omits section 341A(4) and inserts a new section 341A(4). Notification of an authorisation will be given and maintained on the department’s website, namely the website of the regulator. This will enable the information to be accessed more readily than through the Government Gazette.

Clause 64 omits the words “maintenance or repair of gaming equipment” from section 347(5)(b) and inserts the words “maintenance, repair or testing of gaming equipment”.

Clause 65 omits the words “statement or affidavit” from section 350(f) and inserts the words “statement, affidavit, or report on the testing of gaming equipment”.

Clause 66 inserts a new Part 12, Division 13 which contains a transitional provision. An application for a gaming machine licence made but not

determined before commencement would continue to be subject to the unamended section 56(5)(m).

Clause 67 amends the dictionary. The definitions of approved evaluator, gaming equipment, licensed monitoring operator, and problem gambler are omitted. New definitions of gaming equipment, licensed monitoring operator, licensed testing facility operator, problem gambler and testing operations are inserted. The new definition of problem gambler is based on the national definition of problem gambling developed by the national gambling research program, Gambling Research Australia, and endorsed by the Ministerial Council on Gambling. The words “Surfers Paradise Sports Club Inc.” are omitted from the definition of category 1 licensed premises and the words “Gold Coast Commerce Club Inc.” are inserted. A new paragraph (d) is inserted into the definition of licensed supplier to include a licensed testing facility operator. A new paragraph (d) is inserted into the definition of supplier’s licence to include a testing facility operator’s licence.

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

Clause 68 provides that Part 5 of the Bill amends the *Interactive Gambling (Player Protection) Act 1998*.

Clause 69 omits section 186(2)(b) and replaces it with a new section 186(2)(b). The new section varies one of the criteria that must be met before the chief executive may appoint a person as an inspector. Relevantly, an appointment may be made if the chief executive is satisfied the person is qualified because of their expertise or experience, or the chief executive considers the person has the ability to quickly acquire such expertise. This allows the chief executive to have more flexibility in the appointment of inspectors without diminishing the quality of new inspectorial appointments.

Clause 70 omits the definition of problem gambler from Schedule 3 (Dictionary) and inserts a new definition of problem gambler. The new definition is based on the national definition of problem gambling developed by the national gambling research program, Gambling Research Australia, and endorsed by the Ministerial Council on Gambling.

## **Part 6                      Amendment of Keno Act 1996**

Clause 71 provides that Part 6 of the Bill amends the *Keno Act 1996*.

Clause 72 omits the heading for section 159A and subsection (1) and inserts a new heading and section 159A(1) to provide that an appointed agent or an employee of an agent must not take part in keno gaming at a place where the agent conducts keno gaming. This extends the current prohibition on certain gaming by keno agents and employees of keno agents to keno subagents and employees of keno subagents.

Clause 73 omits section 167(2)(b) and replaces it with a new section 167(2)(b). The new section varies one of the criteria that must be met before the chief executive may appoint a person as an inspector. Relevantly, an appointment may be made if the chief executive is satisfied the person is qualified because of their expertise or experience, or the chief executive considers the person has the ability to quickly acquire such expertise. This allows the chief executive to have more flexibility in the appointment of inspectors without diminishing the quality of new inspectorial appointments.

Clause 74 omits the definition of problem gambler from Schedule 4 (Dictionary) and inserts a new definition of problem gambler. The new definition of problem gambler is based on the national definition of problem gambling developed by the national gambling research program, Gambling Research Australia, and endorsed by the Ministerial Council on Gambling.

## **Part 7                      Amendment of Lotteries Act 1997**

Clause 75 provides that Part 7 of the Bill amends the *Lotteries Act 1997*.

Clause 76 omits section 153(2)(b) and replaces it with a new section 153(2)(b). The new section varies one of the criteria that must be met before the chief executive may appoint a person as an inspector. Relevantly, an appointment may be made if the chief executive is satisfied the person is qualified because of their expertise or experience, or the chief executive considers the person has the ability to quickly acquire such expertise. This allows the chief executive to have more flexibility in the

appointment of inspectors without diminishing the quality of new inspectorial appointments.

## **Part 8                      Amendment of Wagering Act 1998**

Clause 77 provides that Part 8 of the Bill amends the *Wagering Act 1998*.

Clause 78 omits section 229(2)(b) and replaces it with a new section 229(2)(b). The new section varies one of the criteria that must be met before the chief executive may appoint a person as an inspector. Relevantly, an appointment may be made if the chief executive is satisfied the person is qualified because of their expertise or experience, or the chief executive considers the person has the ability to quickly acquire such expertise. This allows the chief executive to have more flexibility in the appointment of inspectors without diminishing the quality of new inspectorial appointments.

Clause 79 omits the definitions of problem gambler Schedule 2 (Dictionary) and inserts a new definition of problem gambler. The new definition of problem gambler is based on the national definition of problem gambling developed by the national gambling research program, Gambling Research Australia, and endorsed by the Ministerial Council on Gambling.