



Queensland

Gambling Legislation Amendment Bill 2007



Queensland

Gambling Legislation Amendment Bill 2007

Contents

		Page
Part 1	Preliminary	
1	Short title	6
2	Commencement	6
Part 2	Amendment of Casino Control Act 1982	
3	Act amended in pt 2	6
4	Amendment of s 62 (Gaming equipment and chips)	6
5	Insertion of new s 62AA	7
	62AA Approval of security devices	8
6	Amendment of s 85E (Appointment and qualifications)	8
7	Amendment of s 102 (Provisions relating to minors in respect of casinos)	8
8	Amendment of s 103 (Cheating)	10
9	Amendment of s 120 (Proceedings for offences)	10
10	Insertion of new pt 11, div 6	11
	Division 6 Transitional provision for Gambling Legislation Amendment Act 2007	
	144 Approved security devices—s 62AA	11
11	Amendment of schedule (Dictionary)	11
Part 3	Amendment of Charitable and Non-Profit Gaming Act 1999	
12	Act amended in pt 3	12
13	Insertion of new pt 3, div 1A	12
	Division 1A Third party operator agreements	
	22A Agreement to help in relation to an art union	12
	22B Notice to chief executive of intention to enter third party operator agreement	13
	22C Notice to chief executive of intention to amend third party operator agreement	13

Gambling Legislation Amendment Bill 2007

	22D	Copy of third party operator agreement to chief executive	14
	22E	Notice to chief executive of cancellation of third party operator agreement	14
14		Amendment of s 43 (Application for issue or renewal of a general licence)	14
15		Amendment of s 46 (Suitability of applicant to hold general licence)	15
16		Amendment of s 77 (General gaming records to be kept for required period)	15
17		Insertion of new s 84A	16
	84A	False or misleading returns	16
18		Amendment of s 101 (Advertising)	17
19		Amendment of s 111 (Appointment and qualifications)	17
20		Insertion of new ss 183A and 183B	17
	183A	Prohibition on control of application for category 3 gaming licence	17
	183B	Prohibition on control of category 3 gaming operations	18
21		Insertion of new s 184A	19
	184A	Chief executive may issue guidelines	19
22		Insertion of new pt 10, div 3	19
	Division 3	Transitional provisions for Gambling Legislation Amendment Act 2007	
	199	Third party operator agreements—pt 3, div 1A	19
23		Amendment of sch 2 (Dictionary)	21
Part 4		Amendment of Gaming Machine Act 1991	
24		Act amended in pt 4	21
25		Amendment of s 5 (Meaning of associate)	21
26		Omission of s 48 (Approved evaluators)	21
27		Amendment of s 50 (Delegations)	21
28		Insertion of new s 55H	22
	55H	Limit on category 2 gaming machine licences for clubs	22
29		Amendment of s 56 (Application for gaming machine licences)	22
30		Amendment of s 68 (Issue of gaming machine licences generally)	22
31		Amendment of s 86 (Proposals to decrease approved number of gaming machines)	22
32		Omission of s 86A (Restriction on applying for decrease for category 1 licensed premises)	23

Gambling Legislation Amendment Bill 2007

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

2007

A Bill

for

**An Act to amend Acts administered by the Deputy Premier,
Treasurer and Minister for Infrastructure**

The Parliament of Queensland enacts—		1
Part 1	Preliminary	2
Clause 1	Short title	3
	This Act may be cited as the <i>Gambling Legislation Amendment Act 2007</i> .	4 5
Clause 2	Commencement	6
	Sections 13, 14, 15(2) and (3), 22, 23, 25, 26, 37 to 55, 57 to 62, 64, 65 and 67(1), (2), (5) and (6) commence on a day to be fixed by proclamation.	7 8 9
Part 2	Amendment of Casino Control Act 1982	10 11
Clause 3	Act amended in pt 2	12
	This part amends the <i>Casino Control Act 1982</i> .	13
Clause 4	Amendment of s 62 (Gaming equipment and chips)	14
	(1) Section 62(4) and (4B), ‘locks’—	15
	<i>omit, insert—</i>	16
	‘approved security devices’.	17
	(2) Section 62(4A), ‘a lock’—	18
	<i>omit, insert—</i>	19
	‘an approved security device’.	20
	(3) Section 62(4C), (4D) and (4E)—	21
	<i>omit, insert—</i>	22

Gambling Legislation Amendment Bill 2007

- ‘(4C) A casino operator must ensure— 1
- (a) the method of activating 1 of the approved security 2
devices mentioned in subsections (4) and (4B) is under 3
the exclusive control of the casino operator; and 4
- (b) the method of activating the other approved security 5
device is different from the method mentioned in 6
paragraph (a) and is under the control of an inspector at 7
the casino. 8
- Maximum penalty—40 penalty units. 9
- ‘(4D) A casino operator must ensure the method of activating the 10
approved security device mentioned in subsection (4A) is 11
under the exclusive control of the casino operator. 12
- Maximum penalty—40 penalty units. 13
- ‘(4E) A casino operator must ensure each approved security device 14
mentioned in subsection (4), (4A) or (4B) is not able to be 15
inactivated by the method of inactivating any other approved 16
security device at the casino. 17
- Maximum penalty—40 penalty units.’. 18
- (4) Section 62(4G), after ‘ensure’— 19
- insert—* 20
- ‘an approved security device used to secure’. 21
- (5) Section 62(4G), ‘locked or unlocked’— 22
- omit, insert—* 23
- ‘activated or inactivated’. 24
- (6) Section 62— 25
- insert—* 26
- ‘(11) In this section— 27
- approved security device*** means a security device approved by 28
the chief executive under section 62AA.’. 29

- Clause 5** **Insertion of new s 62AA** 30
- After section 62— 31
- insert—* 32

'62AA Approval of security devices	1
'(1) A casino operator may apply to the chief executive, in writing, for approval of a security device for the purpose of section 62.	2 3
'(2) If the chief executive is satisfied the security device is suitable for the purpose for which it is to be used under section 62, the chief executive may approve the security device.	4 5 6
'(3) The chief executive must give the casino operator written notice of the chief executive's decision to approve or not to approve a security device.	7 8 9
'(4) If the chief executive decides not to approve a security device, the chief executive must tell the casino operator—	10 11
(a) the reasons for the decision; and	12
(b) the changes to the device that are necessary for the device to be approved.'	13 14
Clause 6 Amendment of s 85E (Appointment and qualifications)	15
Section 85E(2)(b)—	16
<i>omit, insert—</i>	17
'(b) the chief executive is satisfied the person is qualified for the appointment because—	18 19
(i) the person has the necessary expertise or experience; or	20 21
(ii) the chief executive considers the person has the ability to quickly acquire the necessary expertise; and'	22 23 24
Clause 7 Amendment of s 102 (Provisions relating to minors in respect of casinos)	25 26
(1) Section 102(3), penalty—	27
<i>omit, insert—</i>	28
'Maximum penalty—	29
(a) for a casino operator—100 penalty units; or	30

Gambling Legislation Amendment Bill 2007

- (b) for an employee or agent of a casino operator—40
penalty units.’. 1
2
- (2) Section 102— 3
insert— 4
- ‘(3A) An adult must not aid or enable a person under 18 years to 5
enter or remain in a casino during the hours of operation of the 6
casino. 7
Maximum penalty—20 penalty units. 8
- ‘(3B) A casino operator or an employee or agent of a casino 9
operator employed in or acting in connection with the casino 10
must not allow a person under 18 years to gamble or attempt 11
to gamble in the casino. 12
Maximum penalty— 13
- (a) for a casino operator—200 penalty units; or 14
- (b) for an employee or agent of a casino operator—40 15
penalty units. 16
- ‘(3C) A casino operator or an employee or agent of a casino 17
operator employed in or acting in connection with the casino 18
who finds a person under 18 years gambling or attempting to 19
gamble in the casino must immediately prevent the person 20
from gambling or attempting to gamble. 21
Maximum penalty— 22
- (a) for a casino operator—200 penalty units; or 23
- (b) for an employee or agent of a casino operator—40 24
penalty units. 25
- ‘(3D) Subsection (3E) applies for the purpose of prosecuting a 26
casino operator or an employee or agent of a casino operator 27
for— 28
- (a) allowing a person under 18 years to attempt to gamble in 29
a casino; or 30
- (b) if the operator, employee or agent finds a person under 31
18 years attempting to gamble in a casino—not 32
immediately preventing the person from attempting to 33
gamble. 34

Gambling Legislation Amendment Bill 2007

- (3E) For deciding whether a person under 18 years attempted to gamble in a casino, the Criminal Code, section 4, applies as if gambling by a person under 18 years in a casino were an offence committed by the person against this Act.’ 1
2
3
4
- (3) Section 102(5), ‘subsection (3) to establish’— 5
omit, insert— 6
‘subsection (3), (3A), (3B) or (3C) to establish’. 7
- (4) Section 102(5)(b)— 8
omit, insert— 9
‘(b) that at the time of the offence, the defendant had obtained from the person in question a certificate mentioned in subsection (4), or acceptable evidence of age, indicating that the person was 18 years or more.’. 10
11
12
13

Clause 8 Amendment of s 103 (Cheating) 14

- (1) Section 103, after ‘security’— 15
insert— 16
‘(a *relevant benefit*)’. 17
- (2) Section 103, penalty— 18
omit, insert— 19
‘Maximum penalty— 20
(a) if the relevant benefit obtained or induced is not more than \$50000 in value—200 penalty units or 2 years imprisonment; or 21
22
23
(b) if the relevant benefit obtained or induced is more than \$50000 in value—500 penalty units or 5 years imprisonment.’. 24
25
26

Clause 9 Amendment of s 120 (Proceedings for offences) 27

- Section 120— 28
insert— 29
‘(3A) A person against whom proceedings are taken summarily under this section for an offence against section 103 to which 30
31

Gambling Legislation Amendment Bill 2007

paragraph (b) of the penalty for that section would otherwise
 apply is liable on conviction to a penalty of not more than 300
 penalty units or 3 years imprisonment.’. 1
 2
 3

Clause 10 Insertion of new pt 11, div 6 4

Part 11— 5

insert— 6

**‘Division 6 Transitional provision for Gambling
 Legislation Amendment Act 2007** 7
 8

‘144 Approved security devices—s 62AA 9

‘(1) This section applies to a lock mentioned in section 62 and in
 use under section 62 as in force immediately before the
 commencement of this section. 10
 11
 12

‘(2) On the commencement, the lock is taken to be an approved
 security device for section 62.’. 13
 14

Clause 11 Amendment of schedule (Dictionary) 15

Schedule, definition *problem gambler—* 16

omit, insert— 17

**‘*problem gambler* means a person whose behaviour relating
 to gambling—** 18
 19

(a) is characterised by difficulties in limiting the amount of
 money or time the person spends on gambling; and 20
 21

(b) leads to adverse consequences for the person, other
 persons or the community.’. 22
 23

Part 3	Amendment of Charitable and Non-Profit Gaming Act 1999	1 2
Clause 12	Act amended in pt 3	3
	This part amends the <i>Charitable and Non-Profit Gaming Act 1999</i> .	4 5
Clause 13	Insertion of new pt 3, div 1A	6
	Part 3, after section 22—	7
	<i>insert—</i>	8
‘Division 1A	Third party operator agreements	9
‘22A	Agreement to help in relation to an art union	10
‘(1)	This section applies for the purpose of an eligible association entering into an agreement (a <i>third party operator agreement</i>) with another entity (a <i>third party operator</i>) for the third party operator to help the eligible association with any of the following matters in relation to an art union—	11 12 13 14 15
	(a) the sale of tickets in the art union;	16
	(b) receiving and banking money from the sale;	17
	(c) accounting for the proceeds of the sale.	18
‘(2)	A third party operator agreement must—	19
	(a) be in writing; and	20
	(b) be signed by both the eligible association and the third party operator; and	21 22
	(c) provide for the arrangements between the association and the operator relating to the art union; and	23 24
	(d) state details of the help the operator will give the association.	25 26
	<i>Note—</i>	27
	Under section 46(f) and (g), a contravention of subsection (2) may be a relevant consideration in deciding whether an applicant for a licence is a suitable person to hold the licence.	28 29 30

Gambling Legislation Amendment Bill 2007

‘(3)	Failure to comply with subsection (2) does not affect the validity of the agreement or its status as a third party operator agreement.	1 2 3
‘(4)	A third party operator who enters into a third party operator agreement with an eligible association is taken to be a business associate of the eligible association.	4 5 6
‘(5)	An eligible association that enters into a third party operator agreement continues to be responsible under this Act for the conduct of the art union to which the agreement relates.	7 8 9
‘(6)	An agreement between an eligible association and a person in the person’s capacity as an employee of the association or a commission agent is not a third party operator agreement.	10 11 12
‘(7)	In this section— <i>commission agent</i> , in relation to an eligible association, means an individual, other than an employee of the association, who receives payment for selling art union tickets on behalf of the association.	13 14 15 16 17
‘22B	Notice to chief executive of intention to enter third party operator agreement	18 19
‘(1)	An eligible association must not enter into a third party operator agreement unless it has given the chief executive a copy of the proposed agreement at least 28 days before it enters into the agreement. Maximum penalty—100 penalty units.	20 21 22 23 24
‘(2)	If the parties to the proposed agreement make a material change to the agreement before it is entered into, the association must, as soon as practicable after the change is made, give the chief executive a copy of the proposed agreement as changed. Maximum penalty—100 penalty units.	25 26 27 28 29 30
‘22C	Notice to chief executive of intention to amend third party operator agreement	31 32
‘(1)	An eligible association that intends amending a third party operator agreement the association has entered into must, at	33 34

Gambling Legislation Amendment Bill 2007

least 28 days before the amending agreement is to take effect, 1
give the chief executive a copy of the proposed agreement. 2

Maximum penalty—100 penalty units. 3

‘(2) If the parties to the proposed amending agreement materially 4
further change the agreement before it is entered into, the 5
association must, as soon as practicable after the change is 6
made, give the chief executive a copy of the proposed 7
agreement as changed. 8

Maximum penalty—100 penalty units. 9

**‘22D Copy of third party operator agreement to chief 10
executive 11**

‘An eligible association that enters into a third party operator 12
agreement or an agreement amending a third party operator 13
agreement must, as soon as practicable after entering into the 14
agreement, give the chief executive a copy of the agreement. 15

Maximum penalty—100 penalty units. 16

**‘22E Notice to chief executive of cancellation of third party 17
operator agreement 18**

‘If a third party operator agreement is rescinded or otherwise 19
comes to an end, the eligible association that is a party to the 20
agreement must, as soon as practicable after the agreement 21
ends, give the chief executive notice that the agreement has 22
ended. 23

Maximum penalty—100 penalty units.’. 24

**Clause 14 Amendment of s 43 (Application for issue or renewal of a 25
general licence) 26**

Section 43— 27

insert— 28

‘(1A) Subsection (1B) applies if— 29

(a) the application is for, or for the renewal of, a category 3
gaming licence; and 31

Gambling Legislation Amendment Bill 2007

(b) at the time the application is made, the applicant intends entering into a third party operator agreement. 1
2

‘(1B) The applicant must include a copy of the proposed agreement with the application. 3
4

Note— 5

See part 3, division 1A (Third party operator agreements).’. 6

Clause 15 Amendment of s 46 (Suitability of applicant to hold general licence) 7
8

(1) Section 46— 9

insert— 10

‘(da) for an application for a category 3 gaming licence or a special category 3 gaming licence—whether the applicant has in place adequate corporate governance practices for the planning, supervising and reporting of category 3 games;’. 11
12
13
14
15

(2) Section 46— 16

insert— 17

‘(db) if the application is for a category 3 gaming licence and the applicant intends entering into a third party operator agreement—the proposed agreement including whether it complies with section 22A(2); 18
19
20
21

(dc) if the application is for a category 3 gaming licence and the applicant has entered into a third party operator agreement—the agreement including whether it complies with section 22A(2);’. 22
23
24
25

(3) Section 46(da) to (e)— 26

renumber as section 46(e) to (h). 27

Clause 16 Amendment of s 77 (General gaming records to be kept for required period) 28
29

(1) Section 77, heading and subsections (1) and (2)— 30

omit, insert— 31

'77	Period for which general gaming records to be kept	1
	'(1) A person required to keep general gaming records must keep the records for 5 years after the end of the game to which the records relate.	2 3 4
	Maximum penalty—40 penalty units.'	5
	(2) Section 77(3), 'a record'—	6
	<i>omit, insert—</i>	7
	'records'.	8
	(3) Section 77(3)(a), 'it'—	9
	<i>omit, insert—</i>	10
	'the records'.	11
	(4) Section 77(3)(b), 'it has'—	12
	<i>omit, insert—</i>	13
	'the records have'.	14
	(5) Section 77(4), 'the record'—	15
	<i>omit, insert—</i>	16
	'records'.	17
	(6) Section 77(3) and (4)—	18
	<i>renumber</i> as section 77(2) and (3).	19
Clause 17	Insertion of new s 84A	20
	Part 5, division 5—	21
	<i>insert—</i>	22
'84A	False or misleading returns	23
	'(1) A person must not give the chief executive a return, under section 82, 83 or 84, the person knows is false or misleading in a material particular.	24 25 26
	Maximum penalty—40 penalty units.	27
	'(2) It is enough for a complaint against a person for an offence against subsection (1) to state that the return was 'false or	28 29

Gambling Legislation Amendment Bill 2007

misleading' to the person's knowledge, without specifying
which.' 1
2

Clause 18 Amendment of s 101 (Advertising) 3

Section 101— 4

insert— 5

'Maximum penalty—100 penalty units.' 6

Clause 19 Amendment of s 111 (Appointment and qualifications) 7

Section 111(2)(b)— 8

omit, insert— 9

'(b) the chief executive is satisfied the person is qualified for
the appointment because— 10
11

(i) the person has the necessary expertise or
experience; or 12
13

(ii) the chief executive considers the person has the
ability to quickly acquire the necessary expertise;
and' 14
15
16

Clause 20 Insertion of new ss 183A and 183B 17

After section 183— 18

insert— 19

**'183A Prohibition on control of application for category 3
gaming licence** 20
21

'(1) A person, other than an approved person, must not have or
gain— 22
23

(a) control over an application, or the content of an
application, by an eligible association; or 24
25

(b) the ability to control an application or the content of an
application by an eligible association; or 26
27

(c) the ability to interpose between the holder of a category
3 gaming licence and the chief executive in relation to
an application made by the holder. 28
29
30

Gambling Legislation Amendment Bill 2007

Maximum penalty—200 penalty units.	1
‘(2) In this section—	2
<i>application</i> means an application for, or to renew, a category 3 gaming licence.	3 4
<i>approved person</i> , in relation to an application by an eligible association, means a person who is, and is acting in the capacity of, the secretary, an executive officer or a member of the association.	5 6 7 8
‘183B Prohibition on control of category 3 gaming operations	9 10
‘(1) A person, other than an approved person, must not have or gain—	11 12
(a) control over the conduct of a category 3 game; or	13
(b) the ability to control the conduct of a category 3 game.	14
Maximum penalty—200 penalty units.	15
‘(2) For subsection (1), a person has or gains control over, or has or gains the ability to control, the conduct of a category 3 game if the person—	16 17 18
(a) has or gains the capacity to dominate, directly or indirectly, decision-making about policies for the conduct of the game; or	19 20 21
(b) has or gains the capacity to enjoy the majority of the benefits, and to be exposed to the majority of the risks, associated with the conduct of the game.	22 23 24
‘(3) In this section—	25
<i>approved person</i> , in relation to the conduct of a category 3 game, means a person who is, and is acting in the capacity of, the secretary, an executive officer or a member of the eligible association that holds the category 3 gaming licence for the conduct of the game.’	26 27 28 29 30

Clause 21	Insertion of new s 184A	1
	After section 184—	2
	<i>insert—</i>	3
	‘184A Chief executive may issue guidelines	4
	‘(1) The chief executive may issue guidelines to inform persons about—	5 6
	(a) the attitude the chief executive is likely to adopt on a particular matter; or	7 8
	(b) how the chief executive administers this Act.	9
	<i>Example—</i>	10
	The chief executive may issue a guideline about corporate governance practices for the planning, supervising and reporting of category 3 games.	11 12 13
	‘(2) The chief executive must keep copies of the guidelines available for inspection, free of charge, by members of the public at—	14 15 16
	(a) the department’s head office and regional offices; and	17
	(b) other places the chief executive considers appropriate.	18
	‘(3) Also, the chief executive must, if asked by a person, give the person a copy of a guideline, or an extract from a guideline, free of charge.’.	19 20 21
Clause 22	Insertion of new pt 10, div 3	22
	After section 198—	23
	<i>insert—</i>	24
	‘Division 3 Transitional provisions for Gambling Legislation Amendment Act 2007	25 26 27
	‘199 Third party operator agreements—pt 3, div 1A	28
	‘(1) This section applies if, on its commencement, an eligible association has entered into an agreement with an entity for the entity to help the eligible association with any of the following matters in relation to an art union—	29 30 31 32

Gambling Legislation Amendment Bill 2007

- | | |
|---|----------------|
| (a) the sale of tickets in the art union; | 1 |
| (b) receiving and banking money from the sale; | 2 |
| (c) accounting for the proceeds of the sale. | 3 |
| ‘(2) On the commencement— | 4 |
| (a) the entity is taken to be a third party operator; and | 5 |
| (b) the agreement is taken to be a third party operator agreement. | 6
7 |
| ‘(3) If the agreement is in writing, the eligible association must, within 28 days after the commencement, give a copy of the agreement to the chief executive. | 8
9
10 |
| Maximum penalty—100 penalty units. | 11 |
| ‘(4) If the agreement is not in writing, within 28 days after the commencement or, if the chief executive has approved a longer period, within the longer period— | 12
13
14 |
| (a) the eligible association and the third party operator must reduce the terms of the agreement to writing; and | 15
16 |
| (b) the eligible association must give a copy of the written agreement to the chief executive. | 17
18 |
| Maximum penalty—100 penalty units. | 19 |
| ‘(5) The chief executive may approve a longer period if— | 20 |
| (a) the eligible association asks the chief executive to approve a longer period and gives reasons for the request; and | 21
22
23 |
| (b) the chief executive is satisfied that, for the reasons given, the longer period is necessary. | 24
25 |
| <i>Example of reason—</i> | 26 |
| The parties have not reached agreement about the written terms of the third party operator agreement. | 27
28 |
| ‘(6) Sections 22C and 22D apply to an amendment of an agreement entered into before the commencement and taken, under subsection (1), to be a third party operator agreement.’. | 29
30
31 |

Clause 23	Amendment of sch 2 (Dictionary)	1
	Schedule 2—	2
	<i>insert</i> —	3
	<i>‘third party operator</i> see section 22A(1).	4
	<i>third party operator agreement</i> see section 22A(1).’.	5
Part 4	Amendment of Gaming Machine Act 1991	6
		7
Clause 24	Act amended in pt 4	8
	This part amends the <i>Gaming Machine Act 1991</i> .	9
Clause 25	Amendment of s 5 (Meaning of <i>associate</i>)	10
	Section 5(a)(vi)(C), ‘maintenance or repair of gaming equipment’—	11
		12
	<i>omit, insert</i> —	13
	‘maintenance, repair or testing of gaming equipment’.	14
Clause 26	Omission of s 48 (Approved evaluators)	15
	Section 48—	16
	<i>omit</i> .	17
Clause 27	Amendment of s 50 (Delegations)	18
	Section 50—	19
	<i>insert</i> —	20
	‘(1A) 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.’.	21
		22
		23

Gambling Legislation Amendment Bill 2007

Clause 28	Insertion of new s 55H	1
	Part 3, division 3—	2
	<i>insert—</i>	3
‘55H	Limit on category 2 gaming machine licences for clubs	4
		5
	‘(1) A club can not hold more than 1 gaming machine licence for category 2 licensed premises (a <i>category 2 gaming machine licence</i>).	6
		7
		8
	‘(2) If an application for more than 1 category 2 gaming machine licence is made by a club, the commission must refuse to grant the application.	9
		10
		11
	‘(3) If an application for a category 2 gaming machine licence is made by a club that already holds a category 2 gaming machine licence, the commission must refuse to grant the application.’.	12
		13
		14
		15
Clause 29	Amendment of s 56 (Application for gaming machine licences)	16
		17
	Section 56(5)(m)—	18
	<i>omit, insert—</i>	19
	‘(m) must be accompanied by a compliance program document for the licence; and’.	20
		21
Clause 30	Amendment of s 68 (Issue of gaming machine licences generally)	22
		23
	Section 68(2)(d)(iv)—	24
	<i>omit.</i>	25
Clause 31	Amendment of s 86 (Proposals to decrease approved number of gaming machines)	26
		27
	Section 86(1A)—	28
	<i>omit.</i>	29

Gambling Legislation Amendment Bill 2007

Clause 32	Omission of s 86A (Restriction on applying for decrease for category 1 licensed premises)	1 2
	Section 86A—	3
	<i>omit.</i>	4
Clause 33	Amendment of s 87 (Decision on decrease proposal)	5
	Section 87(2)—	6
	<i>omit, insert—</i>	7
	‘(2) The chief executive may approve a decrease that is less than the decrease sought in a decrease proposal.’	8 9
Clause 34	Amendment of s 96 (Action affecting gaming machine licences based on action affecting liquor licences)	10 11
	Section 96(1A)—	12
	<i>omit, insert—</i>	13
	‘(1A) However, an associated gaming licence is not taken to be cancelled under subsection (1) if—	14 15
	(a) the special facility liquor licence for the associated gaming licence is surrendered merely because the licensee for the associated gaming licence is issued with a general liquor licence for the associated gaming licence; or	16 17 18 19 20
	(b) the general liquor licence for the associated gaming licence is surrendered merely because the licensee for the associated gaming licence is issued with a special facility liquor licence for the associated gaming licence.’	21 22 23 24 25
Clause 35	Amendment of s 99 (Suspension of gaming machine licence for non-payment of gaming machine tax, levy or penalty)	26 27 28
	Section 99(5), ‘(1)’—	29
	<i>omit, insert—</i>	30
	‘(3)’.	31

Clause 36	Omission of s 109J (Chief executive to review particular provisions of Act)	1 2
	Section 109J—	3
	<i>omit.</i>	4
Clause 37	Replacement of pt 4, hdg (Licensing of monitoring operators and dealers)	5 6
	Part 4, heading—	7
	<i>omit, insert—</i>	8
	‘Part 4 Licensing of monitoring operators, dealers and testing facility operators’.	9 10 11
Clause 38	Amendment of s 112 (Suitability of applicants for, and holders of, suppliers’ licences)	12 13
	(1) Section 112(1)(a), ‘an operator’s’—	14
	<i>omit, insert—</i>	15
	‘a monitoring operator’s’.	16
	(2) Section 112(1)—	17
	<i>insert—</i>	18
	‘(d) an applicant (also the <i>involved body</i>) for a testing facility operator’s licence, or a licensed testing facility operator (also the <i>involved body</i>), is a suitable person to hold a testing facility operator’s licence.’.	19 20 21 22
Clause 39	Amendment of s 113 (Suitability of associates)	23
	(1) Section 113(1)(a), ‘an operator’s’—	24
	<i>omit, insert—</i>	25
	‘a monitoring operator’s’.	26
	(2) Section 113(1)—	27
	<i>insert—</i>	28

Gambling Legislation Amendment Bill 2007

‘(d) an associate of an applicant for a testing facility operator’s licence, or a licensed testing facility operator, is a suitable person to be associated with the testing operations of a licensed testing facility operator.’. 1
2
3
4

Clause 40	Amendment of s 123 (Conditions of licences)	5
	Section 123(1)(c)—	6
	<i>omit, insert—</i>	7
	‘(c) for the proper conduct of the licensed supplier’s supply operations, including—	8 9
	(i) for a licensed monitoring operator—its operations involving electronic monitoring systems; or	10 11
	(ii) for a licensed testing facility operator—its operations involving the testing of gaming equipment.’.	12 13 14

Clause 41	Amendment of s 125 (Duration of licence)	15
	(1) Section 125(1), ‘An operator’s’—	16
	<i>omit, insert—</i>	17
	‘A monitoring operator’s’.	18
	(2) Section 125—	19
	<i>insert—</i>	20
	‘(3) A testing facility operator’s licence remains in force for 5 years from its date of issue.’.	21 22

Clause 42	Amendment of s 127 (Changing conditions of licence)	23
	Section 127(1)(c)—	24
	<i>omit, insert—</i>	25
	‘(c) for the proper conduct of the licensed supplier’s supply operations, including—	26 27
	(i) for a licensed monitoring operator—its operations involving electronic monitoring systems; or	28 29

Gambling Legislation Amendment Bill 2007

	<p style="margin-left: 40px;">(ii) for a licensed testing facility operator—its operations involving the testing of gaming equipment.’.</p>	1 2 3
Clause 43	Amendment of s 131 (Renewal of licence—decision)	4
	(1) Section 131(5), definition <i>standard licence period</i> , paragraph (a), ‘an operator’s’—	5 6
	<i>omit, insert—</i>	7
	‘a monitoring operator’s’.	8
	(2) Section 131(5), definition <i>standard licence period—</i>	9
	<i>insert—</i>	10
	‘(c) for a testing facility operator’s licence—5 years.’.	11
Clause 44	Amendment of s 139 (Grounds for suspension or cancellation)	12 13
	Section 139(2)—	14
	<i>insert—</i>	15
	‘(e) the licensed supplier is a licensed testing facility operator and gives the chief executive a written report of a test of gaming equipment that the supplier knows is false or misleading in a material particular.’.	16 17 18 19
Clause 45	Amendment of s 147 (Decision of commission)	20
	Section 147(2)(f), ‘its operator’s’—	21
	<i>omit, insert—</i>	22
	‘its monitoring operator’s’.	23
Clause 46	Amendment of s 156 (Returns about employees)	24
	Section 156(1), after ‘A licensed supplier’—	25
	<i>insert—</i>	26
	‘, other than a licensed testing facility operator,’.	27

Gambling Legislation Amendment Bill 2007

Clause 47	Insertion of new s 162A	1
	Part 4, division 8, subdivision 1, before section 163—	2
	<i>insert</i> —	3
	‘162A Application of sdiv 1	4
	‘This subdivision does not apply to a licensed testing facility operator.’.	5 6
Clause 48	Amendment of s 229 (Advertisements relating to gaming)	7
	Section 229(1)(c), ‘maintenance or repair of gaming equipment’—	8 9
	<i>omit, insert</i> —	10
	‘maintenance, repair or testing of gaming equipment’.	11
Clause 49	Amendment of s 232 (Approvals for gaming related systems)	12 13
	(1) Section 232(2), from ‘evaluated’, 1st mention—	14
	<i>omit, insert</i> —	15
	‘tested, the chief executive may—	16
	(a) carry out the test; or	17
	(b) direct the applicant—	18
	(i) to arrange to have the system tested by a licensed testing facility operator; and	19 20
	(ii) to give the chief executive a written report of the test in the approved form.’.	21 22
	(2) Section 232(3) and (4)(a), ‘an evaluation’—	23
	<i>omit, insert</i> —	24
	‘a test’.	25
	(3) Section 232(3)(a), ‘evaluation’—	26
	<i>omit, insert</i> —	27
	‘test’.	28

Clause 50	Amendment of s 267 (Possession etc. of gaming equipment and other things by licensed major dealers)	1 2
	Section 267(3)(a), ‘evaluation’—	3
	<i>omit, insert</i> —	4
	‘testing’.	5
 Clause 51	 Amendment of s 267A (Possession etc. of particular gaming equipment by approved evaluator)	 6 7
	(1) Section 267A, heading, ‘approved evaluator’—	8
	<i>omit, insert</i> —	9
	‘licensed testing facility operator’.	10
	(2) Section 267A(1)—	11
	<i>omit, insert</i> —	12
	‘(1) A licensed testing facility operator is authorised to obtain and be in possession of gaming equipment or restricted components for testing the equipment or components.’.	13 14 15
	(3) Section 267A(2), ‘An approved evaluator’—	16
	<i>omit, insert</i> —	17
	‘A licensed testing facility operator’.	18
	(4) Section 267A(4), definition <i>designated equipment</i> , paragraph (b), ‘an approved evaluator’—	19 20
	<i>omit, insert</i> —	21
	‘a licensed testing facility operator’.	22
	(5) Section 267A(4), definition <i>designated equipment</i> , paragraph (b), ‘evaluator’s’—	23 24
	<i>omit, insert</i> —	25
	‘operator’s’.	26
 Clause 52	 Amendment of s 268 (Possession etc. of restricted components by licensed secondary dealers)	 27 28
	Section 268(2)(a), ‘evaluation’—	29

Gambling Legislation Amendment Bill 2007

omit, insert— 1
‘testing’. 2

Clause 53 **Amendment of s 272 (Possession etc. of gaming machines etc. by other persons)** 3
4
Section 272(2), ‘obtain or be in possession of’— 5
omit, insert— 6
‘obtain, be in possession of or test’. 7

Clause 54 **Amendment of s 281 (Approval and rejection of gaming machines and games)** 8
9
(1) Section 281(2), ‘evaluation’— 10
omit, insert— 11
‘testing’. 12
(2) Section 281(3)— 13
omit, insert— 14
‘(3) If the chief executive accepts a gaming machine type or game 15
for testing, the chief executive must— 16
(a) carry out the test; or 17
(b) direct the applicant— 18
(i) to arrange to have the gaming machine type or 19
game tested by a licensed testing facility operator; 20
and 21
(ii) to give the chief executive a written report of the 22
test in the approved form.’. 23
(3) Section 281(4) and (7)(a), ‘the evaluation’— 24
omit, insert— 25
‘the test’. 26
(4) Section 281(5)(b), ‘evaluation’— 27
omit, insert— 28
‘test’. 29

Clause 57	Amendment of s 326 (Interpretation)	1
	(1) Section 326, definition <i>article</i> , paragraph (k)(ii), ‘maintenance or repair of gaming equipment’—	2
		3
	<i>omit, insert—</i>	4
	‘maintenance, repair or testing of gaming equipment’.	5
	(2) Section 326, definition <i>records</i> , paragraph (b), ‘maintenance or repair of gaming equipment’—	6
		7
	<i>omit, insert—</i>	8
	‘maintenance, repair or testing of gaming equipment’.	9
Clause 58	Amendment of s 327 (Directions)	10
	(1) Section 327(1)(d) and (e)—	11
	<i>renumber</i> as section 327(1)(e) and (f).	12
	(2) Section 327(1)—	13
	<i>insert—</i>	14
	‘(d) a licensed testing facility operator about the testing of gaming equipment; or’.	15
		16
Clause 59	Amendment of s 329 (General powers of inspectors)	17
	(1) Section 329(1)(a), ‘repaired or kept’—	18
	<i>omit, insert—</i>	19
	‘repaired, tested or kept’.	20
	(2) Section 329(1)(d)(ii)(B), (3)(d)(ii), and (3)(g)(iii), ‘maintenance or repair of gaming equipment’—	21
		22
	<i>omit, insert—</i>	23
	‘maintenance, repair or testing of gaming equipment’.	24
Clause 60	Amendment of s 330 (Offences relating to inspectors)	25
	Section 330(d)(iii), ‘maintenance or repair of gaming equipment’—	26
		27

omit, insert— 1
‘maintenance, repair or testing of gaming equipment’. 2

Clause 61	Amendment of s 335 (Minister may order inquiry)	3
	Section 335(1)(c), ‘maintenance or repair of gaming equipment’—	4 5
	<i>omit, insert—</i>	6
	‘maintenance, repair or testing of gaming equipment’.	7
Clause 62	Amendment of s 336 (Review and termination of agreements)	8 9
	Section 336(4)(b)(iii), ‘maintenance or repair of gaming equipment’—	10 11
	<i>omit, insert—</i>	12
	‘maintenance, repair or testing of gaming equipment’.	13
Clause 63	Amendment of s 341A (Restriction on membership of management committee or board)	14 15
	Section 341A(4)—	16
	<i>omit, insert—</i>	17
	‘(4) The chief executive must, as soon as practicable after giving an authorisation for subsection (2)(b), give and maintain notice of the authorisation on the department’s website.	18 19 20
	<i>Editor’s note—</i>	21
	The Queensland Office of Gaming Regulation website address is <www.qogr.qld.gov.au>.’.	22 23
Clause 64	Amendment of s 347 (Financial connections and interests of restricted officials)	24 25
	Section 347(5)(b), ‘maintenance or repair of gaming equipment’—	26 27
	<i>omit, insert—</i>	28
	‘maintenance, repair or testing of gaming equipment’.	29

Gambling Legislation Amendment Bill 2007

Clause 65	Amendment of s 350 (Forgery and like offences)	1
	Section 350(f), ‘statement or affidavit’—	2
	<i>omit, insert—</i>	3
	‘statement, affidavit, or report on the testing of gaming equipment’.	4
		5
Clause 66	Insertion of new pt 12, div 13	6
	Part 12—	7
	<i>insert—</i>	8
‘Division 13	Provision for Gambling Legislation Amendment Act 2007	9
		10
‘446	Application for gaming machine licence—s 56	11
	‘Section 56(5)(m) as in force immediately before the commencement of this section applies to an application made but not decided before the commencement.’.	12
		13
		14
Clause 67	Amendment of schedule (Dictionary)	15
	(1) Schedule, definitions <i>approved evaluator, gaming equipment</i> and <i>licensed monitoring operator—</i>	16
	<i>omit.</i>	17
		18
	(2) Schedule—	19
	<i>insert—</i>	20
	‘gaming equipment—	21
	(a) means the following—	22
	(i) a gaming machine;	23
	(ii) linked jackpot equipment;	24
	(iii) an electronic monitoring system;	25
	(iv) a centralised credit system;	26
	(v) a part of, or replacement part for, anything mentioned in subparagraph (i) to (iv); and	27
		28

Gambling Legislation Amendment Bill 2007

- (b) in relation to the testing operations of a licensed testing facility operator, includes—
- (i) gaming machine types; and
 - (ii) mathematics, artwork and software for a game.
- licensed monitoring operator*** means the holder of a monitoring operator’s licence in force under this Act.
- licensed testing facility operator*** means the holder of a testing facility operator’s licence in force under this Act.
- testing operations***, of a licensed testing facility operator, means operations conducted by the operator under the operator’s licence.’.
- (3) Schedule, definition *problem gambler*—
- omit, insert*—
- ‘problem gambler*** means a person whose behaviour relating to gambling—
- (a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and
 - (b) leads to adverse consequences for the person, other persons or the community.’.
- (4) Schedule, definition *category 1 licensed premises*, ‘Surfers Paradise Sports Club Inc.’—
- omit, insert*—
- ‘Gold Coast Commerce Club Inc.’.
- (5) Schedule, definition *licensed supplier*—
- insert*—
- ‘(d) a licensed testing facility operator.’.
- (6) Schedule, definition *supplier’s licence*—
- insert*—
- ‘(d) a testing facility operator’s licence.’.

Part 5	Amendment of Interactive Gambling (Player Protection) Act 1998	1 2 3
Clause 68	Act amended in pt 5	4
	This part amends the <i>Interactive Gambling (Player Protection) Act 1998</i> .	5 6
Clause 69	Amendment of s 186 (Appointment and qualifications)	7
	Section 186(2)(b)—	8
	<i>omit, insert—</i>	9
	‘(b) the chief executive is satisfied the person is qualified for the appointment because—	10 11
	(i) the person has the necessary expertise or experience; or	12 13
	(ii) the chief executive considers the person has the ability to quickly acquire the necessary expertise; and’.	14 15 16
Clause 70	Amendment of sch 3 (Dictionary)	17
	Schedule 3, definition <i>problem gambler—</i>	18
	<i>omit, insert—</i>	19
	‘ <i>problem gambler</i> means a person whose behaviour relating to gambling—	20 21
	(a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and	22 23
	(b) leads to adverse consequences for the person, other persons or the community.’.	24 25

Part 6		Amendment of Keno Act 1996	1
Clause 71	Act amended in pt 6		2
	This part amends the <i>Keno Act 1996</i> .		3
Clause 72	Amendment of s 159A (Keno gaming by keno agent or keno agent's employees)		4
	(1) Section 159A, heading and subsection (1)—		5
	<i>omit, insert—</i>		6
	'159A Keno gaming by appointed agent or agent's employees		7
	'(1) An appointed agent or an employee of the agent must not take part in keno gaming at a place where the agent conducts keno gaming.		8
	Maximum penalty—40 penalty units.'		9
	(2) Section 159A(3), definition <i>employee</i> , 'a keno agent'—		10
	<i>omit, insert—</i>		11
	'an appointed agent'.		12
Clause 73	Amendment of s 167 (Appointment and qualifications)		13
	Section 167(2)(b)—		14
	<i>omit, insert—</i>		15
	'(b) the chief executive is satisfied the person is qualified for the appointment because—		16
	(i) the person has the necessary expertise or experience; or		17
	(ii) the chief executive considers the person has the ability to quickly acquire the necessary expertise; and'		18
Clause 74	Amendment of sch 4 (Dictionary)		19
	Schedule 4, definition <i>problem gambler—</i>		20
	<i>omit, insert—</i>		21
			22
			23
			24
			25
			26
			27
			28

Gambling Legislation Amendment Bill 2007

Clause 78	Amendment of s 229 (Appointment and qualifications)	1
	Section 229(2)(b)—	2
	<i>omit, insert—</i>	3
	‘(b) the chief executive is satisfied the person is qualified for the appointment because—	4
	(i) the person has the necessary expertise or experience; or	6
	(ii) the chief executive considers the person has the ability to quickly acquire the necessary expertise; and’.	8
		10
 Clause 79	 Amendment of sch 2 (Dictionary)	 11
	Schedule 2, definition <i>problem gambler—</i>	12
	<i>omit, insert—</i>	13
	‘ <i>problem gambler</i> means a person whose behaviour relating to gambling—	14
	(a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and	16
	(b) leads to adverse consequences for the person, other persons or the community.’.	17
		18
		19