

Queensland



Wagering Act 1998

WAGERING REGULATION 1999

**Reprinted as in force on 23 September 1999
(includes amendments up to SL No. 211 of 1999)**

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 23 September 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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WAGERING REGULATION 1999

[as amended by all amendments that commenced on or before 23 September 1999]

Short title

1. This regulation may be cited as the *Wagering Regulation 1999*.

Commencement

2. This regulation commences on 1 July 1999.

Definitions

3. In this regulation—

“**casino licensee**” means a casino licensee under the *Casino Control Act 1982*.

“**casino operator**” means a casino operator under the *Casino Control Act 1982*.

Persons with whom licence operator may enter into agency agreements—Act, s 141

4. For section 141(1)(b)¹ of the Act, a person is eligible to be a wagering agent if the person is a person intending to carry on operations as an agent of a licence operator, whether or not the operations are the only business activity carried on by the person.

Calculating commission—Act, s 163

5.(1) For section 163(1)² of the Act, the amount, for an authority operator, is calculated as follows—

¹ Section 141 (Conditions for entering into agency agreement) of the Act

² Section 163 (Commission) of the Act

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- (a) if the authority operator is the Golden Casket Lottery Corporation Limited ACN 078 785 449 and the totalisator is conducted for the game ‘Sports Tipping’—50% of the total amount invested in the totalisator;
- (b) otherwise, using the formula—

$$\frac{\mathbf{I}}{4}$$

where—

“**I**” means the total amount invested in each totalisator conducted by the authority operator on 1 or more events or contingencies.

(2) For section 163(2) of the Act, the amount, for an authority operator for a financial year, is calculated as follows—

- (a) if the authority operator is the Golden Casket Lottery Corporation Limited ACN 078 785 449 and the totalisators are conducted for the game ‘Sports Tipping’—50% of the total amount invested in the year in the totalisators;
- (b) otherwise, using the formula—

$$\frac{4 \times \mathbf{Y}}{25}$$

where—

“**Y**” means the total amount invested in the year in totalisators conducted by the authority operator on events or contingencies.

Wagering tax—Act, s 166

6.(1) For section 166(1)(a) and (b) and (2)³ of the Act, the percentage is 20%.

(2) For section 166(3) of the Act, the wagering tax is payable monthly on or before the seventh day of the month immediately following the month for which the tax is payable.

³ Section 166 (Calculation and payment of wagering tax) of the Act

Adjustment of wagering tax

7.(1) Subsection (2) applies to a wagering licensee if the wagering tax for a month (the “**reference month**”) is a negative amount (a “**tax credit**”).

(2) In working out the wagering tax payable for the month (the “**adjustment month**”) immediately after the reference month, the tax credit for the reference month is, to the extent possible, to be set off against the wagering tax that, apart from this subsection, would be payable for the adjustment month.

Returns for calculation of wagering tax—Act, s 167

8. For section 167(1)⁴ of the Act, a return must—

- (a) be given for each month; and
- (b) be given on or before the seventh day of the month immediately following the month to which the return relates; and
- (c) for wagering conducted by an authority holder by means of a totalisator—set out the commissions deducted under section 163(1) of the Act for the month to which the return relates by—
 - (i) the authority holder; or
 - (ii) if the authority holder is a wagering licensee who is a party to a wagering management agreement—the wagering manager appointed under the agreement; and
- (d) for wagering conducted by an authority holder on a fixed odds basis—set out the authority holder’s gross revenue for the month to which the return relates.

Application of wagering tax—Act, s 169

9. For section 169⁵ of the Act—

- (a) the proportion for an amount of wagering tax is 8.5%; and

⁴ Section 167 (Returns for calculation of wagering tax) of the Act

⁵ Section 169 (Application of wagering tax and authority fee) of the Act

- (b) the fund is the gaming machine community benefit fund established under the *Gaming Machine Act 1991*, section 168(1).⁶

Percentage penalties for late payment—Act, s 170

10.(1) For section 170(2)⁷ of the Act, the percentage is 5%.

(2) For section 170(4) of the Act, the percentage is 5%.

Places of operation for wagering agents—Act, s 205

11. For section 205(2)⁸ of the Act, the following kinds of places are appropriate for a wagering agent—

- (a) for a race club—a racing venue;
- (b) for a person mentioned in section 4⁹ who is not a casino licensee, casino operator or the holder of a licence under the *Liquor Act 1992*—
 - (i) retail shopping premises or other commercial premises approved by the chief executive; or
 - (ii) if the person intends to carry on operations as an agent at a place temporarily—a place approved by the chief executive;
- (c) for a casino licensee—
 - (i) the casino to which the licensee's casino licence relates; or
 - (ii) the hotel-casino complex of which the casino is identified as part in the licence;
- (d) for a casino operator—
 - (i) the casino for which the operator is the casino operator; or

⁶ *Gaming Machine Act 1991*, section 168 (Gaming machine community benefit fund)

⁷ Section 170 (Penalty for late payment) of the Act

⁸ Section 205 (Places of operation) of the Act

⁹ Section 4 (Persons with whom licence operator may enter into agency agreements—Act, s 141)

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- (ii) the hotel-casino complex of which the casino is identified as part in the licence;
- (e) for the holder of a licence under the *Liquor Act 1992* only—part of the premises, of which the licensed premises to which the licence relates forms part, approved by the chief executive;
- (f) for the holder of a licence under the *Liquor Act 1992* who also holds a gaming machine licence under the *Gaming Machine Act 1991*—part of the premises of which the licensed premises to which the licence under the *Liquor Act 1992* relates forms part.

Requests to review decisions about claims for payment—Act, s 214

12.(1) This section prescribes, for section 214(6)¹⁰ of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 214(4)(a) of the Act, to review a decision of an authority operator (the “**operator’s decision**”).

(2) The chief executive must either review, or refuse to review, the operator’s decision.

(3) The chief executive may refuse to review the operator’s decision only if the chief executive considers the request was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the operator’s decision, the chief executive must—

- (a) give written notice of the chief executive’s decision to the authority operator and claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive’s decision.

(5) If the chief executive decides to review the operator’s decision, the chief executive must—

- (a) give the authority operator a copy of the claimant’s request; and
- (b) by written notice given to the authority operator invite the operator, and by written notice given to the claimant invite the

¹⁰ Section 214 (Claims for payment) of the Act

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claimant, to make a written submission to the chief executive about the operator's decision within 1 month after receiving the notice (the “**submission period**”).

(6) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers relevant to the review; and
- (b) request a report of the investigation be given to the chief executive.

(7) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the authority operator and claimant; and
- (b) consider any report given to the chief executive under subsection (6); and
- (c) make a decision about the review; and
- (d) give the authority operator and claimant a written notice stating the decision and the reasons for the decision.

(8) Nothing in this section affects or prejudices any other right or remedy of an authority operator or participant in approved wagering.

Requests to resolve claims for payment—Act, s 214

13.(1) This section prescribes, for section 214(6)¹¹ of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 214(4)(b) of the Act, to resolve a claim for payment of a winning bet.

(2) The chief executive must ask the authority operator to immediately try to resolve the claim.

(3) If, within 14 days of making the request under subsection (2), the chief executive is not advised of the resolution of the claim by the authority operator or claimant, the chief executive must by written notice given to the authority operator invite the operator, and by written notice given to the

¹¹ Section 214 (Claims for payment) of the Act

claimant invite the claimant, to make a written submission to the chief executive about the claim within 1 month after receiving the notice (the “**submission period**”).

(4) The chief executive may—

- (a) cause an investigation to be made about a matter the chief executive considers relevant to the claim; and
- (b) request a report of the investigation be given to the chief executive.

(5) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the authority operator and claimant; and
- (b) consider any report given to the chief executive under subsection (4); and
- (c) make a decision about the claim; and
- (d) give the authority operator and claimant a written notice stating the decision and the reasons for the decision.

(6) However, the chief executive is not required to take or complete action under subsection (5) if the chief executive is advised of the resolution of the claim by the authority operator or claimant.

(7) Nothing in this section affects or prejudices any other right or remedy of an authority operator or participant in approved wagering.

Entities to whom information may be disclosed—Act, s 308

14. The entities prescribed for section 308(3)(a)¹² of the Act are set out in schedule 1.

Registrar—Act, sch 2

15. For the definition “registrar” in schedule 2¹³ of the Act, the officer of

¹² Section 308 (Confidentiality of information) of the Act

¹³ Schedule 2 (Dictionary)

the department responsible for the time being for performing functions as the registrar of the Gaming Commission is designated as the registrar of the commission.

Regulated wagering equipment—Act, sch 2

16. For the definition “regulated wagering equipment” in schedule 2 of the Act, the wagering equipment specified in schedule 2 is regulated wagering equipment.

Fees

17. The fees payable under the Act are in schedule 3.

SCHEDULE 1**PRESCRIBED ENTITIES**

section 14

Alberta (Canada) Gaming Commission
Australian Bureau of Criminal Intelligence
Australian Capital Territory Gambling and Racing Commission
Australian Capital Territory Police
Australian Federal Police
Australian Security Intelligence Organisation
Australian Taxation Office
British Columbia (Canada) Public Gaming Branch
Colorado State Police
Colorado (USA) Division of Gaming
Criminal Justice Commission
Gaming Board of Great Britain
Gaming Board of the Commonwealth of the Bahamas
Interpol
Lotteries Commission of South Australia
Lotteries Commission of Western Australia
National Crime Authority
Nevada (USA) Gaming Commission
Nevada (USA) Gaming Control Board
New Jersey (USA) Casino Control Commission
New Jersey (USA) Division of Gaming Enforcement

SCHEDULE 1 (continued)

New South Wales Casino Control Authority
New South Wales Department of Gaming and Racing
New South Wales Liquor Administration Board
New South Wales State Police
New Zealand Casino Control Authority
New Zealand Department of Internal Affairs
New Zealand Police
Northern Territory Department of Industries and Business
Northern Territory Police
Office of Fair Trading, Queensland
Queensland Liquor Licensing Division
Queensland Police Service
Racing Tasmania
South Australian Casino Supervisory Authority
South Australian Department of Treasury and Finance
South Australian Office of the Liquor and Gaming Commissioner
South Australian State Police
Tasmanian Gaming Commission
Tasmanian State Police
Victorian Casino and Gaming Authority
Victorian State Police
Western Australian Gaming Commission
Western Australian Office of Racing, Gaming and Liquor
Western Australian State Police

SCHEDULE 2**REGULATED WAGERING EQUIPMENT**

section 16

central computer system of the TAB
communications network of the TAB
control centre—telebet terminal
customer input terminal unit
keyboard entry betting terminal
mark sense ticket reader terminal
minitote PC
telebet terminal

SCHEDULE 3

FEES

	section 17
	\$
1. Application for race wagering licence or sports wagering licence (s 19(c) of the Act)	10 000.00
2. Application for key person licence (s 102(2)(c) of the Act)	275.00
3. Issuing replacement key person licence (s 116(4) of the Act)	13.75
4. Evaluating regulated wagering equipment (s 208(4) of the Act)—for each hour, or part of an hour, spent evaluating the equipment	90.00

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 23 September 1999. Future amendments of the Wagering Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key**Key to abbreviations in list of legislation and annotations**

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	16 July 1999

5 List of legislation

Wagering Regulation 1999 SL No. 126

made by the Governor in Council on 24 June 1999
notfd gaz 25 June 1999 pp 932–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1999 (see s 2)
exp 1 September 2009 (see SIA s 54)

as amended by—

Wagering Amendment Regulation (No. 1) 1999 SL No. 211

notfd gaz 10 September 1999 pp 180–3
commenced on date of notification

6 List of annotations

Calculating commission—Act, s 163

s 5 sub 1999 SL No. 211 s 3

Places of operation for wagering agents—Act, s 205

s 11 amd 1999 SL No. 211 s 4