



# **Interactive Gambling (Player Protection) Act 1998**

**Current as at 30 July 2010**

# Information about this reprint

This Act is reprinted as at 30 July 2010. 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. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- correct spelling and use different spelling consistent with current drafting practice (s 26(1) and (2))
- reorder definitions consistent with current drafting practice (s 30)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- correct minor errors (s 44).

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

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including table of corrected minor errors**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Interactive Gambling (Player Protection) Act 1998

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# Interactive Gambling (Player Protection) Act 1998

[as amended by all amendments that commenced on or before 30 July 2010]

## An Act to regulate interactive gambling and for other purposes

### Part 1 Preliminary

#### Division 1 Formal provisions

##### 1 Short title

This Act may be cited as the *Interactive Gambling (Player Protection) Act 1998*.

##### 2 Commencement

This Act commences on a day to be fixed by proclamation.

#### Division 2 Objects

##### 3 Object

- (1) The overarching object of this Act is to ensure that, on balance, the State and the community as a whole benefit from interactive gambling.
- (2) The balance is achieved by allowing interactive gambling subject to a system of regulation and control designed to protect players and the community through—

[s 4]

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- (a) ensuring the integrity and fairness of games; and
  - (b) ensuring the probity of those involved in the conduct of interactive gambling; and
  - (c) minimising the potential for harm from interactive gambling.
- (3) Within the overarching object, the following objects are included—
- (a) to establish and maintain an appropriate system of regulation and control for interactive gambling;
  - (b) to provide protection for players of interactive games;
  - (c) to provide a basis for implementing an interjurisdictional regulatory scheme for—
    - (i) the reciprocal recognition between participating jurisdictions of licences, authorisations and other administrative acts; and
    - (ii) the regulation and control of interactive gambling in the participating jurisdictions on a cooperative basis; and
    - (iii) the sharing of tax derived from interactive gambling on an equitable basis.

## **Division 3                      Basic concepts and definitions**

### **4                      Meaning of *game***

A *game* includes a scheme or arrangement.

### **5                      Meaning of *player***

A *player* is a person who participates in an interactive game.

### **6                      Meaning of *interactive game***

- (1) An *interactive game* is a game in which—



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- (a) a prize consisting of money or something else of value is offered or can be won under the rules of the game; and
  - (b) a player—
    - (i) enters the game or takes any step in the game by means of a telecommunication device; and
    - (ii) gives, or undertakes to give, a monetary payment or other valuable consideration to enter, in the course of, or for, the game; and
  - (c) the winner of a prize is decided—
    - (i) wholly or partly by chance; or
    - (ii) by a competition or other activity in which the outcome is wholly or partly dependent on the player's skill.
- (2) However, the following are not interactive games—
- (a) wagering being conducted under the *Racing and Betting Act 1980* at the commencement of this section if a person for placing a wager for the wagering places it by means of the telecommunication device used in conducting the wagering;  
*Editor's note—*  
Now see the *Racing Act 2002*, section 396.
  - (b) wagering conducted under a wagering licence under the *Wagering Act 1998*;
  - (c) a game under the *Charitable and Non-Profit Gaming Act 1999*, unless the game is declared by a regulation made under subsection (3) to be an interactive game despite this exclusion;
  - (d) a lottery, other than the lottery known as 'instant scratch-its' or another instant lottery, conducted under a lottery operator's licence under the *Lotteries Act 1997*;
  - (e) a game authorised under a gaming Act in which the players may participate by means of telecommunication devices but only from designated commercial sites connected to a telecommunication network.

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- (3) A game that would, but for the exclusion in subsection (2)(c), be an interactive game is taken to be an interactive game despite the exclusion if—
  - (a) having regard to the nature, value, or frequency of prizes offered in the game and other matters the Minister considers relevant, the Minister considers the game should be brought within the ambit of this Act; and
  - (b) a regulation is made, on the Minister's recommendation, declaring the game to be an interactive game despite the exclusion.

## **7 Dictionary**

The dictionary in schedule 3 defines particular words used in this Act.

## **Division 4 Territorial application**

### **8 Territorial application of this Act**

- (1) This Act applies both within and outside Queensland.
- (2) This Act applies outside Queensland to the full extent of the extraterritorial legislative power of the Parliament.

## **Part 2 Interactive gambling**

### **Division 1 The cooperative scheme**

#### **9 General features of the regulatory scheme**

- (1) This Act contemplates a cooperative scheme between Queensland and other jurisdictions for the regulation and control of interactive gambling.

- (2) However, this Act is not dependent on participation by any other jurisdiction in the regulatory scheme.
- (3) The regulation and control of interactive gambling is to be achieved through a statutory scheme consisting of this Act and the corresponding laws of participating jurisdictions for the licensing and control of persons who conduct, or exercise an important role in the conduct of, interactive games.

## 10 Declaration of participating jurisdictions and corresponding law

- (1) If the Minister is satisfied the law of another jurisdiction is compatible with this Act, the Governor in Council may, on the Minister's recommendation, declare—
  - (a) the other jurisdiction is to be regarded under this Act as a participating jurisdiction; and
  - (b) the relevant law of the other jurisdiction (including the law as amended or substituted from time to time) is to be regarded as a corresponding law.
- (2) However, a declaration is not to be made under this section unless the Minister has entered into an agreement (an *intergovernmental agreement*) with the prospective participating regulator that makes, in the Minister's opinion, adequate provision for the following matters—
  - (a) the taxation of authorised games on a uniform or consistent basis;
  - (b) collaboration between gaming officials and officers of the other jurisdiction engaged in the administration of the relevant law of the other jurisdiction;
  - (c) mutual recognition of licences and administrative acts between jurisdictions;
  - (d) sharing of tax revenue derived from interactive gambling on an equitable basis.
- (3) If the Minister considers the law of a participating jurisdiction is no longer compatible with this Act, or the intergovernmental agreement with the participating

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jurisdiction is not operating satisfactorily, the Governor in Council may, on the Minister's recommendation, declare—

- (a) the other jurisdiction is, as from a specified date, no longer to be regarded as a participating jurisdiction; and
  - (b) the relevant law of the other jurisdiction is, as from a specified date, no longer to be regarded as a corresponding law.
- (4) A declaration under this section is to be made by regulation.

## **Division 2                      Authorised providers and authorised games**

### **11            Meaning of *licensed provider*, *external provider* and *authorised provider***

- (1) A *licensed provider* means a person who is licensed under this Act to conduct interactive games.
- (2) An *external provider* is a person who is licensed under the corresponding law of a participating jurisdiction to conduct interactive games.
- (3) An *authorised provider* is a person who is licensed under this Act, or under the corresponding law of a participating jurisdiction, to conduct interactive games.

### **12            Meaning of *authorised game***

- (1) An *authorised game* is an interactive game that—
  - (a) a licensed provider is authorised to conduct under this division; or
  - (b) an external provider is authorised to conduct under the corresponding law of the participating jurisdiction in which the provider is licensed.
- (2) However, a game that an external provider is authorised to conduct under a corresponding law (an *externally authorised game*) is not to be regarded as an authorised game if the

external provider is prohibited from conducting the game in Queensland by order under subsection (3).

- (3) If the Minister believes the conduct of an externally authorised game in Queensland is contrary to the public interest, the Minister may, by written notice given to the external provider authorised under the corresponding law to conduct the game, prohibit conduct of the game in Queensland.
- (4) The Minister may only impose a prohibition under subsection (3) after giving the external provider and the relevant participating regulator written notice of the proposed prohibition and the reasons for it and allowing each of them a reasonable opportunity to make representations.
- (5) If the Minister imposes a prohibition under subsection (3) the Minister must promptly give the relevant participating regulator a copy of the notice imposing the prohibition.

### **13 Authorisation to conduct interactive games**

- (1) The Minister may, on application by a licensed provider, authorise the provider to conduct a particular interactive game on conditions stated in the instrument of approval.
- (2) The conditions of authorisation apply to the conduct of the game both within and outside Queensland.
- (3) The Minister has an absolute discretion to refuse to authorise an interactive game for which the Minister's authorisation is sought.
- (4) If the Minister decides to refuse an application, the Minister must promptly give the applicant written notice of the decision and the reasons for it.

### **14 Change to conditions of authorisation**

- (1) The Minister may, by written notice given to a licensed provider, change the conditions on which a particular interactive game is authorised if the Minister is of the opinion—

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- (a) the conditions are not stringent enough to prevent cheating or other contravention of this Act; or
  - (b) compliance with the conditions can not be effectively monitored or enforced; or
  - (c) there is some other good reason to change the conditions.
- (2) However, the Minister may only change the conditions of an authorisation under this section after giving the licensed provider written notice of the proposed change of conditions and the reasons for it and allowing the licensed provider a reasonable opportunity to make representations.

## **15 Revocation of authorisation**

- (1) The Minister may, by written notice given to a licensed provider, revoke the authorisation for a particular interactive game if the Minister is of the opinion—
- (a) the licensed provider has contravened a condition of the authorisation; or
  - (b) compliance with the conditions of the authorisation can not be effectively monitored or enforced; or
  - (c) there is some other good reason to revoke the authorisation.
- (2) However, the Minister may only revoke an authorisation under this section after giving the licensed provider written notice of the proposed revocation and the reasons for it and allowing the licensed provider a reasonable opportunity to make representations.

## **16 Penalty for conduct of, or participation in, unauthorised interactive gambling**

- (1) A person must not conduct an interactive game wholly or partly in Queensland, or allow a person who is in Queensland to participate in an interactive game, unless—
- (a) the game is an authorised game; and

(b) the person is authorised under this Act or a corresponding law to conduct the game.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) A person in Queensland must not participate in, or encourage or facilitate participation by another in, an interactive game knowing that the game is not an authorised game.

Maximum penalty for subsection (2)—40 penalty units.

## **Division 3                      Conduct of authorised games**

### **17            Player registration**

(1) A licensed provider must not permit a person to participate as a player in an authorised game unless the person is registered with the provider as a player.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) A person must not participate as a player in an authorised game unless the person is registered with the authorised provider who conducts the game as a player.

Maximum penalty—40 penalty units.

### **18            Procedure for registration**

(1) A licensed provider (or agent) may only register a person as a player on receipt of an application for registration in an approved form.

(2) A person is not eligible for registration as a player unless the person produces evidence of a kind required by the chief executive—

(a) of the person's—

(i) identity; and

(ii) place of residence; and

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- (b) that the person is at least 18 years of age.
- (3) A person may be registered as an unrestricted or restricted player.
- (4) A person who is registered as a restricted player may subsequently be registered as an unrestricted player.
- (5) If a person registered as a restricted player is subsequently registered as an unrestricted player, the person's registration as a restricted player is cancelled.
- (6) Unless sooner cancelled under subsection (5), a person's registration as a restricted player ceases to have effect at the end of—
  - (a) the period prescribed under a regulation; or
  - (b) if the chief executive extends the period—the period as extended.

## **19 Restrictions for registration**

- (1) A licensed provider, or an agent of a licensed provider, must not register a person as an unrestricted player unless—
  - (a) the person's identity has been authenticated under the licensed provider's approved control system; and
  - (b) the person's place of residence has been verified under the licensed provider's approved control system; and
  - (c) the person's age has been verified under the licensed provider's approved control system to be at least 18.

Maximum penalty—200 penalty units.

- (2) A licensed provider, or an agent of a licensed provider, must not register a person as a restricted player unless—
  - (a) the registration is carried out in accordance with the licensed provider's approved control system; and
  - (b) the licensed provider has informed the person in writing of the effect of sections 20(4), 20A and 22A.

Maximum penalty—200 penalty units.



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## 20 Player's account

- (1) A *player's account* is an account—
  - (a) in the name of the player—
    - (i) at a financial institution; or
    - (ii) with a body prescribed under a regulation; and
  - (b) against which the licensed provider has a right to debit the amount of a wager.
- (2) A player's account must be established on the basis mentioned in this section.
- (3) A player's account must be established on a basis under which, while the player is an unrestricted player, the player may only have direct recourse to the funds in the account—
  - (a) to obtain the balance of funds in the account and close the account; or
  - (b) to obtain the whole or part of the amount paid into the account as a prize in an authorised game; or
  - (c) as authorised by the licensed provider or chief executive.
- (4) Also, a player's account must be established on a basis under which, while the player is a restricted player, the player may not—
  - (a) have recourse to funds in the account to obtain the whole or part of the balance of the funds in the account; or
  - (b) close the account if there is a balance standing to the credit of the account.
- (5) Subsection (4) applies whether the balance—
  - (a) consists of amounts deposited into the account by the player (*deposited amounts*); or
  - (b) consists of amounts paid into the account as prizes in authorised games (*winnings*); or

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- (c) consists partly of deposited amounts and partly of winnings.

## **20A Restrictions on deposits for player's account**

A licensed provider must not, for the player's account of a restricted player, permit the player—

- (a) to make a deposit that is more than the amount prescribed under a regulation (the *fixed amount*); or
- (b) in a period prescribed under a regulation, to make deposits totalling more than the fixed amount.

Maximum penalty—200 penalty units.

## **21 Acceptance of wagers**

A licensed provider must not accept a wager from a player in an authorised game unless—

- (a) a player's account has been established in the name of the player and there are adequate funds in the account to cover the amount of the wager; or
- (b) the funds necessary to cover the amount of the wager are provided in a way authorised under a regulation.

## **22 Player to be bound by rules of the game**

A player who participates in an authorised game must comply with rules of the game as notified to the player under the conditions on which the game is authorised.

Maximum penalty—40 penalty units.

## **22A Accounting for account balances for restricted players**

- (1) This section applies if—
  - (a) a person's registration as a restricted player ceases to have effect because of section 18(6); and

- (b) when the registration ceases to have effect, an amount (the *account balance*) is standing to the credit of a player's account established in the name of the person.
- (2) The licensed provider must pay the account balance to the chief executive.
- (3) If an amount of the account balance is not paid by the licensed provider, the State may recover the amount from the provider as a debt.

## **Division 4                    Restriction of gambling venues**

### **23            Use of premises for interactive gambling**

A person must not—

- (a) advertise that premises are available for playing interactive games; or
- (b) seek to obtain a commercial advantage from the use of premises for playing interactive games.

Maximum penalty—200 penalty units or 2 years imprisonment.

## **Division 5                    Exemption schemes**

### **24            Meaning of *exemption scheme***

An *exemption scheme* is a scheme exempting the licensed provider authorised to conduct interactive games under the scheme (the *exempted provider*) from the application of specified provisions of this Act to an extent prescribed in the scheme.

## **25 Approval of exemption scheme**

- (1) The Minister may approve an exemption scheme if the Minister is satisfied, on application by a licensed provider or an applicant for an interactive gambling licence—
- (a) the exemption scheme complies with the criteria for approval of exemption schemes; and
  - (b) the approval of the exemption scheme is warranted in the circumstances of the particular case.

*Examples—*

- 1 The Minister may consider an exemption scheme warranted if the interactive games are to be conducted by or for the benefit of a charity and the proceeds are to be devoted to charitable purposes.
  - 2 The Minister may consider an exemption scheme warranted if a game authorised under another Act involves interactive elements (and therefore falls within the definition of an interactive game) but is to be substantially conducted under the other Act.
- (2) An exemption scheme complies with the criteria for approval of exemption schemes if (and only if) the Minister is satisfied—
- (a) the standards of probity required under this Act for providers of interactive games and those involved in the conduct of interactive games will not be compromised by the approval of the scheme; and
  - (b) adequate and appropriate safeguards will exist to ensure the fairness of the interactive games to be conducted under the scheme and to protect the interests of players; and
  - (c) adequate and appropriate safeguards will exist to prevent participation in the interactive games to be conducted under the scheme by minors; and
  - (d) the scheme provides for other adequate and appropriate safeguards to ensure that the public interest is not affected in an adverse and material way by the conduct of interactive games under the scheme.
- (3) For this Act, a game authorised under an approved exemption scheme is an authorised game.

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## **26 Cancellation of approval**

- (1) The Minister may, by written notice to an exempted provider, cancel the approval of an exemption scheme if the Minister is of the opinion the scheme no longer complies with the criteria for approval of exemption schemes.
- (2) However, the Minister may only cancel the approval of an approved exemption scheme after giving the exempted provider written notice of the proposed cancellation and the reasons for it and allowing the exempted provider a reasonable opportunity to make representations.

## **27 Termination of approved exemption scheme**

An approved exemption scheme terminates if—

- (a) the approval was given for a specified period and the period comes to an end; or
- (b) the Minister cancels the approval under this division.

## **28 Gazette notice**

- (1) The Minister must have notice published in the gazette of—
  - (a) the approval of an exemption scheme; or
  - (b) the cancellation of the approval of an exemption scheme.
- (2) Notice of the approval of an exemption scheme must state an address at which interested members of the public may inspect, or obtain a copy of, the exemption scheme.

# **Division 6                      General validation of authorised activities**

## **29 Lawful activities**

Despite any other law, the following activities are lawful—

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- (a) the conduct of an authorised game, under this Act, by a person authorised under this Act or a corresponding law to conduct the game;
- (b) the advertisement and promotion (subject to this Act) of an authorised game;
- (c) activities of an agent conducted under this Act and the relevant agency agreement;
- (d) participation (subject to this Act) as a player in an authorised game;
- (e) the doing of anything else required or authorised to be done under this Act.

## **Part 3                      Interactive gambling licences**

### **Division 1                      Applications for, and issue of, interactive gambling licences**

#### **30                      Application for interactive gambling licence**

- (1) An application for an interactive gambling licence must be in an approved form.
- (2) An application must be accompanied by any application fee prescribed under a regulation.
- (3) The Minister may, by written notice given to an applicant for an interactive gambling licence, require the applicant to give the Minister further information or a document that is necessary and reasonable to help the Minister decide the application.

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**31 Consideration of application**

- (1) The Minister must consider an application for an interactive gambling licence and either grant or refuse to grant the application.
- (2) Despite subsection (1), the Minister is required to consider an application for an interactive gambling licence by a natural person only if the applicant agrees to having the applicant's photograph and fingerprints taken.

**32 Conditions for granting application**

- (1) The Minister may grant an application for an interactive gambling licence only if the Minister is satisfied—
  - (a) the applicant is a suitable person to hold an interactive gambling licence; and
  - (b) each business or executive associate of the applicant is a suitable person to be associated with a licensed provider's operations.
- (2) However, the Minister may refuse to grant an application even if the Minister is satisfied of the matters mentioned in subsection (1).

**33 Suitability of applicant to hold interactive gambling licence**

- (1) In deciding whether an applicant is a suitable person to hold an interactive gambling licence, the Minister may have regard to the following matters—
  - (a) the applicant's character or business reputation;
  - (b) the applicant's current financial position and financial background;
  - (c) if the applicant is not an individual—whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;

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- (d) whether the applicant has, or is able to obtain, appropriate resources and appropriate services;
- (e) whether the applicant has the appropriate business ability to conduct interactive games successfully under an interactive gambling licence;
- (f) if the applicant has a business association with another entity—
  - (i) the entity's character or business reputation; and
  - (ii) the entity's current financial position and financial background;
- (g) anything else prescribed under a regulation.

(2) In subsection (1)—

***appropriate resources*** means financial resources—

- (a) adequate, in the Minister's opinion, to ensure the financial viability of operations conducted under an interactive gambling licence; and
- (b) available from a source that is not, in the Minister's opinion, tainted with illegality.

***appropriate services*** means the services of persons who have appropriate experience to ensure the proper and successful conduct of interactive games.

### **34 Suitability of business and executive associates**

In deciding whether a business or executive associate of an applicant for an interactive gambling licence is a suitable person to be associated with a licensed provider's operations, the Minister may have regard to the following matters—

- (a) the person's character or business reputation;
- (b) the person's current financial position and financial background;
- (c) if the person has a business association with another entity—



- (i) the entity's character or business reputation; and
  - (ii) the entity's current financial position and financial background;
- (d) anything else prescribed under a regulation.

### **35 Investigations of suitability of persons**

- (1) The chief executive may investigate an applicant for an interactive gambling licence to help the Minister decide whether the applicant is a suitable person to hold an interactive gambling licence.
- (2) The chief executive may investigate a business or executive associate of an applicant for an interactive gambling licence to help the Minister decide whether the business or executive associate is a suitable person to be associated with a licensed provider's operations.

### **36 Decision on application**

- (1) If the Minister decides to grant an application for an interactive gambling licence, the Minister must promptly issue an interactive gambling licence to the applicant.
- (2) If the Minister decides to refuse to grant an application for an interactive gambling licence, the Minister must promptly give the applicant written notice of the decision.

### **37 Conditions of licence**

The Minister may issue an interactive gambling licence—

- (a) on conditions the Minister considers necessary or desirable for the proper conduct of interactive games; and
- (b) on other conditions the Minister considers necessary or desirable in the public interest.

### **38 Form of licence**

- (1) An interactive gambling licence must be in the approved form.
- (2) The approved form must provide for the inclusion of the following particulars—
  - (a) the licensed provider's name;
  - (b) the date of issue of the licence;
  - (c) the term for which the licence is (subject to this Act) to remain in force;
  - (d) the conditions of the licence;
  - (e) other particulars prescribed under a regulation.

### **39 Changing conditions of licence**

- (1) The Minister may decide to change the conditions of an interactive gambling licence, if the Minister considers it is necessary or desirable to make the change for the proper conduct of authorised games by the licensed provider or otherwise in the public interest.
- (2) However, if a condition of an interactive gambling licence is designated in the licence as a condition that may be changed only by agreement between the Minister and the licensed provider, the condition may be changed only by agreement between those persons.
- (3) If the Minister decides to change conditions of an interactive gambling licence under this section, the Minister must promptly give the licensed provider written notice of the change (a *condition notice*) and the reasons for the change.
- (4) The power of the Minister under subsection (1) includes the power to add conditions to an unconditional licence.

### **40 Return of licence for endorsement of changed conditions**

- (1) The licensed provider must return the licence to the Minister within 7 days of receiving the condition notice notifying a

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change of conditions, unless the licensed provider has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) On receiving the interactive gambling licence, the Minister must—
  - (a) amend the licence in an appropriate way and return the amended licence to the licensed provider; or
  - (b) if the Minister does not consider it is practicable to amend the licence—issue a replacement licence, incorporating the changed conditions, to the licensed provider.
- (3) A change of conditions does not depend on the interactive gambling licence being amended to record the change or a replacement licence being issued.
- (4) A change of conditions takes effect on a day agreed between the Minister and the licensed provider or, in the absence of an agreement, the later of the following—
  - (a) the day the condition notice notifying the change is given to the licensed provider;
  - (b) if a later day is stated in the condition notice—the later day.

## **Division 2                      General provisions about    interactive gambling licences**

### **41            Interactive gambling licence not to be transferable**

- (1) An interactive gambling licence can not be transferred.
- (2) However, if an interactive gambling licence is mortgaged, charged or encumbered with the written approval of the Minister, this section does not prevent the transfer of the licence, subject to section 42, by way of enforcement of the security.

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## **42 Mortgage and assignment of interactive gambling licence**

- (1) A licensed provider must not mortgage, charge or otherwise encumber the licence except with the written approval of the Minister.
- (2) If a person has a right to sell and transfer an interactive gambling licence under or because of a mortgage, charge or encumbrance, the licence may only be sold and transferred to a person approved by the Minister.
- (3) Before the Minister approves the transfer of an interactive gambling licence under this section, the Minister must be satisfied that—
  - (a) the proposed transferee is a suitable person to hold an interactive gambling licence; and
  - (b) each business and executive associate of the proposed transferee is a suitable person to be associated with a licensed provider's operations.
- (4) The Minister may require the proposed transferee of an interactive gambling licence to submit an application for the licence and may deal with the application, and investigate the suitability of the proposed transferee and the proposed transferee's business and executive associates, in the same way as if the application were an application for a new interactive gambling licence.
- (5) If a person has under, or because of, a mortgage, charge or encumbrance a power to appoint a receiver or manager of the business conducted under an interactive gambling licence, the power may only be exercised if the Minister first approves the proposed receiver or manager in writing.

## **43 Surrender of interactive gambling licence**

- (1) A licensed provider may surrender the licence by written notice given to the Minister.
- (2) The surrender takes effect—
  - (a) if paragraph (b) does not apply—

- (i) 3 months after the notice is given; or
  - (ii) if a later day of effect is stated in the notice—on the later day; or
- (b) if the Minister, by written notice, approves a day of effect that is earlier than 3 months after the notice is given—on the day of effect approved by the Minister.

## **Division 3                      Suspension and cancellation of interactive gambling licences**

### **44                      Grounds for suspension or cancellation**

- (1) Each of the following is a ground for suspending or cancelling an interactive gambling licence—
- (a) the licensed provider is not, or is no longer, a suitable person to hold an interactive gambling licence;
  - (b) a business or executive associate of the licensed provider is not, or is no longer, a suitable person to be associated with a licensed provider's operations;
  - (ba) a business or executive associate of the licensed provider is a person whom the provider is required to ensure is not a business or executive associate under a regulation under section 263(4)(b);
  - (c) the licensed provider has been convicted of an offence against this Act, a gaming Act or a corresponding law;
  - (d) the licensed provider has been convicted of an indictable offence;
  - (e) the licensed provider has contravened a condition of the interactive gambling licence;
  - (f) the licensed provider has contravened a provision of this Act or a corresponding law (being a provision a contravention of which does not constitute an offence);
  - (g) the licensed provider has failed to discharge financial commitments for the licensed provider's operations;

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- (h) the licensed provider is bankrupt, has compounded with creditors or otherwise taken, or applied to take, advantage of any law about bankruptcy;
  - (i) the licensed provider is affected by control action under the Corporations Act;
  - (j) the interactive gambling licence was obtained by a materially false or misleading representation or in some other improper way.
- (2) For forming the belief that the ground mentioned in subsection (1)(a) exists, the Minister may have regard to the same matters to which the Minister may have regard in deciding whether an applicant is a suitable person to hold an interactive gambling licence.
- (3) For forming the belief that the ground mentioned in subsection (1)(b) exists, the Minister may have regard to the same matters to which the Minister may have regard in deciding whether a business or executive associate of an applicant is a suitable person to be associated with a licensed provider's operations.
- (4) For subsection (1)(i), a licensed provider is affected by control action under the Corporations Act if the licensed provider—
- (a) has executed a deed of company arrangement under that Act; or
  - (b) is the subject of a winding-up (whether voluntarily or under a court order) under that Act; or
  - (c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under that Act.

#### **45 Show cause notice**

- (1) This section applies if the Minister believes—
- (a) a ground exists to suspend or cancel an interactive gambling licence; and

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- (b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
  - (c) either—
    - (i) the integrity of the conduct of interactive games by the licensed provider may be jeopardised in a material way; or
    - (ii) the public interest may be affected in an adverse and material way.
- (2) The Minister must give the licensed provider a written notice (a *show cause notice*) that—
- (a) states the action (the *proposed action*) the Minister proposes taking under this division; and
  - (b) states the grounds for the proposed action; and
  - (c) outlines the facts and circumstances forming the basis for the grounds; and
  - (d) if the proposed action is suspension of the interactive gambling licence—states the proposed suspension period; and
  - (e) invites the licensed provider to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 21 days after the show cause notice is given to the licensed provider.

#### **46 Copy of show cause notice to be given to interested persons**

- (1) The Minister must promptly give a copy of the show cause notice to—
- (a) each participating regulator; and
  - (b) each person (an *interested person*) the Minister believes has an interest in the interactive gambling licence if the Minister considers—

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- (i) the person's interest may be affected adversely by the suspension or cancellation of the licence; and
  - (ii) it is otherwise appropriate in the circumstances to give the copy of the notice to the person.
- (2) In considering whether it is appropriate to give a copy of the show cause notice to an interested person, the issues to which the Minister may have regard include the following—
  - (a) the nature of the interested person's interest;
  - (b) whether the licensed provider's interest may be improperly prejudiced.
- (3) A person to whom a copy of the show cause notice is given may make representations about the notice to the Minister in the show cause period.

#### **47 Consideration of representations**

The Minister must consider all written representations (the *accepted representations*) made during the show cause period by—

- (a) the licensed provider; or
- (b) any participating regulator or interested person to whom a copy of the show cause notice is given.

#### **48 Immediate suspension**

- (1) The Minister may suspend an interactive gambling licence immediately if the Minister believes—
  - (a) a ground exists to suspend or cancel the licence; and
  - (b) the circumstances are so extraordinary that it is imperative to suspend the licence immediately to ensure—
    - (i) the public interest is not affected in an adverse and material way; or



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- (ii) the integrity of the conduct of interactive games by the licensed provider is not jeopardised in a material way.
- (2) The suspension—
- (a) must be effected by written notice (a *suspension notice*) given to the licensed provider with a show cause notice; and
  - (b) operates immediately the suspension notice is given; and
  - (c) continues to operate until the show cause notice is finally dealt with.

#### **49 Censuring licensed provider**

- (1) This section applies if the Minister—
- (a) believes a ground exists to suspend or cancel an interactive gambling licence; but
  - (b) does not believe the giving of a show cause notice to the licensed provider is warranted.
- (2) This section also applies if, after considering the accepted representations for a show cause notice, the Minister—
- (a) still believes a ground exists to suspend or cancel an interactive gambling licence; but
  - (b) does not believe suspension or cancellation of the licence is warranted.
- (3) The Minister may, by written notice given to the licensed provider, censure the licensed provider for a matter relating to the ground for suspension or cancellation.

#### **50 Direction to rectify**

- (1) This section applies if—
- (a) the Minister believes—

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- (i) a ground exists to suspend or cancel an interactive gambling licence; but
    - (ii) it is appropriate to give the licensed provider an opportunity to rectify the matter without giving a show cause notice; and
  - (b) the licensed provider has been given written notice that the Minister proposes to give a direction under this section and a reasonable opportunity to make representations about the proposed direction.
- (2) This section also applies if, after considering the accepted representations for a show cause notice, the Minister—
- (a) still believes a ground exists to suspend or cancel an interactive gambling licence; but
  - (b) believes it is appropriate to give the licensed provider an opportunity to rectify the matter.
- (3) The Minister may, by written notice given to the licensed provider, direct the licensed provider to rectify the matter within the period stated in the notice.
- (4) The notice must state the reasons for the decision to give the direction.
- (5) The period stated in the notice must be reasonable having regard to the nature of the matter to be rectified.
- (6) A licensed provider must comply with a direction under this section.

Maximum penalty for subsection (6)—40 penalty units.

## **51 Notice referring question of disciplinary action to Governor in Council**

- (1) This section applies if, after considering the accepted representations for the show cause notice, the Minister still believes—
- (a) a ground exists to suspend or cancel the interactive gambling licence; and

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- (b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
  - (c) either—
    - (i) the integrity of the conduct of interactive games by the licensed provider may be jeopardised in a material way; or
    - (ii) the public interest may be affected in an adverse or material way.
- (2) This section also applies if, after considering the accepted representations for a show cause notice, the Minister directs the licensed provider to rectify a matter and the licensed provider fails to comply with the direction within the time allowed for compliance.
- (3) The Minister must forward to the Governor in Council—
- (a) written notice of the Minister’s belief or of the licensed provider’s failure to comply with the direction; and
  - (b) copies of the accepted representations for the show cause notice.

## **52 Suspension, cancellation and appointment of administrator**

- (1) After receiving the notice from the Minister under section 51, the Governor in Council may—
- (a) if the proposed action stated in the show cause notice was to suspend the interactive gambling licence for a stated period—suspend the licence for not longer than the stated period; or
  - (b) if the proposed action stated in the show cause notice was to cancel the interactive gambling licence—
    - (i) suspend the licence for a period; or
    - (ii) cancel the licence; or
    - (iii) appoint an administrator to conduct the operations of the licensed provider under the licence; or

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- (c) direct the Minister to censure the licensed provider.
- (2) The Minister must promptly give written notice of the decision of the Governor in Council to the licensed provider.
- (3) A decision to suspend or cancel the licence, or to appoint an administrator, takes effect on the later of the following—
  - (a) the day the notice is given to the licensed provider;
  - (b) if a later day is stated in the notice—the later day.
- (4) This section applies despite the Corporations Act.

### **53 Terms of appointment, and role, of administrator**

- (1) This section applies to an administrator appointed by the Governor in Council to conduct operations under an interactive gambling licence.
- (2) For any matter not provided for under this Act, the administrator holds office on terms decided by the Governor in Council.
- (3) The administrator—
  - (a) has full control of, and responsibility for, the operations of the licensed provider conducted under the interactive gambling licence (including authorised games that had been commenced but not completed as at the time of the administrator's appointment); and
  - (b) subject to any directions by the Minister, must conduct the operations as required by this Act as if the administrator were the licensed provider.
- (4) The costs of and incidental to the conduct and administration of a licensed provider's operations by an administrator under this section (the *costs of administration*) are payable by the licensed provider.
- (5) Any profits derived from the conduct of the licensed provider's operations by the administrator are, after payment

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of the costs of administration, to be paid to the licensed provider.

- (6) This section applies despite the Corporations Act.

#### **54 Cancellation or reduction of period of suspension**

- (1) If an interactive gambling licence is under suspension, the Governor in Council may at any time—
- (a) cancel the suspension; or
  - (b) reduce the remaining period of suspension by a stated period.
- (2) The Minister must promptly give written notice of the decision of the Governor in Council to the licensed provider.

### **Division 4 Investigations into suitability**

#### **55 Audit program**

- (1) The Minister may approve an audit program for investigating licensed providers and their business or executive associates.
- (2) The chief executive is responsible for ensuring that investigations under an approved audit program are conducted in accordance with the program.
- (3) A person may be investigated under an audit program only if there has not been an investigation of the same person within the preceding 2 years.

#### **56 Investigations**

- (1) The chief executive may investigate a licensed provider to help the Minister decide whether the licensed provider is a suitable person to hold, or to continue to hold, an interactive gambling licence.
- (2) The chief executive may investigate a business or executive associate of a licensed provider to help the Minister decide

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whether the person is, or continues to be, a suitable person to be associated with a licensed provider's operations.

- (3) However, the chief executive may investigate a licensed provider only if—
  - (a) the Minister reasonably suspects the licensed provider is not, or is no longer, a suitable person to hold an interactive gambling licence; or
  - (b) the investigation is made under an audit program for licensed providers approved by the Minister.
- (4) Also, the chief executive may investigate a business or executive associate of a licensed provider only if—
  - (a) the Minister reasonably suspects the person is not, or is no longer, a suitable person to be associated with a licensed provider's operations; or
  - (b) the investigation is made under an audit program for associates of licensed providers approved by the Minister; or
  - (c) the person—
    - (i) became a business or executive associate of the licensed provider after the issue of the interactive gambling licence; and
    - (ii) has not been investigated previously under an audit program mentioned in paragraph (b); or
  - (d) the person—
    - (i) was a business or executive associate of the licensed provider when the interactive gambling licence was issued; and
    - (ii) has not been investigated under section 35(2).

## **57 Requirement to give information or document for investigation**

- (1) In investigating a licensed provider, or a business or executive associate of a licensed provider, the chief executive may, by

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written notice given to the person, require the person to give the chief executive information or a document the chief executive considers relevant to the investigation.

- (2) When making the requirement, the chief executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.
- (3) The person must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (4) It is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.
- (5) The person does not commit an offence against this section if the information or document sought by the chief executive is not in fact relevant to the investigation.

## **58 Reports about person's criminal history**

- (1) If the chief executive, in making an investigation about a person under section 35 or 56 asks the commissioner of the police service for a written report about the person's criminal history, the commissioner must give the report to the chief executive.
- (2) The report is to contain—
  - (a) relevant information in the commissioner's possession; and
  - (b) relevant information that the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
  - (c) other relevant information to which the commissioner has access.

**59 Decisions about interactive gambling licence not to be justiciable**

- (1) A decision of the Governor in Council or Minister made, or appearing to be made, under this Act about an interactive gambling licence, a person with an interest or potential interest in an interactive gambling licence, the authorisation (or revocation of the authorisation) of an interactive game or the approval (or cancellation of the approval) of an exemption scheme—
- (a) is final and conclusive; and
  - (b) can not be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
  - (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.
- (2) The decision to which subsection (1) applies include, but are not limited to—
- (a) a decision of the Governor in Council mentioned in schedule 1, part 1; and
  - (b) a decision of the Minister mentioned in schedule 1, part 2.
- (3) In this section—
- decision** includes—
- (a) conduct engaged in to make a decision; and
  - (b) conduct related to making a decision; and
  - (c) failure to make a decision.



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## Part 4 Key persons

### Division 1 Requirement for key persons to be licensed

#### 60 Meaning of *key person* and *key relationship*

- (1) A *key person* is a person who—
  - (a) occupies or acts in a managerial position, or carries out managerial functions, in relation to operations carried out under an interactive gambling licence or the business of the licensed provider; or
  - (b) is in a position to control or exercise significant influence over the operations conducted under an interactive gambling licence; or
  - (c) occupies or acts in a position designated in the licensed provider's approved control system as a key position; or
  - (d) occupies a position with, or carries out functions for, a licensed provider that make the person a key person under criteria prescribed under a regulation; or
  - (e) is a business or executive associate of a licensed provider designated by the chief executive, by written notice given to the licensed provider, as a key person.
- (2) Subsection (1)(a) and (b) applies to a position only if the position is designated by the chief executive by written notice given to the licensed provider as a key position.
- (3) Subsection (1)(a) applies to functions only if the functions are designated by the chief executive by written notice given to the licensed provider as key functions.
- (4) A *key relationship* is a relationship (other than a familial relationship) between a licensed provider and another person as a result of which the other person is a key person.

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## **61 Obligation to hold licence**

- (1) A person must not accept employment as a key person, or agree to carry out as an employee the duties of a key person, unless the person is a key person licensee.

Maximum penalty—40 penalty units.

- (2) A licensed provider must not employ a person to carry out the functions of a key person, unless the person is a key person licensee.

Maximum penalty for subsection (2)—40 penalty units.

## **62 Requirement that key person apply for licence or end role**

- (1) If the chief executive reasonably believes a person (other than a key person licensee) is a key person, the chief executive may, by written notice given to the person, require the person either to apply for a key person licence or to terminate the relevant key relationship, within 7 days of receiving the notice.

- (2) The person must comply with the requirement within 7 days of receiving the notice, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units or 1 year's imprisonment.

- (3) The chief executive must give a copy of the notice to the relevant licensed provider.

## **63 Requirement that key person end role**

- (1) If the chief executive refuses to approve an application for a key person licence made by a person of whom a requirement has been made under section 62, the chief executive may, by written notice given to the person, require the person to terminate the relevant key relationship within the time stated in the notice.

- (2) The person must comply with the requirement within the time stated in the notice, unless the person has a reasonable excuse.

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Maximum penalty—100 penalty units or 1 year's imprisonment.

- (3) A person does not incur any liability as a result of action taken to comply with a notice under this section.

## **64 Requirement to end key person's role**

- (1) This section applies if a requirement is made of a person under section 62 and—
  - (a) the person fails to comply with the requirement; or
  - (b) the chief executive refuses to approve an application for a key person licence made by the person.
- (2) This section also applies if a requirement is made of a person under section 63 and the person fails to comply with the requirement.
- (3) The chief executive may, by written notice given to the licensed provider with whom the key relationship exists, require the licensed provider to take any necessary action to terminate the key relationship within the time stated in the notice.
- (4) The licensed provider must comply with the requirement.
- (5) This section applies to a licensed provider despite another Act or law.
- (6) A licensed provider does not incur any liability because of action taken to comply with a notice under this section.

## **Division 2 Applications for, and issue of, key person licences**

### **65 Application for key person licence**

- (1) An application for a key person licence must be made to the chief executive in the approved form.
- (2) An application must be accompanied by—

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- (a) if a key relationship exists or is proposed with a licensed provider—a letter from the licensed provider addressed to the chief executive confirming the existence or proposed existence of the key relationship; and
  - (b) any documents prescribed under a regulation; and
  - (c) the application fee prescribed under a regulation.
- (3) The chief executive may, by written notice given to an applicant for a key person licence, require the applicant to give the chief executive further information or a document that is necessary and reasonable to help the chief executive decide the application.

## **66 Consideration of application**

- (1) The chief executive must consider an application for a key person licence and either grant or refuse to grant the application.
- (2) Despite subsection (1), the chief executive is required to consider an application only if the applicant agrees to having the applicant's photograph and fingerprints taken.

## **67 Conditions for granting application**

- (1) The chief executive may grant an application for a key person licence only if—
  - (a) the applicant's photograph and fingerprints have been taken; and
  - (b) the chief executive is satisfied the applicant is a suitable person to hold a key person licence.
- (2) In deciding whether the applicant is a suitable person to hold a key person licence, the chief executive may have regard to the following matters—
  - (a) the applicant's character;
  - (b) the applicant's current financial position and financial background;

- (c) the applicant's general suitability to carry out functions for a licensed provider as a key person.

## **68 Investigation of suitability of applicant**

The chief executive may investigate an applicant for a key person licence to help the chief executive decide whether the applicant is a suitable person to hold a key person licence.

## **69 Decision on application**

- (1) If the chief executive decides to grant an application for a key person licence, the chief executive must promptly—
  - (a) issue a key person licence to the applicant; and
  - (b) give written notice of the grant of the licence to the relevant licensed provider.
- (2) If the chief executive decides to refuse to grant an application for a key person licence, the chief executive must promptly—
  - (a) give the applicant an information notice about the decision; and
  - (b) give written notice of the decision to the relevant licensed provider.

## **70 Form of key person licence**

- (1) A key person licence must be in the approved form.
- (2) The approved form must provide for the inclusion of the following particulars—
  - (a) the key person licensee's name;
  - (b) a recent photograph of the licensee;
  - (c) the date of issue of the licence;
  - (d) the conditions of the licence;
  - (e) other particulars prescribed under a regulation.

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## **71 Term of key person licence**

A key person licence remains in force unless it lapses or is cancelled or surrendered.

## **72 Lapsing of key person licence**

A key person licence lapses if there has been no key relationship between the key person licensee and a licensed provider for a continuous period of 1 year.

## **73 Conditions**

- (1) The chief executive may issue a key person licence—
  - (a) on conditions the chief executive considers necessary or desirable for the proper conduct of interactive games; and
  - (b) on other conditions the chief executive considers necessary or desirable in the public interest.
- (2) If the chief executive decides to issue a key person licence on conditions, the chief executive must promptly—
  - (a) give the applicant an information notice about the decision; and
  - (b) give a copy of the notice to the relevant licensed provider.

## **74 Changing conditions of key person licence**

- (1) The chief executive may decide to change the conditions of a key person licence if the chief executive considers it necessary or desirable to make the change for the proper conduct of interactive games or otherwise in the public interest.
- (2) If the chief executive decides to change the conditions of a key person licence, the chief executive must immediately—
  - (a) give the key person licensee—

- (i) written notice of the changed conditions; and
    - (ii) an information notice about the decision; and
  - (b) if the chief executive believes there is currently a key relationship between the key person licensee and a licensed provider—give the licensed provider a copy of the information notice.
- (3) The key person licensee must return the licence to the chief executive within 7 days of receiving the information notice, unless the licensee has a reasonable excuse.

Maximum penalty—40 penalty units.

- (4) On receiving the licence, the chief executive must—
- (a) amend the licence in an appropriate way and return the amended licence to the key person licensee; or
  - (b) if the chief executive does not consider it practicable to amend the licence—issue another key person licence, incorporating the changed conditions, to the key person licensee to replace the licence returned to the chief executive.
- (5) The change of conditions does not depend on the licence being amended to record the change or a replacement licence being issued.
- (6) The change of conditions takes effect—
- (a) on the day the information notice is given to the key person licensee; or
  - (b) if a later day of effect is stated in the notice—on the later day.
- (7) The power of the chief executive under subsection (1) includes the power to add conditions to an unconditional licence.

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## **75 Replacement of key person licence**

- (1) A key person licensee may apply to the chief executive for the replacement of the licensee's licence if it has been lost, stolen, destroyed or damaged.
- (2) The chief executive must consider an application and either grant or refuse to grant the application.
- (3) The chief executive must grant the application if the chief executive is satisfied the licence has been lost, stolen or destroyed, or damaged in a way to require its replacement.
- (4) If the chief executive decides to grant an application, the chief executive must, on payment of the fee prescribed under a regulation, issue another key person licence to the applicant to replace the lost, stolen, destroyed or damaged licence.
- (5) If the chief executive decides to refuse to grant an application, the chief executive must promptly—
  - (a) give the key person licensee an information notice about the decision; and
  - (b) if the chief executive believes there is currently a key relationship between the key person licensee and a licensed provider—give the licensed provider a copy of the information notice.

## **76 Surrender of key person licence**

- (1) A key person licensee may surrender the licence by written notice given to the chief executive.
- (2) The surrender takes effect on—
  - (a) the day the notice is given to the chief executive; or
  - (b) if a later day of effect is stated in the notice—the later day.
- (3) If the chief executive believes there was a key relationship between the key person licensee and a licensed provider at the time of the surrender, the chief executive must promptly give notice of the surrender to the licensed provider.



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**Division 3                      Suspension and cancellation of key  
person licences, and other action  
by chief executive**

**Subdivision 1                Suspension and cancellation**

**77                      Grounds**

- (1) Each of the following is a ground for suspending or cancelling a key person licensee's key person licence—
  - (a) the key person licensee—
    - (i) is not a suitable person to hold a key person licence; or
    - (ii) acts in a way that is inappropriate for the conduct of interactive games; or
    - (iii) contravenes a provision of this Act, or a corresponding law of a participating jurisdiction, other than a provision a contravention of which is an offence against this Act or the corresponding law; or
    - (iv) contravenes a condition of the licence;
  - (b) the key person licensee has a conviction, other than a spent conviction, for—
    - (i) an offence against this Act, a gaming Act or a corresponding law of a participating jurisdiction; or
    - (ii) an indictable offence;
  - (c) the key person licence was issued because of a materially false or misleading representation or document.
- (2) For forming a belief that the ground mentioned in subsection (1)(a)(i) exists, the chief executive may have regard to the same matters to which the chief executive may have regard

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under section 67(2) in deciding whether an applicant for a key person licence is a suitable person to hold the licence.

- (3) For subsection (1)(a)(ii), a key person licensee acts in a way that is inappropriate for the conduct of interactive games if the licensee does, or omits to do, an act that results in—
  - (a) the conduct of interactive games by a licensed provider not being conducted under the approved control system for the conduct of the games; and
  - (b) the integrity of the conduct of interactive games being jeopardised.
- (4) In this section—

*spent conviction* means a conviction—

  - (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
  - (b) that is not revived as prescribed by section 11 of that Act.

## 78 Show cause notice

- (1) If the chief executive believes a ground exists to suspend or cancel a key person licence, the chief executive must before taking action to suspend or cancel the licence give the key person licensee a written notice (a *show cause notice*).
- (2) The show cause notice must state the following—
  - (a) the action the chief executive proposes taking under this subdivision (the *proposed action*);
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is suspension of the licence—the proposed suspension period;
  - (e) that the key person licensee may, within a stated period (the *show cause period*), make written representations

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to the chief executive to show why the proposed action should not be taken.

- (3) The show cause period must end at least 21 days after the key person licensee is given the show cause notice.
- (4) Subsection (5) applies if the chief executive believes—
  - (a) there is a key relationship between the key person licensee and a licensed provider; and
  - (b) the existence of the grounds for the proposed action is likely to adversely affect the conduct of interactive games by the licensed provider.
- (5) The chief executive must immediately give a copy of the show cause notice to the licensed provider.
- (6) The licensed provider may make written representations about the show cause notice to the chief executive in the show cause period.

## **79 Consideration of representations**

The chief executive must consider all written representations (the *accepted representations*) made under section 78(2)(e) or (6).

## **80 Immediate suspension**

- (1) The chief executive may suspend a key person licensee's key person licence immediately if the chief executive believes—
  - (a) a ground exists to suspend or cancel the licence; and
  - (b) it is necessary to suspend the licence immediately—
    - (i) in the public interest; or
    - (ii) to ensure the integrity of the conduct of interactive games is not jeopardised.
- (2) The suspension—
  - (a) can be effected only by the chief executive giving the key person licensee an information notice about the

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- decision to suspend the licence, together with a show cause notice; and
  - (b) operates immediately the information notice is given to the licensee; and
  - (c) continues to operate until the show cause notice is finally dealt with.
- (3) If the chief executive believes there is a key relationship between the key person licensee and a licensed provider, the chief executive must immediately give written notice of the suspension to the licensed provider.

## **81 Suspension and cancellation of licence after show cause process**

- (1) This section applies if—
- (a) there are no accepted representations for a show cause notice; or
  - (b) after considering the accepted representations for a show cause notice, the chief executive—
    - (i) still believes a ground exists to suspend or cancel a key person licence; and
    - (ii) believes suspension or cancellation of the licence is warranted.
- (2) This section also applies if a key person licensee contravenes a direction given to the licensee under section 83A.
- (3) The chief executive may—
- (a) if the proposed action was to suspend the licence—suspend the licence for not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the licence—cancel the licence or suspend it for a period.
- (4) If the chief executive decides to take action under subsection (3), the chief executive must immediately—

- (a) give an information notice about the decision to the key person licensee; and
  - (b) if the chief executive believes there is a key relationship between the licensee and a licensed provider—give written notice of the suspension or cancellation to the licensed provider.
- (5) The decision takes effect on the later of the following—
- (a) the day the information notice is given to the key person licensee;
  - (b) the day of effect stated in the information notice.
- (6) If the chief executive cancels the licence, the key person licensee must give the licence to the chief executive within 14 days after the cancellation takes effect.

Maximum penalty for subsection (6)—40 penalty units.

## **Subdivision 2      Other action by chief executive**

### **82      Ending show cause process without further action**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the chief executive no longer believes a ground exists to suspend or cancel a key person licence.
- (2) The chief executive—
- (a) must not take any further action about the show cause notice; and
  - (b) must give each of the following a written notice stating that no further action is to be taken—
    - (i) the key person licensee;
    - (ii) a licensed provider to whom a copy of the show cause notice was given under section 78(5).

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### **83 Censuring key person licensee**

- (1) The chief executive may censure a key person licensee for a matter relating to a ground for suspension or cancellation if the chief executive—
  - (a) believes a ground exists to suspend or cancel the licensee’s key person licence but does not believe that giving a show cause notice to the licensee is warranted; or
  - (b) after considering the accepted representations for a show cause notice, still believes a ground exists to suspend or cancel the licensee’s key person licence but does not believe suspension or cancellation of the licence is warranted.
- (2) The censure can be effected only by the chief executive giving the key person licensee an information notice about the decision to censure the licensee.
- (3) If the chief executive believes there is a key relationship between the key person licensee and a licensed provider, the chief executive must immediately give written notice of the censure to the licensed provider.

### **83A Direction to rectify matter after show cause process**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the chief executive—
  - (a) still believes a ground exists to suspend or cancel a key person licence; and
  - (b) believes a matter relating to the ground for suspension or cancellation is capable of being rectified and it is appropriate to give the key person licensee an opportunity to rectify the matter.
- (2) The chief executive may direct the key person licensee to rectify the matter.
- (3) If the chief executive decides to give a key person licensee a direction under this section, the direction can be effected only

by the chief executive giving the licensee an information notice about the decision.

- (4) The information notice must state the period for rectifying the matter.
- (5) The period must be reasonable, having regard to the nature of the matter to be rectified.
- (6) If the chief executive gave a copy of the show cause notice to a licensed provider under section 78(5), the chief executive must give written notice of the direction to the licensed provider immediately after giving the information notice to the key person licensee.

### **83B Cancellation or reduction of period of suspension**

- (1) If the chief executive suspends a key person licence, the chief executive may, for any remaining period of suspension and at any time the suspension is in force—
  - (a) cancel the period; or
  - (b) reduce the period by a stated period.
- (2) The chief executive may cancel or reduce the period only if the chief executive considers it is appropriate to take the action.
- (3) The chief executive must immediately give written notice of the decision to—
  - (a) the key person licensee; and
  - (b) if the chief executive believed there was a key relationship between the licensee and a licensed provider when the licence was suspended—the licensed provider.
- (4) Subsection (1) does not apply to an immediate suspension.

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## **Division 4                      Investigation of key person licensees**

### **84            Audit program**

- (1) The chief executive may approve an audit program for investigating key person licensees.
- (2) The chief executive is responsible for ensuring that investigations of key person licensees are conducted under an approved audit program in accordance with the program.
- (3) A person may be investigated under an audit program only if there has not been an investigation of the same person within the preceding 2 years.

### **85            Investigations into suitability of key person licensees**

- (1) The chief executive may investigate a key person licensee to find out whether the licensee is a suitable person to hold, or to continue to hold, a key person licence.
- (2) However, the chief executive may investigate a key person licensee under this section only if—
  - (a) the chief executive reasonably suspects the licensee is not, or is no longer, a suitable person to hold a key person licence; or
  - (b) the investigation is made under an audit program for key person licensees approved by the chief executive.

### **86            Requirement to give information or document for investigation**

- (1) In investigating a key person licensee, the chief executive may, by written notice given to the licensee, require the licensee to give the chief executive information or a document the chief executive considers relevant to the investigation.
- (2) When making the requirement, the chief executive must warn the key person licensee that it is an offence to fail to comply



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with the requirement, unless the licensee has a reasonable excuse.

- (3) The key person licensee must comply with the requirement, unless the licensee has a reasonable excuse.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (4) It is a reasonable excuse if complying with the requirement might tend to incriminate the key person licensee.
- (5) The key person licensee does not commit an offence against this section if the information or document sought by the chief executive is not in fact relevant to the investigation.

## **87 Reports about criminal history**

- (1) If the chief executive, in making an investigation under section 68 or 85 into the suitability of a person to hold, or to continue to hold, a key person licence, asks the commissioner of the police service for a written report on the person's criminal history, the commissioner must give the report to the chief executive.
- (2) The report is to contain—
- (a) relevant information in the commissioner's possession; and
  - (b) relevant information that the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
  - (c) other relevant information to which the commissioner has access.

## **Division 5 Requirements about employment**

### **88 Notice of start of employee's employment**

Within 7 days after a key person licensee starts employment with a licensed provider, the licensed provider must notify the

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chief executive of the start of the employment by notice in the approved form.

Maximum penalty—40 penalty units.

## **89 Returns about employees**

- (1) The chief executive may, by written notice given to a licensed provider, require the licensed provider to give a return under this section.
- (2) The notice must state the time (not less than 14 days after the notice is given) for giving the return.
- (3) A notice must not be given under this section within 1 month after the giving of a previous notice.
- (4) If a licensed provider is given a notice under subsection (1), the licensed provider must give a return as required by this section listing the employees currently employed by the licensed provider (including both those who are key person licensees and those who are not) and the nature of the duties in which each of them is engaged.

Maximum penalty—40 penalty units.

- (5) The return must—
  - (a) be in the approved form; and
  - (b) be given to the chief executive within the time stated in the notice.

## **Division 6 Requirements about key relationships**

### **90 Notice of end of key relationship**

Within 7 days after a key relationship between a licensed provider and another person terminates or is terminated, the licensed provider must notify the chief executive of the end of

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the relationship by notice in the approved form.

Maximum penalty—40 penalty units.

## **91 Requirement to end key relationship**

- (1) This section applies if—
  - (a) a key relationship exists between a licensed provider and a key person licensee; and
  - (b) the key person licence is cancelled or suspended, or the key person licensee ceases to hold a key person licence for some other reason.
- (2) The chief executive may, by written notice given to the licensed provider, require the licensed provider to terminate the key relationship within the time stated in the notice.
- (3) The licensed provider must comply with the requirement.
- (4) This section applies to a licensed provider despite another Act or law or any industrial award or agreement.
- (5) A licensed provider does not incur any liability by complying with a requirement of the chief executive under this section.

## **Division 7 General**

### **92 False statements by applicants**

A person must not, for an application made under this part, state anything the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

### **93 Destruction of fingerprints**

- (1) This section applies if—
  - (a) an application for a key person licence is refused; or
  - (b) a key person licence is surrendered; or

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- (c) a key person licence lapses; or
  - (d) a key person licence is cancelled.
- (2) The chief executive must have any fingerprints of the applicant or the former key person licensee taken for the application for the key person licence destroyed as soon as practicable.
- (3) However, if an application for a key person licence is refused, or a key person licence is cancelled, the fingerprints are not to be destroyed until the end of the time allowed for starting an appeal or, if there is an appeal, until the appeal is decided.

## Part 5 Agents

### Division 1 Agency agreements

#### 94 Meaning of *agent*

- (1) A person is an *agent* if the person carries out any of the following functions, in or outside Queensland, for a licensed provider—
- (a) registering a player;
  - (b) establishing a player's account;
  - (c) accepting deposits for, or authorising withdrawals from, a player's account;
  - (d) other functions classified as agency functions under a regulation.

*Example—*

A particular kind of promotional activity related to interactive games might be classified under a regulation as an agency function.

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- (2) A person is also an *agent* if the person carries out in Queensland any of the functions mentioned in subsection (1) for an external provider.

## 95 Meaning of *agency agreement*

An *agency agreement* is an agreement between a licensed provider and another person—

- (a) appointing the other person as an agent; and
- (b) dealing with the agent's authority; and
- (c) stating the conditions under which the agent acts as, and remains, an agent of the licensed provider; and
- (d) stating other matters agreed between the agent and the licensed provider.

## 96 Conditions for entering into agency agreement

- (1) A licensed provider may only appoint a person as an agent for the licensed provider if—
- (a) the person is—
    - (i) in the case of an individual—at least 18 years of age; and
    - (ii) eligible to be an agent under criteria prescribed under a regulation; and
  - (b) the appointment is made under an agency agreement—
    - (i) in a form approved by the chief executive; and
    - (ii) stating the agent's place of operation; and
    - (iii) including any other provisions required by the chief executive.
- (2) The chief executive must not require the inclusion of a provision in an agency agreement unless the chief executive believes on reasonable grounds that the inclusion of the provision is reasonably necessary to ensure—

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- (a) that the integrity of the conduct of interactive games is not jeopardised in a material way; or
  - (b) the public interest is not affected in an adverse and material way.
- (3) A licensed provider must not appoint, or purport to appoint, a person as an agent otherwise than as permitted by this section.
- Maximum penalty for subsection (3)—200 penalty units or 2 years imprisonment.

### **97 Notice of agency agreement**

Within 7 days after entering into an agency agreement, the licensed provider must give the chief executive a copy of the agreement.

### **98 Amendment of agency agreement**

- (1) An agency agreement may only be amended with the written approval of the chief executive.
- (2) The chief executive may withhold approval of a proposed amendment only if it is necessary to do so in the public interest or to protect proper standards of integrity in the conduct of interactive games.

### **99 Returns about agents**

- (1) A licensed provider must give a return as required by this section listing the provider's current agents.  
Maximum penalty—40 penalty units.
- (2) The return must be in the approved form, and given to the chief executive at least once every 6 months.

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## **Division 2                      Terminating agency agreements**

### **100      Grounds for termination**

- (1) Each of the following is a ground for directing the termination of an agency agreement—
  - (a) the agent is not, or is no longer, a suitable person to be an agent;
  - (b) a business or executive associate of the agent is not, or is no longer, a suitable person to be associated with an agent's operations;
  - (c) the agent has been convicted of an offence against this Act, a gaming Act or a corresponding law;
  - (d) the agent has been convicted of an indictable offence;
  - (e) the agent has contravened a provision of this Act or a corresponding law (being a provision a contravention of which does not constitute an offence).
- (2) Also, it is a ground for directing the termination of an agency agreement if the agent is not, or is no longer, eligible to be an agent for a licensed provider.
- (3) For forming a belief that the ground mentioned in subsection (1)(a) exists, the chief executive may have regard to the following issues—
  - (a) the agent's character or business reputation;
  - (b) the agent's current financial position and financial background;
  - (c) the agent's general suitability to act as an agent for a licensed provider.
- (4) For forming a belief that the ground mentioned in subsection (1)(b) exists, the chief executive may have regard to the business or executive associate's character or business reputation, and current financial position and financial background.

## 101 Show cause notice

- (1) This section applies if the chief executive believes—
  - (a) a ground exists for directing the termination of an agency agreement; and
  - (b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
  - (c) either—
    - (i) the integrity of the conduct of interactive games by the licensed provider may be jeopardised; or
    - (ii) the public interest may be affected adversely.
- (2) The chief executive must give the agent a written notice (a *show cause notice*) that—
  - (a) states that the chief executive proposes to take action (the *proposed action*) to direct the licensed provider to terminate the agency agreement; and
  - (b) states the grounds for the proposed action; and
  - (c) outlines the facts and circumstances forming the basis for the grounds; and
  - (d) invites the agent to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (3) The show cause period must be a period ending not less than 21 days after the show cause notice is given to the agent.
- (4) The chief executive must promptly give a copy of the show cause notice to the licensed provider.
- (5) A licensed provider to whom a copy of the show cause notice is given may make representations about the notice to the chief executive in the show cause period.
- (6) The chief executive must consider all written representations (the *accepted representations*) made during the show cause period by—
  - (a) the agent; or



- (b) a licensed provider to whom a copy of the show cause notice is given.

## **102 Suspending agent's operations**

- (1) This section applies if the chief executive believes—
  - (a) a ground exists to direct the termination of an agency agreement; and
  - (b) it is necessary to suspend the agent's operations—
    - (i) in the public interest; or
    - (ii) to ensure the integrity of the conduct of interactive games by the licensed provider is not jeopardised.
- (2) The chief executive may suspend the agent's operations.
- (3) The suspension—
  - (a) must be effected by written notice (a *suspension notice*) given to the agent with a show cause notice; and
  - (b) operates immediately the suspension notice is given; and
  - (c) continues to operate until the show cause notice is finally dealt with.
- (4) The suspension notice must state the reason for the decision to suspend the agent's operations.
- (5) The chief executive must promptly give a copy of the suspension notice to the licensed provider.
- (6) An agent must not carry on operations while the agent's operations are suspended.

Maximum penalty for subsection (6)—200 penalty units or 2 years imprisonment.

## **103 Censuring agent**

- (1) This section applies if the chief executive—

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- (a) believes a ground exists to direct the termination of an agency agreement; but
  - (b) does not believe the giving of a show cause notice to the agent is warranted.
- (2) This section also applies if, after considering the accepted representations for a show cause notice, the chief executive—
- (a) still believes a ground exists to direct the termination of the agency agreement; but
  - (b) does not believe termination of the agreement is warranted.
- (3) The chief executive may, by written notice given to the agent, censure the agent for a matter relating to the ground for directing the termination of the agreement.
- (4) The notice must state the reason for the decision to censure the agent.
- (5) The chief executive must promptly give a copy of the notice to the licensed provider.

#### **104 Direction to rectify**

- (1) This section applies if—
- (a) the chief executive believes—
    - (i) a ground exists to direct the termination of the agency agreement; but
    - (ii) it is appropriate to give the agent an opportunity to rectify the matter without giving a show cause notice; and
  - (b) the agent and the licensed provider by which the agent was appointed have been given written notice that the chief executive proposes to give a direction under this section and a reasonable opportunity to make representations about the proposed direction.
- (2) This section also applies if, after considering the accepted representations for a show cause notice, the chief executive—

- (a) still believes a ground exists to direct the termination of the agency agreement; but
  - (b) believes it is appropriate to give the agent an opportunity to rectify the matter.
- (3) The chief executive may, by written notice given to the agent, direct the agent to rectify the matter within the period stated in the notice.
  - (4) The notice must state the reasons for the decision to give the direction.
  - (5) The period stated in the notice must be reasonable having regard to the nature of the matter to be rectified.
  - (6) The chief executive must promptly give a copy of the notice to the licensed provider by which the agent was appointed.
  - (7) An agent must comply with a direction under this section.
- Maximum penalty for subsection (7)—20 penalty units.

## **105 Directions to terminate affecting agents**

- (1) This section applies if, after considering the accepted representations for the show cause notice, the chief executive still believes—
  - (a) a ground exists to direct the termination of the agency agreement; and
  - (b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and
  - (c) either—
    - (i) the integrity of the conduct of interactive games by the licensed provider may be jeopardised; or
    - (ii) the public interest may be affected adversely.
- (2) This section also applies if, after considering the accepted representations for a show cause notice, the chief executive directs the agent to rectify a matter and the agent fails to comply with the direction within the time allowed for compliance.

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- (3) The chief executive may, by written notice given to the licensed provider, direct the licensed provider to terminate the agreement within the time stated in the notice.
- (4) If the chief executive decides to give a direction under this section, the chief executive must promptly give written notice of the decision to the agent affected by the decision.
- (5) A notice under subsection (3) or (4) must comply with the QCAT Act, section 157(2).

## **106 Termination of agreement**

- (1) If the chief executive directs a licensed provider to terminate an agency agreement, the licensed provider must—
  - (a) terminate the agreement within the time stated in the notice giving the direction; and
  - (b) notify the chief executive of the termination in the approved form within 7 days after terminating the agreement.
- (2) If the licensed provider does not terminate the agency agreement as required by subsection (1), the agreement is terminated by this Act.
- (3) The State does not incur any liability if an agency agreement is terminated by a licensed provider under subsection (1) or by this Act.
- (4) A licensed provider does not incur any liability because the licensed provider terminates an agency agreement under subsection (1).

## **107 Notice of termination of agreement**

- (1) This section applies if an agency agreement is terminated otherwise than because of a direction to terminate the agreement given to the licensed provider by the chief executive.

- (2) The licensed provider must notify the chief executive in writing of the termination within 7 days after the agreement is terminated.

Maximum penalty for subsection (2)—40 penalty units.

## **Division 3                    Investigations into suitability**

### **108    Audit program**

- (1) The chief executive may approve an audit program for investigating agents and their business and executive associates.
- (2) The chief executive is responsible for ensuring that investigations of agents and their business and executive associates are conducted under an approved audit program in accordance with the program.
- (3) A person may be investigated under an audit program only if there has not been an investigation of the same person within the preceding 2 years.

### **109    Investigations**

- (1) The chief executive may investigate an agent to help the chief executive decide whether the person is, or continues to be, a suitable person to be an agent.
- (2) The chief executive may investigate a business or executive associate of an agent to help the chief executive to decide whether the person is, or continues to be, a suitable person to be associated with an agent's operations.
- (3) However, the chief executive may investigate an agent, or a business or executive associate of an agent, only if—
  - (a) the chief executive reasonably suspects the person is not, or is no longer, a suitable person to be an agent, or to be associated with an agent's operations; or

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- (b) the investigation is made under an audit program for agents and their business and executive associates approved by the chief executive.

### **110 Requirement to give information or material for investigation**

- (1) In investigating an agent or a business or executive associate of an agent, the chief executive may, by written notice given to the person, require the person to give the chief executive information or a document the chief executive considers relevant to the investigation.
- (2) When making the requirement, the chief executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.
- (3) The person must comply with the requirement unless the person has a reasonable excuse.  
Maximum penalty—200 penalty units or 2 years imprisonment.
- (4) It is a reasonable excuse if complying with the requirement might tend to incriminate the person.
- (5) The person does not commit an offence against this section if the information or document sought by the chief executive is not in fact relevant to the investigation.

### **111 Reports about person's criminal history**

- (1) If the chief executive, in making an investigation under this division about a person, asks the commissioner of the police service for a written report about the person's criminal history, the commissioner must give the report to the chief executive.
- (2) The report is to contain—
  - (a) relevant information in the commissioner's possession;  
and

- (b) relevant information that the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
- (c) other relevant information to which the commissioner has access.

## **Part 6                      Licence fees and tax**

### **Division 1                Licence fees**

#### **112      Liability to licence fee**

A licensed provider must pay licence fees as required under the conditions of the interactive gambling licence.

### **Division 2                Interactive gambling tax**

#### **113      Liability to tax**

- (1) A licensed provider must pay a tax (*interactive gambling tax*) to the chief executive for the authorised games conducted by the licensed provider.
- (2) Interactive gambling tax is to be calculated and paid on a basis fixed under a regulation.
- (3) Rates of tax may be fixed having regard to the rates of tax payable under corresponding laws.

#### **114      Returns for calculation of tax**

Within 7 days after the end of each month, a licensed provider must give the chief executive a return in an approved form containing—

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- (a) the information for calculating interactive gambling tax on games conducted by the licensed provider during the relevant month; and
- (b) other information required under a regulation.

Maximum penalty—40 penalty units.

### **115 Participating jurisdictions tax entitlement**

- (1) From time to time (as contemplated in the intergovernmental agreement), the Minister must remit to a participating regulator a proportion of the interactive gambling tax collected or recovered from licensed providers (*interactive gambling tax revenue*).
- (2) The amount to be remitted must reflect—
  - (a) the contribution of players in the participating jurisdiction to the total gambling turnover of licensed providers; and
  - (b) the proportion of interactive gambling tax revenue properly attributable to that contribution.
- (3) Amounts may be remitted under this section without further appropriation.

### **116 Payment of tax for community benefit**

- (1) Subsection (2) applies to the following amounts—
  - (a) amounts collected or recovered by way of interactive gambling tax collected or recovered that are not required for payment to participating jurisdictions under this division;
  - (b) amounts received from participating jurisdictions under the tax-sharing arrangements.
- (2) Each month, the Minister must pay into the community investment fund established under the *Gaming Machine Act 1991*, section 314(1), a percentage of the amounts received by the chief executive for the previous month.



- (3) The amounts paid into the community investment fund are administered receipts under the *Financial Accountability Act 2009*.
- (4) The percentage mentioned in subsection (2) is the percentage prescribed under a regulation.

## Division 3                      Recovery and penalties

### 117      Penalty for late payment

- (1) A licensed provider must pay to the chief executive a penalty on an amount of interactive gambling tax or licence fee outstanding (the *unpaid amount*) as at the end of the period allowed for payment.
- (2) The penalty is the percentage prescribed under a regulation of the unpaid amount.
- (3) An additional penalty is payable by the licensed provider to the chief executive for any part of the unpaid amount, and any previous penalty, remaining unpaid—
  - (a) 1 month after the end of the period allowed for payment of the unpaid amount; and
  - (b) at the end of each succeeding month starting—
    - (i) on the day of the month corresponding to the day mentioned in paragraph (a); or
    - (ii) if there is no corresponding day on the first day of the following month.
- (4) The additional penalty is the percentage prescribed under a regulation of each unpaid or other amount for which the penalty is payable.
- (5) A penalty, or a part of a penalty, is not payable if the chief executive, for a reason the chief executive considers appropriate, decides the penalty, or the part of the penalty, need not be paid.

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## **118 Recovery of amounts**

An amount of interactive gambling tax, licence fee or penalty payable under this part is a debt payable to the State and may be recovered by action in a court of competent jurisdiction.

## **119 Revenue offences**

- (1) A licensed provider must not—
- (a) evade the payment of an amount payable by the licensed provider as interactive gambling tax or licence fee; or
  - (b) give the chief executive a return containing information the licensed provider knows to be false, misleading or incomplete in a material particular.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) Subsection (1)(b) does not apply to a licensed provider if the licensed provider, when giving the return—
- (a) informs the chief executive in writing, to the best of the licensed provider's ability, how the return is false, misleading or incomplete; and
  - (b) if the licensed provider has, or can reasonably obtain, the correct information—gives the correct information.
- (3) It is enough for a complaint for an offence against subsection (1) to state that the document was false, misleading or incomplete to the defendant's knowledge.

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## **Part 7**                      **Compliance requirements**

### **Division 1**                      **Rules and directions**

#### **120**      **Rules**

- (1) The Minister may make rules about the following—
  - (a) the conduct of authorised games by licensed providers;
  - (b) prizes in authorised games conducted by licensed providers;
  - (c) other matters on which it is appropriate to make rules for this Act.
- (2) The Minister must notify the making of a rule in the gazette.
- (2A) A rule takes effect—
  - (a) on the day the making of the rule is notified in the gazette; or
  - (b) if a later day is stated in the Minister’s notice or the rule—on that day.
- (3) A licensed provider may make submissions to the Minister about a rule or proposed rule.

#### **120A**      **Rules to be made available etc.**

A licensed provider must, for an authorised game the provider is authorised to conduct under part 2, division 2—

- (a) make a copy of the rules for the game available for public inspection—
  - (i) during ordinary office hours at the provider’s public office; and
  - (ii) on the provider’s website on the internet; and

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- (b) give a copy of the rules for the game to each agent of the provider.

Maximum penalty—40 penalty units.

## **121 Directions**

- (1) The chief executive may, by written notice given to licensed providers, give directions about the conduct of authorised games by licensed providers.
- (2) A licensed provider may make submissions to the chief executive about a direction or proposed direction.

## **122 General responsibilities of licensed provider**

A licensed provider must comply with—

- (a) the rules; and
- (b) any relevant direction.

Maximum penalty—40 penalty units.

## **123 Responsibility of licensed provider to ensure compliance by agent**

The licensed provider by which an agent was appointed must take reasonable steps to ensure—

- (a) the agent is aware of the requirements of the rules and any relevant direction; and
- (b) the agent complies with requirements of the rules and any relevant direction.

Maximum penalty—40 penalty units.

## **124 Responsibility of agent**

- (1) An agent must comply with the rules and any relevant direction.

Maximum penalty—40 penalty units.

- (2) However, it is a defence to a charge against an agent for noncompliance with a direction to prove that the agent did not know, and could not reasonably be expected to have known, of the requirements of the direction.

## **Division 2                    Place of operation**

### **125    Licensed provider's place of operation**

- (1) A licensed provider must not conduct an authorised game unless the place of operation from which the game is conducted is approved by the chief executive.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) A licensed provider must ensure that all regulated interactive gambling equipment used by the licensed provider for the conduct of authorised games is situated at—
- (a) the approved place of operation; or
  - (b) some other place approved by the chief executive for the purpose.

Maximum penalty—50 penalty units.

### **126    Agent's place of operation**

An agent must not carry on operations in Queensland at a place other than a place that—

- (a) is of a kind prescribed under a regulation as appropriate for an agent; and
- (b) if the agent is an agent for a licensed provider—is stated in the agency agreement as the agent's place of operation.

Maximum penalty—200 penalty units or 2 years imprisonment.

## Division 3                      Control systems

### 127      **Authorised games to be conducted under an approved control system**

- (1) A licensed provider must not conduct an authorised game unless the licensed provider has an approved control system for the game.

Maximum penalty—200 penalty units.

- (2) If a licensed provider has an approved control system for the authorised game, the licensed provider must not contravene the approved control system in the conduct of the game.

Maximum penalty—200 penalty units.

- (3) A licensed provider must not change the approved control system other than under a direction or approval of the chief executive.

Maximum penalty—200 penalty units.

### 128      **Control system submission**

- (1) A licensed provider may make a submission (a ***control system submission***) to the chief executive for approval of the licensed provider's proposed control system.

- (2) A control system submission must be made in writing—

- (a) at least 90 days before the licensed provider proposes to start conducting interactive games; or
- (b) if the chief executive considers it appropriate to allow a submission to be made at a later time—by the time allowed by the chief executive.

- (3) A control system submission must describe and explain the licensed provider's proposed control system.

- (4) In particular, a control system submission must include information about—

- (a) the following things to be used for the conduct of interactive games—
    - (i) accounting systems and procedures and chart of accounts;
    - (ii) administrative systems and procedures;
    - (iii) computer software;
    - (iv) standard forms and terms; and
  - (b) the general procedures to be followed for the conduct of interactive games; and
  - (c) the procedures and standards for the maintenance, security, storage and transportation of equipment to be used for the conduct of interactive games; and
  - (d) the procedures for recording wagers and paying prizes won in interactive games; and
  - (e) the procedures for using and maintaining security facilities.
- (5) However, a licensed provider's control system submission need not include particular information mentioned in subsection (4) if the chief executive is satisfied, having regard to the nature of the licensed provider's operations, that the information is not necessary for the chief executive's proper consideration of the submission under section 130.
- (6) A control system submission may include information additional to the information mentioned in subsection (4).

## **129 Control system (change) submission**

- (1) A licensed provider may make a submission (a *control system (change) submission*) to the chief executive for approval to change the licensed provider's approved control system.
- (2) A control system (change) submission must be made in writing—

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- (a) at least 90 days before the licensed provider proposes to start conducting interactive games under the approved control system as proposed to be changed; or
  - (b) if the chief executive considers it appropriate to allow a submission to be made at a later time—by the time allowed by the chief executive.
- (3) A control system (change) submission must contain particulars of the proposed changes of the licensed provider's approved control system.

### **130 Dealing with submissions**

- (1) This section applies to a control system submission or control system (change) submission made to the chief executive by a licensed provider.
- (2) The chief executive must consider the submission and either approve, or refuse to approve, the licensed provider's proposed control system or the proposed change of the licensed provider's approved control system.
- (3) In considering the submission, the chief executive may, by written notice given to the licensed provider, require the licensed provider—
  - (a) to give the chief executive, within a reasonable period stated in the notice, further information that is necessary and reasonable to help the chief executive make a decision about the submission; or
  - (b) to allow the chief executive to submit the proposed control system, or the approved control system as proposed to be changed, to tests.
- (4) In considering whether to give an approval, the chief executive must have regard to—
  - (a) whether the submission satisfies the requirements under this division for the submission; and
  - (b) whether the licensed provider's proposed control system, or approved control system as proposed to be



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changed, is capable of providing satisfactory and effective control over the conduct of interactive games.

- (5) The chief executive may refuse to give an approval if the licensed provider fails to comply with a requirement under subsection (3) without a reasonable excuse.
- (6) If the chief executive approves the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the licensed provider written notice of the decision.
- (7) If the chief executive refuses to approve the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the licensed provider a written notice that—
  - (a) states the decision and the reasons for the decision; and
  - (b) if the chief executive believes the submission can easily be changed to enable the chief executive to give an approval—
    - (i) explains how the submission can be changed; and
    - (ii) invites the licensed provider to resubmit the submission after making the appropriate changes.

### **131 Direction to change approved control system**

- (1) The chief executive may, by written notice given to a licensed provider, direct the provider to change the provider's approved control system within the period, and in the way, stated in the notice.
- (2) The licensed provider must comply with the direction.  
Maximum penalty—100 penalty units.
- (3) If the licensed provider does not comply with the direction, the approval for the licensed provider's control system is cancelled.

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## **Division 4                      Dealings involving players' accounts**

### **132      Funds in player's account to be remitted on demand**

A licensed provider must, at the request of an unrestricted player in whose name a player's account is established, remit funds standing to the credit of the account as directed by the player no later than the first business day after the request is received.

Maximum penalty—100 penalty units.

### **133      Licensed provider or agent not to act as credit provider**

- (1) A licensed provider or an agent must not provide credit to a player or a player's account.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) A licensed provider or an agent must not act as agent for a credit provider to facilitate the provision of credit to a player or a player's account.

Maximum penalty for subsection (2)—200 penalty units or 2 years imprisonment.

### **134      Licensed providers limited recourse to players' accounts**

- (1) A licensed provider must not have recourse to funds in a player's account except as follows—

- (a) to debit to the account a wager made by the player or an amount the player indicates the player wants to wager in the course of an authorised game the player is playing or about to play;
- (b) to debit to the account amounts authorised under this section to be debited to the account;

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- (c) for an unrestricted player—to remit funds standing to the credit of the account to the player at the player's request;
  - (d) as otherwise authorised under this Act.
- Maximum penalty—200 penalty units or 2 years imprisonment.
- (2) The licensed provider may debit an amount to the account for—
    - (a) fees, charges or expenses necessarily incurred by the licensed provider on transactions made on the account; and
    - (b) services supplied by the licensed provider to the player at the player's request that are additional to the services generally supplied by the licensed provider to players.
  - (3) However, the licensed provider may debit an amount to the account for a matter mentioned in subsection (2) only if the matter is a matter for which—
    - (a) the player has agreed in writing debits may be made to the account; and
    - (b) provision for debiting players' accounts is made in the licensed provider's approved control system.
  - (4) Despite subsection (2)(a), the licensed provider may not debit an amount to the account for fees payable for maintaining the account.

### **135 Inactive players' accounts**

If no transaction has been recorded on a player's account with a licensed provider for a period fixed under a regulation, the licensed provider must remit any remaining balance to—

- (a) the player; or
- (b) if the player can not be found—an account at the department designated under a regulation as the account to which payments are to be made under this paragraph.

## **Division 5                      Responsible gambling**

### **136      Limitation on amount wagered**

- (1) A registered player may, by written notice to a licensed provider, set a limit on the amount the player may wager.

*Examples—*

- 1 The player might set a limit in relation to a particular game the player is about to play.
  - 2 The player might set a limit by reference to a stated maximum for all games conducted by the licensed provider over a stated period (e.g. a limit of \$100 over 1 month).
  - 3 The player might set the limit at zero thus effectively preventing himself or herself from engaging in authorised games conducted by the licensed provider until the limit is relaxed or removed.
- (2) A player who has set a limit under this section may change or revoke the limit by written notice given to the licensed provider.
- (3) A notice increasing or revoking the limit does not have effect unless—
- (a) 7 days have passed since the provider received the notice; and
  - (b) the player has not notified the provider of an intention to withdraw the notice.
- (4) A notice reducing the limit has effect on its receipt by the licensed provider.
- (5) A licensed provider must not accept a wager from a player contrary to a limit set for the player under this section.

Maximum penalty for subsection (5)—100 penalty units.

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## **Division 5A            Excluding persons from                                  participating in authorised games                                  as players**

### **Subdivision 1        Provisions about self-exclusion**

#### **137    Self-exclusion notice**

A person who is registered with a licensed provider as a player may give to the licensed provider a notice in the approved form (a *self-exclusion notice*) asking the licensed provider to prohibit the person from participating as a player in authorised games conducted by the licensed provider.

#### **137A   Self-exclusion order**

- (1) If a person gives a licensed provider a self-exclusion notice under section 137, the licensed provider must as soon as practicable give to the person—
  - (a) a notice in the approved form (a *self-exclusion order*) prohibiting the person from participating as a player in authorised games conducted by the licensed provider; and
  - (b) details, including the name and address, of at least 1 entity that provides counselling services for problem gamblers.

Maximum penalty—50 penalty units.

- (2) A self-exclusion order has effect for the period—
  - (a) starting when it is given to the person; and
  - (b) ending on the earlier of the following—
    - (i) when a revocation notice for the order takes effect under section 137B(3);
    - (ii) the day that is 5 years after the day the order is given to the person.

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### **137B Revoking self-exclusion order**

- (1) A person who is given a self-exclusion order may, by notice in the approved form (a *revocation notice*) given to the licensed provider who gave the order, revoke the order.
- (2) However, the person may revoke the order only—
  - (a) within 24 hours after the person receives it; or
  - (b) after 1 year after the person receives it.
- (3) A revocation notice takes effect—
  - (a) if the notice is given to the licensed provider under subsection (2)(a)—when it is given to the licensed provider; or
  - (b) otherwise—28 days after the day it is given to the licensed provider.

## **Subdivision 2 Exclusion instigated by licensed provider**

### **137C Exclusion direction**

- (1) A licensed provider may give a person who is registered with the licensed provider as a player a notice in the approved form (an *exclusion direction*) prohibiting the person from participating as a player in authorised games conducted by the licensed provider.
- (2) The licensed provider may give the direction only if the licensed provider believes on reasonable grounds the person is a problem gambler.
- (3) If a licensed provider decides to give a person an exclusion direction, the direction must be accompanied by an information notice about the decision.

### **137D Duration of exclusion direction**

An exclusion direction has effect for the period—

- (a) starting when it is given to the person concerned; and
- (b) ending on the earlier of the following—
  - (i) if the decision to give the direction is set aside on a review of the decision by the tribunal—when the decision is set aside;
  - (ii) if a revocation notice for the direction takes effect under section 137F(6)—when the notice takes effect;
  - (iii) if a decision, under section 137F, refusing to revoke the direction is set aside on a review of the decision by the tribunal—when the decision is set aside;
  - (iv) the day that is 5 years after the day the direction is given to the person.

### **137E Application to revoke exclusion direction**

- (1) This section applies if a person is prohibited from participating as a player in authorised games conducted by a licensed provider under an exclusion direction.
- (2) The person may apply to the licensed provider for revocation of the direction.
- (3) The application may only be made at least 1 year after the day the person is given the direction.
- (4) The application must be—
  - (a) in the approved form; and
  - (b) supported by enough information to enable the licensed provider to decide the application.
- (5) A person may apply under this section only once each year commencing on the anniversary of the day the person was given the direction.

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### **137F Deciding application to revoke exclusion direction**

- (1) This section applies to an application under section 137E for revocation of an exclusion direction.
- (2) The licensed provider must consider the application and, within 28 days after receiving it, decide to revoke or refuse to revoke the direction.
- (3) If the licensed provider fails to decide the application within 28 days after its receipt, the failure is taken to be a decision by the licensed provider to refuse to revoke the direction.
- (4) In considering the application, the licensed provider may have regard to the information supporting the application and any other information the licensed provider considers relevant, including, for example, a report of a psychologist.
- (5) If the licensed provider decides to revoke the direction, the licensed provider must as soon as practicable give the applicant notice of the revocation in the approved form (a *revocation notice*).
- (6) A revocation notice takes effect when it is given to the applicant.
- (7) If the licensed provider decides to refuse to revoke the direction, the licensed provider must as soon as practicable give the applicant an information notice for the decision.

## **Subdivision 3 Other provisions**

### **137G Particular persons not to participate in authorised games**

A person who is prohibited, under a self-exclusion order or an exclusion direction, from participating as a player in authorised games conducted by a licensed provider must not participate as a player in the games.

Maximum penalty—40 penalty units.



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## 137H Counselling

- (1) This section applies if a court finds a person (the *defendant*) guilty of, or accepts a person's plea of guilty for, an offence against section 137G.
- (2) The court may, if satisfied the defendant is a problem gambler, postpone its decision on penalty on condition that the defendant agrees to attend counselling on a basis decided by the court.
- (3) The agreement—
  - (a) must provide for counselling of a kind that may, in the court's opinion, be beneficial in helping to overcome harmful behaviour related to gambling; and
  - (b) must provide for counselling over a period, of not more than 12 months, fixed by the court; and
  - (c) must allow the counsellor a discretion to disclose to the court information about the defendant's participation in the counselling if the counsellor believes the disclosure will help the court to exercise its powers and discretions in an appropriate way under this section; and
  - (d) must provide that the counsellor is to report to the court a failure by the defendant to attend counselling under the agreement.
- (4) To decide whether the defendant is a problem gambler and, if so, whether counselling of an appropriate kind is available, the court may have regard to any information the court considers relevant, including, for example, a report of a psychiatrist or a psychologist.
- (5) If the court postpones a decision on penalty under this section, the court must proceed to make a decision on penalty—
  - (a) as soon as practicable after the end of the period fixed for the counselling; or
  - (b) if, during the period fixed for the counselling, the defendant advises the court that he or she does not want to continue with the counselling—as soon as practicable after the court receives the advice; or

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- (c) if, during the period fixed for the counselling, the counsellor reports to the court that the defendant has failed to attend counselling under the agreement or to participate satisfactorily in the counselling—as soon as practicable after the court receives the report.
- (6) In making its decision on penalty after a postponement under this section, the court—
  - (a) must consider whether and, if so, to what extent, the defendant has made a genuine attempt to overcome harmful behaviour related to gambling; and
  - (b) may, for considering the matters mentioned in paragraph (a), have regard to the report of a counsellor appointed to counsel the defendant under an agreement under this section.

### **137I Obligation to prevent persons from participating in authorised games**

- (1) This section applies to a licensed provider or an employee of the licensed provider if the licensed provider or employee knows that a person is prohibited, under a self-exclusion order or an exclusion direction, from participating as a player in authorised games conducted by the licensed provider.
- (2) The licensed provider or employee must take reasonable steps to prevent the person from participating as a player in the authorised games.

Maximum penalty—

- (a) for a licensed provider—250 penalty units; or
- (b) for another person—40 penalty units.

### **137J Register**

- (1) A licensed provider must keep a register, in the approved form, of persons who are prohibited from participating as a player in authorised games conducted by the licensed provider under a self-exclusion order or an exclusion direction.

Maximum penalty—40 penalty units.

- (2) The licensed provider must keep the register available for inspection by an inspector.

### **137K Report about prohibition under order or direction**

- (1) A regulation may require a licensed provider to give the chief executive a report about the prohibition of persons from participating as players in authorised games conducted by the provider under a self-exclusion order or an exclusion direction.
- (2) The report must be in the approved form.
- (3) The regulation may prescribe the times, and the way in which, the report is to be given to the chief executive.
- (4) The licensed provider must comply with the regulation.

Maximum penalty—40 penalty units.

### **137L Distributing promotional or advertising material about authorised games**

A licensed provider must not distribute promotional or advertising material about authorised games conducted by the provider to persons who the provider knows or ought reasonably to know are prohibited from participating as a player in the authorised games under a self-exclusion order or exclusion direction.

Maximum penalty—40 penalty units.

## **Division 6                      Gambling records**

### **138 Notices about keeping gambling records**

- (1) The chief executive may, by written notice given to a licensed provider—

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- (a) approve a place (the *approved place*) nominated by the licensed provider (other than the licensed provider's public office) as a place for keeping the licensed provider's gambling records; or
  - (b) specify a gambling record of the licensed provider (an *exempt gambling record*) that is not required to be kept at the licensed provider's public office or an approved place; or
  - (c) specify a gambling record of the licensed provider that may be kept temporarily at a place other than the licensed provider's public office or an approved place, and the period for which, or the circumstances in which, the record may be kept at the other place; or
  - (d) approve the keeping of information contained in a gambling record in a way different from the way the information was kept when the record was being used by the licensed provider; or
  - (e) approve the destruction of a gambling record the chief executive considers need not be kept.
- (2) A gambling record mentioned in subsection (1)(c) is also an *exempt gambling record*—
- (a) for the period stated in the notice; or
  - (b) while the circumstances stated in the notice exist.
- (3) The chief executive may specify a gambling record for subsection (1)(b) only if the chief executive considers there is sufficient reason for the record to be kept at a place other than the licensed provider's public office or an approved place.
- (4) The exercise of the chief executive's power under subsection (1)(d) or (e) is subject to any other law about the retention or destruction of the gambling record.

### **139 Gambling records to be kept at certain place**

- (1) A licensed provider must keep the licensed provider's gambling records at—

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- (a) the licensed provider's public office; or
  - (b) at an approved place for the records.
- Maximum penalty—40 penalty units.
- (2) Subsection (1) does not apply to an exempt gambling record.

#### **140 Gambling records to be kept for required period**

- (1) A licensed provider must keep a gambling record for 5 years after the end of the transaction to which the record relates.  
Maximum penalty—40 penalty units.
- (2) Subsection (1) does not apply to a gambling record if the information previously contained in the record is kept in another way under an approval of the chief executive.
- (3) Also, subsection (1) does not apply to a gambling record that has been destroyed under an approval of the chief executive.
- (4) Subsection (1) has effect subject to any other law about the retention or destruction of the gambling record.

### **Division 7 Financial accounts, statements and reports**

#### **141 Keeping of accounts**

A licensed provider must—

- (a) keep accounting records that correctly record and explain the transactions and financial position for the licensed provider's operations conducted under the interactive gambling licence; and
- (b) keep the accounting records in a way that allows—
  - (i) true and fair financial statements and accounts to be prepared from time to time; and

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- (ii) the financial statements and accounts to be conveniently and properly audited.

Maximum penalty—40 penalty units.

## **142 Preparation of financial statements and accounts**

- (1) A licensed provider must prepare financial statements and accounts as required by this section giving a true and fair view of the licensed provider's financial operations conducted under the interactive gambling licence.

Maximum penalty—40 penalty units.

- (2) The financial statements and accounts must include the following—
  - (a) trading accounts, if applicable, for each financial year;
  - (b) profit and loss accounts for each financial year;
  - (c) a balance sheet as at the end of each financial year.

## **143 Submission of reports**

- (1) A licensed provider must give reports to the chief executive as required by this section about the licensed provider's operations under the interactive gambling licence.

Maximum penalty—40 penalty units.

- (2) The reports must be given at the times stated in a written notice given to the licensed provider by the chief executive.
- (3) A report must be in the approved form.
- (4) The chief executive may, by written notice given to a licensed provider, require the provider to give the chief executive further information about a report within the time stated in the notice to help the chief executive acquire a proper appreciation of the licensed provider's operations.
- (5) A licensed provider must comply with a requirement under subsection (4) within the time stated in the notice, unless the licensed provider has a reasonable excuse.

Maximum penalty—40 penalty units.

- (6) A licensed provider must not give the chief executive a report containing information, or further information about a report, the licensed provider knows to be false, misleading or incomplete in a material particular.

Maximum penalty—100 penalty units.

- (7) Subsection (6) does not apply to a licensed provider if the provider, when giving the report or further information—
- (a) informs the chief executive in writing, to the best of the provider's ability, how the return or information is false, misleading or incomplete; and
  - (b) if the provider has, or can reasonably obtain, the correct information—gives the correct information.
- (8) It is enough for a complaint of an offence against subsection (6) to state that the report or information was false, misleading or incomplete to the defendant's knowledge.

## **Division 8                      Financial institutions accounts**

### **144      Keeping of accounts**

A licensed provider must keep a financial institution account, or financial institution accounts, approved by the chief executive for use for all banking or similar transactions for the operations conducted under the interactive gambling licence.

Maximum penalty—40 penalty units.

### **145      Use of accounts**

A licensed provider must not use a financial institution account approved by the chief executive other than for a purpose for which it is approved.

Maximum penalty—40 penalty units.

## **Division 9                      Audit**

### **146      Audit of licensed provider's operations**

As soon as practicable after the end of a financial year, a licensed provider must, at the licensed provider's own expense, cause the books, accounts and financial statements for the operations conducted under the interactive gambling licence for the financial year to be audited by a registered company auditor.

Maximum penalty—40 penalty units.

### **147      Completion of audit**

- (1) The auditor must—
  - (a) complete the audit within 3 months after the end of the financial year; and
  - (b) immediately after completion of the audit, give a copy of the audit report to the chief executive and the licensed provider.

Maximum penalty—40 penalty units.

- (2) Subsection (1)(a) does not apply to the auditor if, in the circumstances, it would be unreasonable to require the auditor to comply with the paragraph and the auditor completes the audit as soon as practicable.

### **148      Further information following audit**

- (1) On receiving a copy of the audit report, the chief executive may, by written notice given to the licensed provider, require the licensed provider to give the chief executive further information about a matter relating to the licensed provider's operations mentioned in the audit report.
- (2) A licensed provider must comply with a requirement under subsection (1) within the time stated in the notice, unless the



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licensed provider has a reasonable excuse.

Maximum penalty for subsection (2)—40 penalty units.

## **Division 10 Ancillary and related agreements**

### **149 Ancillary gambling agreement**

- (1) An *ancillary gambling agreement* is an agreement, contract, lease or arrangement (whether written or unwritten) under which a person agrees to provide to a licensed provider a thing or service in return for a direct or indirect interest in, or percentage or share of—
  - (a) amounts received by the licensed provider in the course of the licensed provider's business; or
  - (b) the revenue, profit or earnings derived by the licensed provider from the licensed provider's business.
- (2) However, an ancillary gambling agreement does not include an agency agreement.
- (3) A licensed provider must not enter into, or be a party to, an ancillary gambling agreement without the written approval of the chief executive.

Maximum penalty—40 penalty units.

- (4) However, the chief executive's approval is not required for an agreement if—
  - (a) the chief executive considers the agreement to be an agreement of minor importance; or
  - (b) the agreement is of a class excluded from the application of this section under a regulation.

### **150 Approval of ancillary gambling agreements**

- (1) A licensed provider may apply to the chief executive for approval to enter into an ancillary gambling agreement.

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- (2) The chief executive may give the approval if the chief executive considers it appropriate or desirable in all the circumstances for the licensed provider to enter into the agreement.
- (3) An approval must be in writing.

### **151 Review of related agreements**

- (1) The chief executive may, by written notice given to a licensed provider, require the licensed provider to give to the chief executive, within the time stated in the notice—
  - (a) the information stated in the notice about a related agreement to which the licensed provider is a party; and
  - (b) if the agreement is in writing—a copy of the agreement.
- (2) Without limiting subsection (1), the information the chief executive may require to be given about a related agreement includes the following—
  - (a) the names of the parties;
  - (b) a description of any property, goods or other things, or any services, supplied or to be supplied;
  - (c) the value or nature of the consideration;
  - (d) the term of the agreement.
- (3) The licensed provider must comply with the requirement within the time stated in the notice, unless the licensed provider has a reasonable excuse.

### **152 Show cause notice for related agreement**

- (1) This section applies if, after considering the information given to the chief executive about a related agreement and, if appropriate, the contents of the agreement, the chief executive believes the continuance of the agreement—
  - (a) may jeopardise the integrity of the conduct of interactive games by the licensed provider who is a party to the agreement; or

- (b) may affect the public interest adversely.
- (2) The chief executive must give the licensed provider who is a party to the agreement a written notice (a *show cause notice*) that—
  - (a) states that the chief executive proposes to take action to direct the termination of the agreement (the *proposed action*); and
  - (b) states the grounds for the proposed action; and
  - (c) outlines the facts and circumstances forming the basis for the grounds; and
  - (d) invites the licensed provider to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 21 days after the notice is given.
- (4) The chief executive must promptly give a copy of the show cause notice to each other person (an *interested person*) who is a party to the agreement.
- (5) An interested person may make representations about the notice to the chief executive in the show cause period.
- (6) The chief executive must consider all written representations (the *accepted representations*) made during the show cause period by the licensed provider or an interested person.

### **153 Direction to terminate related agreement**

- (1) The chief executive may direct the termination of a related agreement if, after considering the accepted representations for a show cause notice, the chief executive still believes the continuance of the agreement—
  - (a) may jeopardise the integrity of the conduct of interactive games by the licensed provider who is a party to the agreement; or
  - (b) may affect the public interest adversely.

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- (2) The direction must be given by written notice to each of the parties to the agreement.
- (3) The notice must state—
  - (a) the reason for the decision to direct the termination of the related agreement; and
  - (b) the time within which the agreement is required to be terminated.
- (4) If the agreement is not terminated within the time stated in the notice, it is terminated at the end of the time by this Act.
- (5) The termination of the agreement under the direction or by this Act does not affect any rights or liabilities acquired or incurred by a party to the agreement before the termination.
- (6) The State does not incur any liability if the agreement is terminated under the direction or by this Act.
- (7) A party to the agreement does not incur any liability for breach of the agreement because the agreement is terminated under the direction.

## **Division 11            Official supervision**

### **154    Monitoring operations**

A licensed provider must, at the request of the chief executive, do anything reasonably necessary to allow an inspector to monitor the licensed provider's operations.

### **155    Presence of inspector at certain operations**

- (1) The chief executive may take action under this section to ensure the integrity of the conduct of an authorised game.
- (2) The chief executive may, by written notice given to a licensed provider, direct the licensed provider not to do a stated thing in the conduct of an authorised game unless an inspector is present.

- (3) The licensed provider must comply with the direction.  
Maximum penalty for subsection (3)—40 penalty units.

## **Division 12 Prizes**

### **156 Payment or collection of prizes**

- (1) If a player in an authorised game conducted by a licensed provider wins a monetary prize, the licensed provider must immediately credit the amount of the prize to the player.
- (2) If a player in an authorised game conducted by a licensed provider wins a non-monetary prize, or a player without a player's account wins a monetary prize, the provider must—
- (a) have the prize delivered personally or by post to the player; or
  - (b) give the player written notice of an address in Queensland at which the prize may be collected.

### **157 Disposal of unclaimed non-monetary prizes**

- (1) This section applies to a non-monetary prize in an authorised game conducted by a licensed provider that is not collected within 3 months after notification of the place at which it may be collected.
- (2) The licensed provider—
- (a) may dispose of the prize by public auction or tender or in some other way approved by the chief executive; and
  - (b) may pay for the disposal from the proceeds of sale; and
  - (c) must—
    - (i) pay the remainder of the proceeds into the relevant player's account; or
    - (ii) if there is no current player's account—remit the remainder of the proceeds to the former player; or

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- (iii) if there is no current player's account and the licensed provider is unaware of the whereabouts of the former player—pay the remainder of the proceeds into an account at the department designated under a regulation as the account to which payments are to be made under this subparagraph.

## 158 Claims for prize

- (1) If a claim for a prize in an authorised game is made to a licensed provider within 5 years after the end of the game, the licensed provider must—
  - (a) immediately try to resolve the claim; and
  - (b) if the licensed provider is not able to resolve the claim—by written notice (a *claim result notice*) given to the claimant, promptly inform the claimant—
    - (i) of the licensed provider's decision on the claim; and
    - (ii) that the person may, within 10 days of receiving the notice, ask the chief executive to review the decision.
- (2) If the claim is not resolved, the claimant may ask the chief executive to review the licensed provider's decision on the claim, or if the claimant has not received a claim result notice, to resolve the claim.
- (3) A request to the chief executive under subsection (2)—
  - (a) must be in the approved form; and
  - (b) if the claimant received a claim result notice—must be made within 10 days after receiving the notice.
- (4) If a request is made to the chief executive, the chief executive—
  - (a) must deal with the request in the way prescribed under a regulation; and

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- (b) may carry out investigations the chief executive considers necessary to resolve matters in dispute.

### **159 Entitlement to prize lapses if not claimed within 5 years**

If a prize is not claimed within 5 years after the end of the authorised game in which the prize was won, the entitlement to the prize is extinguished and the prize is forfeited to the State.

## **Division 13 Interrupted and aborted games**

### **159A Interrupted games**

- (1) This section applies if, after making a wager in an authorised game conducted by a licensed provider, a player's participation in the game is interrupted by a failure of an operating or telecommunication system that prevents the player from continuing with the game.
- (2) The licensed provider must—
- (a) inform the player the game (the *interrupted game*) has not been finished; and
  - (b) at any time after operation of the operating or telecommunication system is restored and before the period (the *game completion period*) prescribed under a regulation ends, allow the player to continue with the game.
- (3) Also, the licensed provider must not allow the player—
- (a) to continue with the interrupted game after the end of the game completion period; or
  - (b) to participate in another authorised game conducted by the provider until the earlier of the following—
    - (i) the interrupted game is finished;
    - (ii) the game completion period for the interrupted game ends.

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- (4) If the interrupted game is not finished in the game completion period, the licensed provider must pay the amount of the wager for the game to the chief executive.
- (5) If an amount of the wager is not paid by the licensed provider to the chief executive as required under subsection (4), the State may recover the amount from the provider as a debt.

### **160 Aborted games**

- (2) If an authorised game conducted by a licensed provider is started but miscarries because of human error, or a failure of an operating or telecommunication system, the licensed provider—
  - (a) must immediately inform the chief executive of the circumstances of the incident; and
  - (b) must not conduct a further game if the game is likely to be affected by the same error or fault.
- (3) After investigating the incident, the chief executive may, by written notice to the licensed provider—
  - (a) direct the licensed provider to—
    - (i) refund the amounts wagered in the game to the players; and
    - (ii) if a player has an accrued credit at the time the game miscarries—pay to the player the monetary value of the credit; or
  - (b) give the licensed provider other directions the chief executive considers appropriate in the circumstances.
- (4) The licensed provider must comply with a direction under subsection (3).
- (5) If a player entitled to a refund or other payment under this section has a player's account, the amount must be paid into the account.



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**161 Power to withhold prize in certain cases**

- (1) If a licensed provider has reason to believe that the result of an authorised game has been affected by an illegal activity or malfunction of equipment, the licensed provider may withhold a prize in the game.
- (2) If a licensed provider withholds a prize under this section, the licensed provider—
  - (a) must immediately inform the chief executive of the circumstances of the incident; and
  - (b) must not conduct a further game if a recurrence of the illegality or malfunction is likely.
- (3) After investigating the incident, the chief executive may, by written notice to the licensed provider—
  - (a) direct the licensed provider to pay the prize; or
  - (b) confirm the licensed provider's decision to withhold the prize, but direct the licensed provider to refund amounts wagered in the game.
- (4) The licensed provider must comply with a direction under subsection (3).

**Division 14 Approval and use of regulated interactive gambling equipment**

**162 Approval of regulated interactive gambling equipment**

- (1) A person may apply to the chief executive—
  - (a) for an approval for regulated interactive gambling equipment proposed to be used in the conduct of authorised games by a licensed provider; or
  - (b) for approval to modify regulated interactive gambling equipment used in the conduct of authorised games by a licensed provider.

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- (2) The chief executive must consider the application and if, for deciding the application, the chief executive considers it is necessary for the equipment, or the equipment as proposed to be modified, to be evaluated, the chief executive must—
  - (a) carry out the evaluation; or
  - (b) direct the licensed provider—
    - (i) to arrange to have the equipment evaluated by an approved evaluator; and
    - (ii) to give the chief executive a written report of the evaluation.
- (3) If the chief executive carries out an evaluation of the equipment—
  - (a) the licensed provider must pay the fee prescribed under a regulation for the evaluation to the chief executive; and
  - (b) if an amount of the fee is not paid by the licensed provider, the State may recover the amount from the licensed provider as a debt.
- (4) The chief executive may refuse to give an approval if—
  - (a) the fee payable for an evaluation carried out by the chief executive is not paid; or
  - (b) the licensed provider fails to comply with a direction of the chief executive under subsection (2)(b).
- (5) If the chief executive gives an approval, the chief executive must immediately give the licensed provider written notice of the decision.
- (6) If the chief executive refuses to give an approval, the chief executive must immediately give the licensed provider an information notice for the decision.

### **163 Use of regulated interactive gambling equipment**

- (1) A licensed provider must not use any regulated interactive gambling equipment in conducting an authorised game unless the equipment is approved interactive gambling equipment.

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Maximum penalty—200 penalty units.

- (2) An agent of a licensed provider must not use any regulated interactive gambling equipment for the conduct of an authorised game by the licensed provider unless the equipment is approved interactive gambling equipment.

Maximum penalty—200 penalty units.

- (3) A licensed provider or agent must not modify approved interactive gambling equipment unless the modification is approved by the chief executive in writing.

Maximum penalty for subsection (3)—200 penalty units.

### **163A Approved evaluators**

The Governor in Council may, under a regulation, declare an entity to be an approved entity for evaluating regulated interactive gambling equipment.

## **Division 15 Advertising**

### **164 Advertising interactive gambling**

- (1) A person must not advertise an interactive game in Queensland unless the game is an authorised game.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) A person must not advertise an authorised game in Queensland without approval of the relevant authorised provider.

Maximum penalty for subsection (2)—40 penalty units.

### **165 Incidental requirements for advertisements**

A person who advertises an authorised game must take reasonable steps to ensure the advertisement—

- (a) is not indecent or offensive; and

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- (b) is based on fact; and
- (c) is not false, deceptive or misleading in a material particular.

## **166 Directions about advertising**

- (1) If the chief executive reasonably believes an advertisement about an authorised game does not comply with section 165, the chief executive may direct the person appearing to be responsible for authorising the advertisement to take the appropriate steps—
  - (a) to stop the advertisement being shown; or
  - (b) to change the advertisement.
- (2) The direction must—
  - (a) be in writing; and
  - (b) state the grounds for the direction; and
  - (c) if it is a direction to change the advertisement—state how the advertisement is to be changed.
- (3) A person to whom a direction is given must comply with the direction, unless the person has a reasonable excuse.  
Maximum penalty for subsection (3)—40 penalty units.

## **Division 16 Complaints**

### **167 Inquiries about complaints**

- (1) A licensed provider must inquire into—
  - (a) a complaint made to the licensed provider by a person about—
    - (i) the conduct of an authorised game by the licensed provider; or
    - (ii) the conduct of an agent of the licensed provider in operations related to an authorised game; or

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- (b) a complaint referred to the licensed provider by the chief executive under subsection (3).
  - (2) Within 21 days after the complaint is received by, or referred to, the licensed provider, the licensed provider must give written notice of the result of the inquiry to—
    - (a) the complainant; and
    - (b) if the complaint was referred to the licensed provider by the chief executive—the chief executive.
  - (3) If a complaint is made to the chief executive about the conduct of an authorised game, or the conduct of an agent in operations related to an authorised game, the chief executive must promptly—
    - (a) inquire into the complaint; or
    - (b) if the chief executive considers it appropriate—
      - (i) refer the complaint to the licensed provider who conducted the game; or
      - (ii) if the authorised game is conducted by an external provider—refer the complaint to the relevant participating regulator.
  - (4) The chief executive must promptly advise the complainant of—
    - (a) the result of the chief executive’s inquiry; or
    - (b) the chief executive’s decision to refer the complaint to the licensed provider or a participating regulator.
  - (5) A complaint must—
    - (a) be in writing; and
    - (b) state the complainant’s name and address; and
    - (c) give appropriate details of the complaint.

## **168 Reporting improper behaviour**

- (1) This section applies if an authorised provider becomes aware, or reasonably suspects, that—

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- (a) a person, by a dishonest or unlawful act affecting the conduct or playing of an authorised game in Queensland, has obtained a benefit for the person or another person; or
  - (b) there has been an unlawful act affecting the conduct or playing of an authorised game in Queensland.
- (2) This section also applies if an agent becomes aware, or reasonably suspects, that—
- (a) a person, by a dishonest or unlawful act affecting the conduct or playing of an authorised game in Queensland, has obtained a benefit for the person or another person; or
  - (b) there has been an unlawful act affecting the conduct or playing of an authorised game in Queensland.
- (3) Within 3 days of becoming aware of, or suspecting, the dishonest or unlawful act, the authorised provider or agent must give the chief executive a written notice advising the chief executive of all facts known to the authorised provider or agent about the matter.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (4) A person must not mistreat another person because—
- (a) the other person has given, or may give, a notice under this section; or
  - (b) the person believes the other person has given, or may give, a notice under this section.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (5) In this section—

***dishonest act*** means fraud, misrepresentation or theft.

***mistreat*** a person means—

- (a) end the person's employment or prejudice the career of the person in another way; or

- (b) prejudice the safety of the person; or
- (c) intimidate or harass the person.

## **Division 17            Gambling offences**

### **169    Cheating**

- (1) A person must not, in relation to an authorised game, dishonestly obtain a benefit by—
  - (a) an act, practice or scheme; or
  - (b) the use of a thing.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) For subsection (1), a person obtains a benefit if the person obtains for the person or another person, or induces a person to deliver, give or credit to the person or another person, any money, benefit, advantage, valuable consideration or security.

### **170    Forgery and deception**

- (1) A person must not—
  - (a) forge an official gambling document; or
  - (b) knowingly utter a forged official gambling document.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) A person must not connive at the commission of an offence against subsection (1).

Maximum penalty—200 penalty units or 2 years imprisonment.

- (3) A person forges a document if the person makes a false document, knowing it to be false, with the intention that—
  - (a) it may be used or acted on to the prejudice or benefit of a person; or

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- (b) a person may, in the belief that it is genuine, be induced to do, or refrain from doing, something.
- (4) Without limiting subsection (3), a genuine document may become a false document because of—
  - (a) an alteration of the document in a material respect; or
  - (b) an addition to the body of the document in a material respect; or
  - (c) an addition of a false date, signature, attestation, seal or other material matter.
- (5) A person utters a document if the person—
  - (a) uses or deals with the document; or
  - (b) attempts to use or deal with the document; or
  - (c) induces a person to use, deal with or act on the document; or
  - (d) attempts to induce a person to use, deal with or act on the document.

## **171 Impersonating certain persons**

- (1) A person must not pretend to be a licensed provider, an agent, a key person licensee or a gaming official.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) A person must not connive at the commission of an offence against subsection (1).

Maximum penalty for subsection (2)—200 penalty units or 2 years imprisonment.

## **172 Bribery**

- (1) A gaming official must not ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for the official or another person for an improper purpose.



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Maximum penalty—200 penalty units or 2 years imprisonment.

- (2) A person must not give, confer or obtain, or promise or offer to give, confer or obtain, any money, property or benefit of any kind to, on or for a gaming official or another person for an improper purpose.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (3) A gaming official or other person does an act mentioned in subsection (1) or (2) for an improper purpose if the official or other person does the act—
- (a) for the official to forego or neglect the official's functions under this Act, or to influence the official in the performance of the official's functions under this Act; or
  - (b) because of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by the official in the performance of the official's functions under this Act; or
  - (c) for the official to use, or take advantage of, the official's office improperly to gain a benefit or advantage for, or facilitate the commission of an offence by—
    - (i) if the act is done by the official—another person; or
    - (ii) if the act is done by another person—that person or another person.

### **173 Participation in authorised games by employees of licensed provider**

- (1) An employee (whether a key person licensee or not) of a licensed provider must not take part in an authorised game if directly involved in functions related to the conduct of the game.

Maximum penalty—40 penalty units.

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- (2) A prize won by a person by participation in an authorised game contrary to this section is forfeited to the State.

**174 Chief executive's power to restrict participation in authorised games by gaming officials**

- (1) The chief executive may, by written notice given to a gaming official, direct the official—
- (a) not to participate as a player in an authorised game; or
  - (b) not to participate as a player in an authorised game except in stated circumstances or for stated purposes.
- (2) A gaming official must not participate as a player in an authorised game in contravention of a direction under this section.

Maximum penalty for subsection (2)—40 penalty units.

**175 Power to declare gaming official to be a key official**

- (1) The chief executive may, by written notice given to a gaming official, declare the official to be a key official.
- (2) A declaration may only be made under this section if the chief executive considers it appropriate to make the declaration in the public interest.

**176 Relationship of key officials with authorised providers and agents**

- (1) A key official must not, without the chief executive's approval—
- (a) accept or solicit employment from an authorised provider or an agent; or
  - (b) be an employee in any capacity of an authorised provider or an agent; or
  - (c) knowingly have, directly or indirectly—

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- (i) a business or financial association with an authorised provider or an agent; or
  - (ii) a business or financial interest together with an authorised provider or an agent.

Maximum penalty—40 penalty units.

- (2) A person must not, for 1 year after ceasing to be a key official, without the chief executive's approval—
  - (a) accept or solicit employment from an authorised provider or an agent; or
  - (b) be an employee in any capacity of an authorised provider or an agent; or
  - (c) knowingly have, directly or indirectly—
    - (i) a business or financial association with an authorised provider or an agent; or
    - (ii) a business or financial interest together with an authorised provider or an agent.

Maximum penalty for subsection (2)—40 penalty units.

## **177 Relationship of key officials with prospective licensed providers**

- (1) This section applies if a key official knowingly has, directly or indirectly—
  - (a) a business or financial association with another person who is a prospective licensed provider; or
  - (b) a business or financial interest together with another person who is a prospective licensed provider.
- (2) Immediately after the key official becomes aware that the other person is a prospective licensed provider, the official must give written notice of the official's association or interest to the chief executive.

Maximum penalty—40 penalty units.

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- (3) The chief executive may, by written notice given to the key official, direct the official to end the association, or give up the interest, within the time stated in the notice.
- (4) However, the chief executive may give the direction only if the chief executive considers it appropriate to take the action in the public interest.
- (5) A key official to whom a direction is given must comply with the direction within the time stated in the notice.

Maximum penalty—40 penalty units.

- (6) In this section—

*prospective licensed provider* means a person who has applied for an interactive gambling licence but whose application has not yet been decided.

## **178 Relationship between authorised providers and key officials**

An authorised provider or an agent must not, without the chief executive's approval—

- (a) employ a person in any capacity knowing the person to be a key official, or to have been a key official within the preceding period of 1 year; or
- (b) knowingly have, directly or indirectly—
  - (i) a business or financial association with a person knowing the person to be a key official, or to have been a key official within the preceding period of 1 year; or
  - (ii) a business or financial interest together with a person knowing the person to be a key official or to have been a key official within the preceding period of 1 year.

Maximum penalty—40 penalty units.

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**179 Participation by minors in conduct of approved games prohibited**

- (1) A licensed provider or an agent must not allow a minor to participate in operations related to the conduct of authorised games.

Maximum penalty—200 penalty units.

- (2) It is a defence to a charge against subsection (1) to prove that the defendant had no reason to believe, and did not believe, that the person to whom the charge relates was a minor.

- (3) A minor must not participate in operations related to the conduct of authorised games.

Maximum penalty for subsection (3)—40 penalty units.

**180 Participation by minors as players prohibited**

- (1) A person involved in the conduct of an authorised game must not allow a minor to participate as a player in an authorised game.

Maximum penalty—200 penalty units.

- (2) It is a defence to a charge against subsection (1) to prove that the defendant had no reason to believe, and did not believe, that the person to whom the charge relates was a minor.

- (3) A minor must not participate as a player in an authorised game.

Maximum penalty—40 penalty units.

- (4) A prize won by a minor by participation in an authorised game contrary to subsection (3) is forfeited to the State.

**181 Obscene etc. terms prohibited**

- (1) A person must not participate in an authorised game under a name or designation that is obscene, indecent or offensive.

Maximum penalty—20 penalty units.

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- (2) A licensed provider or an agent may refuse to register a person as a player in an authorised game under a name that is obscene, indecent or offensive.

## **182 Interference with proper conduct of authorised games**

A person must not, without the chief executive's authorisation, interfere in the proper conduct of an authorised game.

Maximum penalty—200 penalty units.

## **183 Offences by certain persons**

- (1) A person, other than an authorised provider or an agent acting within the scope of the agent's authority, must not—
- (a) for the person's gain or reward—
    - (i) induce anyone else to take part in an authorised game; or
    - (ii) offer to anyone else an opportunity to take part in an authorised game; or
    - (iii) distribute or supply forms for registration as a player in an authorised game (a *player registration form*), or cause player registration forms to be distributed or supplied to persons other than authorised providers or agents; or
  - (b) advertise or publicly promote subscription to, or taking part in, an authorised game.

Maximum penalty—200 penalty units.

- (2) A person must not charge an amount for—
- (a) filling in a player registration form; or
  - (b) depositing a player registration form, directly or indirectly, with a licensed provider or an agent; or
  - (c) submitting, or arranging for the submission of, a player registration form to a licensed provider or an agent; or

(d) collecting or distributing prizes in an authorised game.

Maximum penalty—200 penalty units.

(3) A person must not hold himself or herself out, by advertisement or in another way, to be available to perform a service mentioned in subsection (2).

Maximum penalty for subsection (3)—200 penalty units.

**184 Licensed provider not to publish identity of player in certain cases**

(1) A licensed provider or an employee or other person engaged in duties related to the conduct of an authorised game must not, without authorisation under subsection (2)—

(a) disclose information about the name, or other identifying particulars, of a player; or

(b) use information about a player for a purpose other than the purpose for which the information was given.

Maximum penalty—200 penalty units.

(2) The disclosure of information, or its use for a purpose other than the purpose for which it was given, is authorised if the disclosure or use is—

(a) authorised by the player; or

(b) reasonably necessary for the conduct of authorised games; or

(c) required for the administration or enforcement of this Act or a corresponding law; or

(d) otherwise required by law.

## **Part 8                      Investigation and enforcement**

### **Division 1                Inspectors**

#### **Subdivision 1        Preliminary**

##### **185    Persons who are inspectors**

The following persons are inspectors for this Act—

- (a) a person (an *appointed inspector*) holding an appointment as an inspector under this division;
- (b) a person (an *external inspector*) who holds an appointment as an inspector under a corresponding law and is authorised in writing by the chief executive to act as an inspector under this Act.

#### **Subdivision 2        Appointment of inspectors**

##### **186    Appointment and qualifications**

- (1) The chief executive may appoint a person as an inspector.
- (2) However, a person may be appointed as an inspector only if—
  - (a) the person is—
    - (i) a public service officer or employee; or
    - (ii) a member of a class of persons prescribed under a regulation; and
  - (b) the chief executive is satisfied the person is qualified for the appointment because—
    - (i) the person has the necessary expertise or experience; or



- (ii) the chief executive considers the person has the ability to quickly acquire the necessary expertise; and
- (c) the chief executive is satisfied the person is a suitable person to be an inspector, having regard to—
  - (i) the person’s character; and
  - (ii) the person’s current financial position and financial background; and
  - (iii) any other matter the chief executive considers relevant to the person’s suitability to be an inspector.

### **Subdivision 3      Other matters about inspectors**

#### **187      Conditions and limit on powers**

- (1) An inspector holds office on any conditions stated in—
  - (a) for an appointed inspector—the inspector’s instrument of appointment; or
  - (b) for a person who is an external inspector—the chief executive’s authorisation for the person to act as an inspector under this Act; or
  - (c) a signed notice given to the inspector; or
  - (d) a regulation.
- (2) The instrument of appointment, authorisation, a signed notice given to the inspector or a regulation may limit the inspector’s powers under this Act.
- (3) In this section—  
*signed notice* means a notice signed by the chief executive.

### **188 Issue of identity card**

- (1) The chief executive must issue an identity card to each inspector.
- (2) The identity card must—
  - (a) contain a recent photo of the inspector; and
  - (b) contain a copy of the inspector's signature; and
  - (c) identify the person as an inspector under this Act; and
  - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

### **189 Production or display of identity card**

- (1) In exercising a power under this Act in relation to a person, an inspector must—
  - (a) produce the inspector's identity card for the person's inspection before exercising the power; or
  - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person's inspection at the first reasonable opportunity.
- (3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector has entered a place as mentioned in section 196(a) or (d).

### **190 When appointed inspector ceases to hold office**

- (1) An appointed inspector ceases to hold office if any of the following happens—
  - (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the inspector ceases to hold office;

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- (c) the inspector's resignation under section 191 takes effect.
- (2) Subsection (1) does not limit the ways an appointed inspector may cease to hold office.
- (3) In this section—  
*condition of office* means a condition on which the appointed inspector holds office.

## **191 Resignation**

An appointed inspector may resign by signed notice given to the chief executive.

## **192 Return of identity card**

A person who ceases to be an inspector must return the person's identity card to the chief executive immediately after ceasing to be an inspector unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

## **Subdivision 4 Audit program and report about criminal history**

### **193 Audit program**

- (1) The Minister may approve an audit program for investigating appointed inspectors.
- (2) The chief executive may investigate an appointed inspector under an approved audit program to help the chief executive decide whether the inspector is a suitable person to be an inspector, having regard to—
- (a) the inspector's character; and
  - (b) the inspector's current financial position and financial background; and

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- (c) any other matter the chief executive considers relevant to the person's suitability to be an inspector.
- (3) However, the chief executive may investigate an appointed inspector under subsection (2) only once every 2 years, unless the chief executive reasonably suspects the inspector is not a suitable person to be an inspector having regard to the matters mentioned in subsection (2).
- (4) The chief executive must ensure the investigation is conducted under the approved audit program.
- (5) In this section—  
*approved audit program* means an audit program approved by the Minister under subsection (1).

#### **194 Report about criminal history**

- (1) To help decide whether a person is a suitable person to be an appointed inspector or continue as an appointed inspector, the chief executive may ask the commissioner of the police service for a written report about the person's criminal history.
- (2) If asked by the chief executive, the commissioner of the police service must give the chief executive a written report about the criminal history of the person.
- (3) The duty imposed on the commissioner of the police service applies only to information in the commissioner's possession or to which the commissioner has access.

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## **Division 2 Powers of inspectors**

### **Subdivision 1 General scope of inspectors' powers**

#### **195 General scope of powers**

An inspector may exercise powers under this Act in relation to matters relevant either to this Act or a corresponding law.

### **Subdivision 2 Power to enter places**

#### **196 Entry without consent or warrant**

An inspector may, without the occupier's consent or a warrant, enter—

- (a) a public place; or
- (b) a place where an authorised game is being, or is about to be, conducted; or
- (c) a place where an authorised provider or an agent carries on business at any time when the place is open for carrying on business or otherwise open for entry; or
- (d) the land around premises to ask its occupier for consent to enter the premises.

#### **197 Entry with consent or warrant**

Unless an inspector is authorised to enter a place under section 196, an inspector may enter a place only if—

- (a) its occupier consents to the entry; or
- (b) the entry is authorised by a warrant.

### **Subdivision 3      Consents and warrants for entry**

#### **198      Consent to entry**

- (1) This section applies if an inspector intends to ask an occupier of a place to consent to the inspector or another inspector entering the place.
- (2) Before asking for the consent, the inspector must tell the occupier—
  - (a) the purpose of the entry; and
  - (b) that the occupier is not required to consent.
- (3) If the consent is given, the inspector may ask the occupier to sign an acknowledgement of the consent (a *consent acknowledgement*).
- (4) The acknowledgement must state—
  - (a) the occupier has been told—
    - (i) the purpose of the entry; and
    - (ii) that the occupier is not required to consent; and
  - (b) the purpose of the entry; and
  - (c) the occupier gives the inspector consent to enter the place and exercise powers under this part; and
  - (d) the time and date the consent was given.
- (5) If the occupier signs a consent acknowledgement, the inspector must promptly give a copy to the occupier.

#### **199      Evidence of consent**

- (1) Subsection (2) applies if—
  - (a) an issue arises in a court proceeding whether the occupier of a place consented to an inspector entering the place under this part; and
  - (b) a consent acknowledgement is not produced in evidence for the entry; and

- (c) it is not proved the occupier consented to the entry.
- (2) The court may presume the occupier did not consent.

## 200 Application for warrant

- (1) An inspector may apply to a magistrate for a warrant for a place.
- (2) The application must be sworn and state the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

*Example—*

The magistrate may require additional information supporting the application to be given by statutory declaration.

## 201 Issue of warrant

- (1) The magistrate may issue a warrant only if the magistrate is satisfied there are reasonable grounds for suspecting—
  - (a) there is a particular thing or activity (the *evidence*) that may provide evidence of an offence against this Act or a corresponding law; and
  - (b) the evidence is at the place, or may be at the place, within the next 7 days.
- (2) The warrant must state—
  - (a) that a stated inspector may, with necessary and reasonable help and force, enter the place and exercise the inspector's powers under this part; and
  - (b) the offence for which the warrant is sought; and
  - (c) the evidence that may be seized under the warrant; and
  - (d) the hours of the day or night when the place may be entered; and

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- (e) the date, within 14 days after the warrant's issue, the warrant ends.

## 202 Special warrants

- (1) An inspector may apply for a warrant (a *special warrant*) by phone, fax, radio or another form of communication if the inspector considers it necessary because of—
  - (a) urgent circumstances; or
  - (b) other special circumstances, including, for example, the inspector's remote location.
- (2) Before applying for the warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.
- (3) The inspector may apply for the warrant before the application is sworn.
- (4) After issuing the warrant, the magistrate must promptly fax a copy to the inspector if it is reasonably practicable to fax the copy.
- (5) If it is not reasonably practicable to fax a copy to the inspector—
  - (a) the magistrate must tell the inspector—
    - (i) what the terms of the warrant are; and
    - (ii) the date and time the warrant was issued; and
  - (b) the inspector must complete a form of warrant (a *warrant form*) and write on it—
    - (i) the magistrate's name; and
    - (ii) the date and time the magistrate issued the warrant; and
    - (iii) the terms of the warrant.
- (6) The facsimile warrant, or the warrant form properly completed by the inspector, authorises the entry and the



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exercise of the other powers stated in the warrant issued by the magistrate.

- (7) The inspector must, at the first reasonable opportunity, send to the magistrate—
  - (a) the sworn application; and
  - (b) if the inspector completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the warrant.

### **203 Evidence about special warrants**

- (1) Subsection (2) applies if—
  - (a) an issue arises in a court proceeding whether a power exercised by an inspector was not authorised by a special warrant; and
  - (b) the warrant is not produced in evidence.
- (2) The court must presume the exercise of the power was not authorised by a special warrant, unless the contrary is proved.

## **Subdivision 4 General powers**

### **204 General powers after entering places**

- (1) This section applies to an inspector who enters a place.
- (2) However, if an inspector enters a place to get the occupier's consent to enter premises, this section applies to the inspector only if the consent is given or the entry is otherwise authorised.
- (3) For monitoring or enforcing compliance with this Act or a corresponding law, the inspector may—
  - (a) search any part of the place; or

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- (b) inspect, measure, test, photograph or film any part of the place or anything at the place; or
  - (c) take a thing, or a sample of or from a thing, at the place for analysis or testing; or
  - (d) copy a document at the place; or
  - (e) access, electronically or in some other way, a system used at the place for conducting an authorised game or other interactive game or for administrative purposes related to the conduct of an authorised game or other interactive game; or
  - (f) take into or onto the place any person, equipment and materials the inspector reasonably requires for exercising a power under this part; or
  - (g) require the occupier of the place, or a person at the place, to give the inspector reasonable help to exercise the inspector's powers under paragraphs (a) to (f); or
  - (h) require the occupier of the place, or a person at the place, to give the inspector information to help the inspector ascertain whether this Act or a corresponding law is being complied with.
- (4) When making a requirement mentioned in subsection (3)(g) or (h), the inspector must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

## **205 Failure to help inspector**

- (1) A person required to give reasonable help under section 204(3)(g) must comply with the requirement, unless the person has a reasonable excuse.
- Maximum penalty—40 penalty units.
- (2) If the requirement is to be complied with by the person giving information, or producing a document (other than a document required to be kept by the person under this Act or a corresponding law), it is a reasonable excuse for the person to

fail to comply with the requirement, if complying with the requirement might tend to incriminate the person.

## **206 Failure to give information**

- (1) A person of whom a requirement is made under section 204(3)(h) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) It is a reasonable excuse for the person to fail to comply with the requirement if complying with the requirement might tend to incriminate the person.

## **Subdivision 5 Power to seize evidence**

### **207 Seizing evidence at place that may be entered without consent or warrant**

An inspector who enters a place that may be entered under this part without the consent of the occupier and without a warrant, may seize a thing at the place if the inspector reasonably believes the thing is evidence of an offence against this Act or a corresponding law.

### **208 Seizing evidence at places that may only be entered with consent or warrant**

- (1) This section applies if—
  - (a) the inspector is only authorised to enter the place under this part with the consent of the occupier or a warrant; and
  - (b) the inspector enters the place after obtaining the necessary consent or warrant.
- (2) If the inspector enters the place with the occupier's consent, the inspector may seize a thing at the place if—

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- (a) the inspector reasonably believes the thing is evidence of an offence against this Act or a corresponding law; and
  - (b) seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupier's consent.
- (3) If the inspector enters the place with a warrant, the inspector may seize the evidence for which the warrant was issued.
- (4) The inspector may also seize anything else at the place if the inspector reasonably believes—
- (a) the thing is evidence of an offence against this Act or a corresponding law; and
  - (b) the seizure is necessary to prevent the thing being—
    - (i) hidden, lost or destroyed; or
    - (ii) used to continue, or repeat, the offence.
- (5) Also, the inspector may seize a thing at the place if the inspector reasonably believes it is being, has been, or is about to be, used in committing an offence against this Act or a corresponding law.

## 209 Securing things after seizure

Having seized a thing, an inspector may—

- (a) move the thing from the place where it was seized (the *place of seizure*); or
- (b) leave the thing at the place of seizure but take reasonable action to restrict access to it.

*Examples of restricting access to a thing—*

- 1 sealing a thing and marking it to show access to it is restricted
- 2 sealing the entrance to a room where the thing is situated and marking it to show access to it is restricted

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## **210 Tampering with things subject to seizure**

If an inspector restricts access to a thing subject to seizure, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without an inspector's approval.

Maximum penalty—40 penalty units.

## **211 Powers to support seizure**

- (1) To enable a thing to be seized, an inspector may require the person in control of it—
  - (a) to take it to a stated reasonable place by a stated reasonable time; and
  - (b) if necessary, to remain in control of it at the stated place for a reasonable time.
- (2) The requirement—
  - (a) must be made by notice in the approved form; or
  - (b) if for any reason it is not practicable to give the notice, may be made orally and confirmed by notice in the approved form as soon as practicable.
- (3) A person of whom a requirement is made must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (4) A further requirement may be made under this section about the same thing if it is necessary and reasonable to make the further requirement.

## **212 Receipts to be given on seizure**

- (1) As soon as practicable after an inspector seizes a thing, the inspector must give a receipt for it to the person from whom it was seized.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the inspector must leave the receipt at the

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place of seizure in a conspicuous position and in a reasonably secure way.

- (3) The receipt must describe generally each thing seized and its condition.
- (4) This section does not apply to a thing if it is impracticable or would be unreasonable to give the receipt (given the thing's nature, condition and value).

### **213 Forfeiture**

- (1) A thing that has been seized under this part is forfeited to the State if the inspector who seized the thing—
  - (a) can not find its owner, after making reasonable inquiries; or
  - (b) can not return it to its owner, after making reasonable efforts; or
  - (c) reasonably believes it is necessary to retain the thing to prevent it being used to commit an offence against this Act or a corresponding law.
- (2) In applying subsection (1)—
  - (a) subsection (1)(a) does not require the inspector to make inquiries if it would be unreasonable to make inquiries to find the owner; and
  - (b) subsection (1)(b) does not require the inspector to make efforts if it would be unreasonable to make efforts to return the thing to its owner.
- (3) If the inspector decides to forfeit a thing under subsection (1)(c), the inspector must tell the owner of the decision by written notice.
- (4) Subsection (3) does not apply if—
  - (a) the inspector can not find the owner, after making reasonable inquiries; or
  - (b) it is impracticable or would be unreasonable to give the notice.

- (5) The notice must comply with the QCAT Act, section 157(2).
- (6) Regard must be had to a thing's nature, condition and value—
  - (a) in deciding—
    - (i) whether it is reasonable to make inquiries or efforts; and
    - (ii) if making inquiries or efforts—what inquiries or efforts are reasonable; or
  - (b) in deciding whether it would be unreasonable to give notice about a thing.

#### **214 Return of things that have been seized**

- (1) If a thing has been seized but not forfeited, the inspector must return it to its owner—
  - (a) at the end of 6 months; or
  - (b) if a proceeding for an offence involving the thing is started within 6 months—at the end of the proceeding and any appeal from the proceeding.
- (2) Despite subsection (1), unless the thing has been forfeited, the inspector must promptly return a thing seized as evidence to its owner if the inspector stops being satisfied its continued retention as evidence is necessary.

#### **215 Access to things that have been seized**

- (1) Until a thing that has been seized is forfeited or returned, an inspector must allow its owner to inspect it and, if it is a document, to copy it.
- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

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## **Subdivision 6      Power to give directions to stop using things**

### **216      Direction to stop using thing**

- (1) This section applies if an inspector reasonably believes—
  - (a) a thing used in the conduct of an authorised game is unsatisfactory for the purpose for which it is used; and
  - (b) the continued use of the thing may—
    - (i) jeopardise the integrity of the conduct of authorised games; or
    - (ii) adversely affect the public interest.
- (2) The inspector may direct the person who has, or reasonably appears to have, authority to exercise control over the thing to stop using the thing, or allowing the thing to be used, in the conduct of authorised games.

### **217      Requirements about stop directions**

- (1) A direction given to a person under section 216 (a *stop direction*) may be given orally or by written notice (a *stop notice*).
- (2) However, if the direction is given orally, it must be confirmed by written notice (also a *stop notice*) given to the person as soon as practicable.
- (3) A stop direction may be given for a thing at a place occupied by an authorised provider, an agent or other person involved in Queensland in the conduct of an authorised game.
- (4) A stop direction does not apply to a use of the thing carried out for repairing or testing the thing.
- (5) A stop notice must state—
  - (a) the grounds on which the inspector believes the thing is unsatisfactory; and



- (b) the circumstances (if any) under which the stop direction may be cancelled.

## **218 Failure to comply with stop direction**

A person to whom a stop direction is given must comply with the direction.

Maximum penalty—40 penalty units.

## **Subdivision 7 Power to obtain information**

### **219 Power to require name and address**

- (1) This section applies if—
  - (a) an inspector finds a person committing an offence against this Act or a corresponding law; or
  - (b) an inspector finds a person in circumstances that lead, or has information that leads, the inspector reasonably to suspect the person has just committed an offence against this Act or a corresponding law.
- (2) The inspector may require the person to state the person's name and residential address.
- (3) When making the requirement, the inspector must warn the person that it is an offence to fail to state the person's name or residential address, unless the person has a reasonable excuse.
- (4) The inspector may require the person to give evidence of the correctness of the stated name or residential address if the inspector reasonably suspects the stated name or address to be false.
- (5) A requirement under subsection (2) or (4) is called a *personal details requirement*.

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## **220 Failure to give name or address**

- (1) A person of whom a personal details requirement is made must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) A person does not commit an offence against subsection (1) if—
- (a) the person was required to state the person's name and residential address by an inspector who suspected the person had committed an offence against this Act or a corresponding law; and
  - (b) the person is not proved to have committed the offence.

## **221 Power to require production of documents**

- (1) An inspector may require a person to produce or make available for inspection by the inspector (or some other person nominated by the inspector), at a reasonable time and place nominated by the inspector—
- (a) a document issued to the person under this Act or a corresponding law; or
  - (b) a document required to be kept by the person under this Act or a corresponding law; or
  - (c) if the person is an authorised provider—a document kept by the authorised provider about the conduct of authorised games by the authorised provider; or
  - (d) if the person is an agent—a document kept by the agent about the conduct of authorised games by the authorised provider by whom the agent is appointed.
- (2) The inspector may keep the document to copy it.
- (3) If the inspector copies the document, or an entry in the document, the inspector may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.

- (4) The inspector must return the document to the person as soon as practicable after copying it.
- (5) However, if a requirement (a *document certification requirement*) is made of a person under subsection (3), the inspector may keep the document until the person complies with the requirement.
- (6) A requirement under subsection (1) is called a *document production requirement*.

## **222 Failure to produce document**

- (1) A person of whom a document production requirement is made must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) It is a reasonable excuse for a person not to comply with a document production requirement if complying with the requirement might tend to incriminate the person.

## **223 Failure to certify copy of document**

A person of whom a document certification requirement is made must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

## **224 Power to require attendance of persons**

- (1) An inspector may require a person, or an executive officer of a corporation, of whom a document production requirement has been made to attend before the inspector to answer questions or give information about the document to which the document production requirement relates.
- (2) An inspector may require any of the following persons to attend before the inspector to answer questions or give information about the operations of an authorised provider—

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- (a) the authorised provider or, if the authorised provider is a corporation, an executive officer of the authorised provider;
  - (b) an employee of the authorised provider;
  - (c) an agent for the authorised provider or, if the agent is a corporation, an executive officer of the corporation;
  - (d) an employee of an agent mentioned in paragraph (c);
  - (e) another person associated with the operations or management of—
    - (i) the authorised provider; or
    - (ii) an agent mentioned in paragraph (c).
- (3) An inspector may require any of the following persons to attend before the inspector to answer questions or give information about an agent's operations—
- (a) the agent or, if the agent is a corporation, an executive officer of the agent;
  - (b) an employee of the agent;
  - (c) the authorised provider that is the agent's principal or, if the principal is a corporation, an executive officer of the corporation;
  - (d) another person associated with the operations or management of—
    - (i) the agent; or
    - (ii) the authorised provider that is the agent's principal.
- (4) A requirement made of a person under this section must—
- (a) be made by written notice given to the person; and
  - (b) state a reasonable time and place for the person's attendance.
- (5) When making the requirement, the inspector must warn the person that it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

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## **225 Failure to comply with requirement about attendance**

- (1) A person of whom a requirement is made under section 224 must not, unless the person has a reasonable excuse—
  - (a) fail to attend before the inspector at the time and place stated in the notice imposing the requirement; or
  - (b) when attending before the inspector—
    - (i) fail to comply with a requirement to answer a question or give information; or
    - (ii) state anything the person knows to be false or misleading in a material particular.

Maximum penalty—40 penalty units.

- (2) It is a reasonable excuse for a person to fail to comply with a requirement to answer a question or give information if complying with the requirement might tend to incriminate the person.

## **226 Power to require financial records**

- (1) This section applies to a person who is the manager or other principal officer at a place of business of a financial institution at which—
  - (a) an authorised provider keeps an account in relation to the authorised provider's operations; or
  - (b) an agent keeps an account in relation to the agent's operations.
- (2) An inspector may, by written notice given to the person, require the person to give to the inspector, within the time (not less than 7 days) stated in the notice—
  - (a) a statement of account for the account; or
  - (b) copies of cheques or other records relevant to the account; or
  - (c) other particulars or documents relevant to the account stated in the notice.

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- (3) An inspector may make a requirement under subsection (2) (a *financial records requirement*) only with the written approval of the chief executive.

## **227 Effect of compliance with financial records requirement**

- (1) No liability for breach of trust or on any other basis attaches to a person who is the manager or other principal officer at a place of business of a financial institution merely because the person complies with a financial records requirement.
- (2) No liability for breach of trust or on any other basis attaches to a financial institution merely because a person who is the manager or other principal officer at a place of business of the institution complies with a financial records requirement.

## **228 Failure to comply with financial records requirement**

A person of whom a financial records requirement is made must comply with the requirement within the time stated in the relevant notice, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

## **Division 3 Powers of Minister**

### **229 Direction about management practice**

- (1) This section applies if the Minister reasonably believes—
  - (a) the management, supervision or control of a part of the operations of a licensed provider, or an agent for a licensed provider, (the *management practice*) is unsatisfactory; and
  - (b) the management practice may—
    - (i) compromise proper standards of integrity in the conduct of authorised games; or

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- (ii) adversely affect the public interest in some other way.
- (2) The Minister may direct the licensed provider or the agent to stop, or change, the management practice.
- (3) The direction must—
- (a) be in writing; and
  - (b) state the grounds on which the Minister believes the management practice is unsatisfactory; and
  - (c) if the person is required to change the management practice—clearly describe how the practice is to be changed; and
  - (d) state when the person is required to comply with the direction.
- (4) A person to whom a direction is given must comply with the direction unless the person has a reasonable excuse.
- Maximum penalty for subsection (4)—40 penalty units.

## **Division 4                      General enforcement matters**

### **230      Forfeiture on conviction**

- (1) On conviction of a person for an offence against this Act, the court may order the forfeiture to the State of—
- (a) anything used to commit the offence; or
  - (b) anything else the subject of the offence.
- (2) The court may make the order—
- (a) whether or not the thing has been seized; and
  - (b) if the thing has been seized—whether or not the thing has been returned to its owner.
- (3) The court may make any order to enforce the forfeiture it considers appropriate.

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- (4) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

### **231 Dealing with forfeited things**

- (1) On the forfeiture of a thing to the State, the thing becomes the State's property and may be dealt with by the chief executive as the chief executive considers appropriate.
- (2) Without limiting subsection (1), the chief executive may destroy the thing.

### **232 Notice of damage**

- (1) This section applies if—
- (a) an inspector damages something when exercising or purporting to exercise a power; or
  - (b) a person (the *other person*) acting under the direction of an inspector damages something.
- (2) The inspector must promptly give written notice of particulars of the damage to the person who appears to the inspector to be the owner of the thing.
- (3) If the inspector believes the damage was caused by a latent defect in the thing or circumstances beyond the inspector's or other person's control, the inspector may state that belief in the notice.
- (4) If, for any reason, it is impracticable to comply with subsection (2), the inspector must leave the notice in a conspicuous position and in a reasonably secure way where the damage happened.
- (5) This section does not apply to damage the inspector reasonably considers trivial.
- (6) In this section—
- owner*, of a thing, includes the person in possession or control of it.



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## **233 Compensation**

- (1) A person may claim compensation from the State if the person incurs loss or expense because of the exercise or purported exercise of a power under any of the following subdivisions of division 2—
  - subdivision 2 (Power to enter places)
  - subdivision 4 (General powers)
  - subdivision 5 (Power to seize evidence)
  - subdivision 7 (Power to obtain information).
- (2) However, if an external inspector exercised or purported to exercise the relevant power, a claim under this section is to be made against—
  - (a) the inspector; or
  - (b) a person designated under the intergovernmental agreement as a person against whom claims may be made under this section for acts of the inspector.
- (3) Without limiting subsection (1), compensation may be claimed for loss or expense incurred in complying with a requirement made of the person under the subdivision.
- (4) Compensation may be claimed and ordered in a proceeding—
  - (a) brought in a court with jurisdiction in proceedings for the recovery of the amount of compensation claimed; or
  - (b) for an offence against this Act brought against the person claiming compensation.
- (5) A court may order compensation to be paid only if it is satisfied it is just to make the order in the circumstances of the particular case.
- (6) A regulation may prescribe matters that may, or must, be taken into account by the court when considering whether it is just to make the order.

## **234 Protecting officials from liability**

- (1) In this section—  
*official* means—
  - (a) the Minister; or
  - (b) the chief executive; or
  - (c) an inspector; or
  - (d) a person acting under the direction of an inspector.
- (2) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- (3) If subsection (2) prevents a civil liability attaching to an official (other than an external inspector or a person acting under the direction of an external inspector), the liability attaches instead to the State.
- (4) If subsection (2) prevents a civil liability attaching to an external inspector or a person acting under the direction of an external inspector, the liability attaches instead to—
  - (a) a person designated under the intergovernmental agreement as the person to whom liability attaches under this section for acts of the inspector; or
  - (b) if no person is so designated—the State.

## **Division 5 General enforcement offences**

### **235 False or misleading statements**

- (1) A person must not state anything to an inspector the person knows to be false or misleading in a material particular.  
Maximum penalty—40 penalty units.
- (2) It is enough for a complaint for an offence against subsection (1) to state that the statement made was false or misleading to the person's knowledge.

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**236 False, misleading or incomplete documents**

- (1) A person must not give an inspector a document containing information the person knows to be false, misleading or incomplete in a material particular.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to a person if the person, when giving the document—

- (a) tells the inspector, to the best of the person's ability, how it is false, misleading or incomplete; and  
(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

- (3) Also, a person must not make an entry in a document required or permitted to be made or kept under this Act knowing the entry to be false, misleading or incomplete in a material particular.

Maximum penalty—40 penalty units.

- (4) It is enough for a complaint for an offence against subsection (1) or (3) to state that the document or entry was false, misleading or incomplete to the person's knowledge.

**237 Obstructing inspectors**

- (1) A person must not obstruct an inspector in the exercise of a power (or someone helping an inspector in the exercise of a power), unless the person has a reasonable excuse for the obstruction.

Maximum penalty—40 penalty units.

- (2) If a person has obstructed an inspector (or someone helping an inspector) and the inspector decides to proceed with the exercise of the power, the inspector must warn the person that—

- (a) it is an offence to cause an obstruction, unless the person has a reasonable excuse; and

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- (b) the inspector considers the person's conduct an obstruction.

## **Part 9                      Legal proceedings**

### **Division 1                Evidence**

#### **238      Application of division**

This division applies to a proceeding under this Act.

#### **239      Appointments and authority**

It is not necessary to prove—

- (a) the chief executive's appointment; or
- (b) an inspector's appointment; or
- (c) the authority of the chief executive or an inspector to do anything under this Act.

#### **240      Signatures**

A signature purporting to be the signature of the chief executive or an inspector is evidence of the signature it purports to be.

#### **241      Evidentiary aids**

- (1) A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—
  - (a) a stated document is one of the following things made, given, issued or kept under this Act or a corresponding law—

- (i) an appointment, approval or decision;
  - (ii) a notice, direction or requirement;
  - (iii) a licence;
  - (iv) a record, or an extract from a record;
  - (b) a stated document is another document kept under this Act or a corresponding law;
  - (c) a stated document is a copy of a thing mentioned in paragraph (a) or (b);
  - (d) on a stated day, or during a stated period, a stated person was or was not the holder of a licence;
  - (e) on a stated day, or during a stated period, a licence—
    - (i) was or was not in force; or
    - (ii) was or was not subject to a stated condition;
  - (f) on a stated day—
    - (i) a licence was suspended for a stated period, surrendered or cancelled; or
    - (ii) an agency agreement was cancelled;
  - (g) on a stated day, or during a stated period, a stated appointment (including a person's appointment as an inspector) or a stated approval was, or was not, in force for a stated person or thing;
  - (h) on a stated day, a stated person was given a stated notice or direction under this Act;
  - (i) on a stated day, a stated requirement was made of a stated person;
  - (j) a stated amount is payable under this Act by a stated person and has not been paid;
  - (k) anything else prescribed under a regulation.
- (2) In this section—

**licence** means an interactive gambling licence or a key person licence.

## **Division 2                      Proceedings**

### **242      Indictable and summary offences**

- (1) An offence against section 169, 170 or 172 is an indictable offence.
- (2) Any other offence against this Act is a summary offence.

### **243      Proceedings for indictable offences**

- (1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—
  - (a) by way of summary proceedings under the *Justices Act 1886*; or
  - (b) on indictment.
- (2) A magistrate must not hear an indictable offence summarily if—
  - (a) the defendant asks at the start of the hearing that the charge be prosecuted on indictment; or
  - (b) the magistrate considers the charge should be prosecuted on indictment.
- (3) If subsection (2) applies—
  - (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and
  - (b) a plea of the person charged at the start of the proceedings must be disregarded; and
  - (c) evidence brought in the proceedings before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
  - (d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).

- (4) The maximum penalty that may be summarily imposed for an indictable offence is 165 penalty units.

#### **244 Limitation on who may summarily hear indictable offence proceedings**

- (1) A proceeding must be before a magistrate if it is a proceeding—
- (a) for the summary conviction of a person on a charge of an indictable offence; or
  - (b) for an examination of witnesses for a charge of an indictable offence.
- (2) However, if a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

#### **245 Limitation on time for starting summary proceedings**

A proceeding for an offence against this Act by way of summary proceeding under the *Justices Act 1886* may start at any time but if started more than 1 year after the commission of the offence must start within 6 months after the offence comes to the complainant's knowledge.

#### **246 Responsibility for acts or omissions of representatives**

- (1) In this section—
- representative* means—
- (a) of a corporation—an executive officer, employee or agent of the corporation; or
  - (b) of an individual—an employee or agent of the individual.
- state of mind* of a person includes—

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- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) Subsections (3) and (4) apply in a proceeding for an offence against this Act.
- (3) If it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—
- (a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (4) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.

**247 Executive officers must ensure corporation complies with Act**

- (1) The executive officers of a corporation must ensure the corporation complies with this Act.
- (2) If a corporation commits an offence against a provision of this Act, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty for subsection (2)—the same as for the offence committed by the corporation.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this Act is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complies with the provision.
- (4) However, it is a defence for an executive officer to prove—



- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
- (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

## **248 Attempts to commit offences**

- (1) A person who attempts to commit an offence against this Act commits an offence.
- (2) The maximum penalty for an attempt is one-half the maximum penalty for the completed offence.
- (3) The Criminal Code, section 4 applies to subsection (1).

# **Part 10 Reviews by tribunal**

## **249 When licensed providers may apply for review**

A licensed provider may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 1.

## **250 When applicants for key person licences may apply for review**

An applicant for a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 66 to refuse to grant the application.

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**251 When key person licensees may apply for review**

A key person licensee may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 2.

**252 When agents may apply for review**

An agent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 3.

**253 When other persons may apply for review**

- (1) The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 213 to forfeit the thing.
- (2) A person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—
  - (a) a decision of a licensed provider, under section 137C, to give the person an exclusion direction;
  - (b) a decision of a licensed provider, under section 137F, refusing to revoke an exclusion direction given to the person.

**254 Tribunal to decide review on evidence before the chief executive**

- (1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
  - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
  - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.

- 
- (2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
  - (b) decided in accordance with the same law that applied to the making of the original decision.
- (3) In this section—
- original decision* means the decision of the chief executive to which the proceeding for the review relates.

**255 Tribunal may give leave for review to be decided on new evidence in particular circumstances**

- (1) Despite section 254, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—
- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
  - (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- (2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.
- (3) In this section—
- new evidence* means evidence that was not before the chief executive when the decision was made.

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**256 Appeals from tribunal only to Court of Appeal on a question of law**

- (1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision mentioned in sections 249 to 253.
- (2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- (3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- (4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

*Note—*

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.

## **Part 11 Miscellaneous**

**260 Confidentiality of information**

- (1) A person who is, or was, an inspector, or officer or employee of the department, must not disclose confidential information gained by the person in performing functions under this Act.  
Maximum penalty—200 penalty units or 2 years imprisonment.
- (2) Subsection (1) does not apply to the disclosure of confidential information by a person—
  - (a) for a purpose under this Act, a gaming Act or a corresponding law; or
  - (b) with a lawful excuse; or
  - (c) under an approval of the chief executive under this section.

- 
- (3) The chief executive may approve the disclosure of confidential information by a person to—
    - (a) an entity prescribed under a regulation; or
    - (b) an officer, employee or member of the entity; or
    - (c) a stated department, person or other entity.
  - (4) Before giving an approval for subsection (3)(c), the chief executive must—
    - (a) give written notice of the proposed approval to any person whom the chief executive considers likely to be affected adversely by the disclosure; and
    - (b) give the person the opportunity of making a submission about the proposed approval within the time (not less than 14 days) stated in the notice.
  - (5) If confidential information is disclosed to an entity or person under an approval given by the chief executive, the entity or person, and any employee or other person under the control of the entity or person, are taken to be persons to whom subsection (1) applies and to have gained the information in performing functions under this Act.
  - (6) In this section—

*confidential information* means information, other than information that is publicly available, about—

    - (a) a person's personal affairs, business affairs or reputation, character, criminal history, current financial position or financial background; or
    - (b) a person making an application under this Act.

## 261 Delegations

- (1) The Minister may delegate the Minister's powers under this Act to—
  - (a) the chief executive; or
  - (b) an appropriately qualified appointed inspector or an appropriately qualified officer of the department.

[s 261A]

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- (2) The chief executive may delegate the chief executive's powers under this Act to—
- (a) an appropriately qualified appointed inspector; or
  - (b) an appropriately qualified officer of the department.
- (3) In this section—

*appropriately qualified* includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

a person's classification level in the public service

## **261A Cancellation of Gocorp's interactive gambling licence**

- (1) Gocorp's interactive gambling licence is cancelled on the due day unless, before the due day—
- (a) Gocorp satisfies the chief executive of all of the following—
    - (i) neither Navari nor Topki has a beneficial interest (whether direct or indirect) in Gocorp;
    - (ii) neither Navari nor Topki is a business or executive associate of Gocorp;
    - (iii) there is no disqualified person with a beneficial interest (whether direct or indirect) in Gocorp;
    - (iv) there is no disqualified person who is a business or executive associate of Gocorp; and
  - (b) the chief executive, by gazette notice, declares that, having regard to representations made by Gocorp for the purposes of paragraph (a), the chief executive is satisfied of the matters mentioned in paragraph (a)(i) to (iv).
- (2) In this section—

*due day* means the day that is 30 days after the commencement of this section.

*Gocorp* means GOCORP Limited (ACN 083 201 923).

*Navari* means Navari Pty Ltd (ACN 063 913 020).

*Topki* means Topki Holdings Pty Ltd (ACN 003 726 841).

**261B Person not to profit from a transaction ending or lessening a prohibited person's interest in Gocorp**

- (1) This section applies if—
- (a) before the due day as defined under section 261A, a person (the *first person*) disposes of an interest; and
  - (b) because of the disposal, a prohibited person—
    - (i) no longer has a beneficial interest in Gocorp; or
    - (ii) has less of a beneficial interest in Gocorp than the prohibited person had before the disposal; and
  - (c) the consideration received for the interest disposed of is more than the consideration given by the first person in acquiring the interest.

*Examples—*

- 1 A disqualified person has shares in ABC Pty Ltd, which has shares in Gocorp. Before the due day, the person sells all or some of the person's shares in ABC Pty Ltd for more than the person originally paid for them.
  - 2 A disqualified person has shares in ABC Pty Ltd, which has shares in Gocorp. Before the due day, ABC Pty Ltd sells all or some of its shares in Gocorp for more than ABC Pty Ltd originally paid for them.
- (2) The amount of the difference between the consideration received for the interest disposed of and the consideration given by the first person in acquiring the interest is forfeited from the first person to the State.
- (3) If the consideration received or given consists wholly or partly of something other than money, a reference in subsection (1) or (2) to the consideration is a reference to the monetary value of the consideration.
- (4) If the first person is a corporation, the first person and its directors are jointly and severally liable for an amount forfeited to the State under subsection (2).

[s 261C]

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- (5) The chief executive may, by written notice given to a person, require the person to give the chief executive, within the reasonable time stated in the notice (but not less than 14 days), information or a document that is necessary and reasonable to help the chief executive decide what amount, if any, is forfeited to the State under subsection (2).
  - (6) A person must comply with a requirement made under subsection (5).
- Maximum penalty—200 penalty units.
- (7) The chief executive may recover an amount forfeited under subsection (2) as a debt payable to the State.
  - (8) This section applies to a disposal mentioned in subsection (1)—
    - (a) whether the disposal happened before or after the commencement of this section; and
    - (b) whether the consideration was received before or after the commencement of this section or will be received at any future time.
  - (9) This section has effect despite anything in the Corporations Act.
  - (10) In this section—

***Gocorp*** means GOCORP Limited (ACN 083 201 923).

***prohibited person*** means Navari Pty Ltd (ACN 063 913 020), Topki Holdings Pty Ltd (ACN 003 726 841) or a disqualified person.

## **261C State immunity**

- (1) The State is not civilly liable because of section 261A or 261B or anything done, or omitted to be done, for the purposes of those sections.
- (2) In this section—

***State*** includes an employee or agent of the State and a Minister.



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## **262 Approval of forms**

The chief executive may approve forms for use under this Act.

## **263 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may impose a penalty of not more than 20 penalty units for a contravention of the regulation.
- (3) Subsection (2) does not limit any forfeiture under a regulation.
- (4) A regulation may—
  - (a) prohibit a disqualified person from having, or otherwise limit the extent to which a disqualified person may have, a beneficial interest in a licensed corporation; or
  - (b) require a licensed corporation to ensure that a disqualified person is not a business or executive associate of the corporation; or
  - (c) prohibit a disqualified person from holding an interactive gambling licence or key person licence.
- (5) A regulation under subsection (4)(a) may also provide for any of the following—
  - (a) stating the disqualified persons to whom the regulation applies;
  - (b) stating when a disqualified person is taken to have a beneficial interest in a licensed corporation;
  - (c) requiring a disqualified person to dispose of a non-complying interest, or otherwise ensure that the person ceases to have a non-complying interest, within a stated time;
  - (d) if a person does not comply with a requirement under paragraph (c)—
    - (i) if the non-complying interest consists of a shareholding or other property—forfeiting the

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- non-complying interest to the State or another person; or
- (ii) if the non-complying interest consists of being a director of a corporation or holding another office—declaring that the person stops being a director of the corporation or stops holding the office, or is disqualified from again becoming a director of the corporation or holding the office;
- (e) providing for the sale by the State or another person of an interest forfeited to the State or other person and application of the proceeds;
  - (f) limiting the value of the consideration received for an interest on making a compliance disposal of the interest;
  - (g) if the consideration received for an interest on making a compliance disposal of the interest is more than the limit under paragraph (f), forfeiting the excess amount;
  - (h) requiring a person to give to the chief executive information or a document that is necessary and reasonable to help the chief executive decide a matter for the purposes of the regulation, including—
    - (i) whether a person is a disqualified person; and
    - (ii) whether an interest is a beneficial interest in a licensed corporation; and
    - (iii) whether an interest is a non-complying interest; and
    - (iv) what amount, if any, is liable to be forfeited under the regulation.
- (6) A regulation under subsection (4) has effect despite anything in the Corporations Act.
  - (7) The State is not civilly liable because of a regulation made under subsection (4) or anything done, or omitted to be done, for the purposes of the regulation.
  - (8) A regulation may be made in aid of section 261A or 261B, including a regulation under subsection (4).

(9) In this section—

*compliance disposal*, of an interest, means the disposal of the interest, as a result of which a disqualified person—

- (a) no longer has a beneficial interest in a licensed corporation; or
- (b) has less of a beneficial interest in a licensed corporation than the person had before the disposal.

*non-complying interest* means a beneficial interest in a licensed corporation to the extent to which the interest is held by a person in contravention of a regulation under subsection (4)(a).

*State* includes an employee or agent of the State and a Minister.

## Part 12 Transitional provisions

### Division 1 Transitional provisions for Gambling Legislation Amendment Act 2004

#### 264 Definitions for div 1

In this division—

*commencement* means the day this division commences.

*pre-amended Act* means this Act as in force before the commencement of the *Gambling Legislation Amendment Act 2004*, part 5.

## **266 Direction to rectify under pre-amended Act**

- (1) Subsection (2) applies to a direction to rectify a matter given to a key person licensee under the pre-amended Act, section 81(3), if—
  - (a) the chief executive gave the direction to the licensee after considering, under the pre-amended Act, the accepted representations for a show cause notice; and
  - (b) before the commencement—
    - (i) the period for rectifying the matter under that Act has not ended; or
    - (ii) the period for rectifying the matter under that Act has ended and action has not been taken under section 82 of that Act in relation to a failure to comply with the direction.
- (2) A failure to comply with the direction may be dealt with under the pre-amended Act as if the *Gambling Legislation Amendment Act 2004*, part 5, had not commenced.
- (3) Subsection (4) applies to a direction to rectify a matter given to a key person licensee under the pre-amended Act, section 81(3), if—
  - (a) the chief executive gave the direction to the licensee without a show cause notice; and
  - (b) before the commencement—
    - (i) the period for rectifying the matter under that Act has not ended; or
    - (ii) the period for rectifying the matter under that Act has ended and action has not been taken under that Act in relation to a failure to comply with the direction.
- (4) A failure to comply with the direction is taken to be a contravention of a provision of this Act, other than a provision a contravention of which is an offence against this Act.

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**Division 2**                      **Transitional provisions for  
Gambling Legislation Amendment  
Act 2005**

**268**    **Definitions for div 2**

In this division—

*commencement* means the day the provision in which the term is used commences.

*post-amended Act* means this Act as in force immediately after the commencement.

**269**    **Inspectors**

A person who, immediately before the commencement, held an appointment as an inspector under part 8, division 1, of this Act as in force before the commencement is taken to be an inspector appointed under the post-amended Act, section 186.

**270**    **Audit program for inspectors**

The audit program that, immediately before the commencement, was the audit program approved by the Minister under section 188(1) of this Act as in force before the commencement is taken to be the approved audit program under the post-amended Act, section 193.

## **Schedule 1      Decisions not subject to appeal**

section 59

### **Part 1                      Decisions of Governor in Council**

<b>Section</b>	<b>Description of decision</b>
52	Suspending an interactive gambling licence
52	Cancelling an interactive gambling licence
52	Appointing an administrator to conduct the operations of a licensed provider
54	For an interactive gambling licence that is suspended—cancelling or reducing any remaining period of suspension

### **Part 2                      Decisions of Minister**

<b>Section</b>	<b>Description of decision</b>
13	Granting or refusing to grant authorisation for conduct of a particular interactive game or imposing condition on such an authorisation
14	Changing conditions on which a particular interactive game is authorised
15	Revoking authorisation to conduct a particular interactive game
25	Approval of exemption scheme

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<b>Section</b>	<b>Description of decision</b>
26	Cancellation of the approval of an exemption scheme
31	Granting or refusing to grant an application for an interactive gambling licence
37	Imposing a condition on an interactive gambling licence
39	Changing conditions of an interactive gambling licence
48	Suspending an interactive gambling licence
49	Censuring a licensed provider
50	Directing a licensed provider to rectify a matter
150	Giving, or refusing to give, an approval for an ancillary gambling agreement
153	Directing the termination of a related agreement
229	Directing a licensed provider or an agent to stop or change a management practice

## **Schedule 2**      **Decisions of chief executive subject to review**

sections 249, 251 and 252

### **Part 1**                      **Decisions affecting licensed providers**

<b>Section</b>	<b>Description of decision</b>
105	Directing licensed provider to terminate an agency agreement
162	Refusing to approve regulated interactive gambling equipment
162	Refusing to approve a modification of regulated interactive gambling equipment

### **Part 2**                      **Decisions affecting key person licensees**

<b>Section</b>	<b>Description of decision</b>
73	Imposing condition on key person licence
74	Changing a condition of a key person licence
75	Refusing to grant an application to replace a key person licence
80	Immediately suspending a key person licence
81	Suspending or cancelling a key person licence



<b>Section</b>	<b>Description of decision</b>
83	Censuring a key person licensee
83A	Directing a key person licensee to rectify a matter

### **Part 3**                      **Decisions affecting agents**

<b>Section</b>	<b>Description of decision</b>
105	Directing a licensed provider to terminate an agency agreement

## Schedule 3 Dictionary

section 7

***accepted representations***—

- (a) for part 3, division 3—see section 47; and
- (b) for part 4, division 3—see section 79; and
- (c) for part 5, division 2—see section 101(6); and
- (d) for part 7, division 10—see section 152(6).

***agency agreement*** see section 95.

***agent*** see section 94.

***ancillary gambling agreement*** see section 149.

***appointed inspector*** see section 185(a).

***approved control system*** means a control system approved by the chief executive, and includes an approved control system changed under a direction or approval of the chief executive.

***approved evaluator*** means an entity declared under a regulation to be an approved evaluator.

***approved form*** see section 262.

***approved interactive gambling equipment*** means regulated interactive gambling equipment approved under section 162.

***approved place*** see section 138.

***associated entity***, of a registered political party, means an entity whose functions include investing amounts for the party, but does not include an entity that carries on an investment business merely because it invests amounts for the party, as well as other persons, in the course of carrying on that business.

***authorised game*** see section 12.

***authorised provider*** see section 11.

**beneficiary** of a trust includes, in the case of a discretionary trust, an object of the trust.

**business associate**, of a licensed provider, means a person whom the chief executive reasonably believes to be associated with the licensed provider's operations.

**business associate**, of an agent, means a person whom the chief executive reasonably believes to be associated with the agent's operations.

**business associate**, of an applicant for an interactive gambling licence, means a person who the Minister reasonably believes—

- (a) is associated with the ownership or management of the applicant's operations; or
- (b) will, if an interactive gambling licence is issued to the applicant, be associated with the ownership or management of the licensed provider's operations.

**commencement**—

- (a) for part 12, division 1—see section 264; and
- (b) for part 12, division 2—see section 268.

**condition notice** see section 39.

**conduct** includes promote, organise and operate.

**consideration received**, for an interest, includes anything received, or to be received, for the interest under a contract, arrangement or understanding.

**control system** means a system of internal controls and administrative and accounting procedures for the conduct of interactive games by a licensed provider.

**control system (change) submission** see section 129.

**control system submission** see section 128.

**conviction** includes a plea of guilty or a finding of guilt by a court even though a conviction is not recorded.

**corresponding law**, of a participating jurisdiction, means a law of a participating jurisdiction declared to be a corresponding law under section 10.

**credit** includes any form of financial accommodation.

**criminal history** of a person means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

- (a) despite section 6 of that Act, includes a conviction of the person to which the section applies; and
- (b) despite section 5 of that Act, includes a charge made against the person for an offence.

**disqualified person** means any of the following—

- (a) a member of the Legislative Assembly;
- (b) a spouse or child of a member of the Legislative Assembly;
- (c) a staff member of a member of the Legislative Assembly;
- (d) a councillor of a local government;
- (e) a spouse or child of a councillor of a local government;
- (f) a registered political party within the meaning of the *Electoral Act 1992*, or a senior officer of the party or an associated entity of the party;
- (g) a person, whether or not of a similar class to a person mentioned in paragraphs (a) to (e), prescribed under a regulation.

**document certification requirement** see section 221.

**document production requirement** see section 221.

**employ** includes engage under a contract for services.

**employee**, of a licensed provider or an agent, means a person employed by the licensed provider or agent in functions related to the conduct of authorised games.

**exclusion direction** see section 137C(1).

***executive associate***, of a licensed provider, means an executive officer of a corporation, partner or trustee, or another person stated by the Minister, whom the Minister reasonably believes to be associated with the ownership or management of the operations of the licensed provider.

***executive associate***, of an agent, means an executive officer of a corporation, partner or trustee, or another person stated by the Minister, whom the Minister reasonably believes to be associated with the ownership or management of the operations of the agent.

***executive associate***, of an applicant for an interactive gambling licence, means an executive officer of a corporation, partner or trustee, or another person stated by the Minister whom the Minister reasonably believes—

- (a) is associated with the ownership or management of the applicant's operations; or
- (b) will, if an interactive gambling licence is issued to the applicant, be associated with the ownership or management of the licensed provider's operations.

***executive officer***, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

***exempt gambling record*** see section 138(2).

***exemption scheme*** see section 24.

***external inspector*** see section 185(b).

***external licence*** means the licence of an external provider under a corresponding law.

***externally authorised game*** see section 12(2).

***external provider*** see section 11(2).

***financial records requirement*** see section 226.

***gambling record***, of a licensed provider, means a record (including a document) about the operations conducted by the licensed provider under the interactive gambling licence.

**gambling turnover** for an authorised game means the gross amount wagered by the players.

**gaming Act** means any of the following Acts—

- *Casino Control Act 1982*
- *Charitable and Non-Profit Gaming Act 1999*
- *Gaming Machine Act 1991*
- *Keno Act 1996*
- *Lotteries Act 1997*
- *Wagering Act 1998*.

**gaming official** means—

- (a) an inspector; or
- (b) an officer of the department.

**identity card**, for an inspector, means an identity card issued to the inspector under section 188.

**indictable offence** includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, applies to the indictable offence.

**information notice** means a written notice complying with the QCAT Act, section 157(2).

**inspector** means a person who is an inspector for this Act.

**interactive gambling** means gambling accessible from the home involving interactive games in which the players participate by means of the internet or through some other telecommunication medium.

**interactive gambling equipment** means a machine or other device (whether electronic, electrical or mechanical), computer software, or another thing, used, or suitable for use, in the conduct of an authorised game.

**interactive gambling licence** means a licence under part 3 (Interactive gambling licences).

**interactive gambling tax revenue** see section 115(1).

**interactive game** see section 6.

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***interested person*** see section 46.

***intergovernmental agreement*** means an agreement under section 10(2).

***key official*** means a gaming official declared under section 175 to be a key official.

***key person*** see section 60.

***key person licence*** means a licence issued under section 69.

***key person licensee*** means a person licensed under a key person licence.

***key relationship*** see section 60.

***licence fees*** see section 112.

***licensed corporation*** means a corporation that holds an interactive gambling licence.

***licensed provider*** see section 11(1).

***official gambling document*** means—

- (a) an interactive gambling licence; or
- (b) a key person licence; or
- (c) an inspector's identity card.

***participating jurisdiction*** means a jurisdiction that is, under the terms of a declaration made under section 10, to be regarded as a participating jurisdiction.

***participating regulator*** means the person responsible for the administration of the corresponding law of a participating jurisdiction.

***personal details requirement*** see section 219.

***player*** see section 5.

***player's account*** see section 20.

***post-amended Act***, for part 12, division 2, see section 268.

***pre-amended Act***, for part 12, division 1, see section 264.

***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.

**proposed action**, for part 4, division 3, see section 78(2)(a).

**public office**, for a licensed provider, means the licensed provider's principal place of business in the State or, if the licensed provider is a corporation and has its registered office in the State, the registered office.

**registered company auditor** means a person registered, or taken to be registered, as an auditor under the Corporations Act, part 9.2.

**regulated interactive gambling equipment** means gambling equipment declared under a regulation to be regulated interactive gambling equipment.

**related agreement** means—

- (a) an agreement, contract, lease or arrangement (whether written or unwritten) that—
  - (i) is entered into between a licensed provider and another person; and
  - (ii) relates to the operations of the licensed provider under the interactive gambling licence; or
- (b) an ancillary gambling agreement.

**restricted player** means a person registered by a licensed provider, or an agent of a licensed provider, as a restricted player.

**revocation notice**—

- (a) for part 7, division 5A, subdivision 1—see section 137B(1); and
- (b) for part 7, division 5A, subdivision 2—see section 137F(5).

**rules** see section 120.

**self-exclusion notice** see section 137.



***self-exclusion order*** see section 137A(1)(a).

***senior officer***, of a registered political party, means the president, secretary or treasurer of the party or another person who is concerned with, or takes part in, the party's management.

***show cause notice***—

- (a) for part 3, division 3—see section 45(2); and
- (b) for part 4, division 3—see section 78(1); and
- (c) for part 5, division 2—see section 101(2); and
- (d) for part 7, division 10—see section 152(2).

***show cause period***, for part 3, division 3, see section 45(2)(e).

***special warrant*** see section 202.

***staff member***, of a member of the Legislative Assembly, means a person employed or otherwise engaged by the member for the purpose of the member's electoral or Ministerial functions.

***stop direction*** see section 217.

***telecommunication device*** means—

- (a) a computer adapted for communicating by way of the internet or another communications network; or
- (b) a television receiver adapted to allow the viewer to transmit information by way of a cable television network or another communications network; or
- (c) a telephone; or
- (d) any other electronic device or thing for communicating at a distance.

***tribunal*** means QCAT.

***unrestricted player*** means a person registered by a licensed provider, or an agent of a licensed provider, as an unrestricted player.

***wager*** means an amount a player pays to participate in an interactive game or puts at risk in playing an interactive game.

*written notice* includes a notice given in the form of electronic data from which a written document can be produced or reproduced.

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## Endnotes

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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 30 July 2010. Future amendments of the Interactive Gambling (Player Protection) Act 1998 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 October 1998	6 November 1998
1A	1999 Act No. 27	1 July 1999	28 July 1999
1B	1999 Act No. 37	20 August 1999	27 August 1999
1C	1999 Act No. 38	31 August 1999	1 October 1999
1D	1999 Act No. 38	1 December 1999	1 December 1999
1E	1999 Act No. 77	14 December 1999	4 January 2000
2	1999 Act No. 77	14 December 1999	4 April 2000
2A	2000 Act No. 20	1 July 2000	28 July 2000
2B	2000 Act No. 51	1 December 2000	8 December 2000
2C	2001 Act No. 45	15 July 2001	6 August 2001

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Reprint No.	Amendments included	Effective	Notes
2D	2002 Act No. 43	1 October 2002	R2D withdrawn, see R3

Reprint No.	Amendments included	Effective	Notes
3	—	1 October 2002	
3A	2002 Act No. 74	1 April 2003	
3B	2004 Act No. 21	1 December 2004	
3C	2004 Act No. 21 (amd 2005 Act No. 12) 2005 Act No. 12	1 May 2005	R3C withdrawn, see R4
4	—	1 May 2005	
4A	2007 Act No. 22	29 June 2007	
4B	2007 Act No. 36	29 August 2007	
4C	2008 Act No. 2	20 February 2008	
4D	2009 Act No. 9	1 July 2009	
4E	2009 Act No. 41	15 October 2009	
4F	2009 Act No. 24	1 December 2009	
4G	2009 Act No. 41	30 July 2010	R4G withdrawn, see R5
5	—	30 July 2010	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	2

## 6 List of legislation

### **Interactive Gambling (Player Protection) Act 1998 No. 14**

date of assent 26 March 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 1998 (1998 SL No. 257)

amending legislation—

### **Gaming Machine and Other Legislation Amendment Act 1999 No. 8 ss 1, 2(2) pt 4**

date of assent 30 March 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1999 (1999 SL No. 124)

### **Charitable and Non-Profit Gaming Act 1999 No. 26 ss 1–2, 196 sch 1**

date of assent 16 June 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1999 (1999 SL No. 282)

### **Financial Sector Reform (Queensland) Act 1999 No. 27 ss 1–2(1), (4), 76 sch 1 pt 3**

date of assent 16 June 1999

ss 1–2, 76 commenced on date of assent

remaining provisions commenced 1 July 1999 (see s 2(1) and proc pubd Cwlth of Australia gaz 29 June 1999, No. S283)

**Interactive Gambling (Player Protection) Amendment Act 1999 No. 37**

date of assent 20 August 1999  
commenced on date of assent

**TAB Queensland Limited Privatisation Act 1999 No. 38 s 1, pt 7 div 3**

date of assent 31 August 1999  
commenced on date of assent

**Gaming Machine and Other Legislation Amendment Act (No. 2) 1999 No. 77 ss 1–2(1), pt 5, s 210 sch 2**

date of assent 14 December 1999  
commenced on date of assent (see s 2(1))

**GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3**

date of assent 23 June 2000  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2000 (see s 2(4))

**Gambling Legislation Amendment Act 2000 No. 51 pts 1, 5**

date of assent 17 November 2000  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 2000 (see s 2)

**Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 schs 2–3**

date of assent 28 June 2001  
ss 1–2 commenced on date of assent  
sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)  
remaining provisions commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

**Gambling Legislation Amendment Act 2002 No. 43 pts 1, 5, s 112 sch 2**

date of assent 12 September 2002  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 October 2002 (2002 SL No. 263)

**Discrimination Law Amendment Act 2002 No. 74 ss 1–2, 90 sch**

date of assent 13 December 2002  
ss 1–2 commenced on date of assent  
s 90 commenced 31 March 2003 (2003 SL No. 51)  
remaining provisions commenced 1 April 2003 (2003 SL No. 51)

**Gambling Legislation Amendment Act 2004 No. 21 pts 1, 5, s 123 sch (this Act is amended, see amending legislation below)**

date of assent 13 September 2004  
ss 1–2 commenced on date of assent  
ss 61–63, 65, 67, 70, 73(2) (to the extent it ins def “indictable offence”) commenced 1 December 2004 (2004 SL No. 252)

s 73(2) (to the extent it ins def “commencement”) never proclaimed into force and  
om 2005 No. 12 s 88 sch  
remaining provisions commenced 1 May 2005 (2005 SL No. 68)

amending legislation—

**Gambling Legislation Amendment Act 2005 No. 12 ss 1–2(1), 17, 27–28, 88  
sch (amends 2004 No. 21 above)**

date of assent 22 April 2005  
commenced on date of assent

**Gambling Legislation Amendment Act 2005 No. 12 ss 1, 2(3), pt 6, s 88 sch**

date of assent 22 April 2005  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 May 2005 (see s 2(3))

**Lotteries Amendment Act 2007 No. 22 ss 1–2, 67 sch 2**

date of assent 28 May 2007  
ss 1–2 commence on date of assent  
remaining provisions commenced 29 June 2007 (2007 SL No. 167)

**Statute Law (Miscellaneous Provisions) Act 2007 No. 36**

date of assent 29 August 2007  
commenced on date of assent

**Gambling Legislation Amendment Act 2008 No. 2 s 1, pt 5**

date of assent 20 February 2008  
commenced on date of assent

**Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1**

date of assent 28 May 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2009 (2009 SL No. 80)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment  
Act 2009 No. 24 ss 1–2, ch 5 pt 37**

date of assent 26 June 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 2009 (2009 SL No. 252)

**Gambling and Other Legislation Amendment Act 2009 No. 41 ss 1–2(1), pt 5**

date of assent 15 October 2009  
ss 1–2 commenced on date of assent  
ss 52–53 commenced 30 July 2010 (2010 SL No. 197)  
remaining provisions commenced on date of assent

## 7 List of annotations

### Object

s 3 sub 2000 No. 51 s 86

Endnotes

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**Meaning of “interactive game”**

s 6 amd 1999 No. 26 s 196 sch 1; 1999 No. 38 s 66; 2004 No. 21 s 62; 2007 No. 22 s 67 sch 2

**Procedure for registration**

s 18 amd 1999 No. 77 s 171

**Restrictions for registration**

s 19 sub 1999 No. 77 s 172

**Player’s account**

s 20 amd 1999 No. 77 s 173

**Restrictions on deposits for player’s account**

s 20A ins 1999 No. 77 s 174

**Accounting for account balances for restricted players**

s 22A ins 1999 No. 77 s 175

**Grounds for suspension or cancellation**

s 44 amd 1999 No. 37 s 3; 2001 No. 45 s 29 sch 3

**Suspension, cancellation and appointment of administrator**

s 52 amd 2001 No. 45 s 29 schs 2–3

**Terms of appointment, and role, of administrator**

s 53 amd 2001 No. 45 s 29 schs 2–3

**Investigations**

s 56 amd 2002 No. 43 s 82

**PART 4—KEY PERSONS**

**Decision on application**

s 69 amd 2002 No. 43 s 83

**Changing conditions of key person licence**

s 74 amd 2004 No. 21 s 63

**Division 3—Suspension and cancellation of key person licences, and other action by chief executive**

div hdg sub 2004 No. 21 s 64

**Subdivision 1—Suspension and cancellation**

sdiv hdg ins 2004 No. 21 s 64

**Grounds**

s 77 sub 2004 No. 21 s 64

**Show cause notice**

s 78 sub 2004 No. 21 s 64

**Consideration of representations**

s 79 sub 2004 No. 21 s 64

**Immediate suspension**

s 80 sub 2004 No. 21 s 64



**Suspension and cancellation of licence after show cause process**

s 81 sub 2004 No. 21 s 64

**Subdivision 2—Other action by chief executive**

sdiv hdg ins 2004 No. 21 s 64

**Ending show cause process without further action**

s 82 amd 2002 No. 43 s 84  
sub 2004 No. 21 s 64

**Censuring key person licensee**

s 83 sub 2004 No. 21 s 64

**Direction to rectify matter after show cause process**

s 83A ins 2004 No. 21 s 64

**Cancellation or reduction of period of suspension**

s 83B ins 2004 No. 21 s 64

**Directions to terminate affecting agents**

s 105 amd 2009 No. 24 s 586

**Liability to tax**

s 113 amd 2000 No. 20 s 29 sch 3

**Payment of tax for community benefit**

s 116 amd 2000 No. 51 s 86A; 2009 No. 9 s 136 sch 1

**PART 7—COMPLIANCE REQUIREMENTS****Rules**

s 120 amd 2009 No. 41 s 52

**Rules to be made available etc.**

s 120A ins 2009 No. 41 s 53

**Authorised games to be conducted under an approved control system**

s 127 sub 2002 No. 43 s 85

**Control system submission**

s 128 amd 2004 No. 21 s 65; 2005 No. 12 s 88 sch

**Control system (change) submission**

s 129 amd 2005 No. 12 s 88 sch

**Dealing with submissions**

prov hdg amd 2005 No. 12 s 54(1)  
s 130 amd 2005 No. 12 s 54(2)–(5)

**Direction to change approved control system**

s 131 amd 2005 No. 12 s 88 sch

**Funds in player's account to be remitted on demand**

s 132 amd 1999 No. 77 s 176

**Licensed providers limited recourse to players' accounts**

s 134 amd 1999 No. 77 s 177

**Inactive players' accounts**

s 135      amd 1999 No. 8 s 126

**Division 5A—Excluding persons from participating in authorised games as players**

div hdg    ins 2004 No. 21 s 66

**Subdivision 1—Provisions about self-exclusion**

sdiv hdg   ins 2004 No. 21 s 66

**Self-exclusion notice**

s 137      amd 1999 No. 8 s 127; 1999 No. 77 s 178  
            sub 2004 No. 21 s 66

**Self-exclusion order**

s 137A     ins 2004 No. 21 s 66 (amd 2005 No. 12 s 27(1))

**Revoking self-exclusion order**

s 137B     ins 2004 No. 21 s 66 (amd 2005 No. 12 s 27(1))

**Subdivision 2—Exclusion instigated by licensed provider**

sdiv hdg   ins 2004 No. 21 s 66

**Exclusion direction**

s 137C     ins 2004 No. 21 s 66 (amd 2005 No. 12 s 27(2))

**Duration of exclusion direction**

s 137D     ins 2004 No. 21 s 66  
            amd 2009 No. 24 s 587

**Application to revoke exclusion direction**

s 137E     ins 2004 No. 21 s 66

**Deciding application to revoke exclusion direction**

s 137F     ins 2004 No. 21 s 66 (amd 2005 No. 12 s 27(3))

**Subdivision 3—Other provisions**

sdiv hdg   ins 2004 No. 21 s 66

**Particular persons not to participate in authorised games**

s 137G     ins 2004 No. 21 s 66

**Counselling**

s 137H     ins 2004 No. 21 s 66

**Obligation to prevent persons from participating in authorised games**

s 137I     ins 2004 No. 21 s 66

**Register**

s 137J     ins 2004 No. 21 s 66

**Report about prohibition under order or direction**

s 137K     ins 2004 No. 21 s 66 (amd 2005 No. 12 s 27(4))

**Distributing promotional or advertising material about authorised games**

s 137L     ins 2009 No. 41 s 54

**Division 13—Interrupted and aborted games****div hdg** sub 1999 No. 77 s 179**Interrupted games****s 159A** ins 1999 No. 77 s 180**Aborted games****s 160** amd 1999 No. 77 s 181**Approval of regulated interactive gambling equipment****s 162** amd 1999 No. 8 s 128; 1999 No. 77 s 182**Use of regulated interactive gambling equipment****s 163** amd 2004 No. 21 s 67**Approved evaluators****s 163A** ins 1999 No. 77 s 183**PART 8—INVESTIGATION AND ENFORCEMENT****Division 1—Inspectors****div hdg** sub 2005 No. 12 s 88 sch**Subdivision 1—Preliminary****sdiv hdg** ins 2005 No. 12 s 88 sch**Persons who are inspectors****s 185** amd 1999 No. 77 s 210 sch 2; 2005 No. 12 s 88 sch**Subdivision 2—Appointment of inspectors****sdiv hdg** ins 2005 No. 12 s 55**Appointment and qualifications****s 186** sub 2005 No. 12 s 55

amd 2008 No. 2 s 69

**Subdivision 3—Other matters about inspectors****sdiv hdg** ins 2005 No. 12 s 55**Conditions and limit on powers****s 187** amd 1999 No. 77 s 210 sch 2

sub 2005 No. 12 s 55

**Issue of identity card****s 188** sub 2005 No. 12 s 55**Production or display of identity card****s 189** sub 2005 No. 12 s 55**When appointed inspector ceases to hold office****s 190** sub 2005 No. 12 s 55**Resignation****s 191** sub 2005 No. 12 s 55**Return of identity card****s 192** sub 2005 No. 12 s 55

**Subdivision 4—Audit program and report about criminal history**

**sdiv hdg** ins 2005 No. 12 s 55

**Audit program**

**s 193** sub 2005 No. 12 s 55

**Report about criminal history**

**s 194** sub 2005 No. 12 s 55

**Forfeiture**

**s 213** amd 2009 No. 24 s 588

**PART 10—REVIEWS BY TRIBUNAL**

**pt hdg** sub 2009 No. 24 s 589

**Division 1—Appeals to Queensland Gaming Commission**

**div hdg** ins 2004 No. 21 s 123 sch  
om 2009 No. 24 s 589

**When licensed providers may apply for review**

**s 249** sub 2009 No. 24 s 589

**When applicants for key person licences may apply for review**

**s 250** sub 2009 No. 24 s 589

**When key person licensees may apply for review**

**s 251** sub 2009 No. 24 s 589

**When agents may apply for review**

**s 252** sub 2009 No. 24 s 589

**When other persons may apply for review**

**s 253** amd 2004 No. 21 s 68  
sub 2009 No. 24 s 589

**Tribunal to decide review on evidence before the chief executive**

**s 254** amd 2002 No. 43 s 86  
sub 2009 No. 24 s 589

**Tribunal may give leave for review to be decided on new evidence in particular circumstances**

**s 255** sub 2009 No. 24 s 589

**Appeals from tribunal only to Court of Appeal on a question of law**

**s 256** sub 2009 No. 24 s 589

**Power to gather evidence**

**s 257** om 2009 No. 24 s 589

**Powers of Queensland Gaming Commission**

**s 258** om 2009 No. 24 s 589

**Division 2—Appeals to Magistrates Court**

**div hdg** ins 2004 No. 21 s 69  
om 2009 No. 24 s 589

**Who may appeal**

s 259 sub 2004 No. 21 s 69  
om 2009 No. 24 s 589

**Starting appeal**

s 259A ins 2004 No. 21 s 69  
om 2009 No. 24 s 589

**Stay of operation of decision**

s 259B ins 2004 No. 21 s 69  
om 2009 No. 24 s 589

**Hearing procedures**

s 259C ins 2004 No. 21 s 69  
om 2009 No. 24 s 589

**Court's powers on appeal**

s 259D ins 2004 No. 21 s 69  
om 2009 No. 24 s 589

**Division 3—Appeals to District Court**

div hdg ins 2004 No. 21 s 69  
om 2009 No. 24 s 589

**Appeal to District Court**

s 259E ins 2004 No. 21 s 69  
om 2009 No. 24 s 589

**Confidentiality of information**

s 260 amd 2004 No. 21 s 70

**Delegations**

s 261 amd 2002 No. 43 s 87  
sub 2005 No. 12 s 56

**Cancellation of Gocorp's interactive gambling licence**

s 261A ins 1999 No. 37 s 4

**Person not to profit from a transaction ending or lessening a prohibited person's interest in Gocorp**

s 261B ins 1999 No. 37 s 4  
amd 2001 No. 45 s 29 sch 3

**State immunity**

s 261C ins 1999 No. 37 s 4

**Regulation-making power**

s 263 amd 1999 No. 37 s 5; 2001 No. 45 s 29 sch 3

**PART 12—TRANSITIONAL PROVISIONS**

pt hdg prev pt 12 hdg om R1 (see RA s 40)  
pres pt 12 hdg ins 2004 No. 21 s 71 (amd 2005 No. 12 s 88 sch)

**Division 1—Transitional provisions for Gambling Legislation Amendment Act 2004**

div hdg ins 2005 No. 12 s 88 sch

**Definitions for div 1**

- prov hdg** ins 2004 No. 21 s 71 (amd 2005 No. 12 s 88 sch)  
**s 264** prev s 264 om R1 (see RA s 40)  
pres s 264 ins 2004 No. 21 s 71 (amd 2005 No. 12 s 88 sch)

**Dealing with show cause notice**

- s 265** orig s 265 om R1 (see RA s 40)  
prev s 265 ins 2004 No. 21 s 71  
om 2009 No. 24 s 590

**Direction to rectify under pre-amended Act**

- s 266** prev s 266 om R1 (see RA s 40)  
pres s 266 ins 2004 No. 21 s 71

**Appeals to Queensland Gaming Commission**

- s 267** orig s 267 om R1 (see RA s 40)  
prev s 267 ins 2004 No. 21 s 71  
om 2009 No. 24 s 591

**Division 2—Transitional provisions for Gambling Legislation Amendment Act 2005**

- div hdg** ins 2005 No. 12 s 57

**Definitions for div 2**

- s 268** prev s 268 om R1 (see RA s 40)  
pres s 268 ins 2005 No. 12 s 57

**Inspectors**

- s 269** ins 2005 No. 12 s 57

**Audit program for inspectors**

- s 270** ins 2005 No. 12 s 57

**SCHEDULE 2—DECISIONS OF CHIEF EXECUTIVE SUBJECT TO REVIEW**

- sch hdg** amd 2009 No. 24 s 592  
**sch 2** amd 1999 No. 77 s 184; 2004 No. 21 s 72

**SCHEDULE 3—DICTIONARY**

- def “**accepted representations**” sub 2004 No. 21 s 73  
def “**appointed inspector**” ins 2005 No. 12 s 58  
def “**approved evaluator**” ins 1999 No. 77 s 185  
def “**associated entity**” ins 1999 No. 37 s 6  
def “**commencement**” ins 2005 No. 12 s 58  
def “**consideration received**” ins 1999 No. 37 s 6  
def “**disqualified person**” ins 1999 No. 37 s 6  
def “**exclusion direction**” ins 2004 No. 21 s 73(2)  
def “**external inspector**” ins 2005 No. 12 s 58  
def “**financial institution**” om 1999 No. 27 s 76 sch 1 pt 3  
def “**gaming Act**” sub 1999 No. 26 s 196 sch 1  
def “**identity card**” amd 2007 No. 36 s 2 sch  
def “**indictable offence**” ins 2004 No. 21 s 73(2)  
def “**information notice**” sub 2004 No. 21 s 73; 2009 No. 24 s 593(3)  
def “**interactive gambling**” ins 2000 No. 51 s 87

- def “**licensed corporation**” ins 1999 No. 37 s 6  
 def “**post-amended Act**” ins 2005 No. 12 s 58  
 def “**pre-amended Act**” ins 2004 No. 21 s 73(2) (amd 2005 No. 12 s 88 sch)  
 def “**problem gambler**” ins 2004 No. 21 s 73(2)  
     sub 2008 No. 2 s 70  
 def “**proposed action**” ins 2004 No. 21 s 73(2)  
 def “**Queensland Gaming Commission**” om 2009 No. 24 s 593(1)  
 def “**registered company auditor**” sub 2002 No. 43 s 112 sch 2  
 def “**registrar**” om 2009 No. 24 s 593(1)  
 def “**restricted player**” ins 1999 No. 77 s 186  
 def “**revocation notice**” ins 2004 No. 21 s 73(2) (amd 2005 No. 12 s 28)  
 def “**self-exclusion notice**” ins 2004 No. 21 s 73(2)  
 def “**self-exclusion order**” ins 2004 No. 21 s 73(2)  
 def “**senior officer**” ins 1999 No. 37 s 6  
 def “**show cause notice**” sub 2004 No. 21 s 73  
 def “**show cause period**” sub 2004 No. 21 s 73  
 def “**spouse**” ins 1999 No. 37 s 6  
     om 2002 No. 74 s 90 sch  
 def “**staff member**” ins 1999 No. 37 s 6  
 def “**tribunal**” ins 2009 No. 24 s 593(2)  
 def “**unrestricted player**” ins 1999 No. 77 s 186

## 8 List of forms notified or published in the gazette

(The following information about forms is taken from the gazette and is included for information purposes only. Because failure by a department to notify or publish a form in the gazette does not invalidate the form, you should check with the relevant government department for the latest information about forms (see Statutory Instruments Act, section 58(8)).)

**Form 1 Version (February 2000)—Application for an Interactive Gambling Licence**  
 pubd gaz 22 February 2008 p 849

**Form 3 Version (August 2003)—Application for a Licence as Wagering Key Person, Keno Employee, Casino Key Employee, Key Monitoring Employee, Interactive Key Person or Lottery Key Person**  
 pubd gaz 22 February 2008 p 849

**Form 5 Version (August 2001)—Interactive Key Person Licence**  
 pubd gaz 11 April 2008 p 1967

**Form 37 Version (April 2003)—Interactive Gambling Tax Return**  
 pubd gaz 22 February 2008 p 849

**Form 38 Version (July 2000)—Application for Prohibition of Persons From Participating in Interactive Gambling (Self Prohibition)**  
 pubd gaz 11 April 2008 p 1967

Endnotes

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**Form 39 Version (July 2003)—Application for Prohibition of Persons From Participating in Interactive Gambling (Prohibition by a Third Person)**

pubd gaz 11 April 2008 p 1967

**Form 40 Version (July 2003)—Application to Rescind Prohibition From Participation in Interactive Gambling**

pubd gaz 11 April 2008 p 1967

**Form 41 Version (June 2000)—Interactive Gambling Licensee Quarterly Report**

pubd gaz 11 April 2008 p 1967

**Form 42 Version (June 2000)—Interactive Gambling Licensee Annual Report**

pubd gaz 11 April 2008 p 1967

## 9 Table of corrected minor errors

under the Reprints Act 1992 s 44

Provision	Description
234(4)	om ‘inspector’ ins ‘inspector’
242(1)	om ‘170,’ ins ‘170’
sch 3, def “interested person”	om ‘, for’ ins ‘see’

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