



Queensland

Casino Control and Other Legislation Amendment Act 2022

Act No. 23 of 2022

An Act to amend the Casino Control Act 1982, the Casino Control Regulation 1999, the Charitable and Non-Profit Gaming Act 1999, the Collections Act 1966, the Gaming Machine Act 1991, the Interactive Gambling (Player Protection) Act 1998, the Keno Act 1996, the Lotteries Act 1997, the Wagering Act 1998 and the Wagering Regulation 1999 for particular purposes

[Assented to 21 October 2022]



Queensland

Casino Control and Other Legislation Amendment Act 2022

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Casino Control and Other Legislation Amendment Act 2022*.

2 Commencement

The following provisions commence on a day to be fixed by proclamation—

- (a) sections 21 to 24;
- (b) part 5;
- (c) sections 100 to 103, 105, 112(1) and (2), 114 and 116.

Part 2 Amendment of Casino Control Act 1982

3 Act amended

This part amends the *Casino Control Act 1982*.

4 Amendment of s 14 (Confidentiality of information)

Section 14(2)—

insert—

- (d) the disclosure is to an external adviser for the purpose of the adviser exercising the adviser's function.

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5 Insertion of new s 15A

After section 15—

insert—

15A Chief executive may make guidelines

- (1) The chief executive may make guidelines to inform persons about—
 - (a) the attitude the chief executive is likely to adopt on a particular matter; or
 - (b) how the chief executive administers this Act.
- (2) The chief executive must publish the guidelines on the department’s website.

6 Amendment of s 21 (Hotel-casino complex owner or State as licensee)

- (1) Section 21(2)—

omit.

- (2) Section 21(3)—

renumber as section 21(2).

7 Amendment of s 30 (Investigations concerning continued suitability of casino licensee etc.)

- (1) Section 30(1), after ‘satisfy the Governor in Council’—

insert—

or Minister

- (2) Section 30(2)—

omit, insert—

- (2) Without limiting the matters the Minister may have regard to in undertaking an investigation under subsection (1), the Minister may have regard to any of the following findings or report—

-
- (a) the findings of an investigation undertaken by a State authority if the findings relate to an entity mentioned in subsection (1) or an associate of the entity;
 - (b) the findings of an investigation conducted under a law of a State or the Commonwealth if the findings relate to an entity mentioned in subsection (1) or an associate of the entity;
 - (c) a report prepared by an external adviser.
- (2A) For subsection (2), an entity is an associate for another entity if the first entity is an associated entity for the second entity under the Corporations Act, section 50AAA.
- (3) Section 30—
insert—
- (5) In this section—
State authority means—
 - (a) a State or the Commonwealth; or
 - (b) an entity established under a law of a State or the Commonwealth; or
 - (c) another entity that represents a State or the Commonwealth.
- (4) Section 30(2A) to (5)—
renumber as section 30(3) to (6).

8 Insertion of new ss 30A–30D

After section 30—

insert—

30A Duty to cooperate

- (1) This section applies to each of the following entities—

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- (a) a casino licensee;
 - (b) a lessee under a casino lease;
 - (c) a casino operator under a casino management agreement;
 - (d) a person who is an associate of an entity mentioned in paragraph (a), (b) or (c).
- (2) A **duty to cooperate** is the duty of an entity to—
- (a) comply with all reasonable requests made of the entity—
 - (i) by the Minister, the chief executive or an inspector; and
 - (ii) for the purpose of the Minister, chief executive or inspector administering this Act; and
 - (b) do everything necessary to ensure that the management and casino operations of the relevant casino operator are conducted in a manner that is fair and honest.
- (3) The entity must comply with the duty to cooperate.

Maximum penalty—160 penalty units.

- (4) A person is an **associate** of an entity mentioned in subsection (1)(a), (b) or (c) if—
- (a) the person—
 - (i) holds a financial interest, or is entitled to exercise a significant power (whether directly or on behalf of another person) in the business of the entity; and
 - (ii) because of the financial interest or significant power, may exercise significant influence over the

management or operation of the business of the entity; or

- (b) the person holds a significant position (whether directly or on behalf of another person) in the business of the entity.
- (5) To remove any doubt, it is declared that the duty to cooperate does not require an entity to contravene this Act or another law.

- (6) In this section—

financial interest, in relation to a business, means—

- (a) a share in the capital of the business; or
- (b) an entitlement to receive income derived from the business.

significant position, in relation to a business, means the position of director, manager, or another executive position or secretary of the business, however that position is designated.

significant power, in relation to a business, means a power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

- (a) to participate in a directorial, managerial, or executive decision; or
- (b) to elect or appoint a person to a significant position for the business.

30B Notice of particular contraventions and breaches

- (1) This section applies to each of the following entities—
- (a) a casino licensee;
 - (b) a lessee under a casino lease;

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- (c) a casino operator under a casino management agreement;
 - (d) a person who is an associate of an entity mentioned in paragraph (a), (b) or (c).
- (2) Subsection (3) applies if the entity believes—
- (a) the entity has contravened—
 - (i) a provision of this Act; or
 - (ii) a provision of the agreement Act for the casino licence relevant to the entity; or
 - (iii) a direction given under this Act to the entity by the Minister or the chief executive; or
 - (b) the entity has breached any of the following arrangements that apply to the entity—
 - (i) an agreement mentioned in section 19;
 - (ii) a casino management agreement;
 - (iii) a lease, contract, agreement or arrangement approved under section 84(2).
- (3) The entity must give the chief executive written notice of the belief as soon as practicable after forming the belief, but no later than 5 days after forming the belief.
- Maximum penalty—160 penalty units.
- (4) A person is an *associate* of an entity mentioned in subsection (1)(a), (b) or (c) if—
- (a) the person—
 - (i) holds a financial interest, or is entitled to exercise a significant power (whether directly or on behalf of another person) in the business of the entity; and

-
- (ii) because of the financial interest or significant power, may exercise significant influence over the management or operation of the business of the entity; or
 - (b) the person holds a significant position (whether directly or on behalf of another person) in the business of the entity.
- (5) In this section—

agreement Act, for a casino licence, means the Act ratifying the agreement for the licence as mentioned in section 19(1).

financial interest, in relation to a business, means—

- (a) a share in the capital of the business; or
- (b) an entitlement to receive income derived from the business.

significant position, in relation to a business, means the position of director, manager, or another executive position or secretary of the business, however that position is designated.

significant power, in relation to a business, means a power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

- (a) to participate in a directorial, managerial, or executive decision; or
- (b) to elect or appoint a person to a significant position for the business.

30C Requiring information from particular entities

- (1) This section applies to an entity that may be investigated under section 30(1).
- (2) The Minister or chief executive may, by written

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notice (an *information requirement*) given to the entity, require the entity to—

- (a) give the Minister or chief executive stated information; or
 - (b) enable the Minister or chief executive to examine a document, take extracts from a document or copy a document.
- (3) However, subsection (2) is limited to information or documents the Minister or chief executive reasonably requires to administer this Act.
- (4) An entity given an information requirement must comply with the requirement, as stated in the requirement.

Maximum penalty—160 penalty units.

- (5) An entity is not excused from complying with an information requirement on the ground that the information is the subject of legal professional privilege.
- (6) Information does not cease to be the subject of legal professional privilege only because it is given to the Minister or chief executive in accordance with an information requirement.

30D Giving false or misleading information to the Minister or chief executive

- (1) This section applies to each of the following entities—
- (a) a casino licensee;
 - (b) a lessee under a casino lease;
 - (c) a casino operator under a casino management agreement;
 - (d) another entity given an information requirement under section 30C(2).

-
- (2) The entity must not, in relation to the administration of this Act, give the Minister or chief executive information the entity knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty—160 penalty units.

- (3) Subsection (2) does not apply to an entity if the entity, when giving information in a document—
- (a) tells the Minister or chief executive, to the best of the entity's ability, how the document is false or misleading; and
 - (b) if the entity has, or can reasonably obtain, the correct information—gives the correct information.
- (4) To remove any doubt, it is declared that subsection (2) applies to information regardless of whether or not the information was given in response to the exercise of a power under this Act.
- (5) This section does not apply to information to which section 107(b) or (c) or 110(f) apply.

Note—

Offences about giving false or misleading information in relation to information mentioned in subsection (5) are provided for in the provisions mentioned in that subsection.

9 Amendment of s 31 (Cancellation or suspension of casino licences and letters of censure)

- (1) Section 31, heading—

omit, insert—

31 Disciplinary action

- (2) Section 31(1), from 'for cancellation' to 'under the agreement'—

omit, insert—

[s 9]

for taking disciplinary action against a casino entity arises if any of the following happens

(3) Section 31(1)(a) and (b)—

omit, insert—

(a) the entity contravenes a provision of this Act;

(b) the entity is convicted of an indictable offence punishable by imprisonment for 12 months or more regardless of whether—

(i) the offence is also punishable by a fine, in addition to or as an alternative to the punishment by imprisonment; or

(ii) the conviction is recorded;

(3A) Section 31(1)(ba), before ‘contravenes’—

insert—

the entity

(4) Section 31(1)(ba), (c) and (e), ‘the person’—

omit, insert—

the entity

(5) Section 31(1)(ba), (c) and (d), before ‘casino licence’—

insert—

relevant

(5A) Section 31(1)(ba), (c), (d), (e) and (f), ‘; or’—

omit, insert—

;

(5B) Section 31(1)(c), (e) and (g), before ‘fails’—

insert—

the entity

(5C) Section 31(1)(d), before ‘or any’—

insert—

the entity

(6) Section 31(1)(d) and (f), ‘the person’s’—

omit, insert—

the entity’s

(7) Section 31(1)—

insert—

(da) because of an investigation carried out under section 30(1), the Governor in Council or Minister is not satisfied that—

(i) the entity is a suitable person to be associated or connected with the management and operations of a hotel-casino complex or casino; or

(ii) a person, associated or connected with the ownership, administration or management of the operations or business of the entity is a suitable person to be associated or connected with the management and operations of a hotel-casino complex or casino;

(7A) Section 31(1)(f), before ‘is required’—

insert—

the entity

(8) Section 31(1)(ba) to (g)—

renumber as section 31(1)(c) to (i).

(9) Section 31(2) to (13)—

omit, insert—

(2) Also, a ground for taking disciplinary action against a casino licensee arises if the land used for the hotel-casino complex ceases to be held by the licensee in freehold or under a lease from the

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State, other than because of an assignment referred to in section 32.

- (3) If the Minister believes a ground has arisen for taking disciplinary action against a casino entity and the initiating incident is likely to be sufficiently addressed only by taking disciplinary action against the entity, the Minister must—
 - (a) give a show cause notice to the casino entity and to each other casino entity for the same casino licence; and
 - (b) give a copy of the show cause notice to any other person who, in the Minister's opinion, has an interest in the casino licence.
- (4) However, if the Minister is satisfied the initiating incident may be sufficiently addressed by a letter of censure, the Minister may give the casino entity a letter of censure censuring the entity for the incident without taking further action under this section.
- (5) A *show cause notice* for taking disciplinary action against a casino entity is a written notice that—
 - (a) states each of the grounds giving rise to the disciplinary action; and
 - (b) describes the initiating incident for the disciplinary action; and
 - (c) states that the entity must show cause as to why the disciplinary action should not be taken (a *response*); and
 - (d) states that the response must be made in writing and given to the Minister; and
 - (e) states the last day, not earlier than 21 days after the notice is given to the entity, by which a response may be given to the Minister (a *response period*).

- (6) A person given a copy of a show cause notice under subsection (3)(b) may make a written submission to the Minister about the matters stated in the notice before the end of the response period for the notice.
- (7) If the Minister gives a casino entity a show cause notice, the Minister—
 - (a) must consider—
 - (i) all responses to the notice made before the end of the response period; and
 - (ii) if the Minister gives a person a copy of the notice under subsection (3)(b)—all submissions for the notice properly made under subsection (6); and
 - (b) may consider a response or submission mentioned in paragraph (a) that the Minister received after the end of the response period for the relevant show cause notice.
- (7A) The show cause process for taking disciplinary action against a casino entity for an initiating incident concludes if—
 - (a) the Minister finishes considering—
 - (i) the responses and submissions the Minister must consider under subsection (7)(a); and
 - (ii) the responses and submissions the Minister did consider under subsection (7)(b); or
 - (b) the Minister has not received any responses or submissions the Minister must consider under subsection (7)(a) and the Minister did not consider any other responses or submissions under subsection (7)(b).
- (8) If, at the conclusion of the show cause process, the Minister considers taking disciplinary action

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against a casino entity for the relevant initiating incident is not warranted, the Minister must take no further disciplinary action against the entity for the incident.

- (9) If, at the conclusion of the show cause process, the Minister considers taking disciplinary action against a casino entity for the relevant initiating incident is warranted, the Minister must decide to—
- (a) take 1 or more of the following actions—
 - (i) give a letter of censure to the entity censuring the entity in relation to any matter connected with the incident;
 - (ii) give the entity a written direction the Minister considers appropriate to ensure any matter connected with the incident is rectified within the period stated in the direction;
 - (iii) direct the entity to pay to the State a pecuniary penalty of not more than \$5m before a stated date; or
 - (b) recommend the Governor in Council take 1 or more of the following actions—
 - (i) the relevant casino licence be cancelled or suspended;
 - (ii) the casino lease or casino management agreement for the relevant casino licence be suspended or terminated;
 - (iii) the entity pay to the State a pecuniary penalty of not more than \$100m;
 - (iv) a special manager be appointed for the entity.
- (10) If the Minister makes a recommendation to the Governor in Council under subsection (9)(b), the Minister must give the Governor in Council—

- (a) a copy of each show cause notice relevant to the recommendation; and
 - (b) all responses and submissions, relevant to the recommendation, that the Minister considered under subsection (7).
- (11) If the Minister makes a recommendation to the Governor in Council under subsection (9)(b) and gives the Governor in Council the documents required under subsection (10), the Governor in Council must consider the recommendation and the documents.
- (12) After considering a recommendation about taking disciplinary action against a casino entity for an initiating incident, and the documents required to be considered under subsection (11), the Governor in Council must decide to—
- (a) take no further disciplinary action against the entity for the incident; or
 - (b) take 1 or more of the following actions—
 - (i) cause a letter of censure to be given to the entity censuring the entity in relation to any matter connected with the incident;
 - (ii) give, or cause to be given, to the entity a written direction that the Governor in Council considers appropriate to ensure that any matter connected with the incident is rectified within a period stated in the direction;
 - (iii) unless a receiver and manager has been appointed pursuant to section 32, appoint an administrator subject to the terms and conditions decided by the Governor in Council;

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- (iv) order the entity to pay to the State a pecuniary penalty of not more than \$100m before a stated date;
 - (v) take action under subsection (15), if the Governor in Council is satisfied of the circumstances mentioned in that subsection for the relevant casino licence, casino lease or casino management agreement;
 - (vi) appoint a special manager for the entity.
- (13) A letter of censure issued under this section—
 - (a) becomes a permanent part of the records of the department about a casino entity; and
 - (b) may be published on the department's website.
- (10) Section 31(14), 'subsection (12)(d)'—
omit, insert—
 - subsection (12)(b)(iii)
- (10A) Section 31(15), after 'direct the'—
insert—
 - suspension or
- (10B) Section 31—
insert—
 - (16A) Subsections (16B) and (16C) apply if—
 - (a) the Governor in Council decides under subsection (12) to take any of the following disciplinary action against a casino entity—
 - (i) suspend or cancel a casino licence;
 - (ii) direct the suspension or termination of a casino lease;

-
- (iii) direct the suspension or termination of a casino management agreement; and
- (b) a special manager is appointed for the casino entity.
- (16B) Before the suspension, cancellation or termination takes effect, the Governor in Council may, on the recommendation of the Minister, take the following action by giving written notice of the action to the casino entity—
- (a) change the day the suspension, cancellation or termination takes effect;
- (b) if the Governor in Council is satisfied the suspension, cancellation or termination is no longer required because of the remediation of the management and operations of the entity—rescind the suspension, cancellation or termination to stop it taking effect.
- (16C) Before making a recommendation mentioned in subsection (16B), the Minister must—
- (a) consult the special manager about the proposed recommendation; and
- (b) have regard to the implementation of the casino entity’s plan for the remediation of the management and operations of the entity.
- (10C) Section 31(17), ‘Where a casino licence is suspended pursuant to’—
omit, insert—
If a casino licence, casino lease or casino management agreement is suspended under
- (10D) Section 31(19) and (20), ‘is terminated’—
omit, insert—
is suspended or terminated

[s 9]

(10E) Section 31(21), before ‘termination’—

insert—

suspension or

(11) Section 31—

insert—

(22A) In fixing the amount of a pecuniary penalty to be imposed on a casino entity under this section the Governor in Council or Minister—

(a) must consider the following matters—

(i) the nature and extent of the initiating incident;

(ii) whether the initiating incident undermines the objects of this Act;

(iii) any loss or damage caused to the State or the public by the initiating incident;

(iv) whether any disciplinary action has been taken against the entity before;

(v) the seriousness of the grounds for taking the disciplinary action; and

(b) may consider any other matter the Governor in Council or Minister considers relevant.

(22B) The amount of a pecuniary penalty imposed on a casino entity under this section is a debt payable by the entity to the State.

(22C) To remove any doubt, it is declared that the cancellation or suspension of a casino licence, or suspension or termination of a casino lease or casino management agreement, does not relieve a casino entity of an obligation to pay a pecuniary penalty imposed under this section.

(12) Section 31(23), from ‘to cancel’ to ‘agreement’—

omit, insert—

made under this section

(13) Section 31—

insert—

(24A) In this section—

casino entity means—

- (a) a casino licensee;
- (b) the lessee under a casino lease;
- (c) the casino operator under a casino management agreement.

initiating incident, in relation to disciplinary action, means the act or omission that forms the basis of the grounds for taking the disciplinary action.

10 Insertion of new s 31A

After section 31—

insert—

31A Costs for disciplinary action

- (1) This section applies if any of the following disciplinary action is taken against a casino entity under section 31—
 - (a) a letter of censure is issued to the entity under section 31(9)(a)(i) or (12)(b)(i) censuring the entity;
 - (b) the entity is given a direction under section 31(9)(a)(ii) or (12)(b)(ii);
 - (c) an administrator is appointed under section 31(12)(b)(iii);
 - (d) the casino licence for the entity is cancelled or suspended under section 31(15);

[s 10]

- (e) the casino lease, or casino management agreement, for the entity is directed to be suspended or terminated under section 31(15);
 - (f) a pecuniary penalty is imposed under section 31(9)(a)(iii) or (12)(b)(iv);
 - (g) the Governor in Council decides, under section 31(12)(b)(vi), to appoint a special manager for the entity.
- (2) The chief executive may recover from the casino entity the reasonable costs and expenses incurred by the department in assisting the Minister or Governor in Council doing any of the following tasks as a debt payable by the entity to the State—
- (a) preparing for and taking the disciplinary action against the entity, including, for example—
 - (i) investigating whether a ground for the disciplinary action arose under section 31(1); or
 - (ii) obtaining legal advice about a matter relating to the disciplinary action; or
 - (iii) engaging a suitably qualified person to advise on a matter relating to the disciplinary action;
 - (b) considering responses and submissions made under section 31 as part of a show cause process;
 - (c) considering responses and submissions made about a recommendation of the Minister under section 31.
- (3) Before recovering the reasonable costs and expenses from a casino entity under subsection (2), the chief executive must give the entity a written notice stating—

- (a) the amount of the costs and expenses; and
 - (b) how the amount was calculated; and
 - (c) when the amount must be paid to the chief executive.
- (4) If the casino entity does not comply with the written notice given to the entity under subsection (3) within the period required by the notice, the Minister may recommend to the Governor in Council that—
- (a) for a notice given to a casino licensee—the casino licence be suspended or cancelled; or
 - (b) for a notice given to a lessee under a casino lease—the casino lease be terminated; or
 - (c) for a notice given to a casino operator under a casino management agreement—the agreement be terminated.
- (5) However, if the Minister proposes to make a recommendation about a casino entity under subsection (4), the Minister must first give the entity written notice stating—
- (a) the proposed recommendation; and
 - (b) the entity may make a submission to the Minister as to why the Minister should not make the proposed recommendation; and
 - (c) the date by which the entity must make a submission mentioned in paragraph (b).
- (6) The Minister must consider all submissions properly made about the proposed recommendation under subsection (5) and decide to either—
- (a) take no further action about the recommendation; or
 - (b) make the recommendation to the Governor in Council.

[s 10]

- (7) The Governor in Council may, after considering the recommendation and all submissions properly made to the Minister about the recommendation, decide to—
- (a) take no further action about the matter; or
 - (b) take action under section 31(15) as if the recommendation made by the Minister were a recommendation about taking disciplinary action against a casino entity under section 31.
- (8) For taking the action mentioned in subsection (7)(b)—
- (a) the casino entity not complying with the written notice given to the entity under subsection (3) is taken to be circumstances so extraordinary that it is imperative in the public interest to take the action; and
 - (b) section 31(16) to (22), (22C) and (23) applies to taking the action.
- (9) However, if the action taken under section 31(15) is the suspension of a casino licence, the suspension ends if the casino entity pays to the chief executive the costs and expenses as stated in the written notice given to the entity under subsection (3).
- (10) In this section—
- casino entity*** means any of the following—
- (a) a casino licensee;
 - (b) a lessee under a casino lease;
 - (c) a casino operator under a casino management agreement.

11 Amendment of s 35 (Application for licence)

(1) Section 35(1)(c)—

omit.

(2) Section 35(1)(h) and (i)—

omit, insert—

(h) be accompanied by a certificate in the approved form certifying that the applicant has successfully completed a training course or is otherwise qualified by experience, stated in the certificate, appropriate to the type of work specified under paragraph (c).

(3) Section 35(1)(d) to (h)—

renumber as section 35(1)(c) to (g).

(4) Section 35(2)—

omit.

12 Amendment of s 37 (Consideration of application)

(1) Section 37(1)(a)—

omit.

(2) Section 37(1)(b) and (c)—

renumber as section 37(1)(a) and (b).

13 Amendment of s 38 (Decision on application)

Section 38(3)—

omit, insert—

(3) If the chief executive decides to refuse to grant the application, the chief executive must immediately—

(a) give an information notice for the decision to the applicant; and

[s 14]

- (b) give written notice of the decision to the relevant casino operator.

14 Amendment of s 39A (Form of licence)

- (1) Section 39A(2)(b)—

omit.

- (2) Section 39A(2)(c) to (f)—

renumber as section 39A(2)(b) to (e).

15 Omission of s 40 (Notice when certain employees begin employment with casino operator)

Section 40—

omit.

16 Amendment of s 44 (Grounds)

Section 44(2), ‘section 37(1)(c)’—

omit, insert—

section 37(1)(b)

17 Replacement of s 47A (Destruction of fingerprints and palm prints of former licence holders)

Section 47A—

omit, insert—

47A Destruction of fingerprints and palm prints of former licence holders

- (1) This section applies if—

- (a) the fingerprints or palm prints of a person were taken under former section 37(1)(a) for an application made by the person under section 35; and

-
- (b) a casino key employee licence or casino employee licence held by the person ceases to be in force.
 - (2) The chief executive must, as soon as practicable after the licence ceases to be in force, cause the fingerprints and palm prints of the person to be destroyed.
 - (3) In this section—
former section 37(1)(a) means section 37(1)(a) as in force at any time before the amendment of that section by the *Casino Control and Other Legislation Amendment Act 2022*.

17A Amendment of s 50 (Casino licence fee)

Section 50—

insert—

- (5) To remove any doubt, it is declared that the obligation to pay the licence fee continues for any period in which the casino licence is suspended.

18 Amendment of s 62 (Gaming equipment and chips)

- (1) Section 62(4), ‘a gaming machine’—

omit, insert—

gaming equipment

- (2) Section 62(4)(a) and (b)—

omit, insert—

- (a) any electronic payment methods to be used with the equipment, including the technology used for the electronic payment methods; and
- (b) if the gaming equipment is a gaming machine—

[s 19]

- (i) a machine game to be played on the machine; and
- (ii) the artwork for a machine game to be displayed as part of the machine.

19 Amendment of s 63 (Casino games)

Section 63(3) and (3A)(a), ‘in the gazette’—

omit, insert—

on the department’s website

20 Amendment of s 65 (Obligations of casino operator in relation to conduct of games)

(1) Section 65(2)—

insert—

- (c) using another payment method approved by the chief executive.

(2) Section 65(6A)—

omit, insert—

(6A) However, if requested by the patron, the casino operator may at the operator’s discretion do either of the following things in lieu of paying some or all of the cash mentioned in subsection (6)(b)—

- (a) issue a cheque made payable to the patron and drawn on a bank account approved by the chief executive for that purpose;
- (b) pay the patron using another method approved by the chief executive.

21 Amendment of s 67 (Player accounts)

(1) Section 67(2) to (2C)—

omit, insert—

(2) The casino operator must not accept deposits to a person's player account other than as authorised under this section.

Maximum penalty—40 penalty units.

(2A) The casino operator may accept cash for deposit to a person's player account.

(2B) The casino operator may accept a deposit into a person's player account by use of a debit card.

(2C) The casino operator may accept a cheque for deposit to a person's player account only if it is—

(a) a traveller's cheque; or

(b) a bank cheque drawn in favour of the person and endorsed to the operator; or

(c) a cheque drawn on a bank by the person, made payable to the operator and dated but not postdated; or

(d) a cheque drawn in favour of the person and endorsed to the operator and—

(i) drawn on a bank by a casino licensee; or

(ii) drawn on a bank by the holder of a licence to operate a casino issued by another State under a law corresponding to this Act; or

(e) another cheque prescribed by regulation.

(2D) The casino operator may accept a deposit into a person's player account by a credit card transaction only if the deposit is made by a nonresident of Queensland visiting a casino under a junket agreement.

(2E) The casino operator may accept a deposit into a person's player account using a method approved by the chief executive.

[s 22]

(2) Section 67(4)(b)—

omit, insert—

(b) if requested by the person for whom the player account is established—

(i) issue, for the whole or part of the amount in the account, a cheque made payable to the person that is drawn on a bank account approved by the chief executive; or

(ii) pay the person, for the whole or part of the amount in the account, using another method approved by the chief executive.

(3) Section 67(5)—

omit.

(4) Section 67(2A) to (4)—

renumber as section 67(3) to (9).

22 Insertion of new s 67A

After section 67—

insert—

67A Exchange by casino operator of chip purchase voucher for approved payment method

(1) For the purpose of gaming by a person and in exchange for payment from the person, a casino operator may issue to the person a chip purchase voucher or chip purchase vouchers of a value equal to the amount of the payment.

(2) The payment mentioned in subsection (1) must be made using a method approved by the chief executive.

Maximum penalty—40 penalty units.

-
- (3) Nothing in this section limits the ability of a casino operator to issue a chip purchase voucher or chip purchase vouchers under section 67(8) or 68(1).

23 Amendment of s 68 (Exchange by casino operator of chip purchase voucher for cheque)

Section 68(2), ‘section 67(2) in relation to that section’—

omit, insert—

section 67(5)(c)

24 Amendment of s 69 (Redemption of cheques)

- (1) Section 69, ‘section 67(2) in relation to that section’—

omit, insert—

section 67(5)(c)

- (2) Section 69(e)—

omit, insert—

(e) payment using a method approved by the chief executive;

- (3) Section 69—

insert—

- (2) The redemption of a cheque under subsection (1) may also be made in exchange for any combination of the things mentioned in subsection (1)(a) to (e).

25 Amendment of s 72 (Training courses for employees)

Section 72(2), ‘, with the chief executive’s approval,’—

omit.

[s 26]

26 Insertion of new s 72C

Part 6—

insert—

72C Harm minimisation measures

- (1) A regulation may prescribe measures (*harm minimisation measures*) that have the purpose of minimising potential harm from casino gambling, including, for example, measures for any of the following purposes—
 - (a) delaying the start of a process in particular circumstances;
 - (b) interrupting a process in particular circumstances;
 - (c) using particular technology or software;
 - (d) providing particular information to the chief executive or persons participating in casino gambling;
 - (e) enabling a person to access a service that provides help with gambling problems.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if satisfied—
 - (a) the harm minimisation measure—
 - (i) is necessary and appropriate to minimise potential harm from casino gambling; and
 - (ii) is consistent with the objects of this Act; or
 - (b) it is in the public interest to prescribe the harm minimisation measure.
- (3) A regulation made under subsection (1) may also prescribe the casino operators that must implement a harm minimisation measure.

- (4) A casino operator prescribed under subsection (3) must implement the harm minimisation measure as prescribed.

Maximum penalty for subsection (4)—200 penalty units.

27 Amendment of s 73 (Casino operations to be conducted under approved control system)

Section 73(2), penalty, ‘200’—

omit, insert—

400

28 Amendment of s 89 (Offences relating to inspectors)

Section 89, penalty, ‘40’—

omit, insert—

160

28A Insertion of new pt 9, div 3 and div 4, hdg

After section 90—

insert—

Division 3 Special manager

90A Definitions for division

In this division—

agreement Act means any of the following Acts—

- (a) *Breakwater Island Casino Agreement Act 1984*;
- (b) *Brisbane Casino Agreement Act 1992*;
- (c) *Cairns Casino Agreement Act 1993*;

[s 28A]

(d) *Jupiters Casino Agreement Act 1983*;

(e) *Queen's Wharf Brisbane Act 2016*.

casino agreement means an agreement—

(a) set out in an agreement Act; or

(b) made under an agreement Act; or

(c) ratified under an agreement Act.

90B Application of division

(1) This division applies if—

(a) disciplinary action is taken against a casino entity under section 31; and

(b) as part of the disciplinary action the Governor in Council decides to appoint a special manager for the casino entity.

(2) To remove any doubt, it is declared that this division applies regardless of whether—

(a) the initiating incident for the disciplinary action occurred before or after the commencement of this division; or

(b) other disciplinary action was also taken against the casino entity.

(3) In this section—

initiating incident, in relation to disciplinary action, see section 31(24A).

90C Appointment of special manager

(1) The Governor in Council may appoint a suitably qualified person to be the special manager, other than a person who is an associate of the casino entity under section 30A(4).

(2) The special manager holds office on the terms and

conditions decided by the Governor in Council.

- (3) The special manager is appointed under this Act and not the *Public Service Act 2008*.
- (4) The instrument of appointment for the special manager must state—
 - (a) the period for which the special manager is appointed; and
 - (b) the terms and conditions of the appointment; and
 - (c) any additional functions of the special manager under section 90D(2); and
 - (d) the investigations the special manager is to carry out; and
 - (e) any directions or instructions to the special manager relating to performance of the manager's functions.
- (5) The Governor in Council may, on the recommendation of the Minister, vary the special manager's instrument of appointment by giving the manager written notice of the variation.
- (6) If the casino licence relevant to the special manager's appointment is cancelled or surrendered, the special manager's appointment ends.

90D Functions of special manager

- (1) The special manager has the following functions—
 - (a) to monitor the affairs of the casino entity in relation to the management and operations of a hotel-casino complex;
 - (b) to consult on and advise in relation to the content and preparation of the casino entity's remediation plan;

[s 28A]

- (c) to monitor the following matters—
 - (i) the suitability and efficacy of the casino entity's remediation plan;
 - (ii) the implementation of the casino entity's remediation plan;
- (d) to report to the Minister and chief executive on the following matters—
 - (i) the suitability and efficacy of the casino entity's remediation plan;
 - (ii) the implementation of the casino entity's remediation plan;
 - (iii) the progress of the casino entity in fulfilling the entity's remediation plan.
- (2) The instrument of appointment of the special manager may include additional functions of the manager.
- (3) In performing the special manager's functions, the manager must comply with any directions and instructions stated in the manager's instrument of appointment.
- (4) In this section—
remediation plan means a plan for the remediation of the management and operations of a casino entity.

90E Powers of special manager

- (1) The special manager has all the powers necessary to perform the special manager's functions.
- (2) Without limiting subsection (1), the special manager may—
 - (a) enter into and remain in any part of the hotel-casino complex, and any other premises occupied by the casino entity in

-
- connection with its casino operations for the purpose of performing functions or exercising powers under this division; and
- (b) access all documents and records of the casino entity relating to the management and operations of a hotel-casino complex; and
 - (c) attend any meeting of the casino entity's board, or a related entity's board, or any committee or subcommittee of such boards if the meeting relates to the management and operations of a hotel-casino complex; and
 - (d) engage any person to provide advice or other services to the special manager in connection with the performance of the manager's functions.
- (3) The special manager may, by written notice given to the casino entity (an **information requirement**), require the entity to give the manager information the manager reasonably requires to perform the manager's functions.
- (4) The special manager may give a written direction to the casino entity requiring the entity take an action, or refrain from taking an action, stated in the direction (an **administrative direction**).
- (5) However, the special manager may give the casino entity an administrative direction only if the manager—
- (a) suspects there is or has been maladministration on the part of the entity; or
 - (b) believes the direction is in the best interests of the entity, having regard to the purpose of the appointment of the special manager; or

[s 28A]

- (c) believes the direction is necessary to ensure compliance with any statutory obligation applying to the entity.
- (6) The casino entity must—
 - (a) comply with an information requirement given to it; and
 - (b) comply with an administrative direction given to it; and
 - (c) cooperate with the special manager in performing the manager’s functions.

Maximum penalty—160 penalty units.

- (7) The casino entity is not excused from complying with an information requirement on the ground that the information is the subject of legal professional privilege.
- (8) Information does not cease to be the subject of legal professional privilege only because it is given to the special manager in accordance with an information requirement.
- (9) In this section—
related entity, of a casino entity, means an entity that is an associated entity for the casino entity under the Corporations Act, section 50AAA.

90F Reports of special manager

- (1) The special manager must report to the Minister and the chief executive on the performance of the manager’s functions—
 - (a) as requested by the Minister or chief executive; and
 - (b) as required in the manager’s instrument of appointment.
- (2) The Minister or chief executive may disclose a

report made under subsection (1), or anything in the report, only if the Minister or chief executive is satisfied it is in the public interest to make the disclosure.

- (3) Reporting to the Minister or chief executive, or the disclosure of a report, under this section does not constitute a waiver of any privilege attaching to information contained in the report, including, for example, legal professional privilege.

90G Costs for special manager

- (1) The casino entity is liable for all of the following costs and expenses—
- (a) the reasonable costs and expenses relating to the appointment of the special manager;
 - (b) the reasonable costs and expenses relating to the performance of the special manager's functions;
 - (c) the reasonable costs and expenses incurred by the chief executive in—
 - (i) administering the appointment of the special manager; or
 - (ii) assisting the special manager in the performance of the manager's functions; or
 - (iii) engaging consultants in relation to the special manager; or
 - (iv) advising the Minister on the entity's plan for the remediation of the management and operations of the entity;
 - (d) other reasonable costs and expenses prescribed by regulation.
- (2) Without limiting subsection (1)(b), the reasonable

[s 28A]

- costs and expenses relating to the performance of the special manager's functions include—
- (a) the remuneration and allowances of the manager; and
 - (b) the salary or remuneration costs associated with the staff of the manager; and
 - (c) the manager's accommodation and other operating expenses.
- (3) The casino entity may be required to pay to the State costs and expenses in advance of those costs and expenses being incurred by the special manager and chief executive.
- (4) If the casino entity is required to pay costs and expenses in advance, the chief executive must give the entity—
- (a) a written itemised account of the expected costs and expenses; and
 - (b) a written notice requiring the entity to pay to the State the expected costs and expenses within 28 days after the requirement is made.
- (5) Subsection (6) applies if, after giving the casino entity a written notice under subsection (4), the chief executive reasonably believes there is a shortfall between—
- (a) the amount of the expected costs and expenses itemised in the notice; and
 - (b) the actual costs and expenses for which the entity is liable under this section.
- (6) The chief executive may require the casino entity to pay to the State the amount of the shortfall by giving the entity—
- (a) a written explanation of the shortfall; and

-
- (b) a written notice requiring the entity to pay to the State the amount of the shortfall within 28 days after the requirement is made.
 - (7) If a requirement is made of the casino entity under subsection (4) or (6), the casino entity must comply with the requirement.
 - (8) The amount of the costs and expenses the casino entity is liable for under this section is a debt payable by the entity to the State.
 - (9) In a proceeding to recover an amount of the costs and expenses the casino entity is liable for under this section, a written itemised account of the costs and expenses given to the entity is evidence of the costs.
 - (10) The chief executive may refund any amount the chief executive considers to have been overpaid by the casino entity under this section.

90H Obstruction or interference with special manager

- (1) A person must not obstruct the special manager in the performance of the special manager's functions, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

- (2) In this section—

obstruct includes hinder, resist, attempt to obstruct and threaten to obstruct.

90I Relationship with other provisions, Acts, agreements and laws

- (1) This division applies despite anything to the contrary in—
 - (a) this Act; or

[s 29]

- (b) an agreement Act; or
 - (c) a casino agreement; or
 - (d) a casino lease; or
 - (e) a casino management agreement.
- (2) In performing a function or exercising a power under this division, the special manager is not required to consult with a casino entity or any other person about how the function is to be performed or whether the power should be exercised, including, for example, by giving a casino entity an opportunity to be heard before performing a function or exercising a power.
- (3) The special manager is not civilly liable for an act done or omission made honestly and without negligence in performing a function under this division.
- (4) The *Public Service Act 2008*, section 26C does not apply to the special manager.

Division 4 Other matters

29 Insertion of new ss 91AA–91AC

Part 9, after section 91—

insert—

91AA Direction to appoint external adviser

- (1) The Minister may, by written notice given to any of the following entities (each a *casino entity*), direct the entity to engage a suitably qualified person as an external adviser by a stated date—
- (a) a casino licensee;
 - (b) a lessee under a casino lease;

- (c) a casino operator under a casino management agreement.
- (2) The functions of an external adviser are to investigate and report to the Minister on any of the following matters as required by the Minister under the terms of the adviser's appointment—
 - (a) a matter related to the operation of a casino;
 - (b) the conduct of a casino entity;
 - (c) the suitability of a casino entity to be associated or connected with the management and operations of a hotel-casino complex or casino;
 - (d) the suitability of a person, who the Minister believes is associated or connected with the ownership, administration or management of the operations or business of a casino entity, to be associated or connected with the management and operations of a hotel-casino complex or casino;
 - (e) another matter relating to a casino entity and the administration of this Act.
- (3) The person engaged as an external adviser must be approved by the Minister for the engagement.
- (4) The terms and conditions of an external adviser's engagement must be approved by the Minister.
- (5) A casino entity given a direction under subsection (1) is liable for all costs and expenses associated with engaging an external adviser and the adviser exercising the adviser's functions.
- (6) A casino entity given a direction under subsection (1) must comply with the direction.
Maximum penalty—160 penalty units.
- (7) A casino entity must, if asked by the external adviser engaged by the entity, give the adviser all

[s 29]

information the adviser reasonably requires to perform the adviser's functions.

Maximum penalty—160 penalty units.

- (8) A casino entity is not excused from complying with a request for information made under subsection (7) on the ground that the information is the subject of legal professional privilege.
- (9) Information does not cease to be the subject of legal professional privilege only because it is given to an external adviser in accordance with a request made under subsection (7).

91AB Power to require verification of information

- (1) This section applies if, under this Act, a person must give information or a document to the Minister, the chief executive or an inspector.
- (2) The Minister, chief executive or inspector may—
 - (a) require the information be given on oath; or
 - (b) require the information or document to be verified by statutory declaration.
- (3) When making a requirement under subsection (2), the Minister, chief executive or inspector must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.
- (4) For subsection (2)(a), the Minister, chief executive, inspector or other person appointed by the Minister may administer an oath.
- (5) If a requirement is made of the person under subsection (2), the person must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty for subsection (5)—160 penalty units.

91AC Remediation plan

- (1) The Minister may, by written notice given to a casino entity—
 - (a) direct the entity to prepare a plan for the remediation of the management and operations of the entity (a *remediation plan*); and
 - (b) require the remediation plan to provide for particular matters; and
 - (c) require the remediation plan to be submitted to the Minister for approval by a stated day.
- (2) The Minister may approve the remediation plan being prepared and approved in stages.
- (3) The Minister may approve a remediation plan for a casino entity only if satisfied that implementation of the plan is likely to achieve the remediation of the management and operations of the entity.
- (4) If a casino entity has an approved remediation plan, the Minister may, by written notice given to the entity, direct the entity to amend the plan by the day and in the way stated in the notice.
- (5) The Minister may approve an amended remediation plan for a casino entity only if satisfied that implementation of the amended plan is likely to achieve the remediation of the management and operations of the entity.
- (6) If a casino operator has an approved remediation plan, the plan, including any amendment of the plan, is taken to form part of the operator's approved control system.
- (7) If there is any inconsistency between an approved remediation plan for a casino operator and an approved control system for the operator, the remediation plan prevails to the extent of the

[s 30]

inconsistency.

- (8) If given a direction under subsection (1) or (4), the casino entity must comply with the direction.

Maximum penalty—400 penalty units.

- (9) If a casino entity has an approved remediation plan, the entity must not contravene the plan.

Maximum penalty—400 penalty units.

- (10) A casino entity must not change the entity's approved remediation plan other than under a direction or approval of the Minister.

Maximum penalty—400 penalty units.

- (11) In this section—

casino entity means—

- (a) a casino licensee; or
(b) the lessee under a casino lease; or
(c) the casino operator under a casino management agreement.

30 Omission of s 105 (Detention of persons by casino operator etc. in relation to offences under sections 103 and 104)

Section 105—

omit.

30A Insertion of new s 114

After section 113—

insert—

114 No compensation payable for regulatory action

- (1) No compensation is payable by or on behalf of the State because of regulatory action that has an

effect on—

- (a) an entity that is or was concerned in, or otherwise connected to, the administration, management, operation or ownership of a hotel-casino complex or casino, including, for example—
 - (i) a casino entity; or
 - (ii) an associate of a casino entity under section 30A(4); or
 - (iii) an entity associated with financing a casino entity or casino operations; or
 - (iv) an employee of an entity mentioned in subparagraphs (i) to (iii); or
- (b) the revenue earned from casino operations.
- (2) This section applies despite—
 - (a) any other provision of this Act; or
 - (b) another Act or law, including, for example, an agreement Act; or
 - (c) any other instrument, including an agreement to which the State and a casino entity are parties.
- (3) In this section—

agreement Act means any of the following Acts—

- (a) *Breakwater Island Casino Agreement Act 1984*;
- (b) *Brisbane Casino Agreement Act 1992*;
- (c) *Cairns Casino Agreement Act 1993*;
- (d) *Jupiters Casino Agreement Act 1983*;
- (e) *Queen's Wharf Brisbane Act 2016*.

casino agreement means an agreement—

[s 30A]

- (a) set out in an agreement Act; or
- (b) made under an agreement Act; or
- (c) ratified under an agreement Act.

casino entity means—

- (a) a casino licensee; or
- (b) the lessee under a casino lease; or
- (c) the casino operator under a casino management agreement; or
- (d) an entity proposed to be an entity mentioned in paragraphs (a) to (c).

compensation includes—

- (a) damages; and
- (b) another form of monetary compensation; and
- (c) any other amount, whether described as compensation or not, payable under an instrument, including an agreement to which the State and a casino entity are parties; and
- (d) liability to make payments under an instrument on occurrence of events specified in the instrument, including an agreement to which the State and a casino entity are parties.

regulatory action includes—

- (a) an amendment of this Act, an agreement Act, a casino agreement or any other law that provides for or regulates the management or operations of a casino; and
- (b) the making of a regulation under this Act; and

- (c) the appointment of an administrator under section 31 or a special manager under part 9, division 3; and
- (d) an action taken, or failure to take an action, by a special manager; and
- (e) the exercise of functions or powers under this Act, an agreement Act, a casino agreement or any other law that provides for or regulates the management or operations of a casino, including the exercise of regulatory or supervisory powers under instruments approved or created under this Act.

31 Omission of s 118 (Protection of officers etc.)

Section 118—

omit.

32 Insertion of new pt 11, div 11

After section 151—

insert—

**Division 11 Transitional provision for
Casino Control and Other
Legislation Amendment
Act 2022**

152 Changes to disciplinary action

- (1) Section 31, as amended by the *Casino Control and Other Legislation Amendment Act 2022*, applies in relation to initiating incidents that happened before or after the commencement.
- (2) Section 31A, as inserted by the *Casino Control*

[s 33]

and Other Legislation Amendment Act 2022—

- (a) applies in relation to initiating incidents that happened before or after the commencement; but
 - (b) does not apply to disciplinary action started before the commencement.
- (3) In this section—
initiating incident see section 31(24A).

33 Amendment of schedule (Dictionary)

Schedule—

insert—

agreement Act, for part 9, division 3, see section 90A.

casino agreement, for part 9, division 3, see section 90A.

external adviser means a person engaged as an external adviser under section 91AA.

special manager means a person appointed under section 90C.

Part 3 Amendment of Casino Control Regulation 1999

34 Regulation amended

This part amends the *Casino Control Regulation 1999*.

35 Amendment of s 22 (Deposit advance accounts—Act, s 67)

Section 22, ‘section 67(2A)(d)’—

omit, insert—

section 67(5)(e)

Part 4

Amendment of Charitable and Non-Profit Gaming Act 1999

36 Act amended

This part amends the *Charitable and Non-Profit Gaming Act 1999*.

37 Amendment of s 72 (General gaming rules)

- (1) Section 72(2) and (3)(a), ‘in the gazette’—

omit, insert—

on the department’s website

- (2) Section 72(4), ‘on the internet’—

omit.

38 Amendment of s 100 (Deciding application)

- (1) Section 100(1)—

omit, insert—

- (1) After considering the application, the chief executive must decide to—

- (a) approve the equipment or modification; or
- (b) approve the equipment or modification with conditions; or
- (c) refuse to approve the equipment or modification.

- (2) Section 100(4) and (5)—

omit, insert—

[s 39]

- (4) When the chief executive makes a decision under subsection (1), the chief executive must—
 - (a) for a decision to approve equipment or a modification—immediately give the applicant written notice of the decision; or
 - (b) for a decision to approve equipment or a modification with conditions—immediately give the applicant an information notice for the decision; or
 - (c) for a decision to refuse to approve equipment or a modification—immediately give the applicant an information notice for the decision.

39 Insertion of new s 100AA

After section 100—

insert—

100AA Changes to conditions of approval of regulated general gaming equipment

- (1) The chief executive may act under subsection (2) only if, having regard to the objects of this Act, the chief executive considers taking the action is—
 - (a) necessary or appropriate for the proper conduct of general gaming; or
 - (b) otherwise in the public interest.
- (2) At any time after granting an approval under section 100, the chief executive may decide to—
 - (a) impose conditions on the approval, whether or not the approval is already subject to conditions; or
 - (b) vary a condition of the approval; or
 - (c) remove a condition of the approval.

-
- (3) When the chief executive makes a decision under subsection (2), the chief executive must—
- (a) for a decision to impose a condition on an approval—give the approval holder an information notice for the decision; or
 - (b) for a decision to vary a condition of an approval—give the approval holder an information notice for the decision; or
 - (c) for a decision to remove a condition of an approval—give the approval holder written notice of the decision.

40 Amendment of s 100B (Offences about using or modifying regulated general gaming equipment)

- (1) Section 100B—

insert—

- (2A) A person must not use approved equipment in conducting a game unless the use is consistent with an approval of the equipment or a modification of the equipment under section 100, including any conditions of the approval.

Maximum penalty—200 penalty units.

- (2) Section 100B(2A) and (3)—

renumber as section 100B(3) and (4).

41 Insertion of new pt 5, division 10A

Part 5—

insert—

**Division 10A Harm minimisation
measures**

102A Harm minimisation measures

- (1) A regulation may prescribe measures (*harm minimisation measures*) that have the purpose of minimising potential harm from general gaming, including, for example, measures for any of the following purposes—
 - (a) delaying the start of a process in particular circumstances;
 - (b) interrupting a process in particular circumstances;
 - (c) using particular technology or software;
 - (d) providing particular information to the chief executive or persons participating in general gaming;
 - (e) enabling a person to access a service that provides help with gambling problems.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if satisfied—
 - (a) the harm minimisation measure—
 - (i) is necessary and appropriate to minimise potential harm from general gaming; and
 - (ii) is consistent with the objects of this Act; or
 - (b) it is in the public interest to prescribe the harm minimisation measure.
- (3) A regulation made under subsection (1) may also prescribe the persons involved in conducting games that must implement a harm minimisation measure.
- (4) A person prescribed under subsection (3) must implement the harm minimisation measure as prescribed.

Maximum penalty for subsection (4)—200 penalty units.

42 Amendment of s 174 (Who may apply for review)

Section 174(1)(h) and (i)—

omit, insert—

- (h) approving regulated general gaming equipment or a modification of the equipment, with conditions; or
- (i) refusing to approve regulated general gaming equipment or a modification of the equipment; or
- (j) imposing a condition on an approval of regulated general gaming equipment or a modification of the equipment; or
- (k) varying a condition of an approval of regulated general gaming equipment or a modification of the equipment.

43 Amendment of s 186 (Regulation-making power)

Section 186(2)—

insert—

- (d) be about the methods of payment used—
 - (i) with general gaming equipment; or
 - (ii) to participate in a game; or
 - (iii) for paying prizes or refunding a fee paid to enter a game.

44 Amendment of sch 2 (Dictionary)

Schedule 2, definition *general gaming equipment*, ‘the conduct of’—

[s 45]

omit, insert—

connection with

Part 5 **Amendment of Collections Act 1966**

45 **Act amended**

This part amends the *Collections Act 1966*.

46 **Amendment of s 5 (Meaning of terms)**

(1) Section 5(1), ‘In this Act—’—

omit, insert—

The dictionary in schedule 2 defines particular terms used in this Act.

(2) Section 5(1), definition *charity*—

insert—

Note—

See also section 23M in relation to deemed registrants.

(3) Section 5(1), definition *constitution*, ‘or by-laws’—

omit, insert—

, by-laws or other governing documents

(4) Section 5(1), all definitions—

relocate to schedule 2, as inserted by this Act.

47 **Amendment of s 6 (Application of this Act)**

Section 6—

insert—

Note—

See also section 23L in relation to deemed registrants.

48 Amendment of s 13 (Art union authorities to be treated as sanctions)

Section 13—

insert—

Note—

See, however, section 23N(3) in relation to deemed registrants.

49 Amendment of s 13A (Parent and citizens associations)

(1) Section 13A, heading, ‘Parent’—

omit, insert—

Parents

(2) Section 13A, ‘parent and citizens association under the *Education (General Provisions) Act 2006*’—

omit, insert—

parents and citizens association

50 Amendment of s 18 (Restriction on distribution of certain devices)

Section 18(1), ‘as such’—

omit.

51 Amendment of s 21 (Effect of, and claims and objections to, registration)

(1) Section 21, heading, ‘claims and objections to’—

omit, insert—

applications to remove

(2) Section 21(2), ‘lodge with the Minister an objection to its registration or may’—

omit.

[s 52]

- (3) Section 21(2), ‘objection or’—
omit.

52 Insertion of new pt 6A

After part 6—

insert—

Part 6A Registration of particular Commonwealth registered entities

23A Application of part

- (1) This part applies to a Commonwealth registered entity other than an excluded entity.
- (2) In this part, a reference to a Commonwealth registered entity is a reference to a Commonwealth registered entity to which this part applies under subsection (1).
- (3) In this section—
excluded entity means—
 - (a) The Council of The Queensland Institute of Medical Research established under the *Queensland Institute of Medical Research Act 1945*; or
 - (b) a foundation established under the *Hospital Foundations Act 2018*; or
 - (c) a local ambulance committee established under the *Ambulance Service Act 1991*; or
 - (d) a parents and citizens association; or
 - (e) a religious denomination.

23B Commonwealth registered entity taken to be registered as charity

- (1) This section applies to a Commonwealth registered entity if—
 - (a) the Minister receives notification that appeals for support for the entity are intended to be made in Queensland; and
 - (b) the giving of the notification in relation to the entity is not prohibited under section 23J(4).
- (2) The Commonwealth registered entity is taken to be registered as a charity under this Act.
- (3) However, section 19(1) does not apply in relation to the Commonwealth registered entity.
- (4) Notification under subsection (1)(a) may be given in relation to a Commonwealth registered entity—
 - (a) by the entity by notice in the approved form; or
 - (b) by the ACNC commissioner acting on behalf of the entity in a way agreed between the commissioner and the Minister.

23C Duration of deemed registration

- (1) This section applies to a Commonwealth registered entity to which section 23B applies.
- (2) The Commonwealth registered entity's deemed registration takes effect on and from the day the Minister receives the notification under section 23B(1)(a) in relation to the entity.
- (3) The Commonwealth registered entity's deemed registration ends if—
 - (a) the Minister ends the entity's deemed registration under section 23I; or

[s 52]

- (b) the entity's registration under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth), part 2-1 is revoked; or
- (c) the entity gives the Minister notice in the approved form that the entity wishes the entity's deemed registration to end.

23D Conditions of deemed registration

- (1) The Minister may, by written notice to a deemed registrant, impose conditions on the registrant's deemed registration.
- (2) A condition may be about—
 - (a) a particular appeal for support made for the deemed registrant; or
 - (b) all appeals for support made for the deemed registrant.
- (3) The Minister may, by written notice to a deemed registrant, amend or revoke a condition of the registrant's deemed registration imposed, or taken to have been imposed, under this section.

Note—

See sections 23E(3) and 23F(3) for conditions that may be taken to have been imposed under this section.

23E Pre-existing registration

- (1) This section applies if, immediately before a Commonwealth registered entity becomes a deemed registrant, the entity is registered as a charity under this Act.
- (2) On the Commonwealth registered entity becoming a deemed registrant—
 - (a) the entity's registration mentioned in subsection (1) (the *pre-existing registration*) ends; and

- (b) section 19(1) no longer applies in relation to the entity.
- (3) Any condition of the pre-existing registration imposed under section 19(12)(b) is taken to be imposed under section 23D as a condition of the Commonwealth registered entity's deemed registration.
- (4) The Minister may reinstate the pre-existing registration for the Commonwealth registered entity if the entity's deemed registration ends—
 - (a) under section 23C(3)(b) in the circumstances that the entity's registration under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth), part 2-1 is revoked as a result of the entity requesting, under section 35-10(1)(e) of that Act, that the registration be revoked; or
 - (b) under section 23C(3)(c).
- (5) A pre-existing registration reinstated under subsection (4)—
 - (a) has the same effect as registration granted under section 19; and
 - (b) is subject to the conditions (if any) mentioned in subsection (3).

23F Pre-existing sanction

- (1) This section applies if, immediately before a Commonwealth registered entity becomes a deemed registrant, a sanction is in force under section 12(1) for the entity.
- (2) On the Commonwealth registered entity becoming a deemed registrant, the sanction (the *pre-existing sanction*) is revoked.

[s 52]

- (3) Any condition subject to which the pre-existing sanction was given under section 12 is taken to be imposed under section 23D as a condition of the Commonwealth registered entity's deemed registration.
- (4) The Minister may reinstate the pre-existing sanction for the Commonwealth registered entity if the entity's deemed registration ends—
 - (a) under section 23C(3)(b) in the circumstances that the entity's registration under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth), part 2-1 is revoked as a result of the entity requesting, under section 35-10(1)(e) of that Act, that the registration be revoked; or
 - (b) under section 23C(3)(c).
- (5) A pre-existing sanction reinstated under subsection (4)—
 - (a) has the same effect as a sanction granted under section 12; and
 - (b) is subject to the conditions (if any) mentioned in subsection (3).

23G Application of particular pre-existing decisions by the Minister to deemed registrant

- (1) This section applies to a Commonwealth registered entity that, immediately before becoming a deemed registrant, had—
 - (a) pre-existing registration under section 23E; or
 - (b) a pre-existing sanction under section 23F.
- (2) Any decision of the Minister made in relation to the Commonwealth registered entity's pre-existing registration or pre-existing sanction

is taken to have been made in relation to the entity's deemed registration.

- (3) Without limiting subsection (2), any of the following decisions for the Commonwealth registered entity's pre-existing registration or pre-existing sanction becomes a decision for the entity's deemed registration—
- (a) an assignment of a day by the Minister under section 15(4)(c) to the entity;
 - (b) an assignment of a day by the Minister under section 16(4)(c) to the entity;
 - (c) an approval by the Minister of a written agreement between the entity and a person allowing the person to make or assist in making, an appeal for support for the entity for commission or in expectation of reward;
 - (d) for a pre-existing sanction—an approval by the Minister under section 11(1)(b)(ii) of a person as the promoter of an appeal for support.

23H Particular applications deemed registrants may not make

A deemed registrant may not apply—

- (a) for a sanction under section 12; or
- (b) for registration as a charity under section 19.

23I Minister may end deemed registration

- (1) The Minister may, by written notice to a deemed registrant, end the registrant's deemed registration if satisfied that—
- (a) the registrant has contravened a provision of this Act; or

[s 52]

- (b) the proceeds of an appeal for support made for the registrant in Queensland have been mismanaged or misapplied; or
 - (c) the registrant has contravened a condition of the registrant's deemed registration; or
 - (d) other circumstances justify the ending of the deemed registration.
- (2) Before ending a deemed registrant's deemed registration, the Minister must—
- (a) give the registrant's governing body a written notice—
 - (i) stating that the Minister is considering whether to end the registrant's deemed registration and the reasons the Minister is considering doing so; and
 - (ii) inviting the registrant to make a submission on the proposed ending of the deemed registration within the period stated in the notice; and
 - (b) consider any submission made by the registrant within the stated time.
- (3) The Minister must not state in a notice given under subsection (2)(a) a period of less than 14 days after the notice is given.

23J Effect of end of deemed registration

- (1) This section applies if the Minister ends a Commonwealth registered entity's deemed registration under section 23I.
- (2) Within 1 month after the deemed registration ends, the Commonwealth registered entity must give the Minister records of all appeals for support made for the entity in Queensland.
- (3) The Commonwealth registered entity must not,

without the Minister's written consent, distribute or deal with any asset obtained as a result of any appeal for support made for the entity in Queensland while its deemed registration was in effect.

- (4) The Minister may prohibit the giving of notification under section 23B(1)(a) in relation to the Commonwealth registered entity—
 - (a) for a period stated by the Minister; or
 - (b) until the Minister advises that notification in relation to the entity may be given under section 23B(1)(a) by written notice to the entity.
- (5) The Minister must give a copy of the notice given under subsection (4)(b) to the ACNC commissioner.

23K List of deemed registrants

- (1) The chief executive may publish on the department's website a list of the names of deemed registrants.
- (2) If a Commonwealth registered entity's deemed registration ends under section 23C(3) the chief executive must update the list of names of deemed registrants accordingly.

23L Application of Act to deemed registrants

- (1) This Act, other than the excluded provisions, applies in relation to a deemed registrant in the same way the Act applies in relation to a charity or a charity registered under this Act.
- (2) For applying subsection (1), to the extent the context permits—

[s 52]

- (a) a reference to a charity is taken to include a reference to a deemed registrant; and
 - (b) a reference to a charity registered under this Act is taken to include a reference to a deemed registrant; and
 - (c) a reference to registered, in relation to a deemed registrant, is taken to be a reference to registration under section 23B.
- (3) In this section—
- excluded provisions* means—
- (a) parts 5 and 6 and section 29; and
 - (b) a provision of a regulation made under this Act declared by the regulation to be a provision to which section 23L of this Act does not apply.

23M Application of other Acts to deemed registrants

To the extent the context permits, a reference in a provision of another Act to a charity registered under this Act is taken to include a reference to a deemed registrant under this Act.

23N Special provision about conducting games

- (1) A deemed registrant's deemed registration does not confer an authorisation on the registrant to conduct a game under the *Charitable and Non-Profit Gaming Act 1999*.
- (2) Subsection (1) does not prevent the deemed registrant lawfully conducting a game under the *Charitable and Non-Profit Gaming Act 1999*.
- (3) Section 13 does not apply to an appeal for support for a deemed registrant that consists only of conducting a game under the *Charitable and*

Non-Profit Gaming Act 1999.

53 Amendment of s 27 (Investigations)

Section 27(1)(a), after ‘charity’—

insert—

registered under this Act

54 Amendment of s 35E (Disclosure of information to Commissioner of the ACNC)

(1) Section 35E, heading, ‘Commissioner of the ACNC’—

omit, insert—

ACNC commissioner

(2) Section 35E(1), before ‘commissioner’—

insert—

ACNC

(3) Section 35E(1)(b), ‘an ACNC registered entity’—

omit, insert—

a Commonwealth registered entity

(4) Section 35E(2)—

omit.

55 Amendment of s 37 (Failure to comply with lawful requirements etc.)

Section 37(2)—

insert—

(c) for any entity, specifies that the entity has deemed registration under this Act when the entity is not so registered;

[s 56]

56 Amendment of s 47 (Regulations)

(1) Section 47, heading—

omit, insert—

47 Regulation-making power

(2) Section 47(3)(g), after ‘registration’—

insert—

under section 19(1) or 23B

(3) Section 47(3)(za), from ‘established’ to ‘registered’—

omit, insert—

whose objects are taken to be sanctioned

(4) Section 47(3)(zw), after ‘charity’—

insert—

registered under this Act

57 Numbering of schedule (Section 29(5) registered charities)

Schedule—

number as schedule 1.

58 Insertion of new sch 2

After schedule 1, as numbered by this Act—

insert—

Schedule 2 Dictionary

section 5(1)

59 Amendment of sch 2 (Dictionary)

Schedule 2, as inserted by this Act—

insert—

ACNC commissioner means the Commissioner of the Australian Charities and Not-for-profits Commission established under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth).

Commonwealth registered entity means an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth), part 2-1.

Note—

For part 6A, see also section 23A(2).

deemed registrant means an entity with deemed registration.

deemed registration means registration under section 23B.

parents and citizens association see the *Education (General Provisions) Act 2006*, schedule 4.

Part 6 Amendment of Gaming Machine Act 1991

60 Act amended

This part amends the *Gaming Machine Act 1991*.

61 Amendment of s 231 (Installation, operation and modification of gaming related systems)

(1) Section 231, ‘an electronic monitoring system’—
omit, insert—

a gaming related system

(2) Section 231—

[s 62]

insert—

- (10) Changing the gaming tokens used with a gaming related system is taken to be a modification to which subsection (1)(b) or (3)(b) applies.

62 Amendment of s 235 (Hours of gaming)

Section 235—

insert—

- (3) However, if the hours of gaming fixed for licensed premises for the day that is New Year's Eve would end before 2a.m. on New Year's Day, the hours of gaming are extended until 2a.m. on New Year's Day.
- (4) The extended hours of gaming for licensed premises under subsection (3) are taken to be part of the hours of gaming fixed for the licensed premises by the commissioner.

63 Amendment of s 239 (Gaming tokens)

Section 239(1), 'must only use gaming tokens.'—

omit, insert—

must only use—

- (a) Australian currency; or
- (b) a gaming token that forms part of a gaming related system approved under section 231(4); or
- (c) a gaming token approved by the commissioner under section 240A.

64 Amendment of s 240 (Gaming tokens that are not Australian currency)

- (1) Section 240(1)(a), from 'centralised credit system'—

omit, insert—

gaming related system approved under section 231(4), other than a TITO system;

(2) Section 240(3)—

omit, insert—

(3) A licensee in conducting gaming on the licensee's licensed premises must not use, or allow the use of, a gaming token that is not in good condition.

Maximum penalty—200 penalty units.

65 Insertion of new 240A

After section 240—

insert—

240A Approval of gaming tokens that are not Australian currency

(1) A licensee may apply to the commissioner for approval of gaming tokens for use on the licensee's licensed premises, other than—

- (a) Australian currency; or
- (b) a gaming token that forms part of a gaming related system.

(2) The commissioner must decide to approve, or to refuse to approve, the application.

(3) The commissioner's approval of a gaming token for use on the licensee's licensed premises approves—

- (a) the gaming token for use on the premises for the purpose of gaming; and
- (b) the value (in Australian currency) that the gaming token represents for the purpose of gaming on the premises; and

[s 66]

- (c) the physical characteristics of the gaming token; and
- (d) the way in which the gaming token displays—
 - (i) the value the token represents; and
 - (ii) the name of the licensee or a symbol for the licensee; and
 - (iii) the name of the licensed premises or a symbol for the premises.
- (4) The commissioner may approve a symbol for a gaming token only if—
 - (a) for a symbol mentioned in subsection (3)(d)(ii)—the symbol clearly identifies the licensee from all other licensees; or
 - (b) for a symbol mentioned in subsection (3)(d)(iii)—the symbol clearly identifies the licensed premises from all other licensed premises.
- (5) If the commissioner decides to approve the application, the commissioner must give the applicant written notice of the decision.
- (6) If the commissioner decides to refuse to approve the application, the commissioner must give the applicant an information notice for the decision.

66 Insertion of new pt 6, div 11A

Part 6—

insert—

Division 11A Harm minimisation measures

264AA Harm minimisation measures

- (1) A regulation may prescribe measures (*harm minimisation measures*) that have the purpose of minimising potential harm from gaming machine gambling, including, for example, measures for any of the following purposes—
 - (a) delaying the start of a process in particular circumstances;
 - (b) interrupting a process in particular circumstances;
 - (c) using particular technology or software;
 - (d) providing particular information to the chief executive or persons participating in gaming machine gambling;
 - (e) enabling a person to access a service that provides help with gambling problems.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if satisfied—
 - (a) the harm minimisation measure—
 - (i) is necessary and appropriate to minimise potential harm from gaming machine gambling; and
 - (ii) is consistent with the objects of this Act; or
 - (b) it is in the public interest to prescribe the harm minimisation measure.
- (3) A regulation made under subsection (1) may also prescribe the licensees and licensed suppliers that must implement a harm minimisation measure.
- (4) A licensee or licensed supplier prescribed under subsection (3) must implement the harm minimisation measure as prescribed.

Maximum penalty for subsection (4)—200

[s 67]

penalty units.

67 Amendment of s 294 (Use of unauthorised gaming machines)

Section 294(3)(a)(ii), ‘section 240(3)’—

omit, insert—

section 240A

68 Amendment of s 344 (Approvals and authorities under this Act)

Section 344(2), after ‘gaming’—

insert—

, having regard to the objects of this Act

69 Amendment of sch 1 (Reviewable decisions)

Schedule 1, part 1—

insert—

240A refusing to approve gaming tokens

70 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *gaming equipment*, paragraph (a)(v)—

omit, insert—

(v) a computer program or electronic device designed to be used for, or adapted to enable, the transfer of gaming tokens to a gaming machine or the transfer of gaming machine credits from a gaming machine;

(vi) a part of, or replacement part for, anything mentioned in subparagraph (i) to (v); and

(2) Schedule 2, definition *gaming related system*—

insert—

- (d) a computer program or electronic device designed to be used for, or adapted to enable, the transfer of gaming tokens to a gaming machine or the transfer of gaming machine credits from a gaming machine.

Part 7 Amendment of Interactive Gambling (Player Protection) Act 1998

71 Act amended

This part amends the *Interactive Gambling (Player Protection) Act 1998*.

72 Amendment of s 120 (Rules)

Section 120(2) and (2A)(a), ‘in the gazette’—
omit, insert—
on the department’s website

73 Insertion of new s 136A

After section 136—

insert—

136A Harm minimisation measures

- (1) A regulation may prescribe measures (*harm minimisation measures*) that have the purpose of minimising potential harm from interactive gambling, including, for example, measures for any of the following purposes—
 - (a) delaying the start of a process in particular circumstances;

[s 74]

- (b) interrupting a process in particular circumstances;
 - (c) using particular technology or software;
 - (d) providing particular information to the chief executive or persons participating in interactive gambling;
 - (e) enabling a person to access a service that provides help with gambling problems.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if satisfied—
- (a) the harm minimisation measure—
 - (i) is necessary and appropriate to minimise potential harm from interactive gambling; and
 - (ii) is consistent with the objects of this Act; or
 - (b) it is in the public interest to prescribe the harm minimisation measure.
- (3) A regulation made under subsection (1) may also prescribe the authorised providers and interactive wagering operators that must implement a harm minimisation measure.
- (4) An entity prescribed under subsection (3) must implement the harm minimisation measure as prescribed.

Maximum penalty—200 penalty units.

- (5) In this section—
interactive wagering operator see section 166A.

74 Amendment of s 162 (Approval of regulated interactive gambling equipment)

- (1) Section 162—

insert—

- (3A) After considering the application and any evaluation of equipment, the chief executive must decide to—
- (a) grant the approval; or
 - (b) grant the approval with conditions; or
 - (c) refuse to grant the approval.

- (2) Section 162(4), ‘give’—

omit, insert—

grant

- (3) Section 162(5) and (6)—

omit, insert—

- (5) When the chief executive makes a decision under subsection (4), the chief executive must—
- (a) for a decision to grant an approval—immediately give the applicant written notice of the decision; or
 - (b) for a decision to grant an approval with conditions—immediately give the applicant an information notice for the decision; or
 - (c) for a decision to refuse to grant an approval—immediately give the applicant an information notice for the decision.

- (4) Section 162(3A) to (5)—

renumber as section 162(4) to (6).

- (5) Section 162—

insert—

- (7) The chief executive may act under subsection (8) only if, having regard to the objects of this Act, the chief executive considers taking the action is—

[s 75]

- (a) necessary or appropriate for the proper conduct of interactive gambling; or
 - (b) otherwise in the public interest.
- (8) At any time after granting an approval, the chief executive may decide to—
- (a) impose conditions on the approval, whether or not the approval is already subject to conditions; or
 - (b) vary a condition of the approval; or
 - (c) remove a condition of the approval.
- (9) When the chief executive makes a decision under subsection (8), the chief executive must—
- (a) for a decision to impose a condition on an approval—give the licensed provider for the approval an information notice for the decision; or
 - (b) for a decision to vary a condition of an approval—give the licensed provider for the approval an information notice for the decision; or
 - (c) for a decision to remove a condition of an approval—give the licensed provider for the approval written notice of the decision.

75 Amendment of s 163 (Use of regulated interactive gambling equipment)

(1) Section 163(3), penalty, ‘for subsection (3)’—

omit.

(2) Section 163—

insert—

- (4) A licensed provider or agent must not use approved interactive gambling equipment in conducting an authorised game unless the use is

consistent with an approval for the equipment or a modification of the equipment under section 162, including any conditions of the approval.

Maximum penalty—200 penalty units.

76 Insertion of new s 261D

After section 261C—

insert—

261D Chief executive may make guidelines

- (1) The chief executive may make guidelines to inform persons about—
 - (a) the attitude the chief executive is likely to adopt on a particular matter; or
 - (b) how the chief executive administers this Act.
- (2) The chief executive must publish the guidelines on the department's website.

77 Amendment of s 263 (Regulation-making power)

Section 263(4)—

insert—

- (e) provide for the methods of payment used—
 - (i) with regulated interactive gambling equipment; or
 - (ii) to participate in interactive gambling; or
 - (iii) for paying prizes or refunding an amount wagered on an interactive game; or
 - (iv) for making a deposit to, or a withdrawal from, a player's account.

[s 78]

78 Amendment of sch 2 (Decisions of chief executive subject to review)

Schedule 2, part 1, entries for 162—

omit, insert—

- 162 Approving regulated interactive gambling equipment or a modification of the equipment, with conditions
- 162 Refusing to approve regulated interactive gambling equipment or a modification of the equipment
- 162 Imposing a condition on an approval for regulated interactive gambling equipment or a modification of the equipment
- 162 Varying a condition of an approval for regulated interactive gambling equipment or a modification of the equipment

79 Amendment of sch 3 (Dictionary)

Schedule 3, definition *interactive gambling equipment*, ‘the conduct of’—

omit, insert—

connection with

Part 8 Amendment of Keno Act 1996

80 Act amended

This part amends the *Keno Act 1996*.

81 Amendment of s 138 (Keno rules)

Section 138(2) and (3)(a), ‘in the gazette’—

omit, insert—

on the department's website

82 Amendment of s 145 (Approval of regulated keno equipment)

(1) Section 145—

insert—

(3A) After considering the application and any evaluation of equipment, the chief executive must decide to—

- (a) grant the approval; or
- (b) grant the approval with conditions; or
- (c) refuse to grant the approval.

(2) Section 145(4), 'give'—

omit, insert—

grant

(3) Section 145(5) and (6)—

omit, insert—

(5) When the chief executive makes a decision under subsection (4), the chief executive must—

- (a) for a decision to grant an approval—immediately give the keno licensee written notice of the decision; or
- (b) for a decision to grant an approval with conditions—immediately give the keno licensee an information notice for the decision; or
- (c) for a decision to refuse to grant an approval—immediately give the keno licensee an information notice for the decision.

(4) Section 145(3A) to (5)—

[s 83]

renumber as section 145(4) to (6).

(5) Section 145—

insert—

- (7) The chief executive may act under subsection (8) only if, having regard to the objects of this Act, the chief executive considers taking the action is—
 - (a) necessary or appropriate for the proper conduct of keno gaming; or
 - (b) otherwise in the public interest.
- (8) At any time after granting an approval, the chief executive may decide to—
 - (a) impose conditions on the approval, whether or not the approval is already subject to conditions; or
 - (b) vary a condition of the approval; or
 - (c) remove a condition of the approval.
- (9) When the chief executive makes a decision under subsection (8), the chief executive must—
 - (a) for a decision to impose a condition on an approval—give the keno licensee for the approval an information notice for the decision; or
 - (b) for a decision to vary a condition of an approval—give the keno licensee for the approval an information notice for the decision; or
 - (c) for a decision to remove a condition of an approval—give the keno licensee for the approval written notice of the decision.

83 Amendment of s 146 (Use of regulated keno equipment)

(1) Section 146—

insert—

- (3A) A keno licensee or appointed agent must not use approved keno equipment in conducting a keno game unless the use is consistent with the approval for the equipment or a modification of the equipment under section 145, including any conditions of the approval.

Maximum penalty—200 penalty units.

- (2) Section 146(3A) and (4)—

renumber as section 146(4) and (5).

84 Amendment of s 147 (Player accounts)

Section 147(2) and (3)—

omit, insert—

- (2) The person may deposit amounts into the player account in advance of playing a keno game using any 1, or a combination, of the following payment methods—
- (a) cash;
 - (b) a cheque;
 - (c) a payment method approved by the chief executive.
- (3) The keno licensee may, up to the value of the amount for the time being standing to the person's credit in the player account, do any 1, or a combination, of the following things—
- (a) issue keno tickets to the person for keno games conducted by the licensee under the keno licence;
 - (b) pay cash to the person;
 - (c) pay the person using another payment method approved by the chief executive.

[s 85]

85 Insertion of new s 153

After section 152—

insert—

153 Harm minimisation measures

- (1) A regulation may prescribe measures (*harm minimisation measures*) that have the purpose of minimising potential harm from keno gambling, including, for example, measures for any of the following purposes—
 - (a) delaying the start of a process in particular circumstances;
 - (b) interrupting a process in particular circumstances;
 - (c) using particular technology or software;
 - (d) providing particular information to the chief executive or persons participating in keno gambling;
 - (e) enabling a person to access a service that provides help with gambling problems.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if satisfied—
 - (a) the harm minimisation measure—
 - (i) is necessary and appropriate to minimise potential harm from keno gambling; and
 - (ii) is consistent with the objects of this Act; or
 - (b) it is in the public interest to prescribe the harm minimisation measure.
- (3) A regulation made under subsection (1) may also prescribe the keno licensees that must implement a harm minimisation measure.

- (4) A keno licensee prescribed under subsection (3) must implement the harm minimisation measure as prescribed.

Maximum penalty for subsection (4)—200 penalty units.

86 Insertion of new s 241A

After section 241—

insert—

241A Chief executive may make guidelines

- (1) The chief executive may make guidelines to inform persons about—
- (a) the attitude the chief executive is likely to adopt on a particular matter; or
 - (b) how the chief executive administers this Act.
- (2) The chief executive must publish the guidelines on the department's website.

87 Amendment of s 243 (Regulation-making power)

Section 243(2)—

insert—

- (d) be about the methods of payment used—
- (i) with regulated keno equipment; or
 - (ii) to participate in a keno game; or
 - (iii) for paying prizes or refunding an amount wagered on a keno game; or
 - (iv) for making a deposit to, or a withdrawal from, a player account.

[s 88]

88 Amendment of sch 2 (Decisions of chief executive subject to appeal)

Schedule 2, part 1, entries for 145—

omit, insert—

- 145 approving regulated keno equipment or a modification of the equipment, with conditions
- 145 refusing to approve regulated keno equipment or a modification of the equipment
- 145 imposing a condition on an approval for regulated keno equipment or a modification of the equipment
- 145 varying a condition of an approval for regulated keno equipment or a modification of the equipment

89 Amendment of sch 4 (Dictionary)

Schedule 4, definition *keno equipment*, ‘the conduct or playing of’—

omit, insert—

connection with

Part 9 Amendment of Lotteries Act 1997

90 Act amended

This part amends the *Lotteries Act 1997*.

91 Amendment of s 121 (Rules)

Section 121(2) and (2A)(a), ‘in the gazette’—

omit, insert—

on the department's website

92 Insertion of new s 126

After section 125A—

insert—

126 Harm minimisation measures

- (1) A regulation may prescribe measures (*harm minimisation measures*) that have the purpose of minimising potential harm from lotteries, including, for example, measures for any of the following purposes—
 - (a) delaying the start of a process in particular circumstances;
 - (b) interrupting a process in particular circumstances;
 - (c) using particular technology or software;
 - (d) providing particular information to the chief executive or persons participating in lotteries;
 - (e) enabling a person to access a service that provides help with gambling problems.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if satisfied—
 - (a) the harm minimisation measure—
 - (i) is necessary and appropriate to minimise potential harm from persons participating in lotteries; and
 - (ii) is consistent with the objects of this Act; or
 - (b) it is in the public interest to prescribe the harm minimisation measure.
- (3) A regulation made under subsection (1) may also

[s 93]

prescribe the lottery operators that must implement a harm minimisation measure.

- (4) A lottery operator prescribed under subsection (3) must implement the harm minimisation measure as prescribed.

Maximum penalty for subsection (4)—200 penalty units.

93 Amendment of s 133 (Approval of regulated lottery equipment)

- (1) Section 133—

insert—

- (3A) After considering the application and any evaluation of equipment, the chief executive must decide to—

- (a) grant the approval; or
- (b) grant the approval with conditions; or
- (c) refuse to grant the approval.

- (2) Section 133(4), ‘give’—

omit, insert—

grant

- (3) Section 133(5) and (6)—

omit, insert—

- (5) When the chief executive makes a decision under subsection (4), the chief executive must—

- (a) for a decision to grant an approval—immediately give the lottery operator written notice of the decision; or
- (b) for a decision to grant an approval with conditions—immediately give the lottery operator an information notice for the decision; or

- (c) for a decision to refuse to grant an approval—immediately give the lottery operator an information notice for the decision.
- (4) Section 133(3A) to (5)—
renumber as section 133(4) to (6).
- (5) Section 133—
insert—
 - (7) The chief executive may act under subsection (8) only if, having regard to the objects of this Act, the chief executive considers taking the action is—
 - (a) necessary or appropriate for the proper conduct of lotteries; or
 - (b) otherwise in the public interest.
 - (8) At any time after granting an approval, the chief executive may decide to—
 - (a) impose conditions on the approval, whether or not the approval is already subject to conditions; or
 - (b) vary a condition of the approval; or
 - (c) remove a condition of the approval.
 - (9) When the chief executive makes a decision under subsection (8), the chief executive must—
 - (a) for a decision to impose a condition on an approval—give the lottery operator for the approval an information notice for the decision; or
 - (b) for a decision to vary a condition of an approval—give the lottery operator for the approval an information notice for the decision; or

[s 94]

- (c) for a decision to remove a condition of an approval—give the lottery operator for the approval written notice of the decision.

94 Amendment of s 134 (Use of regulated lottery equipment)

- (1) Section 134(3), penalty, ‘for subsection (3)’—

omit.

- (2) Section 134—

insert—

- (4) A lottery operator or agent must not use approved lottery equipment in conducting an approved lottery unless the use is consistent with an approval for the equipment or a modification of the equipment under section 133, including any conditions of the approval.

Maximum penalty—200 penalty units.

95 Insertion of new s 226A

After section 226—

insert—

226A Chief executive may make guidelines

- (1) The chief executive may make guidelines to inform persons about—
 - (a) the attitude the chief executive is likely to adopt on a particular matter; or
 - (b) how the chief executive administers this Act.
- (2) The chief executive must publish the guidelines on the department’s website.

96 Amendment of s 228 (Regulation-making power)

Section 228(2)—

insert—

- (d) be about the methods of payment used—
 - (i) with regulated lottery equipment; or
 - (ii) to participate in a lottery; or
 - (iii) for paying prizes or refunding an amount wagered on a lottery; or
 - (iv) for making a deposit to, or a withdrawal from, a player account.

97 Amendment of sch 2 (Decisions of chief executive subject to appeal)

Schedule 2, part 1, entries for 133—

omit, insert—

- 133 approving regulated lottery equipment or a modification of the equipment, with conditions
- 133 refusing to approve regulated lottery equipment or a modification of the equipment
- 133 imposing a condition on an approval for regulated lottery equipment or a modification of the equipment
- 133 varying a condition of an approval for regulated lottery equipment or a modification of the equipment

98 Amendment of sch 3 (Dictionary)

Schedule 3, definition *lottery equipment*, ‘the conduct of’—

omit, insert—

connection with

[s 99]

Part 10 Amendment of Wagering Act 1998

99 Act amended

This part amends the *Wagering Act 1998*.

100 Amendment of s 7 (Meaning of *sports wagering licence*)

(1) Section 7(a) and (b)—

omit, insert—

- (a) a sporting event or sporting contingency (whether in Australia or elsewhere); or
- (b) a simulated event or simulated contingency approved by the Minister under section 57; or
- (c) a non-sporting event, or a contingency relating to a non-sporting event, approved by the Minister under section 57.

(2) Section 7—

insert—

- (2) However, a *sports wagering licence* does not authorise the sports wagering licensee to conduct wagering on an event or contingency for which wagering is authorised to be conducted under a race wagering licence.

101 Insertion of new s 33A

After section 33—

insert—

33A Amendment of wagering licence

- (1) The Minister may, with the written agreement of the licensee, amend a wagering licence.

-
- (2) After receiving the wagering licence for amendment, the Minister must—
 - (a) amend the licence as agreed and return the amended licence to the licensee; or
 - (b) if the Minister is satisfied it is not practicable to amend the licence to incorporate the amendment—give the licensee a replacement licence that incorporates the amendment.
 - (3) The amendment of the licence takes effect on the day the Minister gives the licensee the amended or replacement licence.

102 Replacement of s 56 (Application for approval of events or contingencies)

Section 56—

omit, insert—

56 Application for approval of particular events and contingencies

- (1) A sports wagering licensee may apply to the Minister for approval to conduct wagering on—
 - (a) a simulated event; or
 - (b) a simulated contingency; or
 - (c) a non-sporting event; or
 - (d) a contingency that relates to a non-sporting event.
- (2) The event or contingency may be in Australia or elsewhere.
- (3) The application may relate to a particular event or contingency or a class of event or contingency.
- (4) The application must—
 - (a) be in writing; and

[s 103]

- (b) describe the event or contingency, or class of event or contingency, for which approval is sought.

103 Amendment of s 57 (Decision on application)

(1) Section 57(2)—

omit, insert—

- (2) However, the Minister must not grant an approval that relates to—
 - (a) an event for which wagering is authorised to be conducted under a race wagering licence; or
 - (b) a sporting event; or
 - (c) a contingency that relates to an event mentioned in paragraphs (a) or (b); or
 - (d) an event or contingency the Minister considers to be offensive or contrary to the public interest.

(2) Section 57(3) and (4)—

omit.

104 Amendment of s 198 (Making rules)

Section 198(2) and (2A)(a), ‘in the gazette’—

omit, insert—

on the department’s website

105 Amendment of s 206 (Acceptance of wagers)

Section 206—

insert—

- (2) However, subsection (1) does not apply to wagers relating to a simulated event or simulated

contingency.

- (3) A licence operator must not accept wagers, relating to a simulated event or simulated contingency, made by phone or another form of communication.

Maximum penalty—200 penalty units.

- (4) A wagering agent must not accept wagers, relating to a simulated event or simulated contingency, made by phone or another form of communication.

Maximum penalty—200 penalty units.

106 Amendment of s 207 (Use of regulated wagering equipment)

Section 207—

insert—

- (5) A general operator, totalisator supplier or designated operator must not use approved wagering equipment for the conduct of approved wagering unless the use is consistent with an approval of the equipment or a modification of the equipment under section 208, including any conditions of the approval.

Maximum penalty—200 penalty units.

107 Amendment of s 208 (Approval of regulated wagering equipment)

- (1) Section 208—

insert—

- (4A) After considering the application and any evaluation of equipment, the chief executive must—

(a) grant the approval; or

[s 107]

- (b) grant the approval with conditions; or
 - (c) refuse to grant the approval.
- (2) Section 208(5), ‘give’—
omit, insert—
grant
- (3) Section 208(6) and (7)—
omit, insert—
 - (6) When the chief executive makes a decision under subsection (5), the chief executive must—
 - (a) for a decision to grant an approval—immediately give the authority operator written notice of the decision; or
 - (b) for a decision to grant an approval with conditions—immediately give the authority operator an information notice for the decision; or
 - (c) for a decision to refuse to grant an approval—immediately give the authority operator an information notice for the decision.
- (4) Section 208(4A) to (6)—
renumber as section 208(5) to (7).
- (5) Section 208—
insert—
 - (8) The chief executive may act under subsection (9) only if, having regard to the objects of this Act, the chief executive considers taking the action is—
 - (a) necessary or appropriate for the proper conduct of wagering; or
 - (b) otherwise in the public interest.

-
- (9) At any time after granting an approval, the chief executive may decide to—
- (a) impose conditions on the approval, whether or not the approval is already subject to conditions; or
 - (b) vary a condition of the approval; or
 - (c) remove a condition of the approval.
- (10) When the chief executive makes a decision under subsection (9), the chief executive must—
- (a) for a decision to impose a condition on an approval—give the authority operator for the approval an information notice for the decision; or
 - (b) for a decision to vary a condition of an approval—give the authority operator for the approval an information notice for the decision; or
 - (c) for a decision to remove a condition of an approval—give the authority operator for the approval written notice of the decision.

108 Insertion of new pt 11, div 6

Part 11—

insert—

Division 6 Harm minimisation measures

228F Harm minimisation measures

- (1) A regulation may prescribe measures (*harm minimisation measures*) that have the purpose of minimising potential harm from wagering, including, for example, measures for any of the following purposes—

[s 109]

- (a) delaying the start of a process in particular circumstances;
 - (b) interrupting a process in particular circumstances;
 - (c) using particular technology or software;
 - (d) providing particular information to the chief executive or persons participating in wagering;
 - (e) enabling a person to access a service that provides help with gambling problems.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if satisfied—
- (a) the harm minimisation measure—
 - (i) is necessary and appropriate to minimise potential harm from wagering; and
 - (ii) is consistent with the objects of this Act; or
 - (b) it is in the public interest to prescribe the harm minimisation measure.
- (3) A regulation made under subsection (1) may prescribe the wagering licensees and permit holders that must implement a harm minimisation measure.
- (4) A wagering licensee or permit holder prescribed under subsection (3) must implement the harm minimisation measure as prescribed.

Maximum penalty for subsection (4)—200 penalty units.

109 Amendment of s 291 (When authority operators may apply for review)

Section 291—

insert—

- a decision under section 208 to approve regulated wagering equipment or a modification of the equipment, with conditions
- a decision under section 208 to impose a condition on an approval for regulated wagering equipment or a modification of the equipment
- a decision under section 208 to vary a condition of an approval for regulated wagering equipment or a modification of the equipment

110 Insertion of new s 310A

After section 310—

insert—

310A Chief executive may make guidelines

- (1) The chief executive may make guidelines to inform persons about—
 - (a) the attitude the chief executive is likely to adopt on a particular matter; or
 - (b) how the chief executive administers this Act.
- (2) The chief executive must publish the guidelines on the department's website.

111 Amendment of s 312 (Regulation-making power)

Section 312(2)—

insert—

- (d) be about the methods of payment used—
 - (i) with regulated wagering equipment; or

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- (ii) for wagering; or
- (iii) for paying out a winning bet or refund;
or
- (iv) for making deposits to, or withdrawals
from, an account in the name of an
investor with a licence operator.

112 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *approved contingency*, *approved event*
and *sporting event*—
omit.
- (2) Schedule 2—
insert—

non-sporting event means any event other than—

- (a) an event for which wagering is authorised to
be conducted under a race wagering licence;
or
- (b) a sporting event; or
- (c) a simulated event.

simulated contingency means a contingency that
relates to a simulated event.

simulated event means the simulation of a race or
sporting event if—

- (a) the simulation is modelled by a computer;
and
- (b) the outcome of the simulation is solely
determined by a random number generator.

sporting event does not include an event that is—

- (a) thoroughbred, harness or greyhound racing;
or
- (b) a simulated event.

- (3) Schedule 2, definition *wagering equipment*, ‘the conduct of’—

omit, insert—

connection with

Part 11 **Amendment of Wagering Regulation 1999**

113 **Regulation amended**

This part amends the *Wagering Regulation 1999*.

114 **Amendment of s 3 (Definitions)**

- (1) Section 3, definitions *event* and *race*—

omit.

- (2) Section 3—

insert—

event means—

- (a) for an event on which wagering is conducted by a licence operator under a race wagering licence—an event that—
- (i) is, or relates to, thoroughbred, harness or greyhound racing; and
 - (ii) may be lawfully held in Queensland or elsewhere; or
- (b) for an event on which wagering is conducted by a licence operator under a sports wagering licence—
- (i) a sporting event or sporting contingency; or

[s 115]

- (ii) a simulated event or simulated contingency approved for the licence under the Act, section 57; or
- (iii) a non-sporting event, or a contingency relating to a non-sporting event, approved for the licence under the Act, section 57.

race—

- (a) means an event that is, or relates to, a thoroughbred, harness or greyhound race; but
- (b) does not include a simulated event.

simulated event random number generator means a device designed and used to select random numbers to determine the result for a simulated event.

115 Amendment of s 15E (Printed tickets)

Section 15E(1), ‘cash or a credit ticket,’—

omit, insert—

cash, a credit ticket or another payment method approved by the chief executive,

116 Amendment of sch 2 (Regulated wagering equipment)

Schedule 2—

insert—

simulated event random number generator

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