

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Casino Control Amendment Bill 2001

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Casino Control Amendment Bill 2001

A Bill for

An Act to amend the *Casino Control Act 1988*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

2001 082B

Section 1

1 Name of Act

This Act is the *Casino Control Amendment Act 2001*.

2 Commencement

This Act commences on the day it is notified in the Gazette.

3 Act amended

This Act amends the *Casino Control Act 1988*.

4 Definitions

Section 3, definition of *excluded person*

omit

65

substitute

64

5 Section 4

substitute

4 Designation of casino

(1) The Minister may, in writing, designate an area to be the casino for this Act.

(2) A designation under this section is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

6 Section 45A

substitute

45A Casino licensee etc must comply with code of practice

- (1) The casino licensee must comply with the relevant code of practice (if any) prescribed under the *Gambling and Racing Control Act 1999*.
- (2) An agent or employee of the casino licensee must also comply with the code of practice to the extent that it applies to the agent or employee.

7 Section 48A

substitute

48A Minister may suspend or cancel casino licence in public interest

- (1) The Minister may, if satisfied that it is in the public interest to do so—
 - (a) suspend the casino licence for the period that the Minister considers appropriate; or
 - (b) cancel the casino licence.
- (2) Before taking action under subsection (1), the Minister must give each interested person a written notice telling the person—
 - (a) that the Minister is considering taking action under subsection (1) against the casino licensee; and
 - (b) why the Minister is considering taking action against the casino licensee under subsection (1); and
 - (c) that the person may, within 21 days beginning on the day after receiving the notice, give a written response to the Minister about the matters in the notice.

Section 8

- 1 (3) In deciding whether to take action under subsection (1), the Minister
2 must consider any response given to the Minister in accordance with
3 the notice under subsection (2).
- 4 (4) If the Minister suspends the casino licence under subsection (1), the
5 Minister may later reduce the period of suspension.
- 6 (5) The Minister must send written notice of action under subsection (1)
7 or (4) to each interested person.
- 8 (6) An action under subsection (1) or (4) takes effect when written
9 notice of the action is received by the casino licensee or, if the
10 notice states a later date of effect, on that date.
- 11 (7) In this section:
- 12 *interested person* means—
- 13 (a) an owner of the casino; or
- 14 (b) the casino lessee; or
- 15 (c) the casino licensee.

8 Grounds for disciplinary action Section 48B (b) (iii)

18 *substitute*

- 19 (iii) any other agent or employee of the casino licensee; or
- 20 (ba) an agent or employee of the casino (including an agent or
21 employee acting, or purporting to act, under section 70F (1) or
22 110) uses unlawful force against, or unlawfully detains, a
23 person who is in, or seeking to enter, the casino; or
- 24 (bb) the casino licensee fails to comply with a direction included in
25 a censure within the time stated in the censure; or

9 Section 48B

27 *renumber paragraphs when Act next republished under Legislation*
28 *Act 2001*

10 Section 49

substitute

49 Procedure for disciplinary action etc by commission

- (1) Before taking disciplinary action against the casino licensee, the commission must give each interested person a written notice telling the person—
 - (a) that the commission is considering taking disciplinary action against the casino licensee; and
 - (b) why the commission is considering taking disciplinary action against the casino licensee; and
 - (c) that the person may, within 21 days beginning on the day after receiving the notice, give a written response to the commission about the matters in the notice.
- (2) In deciding whether to take disciplinary action against the casino licensee, the commission must consider any response given to the commission in accordance with the notice under subsection (1).
- (3) However, the commission does not have to comply with subsection (1) before taking disciplinary action against the casino licensee for failure to comply with a direction included in a censure.
- (4) The fact that a member of the commission has taken part in a decision to issue a censure does not prevent the member from taking part in a decision about whether to take disciplinary action against the casino licensee for failure to comply with a direction included in the censure.
- (5) If the commission takes disciplinary action against the casino licensee, the commission may later reduce the severity of the disciplinary action.
- (6) The commission must send written notice of a disciplinary action or action under subsection (5) to each interested person.

1 (7) A disciplinary action or action under subsection (5) takes effect
2 when written notice of the action is received by the casino licensee
3 or, if the notice states a later date of effect, on that date.

4 (8) In this section:

5 *interested person* means—

6 (a) an owner of the casino; or

7 (b) the casino lessee; or

8 (c) the casino licensee.

9 **11 Approved system of controls and procedures must be**
10 **implemented**

11 **Section 60A, heading**

12 *substitute*

13 **60A Approved system of controls and procedures**

14 **12 Section 60A (4)**

15 *substitute*

16 (4) The casino licensee must comply with the approved system.

17 Maximum penalty: 50 penalty units.

18 (5) An agent or employee of the licensee must also comply with the
19 approved system to the extent that it applies to the agent or
20 employee.

21 **13 Casino licensee may notify persons of exclusion**

22 **Section 69 (1)**

23 *omit*

24 the person for the time being in charge

25 *substitute*

26 an agent or employee

1 **14 Notification of exclusion by the commissioner of police**
 2 **or the commission**
 3 **Section 70A, heading**

4 *substitute*

5 **70A Exclusion by chief police officer or commission**

6 **15 Section 70A (1)**

7 *substitute*

- 8 (1) The chief police officer or the commission may, by written notice to
 9 the casino licensee, exclude a stated person (the *subject*),
 10 indefinitely or for a stated period, from entering or remaining in the
 11 casino.

12 *Note* Power under an Act to make a statutory instrument (including an
 13 exclusion notice) includes power to amend or revoke the instrument
 14 (see *Legislation Act 2001*, s 46 (1)).

15 **16 Section 70A**

16 *insert*

- 17 (4) To decide whether to give or revoke a notice under subsection (1)
 18 (whether or not an application has been made under section 70B or
 19 70C), the commission may ask the subject or anyone else to give the
 20 commission any information relevant to the making of the decision.

21 **17 Section 74**

22 *omit*

23 casino licensee

24 *substitute*

25 casino licensee, or an agent or employee of the casino

1 **18 Detention of suspected person**

2 **Section 110 (1) (b)**

3 *substitute*

4 (b) any other agent or employee of the casino licensee; or

5 **19 Section 110 (2)**

6 *omit*

7 *may*

8 *substitute*

9 *must*

10 **20 New section 136**

11 *insert*

12 **136 Transitional**

13 (1) A designation that was in effect immediately before the
14 commencement date continues to be in effect, on and after that date,
15 under section 4 as substituted by the *Casino Control Amendment Act*
16 *2001*.

17 (2) To remove any doubt, it is declared that a designation did not cease
18 to be in effect merely because, after it took effect, section 4 was
19 amended before the commencement date.

20 (3) This section expires on the commencement date.

21 (4) In this section:

22 *commencement date* means the date of commencement of the
23 *Casino Control Amendment Act 2001*.

24 *designation* means a designation under section 4 that took effect—

25 (a) on or after 12 December 1988; and

26 (b) before the commencement date.

Endnotes

Act amended

- 1 Republished as in force on 9 June 2000 (Republication No 6).

Penalty units

- 2 The *Interpretation Act 1967*, s 33AA deals with the meaning of offence penalties that are expressed in penalty units.

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