

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Kaine)

Casino Control Amendment Bill 1999

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Casino Control Amendment No , 1999

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Casino Control Amendment Bill 1999

A BILL

FOR

An Act to amend the *Casino Control Act 1988*, and for other purposes

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

PART 1—PRELIMINARY

1 Name of Act

5 This Act is the *Casino Control Amendment Act 1999*.

2 Commencement

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

PART 2—AMENDMENTS OF THE CASINO CONTROL ACT 1988

3 Act amended

This Part amends the *Casino Control Act 1988*.

4 Interpretation

5 Section 3 is amended—

- (a) by omitting from subsection (1) the definition of “authorised game” and substituting the following definition:

“*authorised game* means—

- 10 (a) a game declared under section 71 to be an authorised game; or
(b) a game to be played on a gaming machine under conditions set by the commission under section 83C.”; and

- (b) by inserting in subsection (1) the following definitions:

15 “*approved rules*—

- (a) for an authorised game declared under section 71—means the rules approved for the game under section 72; and
20 (b) for an authorised game played on a gaming machine—means the rules and conditions of operation approved for the game under section 83C.

gaming machine tax means the tax imposed under section 16B.”.

25 **5 General tax**

Section 16 is amended by omitting the definition of “non-commission-based gaming” from subsection (4) and substituting the following definition:

30 “*non-commission-based gaming* means gaming other than—

- (a) commission-based gaming; and
(b) gaming using gaming machines.”.

6 Insertion

After section 16A the following section is inserted:

“16B **Tax on gaming machines**

“(1) Gaming machine tax is imposed on gross gaming machine revenue.

“(2) The Minister may determine, by notice in writing, the method for assessing the amount of gaming machine tax that is payable.

5 “(3) Gaming machine tax is payable to the Territory by the casino licensee in the way specified in the determination under subsection (2).

“(4) In this section—

10 *gross gaming machine revenue* means all revenue derived by the casino licensee from the operation of gaming machines in the casino, after deducting from that revenue the amount of winnings for playing the machines paid or payable in accordance with—

- (a) the machines’ indicated prize scales; or
- (b) a linked jackpot arrangement.”.

7 **Liability for fee and taxes—suspension of licence**

15 Section 17 is amended—

- (a) by inserting “, gaming machine tax” after “general tax” (first occurring); and
- (b) by inserting in paragraph (b) “, gaming machine tax” after “general tax”.

20 **8 Insertion**

After section 60 the following section is inserted in Division 1 of Part 7:

“60A **System for operating of gaming machines**

25 The casino licensee must not operate gaming machines except in accordance with a system of internal controls and administrative and accounting systems approved by the commission.

Maximum penalty: 250 penalty units for a corporation.”.

9 **Authorised games**

Section 71 is amended—

30 (a) by inserting after subsection (1) the following subsection:

“(2) A request by the casino licensee for the commission to make a declaration under this section must be accompanied by the determined fee.”; and

(b) by adding at the end the following subsection:

35 “(4) In this section—

game does not include a game played on a gaming machine.”.

10 Rules for authorised games—

5 Section 72 is amended by omitting from subsection (7) “authorised game” and substituting “game authorised under this section that is”.

11 Repeal

Section 76 is repealed.

12 Insertion

10 Before section 79 the following section is inserted in Division 5 of Part 7:

“78A Cash facilities

“(1) The casino licensee must not provide or permit a cash facility in the casino.

15 Maximum penalty: 250 penalty units for a corporation.

“(2) In this section—

cash facility means—

(a) an automatic teller machine; or

(b) an EFTPOS facility; or

20 (c) any other similar facility for gaining access to cash or credit.”.

13 Insertion

After Part 7 the following Part is inserted:

“PART 7A—CONTROL OF GAMING MACHINES

25 **“Division 1—Administration**

“83A Limit on number of gaming machines

“(1) Before 1 December 2009, the casino licensee may have not more than 200 gaming machines in the casino.

30 “(2) On or after 1 December 2009, the casino licensee may have not more than 200 gaming machines in the casino, except with the approval of the commission.

Maximum penalty: 250 penalty units for a corporation.

“83B Acquisition of gaming machines

“(1) The casino licensee must not acquire a gaming machine except with the approval of the commission.

Maximum penalty: 500 penalty units for a corporation.

- 5 “(2) The commission must grant approval to the casino licensee to acquire a gaming machine if it is satisfied that—
- (a) acquiring the machine will not cause the casino licensee to breach section 83A; and
 - 10 (b) the machine is suited to operation under the conditions that will apply to the machine; and
 - (c) the person from whom the machine is to be acquired—
 - (i) is an approved supplier under the *Gaming Machine Act 1987*; or
 - 15 (ii) is a person approved by the commission as a supplier for this definition; or
 - (iii) has obtained permission under the *Gaming Machine Act 1987* to dispose of the machine.

“83C Conditions for operation of a gaming machine

20 “(1) When giving approval for the acquisition of a gaming machine under this Part, the commission must set the conditions for operation of the machine.

“(2) The conditions mentioned in subsection (1) must include, but are not limited to, conditions relating to—

- 25 (a) the games that may be played on the machine and their names and monetary denominations; and
- (b) the percentage payout that is to apply to the machine; and
- (c) the artwork on the machine, including artwork in electronic displays.

30 “(3) The commission must not approve a percentage payout for a gaming machine of less than 85%.

“(4) The commission may vary the conditions for operation of a gaming machine by giving notice of the variation to the casino licensee.

“(5) The casino licensee may request a change in the conditions that apply to a gaming machine on payment of the determined fee.

35 **“83D Disposal of gaming machines**

“(1) The casino licensee must not dispose of a gaming machine except with the approval of the commission.

Maximum penalty: 500 penalty units for a corporation.

“(2) The commission must approve the disposal of a gaming machine if it is satisfied that the person who is to acquire the machine is authorised—

- 5 (a) to operate the machine under a licence; or
(b) to sell, or to operate, the machine under a law of a State or another Territory.

“83E **Records of charitable donations**

Sections 54A and 54B of the *Gaming Machine Act 1987* apply as if—

- 10 (a) a reference to a *licensee* were a reference to the casino licensee; and
(b) a reference to *licensed premises* were a reference to the casino; and
(c) a reference to *gross revenue* were a reference to gross gaming machine revenue for section 16A of this Act; and
15 (d) a reference to the *commissioner* were a reference to the commission.

“*Division 2—Operation*

“83F **Register of gaming machines**

20 “(1) The casino licensee must keep a register of the gaming machines that are installed in the casino, in accordance with this section.

Maximum penalty: 250 penalty units for a corporation.

“(2) Each gaming machine must be identified in the register by a distinct number, which must be displayed on the machine.

25 “(3) The register must contain the following particulars about each gaming machine:

- (a) the number of the machine;
(b) the name of each game played on the machine and its monetary denomination;
(c) the percentage payout that applies to the machine;
30 (d) such other particulars as the commission requires.

“83G **Repair book**

“(1) The casino licensee must keep a repair book of gaming machines in the casino.

35 “(2) The casino licensee must enter in the repair book details of any period during which, and of the reason why, a gaming machine in the casino was not in operation.

“(3) A person who repairs or adjusts a gaming machine, whether by opening the machine or not, must enter in the repair book—

- (a) such particulars as are necessary to clearly identify the machine; and
- 5 (b) the date on which the repair or adjustment was made; and
- (c) particulars of the nature of the repair or adjustment; and
- (d) such other particulars as the commission requires.

“(4) An entry made in the repair for subsection (3) must be signed by the person who repaired or adjusted the machine.

10 Maximum penalty for a breach of this section:

- (a) if the offender is an individual—10 penalty units; or
- (b) if the offender is a corporation—50 penalty units.

“83H **Persons who may install, repair or open gaming machines**

A person must not—

- 15 (a) install; or
- (b) open; or
- (c) open the computer cabinet of;

a gaming machine in the casino unless the person is authorised by the commission to do so.

20 Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

“83I **Meter readings—certificate**

A person who has installed a gaming machine in the casino must, as soon as practicable, give the commission a certificate signed by him or her setting out the meter readings on the machine immediately after installation.

25

Maximum penalty:

- (a) in the case of an individual—20 penalty units; or
- (b) in the case of a corporation—100 penalty units.

“83J **Warning notices**

30 “(1) The casino licensee must ensure that warning notices are displayed as required by the commission.

Maximum penalty: 25 penalty units for a corporation.

“(2) In this section—

35 *warning notice* means a warning notice that is in accordance with the determination (if any) made for subsection 51B (4) of the *Gaming Machine Act 1987*.

“83K Percentage payout of gaming machines must be displayed

The casino licensee must cause to be clearly displayed, in a form and position approved by the commission, on each gaming machine in the casino the percentage payout that applies to that machine.

5 Maximum penalty: 25 penalty units for a corporation.

“83L Operation subject to correct percentage payout

The casino licensee must not permit a gaming machine in the casino to be operated, except for the purposes of repair or adjustment, at a time when the percentage payout of the machine is not the percentage payout that applies to that machine.

10 Penalty: 250 penalty units for a corporation.

“83M Linked jackpot arrangements

“(1) The casino licensee must not operate a linked jackpot arrangement except in accordance with this section.

15 Maximum penalty: 250 penalty units for a corporation.

“(2) The casino licensee may, with the approval of the commission, operate a linked jackpot arrangement or arrangements between gaming machines operated under the casino licence.

20 “(3) It is a condition of an approval that each gaming machine in each approved linked jackpot arrangement displays at all times a sign stating clearly—

(a) that the machine is part of a linked jackpot arrangement with other machines in the casino; and

25 (b) the percentage of the turnover of the machine which is to be set aside for the payment of linked jackpots.”.

14 Accounts and records

Section 121 is amended by adding at the end the following subsection:

30 “(2) The casino licensee must maintain separate accounts of all money taken from each gaming machine in the casino and of each linked jackpot arrangement.”.

15 Interpretation

Section 125 is amended—

35 (a) by inserting after paragraph (e) of the definition of “primary decision” the following paragraph:

“(ea) a decision of the commission under section 60A approving or refusing to approve a system of internal

controls and administrative and accounting systems;
or”;

(b) by inserting after paragraph (k) of the definition of “primary decision” the following paragraphs:

- 5 “(ka) a decision of the commission under subsection 83A (2) refusing to approve an increase of the number of gaming machines in the casino; or
- (kb) a decision of the commission under section 83B refusing to approve the acquisition of a gaming machine;
- 10 (kc) a decision of the commission under section 83C approving or refusing to approve conditions for operation of a gaming machine; or
- (kd) a decision of the commission under section 83D refusing to approve the disposal of a gaming machine; or
- 15 (ke) a decision of the commission under section 83H refusing to authorise a person to do something; or
- (kf) a decision of the commission under section 83J as to the display of warning signs in the casino; or
- 20 (kg) a decision of the commission under section 83M refusing to approve a linked jackpot arrangement; or”.

PART 3—CONSEQUENTIAL AMENDMENTS

16 Amendments of the Gaming Machine Act 1987

The *Gaming Machine Act 1987* is amended as set out in the Schedule.

25

SCHEDULE

(See s 16)

**CONSEQUENTIAL AMENDMENTS OF THE
GAMING MACHINE ACT 1987**

Section 4—

5 Insert the following definition:

 “*casino licence* means the casino licence under the *Casino Control Act 1988*”.

Paragraph 35 (a)—

 Omit “under section 36”, substitute the following:

10 “under—

 (i) section 36; or

 (ii) section 83B of the *Casino Control Act 1988*”.

Paragraph 39 (2) (a)—

 After “licence” insert “or the casino licence”.

15 **Section 39E—**

 Omit “under section 39F”, substitute the following:

 “under—

 (i) section 39F; or

 (ii) section 83D of the *Casino Control Act 1988*”.

20 **Subparagraph 39F (2) (a) (i)—**

 After “licence” insert “or the casino licence”.

Subsection 39F (2A)—

25 Omit “the lease or hire of a gaming machine by one licensee to another”, substitute “an agreement between two licensees, or between a licensee and the casino licensee, for the lease or hire of a gaming machine”.

Subsection 47 (2)—

 After “section 34” insert “or who is acting in accordance with an authorisation given under section 83H of the *Casino Control Act 1988*”.

30 **Section 48—**

 Repeal the section.

SCHEDULE—continued

Section 57—

After subsection (2) insert the following subsection:

“(3) This section does not apply to gaming machines operated by the casino licensee.”.

Endnotes

Act amended

- 1 Republished as in force on 31 December 1997. See also Acts 1998 No 54; 1999 Nos 19, 47 and .

Penalty units

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