



Australian Capital Territory

Casino Control Act 2006

A2006-2

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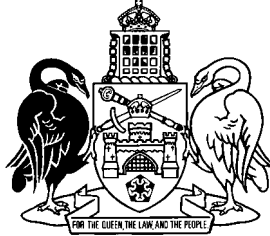
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Australian Capital Territory

Casino Control Act 2006

A2006-2

An Act for the establishment, licensing and control of the casino, and for other purposes

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

J2005-53

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Casino Control Act 2006*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*influential person*, for a corporation—see section 9.’ means that the term ‘influential person’ is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

6 Lawfulness of casino operation

- (1) Despite any other territory law but subject to this Act, it is lawful—
 - (a) for the casino licensee or a casino employee to conduct an authorised game in the casino; and
 - (b) for a person to play an authorised game in the casino; and
 - (c) for a person to use approved gaming equipment or chips in the conduct and playing of an authorised game in the casino.
- (2) The casino is not a public or private nuisance only because it is used as a gaming house.
- (3) This section does not allow an action to be brought in a court to recover—
 - (a) an amount won in the course of gaming in the casino; or

- (b) an amount, or a cheque or other instrument, given in payment of an amount mentioned in paragraph (a); or
- (c) an amount wagered in the course of gaming in the casino, that was lent in the knowledge that it was to be applied in that way.

Note An action may be brought against the casino licensee to recover an amount won at gaming in the casino or the amount of a cheque given by the casino licensee in payment of an amount won that was later dishonoured (see s 116 (3)).

Part 2 Casino administration

Division 2.1 Definitions and important concepts

7 Eligibility of individuals

- (1) For this Act, an individual is an *eligible person* if—
 - (a) the individual is an adult; and
 - (b) there is not a disqualifying ground for the individual.
- (2) Each of the following is a *disqualifying ground* for an individual:
 - (a) the individual has been convicted, or found guilty, in the last 5 years, whether in the ACT or elsewhere, of an offence—
 - (i) involving fraud or dishonesty; or
 - (ii) against a law about gaming;
 - (b) the individual has been convicted, or found guilty, in Australia in the last 5 years of an offence punishable by imprisonment for at least 1 year;
 - (c) the individual has been convicted, or found guilty, outside Australia in the last 5 years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year;
 - (d) the individual is an undischarged bankrupt or, at any time in the last 5 years—
 - (i) was an undischarged bankrupt; or
 - (ii) had executed a personal insolvency agreement;
 - (e) at any time in the last 5 years the individual was involved in the management of a corporation when—

- (i) the corporation became the subject of a winding-up order;
or
 - (ii) a controller or administrator was appointed.
- (3) Despite subsection (2), the Minister or the commission may decide that an individual is an *eligible person* if satisfied that—
- (a) the operation of the casino would not be adversely affected if the Minister or the commission decided that the individual is an eligible person; and
 - (b) it is otherwise in the public interest that the individual be treated as an eligible person.

8 Eligibility of corporations

- (1) For this Act, a corporation is an *eligible person* if—
- (a) each executive officer and influential person of the corporation is an eligible person; and
 - (b) the corporation is not the subject of a winding-up order, and has not been the subject of a winding-up order in the last 3 years; and
 - (c) a controller or administrator has not been appointed for the corporation in the last 3 years.
- (2) Despite subsection (1), the Minister or the commission may decide that a corporation is an *eligible person* if satisfied that—
- (a) the operation of the casino would not be adversely affected if the Minister or the commission decided that the individual is an eligible person; and
 - (b) it is otherwise in the public interest that the corporation be treated as an eligible person.

9 Meaning of *influential person*

(1) In this Act:

influential person, for a corporation—

(a) means any of the following:

- (i) an executive officer of the corporation;
- (ii) a related corporation;
- (iii) an executive officer of a related corporation;
- (iv) an influential owner of the corporation; and

(b) includes a person who, though not mentioned in paragraph (a), can exercise as much influence over the conduct of the corporation as someone mentioned in that paragraph.

(2) In this section:

influential owner, of a corporation, means a person who, whether directly or through intermediary corporate ownership or nominees—

- (a) can control at least 5% of the votes at an annual general meeting of the corporation; or
- (b) can control the appointment of a director of the corporation.

related corporation means a related body corporate under the Corporations Act.

10 Meaning of *owner*

(1) In this Act:

owner, of the casino, means a person who, alone or jointly with others, is the lessee of land where the casino, or part of the casino, is located.

(2) A reference to *the owner* of the casino is a reference to all such people.

Division 2.2 Ownership of casino

11 Owner must be eligible person

A person may be an owner of the casino only if the person—

- (a) is an eligible person; and
- (b) can carry out the person's obligations as an owner of the casino under this Act.

12 Application for approval for change of ownership

An owner of the casino may apply in writing to the Minister for approval to sell or otherwise dispose of the owner's interest in the lease of the casino, or part of the interest, to someone else.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

13 Approval of proposed owner

- (1) On application under section 12, the Minister must approve, or refuse to approve, the sale or other disposal of an owner's interest in the lease of the casino, or part of the interest, to the proposed owner.
- (2) In deciding whether to approve the sale or other disposal, the Minister must consider any recommendation made by the commission about the sale or disposal.
- (3) The Minister must not approve the sale or other disposal unless satisfied that—
 - (a) the proposed owner is an eligible person; and
 - (b) if the change of ownership would require a control agreement to be in force under section 19—on transfer of ownership, the proposed owner will become a party to a control agreement.

14 Change of ownership without approval

- (1) An owner of the casino commits an offence if—
- (a) the owner sells or otherwise disposes of the owner's interest in the lease of the casino, or part of the interest, to someone else; and
 - (b) the sale or other disposal has not been approved by the Minister under section 13.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

Division 2.3 Lease of casino

15 Application for approval of proposed casino lease

- (1) The owner of the casino may apply to the Minister for approval to enter into a lease of the casino with someone else.
- (2) An application for approval must—
- (a) be in writing; and
 - (b) be accompanied by—
 - (i) the proposed lease; and
 - (ii) the name and contact details of the proposed lessee; and
 - (iii) particulars of the financial standing, relevant managerial experience and business reputation of the proposed lessee.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

16 Approval of proposed casino lease

- (1) On application under section 15, the Minister must approve, or refuse to approve, the owner of the casino entering into the proposed lease of the casino with the proposed lessee.
- (2) In deciding whether to approve the owner entering into the proposed lease with the proposed lessee, the Minister must consider any recommendation made by the commission about the owner entering into the proposed lease with the proposed lessee.
- (3) The Minister must not approve the owner entering into the proposed lease with the proposed lessee unless satisfied that—
 - (a) the proposed lessee is a corporation; and
 - (b) the corporation is an eligible person; and
 - (c) the proposed lessee can carry out its obligations as the lessee under this Act; and
 - (d) the conditions of the proposed lease are satisfactory in relation to the control and operation of the casino.

17 Application for approval to amend casino lease

- (1) The parties to a casino lease may apply to the Minister for approval to amend the lease.
- (2) An application for approval must—
 - (a) be in writing signed by the parties to the casino lease; and
 - (b) be accompanied by the proposed amendment.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

18 Approval of amendment of casino lease

- (1) On application under section 17, the Minister must approve, or refuse to approve, the amendment of the casino lease.
- (2) In deciding whether to approve the amendment, the Minister must consider—
 - (a) any recommendations made by the commission about the amendment; and
 - (b) the likely effect of the amendment on the control and operation of the casino.

Division 2.4 Control agreement

19 Control agreement

- (1) If the owner of the casino, the casino lessee (if any) and the casino licensee are not all the same person, a control agreement, approved by the Minister, must be in force between them.
- (2) The control agreement must be in writing and deal with the following matters:
 - (a) the roles and responsibilities of the parties to the control agreement;
 - (b) the control and operation of the casino;
 - (c) anything else the Minister considers necessary or desirable.
- (3) The control agreement may, with the Minister's approval, be—
 - (a) amended; or
 - (b) terminated and replaced with a new control agreement.

Example

The parties must enter into a new control agreement if there is a change in ownership of the casino, or if there is a new casino licensee or lessee.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) In deciding whether to approve an agreement or amendment, the Minister must consider—
- (a) any recommendations made by the commission about the agreement or amendment; and
 - (b) the likely effect of the agreement or amendment on the control and operation of the casino.

Part 3 Casino licence

Division 3.1 Grant of casino licence

20 One casino only

- (1) Only 1 casino licence may be in force under this Act at any particular time.
- (2) The casino licence is to apply to 1 casino only.

21 Grant of casino licence

- (1) The Minister may invite applications for a licence (the *casino licence*) authorising the licensee to operate a casino in the ACT in accordance with this Act.
- (2) On application by a person under subsection (1), the Minister may grant or refuse to grant a casino licence to the person.
- (3) The Minister must not grant a casino licence to a person unless—
 - (a) the person is a corporation; and
 - (b) the person is—
 - (i) if there is a casino lease—the casino lessee or a corporation nominated by the casino lessee; or
 - (ii) in any other case—the owner of the casino or a corporation nominated by the owner of the casino; and
 - (c) the person is an eligible person.
- (4) In deciding whether to grant a casino licence, the Minister must—
 - (a) consider any recommendations made by the commission about the eligibility of a corporation nominated as the proposed casino licensee; and

- (b) comply with any criteria prescribed by regulation in relation to the grant of the casino licence.
- (5) A regulation for subsection (4) (b) may prescribe matters relating to—
 - (a) the control of any corporation affected by this Act; or
 - (b) an influential person in relation to, or foreign participation in, the corporation.

22 Licence conditions

A casino licence is subject to any condition the Minister puts on the licence when granting the licence or by written notice given to the casino licensee at any other time.

23 Form of casino licence

- (1) The casino licence—
 - (a) must include the following information:
 - (i) its date of issue and expiry;
 - (ii) the name of the casino licensee;
 - (iii) the address of the casino;
 - (iv) any other particulars prescribed by regulation; and
 - (b) must identify the area designated by regulation to be the casino.

Note Section 62 provides that a regulation may designate an area to be the casino for this Act.

- (2) The casino licence may also include any other particulars relating to the casino the Minister considers appropriate.

24 Period of casino licence

- (1) The casino licence remains in force—
 - (a) from the day of issue until the end of the expiry date stated in the licence; or
 - (b) if the licence is surrendered or cancelled before the expiry date—until the end of the day when the licence is surrendered or cancelled.
- (2) However, if the casino licence is suspended, it is not in force for the period of the suspension.

25 Compliance with code of practice

The casino licensee must comply with the code of practice prescribed under the Control Act.

Note A failure to comply with the code of practice is a ground for disciplinary action (see s 33 (1) (c)).

Division 3.2 Casino licence fee

26 Determination of casino licence fee

- (1) The Minister may determine a fee for the casino licence.
- (2) The Minister must not determine a casino licence fee more than once in any 12-month period.
- (3) The casino licensee must pay the casino licence fee to the commission at the times and in the way provided in the casino licence fee determination.
- (4) A casino licence fee determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

27 Late payment penalty for casino licence fee

- (1) This section applies if any amount of a casino licence fee that the casino licensee is liable to pay under a casino licence fee determination is not paid within 14 days after the day by which it must be paid.
- (2) The casino licensee is liable to a daily penalty on the unpaid amount of the casino licence fee for each day after the 14th day that the fee remains unpaid.
- (3) The penalty rate is 20% per year.
- (4) The amount of penalty payable under subsection (2) compounds at 3-monthly intervals.
- (5) The commission may waive all or part of a penalty that the casino licensee is liable to pay under subsection (2).

28 Licence fee payable even if casino licence suspended

- (1) This section applies if the casino licence is suspended under section 38 (1).
- (2) Despite section 24 (2), the casino licensee must pay the casino licence fee for the period during which the casino licence is suspended.

Note If the commission is owed an amount by the casino licensee under this division, the commission may recover the amount as a debt owing by the casino licensee to the commission in a court of competent jurisdiction (see Legislation Act, s 177).

Division 3.3 Transfer and surrender of casino licence

29 Application for transfer of casino licence

- (1) The casino licensee may apply to the Minister to transfer the casino licence to another corporation.
- (2) The application must—
 - (a) be in writing signed by the licensee; and
 - (b) be accompanied by a signed consent to transfer by the person (if any) who nominated the licensee under section 21 (3) (b).

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

30 Transfer of casino licence

- (1) On application under section 29, the Minister must—
 - (a) transfer the casino licence; or
 - (b) refuse to transfer the casino licence; or
 - (c) ask for further information about the proposed transfer.
- (2) A request for further information must—
 - (a) be in writing; and
 - (b) state a reasonable time within which the information must be given.
- (3) If the Minister asks the casino licensee for further information about the application, the Minister must not approve, or refuse to approve, the transfer of the casino licence until—
 - (a) the Minister has received the information; or
 - (b) the time stated for giving the information has ended.

- (4) The Minister may approve the transfer of the casino licence if—
- (a) the casino licence is not suspended; and
 - (b) a disciplinary notice under division 3.4 is not outstanding in relation to the casino licensee; and
 - (c) the prospective licensee would be granted the casino licence under section 21.

31 Surrender of casino licence

- (1) This section applies to the casino licensee if the casino licensee does not owe the Territory or the commission an amount under this Act.
- (2) The casino licensee may surrender the casino licence by giving the Minister a written notice stating that the casino licensee surrenders the licence.
- (3) The surrender of the casino licence takes effect 4 weeks after the day the notice under subsection (2) is given to the Minister or, if the notice states a later date of effect, on that date.

Division 3.4 Disciplinary action against casino licensee

32 Definitions—div 3.4

In this division:

casino licensee includes an administrator appointed under section 39.

disciplinary action—see section 34.

disciplinary notice—see section 36.

ground for disciplinary action against the casino licensee—see section 33.

33 Grounds for disciplinary action against casino licensee

- (1) Each of the following is a *ground for disciplinary action* against the casino licensee:
- (a) the casino licensee has given information to the commission that was false or misleading;
 - (b) the casino licensee has failed to give information required to be given under this Act or the Control Act;
 - (c) the casino licensee, or an agent or employee of the casino licensee, has contravened this Act;
 - (d) the casino licensee has contravened a requirement by the Treasurer of the Commonwealth in relation to foreign investment;
 - (e) the casino licensee has contravened a condition of the casino licence;
 - (f) the casino premises are not suitable for conducting casino operations;
 - (g) the casino licensee is not, or is no longer, an eligible person;
 - (h) the casino licensee is not, or is no longer, in control of the casino because the casino licensee has been taken over by another corporation or is under the influence of someone else;
 - (i) the owner is not, or is no longer, an eligible person;
 - (j) the casino lessee is not, or is no longer, an eligible person;
 - (k) the casino licensee has been given a reprimand that included a direction, and has not complied with the direction;
 - (l) the casino licensee has failed to pay to the Territory a financial penalty imposed under section 37;
 - (m) a proceeding to wind up the casino licensee has been started.

- (2) In subsection (1) (c), a reference to a contravention of this Act includes a reference to the following:
- (a) a contravention of the Criminal Code, part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
 - (b) a contravention of the Criminal Code in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;
 - (c) a contravention of the Criminal Code in relation to anything else done, or not done, under or in relation to this Act.

34 Disciplinary action against casino licensee

- (1) Each of the following is a *disciplinary action* when taken against the casino licensee:
- (a) reprimanding the casino licensee;
 - (b) putting conditions on, or amending the conditions of, the casino licence;
 - (c) ordering the casino licensee to pay to the Territory a financial penalty of not more than \$1 000 000;
 - (d) recommending to the Minister that the casino licence be suspended for a stated period or until a stated thing happens;
 - (e) recommending to the Minister that the casino licence be cancelled.
- (2) A reprimand may include a direction by the commission that the casino licensee, within a stated time—
- (a) stop contravening this Act; or
 - (b) correct something that contributes to the ground for disciplinary action.

- (3) A financial penalty imposed under this section may be recovered as a debt payable to the Territory.

35 Criteria for disciplinary action against casino licensee

- (1) In deciding whether disciplinary action should be taken, or what disciplinary action should be taken, against the casino licensee, the commission must consider the following:
- (a) whether disciplinary action has previously been taken against the casino licensee;
 - (b) whether the ground for which the disciplinary action is to be taken endangered the public or the public interest;
 - (c) the seriousness of the ground for disciplinary action;
 - (d) the likelihood of further disciplinary action needing to be taken against the casino licensee.
- (2) The commission may also consider any other relevant matter.

36 When disciplinary notice may be given to casino licensee

- (1) If the commission is satisfied that a ground for disciplinary action exists, or may exist, in relation to the casino licensee, the commission may give the casino licensee a notice (a *disciplinary notice*).

Note The commission need not give a disciplinary notice if the grounds for disciplinary action are the contravention of a direction in a reprimand (see s 37 (1)).

- (2) The disciplinary notice must—
- (a) state the ground for disciplinary action; and
 - (b) tell the casino licensee that the casino licensee may, not later than 3 weeks after the day the casino licensee is given the notice, give a written response to the commission about the notice.

37 Taking disciplinary action against casino licensee

- (1) This section applies if the commission is satisfied that the casino licensee has contravened a direction in a reprimand.
- (2) This section also applies if—
 - (a) the casino licensee has been given a disciplinary notice; and
 - (b) after considering any responses given within the 3-week period in relation to the notice under section 36, the commission is satisfied that a ground for disciplinary action exists in relation to the casino licensee.
- (3) The commission may take disciplinary action against the casino licensee.
- (4) To remove any doubt, the disciplinary action may consist of 2 or more of the actions mentioned in section 34 (1) (a) to (d).
- (5) Disciplinary action mentioned in section 34 (1) (a), (b) or (c) takes effect when the casino licensee receives written notice of the action or, if the notice provides for a later time of effect, that time.
- (6) If the commission considers that the disciplinary action that should be taken is recommending to the Minister that the casino licence be suspended or cancelled, the commission must give the Minister a written notice stating—
 - (a) its recommendation that the casino licence be suspended or cancelled; and
 - (b) the reasons for the recommendation.

Note Only the Minister may suspend or cancel the casino licence (see s 38).

38 Suspension or cancellation of casino licence

- (1) The Minister may suspend or cancel the casino licence if—
 - (a) the Minister receives a notice from the commission under section 37 (6) recommending that the casino licence be suspended or cancelled; or
 - (b) the Minister considers that suspending or cancelling the licence is in the public interest.
- (2) In deciding whether to suspend or cancel the casino licence under subsection (1) (a), the Minister must consider the commission's recommendations.
- (3) If the Minister rejects the commission's recommendations, the Minister may refer the matter back to the commission for reconsideration.
- (4) If the Minister proposes to suspend or cancel the casino licence under subsection (1) (b), the Minister must give the casino licensee a written notice—
 - (a) stating why the Minister considers the casino licence should be suspended or cancelled; and
 - (b) telling the casino licensee that the casino licensee may, not later than 3 weeks after the day the casino licensee is given the notice, give a written response to the Minister about the notice.
- (5) After considering any response to the notice given within the 3-week period, the Minister may suspend or cancel the casino licence under subsection (1) (b).
- (6) The Minister may suspend the casino licence under this section for a stated period or until a stated thing happens.

39 Appointment of administrator for casino

- (1) If the casino licence is suspended or cancelled, the Minister may appoint an administrator for the casino if satisfied that it is in the public interest to make the appointment.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) In appointing a person to be an administrator, the Minister must consider any recommendations made by the commission about the suitability of the person.
- (3) The appointment of an administrator ends if the casino licence is transferred under section 30.

40 Administrator's duties

An administrator appointed under section 39 must—

- (a) assume full control of, and responsibility for, the business of the casino licensee in relation to the casino; and
- (b) conduct casino operations, or ensure that casino operations are conducted, in accordance with this Act.

Part 4 Casino employees

Division 4.1 Casino employee licences

41 Employees must hold licence to work

- (1) The casino licensee commits an offence if, on a day—
- (a) a person performs a prescribed function in relation to the casino; and
 - (b) the person either—
 - (i) does not hold a casino employee licence to perform the function; or
 - (ii) is not competent to perform the function.

Maximum penalty (for each day): 5 penalty units.

- (2) A person commits an offence if, on a day—
- (a) the person performs a prescribed function in relation to the casino; and
 - (b) the person does not hold a casino employee licence to perform the function.

Maximum penalty (for each day): 5 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) Subsection (1) (b) (ii) does not apply in relation to a function performed by a casino employee if the employee performs the function in accordance with a condition of the employee's casino employee licence that allows the employee, until the employee is competent to perform the function, to perform the function under the supervision of a casino employee who is licensed, and competent, to perform the function.

42 Application for casino employee licence

- (1) An individual may apply to the commission in writing for a casino employee licence.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

- (2) The application must be accompanied by—
- (a) a written statement from the casino licensee—
 - (i) that the casino licensee employs, or has offered to employ, the applicant; and
 - (ii) setting out the functions that the applicant will perform in the casino; and
 - (iii) that the applicant—
 - (A) is competent to perform the functions; or
 - (B) will be supervised by a casino employee licensed, and competent, to perform the functions until the applicant is competent; and
 - (b) an undertaking by the applicant to allow the applicant's fingerprints to be taken by a police officer; and
 - (c) a consent by the applicant for a police officer to—
 - (i) check the applicant's criminal record using the applicant's fingerprints; and
 - (ii) report the results of the check to the commission; and
 - (d) 4 recent passport-size photographs of the applicant.

43 Amendment of application for casino employee licence

- (1) This section applies if, before an application under section 42 is decided, a change happens in relation to—
 - (a) something mentioned in the application; or
 - (b) a document, or something mentioned in a document, that accompanied the application.
- (2) The applicant must give the commission a written statement—
 - (a) setting out the details of the change; and
 - (b) asking the commission to amend the application to include the change.

Note 1 If a form is approved under the Control Act, s 53D for this provision, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

- (3) The statement must be signed by the applicant.

44 Approval of application for casino employee licence

- (1) If the commission receives an application under section 42 for a casino employee licence, the commission must—
 - (a) approve the application; or
 - (b) amend the application in accordance with a statement given to the commission under section 43 and approve the amended application; or
 - (c) refuse to approve the application; or
 - (d) make a request under subsection (2) in relation to the application to—
 - (i) the casino licensee; or
 - (ii) the applicant; or

- (iii) anyone else associated with the applicant who is, in the commission's opinion, relevant to the application.
- (2) A request under this subsection to a person—
- (a) must—
- (i) be in writing; and
- (ii) state a reasonable time within which the information must be given; and
- (b) may ask the person to do all or any of the following:
- (i) give the commission stated information relevant to the application;
- (ii) produce for the commission's inspection a stated document or documents of a stated kind, relevant to the application;
- (iii) allow the commission to examine, copy or take extracts from a stated document, or documents of a stated kind, relevant to the application (including documents produced for the commission's inspection under subparagraph (ii));
- (iv) verify, by statutory declaration or otherwise, information given or a document produced to the commission;
- (v) authorise a stated person to do anything mentioned in subparagraphs (i) to (iv).
- Note* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.
- (3) If the commission makes a request under subsection (2), the commission must not approve or refuse to approve the application for a casino employee licence until—
- (a) the commission has received the information; or
- (b) the time stated under subsection (2) (a) (ii) for giving the information has ended.

- (4) The commission must approve the application if—
- (a) the commission is satisfied that the applicant is an eligible person; and
 - (b) the casino licensee has given the commission a written statement that the applicant has been employed or offered employment by the casino licensee and—
 - (i) is competent to perform the functions set out in the statement; or
 - (ii) will be supervised by a casino employee who is licensed, and competent, to perform the functions until the applicant is competent.
- (5) The commission may refuse to approve the application if the requirements of subsection (1) (d) and section 43 have not been complied with.
- (6) In considering the application, the commission may inquire into anything relating to the application it considers relevant.
- (7) If the commission approves the application, the commission may decide to put conditions on the casino employee licence it gives the applicant.

45 Issue of casino employee licence

- (1) If the commission approves an application for a casino employee licence, it must—
- (a) give a casino employee licence to the applicant; and
 - (b) give a copy of the licence to the casino licensee.
- (2) A casino employee licence must state—
- (a) when the licence starts; and
 - (b) the prescribed functions that the licence-holder may perform in relation to the casino; and

(c) any conditions mentioned in section 50 (c) to which the licence is subject.

Note A casino employee licence is also subject to the conditions mentioned in s 50 (a) and (b).

- (3) A casino employee licence is for 2 years.
- (4) If a short-term licence has been given to the applicant, the licence under this section is taken to have started when the short-term licence started.

46 Replacement of casino employee licence

- (1) This section applies if a person tells the commission, in writing, that a casino employee licence given to the person has been lost, stolen or destroyed.
- (2) The commission may, by written notice given to the person, require the person to give the commission, within a stated period, a statement confirming, and explaining the circumstances of, the loss, theft or destruction.

Note If a form is approved under the Control Act, s 53D for this provision, the form must be used.

- (3) If the commission is satisfied that the person's casino employee licence has been lost, stolen or destroyed, the commission may give a replacement to the person.

Note A fee may be determined under s 143 for this provision.

47 Renewal of casino employee licence

- (1) A casino employee may apply to the commission for renewal of his or her casino employee licence (other than a short-term licence) not later than 1 month, and not earlier than 3 months, before the day the term of the licence ends.

Note If a form is approved under the Control Act, s 53D for an application, the form must be used.

- (2) The application must be accompanied by a consent by the applicant for a police officer to—
 - (a) check the applicant's criminal record using the applicant's fingerprints; and
 - (b) report the results of the check to the commission.
- (3) On application under this section, the commission must approve the application if satisfied that it would approve the casino employee's application if the application were an application for an initial casino employee licence.
- (4) The renewal of the casino employee licence—
 - (a) begins on the day after the term of the licence being renewed ends; and
 - (b) is for 2 years.
- (5) If the commission approves the application, the commission must—
 - (a) give a casino employee licence to the casino employee; and
 - (b) give a copy of the licence to the casino licensee.
- (6) A casino employee licence that is suspended may be renewed, but the renewed licence is suspended until the end of the suspension.

48 Short-term casino employee licence

- (1) This section applies to a person who has applied under section 42 for a casino employee licence, or applied under section 47 for renewal of a casino employee licence, if—
 - (a) the commission has not received the results of the police check of the person's criminal record; but
 - (b) the commission would issue a casino employee licence to the person, or renew the person's licence, if nothing in the results of the police check showed that the person was not an eligible person.

- (2) The commission may—
 - (a) for an application under section 42—give a casino employee licence to the person; or
 - (b) for an application under section 47—renew the licence.
 - (3) A licence given or renewed under this section (a *short-term licence*) is for 6 months, and cannot be renewed.
 - (4) The commission must give a copy of each short-term licence to the casino licensee.
 - (5) A short-term licence must state—
 - (a) when the licence starts; and
 - (b) the prescribed functions that the licence-holder may perform in relation to the casino; and
 - (c) any conditions mentioned in section 50 (c) to which the licence is subject.
- Note* A short-term licence is also subject to the conditions mentioned in s 50 (a) and (b).
- (6) If, after considering the results of the police check of the person's criminal record, the commission is satisfied that the person is not an eligible person, the commission must, by written notice given to the person cancel the person's short-term licence.

Division 4.2 **Conditions of casino employee licence**

49 **Contravention of conditions of casino employee licence**

- (1) The casino licensee commits an offence if, on a day—
 - (a) a casino employee performs a prescribed function stated in the casino employee's licence in relation to the casino; and
 - (b) the casino employee's licence is subject to a condition; and

(c) the casino employee contravenes the condition.

Maximum penalty (for each day): 5 penalty units.

(2) An offence against subsection (1) is a strict liability offence.

(3) A casino employee commits an offence if—

(a) the person's casino employee licence is subject to a condition;
and

(b) the person engages in conduct that contravenes the condition.

Maximum penalty: 5 penalty units.

50 Conditions of casino employee licence

A casino employee licence is subject to the following conditions:

(a) the condition that the licence-holder must comply with any written request by the commission to do all or any of the following:

(i) give the commission stated information relevant to the administration or enforcement of this Act;

(ii) produce for the commission's inspection a stated document, or documents of a stated kind, relevant to the administration or enforcement of this Act;

(iii) allow the commission to examine, copy or take extracts from a stated document, or documents of a stated kind, relevant to the administration or enforcement of this Act (including documents produced for the commission's inspection under subparagraph (ii));

(iv) verify, by statutory declaration or otherwise, information given or a document produced to the commission;

(v) authorise a stated person to do anything mentioned in subparagraphs (i) to (iv);

- (b) the condition that, if a change happens in relation to something mentioned in section 43 (1) (a) or (b) in relation to the licence-holder, the licence-holder must, as soon as practicable after the change happens, give the commission a written statement setting out the details of the change;
- (c) any condition the commission puts on the licence when giving the licence or at any other time.

51 Amendment of conditions of casino employee licence

- (1) The commission may amend the conditions of a casino employee licence on its own initiative or on application by the licence-holder or the casino licensee.
- (2) If the commission receives an application under subsection (1), the commission must approve, or refuse to approve, the application.
- (3) If the commission amends the conditions of a casino employee licence, it must—
 - (a) give an amended casino employee licence to the applicant; and
 - (b) give a copy of the amended licence to the casino licensee.
- (4) The amendment takes effect on the date stated in the amended casino employee licence.
- (5) This section does not apply to a condition mentioned in section 50 (a) or (b).
- (6) In this section:
amend the conditions of a casino employee's licence includes—
 - (a) put a condition on the licence; and
 - (b) revoke a condition of the licence.

Division 4.3 **Changes in relation to casino employee licences**

52 **Change of prescribed functions**

- (1) The holder of a casino employee licence may apply in writing to the commission for an amendment of the licence to change the prescribed functions that may be performed by the holder in relation to the casino.

Note 1 If a form is approved under the Control Act, s 53D for this provision, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

- (2) The application must be accompanied by a written statement from the casino licensee—
- (a) setting out the new functions that the applicant will perform in relation to the casino; and
 - (b) that the applicant—
 - (i) is competent to perform the functions; or
 - (ii) will be supervised by a casino employee who is licensed, and competent, to perform the functions until the applicant is competent.
- (3) The commission must approve, or refuse to approve, the application.
- (4) If the commission approves the application, it must—
- (a) give an amended casino employee licence to the applicant; and
 - (b) give a copy of the amended licence to the casino licensee.
- (5) The amendment takes effect on the date stated in the amended casino employee licence.

53 Employee no longer working in casino

If a casino employee stops working in relation to the casino, the commission must cancel the employee's casino employee licence.

54 Obligation to return casino employee licence

- (1) This section applies to a person if—
 - (a) the term of the person's casino employee licence ends; or
 - (b) the commission gives an amended casino employee licence to the person; or
 - (c) the person's casino employee licence is cancelled or suspended; or
 - (d) the person is a casino employee who stops working in relation to the casino.
- (2) The person must return the person's casino employee licence to the commission not later than 1 week after—
 - (a) the day the term of the licence ends; or
 - (b) the person is given the amended casino employee licence; or
 - (c) the day the person is given notice of the cancellation or suspension; or
 - (d) the day the person stops working in relation to the casino.

Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) This section does not apply if the person has a reasonable excuse.
- (5) If a person returns the person's casino employee licence to the commission because it is suspended, the commission must return the licence to the person at the end of the suspension unless the term of the licence has ended.

Division 4.4 **Disciplinary action against casino employees**

55 **Definitions—div 4.4**

In this division:

disciplinary action—see section 57.

disciplinary notice—see section 59.

ground for disciplinary action against a casino employee—see section 56.

56 **Grounds for disciplinary action against casino employee**

- (1) Each of the following is a *ground for disciplinary action* against a casino employee:
 - (a) when the commission decided the casino employee's application for a casino employee licence or for renewal of the licence, grounds existed to refuse to approve the application but the commission was not aware of them;
 - (b) the casino employee has given information to the commission that was false or misleading;
 - (c) the casino employee has failed to give information required to be given under this Act;
 - (d) the casino employee has contravened this Act;
 - (e) the casino employee has contravened a condition of the employee's casino employee licence;
 - (f) the casino employee is not, or is no longer, an eligible person;
 - (g) the casino employee is not, or is no longer, competent to perform the functions for which the employee holds a casino employee licence.

- (2) However, subsection (1) (g) does not apply in relation to a function performed by the casino employee if the employee performs the function in accordance with a condition of the employee's casino employee licence that allows the employee, until the employee is competent to perform the function, to perform the function under the supervision of a casino employee who is licensed, and competent, to perform the function.
- (3) In subsection (1) (d), a reference to a contravention of this Act includes a reference to the following:
- (a) a contravention of the Criminal Code, part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
 - (b) a contravention of the Criminal Code in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;
 - (c) a contravention of the Criminal Code in relation to anything else done, or not done, under or in relation to this Act.

57 Disciplinary action against casino employee

Each of the following is a *disciplinary action* when taken against a casino employee:

- (a) reprimanding the casino employee;
- (b) putting conditions on, or amending the conditions of, the casino employee's licence;
- (c) amending the casino employee's licence to change the prescribed functions the casino employee may perform in relation to the casino;
- (d) suspending the casino employee's licence;
- (e) cancelling the casino employee's licence.

58 Criteria for disciplinary action against casino employee

- (1) In deciding whether to take disciplinary action, or what disciplinary action to take, against a casino employee, the commission must consider the following:
 - (a) whether action has previously been taken against the casino employee;
 - (b) the seriousness of any contravention of this Act;
 - (c) the likelihood of further disciplinary action needing to be taken against the casino employee.
- (2) The commission may also consider any other relevant matter.

59 Taking disciplinary action against casino employee

- (1) If the commission is satisfied that a ground for disciplinary action exists, or may exist, in relation to a casino employee, the commission may give the casino employee a notice (a *disciplinary notice*).
- (2) The disciplinary notice must—
 - (a) state the ground for disciplinary action; and
 - (b) tell the casino employee that the casino employee may, not later than 3 weeks after the day the casino employee is given the notice, give a written response to the commission about the notice.
- (3) If, after considering any responses given within the 3-week period, the commission is satisfied that a ground for disciplinary action exists in relation to the casino employee, the commission may take disciplinary action against the casino employee.
- (4) To remove any doubt, the disciplinary action may consist of 2 or more of the actions mentioned in section 57 (a) to (d).

- (5) The disciplinary action takes effect when the casino employee receives written notice of the action or, if the notice provides for a later time of effect, that time.

60 Effect of suspension of casino employee licence

- (1) If a casino employee licence is suspended under section 59, the licence is not in force for the period of the suspension.
- (2) Subsection (1) does not affect—
- (a) any civil or criminal liability incurred by the licence-holder; or
 - (b) the exercise of the functions of the commission or an authorised person in relation to the licence-holder or the casino employee licence.
- (3) The commission may shorten or end the period of suspension by written notice to the licence-holder.
- (4) For this section:
authorised person does not include a casino employee.

Division 4.5 Information about casino employees

61 Casino licensee to give commission information about employees

- (1) The casino licensee must give the commission—
- (a) written notice of a person starting work in relation to the operation of the casino no later than the day the person starts work; and
 - (b) written notice of a person stopping work in relation to the operation of the casino within 1 week after the day the person stops work.

- (2) The commission may, by written notice given to the casino licensee, require the casino licensee to give the commission, within a stated reasonable period, the following information:
- (a) a list of casino employees;
 - (b) a list of people who are employed or otherwise work in relation to the operation of the casino;
 - (c) a list of people employed by the casino licensee in any other capacity.

Note If a form is approved under the Control Act, s 53D for this provision, the form must be used.

- (3) The commission must not give the casino licensee a notice under subsection (2) more than twice in any 12-month period.
- (4) The casino licensee commits an offence if the licensee fails to give the commission, in accordance with this section, information required to be given under this section.

Maximum penalty: 20 penalty units.

- (5) An offence against this section is a strict liability offence.

Part 5 Casino operations

Division 5.1 Designation and operation of casino

62 Designation of casino

- (1) A regulation may designate an area to be the casino for this Act.
- (2) Subsection (1) has effect despite the *Land (Planning and Environment) Act 1991*, section 8 and section 9.
- (3) Except as provided in subsection (2), this Act does not authorise the doing of anything, or the approval of the doing of anything, that would be inconsistent with the territory plan.

63 Directions in relation to casino

- (1) The commission may give the casino licensee a written direction in relation to the following:
 - (a) the conduct of any operation in the casino;
 - (b) the layout of the casino;
 - (c) the operating times for the casino;
 - (d) the content or implementation of control procedures;
 - (e) the separation of cash facilities from the casino.
- (2) The casino licensee must not engage in conduct that contravenes a direction given to the casino licensee under this section.

Maximum penalty: 50 penalty units.

Division 5.2 Layout of casino

64 Meaning of *current layout* in div 5.2

In this division:

current layout, of the casino, means the plans for the layout of the casino approved, from time to time, by the commission.

65 Casino to be operated in accordance with current layout

- (1) The casino licensee must operate the casino in accordance with the current layout of the casino.

Maximum penalty: 50 penalty units.

Note The commission may give the casino licensee a direction in relation to the layout of the casino (see s 63 (1) (b)).

- (2) An offence against this section is a strict liability offence.

66 Notice of proposed change to current layout etc

- (1) The casino licensee must give the commission notice of—
- (a) a proposed change to the current layout of the casino; or
 - (b) a proposed new layout for the casino.
- (2) The notice must—
- (a) be in writing; and
 - (b) state the date when the casino licensee proposes to implement the change to the current layout or the new layout; and
 - (c) be made at least 1 week before that date; and
 - (d) be accompanied by a copy of the plans showing the changed layout or new layout.

- (3) The casino licensee must not implement the proposed change to the current layout or the proposed new layout earlier than 1 week after the day the notice is given to the commission.

67 Decision on proposed change to current layout etc

- (1) On receiving a notice under section 66, the commission may, by written notice given to the casino licensee—
- (a) approve or reject the plans accompanying the notice under section 66; or
 - (b) ask the casino licensee to demonstrate how the plans or the layout comply with the requirements mentioned in subsection (4); or
 - (c) ask for further information about the plans; or
 - (d) ask for further time to consider the plans.
- (2) If the commission gives a notice under subsection (1) (b) or (c)—
- (a) the notice must state a reasonable time within which the demonstration or information must be given; and
 - (b) the commission must not approve or reject the plans until—
 - (i) the commission has received the demonstration or information; or
 - (ii) the time stated for giving the demonstration or information has ended.
- (3) A notice under subsection (1) (d) must state the further time needed to consider the plans.
- (4) The commission must not approve the plans, or allow the plans to be approved under subsection (5) or (6), unless satisfied that—
- (a) the plans clearly identify the gaming area of the casino; and

- (b) the proposed layout adequately takes into account the safety and comfort of, and harm minimisation strategies for, patrons; and
 - (c) the proposed layout includes adequate closed-circuit television coverage in the casino; and
 - (d) the plans and proposed layout are in accordance with this Act.
- (5) The commission is taken to have approved the plans if a notice under subsection (1) is not given to the casino licensee within 1 week after the day the commission receives the notice under section 66.
- (6) If the commission asks for further time to consider the plans, the commission is taken to have approved the plans if a notice rejecting the plans is not given to the casino licensee within the later period requested by the commission.
- (7) In this section:
- adequate*—closed-circuit television coverage is *adequate* if the commission is satisfied that—
- (a) the coverage provides proper monitoring of—
 - (i) all patron and gaming activity; and
 - (ii) the storage of gaming equipment, cash and chips in the casino; and
 - (b) at least 1 camera is continually monitoring each gaming table that is being used for gaming; and
 - (c) all images captured by closed-circuit television in the casino are continuously recorded.

Division 5.3 Casino operating times

68 Operating times

- (1) The casino licensee—
 - (a) must operate the casino during core trading hours; but
 - (b) may decide longer operating times for the casino.

Note The commission may give the casino licensee a direction in relation to the operating times for the casino (see s 63 (1) (c)).

- (2) The commission may exempt the casino licensee from operating the casino during core trading hours for a stated time if the commission considers there is a good reason to give the exemption.

Examples

- 1 the casino needs significant repairs
- 2 the occurrence of a significant power failure affecting the casino

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) The casino licensee may operate the casino on a public holiday.
- (4) In this section:

core trading hours means the core trading hours prescribed by regulation.

69 Notice of operating times

- (1) The casino licensee must place a sign stating the operating times for the casino in a prominent position outside each public entrance to the casino.
- (2) If the casino licensee changes the operating times, the casino licensee must, at least 24 hours before the change happens—
 - (a) give the commission written notice of the changed operating times; and

- (b) publish an advertisement about the changed operating times in a newspaper published daily and circulating in the ACT; and
- (c) place a sign stating the changed operating times in a prominent position outside each public entrance to the casino.

Note If a form is approved under the Control Act, s 53D for an advertisement, the form must be used.

Division 5.4 Termination of supply contracts

70 Meaning of *supply contract* in div 5.4

In this division:

supply contract—

- (a) means—
 - (i) a contract relating to the supply of goods or services to the casino; and
 - (ii) a contract prescribed by regulation as a contract to which this division applies; but
- (b) does not include—
 - (i) a control agreement; or
 - (ii) a casino lease; or
 - (iii) a contract relating to the construction of the casino; or
 - (iv) a contract declared by regulation to be a contract to which this division does not apply.

71 Notice about proposed termination of supply contract

- (1) If the commission considers that it is not in the public interest for a supply contract to remain in force, the commission must give each party to the supply contract a written notice—

- (a) stating the reasons why the commission considers that it is not in the public interest for the contract to remain in force; and
 - (b) telling the party that the party may, not later than 3 weeks after the day the party is given the notice, give a response to the commission about the notice.
- (2) In deciding whether or not it is in the public interest for a supply contract to remain in force, the commission must consider—
- (a) whether each party to the supply contract is an eligible person; and
 - (b) the operation of the supply contract.
- (3) The commission may also consider any other relevant matter.
- (4) The commission may require a party to a supply contract to give the commission information the commission reasonably needs for exercising its function under this section.

72 Terminating supply contracts

- (1) This section applies if the commission has given notice under section 71 in relation to a supply contract.
- (2) If the commission is not satisfied, after considering any responses given to it within the 3-week period mentioned in section 71 (1) (b), that it is in the public interest for the supply contract to remain in force, the commission must terminate the contract by written notice given to each party to the contract.
- (3) In deciding whether or not it is in the public interest for the supply contract to remain in force, the commission—
- (a) must consider the matters mentioned in section 71 (2); and
 - (b) may also consider any other relevant matter.
- (4) The supply contract is terminated on the date stated in the notice.

73 Effect of termination of supply contract

If a supply contract is terminated under this division, the following provisions apply in relation to the supply contract:

- (a) a right acquired, or a liability incurred, by a party to the contract before the termination is not affected by the termination;
- (b) a party to the contract does not incur a liability for breach of contract only because of the termination;
- (c) no liability is incurred by the Territory or the commission because of the termination.

Division 5.5 Casino facilities

74 Maintenance of casino facilities

- (1) The casino licensee must maintain in good order and condition, to the satisfaction of the commission—
 - (a) all security and surveillance equipment for the casino; and
 - (b) all gaming equipment and chips.
- (2) The casino licensee must regularly carry out testing on all security and surveillance equipment for the casino.

Division 5.6 Control procedures

75 Establishing control procedures

- (1) The casino licensee commits an offence if the casino licensee has not—
 - (a) established control procedures for the operation of the casino that include the operational details mentioned in subsection (3) and comply with any regulation made for subsection (4); or

(b) given the commission a written copy of the control procedures.

Maximum penalty: 50 penalty units.

Note The commission may give the casino licensee a direction in relation to the content or implementation of control procedures (see s 63 (1) (d)).

- (2) An offence against this section is a strict liability offence.
- (3) The control procedures must include operational details (including who is responsible) for each of the following:
- (a) accounting and record keeping in relation to gaming operations, including premium players and commission-based players;
 - (b) the conduct of authorised games;
 - (c) access to and handling (including storage) of cash and chips;
 - (d) payment of winnings;
 - (e) access to, and storage and maintenance of, gaming equipment;
 - (f) security of the casino, including gaming equipment, cash, chips, and patron safety;
 - (g) operation and maintenance of the casino's closed-circuit television system and other security systems;
 - (h) job descriptions (including responsibilities) of people involved in the operation of, and doing accounting and record keeping in relation to, the casino;
 - (i) anything else prescribed by regulation.
- (4) A regulation may make provision in relation to the control procedures.
- (5) In this section:

commission-based player means a person visiting the casino as part of a commission-based player scheme.

premium player means a person visiting the casino who—

- (a) is offered or given privileges by the casino licensee based on the person's level of gaming activity in the casino; but
- (b) is not participating in a commission-based player scheme.

76 Changing control procedures

- (1) The casino licensee may change the control procedures by written notice given to the commission.
- (2) The notice must—
 - (a) state the date when the casino licensee proposes to commence the change to the control procedures; and
 - (b) be made at least 1 week before that date.
- (3) However, the commission may accept the notice even if it is not given in accordance with subsection (2) (b).
- (4) On receiving a notice under subsection (1), the commission may, by written notice given to the casino licensee—
 - (a) approve or reject the proposed change; or
 - (b) direct the casino licensee to include other changes; or
 - (c) direct the casino licensee to change the control procedures in another way; or
 - (d) direct the casino licensee to change the date for the change to commence; or
 - (e) ask for further information or clarification about the proposed change.
- (5) If the commission gives a notice under subsection (4) (e)—
 - (a) the notice must state a reasonable time within which the information or clarification must be given; and

- (b) the commission must not make a decision under subsection (4) (a) to (d) until—
 - (i) the commission has received the information or clarification; or
 - (ii) the time stated for giving the information or clarification has ended.
- (6) The commission is taken to have approved the proposed change if a notice under subsection (4) is not given to the casino licensee within 1 week after the day the commission receives the notice under subsection (1).
- (7) The commission may, at any time on its own initiative and by written notice given to the casino licensee, direct the casino licensee to make a stated change to the control procedures.

77 Complying with control procedures

- (1) The casino licensee commits an offence if the licensee contravenes the control procedures.
Maximum penalty: 50 penalty units.
- (2) An agent of the casino licensee commits an offence if—
 - (a) the agent operates, or performs a function in relation to, the casino; and
 - (b) the agent contravenes the control procedures.Maximum penalty: 50 penalty units.
- (3) An offence against subsection (1) or (2) is a strict liability offence.
- (4) A casino employee commits an offence if—
 - (a) the casino employee performs a function in relation to the casino; and

- (b) the casino employee engages in conduct that contravenes the control procedures.

Maximum penalty: 10 penalty units.

Division 5.7 Exclusion from casino

78 Definitions—div 5.7

In this Act:

document of identification, for a person, means a document that—

- (a) is a driver licence, proof of age card or passport; and
- (b) contains a photograph that could reasonably be taken to be of the person; and
- (c) indicates that the person to whom the document was issued is at least 18 years old.

driver licence means an Australian driver licence or a licence to drive a motor vehicle (however described) issued under the law of an external Territory or a foreign country.

excluded person means a person who is excluded from entering or remaining in the casino by a notice under section 82 (Exclusion by casino official) or section 84 (Exclusion by chief police officer or commission).

exclusion notice—see section 82 (1).

proof of age card includes a document corresponding to a proof of age card that has been issued under the law of a State.

79 Entry to casino

- (1) A person may enter or remain in the casino only by the licence of the casino licensee.
- (2) Without limiting subsection (1), a casino official may refuse to allow a person to enter or remain in the casino unless the person satisfies the official of his or her age by showing a document of identification.
- (3) A regulation may prescribe conditions for members of the public to satisfy to enter or remain in the casino.

80 Children must not enter casino

- (1) A casino official commits an offence if the official allows a child to enter or remain in the casino.
Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) It is a defence to a prosecution for an offence against this section if the child was at least 16 years old and the defendant proves that—
 - (a) the child had shown a document of identification before entering the casino; and
 - (b) the defendant believed that the child was at least 18 years old.

81 Child using false identification

A child commits an offence if the child uses a false document of identification or someone else's document of identification for the purpose of obtaining entry to or remaining in the casino.

Maximum penalty: 10 penalty units.

82 Exclusion by casino official

- (1) A casino official may exclude a person from entering or remaining in the casino by giving the person notice (an *exclusion notice*), orally or in writing.
- (2) A casino official must give a person an exclusion notice if the official believes, on reasonable grounds, that the person—
 - (a) is affecting the orderly functioning of the operations of the casino; or
 - (b) appears to be cheating, or attempting to cheat, in the casino.

Note A person may also be excluded from the casino under the *Gambling and Racing Control (Code of Practice) Regulation 2002*, sch 1, s 1.14 (Exclusion of people at risk or excluded under deed).

- (3) A written exclusion notice must state—
 - (a) that the notice is made under this section; and
 - (b) the period for which the person is to be excluded; and
 - (c) the reasons for the exclusion; and
 - (d) that the person may apply to the commission for a review of the decision to exclude the person from the casino.
- (4) A person given an oral exclusion notice may be removed from the casino while a casino official prepares a written exclusion notice for the person.
- (5) A person may not be excluded from the casino under an oral exclusion notice for longer than 2 weeks.

83 Appeal against exclusion notice

- (1) A person may appeal in writing to the commission against a decision under section 82 to give the person an exclusion notice.

Note If a form is approved under the Control Act, s 53D for this provision, the form must be used.

- (2) After considering submissions from the person and the casino licensee, the commission must confirm, change or revoke the exclusion notice.

84 Exclusion by chief police officer or commission

- (1) The chief police officer or the commission may, by written notice given to the casino licensee, exclude a person named in the notice from entering or remaining in the casino—

- (a) for the period stated in the notice; or
(b) indefinitely.

- (2) The chief police officer or the commission may give a notice under this section only if satisfied that it is the public interest to give the notice.

- (3) The notice must state—

- (a) that the notice is made under this section; and
(b) that the person is to be excluded for a stated period or indefinitely.

- (4) The notice must be accompanied by—

- (a) a recent photograph of the person to be excluded; or
(b) if it is not practicable to obtain a recent photograph—a description of the person sufficient to enable the casino licensee to readily identify the person.

85 Casino official not to allow excluded person to enter casino

- (1) A casino official commits an offence if the official allows an excluded person to enter or remain in the casino.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant had no reasonable grounds to believe that the person was an excluded person.

86 Excluded person not to enter casino

- (1) A person who is excluded from entering or remaining in the casino by a notice under section 82 (Exclusion by casino official) must not enter or remain in the casino.

Maximum penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person who is excluded from entering or remaining in the casino by a notice under section 84 (Exclusion by chief police officer or commission) must not enter or remain in the casino.

Maximum penalty: 50 penalty units.

87 Revocation of exclusion notice

- (1) A person may apply, in writing, to the commission to have an exclusion notice given to the person under section 82 revoked.

Note 1 If a form is approved under the Control Act, s 53D, for this provision, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

- (2) If the commission receives an application under subsection (1), the commission must revoke, or refuse to revoke, the exclusion notice.

88 Removing etc excluded people

- (1) A police officer, or an agent or employee of the casino licensee, may, with any force that is reasonable and necessary—
 - (a) prevent an excluded person from entering the casino; or
 - (b) remove an excluded person from the casino.
- (2) An agent or employee of the casino licensee commits an offence if the agent or employee uses more force than is necessary and reasonable in exercising a power under subsection (1) (a) or (b).

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

- (3) A person commits an offence if—
 - (a) the person obstructs, hinders, intimidates an agent or employee of the casino licensee in the exercise of a power under subsection (1); and
 - (b) knows that the agent or employee is an agent or employee of the casino licensee.

Maximum penalty: 50 penalty units.

89 Record of excluded people

- (1) The casino licensee must keep a record of excluded people.
- (2) The record must include the following information in relation to each excluded person:
 - (a) the period for which the person is excluded from the casino;
 - (b) the name or a description of the excluded person;
 - (c) the name of the person who gave the exclusion notice;
 - (d) whether the person was excluded under section 82 (Exclusion by casino official) or section 84 (Exclusion by chief police officer or commission).

- (3) The casino licensee commits an offence if the licensee fails to keep a record of excluded people in accordance with this section.

Maximum penalty: 50 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) The casino licensee must ensure that the record is available for inspection by casino employees.

Part 6 Gaming

Division 6.1 Gaming equipment and chips

90 Definitions—pt 6

In this Act:

approved rules, for an authorised game, means the rules approved for the game under section 96 and, if amendments of the rules have been approved under section 97, the rules as so amended.

authorised game means a game declared under section 95 to be an authorised game.

gaming equipment—

- (a) means any electrical, electronic or mechanical device or anything else (other than chips) used, or suitable for use, in relation to gaming; and
- (b) includes a device or other thing that is incidental to the basic operation of gaming equipment.

91 Approval of gaming equipment and chips

- (1) The commission may, in writing, approve for use in the casino—
 - (a) gaming equipment manufactured by a stated manufacturer and supplied by a stated supplier; and
 - (b) chips manufactured by a stated manufacturer and supplied by a stated supplier.
- (2) However, the commission must not approve gaming equipment or chips under subsection (1) unless it has considered—
 - (a) the results of any technical evaluation of the gaming equipment or chips by an approved entity; and

(b) whether the supplier and manufacturer of the gaming equipment or chips are eligible people.

(3) In this section:

approved entity means an entity approved (however described) under a law of a local jurisdiction about gaming equipment or chips to undertake technical evaluations for the law.

technical evaluation, of gaming equipment or chips, includes an evaluation of—

- (a) the design and operation of the gaming equipment or chips; and
- (b) whether the gaming equipment or chips are easily interfered with, copied or forged.

92 When approval of equipment or chips not required

- (1) This section applies if the casino licensee acquires gaming equipment or chips that are identical to gaming equipment or chips in relation to which an approval is in force under section 91.
- (2) The casino licensee may use the gaming equipment or chips in the casino without the commission's approval if the casino licensee verifies, by written notice given to the commission, that the gaming equipment or chips are identical to gaming equipment or chips in relation to which an approval is in force under section 91.

93 Suspension or cancellation of gaming equipment or chips approval

- (1) The commission may, by written notice to the casino licensee, suspend or cancel the approval of gaming equipment or chips if—
 - (a) the gaming equipment no longer operates as designed; or
 - (b) the gaming equipment no longer operates as intended; or

- (c) the supplier or manufacturer of the gaming equipment or chips ceases to be an eligible person.
- (2) To remove any doubt, if the approval of gaming equipment or chips is suspended or cancelled under subsection (1) (a) or (b), the suspension or cancellation applies to all equipment or chips of that kind, whether or not particular equipment or chips are operating as designed or intended.

94 Possession or use of gaming equipment or chips

- (1) The commission may authorise a person to possess or use, outside the casino, gaming equipment that is approved for use in the casino under section 91.
- (2) A person commits an offence if—
 - (a) the person possesses gaming equipment outside the casino; and
 - (b) the gaming equipment is approved for use in the casino under section 91; and
 - (c) the person is not authorised by the commission to possess the gaming equipment outside the casino.

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

- (3) A person commits an offence if—
 - (a) the person uses gaming equipment outside the casino; and
 - (b) the gaming equipment is approved for use in the casino under section 91; and
 - (c) the person is not authorised by the commission to use the gaming equipment outside the casino.

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

- (4) A person commits an offence if—
- (a) the person—
 - (i) possesses gaming equipment or chips in the casino; or
 - (ii) uses gaming equipment or chips in the casino; and
 - (b) the gaming equipment or chips are not approved for use in the casino under section 91.

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

- (5) Subsection (4) (a) (i) does not apply to the casino licensee if the casino licensee—
- (a) possesses the gaming equipment or chips; and
 - (b) has told the commission in writing that the gaming equipment or chips need to be assessed for approval under section 91; and
 - (c) does not use the gaming equipment or chips until they are approved for use in the casino under section 91.
- (6) The commission may authorise a casino official to possess, outside the casino, chips that are approved for use in the casino under section 91.

- (7) A casino official commits an offence if—
- (a) the official possesses chips outside the casino; and
 - (b) the chips are approved for use in the casino under section 91; and
 - (c) the official is not authorised by the commission to possess the chips outside the casino.

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

- (8) A casino official commits an offence if—
- (a) the official allows another casino official (the *second official*) to possess chips outside the casino; and
 - (b) the chips are approved for use in the casino under section 91; and
 - (c) the second official is not authorised by the commission to possess the chips outside the casino.

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

Division 6.2 Authorised games

95 Declaration of authorised games

- (1) The casino licensee may apply in writing to the commission for a declaration that a game is an authorised game.

Note 1 If a form is approved under the Control Act, s 53D for this provision, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

- (2) On application under subsection (1), the commission must declare, or refuse to declare, the game to be an authorised game.
- (3) A declaration is a notifiable instrument.
- Note* A notifiable instrument must be notified under the Legislation Act.
- (4) A declaration may include conditions in relation to the playing of the authorised game.

96 Rules for authorised games

- (1) The casino licensee may apply in writing to the commission for approval of the rules for an authorised game.

Note 1 If a form is approved under the Control Act, s 53D for this provision, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

- (2) On application under subsection (1), the commission must approve, or refuse to approve, the rules for the authorised game.

- (3) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

97 Amendment of rules for authorised games

- (1) The casino licensee may apply in writing to the commission for approval of an amendment of the approved rules for an authorised game.

Note 1 If a form is approved under the Control Act, s 53D for this provision, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

- (2) On application under subsection (1), the commission must approve, or refuse to approve, the amendment of the approved rules for the authorised game.

- (3) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Division 6.3 Offences relating to gaming

98 Dealing cards

- (1) A casino official commits an offence if—
- (a) the official is conducting an authorised game in the casino involving playing cards; and
 - (b) the official does not deal the playing cards from a card shoe.

Maximum penalty:

- (a) for the casino licensee—100 penalty units; and
 - (b) for a casino employee—20 penalty units.
- (2) An offence against this section is a strict liability offence.

99 Issue of chips

- (1) A casino official commits an offence if the official—
- (a) issues, or allows someone else to issue, chips for gaming in the casino; and
 - (b) the chips are not paid for—
 - (i) in money to the face value of the chips; or
 - (ii) by chip purchase vouchers issued in accordance with the control procedures or the procedure prescribed by regulation.

Maximum penalty:

- (a) for the casino licensee—100 penalty units; and
 - (b) for a casino employee—20 penalty units.
- (2) An offence against this section is a strict liability offence.

100 Conduct of authorised games

- (1) A casino official commits an offence if—
- (a) the official conducts, or allows someone else to conduct, an authorised game in the casino; and
 - (b) the game is not conducted in accordance with—
 - (i) any conditions included in the declaration of the authorised game under section 95; or
 - (ii) the approved rules for the authorised game.

Maximum penalty:

- (a) for the casino licensee—100 penalty units; and
 - (b) for a casino employee—20 penalty units.
- (2) An offence against this section is a strict liability offence.

101 Placement and payment of wagers

- (1) A casino official commits an offence if—
- (a) the official allows a wager to be placed on an authorised game conducted in the casino; and
 - (b) the wager is not placed—
 - (i) using chips; or
 - (ii) if another way of placing wagers is stated in the approved rules for the authorised game—in that way.

Maximum penalty:

- (a) for the casino licensee—100 penalty units; and
- (b) for a casino employee—20 penalty units.

- (2) A casino official commits an offence if—
- (a) the official pays a wager won in playing an authorised game in the casino; and
 - (b) the official deducts an amount for a commission or levy from the amount paid for the wager; and
 - (c) the commission or levy is not provided for in the approved rules for the game.

Maximum penalty:

- (a) for the casino licensee—100 penalty units; and
 - (b) for a casino employee—20 penalty units.
- (3) An offence against this section is a strict liability offence.

102 Exchange of chips or chip purchase vouchers

- (1) The casino licensee commits an offence if—
- (a) during the operating times for the casino, a person asks for—
 - (i) the exchange of a chip purchase voucher for chips; or
 - (ii) the exchange of chips for other chips; or
 - (iii) the redemption of chips or chip purchase vouchers for money to the value of the face value of the chips or chip purchase voucher; and
 - (b) the licensee does not comply with the request.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

103 Charge for entering or playing in casino

- (1) The casino licensee commits an offence if the licensee charges a fee (whether directly or indirectly) for a person to enter the casino.

Maximum penalty: 50 penalty units

- (2) The casino licensee commits an offence if—
- (a) the licensee charges a person a fee (whether directly or indirectly) to play an authorised game in the casino; and
 - (b) the fee is not provided for in the approved rules for the game.

Maximum penalty: 50 penalty units

- (3) An offence against this section is a strict liability offence.

- (4) In this section:

fee includes—

- (a) a deposit, charge, commission or levy; and
- (b) a fee that is refundable.

104 Gaming by authorised person

- (1) An authorised person commits an offence if—
- (a) the person plays an authorised game in the casino; and
 - (b) the playing of the game is not part of—
 - (i) the person's functions under this Act; or
 - (ii) the person's employment; or
 - (iii) a function the person is exercising for the Territory or commission in relation to this Act.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

105 Gratuities for casino employees or agents

- (1) A casino employee, or an agent of the casino licensee, commits an offence if the employee or agent solicits or accepts a gratuity from a person in the casino or in relation to the operation of the casino.

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

- (2) This section does not apply to a gratuity in relation to—
- (a) the provision of food or beverages to people in the casino; or
 - (b) the undertaking of valet parking in relation to the casino; or
 - (c) the undertaking of cleaning duties in relation to the casino.

106 Children must not play authorised games

- (1) A casino official commits an offence if the official allows a child to play an authorised game in the casino.

Maximum penalty:

- (a) for the casino licensee—100 penalty units; and
- (b) for a casino employee—20 penalty units.

- (2) A child commits an offence if the child plays an authorised game in the casino.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) It is a defence to a prosecution for an offence against subsection (1) if the child was at least 16 years old and the defendant proves that—
- (a) the child had shown a document of identification before entering the casino; and
 - (b) the defendant believed that the child was at least 18 years old.

107 Gaming machines

- (1) The casino licensee commits an offence if the licensee does any of the following in the casino:
 - (a) possesses a gaming machine;
 - (b) permits the installation of a gaming machine;
 - (c) installs a gaming machine;
 - (d) permits the use of a gaming machine;
 - (e) uses a gaming machine.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

108 Cheating

- (1) A person commits an offence if—
 - (a) the person is in the casino; and
 - (b) the person dishonestly—
 - (i) obtains for the person or someone else; or
 - (ii) induces someone to deliver, give or credit to the person or someone else;
money, chips, benefit, advantage, valuable consideration or security; and
 - (c) the person does so by—
 - (i) trick, device, sleight of hand or representation; or
 - (ii) a scheme or practice; or
 - (iii) the use of gaming equipment; or

(iv) the use of—

- (A) an instrument or article of a kind, or appearing to be of a kind, used in relation to gaming; or
- (B) anything else.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (2) A person commits an offence if the person uses, or has in the person's possession, in the casino—
- (a) chips that the person knows are bogus or counterfeit chips; or
 - (b) cards, dice, tokens, coins or other gaming equipment that the person knows have been marked or tampered with.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (3) Subsection (2) does not apply to the possession by a casino official, authorised officer or police officer of a thing seized for destruction or for use as evidence in relation to—
- (a) a proceeding for an offence; or
 - (b) the taking of disciplinary action under this Act against the casino licensee or a casino employee.

- (4) A person commits an offence if—
- (a) the person has in the person's possession in the casino any equipment, device or other thing that facilitates or allows cheating or stealing; and
 - (b) the person possesses the thing with the intention of using it for cheating or stealing.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

(5) In this section:

device includes an electrical, electronic or mechanical device and a computer.

109 Forgery

A person commits an offence if the person—

- (a) forges a chip, chip purchase voucher, licence under this Act, or form of identification used for this Act; or
- (b) utters counterfeit chips or a forged or counterfeit chip purchase voucher, licence under this Act, or form of identification used for this Act.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

Division 6.4 Providing money for gaming

110 Cash facilities

(1) The casino licensee commits an offence if the licensee provides, or allows the provision of, a cash facility in the casino.

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

Note The commission may give the casino licensee a direction in relation to the separation of cash facilities from the casino (see s 63 (1) (e)).

(2) In this section:

cash facility—

- (a) means—
 - (i) an automatic teller machine; or
 - (ii) an EFTPOS facility; or

- (iii) any other facility for gaining access to cash or credit; but
- (b) does not include a facility where cash is exchanged for other denominations of cash, chips, tokens, tickets or cards for the purpose of playing games in the casino.

111 Lending or extending credit

- (1) A casino official commits an offence if the official—
 - (a) lends, or offers to lend, money to a person who is in, or appears to be about to enter, the casino or a part of it; or
 - (b) extends, or offers to extend, credit to a person who is in, or appears to be about to enter, the casino or a part of it.

Maximum penalty: 50 penalty units.

- (2) In this section:

extend credit includes accept postdated cheques, blank cheques and credit and debit cards.

112 Acceptance of cheques

- (1) The casino licensee commits an offence if—
 - (a) the licensee accepts a cheque from a person; and
 - (b) the cheque—
 - (i) is not a cheque prescribed by regulation; or
 - (ii) is not accepted in a way prescribed by regulation.

Maximum penalty: 10 penalty units.

- (2) The casino licensee commits an offence if—
 - (a) the licensee accepts or cashes a cheque at the request of a person; and

- (b) the licensee has previously accepted or cashed a cheque at the request of the person that was not honoured on presentation; and
- (c) the debt incurred by the dishonoured cheque has not been discharged.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) The casino licensee commits an offence if—
 - (a) the licensee accepts a cheque that has not been redeemed under section 114; and
 - (b) the licensee does not present the cheque for payment within the time determined by the commission under section 115.

Maximum penalty: 10 penalty units.

- (4) This section does not require the casino licensee to accept or cash a cheque.

113 Deposit accounts

- (1) The casino licensee may establish a deposit account for a person (the *account holder*).
- (2) The casino licensee may give the account holder any of the following to the value of the credit of the account holder's deposit account:
 - (a) chips;
 - (b) chip purchase vouchers;
 - (c) money;
 - (d) a cheque.

- (3) The casino licensee must credit the following amounts to the account holder's deposit account:
 - (a) the amount of any money or cheque the account holder has given the licensee for deposit to the account;
 - (b) the amount of any money transferred by the account holder to the account directly from an account operated by the account holder with a financial institution.
- (4) The casino licensee must debit the account holder's deposit account with the following amounts:
 - (a) if chips, chip purchase vouchers, money or a cheque has been issued to the account holder under subsection (2), an amount equal to—
 - (i) the face value of the chips or vouchers; or
 - (ii) the amount of the money; or
 - (iii) the amount of the cheque;
 - (b) the amount of any money transferred by the account holder from that account directly to an account operated by the account holder with a financial institution.
- (5) The casino licensee must not credit an amount to the account holder's deposit account, or debit the deposit account with an amount, except in accordance with this section.

114 Redemption of cheques

- (1) A person may redeem a cheque previously accepted by the casino licensee if—
 - (a) the licensee agrees; and
 - (b) the cheque is redeemed—
 - (i) before the cheque is presented for payment; or

- (ii) before the end of the time determined under section 115 for presentation of the cheque for payment.
- (2) The person may redeem the cheque by giving, to the cash desk at the casino, the amount of the cheque to be redeemed in the form of—
 - (a) cash; or
 - (b) chips; or
 - (c) if more than 1 cheque is being redeemed—a cheque for the total value of the cheques to be redeemed.

115 Time for presentation of unredeemed cheque

- (1) This section applies if the casino licensee accepts a cheque that has not been redeemed under section 114.
- (2) The commission may determine the time within which the casino licensee must present the cheque for payment.
- (3) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

116 Proceedings etc in relation to gaming

- (1) Despite any other territory law, the casino licensee may take action against a person to recover the amount of a cheque drawn in relation to a gaming debt incurred in the casino and later dishonoured.
- (2) The casino licensee commits an offence if—
 - (a) a person incurs a gaming debt in the casino because of the dishonour of a cheque drawn by the person and accepted by the licensee; and
 - (b) the licensee has a right in relation to the gaming debt; and

- (c) the licensee assigns the right, or part of the right, to someone else.

Maximum penalty: 50 penalty units.

- (3) Despite any other territory law, a person may take action against the casino licensee to recover—
 - (a) an amount won at gaming in the casino; or
 - (b) the amount of a cheque given by the casino licensee in payment of an amount mentioned in paragraph (a) that was later dishonoured.

Part 7 **Enforcement**

Division 7.1 **Powers of entry, search and seizure**

117 **Definitions—pt 7**

In this part:

conduct means an act or omission to do an act.

connected—a thing is *connected* with an offence if—

- (a) the offence has been committed in relation to it; or
- (b) it will provide evidence of the commission of the offence; or
- (c) it was used, is being used, or is or was intended to be used, to commit the offence.

offence means any conduct engaged in that is, or that it is believed on reasonable grounds to be—

- (a) an offence against this Act; or
- (b) a contravention of the Criminal Code in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act; or
- (c) a contravention of the Criminal Code in relation to anything else done, or not done, under or in relation to this Act.

118 **Power of police to enter casino**

- (1) A police officer may, at any time, enter and be in any part of the casino if the police officer—
 - (a) is at or above the rank of sergeant; or
 - (b) is authorised to do so by another police officer at or above the rank of sergeant; or

(c) is asked to do so by an authorised person.

- (2) This section does not affect the power of a police officer under any other territory law to enter and be in the casino.

Note The Control Act, s 23 provides that an authorised officer may enter and inspect the casino at any reasonable time to do the things mentioned in that section.

119 Powers of police to search and seize

- (1) If a police officer suspects, on reasonable grounds, that a particular thing is connected with a particular offence, the police officer may:
- (a) search a person, or enter premises and search, for the thing; and
 - (b) if the thing is found during the search—seize it.
- (2) If, during a search under subsection (1), a police officer finds a thing that the police officer believes, on reasonable grounds, is connected with another offence or will provide evidence in relation to the commission of an offence, the police officer may seize the thing.
- (3) A police officer must not exercise a power under this section unless the police officer believes, on reasonable grounds, that—
- (a) it is necessary to exercise the power to prevent the thing seized from being concealed, lost or destroyed, or used in relation to the offence or another offence; and
 - (b) the circumstances are so serious and urgent that they require the police officer to seize the thing immediately without a court order or warrant issued under this Act or another territory law.

120 Search of people

- (1) If a police officer may search a person under section 119, the police officer may also search—
 - (a) the clothing worn by the person; and
 - (b) any property under, or apparently under, the person's immediate control.
- (2) In searching a person under section 119, a police officer must not use more force than is necessary and reasonable.
- (3) A person searched under section 119 must be searched by a police officer of the same sex.
- (4) However, if a transgender or intersex person is searched, the person may require that the search be conducted by either a male or a female.

Note 1 For the meaning of *transgender person*, see the Legislation Act, s 169A.

Note 2 For the meaning of *intersex person*, see the Legislation Act, s 169B.

- (5) If the transgender or intersex person requires the search to be conducted by a male, the person is taken, for this section, to be male.
- (6) If the transgender or intersex person requires the search to be conducted by a female, the person is taken, for this section, to be female.
- (7) Section 119 does not authorise a police officer to carry out a search by way of an examination of a body cavity of a person.

Division 7.2 Detention of suspected person

121 Detention of suspected person

- (1) This section applies if a casino official suspects, on reasonable grounds, that a person (the *suspected person*) in the casino is committing, or has committed, an offence.
- (2) The official must detain the suspected person in a suitable place in the casino until a police officer arrives.
- (3) The official commits an offence if—
 - (a) the official detains the suspected person; and
 - (b) does any of the following in relation to the suspected person:
 - (i) uses more force than is necessary and reasonable;
 - (ii) fails to tell the suspected person of the reasons for the detention;
 - (iii) fails to immediately tell a police officer of the detention and the reasons for the detention.

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

Division 7.3 Offences

122 Impersonating licence holder

A person commits an offence if the person impersonates the holder of a casino employee licence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

123 Conflicts of interest

- (1) In this section:

involved person means—

- (a) the casino licensee; or
- (b) an owner of the casino; or
- (c) the casino lessee; or
- (d) a casino employee.

official means an authorised person other than a casino employee.

- (2) An official commits an offence if the official is employed in any capacity by an involved person.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) A person who ceases to be an official commits an offence if, within 1 year after the day the person ceases to be an official, the person seeks or accepts employment with an involved person.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) An involved person commits an offence if the involved person—

- (a) employs an official in any capacity; or
- (b) employs a person in any capacity within 1 year after the day the person ceases to be an official.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (5) An official commits an offence if—
- (a) the official has (directly or indirectly) a business or financial interest or association with an involved person; and
 - (b) the interest could conflict with the proper exercise of the official's functions in relation to the casino; and
 - (c) the official fails to disclose the interest to the commission as soon as possible after becoming aware of it.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (6) An involved person commits an offence if—
- (a) the involved person has (directly or indirectly) a business or financial interest or association with an official; and
 - (b) the interest could conflict with the proper exercise of the official's functions in relation to the casino; and
 - (c) the involved person fails to disclose the interest to the commission as soon as possible after becoming aware of it.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (7) An official commits an offence if—
- (a) the official has (directly or indirectly) a business or financial interest or association with a person who is an applicant for a casino employee licence; and
 - (b) the interest could conflict with the proper exercise of the person's functions as a casino employee; and
 - (c) the official knows the person is an applicant for a casino employee licence; and

- (d) the official does not tell the commission, in writing, about the interest or association as soon as possible after becoming aware that the person is an applicant for a casino employee licence.

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

124 Acts and omissions of representatives of individuals

- (1) In this section:

fault element includes intention, knowledge, recklessness, opinion, belief or purpose but does not include negligence.

offence against this Act includes—

- (a) an offence against the Criminal Code in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act; and
- (b) an offence against the Criminal Code in relation to anything else done, or not done, under or in relation to this Act.

person means an individual.

Note See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.

representative, of a person, means an employee or agent of the person.

- (2) This section applies to a prosecution for any offence against this Act.
- (3) Conduct engaged in by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been engaged in by the person.

- (4) However, subsection (3) does not apply if the person establishes that the person took all reasonable steps to prevent the conduct.
- (5) In deciding whether the person took all reasonable steps to prevent the conduct, a court must consider—
 - (a) any action the person took to ensure that the representative had a reasonable knowledge and understanding of the requirement to comply with the contravened provision; and
 - (b) the level of management, control or supervision that was appropriate for the person to exercise over the representative.
- (6) Subsection (5) does not limit the matters that the court may consider.
- (7) If it is relevant to prove that a person had a fault element or was negligent in relation to a physical element of an offence, it is enough to show that—
 - (a) the conduct relevant to the physical element was engaged in by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the fault element or was negligent in relation to the physical element.
- (8) A person may rely on the Criminal Code, section 36 (Mistake of fact—strict liability) in relation to conduct by a representative that would make up an offence by the person only if—
 - (a) the representative was under a mistaken but reasonable belief about the facts that, had they existed, would have meant that the conduct would not have been an offence; and
 - (b) the person proves that the person exercised appropriate diligence to prevent the conduct.

- (9) A person may not rely on the Criminal Code, section 39 (Intervening conduct or event) in relation to a physical element of an offence brought about by someone else if the other person is a representative of the person.
- (10) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (7).

Part 8 Finance

Division 8.1 Tax

125 General tax

- (1) General tax is payable on the noncommission-based profit derived in each month from the operation of the casino.
- (2) The *noncommission-based profit* derived in a month from the operation of the casino is—
 - (a) if the value of unredeemed chips at the end of the month is greater than the value of unredeemed chips at the beginning of the month:

$$(T - W) + (UC2 - UC1)$$

- (b) if the value of unredeemed chips at the end of the month is less than the value of unredeemed chips at the beginning of the month:

$$(T - W) - (UC1 - UC2)$$

- (3) The rate at which general tax is payable is 10.9% of the noncommission-based profit derived in the month from the operation of the casino.
- (4) In this section:
chips means chips supplied by the casino licensee for noncommission-based gaming.
noncommission-based gaming means gaming other than commission-based gaming.

T, for a month, means the total amount of revenue the casino licensee receives from noncommission-based gaming in the casino in the month.

UC1, for a month, means the value of unredeemed chips at the beginning of the month.

UC2, for a month, means the value of the unredeemed chips at the end of the month.

W, for a month, means the total amount paid as winnings in relation to non-commission based gaming in the month.

126 Exemption from general tax

- (1) The Minister may exempt the casino licensee from payment of general tax in relation to a gaming activity in the casino if the activity is subject to a tax under another territory law.
- (2) An exemption is a disallowable instrument.

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

127 Commission-based player tax

- (1) Commission-based player tax is payable on the completed commission-based profit derived in each month from the operation of the casino.
- (2) The *completed commission-based profit* derived in a month from the operation of the casino is the total profit derived in the month from completed commission-based player schemes (whether or not the profit relates to gaming happening in that month or a previous month) is—
 - (a) if the total value at the end of the month of all unredeemed commission-based player chips held by participants after the completion of the schemes is greater than the total value at the beginning of the month of unredeemed commission-based

player chips (originally purchased for previous schemes) used in the course of commission-based gaming in relation to the schemes:

$$(CGA - W) + (UCC2 - UCC1)$$

- (b) if the total value at the end of the month of all unredeemed commission-based player chips held by participants after the completion of the schemes is less than the total value at the beginning of the month of unredeemed commission-based player chips (originally purchased for previous schemes) used in the course of commission-based gaming in relation to the schemes:

$$(CGA - W) - (UCC1 - UCC2)$$

- (3) The rate at which commission-based player tax is payable is 0.9% of the completed commission-based profit derived in the month from the operation of the casino.
- (4) In this section:

CGA, for a month, means the total amount the casino licensee receives in the month from commission-based gaming in the casino under completed commission-based player schemes.

commission-based player chips means chips supplied by the casino licensee for commission-based gaming.

completed commission-based player scheme, in relation to a month, means a commission-based player scheme under which commission-based gaming is completed during the month, whether or not the commission-based gaming started in that month or the previous month.

UCC1, for a month, means the total value at the beginning of the month of unredeemed commission-based player chips (originally purchased for previous schemes) used in the course of

commission-based gaming in relation to commission-based player schemes.

UCC2, for a month, means the total value at the end of the month of all unredeemed commission-based player chips held by participants in completed commission-based player schemes.

W, for a month, means the total amount paid as winnings in relation to completed commission-based player schemes in the month.

128 Payment of tax

- (1) General tax and commission-based player tax must be paid by the casino licensee.
- (2) General tax and commission-based player tax in relation to the operation of the casino during a month are payable on the 10th day after the end of the month.

129 Monthly tax returns

- (1) Within 10 days after the end of each month, the casino licensee must give the commission a written return relating to—
 - (a) the noncommission-based profit derived in the month from the operation of the casino; and
 - (b) the completed commission-based profit derived in the month from the operation of the casino.

Note 1 If a form is approved under the Control Act, s 53D for a return, the form must be used.

Note 2 For how documents may be served, see the Legislation Act, pt 19.5.

- (2) In this section:

completed commission-based profit—see section 127 (2).

noncommission-based profit—see section 125 (2).

130 Payment of tax during suspension

If the casino licence is suspended under section 38, the casino licensee must pay the commission the amount of general tax and commission-based player tax that would have been payable in relation to the period of the suspension as if the licence had not been suspended.

Division 8.2 Accounts and records

131 Approval of banking accounts

- (1) The casino licensee may apply, in writing, to the commission for approval to use a banking account.

Note 1 If a form is approved under the Control Act, s 53D for this provision, the form must be used.

Note 2 A fee may be determined under s 143 for this provision.

- (2) On application under subsection (1), the commission must approve, or refuse to approve, the use of a banking account by the casino licensee.
- (3) An approval must be in writing.
- (4) The commission may approve more than 1 banking account for use by the casino licensee.
- (5) The commission must not approve a banking account unless—
 - (a) the account is kept with an authorised deposit-taking institution; and
 - (b) if the account is kept outside the ACT—the commission is satisfied that there is good reason for the casino licensee to keep the account outside the ACT; and
 - (c) the casino licensee has authorised the institution to give details of the account to the commission on request.

- (6) The commission may place restrictions on the use of a banking account kept outside the ACT.

132 Use of approved banking account

- (1) The casino licensee must use an approved banking account for each banking transaction that relates to the operation of the casino or the control agreement.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

133 Access to bank records

- (1) The commission may, by written notice, ask an authorised deposit-taking institution (an *ADI*) to give the authorised officer named in the notice, during the hours and on the day stated in the notice—

- (a) access to a statement of an approved banking account; and
(b) any other particulars relating to the account stated in the notice.

- (2) The hours stated in a notice under subsection (1) must be during the normal business hours of the ADI.

- (3) The commission may, by written notice, ask an ADI to give the authorised officer named in the notice a copy of a statement of an approved banking account not later than 30 days after the day it receives the notice.

- (4) An ADI commits an offence if—

- (a) the ADI is given a notice under this section; and
(b) the ADI fails to comply with the notice.

Maximum penalty: 50 penalty units.

- (5) Subsection (4) does not apply if the ADI took all reasonable steps to comply with the notice.

134 Accounts

- (1) The casino licensee must keep accounts of all transactions relating to the operation of the casino.
- (2) The accounts must be kept in accordance with generally accepted accounting practice.
- (3) The casino licensee must ensure that—
 - (a) all payments by the casino licensee are correctly made and authorised; and
 - (b) adequate control is maintained over incurring liabilities; and
 - (c) adequate control is maintained over assets in the possession or custody of the licensee.

135 Keeping of records

- (1) The casino licensee commits an offence if the licensee does not—
 - (a) keep records of all transactions carried out, and all business of the licensee, in relation to the operation of the casino or the control agreement; and
 - (b) keep the records for at least 7 years after they are made.Maximum penalty: 20 penalty units.
- (2) An offence against this section is a strict liability offence.

136 Audit of records

- (1) The casino licensee must ensure that the accounts and financial statements of the casino are audited, as soon as practicable after the end of each financial year, by an auditor approved in writing by the commission.

- (2) The casino licensee commits an offence if the licensee does not give the auditor's report and audited accounts to the commission as soon as practicable, but no later than 6 months after the end of the financial year to which the report relates.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

- (4) In this section:

financial statements, for a financial year, include—

- (a) trading accounts, if applicable, for the financial year; and
- (b) profit and loss accounts for the financial year; and
- (c) any other statements that are necessary to fairly reflect the financial operations of the casino licensee in relation to casino operations during the year and its financial position at the end of the year.

Part 9 Review of decisions

137 Reviewable decisions

For this part, a decision mentioned in table 137 (other than a security-related decision) is a *reviewable decision*.

Table 137 Table of reviewable decisions

column 1 item	column 2 decision
1	refusing under section 13 (1) to approve the sale or other disposal of an owner's interest in the lease of the casino, or part of the interest
2	refusing under section 16 (1) to approve the owner of the casino entering into a proposed lease with a proposed lessee
3	refusing under section 18 (1) to approve an amendment of the casino lease
4	refusing under section 21 (2) to grant a casino licence to a person on the ground that the person is not an eligible person
5	deciding under section 22 to put a condition on the casino licence (other than when granting the licence)
6	refusing under section 30 (1) to transfer the casino licence
7	taking disciplinary action under section 37 (3) against the casino licensee
8	suspending or cancelling the casino licence under section 38 (1)
9	refusing under section 44 (1) to approve an application for a casino employee licence
10	deciding under section 44 (7) to put a condition on a casino employee licence

column 1 item	column 2 decision
11	refusing under section 46 (3) to give a replacement casino employee licence
12	refusing under section 47 (3) to approve an application for renewal of a casino employee licence
13	amending under section 51 (1) a condition of a casino employee licence on its own initiative
14	refusing under section 51 (2) to approve an application for amendment of a condition of a casino employee licence
15	refusing under section 52 (3) to approve an application for an amendment of a casino employee licence
16	taking disciplinary action under section 59 (3) against a casino employee
17	giving a direction to the casino licensee under section 63 (1)
18	rejecting under section 67 (1) (a) plans showing a changed or new layout
19	terminating a supply contract under section 72
20	rejecting a proposed change to control procedures under section 76 (4) (a) or giving the casino licensee a direction under section 76 (4) (b), (c) or (d) or (7) in relation to the control procedures
21	confirming, changing or revoking an exclusion notice under section 83 (2)
22	deciding under section 84 (1) to exclude a person from entering or remaining in the casino
23	refusing under section 87 (2) to revoke an exclusion notice
24	refusing under section 91 (1) to approve gaming equipment or chips

column 1 item	column 2 decision
25	suspending or cancelling under section 93 an approval of gaming equipment
26	refusing under section 94 (1) to authorise a person to possess or use gaming equipment outside the casino
27	refusing under section 94 (6) to authorise a casino official to possess chips outside the casino
28	refusing under section 95 (2) to declare a game to be an authorised game
29	including under section 95 (4) a condition in relation to the playing of an authorised game
30	refusing under section 96 to approve rules for an authorised game
31	refusing under section 97 to approve an amendment of approved rules for an authorised game
32	refusing under section 131 (2) to approve a banking account

138 Review of decisions

Application may be made to the AAT for review of a reviewable decision.

139 Notice of reviewable decisions

- (1) A person who makes a reviewable decision must give a written notice of the decision to each person affected by the decision.
- (2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Part 10 Miscellaneous

140 Security-related decisions—certificate

- (1) If the commission makes a decision mentioned in table 137 based on a matter relating to the security of the casino or an authorised game, the commission must—
 - (a) give a certificate to each person affected by the decision, stating that the decision is based on a matter relating to the security of the casino or an authorised game; and
 - (b) give a copy to the Minister.
- (2) Subsection (3) applies if—
 - (a) the Minister makes a decision—
 - (i) under section 16 refusing to approve the owner of the casino entering into a proposed lease of the casino to a proposed lessee; or
 - (ii) under section 18 refusing to approve an amendment of a casino lease; or
 - (iii) under section 22 to put a condition on the casino licence (other than when granting the licence); or
 - (iv) under section 38 suspending or cancelling the casino licence; and
 - (b) the decision is based on a matter relating to the security of the casino or an authorised game.

- (3) The Minister must—
- (a) give a certificate to each person affected by the decision, stating that the decision is based on a matter relating to the security of the casino; and
 - (b) give a copy to the commission.

141 Recommendations of commission

If the Executive or the Minister is required to consider any recommendations made by the commission about a matter, the Executive or Minister may—

- (a) accept the recommendation; or
- (b) reject the recommendation; or
- (c) refer the matter back to the commission for further investigation or consideration.

142 Evidentiary certificates and other matters

- (1) In a prosecution for an offence against this Act, a certificate signed by the Minister or the commission that includes any of the following statements is evidence of the matter stated:
- (a) a statement that, at a stated time or during a stated period, a stated person was, or was not, the holder of a stated licence;
 - (b) a statement that a stated direction, notice, order, requirement, decision or licence was given, made, granted or issued under this Act.
- (2) In a prosecution for an offence against this Act, evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

- (3) A document that purports to have been signed by an authorised person is taken to have been so signed, unless the contrary is proved.
- (4) In this section:
- offence against this Act* includes—
- (a) an offence against the Criminal Code in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act; and
 - (b) an offence against the Criminal Code in relation to anything else done, or not done, under or in relation to this Act.

143 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.
- Note* The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).
- (2) A determination is a disallowable instrument.
- Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

144 Regulation-making power

- (1) The Executive may make regulations for this Act.
- Note* A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (2) A regulation may make provision in relation to the following:
- (a) the control of the casino or its operations;
 - (b) the accounts, records or other documents to be kept by the casino licensee;
 - (c) the regulation of commission-based player schemes.

- (3) A regulation may create offences and fix maximum penalties of not more than 10 penalty units for the offences.
- (4) In making a regulation in relation to a matter mentioned in subsection (2) (a), the Executive must consider any recommendations made by the commission.

Part 11 Transitional

145 Definitions—pt 11

In this part:

commencement day means the day this Act commences.

repealed Act means the *Casino Control Act 1988*.

146 Existing licences

- (1) A licence in force under the repealed Act immediately before the commencement day is taken to be a licence under this Act.
- (2) To remove any doubt, the conditions of a licence mentioned in subsection (1) include the conditions put on a licence under this Act.

147 Approvals by Minister under repealed Act

An approval in relation to any of the following that is in force under the repealed Act immediately before the commencement day is taken to be an approval under this Act:

- (a) the lease of the casino to a corporation;
- (b) a control agreement;
- (c) an amendment (however described) of a lease.

148 Certain approvals and authorisations by commission under repealed Act

An approval or authorisation in relation to any of the following that is in force under the repealed Act immediately before the commencement day is taken to be an approval or authorisation under this Act:

- (a) plans for the layout of the casino;

- (b) the use of gaming equipment or chips;
- (c) a bank account;
- (d) an auditor.

149 Tax adjustment in relation to GST

- (1) This section applies in relation to the casino licensee's liability for a global GST amount if the liability was incurred before, and paid after, the commencement day.
- (2) The amount of general tax or commission-based player tax for which the casino licensee is liable for a month is reduced by the GST paid in that month.
- (3) In this section:

global GST amount—see *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 126-10 (which deals with tax on gambling revenue).

150 Disciplinary proceedings under repealed Act

- (1) This section applies if—
 - (a) the commission had started to take action against—
 - (i) the casino licensee under the repealed Act, section 48 (Commission may take disciplinary action against casino licensee); or
 - (ii) against a casino employee under the repealed Act, section 100 (Suspension and cancellation of casino employee's licence); and
 - (b) immediately before the commencement day, the action had not finished.
- (2) The action may be continued under this Act as if it had been started under this Act.

- (3) If something required to be done under this Act for disciplinary action has not been done because it was not required to be done under the repealed Act—
- (a) the failure to do the thing does not affect the action being taken; and
 - (b) the commission may take any action it considers appropriate to facilitate dealing with the disciplinary action under this Act.

151 Control procedures

The approved system under the repealed Act, section 60A as in force immediately before the commencement day is taken to be the control procedures established under section 75 until the end of 2 months after the commencement day.

152 Excluded people under repealed Act

- (1) This section applies to a person who, immediately before the commencement day, was excluded under the repealed Act, section 69 or section 70A from entering or remaining in the casino.
- (2) If the person was excluded under the repealed Act, section 69, the person is taken to be an excluded person for this Act and to have been given an exclusion notice under this Act, section 82.
- (3) If the person was excluded under the repealed Act, section 70A (other than because of a request made under that Act, section 70B), the person is taken to be an excluded person for this Act and to have been excluded under this Act, section 84.
- (4) If the person was excluded under the repealed Act, section 70A because the person made a request under that Act, section 70B, the person is taken to have entered into a deed under the *Gambling and Racing Control (Code of Practice) Regulation 2002*, schedule 1, section 1.13.

153 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) A regulation may modify this part to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act.

154 Expiry of pt 11

- (1) This part expires 1 year after the commencement day.
- (2) This part is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

155 Legislation amended—sch 1

This Act amends the following legislation:

- *Gambling and Racing Control Act 1999*
- *Gambling and Racing Control (Code of Practice) Regulation 2002*
- *Gaming Machine Act 2004*
- *Smoke-free Areas (Enclosed Public Places) Act 1994*
- *Spent Convictions Act 2000*
- *Tobacco Act 1927*.

156 Legislation repealed

- (1) The *Casino Control Act 1988* A1988-72 is repealed.
- (2) The *Casino Control Regulation 1992* SL1992-26 is repealed.
- (3) The following instruments are repealed:
 - *Casino Control (American Roulette) Approval 2005 (No 1)* NI2005-62

- *Casino Control (Blackjack) Approval 2005 (No 1)* NI2005-63
- *Casino Control Declaration 2002 (No 1)* NI2002-26
- *Casino Control Declaration 2002 (No 2)* NI2002-44
- *Casino Control (Mini-Baccarat) Approval 2005 (No 1)* NI2005-70
- *Casino Control (Money Wheel) Approval 2005 (No 1)* NI2005-78
- *Casino Control (Pai Gow) Approval 2005 (No 1)* NI2005-72
- *Casino Control (Poker – Canberra Manila) Approval 2005 (No 1)* NI2005-64
- *Casino Control (Poker – Canberra Poker) Approval 2005 (No 2)* NI2005-199
- *Casino Control (Poker – Draw Poker) Approval 2005 (No 1)* NI2005-66
- *Casino Control (Poker – Faro) Approval 2005 (No 1)* NI2005-67
- *Casino Control (Poker – Five Card Stud) Approval 2005 (No 1)* NI2005-68
- *Casino Control (Poker – Hold-em) Approval 2005 (No 2)* NI2005-69
- *Casino Control (Poker – Omaha) Approval 2005 (No 1)* NI2005-71
- *Casino Control (Poker – Seven Card Stud) Approval 2005 (No 1)* NI2005-74
- *Casino Control (Poker – Three Card Manila) Approval 2005 (No 1)* NI2005-76
- *Casino Control (Pontoon) Approval 2005 (No 1)* NI2005-73
- *Casino Control (Sic Bo) Approval 2005 (No 2)* NI2005-75
- *Declaration of authorised games* NI2001-129
- *Determination of commission-based player tax* DI2000-222
- *Determination of fees* DI2000-14
- *Determination of fees* DI2000-210

Part 11 Transitional

Section 156

- *Determination of general tax* DI2000-224
- *Notice of determination of casino licence fee* DI1994-112
- *Notice of determination of tax rate* DI1994-113

Schedule 1 Consequential amendments

(see s 155)

Part 1.1 Gambling and Racing Control Act 1999

[1.1] Section 4 (c)

substitute

(c) the *Casino Control Act 2006*;

[1.2] Parts 7, 8 and 8A

omit

[1.3] Part 9

renumber as part 7

[1.4] Dictionary, definition of *casino*

substitute

casino means the casino under the *Casino Control Act 2006*.

Part 1.2 Gambling and Racing Control (Code of Practice) Regulation 2002

[1.5] Section 13 (2)

substitute

- (2) Also, this division, other than section 15 (1) (Exclusion of people at risk or excluded under deed), section 21 (Accounts of certain excluded people), and section 22 (Promotional material not to be

sent to certain excluded people), does not apply to a licensed provider under the *Interactive Gambling Act 1998*.

Note The *Interactive Gambling Act 1998* contains provisions about excluded or disqualified people.

[1.6] Schedule 1, section 1.1, definition of licensee, paragraphs (a) and (b)

substitute

(a) a gaming machine licensee; or

Note **Gaming machine licensee** is defined in the dictionary.

(b) a casino licensee; or

Note **Casino licensee** is defined in the *Casino Control Act 2006*, dictionary.

[1.7] Schedule 1, section 1.12 (2)

substitute

(2) Also, this division, other than section 1.14 (1) (Exclusion of people at risk or excluded under deed), section 1.19 (Accounts of certain excluded people), and section 1.20 (Promotional material not to be given to certain excluded people), does not apply to a licensed provider under the *Interactive Gambling Act 1998*.

Note The *Interactive Gambling Act 1998* contains provisions about excluded or disqualified people.

[1.8] Schedule 1, section 1.19

substitute

1.19 Accounts of excluded people

If a person who holds an account with a licensee is excluded by the licensee under this division, the licensee must not allow someone else to use the person's account.

[1.9] Schedule 1, section 1.20 (1) (except examples)

substitute

- (1) The licensee of a gambling facility must not give any information or promotional material about gambling at the facility directly to a person excluded by the licensee under this division.

[1.10] Section 1.22 (4), definition of *commission-based player scheme*

substitute

commission-based player scheme—see the *Casino Control Act 2006*, dictionary.

[1.11] Section 1.30 (2) (a)

substitute

- (a) the promotion of a commission-based player scheme under the *Casino Control Act 2006*; or

[1.12] Dictionary, definition of *casino licensee*

substitute

casino licensee—see the *Casino Control Act 2006*, dictionary.

Part 1.3 Gaming Machine Act 2004

[1.13] Section 57 (1) (a)

substitute

- (a) the licensee has given information to the commission that was false or misleading;
- (ab) the licensee has failed to give information required to be given under this Act or the Control Act;

[1.14] Section 57 (1) (c)

substitute

- (c) the licensee is not, or is no longer, an eligible person;

[1.15] Section 57 (1) (g)

substitute

- (g) the licensee has been given a reprimand that included a direction and has not complied with the direction;
- (h) the licensee has failed to pay to the Territory a financial penalty imposed under section 62.

[1.16] Section 57 (1) (ab) to (h)

renumber as section 57 (1) (b) to (i)

Part 1.4 Smoke-free Areas (Enclosed Public Places) Act 1994

[1.17] Section 2, definition of *licensed premises*, paragraph (b)

substitute

- (b) premises licensed under the *Casino Control Act 2006*;

Part 1.5 Spent Convictions Act 2000

[1.18] Section 19 (1) (b) (iv)

substitute

- (iv) as a casino employee under the *Casino Control Act 2006*; or

[1.19] Section 19 (6)

substitute

- (6) Section 6 does not apply in relation to the making of a decision under the *Casino Control Act 2006* about whether a person is an eligible person for that Act.

Part 1.6 Tobacco Act 1927

[1.20] Section 16 (1) (b)

substitute

- (b) the casino under the *Casino Control Act 2006*; or

[1.21] Section 56 (5), definition of *liquor or gaming licence*, paragraphs (b) and (c)

substitute

- (b) *Casino Control Act 2006*;
(c) *Gaming Machine Act 2004*.

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- AAT
- ACT
- adult
- amend
- appoint
- authorised deposit-taking institution
- child
- disallowable instrument (see s 9)
- document
- Executive
- fail
- found guilty
- gambling and racing commission
- individual
- may (see s 146)
- must (see s 146)
- penalty unit (see s 133)
- police officer
- prescribed
- regulation
- territory law
- territory plan
- the Territory
- under.

approved banking account means a banking account approved by the commission under section 131 (2).

approved rules, for an authorised game—see section 90.

authorised game—see section 90.

authorised officer means a person who is an authorised officer under the Control Act, section 20.

authorised person means any of the following:

- (a) an authorised officer;
- (b) a casino employee;
- (c) anyone else who exercises a function for the Territory or commission in relation to this Act.

casino means the area designated under section 62 (1).

casino employee means the holder of a casino employee licence.

casino employee licence means a licence given or renewed under part 4 authorising the licence-holder to perform a prescribed function stated in the licence in relation to the casino.

casino lease means a lease of the casino entered into by the owner in accordance with an approval under section 16 (1), as amended from time to time in accordance with approvals under section 18 (1).

casino lessee means the lessee under a casino lease.

casino licence means a casino licence granted under section 21.

casino licensee—

- (a) means the corporation that holds the casino licence; and
- (b) for division 3.4 (Disciplinary action against casino licensee)—see section 32.

casino licence fee means a fee determined for the casino licence under section 26 (1).

casino licence fee determination means a determination of a casino licence fee under section 26 (1).

casino official means—

- (a) the casino licensee; or
- (b) a casino employee.

chip purchase voucher means a document issued to a person by the casino licensee entitling the person to be issued with chips by the licensee with a face value equal to the amount stated in the document.

chips means tokens approved by the commission for use in the casino instead of money in the conduct of gaming.

commission means the gambling and racing commission.

commission-based gaming means gaming participated in by a person visiting the casino under a commission-based player scheme.

commission-based player scheme means an arrangement between a promoter and the casino licensee, or between 1 or more prospective players and the licensee—

- (a) the primary purpose of which is to induce 1 or more people, or 1 or more prospective players, to visit the casino to participate in gaming; and
- (b) under which the casino licensee gives (directly or indirectly) an amount greater than the amount prescribed by regulation to a person or player mentioned in subsection (a)—
 - (i) as commission for the visit; or
 - (ii) for food, beverages, transport, accommodation or entertainment in relation to the visit; or
 - (iii) for any other purpose associated with the visit; and
- (c) that is completed before the end of the month following the month in which it is started.

conduct, for part 7 (Enforcement)—see section 117.

connected with an offence, for part 7 (Enforcement)—see section 117.

Control Act means the *Gambling and Racing Control Act 1999*.

control agreement means a control agreement under section 19.

control procedures means the control procedures established under section 75 for the operation of the casino, as changed from time to time in accordance with section 76.

current layout, of the casino, for division 5.2 (Layout of casino)—see section 64.

disciplinary action—

- (a) for division 3.4 (Disciplinary action against casino licensee)—see section 34; and
- (b) for division 4.4 (Disciplinary action against casino employees)—see section 57.

disciplinary notice—

- (a) for division 3.4 (Disciplinary action against casino licensee)—see section 36; and
- (b) for division 4.4 (Disciplinary action against casino employees)—see section 59.

disqualifying ground—see section 7 (2).

document of identification, for a person—see section 78.

driver licence—see section 78.

eligible person—

- (a) for an individual—see section 7; and
- (b) for a corporation—see section 8.

employ includes engage.

engage in conduct means—

- (a) do an act; or
- (b) omit to do an act.

excluded person—see section 78.

exclusion notice—see section 82 (1).

executive officer, of a corporation, means anyone, by whatever name called, who is concerned with, or takes part in, the corporation's management, whether or not the person is a director of the corporation.

financial year means a period of 12 months ending on 31 December.

game means a game of chance or a game partly of chance and partly of skill.

gaming means the playing of any game.

gaming activity means an activity in relation to the playing of any game.

gaming equipment—see section 90.

gaming machine—see the *Gaming Machine Act 2004*, dictionary.

general tax means tax payable under section 125.

ground for disciplinary action—

- (a) against the casino licensee, for division 3.4 (Disciplinary action against casino licensee)—see section 33; and
- (b) against the casino employee, for division 4.4 (Disciplinary action against casino employees)—see section 56.

influential person, for a corporation—see section 9.

local jurisdiction means a State or New Zealand.

offence, for part 7 (Enforcement)—see section 117.

operation, in relation to the casino, means any of the following:

- (a) the conduct of gaming in the casino;
- (b) the management, supervision and surveillance of the conduct of gaming in the casino;
- (c) money counting in relation to the casino;
- (d) accounting in relation to the casino;
- (e) the provision of facilities or services in the casino, other than facilities or services relating to gaming;
- (f) advertising in relation to the casino;
- (g) the use of storage areas in the casino;
- (h) the keeping and storage of records;
- (i) any other activities incidental to, or connected with, gaming or any other facilities or services provided in the casino.

owner, of the casino—see section 10.

premises includes—

- (a) a structure, building, aircraft, vehicle or vessel; and
- (b) a place (whether or not enclosed or built on).

prescribed function means a function prescribed by regulation that may be performed by a casino employee in relation to the operation of the casino.

proof of age card—see section 78.

reviewable decision, for part 9 (Review of decisions)—see section 137.

security-related decision means a decision for which a certificate is given under section 140 (1) or (3).

short-term licence means a casino employee licence given or renewed under section 48.

supply contract, for division 5.4 (Termination of supply contracts)—see section 70.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 November 2005.

2 Notification

Notified under the Legislation Act on 22 February 2006.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Casino Control Bill 2006, which originated in the Legislative Assembly as the Casino Control Bill 2005 and was passed by the Assembly on 14 February 2006.

Clerk of the Legislative Assembly