Australian Capital Territory

Casino Control Act 2006

A2006-2

Republication No 22

Effective: 16 November 2025

Republication date: 16 November 2025

Last amendment made by A2025-29

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

About this republication

The republished law

This is a republication of the *Casino Control Act 2006* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 16 November 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 16 November 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

Australian Capital Territory

Casino Control Act 2006

Contents

Page

Part 1 Preliminary

1 Name of Act 2
3 Dictionary 2
4 Notes 2
5 Offences against Act—application of Criminal Code etc 2
6 Lawfulness of casino operation 3

Part 2 Casino administration

Division 2.1 Definitions and important concepts

7 Eligibility of individuals 4
8 Eligibility of corporations 5
9 Meaning of *influential person* 6
10 Meaning of *owner* 7

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

Page

Division 2.2 Ownership of casino

11 Owner must be eligible person 7
12 Application for approval for change of ownership 7
13 Approval of proposed owner 7
14 Change of ownership without approval 8

Division 2.3 Lease of casino

15 Application for approval of proposed casino lease 8
16 Approval of proposed casino lease 9
17 Application for approval to amend casino lease 10
18 Approval of amendment of casino lease 10

Division 2.4 Control agreement

19 Control agreement 10

Part 3 Casino licence

Division 3.1 Grant of casino licence

20 One casino only 12
21 Grant of casino licence 12
22 Licence conditions 13
23 Form of casino licence 13
24 Period of casino licence 14
25 Compliance with code of practice 14

Division 3.2 Casino licence fee

26 Determination of casino licence fee 14
27 Late payment penalty for casino licence fee 15
28 Licence fee payable even if casino licence suspended 15

Division 3.3 Transfer and surrender of casino licence

29 Application for transfer of casino licence 15
30 Transfer of casino licence 16
31 Surrender of casino licence 17

Division 3.4 Disciplinary action against casino licensee

32 Definitions—div 3.4 18
33 Grounds for disciplinary action against casino licensee 18
34 Disciplinary action against casino licensee 20
35 Criteria for disciplinary action against casino licensee 21

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

Page

36 When disciplinary notice may be given to casino licensee 22
37 Taking disciplinary action against casino licensee 22
38 Suspension or cancellation of casino licence 23
38A Disciplinary action in relation to trading authorisations, casino gaming machines and casino FATG terminals—directions 24
38B Cancellation of casino licence and authorisation certificates—disposal of casino gaming machines and casino FATG terminals 25
39 Appointment of administrator for casino 26
40 Administrator's duties 26

Part 4 Casino employees

Division 4.1 Casino employee licences

41 Employees must hold licence to work 27
42 Application for casino employee licence 28
43 Amendment of application for casino employee licence 28
44 Approval of application for casino employee licence 29
45 Issue of casino employee licence 31
46 Replacement of casino employee licence 32
47 Renewal of casino employee licence 32
48 Short-term casino employee licence 33

Division 4.2 Conditions of casino employee licence

49 Contravention of conditions of casino employee licence 34
50 Conditions of casino employee licence 35
51 Amendment of conditions of casino employee licence 36

Division 4.3 Changes in relation to casino employee licences

52 Change of prescribed functions 37
53 Employee no longer working in casino 37
54 Obligation to return casino employee licence 38

Division 4.4 Disciplinary action against casino employees

55 Definitions—div 4.4 39
56 Grounds for disciplinary action against casino employee 39
57 Disciplinary action against casino employee 40
58 Criteria for disciplinary action against casino employee 41
59 Taking disciplinary action against casino employee 41
60 Effect of suspension of casino employee licence 42

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

Page

Division 4.5 Information about casino employees

61 Casino licensee to give commission information about employees 42

Part 5 Casino operations

Division 5.1 Designation and operation of casino

62 Designation of casino 44

63 Directions in relation to casino 44

Division 5.2 Layout of casino

64 Meaning of *current layout* in div 5.2 45

65 Casino to be operated in accordance with current layout 45

66 Notice of proposed change to current layout etc 45

67 Decision on proposed change to current layout etc 46

Division 5.3 Casino operating times

68 Operating times 48

69 Notice of operating times 48

Division 5.4 Termination of supply contracts

70 Meaning of *supply contract* in div 5.4 49

71 Notice about proposed termination of supply contract 49

72 Terminating supply contracts 50

73 Effect of termination of supply contract 51

Division 5.5 Casino facilities

74 Maintenance of casino facilities 51

Division 5.6 Control procedures

75 Establishing control procedures 51

76 Changing control procedures 53

77 Complying with control procedures 54

Division 5.7 Exclusion from casino

78 Definitions—div 5.7 55

79 Entry to casino 56

80 Children must not enter casino 56

81 Child using false identification 56

82 Exclusion by casino official 57

83 Appeal against exclusion notice 58

84 Exclusion by chief police officer or commission 58

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

Page

85 Casino official not to allow excluded person to enter casino 59
86 Excluded person not to enter casino 59
87 Revocation of exclusion notice 59
88 Removing etc excluded people 60
89 Record of excluded people 60

Part 6 Gaming

Division 6.1 Gaming equipment and chips

90 Definitions—pt 6 62
91 Approval of gaming equipment and chips 62
92 When approval of equipment or chips not required 63
93 Suspension or cancellation of gaming equipment or chips approval 63
94 Possession or use of gaming equipment or chips 64

Division 6.2 Authorised games

95 Declaration of authorised games 66
96 Rules for authorised games 66
97 Amendment of rules for authorised games 67

Division 6.3 Offences relating to gaming

98 Dealing cards 67
99 Issue of chips 67
100 Conduct of authorised games 68
101 Placement and payment of wagers 69
102 Exchange of chips or chip purchase vouchers 70
103 Charge for entering or playing in casino 70
104 Gaming by authorised person 71
105 Gratuities for casino employees or agents 71
106 Children must not play authorised games 72
107 Gaming machines 72
108 Cheating 73
109 Forgery 74

Division 6.4 Providing money for gaming

110 Cash facilities 75
111 Lending or extending credit 75
112 Acceptance of cheques 76

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

		Page
113	Deposit accounts	77
114	Redemption of cheques	78
115	Time for presentation of unredeemed cheque	78
116	Proceedings etc in relation to gaming	79

Part 7 Enforcement

Division 7.1 Powers of entry, search and seizure

117	Definitions—pt 7	80
118	Power of police to enter casino	80
119	Powers of police to search and seize	81
120	Search of people	81

Division 7.2 Detention of suspected person

121	Detention of suspected person	82

Division 7.3 Offences

122	Impersonating licence holder	83
123	Conflicts of interest	83
124	Acts and omissions of representatives of individuals	85

Part 8 Finance

Division 8.1 Tax

125	General tax	88
126	Exemption from general tax	89
127	Commission-based player tax	89
128	Payment of tax	91
129	Monthly tax returns	91
130	Payment of tax during suspension	91

Division 8.2 Accounts and records

131	Approval of banking accounts	92
132	Use of approved banking account	92
133	Access to bank records	93
134	Accounts	93
135	Keeping of records	94
136	Audit of records	94

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

Page

Part 8A Casino advisory panels

136A Meaning of *Ministerial decision*—pt 8A 96
136B Establishment and functions of casino advisory panel 97
136C Sharing of information 97
136D Minister to appoint advisory panel members 98
136E Membership of casino advisory panel 98
136F Casino advisory panel—appointment of chair 100
136G Disclosure of interests—advisory panel members 100
136H Casino advisory panel's report on recommendation 100
136I Report on casino advisory panel's recommendation to be tabled 101
136J Casino advisory panel—protection from liability 102

Part 9 Notification and review of decisions

137 Meaning of *reviewable decision*—Act 103
138 Reviewable decision notices 103
139 Applications for review 103

Part 10 Miscellaneous

140 Security-related decisions—certificate 104
141 Recommendations of commission and casino advisory panel 105
142 Evidentiary certificates and other matters 105
143 Determination of fees 106
144 Regulation-making power 106

Schedule 1 Reviewable decisions 107

Dictionary 110

Endnotes

1 About the endnotes 117
2 Abbreviation key 117
3 Legislation history 118
4 Amendment history 122
5 Earlier republications 127

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

Australian Capital Territory

Casino Control Act 2006

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

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*.

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.

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

6 Lawfulness of casino operation

(1) Despite any other territory law but subject to this Act and the *Casino (Electronic Gaming) Act 2017*, 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)).

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

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, or at any time in the last 5 years has been, bankrupt or personally insolvent;

Note ***Bankrupt or personally insolvent***—see the Legislation Act, dictionary, pt 1.

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

(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;

(f) at any time in the last 12 months the individual had—

(i) an application for a casino employee licence refused, on the basis that the individual provided false or misleading information, in the application; or

(ii) a casino employee licence cancelled under part 4.

(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.

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

(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.

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

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.

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—

(a) made by the commission about the sale or disposal; and

(b) made by a casino advisory panel about the sale or disposal, including whether the sale or disposal is in the public interest.

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

(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

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

(iii) particulars of the financial standing, relevant managerial experience and business reputation of the proposed lessee.

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—

(a) made by the commission about the owner entering into the proposed lease with the proposed lessee; and

(b) made by a casino advisory panel about the owner entering into the proposed lease with the proposed lessee, including whether the owner entering into the proposed lease with the proposed lessee is in the public interest.

(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.

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

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.

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 owner entering into the proposed lease with the proposed lessee, the Minister must consider any recommendation—

(a) made by the commission about the owner entering into the proposed lease with the proposed lessee; and

(b) made by a casino advisory panel about the owner entering into the proposed lease with the proposed lessee, including whether the owner entering into the proposed lease with the proposed lessee is in the public interest.

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;

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

(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.

(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.

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

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 recommendation made by the commission about the eligibility of a corporation nominated as the proposed casino licensee; and

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

(b) consider any recommendation made by a casino advisory panel about the eligibility of a corporation nominated as the proposed casino licensee, including whether granting a casino licence to the proposed casino licensee is in the public interest; and

(c) comply with any criteria prescribed by regulation in relation to the grant of the casino licence.

(5) A regulation for subsection (4) (c) 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.

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

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.

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

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 or the ACAT (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.

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

(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).

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

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

(c) the prospective licensee would be granted the casino licence under section 21.

Note The Minister may grant a casino licence to a proposed casino licensee under s 21 if the proposed licensee is—

(a) a corporation; and

(b) an eligible person; and

(c) if there is a casino lease—the casino lessee or a corporation nominated by the lessee; and

(d) if there is no casino lease—the owner of the casino or a corporation nominated by the owner.

In deciding whether to grant a casino licence, the Minister is required to consider any recommendation by the commission and a casino advisory panel in relation to the proposed licensee's eligibility, including any recommendation by an advisory panel about whether granting the casino licence to the proposed licensee is in the public interest.

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.

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

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, the Control Act or the *Casino (Electronic Gaming) Act 2017*;

(c) the casino licensee, or an agent or employee of the casino licensee, has contravened this Act or the *Casino (Electronic Gaming) Act 2017*;

(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;

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

(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 or the *Casino (Electronic Gaming) Act 2017* 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 the *Casino (Electronic Gaming) Act 2017* or otherwise in relation to this Act or the *Casino (Electronic Gaming) Act 2017*;

(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 the *Casino (Electronic Gaming) Act 2017*;

(c) a contravention of the Criminal Code in relation to anything else done, or not done, under or in relation to this Act or the *Casino (Electronic Gaming) Act 2017*.

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

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, casino gaming machine authorisation certificate or casino FATG authorisation certificate;

(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;

(f) suspending the casino licensee's casino gaming machine authorisation certificate or casino FATG authorisation certificate;

(g) cancelling the casino licensee's casino gaming machine authorisation certificate or casino FATG authorisation certificate;

(h) if the casino licensee is operating more casino gaming machines or casino FATG terminals at the casino than is allowed under the casino gaming machine authorisation certificate or casino FATG authorisation certificate—

(i) ordering the casino licensee to forfeit to the Territory 100% of the gross revenue from the operation of each casino gaming machine or FATG terminal that exceeds the number allowed under the authorisation certificate; and

(ii) directing the casino licensee about how to dispose of the excess casino gaming machines or casino FATG terminals.

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

(2) For subsection (1) (d) and (e), if the casino licence is suspended or cancelled, the casino gaming machine authorisation certificate and casino FATG authorisation certificate under the licence are suspended or cancelled.

(3) 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.

(4) 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.

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

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.

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

(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.

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

(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.

38A Disciplinary action in relation to trading authorisations, casino gaming machines and casino FATG terminals—directions

(1) This section applies if the commission takes disciplinary action against the casino licensee in relation to the following actions under the *Casino (Electronic Gaming) Act 2017*:

(a) acquiring an authorisation under section 16 (Acquiring authorisations for casino gaming machines and casino FATG terminals);

(b) disposing of a restricted authorisation under section 24 (Status of restricted authorisations if development approval ends in other circumstances);

(c) acquiring a casino gaming machine under section 26 (Acquiring casino gaming machine under authorisation);

(d) acquiring a casino FATG terminal under section 28 (Acquiring casino FATG terminal under authorisation).

(2) The commission may give the casino licensee written directions about how the casino licensee is to conduct the acquisition or disposal.

(3) The directions must not be inconsistent with—

(a) this Act, the *Casino (Electronic Gaming) Act 2017* or any other territory law; or

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

(b) a condition of the casino licence.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

(4) The casino licensee must comply with the directions.

38B Cancellation of casino licence and authorisation certificates—disposal of casino gaming machines and casino FATG terminals

(1) This section applies if the casino licence, and each authorisation certificate under the licence, is cancelled under this part.

(2) The number of authorisations for casino gaming machines and casino FATG terminals under each cancelled authorisation certificate is forfeited to the Territory.

(3) The casino licensee must dispose of a casino gaming machine or casino FATG terminal operated under a cancelled authorisation certificate as the commission directs.

Maximum penalty: 100 penalty units.

Note The Control Act, s 23 provides that an authorised officer may enter and inspect any premises at any reasonable time to do the things mentioned in that section, including inspecting and removing any gaming equipment the officer believes on reasonable grounds to be connected with an offence against a gaming law.

(4) Subsection (3) does not apply if the casino licensee has a reasonable excuse for not complying with the commission's direction.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see Criminal Code, s 58).

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

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.

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

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.

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

42 Application for casino employee licence

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

(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

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

(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.

(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

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

(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 information given or a document produced to the commission;

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

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

(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

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

(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

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

(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 not more than 3 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.

(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.

47 Renewal of casino employee licence

(1) A casino employee may apply to the commission for renewal of their 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.

(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.

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

(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 not more than 3 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.

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

(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.

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

(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 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;

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

(c) any condition the commission puts on the licence when giving the licence or at any other time.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

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.

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

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.

(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.

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

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.

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

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.

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

(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.

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

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).

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

(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.

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

(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.

(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.

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

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 following provisions of the *Planning Act 2023*:

(a) section 52 (Effect of territory plan);

(b) section 64 (Public consultation—notice of interim effect etc);

(c) section 69 (Public availability notice—notice of interim effect etc).

(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.

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

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.

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

(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

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

(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.

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

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

(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) give public notice about the changed operating times; and

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

(c) place a sign stating the changed operating times in a prominent position outside each public entrance to the casino.

Note ***Public notice*** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see Legislation Act, dict, pt 1).

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

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

(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.

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

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

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

(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) the level of supervision that is appropriate and reasonable for a casino employee in relation to the employee's prescribed functions;

(i) job descriptions (including responsibilities) of casino employees;

(j) anything else prescribed by regulation.

(4) A regulation may make provision in relation to the control procedures.

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

(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 given 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; or

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

(f) tell the casino licensee that a further stated reasonable time is needed to consider 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.

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

(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) a document that—

(i) is a driver licence, proof of identity card or passport; and

(ii) contains a photograph that could reasonably be taken to be of the person; and

(iii) indicates that the person to whom the document was issued is at least 18 years old; or

(b) any other document prescribed by regulation.

Note A document may be in electronic form (see Legislation Act, dict, pt 1, def ***document***).

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).

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

exclusion notice—see section 82 (1).

proof of identity card includes a document corresponding to a proof of identity 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 the person's 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.

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

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.

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

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.

(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.

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

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.

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

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

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).

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

(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.

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

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

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

(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.

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

(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.

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

(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.

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

(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.

(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.

(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.

(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.

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

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.

(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.

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

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

(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) a condition is included in the declaration of the authorised game under section 95; and

(c) the game is not conducted in accordance with the condition.

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 conducts, or allows someone else to conduct, an authorised game in the casino; and

(b) either—

(i) there are no approved rules for the authorised game under section 96; or

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

(ii) the game is not conducted in accordance with the rules approved under section 96 (including any amendment of the rules under section 97).

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.

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

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

(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

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

(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

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.

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

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.

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

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.

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

(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.

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

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 (other than an EFTPOS debit facility that is used only for payment for food or beverages); 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.

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

(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.

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

(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;

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

(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.

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

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.

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

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.

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

(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.

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

(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;

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

(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.

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

(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

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

(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.

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

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.

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

(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).

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

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.

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

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.

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:

$$(\mathrm{CGA} - \mathrm{W}) + (\mathrm{UCC2} - \mathrm{UCC1})$$

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

(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.

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

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

(2) In this section:

completed commission-based profit—see section127 (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.

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

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.

(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.

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

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

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

(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

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

(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.

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

Part 8A Casino advisory panels

136A Meaning of *Ministerial decision*—pt 8A

In this part:

Ministerial decision means any of the following:

(a) a decision to be made under section 13 (Approval of proposed owner) to 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;

(b) a decision to be made under section 16 (Approval of proposed casino lease) to approve, or refuse to approve, the owner of the casino entering into a proposed lease of the casino with someone else;

(c) a decision to be made under section 18 (Approval of amendment of casino lease) to approve, or refuse to approve, the amendment of the casino lease;

(d) a decision to be made under section 21 (Grant of casino licence) to grant or refuse to grant a casino licence;

(e) a decision to be made under section 30 (Transfer of casino licence) to transfer or refuse to transfer the casino licence to another corporation;

(f) a decision to be made under the *Casino (Electronic Gaming) Act 2017*, section 22 (1) (Conversion of restricted authorisations—decision) to approve or refuse to approve the conversion of a restricted authorisation to a casino gaming machine authorisation or casino FATG terminal authorisation.

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

136B Establishment and functions of casino advisory panel

(1) Before making a Ministerial decision, the Minister must establish an advisory panel (a ***casino advisory panel***) to make a recommendation about the decision.

(2) A casino advisory panel may do any of the following to assist it to make a recommendation:

(a) engage a person who has qualifications or experience relevant to the decision;

(b) ask any of the following for information:

(i) the commission;

(ii) the territory planning authority;

(iii) the chief police officer;

(iv) a Commonwealth, State or Territory authority;

(v) anyone else prescribed by regulation.

Note A member of a casino advisory panel who acquires confidential documents or information under this Act is a gaming officer for the purposes of the Control Act, div 4.4 (Secrecy) (see Control Act, s 34).

(3) In this section:

information means information, whether true or not, in any form and includes an opinion or advice.

136C Sharing of information

(1) This section applies if any of the following (an ***information holder***) receives a request from a casino advisory panel for information to assist the panel to make a recommendation:

(a) the commission;

(b) the territory planning authority;

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

(c) a territory authority;

(d) anyone else prescribed by regulation.

(2) The information holder must, as far as practicable, comply with the request.

(3) An information holder that gives a casino advisory panel information under this section does not contravene any duty of confidentiality the information holder has under a territory law or agreement, despite anything to the contrary in the law or agreement.

136D Minister to appoint advisory panel members

(1) The Minister must appoint the members of a casino advisory panel.

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

(2) Each panel member is appointed on a part-time basis.

(3) A panel member's conditions of appointment are the conditions stated in the appointment, subject to any determination under the *Remuneration Tribunal Act 1995*.

136E Membership of casino advisory panel

(1) A casino advisory panel must have at least 3 members.

(2) The Minister must ensure that a member of a casino advisory panel has knowledge of and experience in at least 1 of the following disciplines and areas of expertise:

(a) law and governance;

(b) integrity and probity assessments in relation to significant changes in highly regulated industries;

(c) finance, actuarial science or auditing;

(d) risk advisory services;

(e) urban design and planning;

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

(f) civil engineering and civil works;

(g) property development;

(h) building work assessments;

(i) construction;

(j) building surveying;

(k) strategies or services that reduce gambling harm;

(l) anything else prescribed by regulation.

(3) The Minister must not appoint a person to be a member of a casino advisory panel if the Minister is satisfied on reasonable grounds—

(a) the person or the person's domestic partner has an interest in a business subject to a gaming law; or

(b) the person is unlikely to be able to properly exercise the functions of a member because of the person's business association, financial association or close personal association with someone else; or

(c) the person has been convicted or found guilty of an offence against a gaming law or a corresponding law; or

(d) within 5 years before the proposed appointment, the person has been convicted, or found guilty, of an offence in Australia punishable by imprisonment for at least 1 year; or

(e) within 5 years before the proposed appointment, the person has been convicted, or found guilty, of an offence outside Australia that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year.

(4) In this section:

corresponding law means a law of another jurisdiction, whether in or outside Australia, that regulates gaming or racing.

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

136F Casino advisory panel—appointment of chair

The Minister must appoint a member of a casino advisory panel as chair of the advisory panel.

136G Disclosure of interests—advisory panel members

(1) This section applies if—

(a) a member of a casino advisory panel, or a person assisting a casino advisory panel, has a direct or indirect financial interest or personal interest in a matter in relation to a Ministerial decision about which the advisory panel is to make a recommendation; and

(b) the interest could conflict with the proper exercise of the advisory panel's functions in relation to making the recommendation.

(2) As soon as practicable after the member, person assisting the advisory panel, or the advisory panel becomes aware of the relevant facts, the member, person or advisory panel must disclose the nature of the interest to the Minister.

(3) The member or person must not participate, or further participate, in making the recommendation, unless the Minister directs otherwise.

136H Casino advisory panel's report on recommendation

(1) A casino advisory panel must prepare a report of its recommendation in relation to a Ministerial decision for the Minister.

(2) Before giving the Minister the report, the advisory panel must give the applicant for the decision—

(a) a copy of the report; and

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

(b) written notice stating that the applicant may give the panel written comments about the draft report, or request that an inaccuracy be corrected, before the end of the time stated in the notice.

(3) If the advisory panel receives comments or a request to correct an inaccuracy within the time stated in the notice, the advisory panel must consider the comments, and correct the inaccuracy, in preparing the final report for the Minister.

136I Report on casino advisory panel's recommendation to be tabled

(1) The Minister must present a casino advisory panel's report to the Legislative Assembly within 6 sitting days after the day the Minister tells the applicant for a Ministerial decision about the decision.

(2) If the report includes information that is contrary to the public interest information, the Minister must divide the report into 2 documents, as follows:

(a) a document (the ***protected section***) containing the contrary to the public interest information, or part of that information;

(b) a document (the ***disclosable section***) containing the rest of the report.

(3) If the Minister divides a report, the Minister must include in the disclosable section—

(a) a statement to the effect that there is a protected section of the report including contrary to the public interest information; and

(b) a general description of the contents of the protected section.

(4) In this section:

contrary to the public interest information—see the *Freedom of Information Act 2016*, section 16.

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

136J Casino advisory panel—protection from liability

(1) A protected person is not civilly liable for conduct engaged in honestly and without recklessness—

(a) in the exercise of a function under this part; or

(b) in the reasonable belief that the conduct was in the exercise of a function under this part.

(2) Any civil liability that would, apart from this section, attach to the protected person attaches instead to the Territory.

(3) In this section:

conduct means an act or omission to do an act.

protected person means—

(a) a member of a casino advisory panel; or

(b) a person assisting a casino advisory panel.

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

Part 9 Notification and review of decisions

137 Meaning of *reviewable decision*—Act

In this Act:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

138 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

139 Applications for review

The following people may apply to the ACAT for review of a reviewable decision:

(a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

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

Part 10 Miscellaneous

140 Security-related decisions—certificate

(1) If the commission makes a reviewable decision in relation 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.

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

141 Recommendations of commission and casino advisory panel

If the Executive or the Minister is required to consider any recommendations made by the commission or a casino advisory panel 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 or casino advisory panel 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) 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.

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

143 Determination of fees

(1) The Minister may determine fees for this Act.

(2) A determination is a disallowable instrument.

144 Regulation-making power

(1) The Executive may make regulations for this 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;

(d) casino advisory panels, including in relation to their procedures and reports.

(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.

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

Schedule 1 Reviewable decisions

(see pt 9)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	13 (1)	refuse to approve sale or other disposal of owner's interest in lease of casino, or part of interest	applicant for approval
2	16 (1)	refuse to approve owner of casino entering into proposed lease with proposed lessee	applicant for approval
3	18 (1)	refuse to approve amendment of casino lease	applicant for amendment
4	21 (2)	refuse to grant casino licence to person on ground that person not eligible person	applicant for licence
5	22	put condition on casino licence (other than when granting licence)	licensee
6	30 (1)	refuse to transfer casino licence	applicant for transfer
7	37 (3)	take disciplinary action against casino licensee	licensee
8	38 (1)	suspend or cancel casino licence	person whose licence is suspended or cancelled
9	44 (1)	refuse to approve application for casino employee licence	applicant for licence
10	44 (7)	put condition on casino employee licence	licensee
11	46 (3)	refuse to replace casino employee licence	applicant for replacement
12	47 (3)	refuse to renew casino employee licence	applicant for renewal

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

column 1 item	column 2 section	column 3 decision	column 4 entity
13	51 (1)	amend condition of casino employee licence on own initiative	licensee
14	51 (2)	refuse to amend condition of casino employee licence	applicant for amendment
15	52 (3)	refuse to amend casino employee licence	applicant for amendment
16	59 (3)	take disciplinary action against casino employee	employee
17	63 (1)	give direction to casino licensee	licensee
18	67 (1) (a)	reject plans showing changed or new layout	licensee
19	72	terminate supply contract	each party to contract
20	76 (4) (a)	reject proposed change to control procedures	licensee
21	76 (4) (b), (c) or (d) or (7)	give casino licensee direction in relation to control procedures	licensee
22	83 (2)	confirm, change or revoke exclusion notice	person given exclusion notice or licensee
23	84 (1)	exclude person from entering or remaining in casino	person given exclusion notice or licensee
24	87 (2)	refuse to revoke exclusion notice	person given exclusion notice
25	91 (1)	refuse to approve gaming equipment or chips	applicant for approval
26	93	suspend or cancel approval of gaming equipment or chips	licensee
27	94 (1)	refuse to authorise person to possess or use gaming equipment outside casino	applicant for authorisation

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

column 1 item	column 2 section	column 3 decision	column 4 entity
28	94 (6)	refuse to authorise casino official to possess chips outside casino	casino official or applicant for authorisation
29	95 (2)	refuse to declare game to be authorised game	licensee
30	95 (4)	include condition in relation to playing of authorised game	licensee
31	96	refuse to approve rules for authorised game	licensee
32	97	refuse to approve amendment of approved rules for authorised game	licensee
33	131 (2)	refuse to approve use of banking account	licensee

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

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:

- ACAT
- ACT
- adult
- amend
- appoint
- authorised deposit-taking institution
- bankrupt or personally insolvent
- chief police officer
- child
- Commonwealth
- disallowable instrument (see s 9)
- document
- domestic partner (see s 169 (1))
- 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
- public holiday
- regulation
- reviewable decision notice
- State

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

- territory authority
- territory law
- territory plan
- territory planning authority
- 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 advisory panel—see section 136B.

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 FATG authorisation certificate—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

casino FATG terminal—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

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

casino gaming machine—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

casino gaming machine authorisation certificate—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

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.

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

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

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

(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) the period prescribed by regulation; or

(b) if no period is prescribed—12 months beginning on 1 July.

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

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.

Ministerial decision, for part 8A (Casino advisory panels)—see section 136A.

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;

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

(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 identity card—see section 78.

restricted authorisation—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

reviewable decision—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.

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

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired

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

3 Legislation history

Casino Control Act 2006 A2006-2
notified LR 22 February 2006
s 1, s 2 commenced 22 February 2006 (LA s 75 (1))
remainder commenced 1 May 2006 (s 2 and CN2006-6)

as amended by

Planning and Development (Consequential Amendments) Act 2007 A2007-25 sch 1 pt 1.3
notified LR 13 September 2007
s 1, s 2 commenced 13 September 2007 (LA s 75 (1))
sch 1 pt 1.3 commenced 31 March 2008 (s 2 and see Planning and Development Act 2007 A2007-24, s 2 and CN2008-1)

Gaming Machine Amendment Act 2007 (No 2) A2007-40 sch 1
notified LR 4 December 2007
s 1, s 2 commenced 4 December 2007 (LA s 75 (1))
sch 1 commenced 5 December 2007 (s 2 (1))

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.16
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.16 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.11
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.11 commenced 22 September 2009 (s 2)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 1 pt 1.2, sch 3 pt 3.6
notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 1 pt 1.2, sch 3 pt 3.6 commenced 17 December 2009 (s 2)

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

Statute Law Amendment Act 2011 A2011-3 sch 1 pt 1.2
notified LR 22 February 2011
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))
sch 1 pt 1.2 commenced 1 March 2011 (s 2)

Statute Law Amendment Act 2011 (No 2) A2011-28 sch 3 pt 3.4
notified LR 31 August 2011
s 1, s 2 commenced 31 August 2011 (LA s 75 (1))
sch 3 pt 3.4 commenced 21 September 2011 (s 2 (1))

Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1 pt 1.7
notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.7 commenced 1 March 2012 (s 2 (1) and see Evidence Act 2011 A2011-12, s 2 and CN2012-4)

Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.8
notified LR 28 November 2011
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))
sch 3 pt 3.8 commenced 12 December 2011 (s 2)

Red Tape Reduction Legislation Amendment Act 2014 A2014-47 pt 2
notified LR 6 November 2014
s 1, s 2 commenced 6 November 2014 (LA s 75 (1))
pt 2 commenced 7 November 2014 (s 2)

Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 1 pt 1.10
notified LR 30 September 2015
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))
sch 1 pt 1.10 commenced 14 October 2015 (s 2)

Justice Legislation Amendment Act 2016 A2016-7 sch 1 pt 1.1
notified LR 29 February 2016
s 1, s 2 commenced 29 February 2016 (LA s 75 (1))
sch 1 pt 1.1 commenced 29 August 2016 (s 2 and LA s 79)

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

Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 3 pt 3.8

notified LR 13 April 2016
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))
sch 3 pt 3.8 commenced 27 April 2016 (s 2)

Casino (Electronic Gaming) Act 2017 A2017-42 sch 3 pt 3.1

notified LR 13 November 2017
s 1, s 2 commenced 13 November 2017 (LA s 75 (1))
sch 3 pt 3.1 commenced 13 May 2018 (s 2 (1) and LA s 79)

Casino and Other Gaming Legislation Amendment Act 2018 A2018-21 pt 2

notified LR 14 June 2018
s 1, s 2 commenced 14 June 2018 (LA s 75 (1))
pt 2 commenced 15 June 2018 (s 2)

Red Tape Reduction Legislation Amendment Act 2018 A2018-33 pt 4

notified LR 25 September 2018
s 1, s 2 commenced 25 September 2018 (LA s 75 (1))
pt 4 commenced 2 October 2018 (s 2 (1))

Statute Law Amendment Act 2022 A2022-14 sch 3 pt 3.5

notified LR 10 August 2022
s 1, s 2 commenced 10 August 2022 (LA s 75 (1))
sch 3 pt 3.5 commenced 24 August 2022 (s 2)

Planning (Consequential Amendments) Act 2023 A2023-36 sch 1 pt 1.5

notified LR 29 September 2023
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))
sch 1 pt 1.5 commenced 27 November 2023 (s 2 (1) and see Planning Act 2023 A2023-18, s 2 (2) and CN2023-10)

Justice and Community Safety Legislation Amendment Act 2023 (No 3) A2023-57 pt 5

notified LR 11 December 2023
s 1, s 2 commenced 11 December 2023 (LA s 75 (1))
pt 5 commenced 12 December 2023 (s 2 (1))

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

Statute Law Amendment Act 2025 A2025-29 sch 3 pt 3.12, sch 4 pt 4.22

notified LR 6 November 2025

s 1, s 2 commenced 6 November 2025 (LA s 75 (1))

sch 3 pt 3.12, sch 4 pt 4.22 commenced 16 November 2025 (s 2 (1), (9))

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

4 Amendment history

Commencement
s 2 om LA s 89 (4)

Lawfulness of casino operation
s 6 am A2017-42 amdt 3.1

Eligibility of individuals
s 7 am A2007-40 amdt 1.1; A2011-3 amdt 1.4

Application for approval for change of ownership
s 12 am A2025-29 amdt 4.22

Approval of proposed owner
s 13 am A2018-21 s 4

Application for approval of proposed casino lease
s 15 am A2025-29 amdt 4.22

Approval of proposed casino lease
s 16 am A2018-21 s 5

Application for approval to amend casino lease
s 17 am A2025-29 amdt 4.22

Approval of amendment of casino lease
s 18 am A2018-21 s 6

Grant of casino licence
s 21 am A2018-21 s 7

Determination of casino licence fee
s 26 am A2025-29 amdt 4.22

Licence fee payable even if casino licence suspended
s 28 am A2011-52 amdt 3.18

Application for transfer of casino licence
s 29 am A2025-29 amdt 4.22

Transfer of casino licence
s 30 am A2018-21 s 8

Grounds for disciplinary action against casino licensee
s 33 am A2017-42 amdts 3.2-3.4

Disciplinary action against casino licensee
s 34 am A2017-42 amdts 3.5-3.7; ss renum R16 LA

Disciplinary action in relation to trading authorisations, casino gaming machines and casino FATG terminals—directions
s 38A ins A2017-42 amdt 3.8
am A2025-29 amdt 4.22

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

Cancellation of casino licence and authorisation certificates—disposal of casino gaming machines and casino FATG terminals
s 38B ins A2017-42 amdt 3.8

Application for casino employee licence
s 42 am A2025-29 amdt 4.22

Amendment of application for casino employee licence
s 43 am A2025-29 amdt 4.22

Approval of application for casino employee licence
s 44 am A2016-18 amdt 3.30, amdt 3.31

Issue of casino employee licence
s 45 am A2014-47 s 4

Replacement of casino employee licence
s 46 am A2025-29 amdt 4.22

Renewal of casino employee licence
s 47 am A2014-47 s 5; A2022-14 amdt 3.17; A2025-29 amdt 4.22

Conditions of casino employee licence
s 50 am A2016-18 amdt 3.32, amdt 3.33

Change of prescribed functions
s 52 am A2025-29 amdt 4.22

Casino licensee to give commission information about employees
s 61 am A2025-29 amdt 4.22

Designation of casino
s 62 am A2007-25 amdt 1.13; A2023-36 amdt 1.47

Notice of operating times
s 69 am A2009-20 amdt 3.26; A2015-33 amdt 1.25; A2025-29 amdt 4.22

Establishing control procedures
s 75 am A2009-49 amdt 1.5; pars renum R7 LA

Changing control procedures
s 76 am A2009-49 amdt 1.6, amdt 3.14

Definitions—div 5.7
s 78 def ***document of identification*** am A2016-7 amdt 1.1
sub A2018-33 s 73
def ***proof of age card*** om A2016-7 amdt 1.2
def ***proof of identity card*** ins A2016-7 amdt 1.3

Entry to casino
s 79 am A2022-14 amdt 3.18

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

Appeal against exclusion notice
s 83 am A2025-29 amdt 4.22

Revocation of exclusion notice
s 87 am A2025-29 amdt 4.22

Declaration of authorised games
s 95 am A2025-29 amdt 4.22

Rules for authorised games
s 96 am A2025-29 amdt 4.22

Amendment of rules for authorised games
s 97 am A2025-29 amdt 4.22

Conduct of authorised games
s 100 am A2009-49 amdt 1.7

Gratuities for casino employees or agents
s 105 am A2009-49 amdt 1.8

Cash facilities
s 110 am A2009-49 amdt 1.9

Time for presentation of unredeemed cheque
s 115 am A2025-29 amdt 4.22

Exemption from general tax
s 126 am A2025-29 amdt 4.22

Monthly tax returns
s 129 am A2025-29 amdt 4.22

Approval of banking accounts
s 131 am A2025-29 amdt 4.22

Casino advisory panels
pt 8A hdg ins A2018-21 s 9

Meaning of *Ministerial decision*—pt 8A
s 136A ins A2018-21 s 9

Establishment and functions of casino advisory panel
s 136B ins A2018-21 s 9
am A2023-36 amdt 1.48

Sharing of information
s 136C ins A2018-21 s 9
am A2023-36 amdt 1.48; A2025-29 amdt 3.39

Minister to appoint advisory panel members
s 136D ins A2018-21 s 9

Membership of casino advisory panel
s 136E ins A2018-21 s 9

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

Casino advisory panel—appointment of chair
s 136F ins A2018-21 s 9

Disclosure of interests—advisory panel members
s 136G ins A2018-21 s 9

Casino advisory panel's report on recommendation
s 136H ins A2018-21 s 9

Report on casino advisory panel's recommendation to be tabled
s 136I ins A2018-21 s 9

Casino advisory panel—protection from liability
s 136J ins A2018-21 s 9

Notification and review of decisions
pt 9 hdg sub A2008-37 amdt 1.55

Meaning of *reviewable decision*—Act
s 137 sub A2008-37 amdt 1.55

Reviewable decision notices
s 138 sub A2008-37 amdt 1.55
am A2025-29 amdt 4.22

Applications for review
s 139 sub A2008-37 amdt 1.55
am A2025-29 amdt 4.22

Security-related decisions—certificate
s 140 am A2008-37 amdt 1.56

Recommendations of commission and casino advisory panel
s 141 hdg sub A2018-21 s 10
s 141 am A2018-21 s 11, s 12

Evidentiary certificates and other matters
s 142 am A2011-48 amdt 1.8; ss renum R11 LA

Determination of fees
s 143 am A2011-28 amdt 3.18; A2025-29 amdt 4.22

Regulation-making power
s 144 am A2018-21 s 13; A2025-29 amdt 4.22

Transitional
pt 11 hdg exp 1 May 2007 (s 154)

Definitions—pt 11
s 145 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Existing licences
s 146 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

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

Approvals by Minister under repealed Act
s 147 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Certain approvals and authorisations by commission under repealed Act
s 148 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Tax adjustment in relation to GST
s 149 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Disciplinary proceedings under repealed Act
s 150 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Control procedures
s 151 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Excluded people under repealed Act
s 152 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Transitional regulations
s 153 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Expiry of pt 11
s 154 exp 1 May 2007 (s 154 (LA s 88 declaration applies))

Legislation amended—sch 1
s 155 om LA s 89 (3)

Legislation repealed
s 156 om LA s 89 (3)

Reviewable decisions
sch 1 om LA s 89 (3)
ins A2008-37 amdt 1.57

Dictionary
dict am A2008-37 amdt 1.58, amdt 1.59, A2009-20 amdt 3.27; A2011-3 amdt 1.5; A2011-28 amdt 3.19; A2015-33 amdt 1.26; A2018-21 s 14; A2023-36 amdt 1.49; A2025-29 amdt 3.40
def ***casino advisory panel*** ins A2018-21 s 15
def ***casino FATG authorisation certificate*** ins A2017-42 amdt 3.9
def ***casino FATG terminal*** ins A2017-42 amdt 3.9
def ***casino gaming machine*** ins A2017-42 amdt 3.9
def ***casino gaming machine authorisation certificate*** ins A2017-42 amdt 3.9
def ***financial year*** am A2023-57 s 17
def ***Ministerial decision*** ins A2018-21 s 15
def ***proof of age card*** om A2016-7 amdt 1.4
def ***proof of identity card*** ins A2016-7 amdt 1.5
def ***restricted authorisation*** ins A2017-42 amdt 3.9
def ***reviewable decision*** sub A2008-37 amdt 1.60

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

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 May 2006	1 May 2006– 1 May 2007	not amended	new Act
R2 2 May 2007	2 May 2007– 4 Dec 2007	not amended	commenced expiry
R3 5 Dec 2007	5 Dec 2007– 30 Mar 2008	A2007-40	amendments by A2007-40
R4 31 Mar 2008	31 Mar 2008– 1 Feb 2009	A2007-40	amendments by A2007-25
R5 2 Feb 2009	2 Feb 2009– 21 Sept 2009	A2008-37	amendments by A2008-37
R6 22 Sept 2009	22 Sept 2009– 16 Dec 2009	A2009-20	amendments by A2009-20
R7 17 Dec 2009	17 Dec 2009– 28 Feb 2011	A2009-49	amendments by A2009-49
R8 1 Mar 2011	1 Mar 2011– 20 Sept 2011	A2011-3	amendments by A2011-3
R9 21 Sept 2011	21 Sept 2011– 11 Dec 2011	A2011-28	amendments by A2011-28
R10 12 Dec 2011	12 Dec 2011– 29 Feb 2012	A2011-52	amendments by A2011-52
R11 1 Mar 2012	1 Mar 2012– 6 Nov 2014	A2011-52	amendments by A2011-48
R12 7 Nov 2014	7 Nov 2014– 13 Oct 2015	A2014-47	amendments by A2014-47

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

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R13 14 Oct 2015	14 Oct 2015– 26 Apr 2016	A2015-33	amendments by A2015-33
R14 27 Apr 2016	27 Apr 2016– 28 Aug 2016	A2016-18	amendments by A2016-18
R15 29 Aug 2016	29 Aug 2016– 12 May 2018	A2016-18	amendments by A2016-7
R16 13 May 2018	13 May 2018– 14 June 2018	A2017-42	amendments by A2017-42
R17 15 June 2018	15 June 2018– 1 Oct 2018	A2018-21	amendments by A2018-21
R18 2 Oct 2018	2 Oct 2018– 23 Aug 2022	A2018-33	amendments by A2018-33
R19 24 Aug 2022	24 Aug 2022– 26 Nov 2023	A2022-14	amendments by A2022-14
R20 27 Nov 2023	27 Nov 2023– 11 Dec 2023	A2023-36	amendments by A2023-36
R21 12 Dec 2023	12 Dec 2023– 15 Nov 2025	A2023-57	amendments by A2023-57

© Australian Capital Territory 2025

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