

# Casino Control Ordinance 1983

No. 53 of 1983

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**Casino Control Ordinance 1983****No. 53 of 1983**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 28 October 1983.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

TOM UREN  
Minister of State for Territories  
and Local Government

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An Ordinance to provide for the establishment, ownership and control of a casino, as part of a complex providing hotel, convention, office and other facilities, in the Territory

**PART I—PRELIMINARY****Short title**

1. This Ordinance may be cited as the *Casino Control Ordinance 1983*.<sup>1</sup>

**Interpretation**

2. (1) In this Ordinance, unless the contrary intention appears—  
“associate” means an associate within the meaning of section 6 of the *Foreign Takeovers Act 1975*;  
“agreement” means an agreement entered into between the Minister and the company in pursuance of sub-section 11 (1) or that agreement as varied from time to time in accordance with sub-section 11 (2);  
“authorized game” means a game declared under section 39 to be an authorized game for the purposes of this Ordinance;

- “casino” means the part of the complex in respect of which a casino licence is in force;
- “casino employee” means the holder of a casino employee’s licence;
- “casino employee’s licence” means a licence under section 57;
- “casino lease” means a lease in writing approved by the Minister under which the company leases to a person the complex or the casino;
- “casino licence” means a licence under section 13;
- “casino management agreement” means an agreement referred to in section 23;
- “chips” means any tokens used or capable of being used in the casino in the conduct of gaming in the place of money;
- “company” means the company that has entered into, or proposes to enter into, the agreement;
- “complex” means the hotel-convention-office-casino complex referred to in the agreement;
- “foreign corporation” means a corporation incorporated elsewhere than in Australia or an external Territory;
- “foreign person” means—
- (i) a natural person not ordinarily resident in Australia;
  - (ii) a corporation (other than a foreign corporation) in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;
  - (iii) a corporation (other than a foreign corporation) in which 2 or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest; or
  - (iv) a foreign corporation;
- “fund” means the Australian Capital Territory Social Benefits Trust Fund established as a Trust Account under section 62A of the *Audit Act 1901*;
- “game” means a game of chance;
- “gaming” means the playing of any game;
- “gaming equipment” means any electronic, electrical or mechanical contrivance or machine or any other physical item (other than chips) used or for use in connection with gaming;
- “inspector” means a person appointed under section 6;
- “lessee” means the lessee under a casino lease;
- “licensee” means the holder of a casino licence;
- “officer”, in relation to a corporation, has the same meaning as in the *Companies Act 1981*;
- “operator”, in relation to the casino, means—
- (a) where there is no casino lease or casino management agreement—the licensee;

- (b) where there is a casino lease but no casino management agreement—the lessee; or
  - (c) where there is a casino management agreement—the person who has entered into that agreement with the company, the licensee or the lessee, as the case requires.
- (2) A reference in this Ordinance to the operation of the casino shall be read as a reference to the conduct in the casino of—
- (a) gaming; and
  - (b) money counting, surveillance, supervision, accounting, storage and other activities in connection with or incidental to gaming.
- (3) For the purposes of this Ordinance—
- (a) a person shall be taken to hold a controlling interest in a corporation if the person, alone or together with any associate or associates of the person, is in a position to control not less than 15% of the voting power in the corporation or holds interests in not less than 15% of the issued shares in the corporation; and
  - (b) 2 or more persons shall be taken to hold an aggregate controlling interest in a corporation if they, together with any associate or associates of any of them, are in a position to control not less than 40% of the voting power in the corporation or hold interests in not less than 40% of the issued shares in the corporation.

## PART II—ADMINISTRATION

### Lawfulness of casino operation

3. (1) Notwithstanding any other law in force in the Territory but subject to this Ordinance, it is lawful—

- (a) for the operator or a casino employee to conduct an authorized game;
  - (b) for a person to play an authorized game; or
  - (c) for a person to use gaming equipment or chips in the conduct and playing of an authorized game,
- in the casino.

(2) The casino shall not be taken to be a public or private nuisance by reason only that it is used as a gaming house.

### Casino licence fee

4. (1) Subject to this section, the Minister may from time to time, by notice published in the *Gazette*, determine a casino licence fee for the purposes of this Ordinance.

(2) A casino licence fee determined under sub-section (1) is payable to the Commonwealth for the purpose of the fund by the licensee at such times and in such manner as is specified in the relevant notice under sub-section (1).

(3) Determinations under sub-section (1) shall not be made at intervals of less than 12 months.

#### **Tax on gross profit**

5. (1) The Minister may from time to time, by notice published in the *Gazette*, determine a rate of tax on gross profit in respect of a month.

(2) A tax determined under sub-section (1) is payable to the Commonwealth for the purpose of the fund by the licensee at such times and in such manner as is specified in the relevant notice under sub-section (1).

(3) In this section, "gross profit in respect of a month" means an amount ascertained by deducting from the total amount received in that month from gaming the amount paid out during that month as winnings in respect of the gaming, and then—

- (a) where the value of unredeemed chips at the end of that month is greater than the value of unredeemed chips at the beginning of that month—adding to the amount so ascertained the difference between those values; or
- (b) where the value of unredeemed chips at the end of that month is less than the value of unredeemed chips at the beginning of that month—deducting from the amount so ascertained the difference between those values.

#### **Appointment of inspectors**

6. (1) The Minister may appoint a person who is an officer or employee within the meaning of the *Public Service Act 1922* to be an inspector for the purposes of this Ordinance.

(2) An inspector shall perform such duties as are imposed on him by this Ordinance or as the Minister directs.

#### **Certificate of appointment of inspector**

7. (1) The Minister shall issue to each inspector a certificate stating that he is an inspector.

(2) An inspector who enters the casino in the exercise of his powers or the performance of his duties, otherwise than in the execution of a warrant under section 49, is not authorized to remain on the premises if, on request by a casino employee, the inspector does not produce a certificate issued to him under this section.

#### **Rights of inspector on casino premises**

8. Subject to sub-section 7 (2), an inspector may at any time enter and remain on the premises of the casino for the purposes of—

- (a) viewing gaming;
- (b) observing any other activity associated with the operation of the casino;

- (c) ascertaining whether the operation of the casino is being properly conducted, supervised and managed and whether the provisions of this Ordinance, the regulations and the agreement are being complied with; and
- (d) in any other respect, exercising his powers and performing his duties.

### **Powers of inspectors**

**9. (1)** An inspector may—

- (a) require a person who has in his possession or under his control any gaming equipment, chips or records to—
  - (i) produce such equipment, chips or records for his inspection; and
  - (ii) attend before him at a specified time and place and to answer any question or supply any information with respect to any such equipment, chips or records;
- (b) inspect any gaming equipment, chips or records and take copies of, or make notes in relation to, records, as he considers necessary;
- (c) require the licensee, lessee or operator, or a casino employee or any other person associated with the management or operation of the casino, to attend before him at a specified time and place and to answer any question or supply any information with respect to the management or operation of the casino;
- (d) examine and test any gaming equipment or chips and direct the operator not to use any gaming equipment or chips that he considers to be unsatisfactory for use;
- (e) receive and investigate a complaint with respect to any aspect of the operation of the casino and advise the complainant of the results of his investigation; and
- (f) call to his assistance—
  - (i) a police officer where he is obstructed, or believes on reasonable grounds that he will be obstructed, in the exercise of his powers or performance of his duties; and
  - (ii) a casino employee who, in the belief of the inspector, is competent to assist him in the exercise of his powers or performance of his duties.

**(2)** A requirement under sub-paragraph (1) (a) or (c) may be made on a person—

- (a) by notice in writing; or
- (b) where the inspector considers circumstances of urgency make it necessary—verbally.

**(3)** In this section, “records” means any books, accounts, documents or other records of any description (however compiled, recorded or stored) relating to the operation of the casino or otherwise relevant to the administration of this Ordinance.

**Protection of inspector**

10. An action or proceeding, civil or criminal, does not lie against an inspector personally for or in respect of anything done or omitted to be done in good faith by him in his capacity as an inspector.

**PART III—AGREEMENT AND CASINO LICENCE****Agreement**

11. (1) Subject to this Ordinance, the Minister may enter into an agreement with a company incorporated in the Territory (being the company that proposes to be the owner of the complex) for the development of the complex.

(2) An agreement referred to in sub-section (1) may, subject to section 12, be varied from time to time by an agreement entered into between the Minister and the company.

(3) The Minister shall cause a notification of the making of an agreement under sub-section (1) or (2) to be published in the *Gazette*.

(4) The Minister shall cause a copy of an agreement entered into in pursuance of sub-section (1) or (2) to be laid before each House of the Parliament within 15 sitting days of that House after that agreement was entered into.

(5) If either House of the Parliament, within 15 sitting days of that House after a copy of an agreement has been laid before that House in pursuance of sub-section (4), passes a resolution disapproving the agreement, the agreement shall not have any force or effect on or after the day on which the resolution was passed.

**Terms of agreement**

12. (1) The agreement shall make provision for—

- (a) the location and siting of the complex;
- (b) the development and commissioning of the complex;
- (c) subject to sub-section (2), matters relating to the grant of a casino licence;
- (d) the ownership and control of the company;
- (e) the operation of the casino and such related matters as the Minister considers necessary; and
- (f) public facilities and amenities to be provided in the complex,

and shall, subject to sub-section (2), contain a covenant on the part of the Minister relating to the grant, subject to this Ordinance, of a casino licence to the company.

(2) Where the company proposes that another company should become the licensee, the agreement—

- (a) shall set out that proposal;

- (b) shall set out the name of the proposed licensee together with such particulars in respect of the proposed licensee as the Minister considers necessary; and
- (c) shall include a covenant on the part of the Minister relating to the grant, subject to this Ordinance, of a casino licence to the proposed licensee.

#### **Grant of casino licence**

**13. (1)** Subject to this Ordinance, the Minister shall grant a casino licence to the company or to another company incorporated in the Territory specified in the agreement as the proposed licensee.

**(2)** A casino licence shall be in a form approved by the Minister and shall specify—

- (a) the date of its issue;
- (b) the name and registered office in the Territory of the licensee;
- (c) the address of the property comprising the complex and such other particulars relating to the complex as the Minister considers necessary;
- (d) that part of the complex that constitutes the casino; and
- (e) such other particulars as are prescribed.

**(3)** Where, by virtue of section 15 or 26, the Minister refuses to grant a casino licence, he shall, by notice in writing, inform—

- (a) the company; and
- (b) if the proposed licensee was another company—that other company, of the refusal and of the grounds for the refusal.

#### **Agreement to precede casino licence**

**14.** A casino licence shall not be granted unless—

- (a) the agreement is in force; and
- (b) any terms or conditions of the agreement that are required to be complied with by the company between the date of the execution of the agreement and the date of the grant of the licence have been so complied with.

#### **Suitability of company and licensee**

**15. (1)** The Minister shall not enter into an agreement under sub-section 11 (1) with a company unless he is satisfied that the company—

- (a) has or is able to obtain financial resources that are adequate for the development of the complex in accordance with the agreement and for the viability of the complex;
- (b) has a business record demonstrating the capacity to develop the complex successfully;
- (c) has or is able to obtain the services of persons with sufficient relevant experience to manage and operate the complex effectively;
- (d) enjoys a reputation for sound business conduct;

- (e) does not have a business association with any person or body who or that, in the opinion of the Minister, is not of good reputation and character or has undesirable or unsatisfactory financial resources;
- (f) that each officer of the company who would be likely to be involved in the development of the complex is a fit and proper person to be so involved; and
- (g) is, in relation to any other matter that the Minister considers relevant, suitable to develop and operate the complex.

(2) Where another company is specified in the agreement as the proposed licensee, the Minister shall not grant a casino licence to that company unless he is satisfied, as regards that company, in relation to the matters set out in sub-section (1) and, in addition—

- (a) that each officer of the proposed licensee or other person to be involved in, or associated with, the proposed licensee in the management or operation of the casino is a fit and proper person to be such an officer or to be so involved or associated; and
- (b) where the casino is not in all respects fully established by the company—that the proposed licensee has or is able to obtain such staff, gaming equipment, facilities and financial resources as would enable the proposed licensee to operate the casino, or to cause the casino to be operated, efficiently and successfully.

### **Investigation**

**16. (1)** For the purposes of section 15, the Minister may cause to be made such inquiries as he thinks fit and may for those purposes, by instrument in writing, authorize a person to conduct an investigation.

(2) A person authorized pursuant to sub-section (1) to conduct an investigation may, by notice in writing, upon giving to another person warning of the obligation to comply with the requirement, require that other person—

- (a) to furnish to the first-mentioned person, orally or in writing, information specified in the notice;
- (b) to produce to the first-mentioned person a document specified in the notice;
- (c) to answer, orally or in writing, any question specified in the notice; or
- (d) to permit the first-mentioned person, at a time specified in the notice, to enter and inspect premises upon which business operations are carried on by that other person that are relevant to the investigation.

(3) A person who, without reasonable excuse, refuses or fails to comply with a requirement made under sub-section (2) is guilty of an offence punishable, on conviction, by a fine not exceeding—

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000.

**Secrecy**

**17. (1)** This section applies to a person who is or has been authorized to conduct an investigation under section 16.

**(2)** Subject to this section, a person to whom this section applies shall not, either directly or indirectly, except in the performance of a duty under, or in connection with, this Ordinance—

- (a) make a record of, or divulge or communicate to a person, information concerning the affairs of another person acquired by him by reason of his authorization under section 16; or
- (b) produce to a person a document produced in accordance with that section.

Penalty: \$1,000 or imprisonment for 6 months, or both.

**(3)** A person to whom this section applies shall not be required—

- (a) to produce in a court a document relating to the affairs of another person, being a document of which he has the custody, or to which he has access, by virtue of his authorization under section 16; or
- (b) to divulge or communicate to a court information concerning the affairs of another person that is obtained by him by reason of that authorization,

unless it is necessary to do so for the purposes of—

- (c) this Ordinance; or
- (d) proceedings under, or arising out of, this Ordinance.

**Duration of casino licence**

**18.** A casino licence remains in force—

- (a) unless it is cancelled or surrendered; and
- (b) except while it is suspended,

in pursuance of this Ordinance.

**Surrender of casino licence**

**19. (1)** A licensee may at any time surrender the casino licence.

**(2)** Where—

- (a) the company ceases to be the owner of the complex; or
- (b) the licensee ceases to be responsible for the management and operation of the casino, otherwise than by reason of the licensee—
  - (i) being the company, having entered into a casino lease;
  - (ii) having entered into a casino management agreement; or
  - (iii) having assigned the casino licence,

the casino licence shall be deemed to have been surrendered.

**Cancellation or suspension of casino licence**

**20. (1)** A ground for the cancellation or suspension of a casino licence arises where the licensee—

- (a) is convicted of an offence under this Ordinance;
- (b) is convicted of an indictable offence, whether on indictment or summarily, punishable by imprisonment for a period of 12 months or more;
- (c) contravenes or fails to comply with a term or condition of the agreement applicable to the licensee;
- (d) contravenes or fails to comply with a provision of this Ordinance;
- (e) contravenes or fails to comply with a requirement by the Treasurer in relation to a matter of foreign investment;
- (f) refuses or fails to comply with a direction by the Minister under section 60;
- (g) upon being required under this Ordinance to supply information to the Minister or an inspector, knowingly supplies information that is false or misleading in a material particular; or
- (h) fails to meet its financial commitments, or is being wound up.

**(2)** Where, in the opinion of the Minister, the licensee or any person concerned in or associated with the licensee in the ownership, administration or management of its operation or business is not or ceases to be, at any time while the casino licence is in force, a suitable person to be the licensee or to be so concerned or associated, as the case requires, having regard to the matters specified in section 15 or 26 that are applicable, a ground for the cancellation or suspension of the casino licence arises.

**(3)** Where a ground for cancellation or suspension pursuant to sub-section (1) or (2) arises, the Minister shall, by notice in writing, invite—

- (a) the company;
- (b) where the company is not the licensee—the licensee;
- (c) where there is a casino lease—the lessee;
- (d) where there is a casino management agreement—the operator; and
- (e) a person who has, in the opinion of the Minister, an interest in the licence,

to show cause within such period (being not less than 21 days after the issue of the notice) as is specified in the notice, why the casino licence should not be cancelled or suspended.

**(4)** A notice under sub-section (3) shall specify the ground for its issue.

**(5)** The Minister shall consider each response made in accordance with sub-section (3) and—

- (a) where the matter is resolved to his satisfaction—he shall take no further action;

- (b) where the matter is not resolved to his satisfaction but he considers that action to cancel or suspend the casino licence would not be warranted—he may issue a letter of censure; or
- (c) where the matter is not resolved to his satisfaction and he considers that further action is warranted, he may—
  - (i) by notice in writing, give such direction as he considers appropriate; or
  - (ii) cancel, or suspend for such period as he thinks fit, the casino licence.

(6) Where a direction given by the Minister pursuant to sub-paragraph (5) (c) (i) is not complied with within the time specified in the notice, the Minister may cancel, or suspend for such period as he thinks fit, the casino licence.

(7) Notwithstanding any other provision of this Ordinance, the Minister may, where he considers that it is imperative in the public interest to do so, suspend the casino licence for such period as he thinks fit.

(8) Where a casino licence is suspended pursuant to this section, the Minister may, by notice in writing given to the licensee, at any time reduce the period of suspension or rescind the remainder of the suspension.

(9) Where a casino licence is cancelled or suspended under this section, the Minister shall, by notice in writing, inform the licensee of the cancellation or suspension and of the grounds for the cancellation or suspension.

#### **Assignment of casino licence**

**21. (1)** Subject to this Ordinance, the licensee may, with the approval of the Minister, assign the casino licence to another company incorporated in the Territory.

(2) A licensee who desires approval under sub-section (1) shall make application in writing in a form approved by the Minister, supplying such particulars in relation to the proposed assignee as the Minister requires.

(3) In considering an application under sub-section (2), the Minister shall have regard to the matters referred to in sections 15 and 26 as if the application were an application for the grant of a casino licence.

(4) Where, for the purposes of an application under sub-section (2), the Minister considers it necessary to do so, he may cause inquiries to be made, and sections 16 and 17 apply in relation to those inquiries as if those inquiries were in relation to an application for a casino licence.

(5) After having considered, in accordance with this section, an application made under sub-section (2), the Minister may approve the proposed assignment.

(6) Where a proposed assignee and a casino licensee are corporations that are related to each other, the approval referred to in sub-section (1) shall not be

refused unless, in the opinion of the Minister, there are special circumstances that warrant that refusal.

(7) For the purposes of sub-section (6), corporations are related to each other if they would, by virtue of sub-section 7 (5) of the *Companies Act 1981*, be deemed to be so related for the purposes of that Act.

## PART IV—OWNERSHIP AND CONTROL

### *Division 1—Management arrangements*

#### **Lease of complex or casino**

22. (1) Subject to this Ordinance, the company may, with the approval in writing of the Minister, lease to a person the complex or the casino.

(2) An application for approval under sub-section (1) shall be made in a form approved by the Minister and shall be accompanied by—

- (a) a draft of the proposed lease;
- (b) particulars as to the financial standing, relevant managerial experience and business reputation of the proposed lessee; and
- (c) such other particulars as are prescribed.

(3) The Minister may, by notice in writing, require the company or the proposed lessee to supply to him such additional information or documents, or to answer such questions, as are specified in the notice.

(4) Where the Minister refuses to approve a proposed casino lease, he shall, by notice in writing, inform the company and the proposed lessee of the refusal and of the grounds for the refusal.

#### **Casino management agreement**

23. (1) Subject to this Ordinance, the company, the licensee or a lessee may, with the approval in writing of the Minister, enter into an agreement with a person for the management and operation by that person of the complex or the casino, as the case requires.

(2) An application for approval under sub-section (1) shall be made in a form approved by the Minister and shall be accompanied by—

- (a) a draft of the proposed agreement;
- (b) particulars as to the financial standing, relevant managerial experience and business reputation of the proposed operator; and
- (c) such other particulars as are prescribed.

(3) The Minister may, by notice in writing, require the company, licensee or lessee, as the case requires, and the proposed operator to supply to him such additional information or documents, or to answer such questions, as are specified in the notice.

(4) Where the Minister refuses to approve a proposed casino management agreement, he shall, by notice in writing, inform the applicant and the proposed operator of the refusal and of the grounds for the refusal.

#### **Suitability of lessee or operator**

24. (1) Before making a decision on an application under sub-section 22 (2) or 23 (2), the Minister shall cause inquiries to be made in respect of that application and may require the proposed lessee or operator and any person involved in or associated with the ownership, management or business of the proposed lessee or operator to satisfy him that the proposed lessee or operator and any such person are suitable to undertake, or to be involved in or associated with, the management and operation of the casino.

(2) For the purposes of considering an application under sub-section (1), the Minister shall have regard, so far as is applicable, to the matters specified in section 15 as if the application were an application for a casino licence.

(3) The Minister shall not approve a casino lease or a casino management agreement if section 26 would operate to prohibit the grant of a casino licence to the proposed lessee or operator.

#### **Variation of casino lease or casino management agreement**

25. (1) The parties to a casino lease or a casino management agreement may, with the approval in writing of the Minister, vary the lease or agreement.

(2) In considering whether to approve a variation under sub-section (1), the Minister shall have regard to the likely effect of such a variation on the control or operation of the casino.

(3) The Minister may, by notice in writing, require a party to a proposed variation to supply him with such information or documents, or to answer such questions relating to the proposed variation, as are specified in the notice.

(4) Where the Minister refuses to approve a variation of a casino lease or a casino management agreement, he shall, by notice in writing, inform the parties to the lease or agreement of the refusal and of the grounds for the refusal.

### ***Division 2—Corporate ownership and control***

#### **Restriction on ownership and control**

26. (1) The Minister shall not enter into an agreement under sub-section 11 (1) or grant a casino licence where—

- (a) a requirement made of the company or the proposed licensee by the Treasurer in relation to a matter of foreign investment has not been complied with; or
- (b) a foreign person holds a controlling interest in the company or proposed licensee, as the case requires.

(2) Sub-section (1) does not apply where the Minister gives his consent in writing to the holding of such a controlling interest by a foreign person.

**Change in ownership or control**

27. (1) Where, by virtue of a proposed transaction, being—

- (a) the transfer of a holding of shares in the company or, where the company is not the licensee, the licensee; or
- (b) any other proposed change affecting the ownership or control of the company or licensee,

a foreign person would acquire an interest in the company or licensee, or increase such an interest, the company or the licensee shall apply in writing to the Minister, in a form approved by him, for his approval of the transaction.

(2) The Minister shall not approve a transaction under sub-section (1) if, by reason of the transaction, section 26 would operate to prohibit the grant of a casino licence to the applicant.

(3) Where the Minister refuses to approve a transaction under sub-section (1), he shall, by notice in writing, inform the applicant of the refusal and of the grounds for the refusal.

**Directors**

28. (1) The company or, where the company is not the licensee, the licensee, shall not, without the approval of the Minister, appoint as a director any person who is not ordinarily resident in Australia.

(2) A person whose name is proposed for election or appointment as a director of the company or licensee shall, before the meeting at which his election or appointment is to be considered, deliver to the secretary of the company or licensee a declaration stating—

- (a) whether he is a person ordinarily resident in Australia; and
- (b) whether there is any trust, agreement, arrangement, understanding or practice for, with, or involving any person not ordinarily resident in Australia in respect of the discharge of his duties as a proposed director.

(3) A person who makes a declaration in the affirmative for the purposes of paragraph (2) (b) shall be taken, for the purposes of this Ordinance, to be a person not ordinarily resident in Australia.

(4) A person shall not make a false statement in a declaration under sub-section (2).

Penalty: \$1,000 or imprisonment for 6 months, or both.

(5) The company, or where the company is not the licensee, the licensee, shall not at any time have a greater number of directors who are persons not ordinarily resident in Australia than the number of such directors prescribed for the purposes of this sub-section.

(6) The company or the licensee shall not appoint as a director a person who has been convicted of an offence punishable, on conviction, by imprisonment for a period exceeding one year.

**Declaration by member of company or licensee**

29. (1) A member of the company or, where the company is not the licensee, of the licensee, who attends a meeting of members of the company or licensee convened in accordance with the *Companies Act 1981* shall, before any business is transacted at that meeting, complete a declaration in the prescribed form disclosing whether the member is, or represents, a foreign person and, if so, in respect of what shares.

(2) A meeting of the company or licensee referred to in sub-section (1) shall not, except with the consent of the Minister or a person authorized by him for the purpose, transact any business unless it appears from the declarations made under that sub-section that the percentage of votes cast in any resolution by, or on behalf of, foreign persons would not exceed the prescribed percentage.

**Restriction on mortgage**

30. (1) The company or licensee shall not, except with the approval in writing of the Minister, mortgage or create any other charge over any property forming part of the complex or the casino.

(2) Where the Minister refuses to approve a mortgage or the creation of a charge under sub-section (1), he shall, by notice in writing, inform the company or licensee, as the case requires, of the refusal and of the grounds for the refusal.

**Direction—interest of foreign person**

31. (1) Where—

- (a) by virtue of a holding of shares in the company or, where the company is not the licensee, the licensee; or
- (b) by reason of any other financial transaction or arrangement affecting the ownership or control of the company or licensee,

the Minister believes on reasonable grounds that the aggregate of the nominal amounts of shares held by or on behalf of foreign persons in the company or licensee constitutes a contravention of a provision of this Ordinance, he may, by notice in writing, specify—

- (c) the number of shares to be disposed of; and
- (d) the persons who are to dispose of those shares,

in order to comply with that provision.

(2) A notice under sub-section (1) shall be served on each person specified in the notice and upon the company or licensee, as the case requires.

## PART V—OPERATION OF CASINO

### *Division 1—Facilities and admission*

#### **Maintenance of facilities, &c.**

32. The operator shall—

- (a) maintain the facilities and amenities of the casino in such a condition as will promote the comfort and satisfaction of patrons;
- (b) ensure that the casino is at all times properly and competently conducted; and
- (c) ensure that all casino installations, equipment and procedures for security and safety purposes are available and are used, operated and applied effectively.

#### **Approval of location and layout**

33. (1) The operator shall apply in writing to the Minister for approval of plans and diagrams of the casino in relation to—

- (a) the location and layout of the gaming room or rooms, placement of gaming tables and associated gaming facilities;
- (b) systems of communication and surveillance;
- (c) reception, office and working spaces, including security arrangements; and
- (d) bar and lounge areas and any other facilities or amenities intended for public use.

(2) The Minister shall not approve plans and diagrams referred to in sub-section (1) unless he is satisfied that—

- (a) the casino is sufficiently separated from other facilities of the complex;
- (b) entry control in respect of the casino will not inconvenience users of other facilities of the complex;
- (c) users of other facilities of the complex will not be able to gain entry to the casino without being subject to entry control;
- (d) the location or layout of the casino does not intrude upon the remainder of the complex;
- (e) the location or layout of the casino will not impede or inhibit direct access by a person to any other part of the complex;
- (f) the location, layout or design of the casino is not likely to act as an inducement to a person to enter the casino;
- (g) any bar facility in the casino is modestly proportioned to expected needs and is, as regards location and design, separate and distinct from the area of the gaming tables;
- (h) direct access from the main liquor sales area of the complex to the casino is impracticable or is discouraged by physical arrangements; and
- (j) the principal bar facilities of the complex are not located in the casino.

(3) The Minister may, by notice in writing, require the applicant to supply to him such additional information or documents, or to answer such questions, as are specified in the notice.

(4) Where the Minister refuses to approve plans and diagrams of the casino, he shall, by notice in writing, inform the operator of the refusal and of the grounds for the refusal.

(5) The operator shall not operate the casino otherwise than in accordance with plans and diagrams approved by the Minister under this Division.

(6) In this section, "entry control" means planned supervision and surveillance, at the public entrance or each public entrance to the casino, by casino employees for the purpose of ascertaining the suitability, in accordance with this Ordinance, of intending patrons to enter the casino.

#### **Variation of location or layout**

34. (1) Where it is proposed to vary plans and diagrams of the casino approved under section 33, the operator shall submit, for the approval of the Minister, plans and diagrams of the proposed variation.

(2) The operator shall not implement any variation to the plans and diagrams of the casino unless the Minister has approved the variation.

##### **Penalty—**

(a) if the offender is a body corporate—\$10,000; or

(b) if the offender is a natural person—\$2,000.

(3) Sub-section 33 (2) applies in relation to plans and diagrams referred to in sub-section (1) as if they were plans and diagrams referred to in sub-section 33 (1).

(4) Where the Minister refuses to approve a variation of plans and diagrams of the casino, he shall, by notice in writing, inform the operator of the refusal and of the grounds for the refusal.

#### **Entry control**

35. (1) A person does not have a right as against the licensee or operator to enter or remain in the casino.

(2) The regulations may prescribe, in relation to members of the public, conditions and restrictions for entering, being in and remaining in the casino.

(3) A person shall not enter or remain in the casino if, on request made by a casino employee, he refuses or fails to produce evidence of his identity.

(4) A person shall not enter or remain in the casino during the hours of operation of the casino on any day if he—

(a) is under the age of 18 years;

(b) is requested not to enter, or to leave, by a casino employee on the ground that he—

(i) appears to be under the influence of alcohol or a drug; or

- (ii) has been detected in misconduct or in cheating; or
- (c) has received a direction by the operator or a police officer to the effect that he is not to enter, or is to leave, the casino.

Penalty: \$1,000.

**Operator not to admit certain persons**

36. The operator shall not knowingly permit to enter or remain in the casino a person who—

- (a) is under the age of 18 years;
- (b) appears to be under the influence of alcohol or a drug; or
- (c) has received a direction by the operator or a police officer to the effect that he is not to enter, or is to leave, the casino.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000.

**Operating times**

37. (1) Subject to sub-section 38 (1), the operator shall not operate the casino otherwise than in accordance with a schedule of operating times, or such a schedule as varied in accordance with sub-section (4), approved by the Minister.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000.

(2) The operator shall submit, for the approval of the Minister, a schedule of operating times for the casino, setting out the days on which, and hours during which, it is proposed to operate the casino.

(3) The Minister may approve the schedule of operating times as submitted or with such variations or subject to such conditions as he thinks fit.

(4) The operator shall submit, for the approval of the Minister, any proposed variation to the schedule of operating times and the Minister may deal with the proposed variation as if the proposed variation were a proposed schedule of operating times.

**Operating times—variation by Minister**

38. (1) The Minister may at any time, by notice in writing, require the operator to vary the schedule of operating times for the casino in the manner, and on and from a date, specified in the notice.

(2) Where the operator has received a notice under sub-section (1), the operator shall not operate the casino otherwise than in accordance with the requirement specified in that notice.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000.

**Division 2—Gaming and related activities****Authorized games and rules**

**39. (1)** Subject to this section, the Minister may, by notice published in the *Gazette*, declare a game to be an authorized game for the purposes of this Ordinance.

**(2)** Where the Minister declares a game to be an authorized game under sub-section (1), he may at any time, by notice in writing given to the operator, specify, in regard to the playing of that game, any restriction or condition that he thinks fit.

**(3)** The Minister shall not declare a game to be an authorized game under this section unless he has approved the rules under which that game is to be played.

**(4)** Where the Minister approves the rules of a game pursuant to sub-section (3), those rules shall, subject to sub-section (5), be taken to be the approved rules of the game for the purposes of this Ordinance.

**(5)** The Minister may at any time, by notice in writing to the operator, alter the approved rules of a game and on receipt of the notice by the operator, the approved rules of that game shall be taken to be altered accordingly.

**(6)** A reference in sub-section (5) to an alteration of the approved rules of a game shall be read as including a reference to an omission from or an addition to those rules.

**(7)** The operator shall ensure that any authorized game conducted in the casino is conducted in accordance with the approved rules for that game and in accordance with any restriction or condition specified in a notice under sub-section (2) in relation to that game.

**(8)** The operator shall ensure that printed copies of the rules of each authorized game conducted in the casino are freely available to patrons of the casino.

**Gaming equipment and chips**

**40. (1)** The operator shall ensure that all gaming equipment in the casino is maintained in good order and condition.

**(2)** A person shall not exhibit or possess any gaming equipment or chips in any part of the complex other than the casino.

**(3)** A person shall not exhibit or possess any gaming equipment or chips in the casino other than gaming equipment and chips approved by the Minister for the purposes of this Ordinance.

**(4)** A person shall not use gaming equipment or chips otherwise than in accordance with this Ordinance.

**Penalty—**

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000.

**Poker machines**

**41. (1)** Notwithstanding any other law in force in the Territory, a person shall not exhibit or use a poker machine in the casino.

**Penalty—**

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000.

**(2)** In sub-section (1), “poker machine” has the same meaning as in the *Poker Machine Control Ordinance 1975*.

**Consumption of liquor**

**42. (1)** In this section, “liquor” has the same meaning as in the *Liquor Ordinance 1975*.

**(2)** Except as otherwise provided by this Ordinance or the regulations, the *Liquor Ordinance 1975* applies in relation to the casino.

**(3)** A person shall not sell, serve or offer liquor to another person who is playing, observing or otherwise attending at a gaming table or other gaming activity in the casino.

**(4)** A person who is playing, observing or otherwise attending at a gaming table or other gaming activity in the casino shall not, while he is so playing, observing or attending, consume liquor.

**(5)** A person shall not provide or serve any beverage in the casino unless that beverage is provided or served in a glass or other container of a type approved by the Minister for a beverage of that kind.

**Penalty—**

- (a) if the offender is a body corporate—\$2,500; or
- (b) if the offender is a natural person—\$500.

**Entertainment**

**43. (1)** A person shall not provide, or permit to be provided, entertainment in the casino.

**Penalty—**

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000.

**(2)** In this section, a reference to entertainment shall be read as including a reference to entertainment provided—

- (a) in the form of music, dancing, cabaret or any other public presentation; and

- (b) by means of a television receiver operating within a closed circuit system.

### **Advertising**

**44. (1)** A person shall not publish an advertisement relating to the casino, or any facility of, or activity conducted in, the casino otherwise than in accordance with the approval of the Minister.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000.

(2) The operator shall submit a proposed advertisement referred to in sub-section (1) for the approval of the Minister.

(3) The Minister may approve a proposed advertisement subject to such conditions, restrictions or variations as he thinks fit.

(4) Where the Minister refuses to approve a proposed advertisement relating to the casino, he shall, by notice in writing, inform the operator of the refusal and of the grounds for the refusal.

### ***Division 3—Provision of money for gaming***

#### **Restriction on credit**

**45.** The operator or a casino employee shall not, in relation to the operation of the casino—

- (a) extend credit in any form to any person;
- (b) accept a credit wager from any person;
- (c) provide cash or chips to any person upon a blank cheque;
- (d) make a loan to any person; or
- (e) provide cash or chips to any person in respect of a credit card transaction.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000 or imprisonment for one year, or both.

#### **Cheques**

**46. (1)** Subject to this section, the operator shall not accept any cheque other than—

- (a) a traveller's cheque; or
- (b) a cheque—
  - (i) drawn on a bank and payable on demand;
  - (ii) drawn on a personal cheque form in the name of the drawer;
  - (iii) drawn for a specified amount;
  - (iv) made payable to the operator; and

(v) dated but not post-dated.

(2) The operator shall not cash a cheque referred to in paragraph (1) (a) or (b) unless—

- (a) the cheque is signed at the principal cash desk of the casino in the presence of a casino employee;
- (b) the transaction is recorded in a register kept for the purpose;
- (c) the cheque is cashed at the principal cash desk of the casino; and
- (d) the casino employee who cashes the cheque is given proof of the identity of the drawer.

(3) The operator shall not cash a cheque for an amount exceeding \$100 unless the transaction is approved by a casino employee designated by the operator for the purpose.

(4) Nothing in this section shall be taken to require the operator to cash a cheque at the request of any person.

(5) The operator shall not accept or cash a cheque at the request of any person if any previous cheque received by the operator from that person has been dishonoured and the debt so incurred has not been discharged.

(6) In this section, "personal cheque form" means a cheque form taken from a book of cheque forms issued by a bank with each form stamped with the name of the holder of the relevant bank account.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000 or imprisonment for one year, or both.

### **Redemption of cheque**

47. A person may, with the agreement of the operator, redeem any cheque or cheques accepted from him by the operator by presenting at the principal cash desk of the casino—

- (a) cash;
- (b) chips; or
- (c) where more than one cheque is being redeemed—a consolidating cheque,

to the amount, or value equivalent to the amount, of the cheque or cheques to be redeemed.

### **Proceedings, &c., in relation to gaming**

48. (1) Notwithstanding any law in force in the Territory, an action lies at the suit of the operator to recover the amount of a cheque drawn in respect of a gaming debt incurred in the casino and subsequently dishonoured.

(2) The operator shall not release to a third party the whole or any part of a debt incurred by a person in the casino by reason of the dishonour of a cheque drawn by that person and accepted by the operator.

**Penalty—**

- (a) if the offender is a body corporate—\$25,000; or
  - (b) if the offender is a natural person—\$5,000 or imprisonment for 2 years, or both.
- (3) An action lies against the operator to recover—
- (a) money won at gaming in the casino; or
  - (b) the amount of a cheque given by the operator in payment of money so won and subsequently dishonoured.

**PART VI—ENFORCEMENT AND PENALTIES****Search and seizure by inspector**

**49. (1)** For the purposes of this section, a thing is connected with a particular offence if it is a thing—

- (a) with respect to which the offence has been committed;
- (b) that will afford evidence of the commission of the offence; or
- (c) that was used, or is intended to be used, for the purpose of committing the offence.

**(2)** An inspector may—

- (a) search a person or the clothing that is being worn by, or property in the immediate control of, a person; and
- (b) enter upon or into, and search, land, premises, a vehicle or a vessel,

and may seize any thing that he believes on reasonable grounds to be connected with an offence that is found in the course of the search if, and only if, the search and seizure is made by the inspector—

- (c) in pursuance of a warrant issued under this Part; or
- (d) after obtaining the consent of the person, or of the occupier of the land or premises, or of the person in charge of the vehicle or vessel, as the case requires, to the search or entry.

**(3)** Where an inspector seeks to obtain the consent of a person or occupier for the purposes of sub-section (2), he shall—

- (a) inform the person or occupier that he may refuse to give his consent; and
- (b) ask the person or occupier to sign an acknowledgement—
  - (i) of the fact that he has been informed that he may refuse to give his consent;
  - (ii) of the fact that he has voluntarily given his consent; and
  - (iii) of the date on which, and the time at which, he gave his consent.

(4) Where an information on oath is laid before a magistrate alleging that there are reasonable grounds for suspecting that a thing or things of a particular kind connected with a particular offence—

- (a) may be concealed on a person or in the clothing that is being worn by, or in any property in the immediate control of, a person; or
- (b) may be, at that time or within the following 24 hours, upon any land or upon or in any premises, vehicle or vessel,

and the information sets out those grounds, the magistrate may issue a warrant authorizing an inspector named in the warrant, with such assistance as he thinks necessary and if necessary by force—

- (c) to search a person referred to in paragraph (a); or
- (d) to enter upon or into, and search, any land, premises, vehicle or vessel referred to in paragraph (b),

and to seize any thing found as the result of the search that he believes on reasonable grounds to be connected with that offence.

(5) A magistrate shall not issue a warrant under sub-section (4) unless he is satisfied that there are reasonable grounds for issuing the warrant.

(6) Notwithstanding sub-section (4), an inspector may, where he considers circumstances of emergency make it necessary to do so, make application to a magistrate by telephone for a warrant and the magistrate, on being satisfied of the emergency of the circumstances, may deal with that application as if it were made pursuant to sub-section (4).

(7) An inspector shall—

- (a) before he applies for a warrant under sub-section (6)—prepare (but need not swear) an information setting out the relevant grounds;
- (b) where the magistrate signs the warrant—complete a form of warrant in terms furnished to him by the magistrate; and
- (c) not later than the day next following the date of expiry of the warrant—forward to the magistrate who signed the warrant the form of warrant completed by him and the information duly sworn in connection with the warrant.

(8) In this section—

- (a) “offence” means—
  - (i) an offence under this Ordinance; or
  - (ii) an indictable offence in respect of which imprisonment for more than 6 months may be imposed, committed—
    - (A) in the casino;
    - (B) in relation to gaming in the casino; or
    - (C) in relation to the operation of the casino; and
- (b) a reference to an offence shall be read as including a reference to an offence that there are reasonable grounds for believing has been, or is about to be, committed.

**Police entry**

**50. (1)** A police officer—

- (a) who is, or is authorized for the purpose by a police officer who is, of or above the rank of Inspector; or
- (b) who is requested to do so by an inspector,

may enter at any time any part of the casino.

(2) Sub-section (1) shall not be taken to affect the power of a police officer under any other law in force in the Territory to enter the casino or any part of the casino.

**Police powers—search and seizure in emergency**

**51.** Where a police officer believes on reasonable grounds—

- (a) that it is necessary to conduct a search or make an entry in order to prevent the concealment, loss or destruction of any thing that is a thing connected with an offence for the purposes of section 49; and
- (b) that circumstances of such seriousness and urgency exist as to justify immediate search or entry without an order of a court or a warrant,

that officer may, on request by an inspector or otherwise—

- (c) search a person or the clothing that is being worn by, or property in the immediate control of, a person suspected by him to be carrying such a thing; or
- (d) enter upon or into, and search, any land, premises, vehicle or vessel, on or in which he believes on reasonable grounds that such a thing is situated,

and may seize any such thing that he finds in the course of that search.

**Disposal of gaming equipment, &c., after seizure**

**52.** Where a thing referred to in section 49 or 51 is seized pursuant to that section, then—

- (a) if a person is not charged, within a period of 21 days after the seizure, with an offence under this Ordinance or an indictable offence in relation to that thing, the Minister shall arrange for the thing to be returned to the person from whom it was seized or to the occupier of the relevant land or premises, or person in charge of the relevant vehicle or vessel, as the Minister determines; or
- (b) if a person is convicted of an offence referred to in paragraph (a), the court may order—
  - (i) that the thing be returned—
    - (A) to the person from whom it was seized; or
    - (B) to the occupier of the relevant land or premises, or person in charge of the relevant vehicle or vessel; or
  - (ii) that the thing shall be forfeited to the Commonwealth and disposed of as the Minister directs.

### **Obstructing inspector**

53. A person shall not obstruct, hinder, threaten or intimidate an inspector who is exercising his powers or performing his duties under this Ordinance.

Penalty: \$1,000.

### **Compliance with requirement of inspector**

54. A person shall not refuse or fail, without reasonable excuse, to comply with a requirement made of him or direction given to him by an inspector under this Ordinance.

Penalty: \$1,000.

### **Exclusion from casino**

55. (1) Subject to sub-section (2), the Commissioner of Police may, by notice in writing, direct the operator to exclude from the casino a person specified in the notice.

(2) A direction under sub-section (1) shall not be given in respect of a person unless the Commissioner believes, on reasonable grounds, that the person is, or has been, engaged in, or connected with persons engaged in, any malpractice in gaming or in swindling or cheating.

(3) The operator shall not, without reasonable excuse, fail to comply with a direction under sub-section (1).

Penalty—

(a) if the offender is a body corporate—\$10,000; or

(b) if the offender is a natural person—\$2,000.

(4) The Commissioner of Police shall cause a copy of a notice referred to in sub-section (1) to be served on the person specified in the notice together with a statement of the grounds for the direction.

### **General offence**

56. A person who contravenes a provision of this Ordinance for which no other penalty is provided is guilty of an offence punishable, on conviction, by a fine not exceeding—

(a) if the offender is a body corporate—\$5,000; or

(b) if the offender is a natural person—\$1,000.

## **PART VII—MISCELLANEOUS**

### **Licensing of casino employees**

57. (1) The operator shall not employ a person in the casino to perform duties related to gaming unless that person is the holder of a casino employee's licence.

Penalty—

(a) if the offender is a body corporate—\$10,000; or

- (b) if the offender is a natural person—\$2,000 or imprisonment for one year, or both.
- (2) An application for the grant of a casino employee's licence shall be in the prescribed form.
- (3) The Minister may grant a casino employee's licence.
- (4) The holder of a casino employee's licence may surrender his licence.
- (5) A casino employee's licence ceases to have effect if the holder of the licence is not employed in the casino for a continuous period exceeding 12 months.
- (6) The Minister may at any time cancel, or suspend for such period as he thinks fit, a casino employee's licence if he is satisfied that a prescribed ground exists.
- (7) Where the Minister refuses to grant a casino employee's licence or cancels or suspends such a licence, he shall, by notice in writing, inform the applicant or holder, as the case requires, of the refusal, cancellation or suspension and of the grounds for the refusal, cancellation or suspension.

#### **Notification relating to employment**

58. Where a person commences or ceases to be employed in the casino, the operator shall, within 7 days, notify the Minister in writing accordingly.

Penalty—

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000.

#### **Inquiries by Minister**

59. (1) The Minister may at any time after—

- (a) the agreement has been entered into;
- (b) a casino licence has been granted; or
- (c) a casino lease or a casino management agreement has been approved,

cause inquiries to be made in respect of the company, licensee, lessee or operator, as the case requires, and any person involved in or associated with the ownership, management or business of the company, licensee, lessee or operator, in order to satisfy himself that the company, licensee, lessee, operator or other person is suitable to own, manage, operate or be involved in or associated with the complex or casino.

(2) Where the Minister causes inquiries to be made under sub-section (1), sections 16 and 17 apply in relation to those inquiries as if those inquiries were an investigation under section 16.

(3) A person conducting an investigation in pursuance of this section shall have regard to—

- (a) in the case of the company—the matters specified in sub-section 15 (1);

- (b) in the case of the licensee—the matters referred to or specified in sub-section 15 (2); or
- (c) in the case of a lessee or operator—the matters referred to in section 24,

and, in addition, in respect of the ownership and control of the company, licensee, lessee or operator, shall have regard to the matters specified in section 26.

#### **Directions for management, &c.**

**60. (1)** The Minister may, by notice in writing, give directions to the company, licensee, lessee or operator, as the case requires, in relation to any aspect of the management, supervision, control or operation of the casino.

**(2)** The company, licensee, lessee or operator shall comply with a direction under sub-section (1).

Penalty—

- (a) if the offender is a body corporate—\$25,000; or
- (b) if the offender is a natural person—\$5,000.

#### **Service of notices**

**61. (1)** A notice that is required by this Ordinance to be given to a body corporate may be so given—

- (a) by delivering the notice to a director, manager or secretary of the body corporate;
- (b) by leaving the notice at the registered office in the Territory of the body corporate;
- (c) by leaving the notice at an office or place of business of the body corporate in the Territory with a person apparently employed at that office or place of business and apparently not less than 16 years of age; or
- (d) by sending the notice by post to the body corporate at its registered office in the Territory.

**(2)** A notice that is required by this Ordinance to be given to a natural person may be so given—

- (a) by delivering the notice to him personally;
- (b) by leaving the notice at his last known place of residence or business with a person apparently resident or employed at that place and apparently not less than 16 years of age; or
- (c) by sending the notice by post addressed to him at his last known place of residence or business.

#### **Review of decisions**

**62. (1)** An application may be made to the Administrative Appeals Tribunal for review of—

- (a) a direction by an inspector under paragraph 9 (1) (d);

- (b) a decision of the Minister cancelling or suspending a casino licence;
- (c) a decision of the Minister approving or refusing to approve a casino lease or a casino management agreement or a variation of such a lease or agreement;
- (d) a decision of the Minister refusing to approve a transaction under section 27;
- (e) a decision of the Minister refusing to approve the appointment of a person as a director;
- (f) a decision of the Minister or a person authorized by him refusing his consent to business being transacted at a meeting;
- (g) a decision of the Minister refusing to approve a mortgage or the creation of a charge;
- (h) a direction by the Minister under sub-section 31 (1);
- (j) a decision of the Minister approving or refusing to approve plans and diagrams or a variation of plans and diagrams;
- (k) a decision of the Minister approving or refusing to approve operating times;
- (l) a requirement under sub-section 38 (1);
- (m) a decision of the Minister specifying a restriction or condition in regard to the playing of a game;
- (n) a decision of the Minister approving or refusing to approve the rules of a game or altering the approved rules of a game;
- (p) a decision of the Minister refusing to approve gaming equipment and chips;
- (q) a decision of the Minister granting or refusing to grant a casino employee's licence;
- (r) a decision of the Minister cancelling or suspending a casino employee's licence; or
- (s) a direction by the Minister under section 60.

(2) Where the Minister makes a decision of a kind referred to in sub-section (1) and gives to the person or persons whose interests are affected by the decision notice in writing of the making of the decision, that notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of the person or persons whose interests are affected by the decision.

(3) A failure to comply with the requirement of sub-section (2) in relation to a decision shall not be taken to affect the validity of the decision.

### Regulations

63. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to

be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and, in particular—

- (a) providing for the quality, type and identification of gaming equipment to be used in the casino;
- (b) for or in relation to the maintenance or use of gaming equipment in the casino;
- (c) for or in relation to the security arrangements to be applied in the casino;
- (d) for or in relation to the control of chip stock;
- (e) prescribing standards and procedures for the repair, overhaul and testing of gaming equipment;
- (f) for or in relation to the handling of chips by casino employees and the use of chips by patrons in the casino;
- (g) prescribing accounts and other records to be kept and maintained by the operator;
- (h) prescribing requirements to be observed by the licensee or operator in relation to the preparation and publication of information concerning the casino and its activities; and
- (j) for or in relation to the identification of a casino employee who is performing duties in relation to gaming.

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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 31 October 1983.