

Queensland



Subordinate Legislation 1992 No. 20

Casino Control Act 1982

CASINO CONTROL AMENDMENT REGULATION 1992

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Short title

1. This regulation may be cited as the *Casino Control Amendment Regulation 1992*.

Amended regulation

2. The *Casino Control Regulation 1984* is amended as set out in this regulation.

Replacement of s.1 (Short title)

3. Section 1—

omit, insert—

‘Short title

‘1. This regulation may be cited as the *Casino Control Regulation 1984*.’.

Omission of s.3 (Arrangement of regulations)

4. Section 3—

omit.

Replacement of s.4 (Interpretation)

5. Section 4—

omit, insert—

Definitions

4. In this regulation—

“accountant” means a member of the Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants;

“associated person”, in relation to a casino principal, means a person associated or connected, or to be associated or connected, in the opinion of the Minister, with the ownership, administration or management of the operations or business of the casino principal;

“casino principal” means a casino licensee, a lessee under a casino lease, a proposed lessee under a casino lease, a casino operator or a proposed casino operator;

“entity” means a body corporate, partnership, trustee, association, firm or business;

“investigated person” means a person of whom the Minister may make requirements under section 6A;

“proposed casino operator” means a person with whom a casino licensee, or a lessee under a casino lease, proposes to enter into a casino management agreement under section 25 of the Act;

“proposed lessee” means a person to whom a casino licensee proposes to lease the casino licensee’s hotel-casino complex or casino under section 24 of the Act;

“related body corporate” has the meaning given by the Corporations Law;

“spouse” includes a defacto spouse.’.

Amendment of s.5 (Forms)

6. Section 5(4)—

omit ‘(d) Form 4—Personal history and suitability information;’.

Insertion of new Part 1A

7. After section 6—

insert—

**‘PART 1A—SUITABILITY OF CASINO LICENSEE
AND OTHER PERSONS****‘Requirements generally**

‘6A.(1) The Minister may make requirements under this section of any of the following persons, to assist in undertaking investigations to satisfy the Governor in Council that the person is a suitable person to be associated or connected with the management and operations of a hotel-casino complex or casino—

- (a) for the purposes of section 20 of the Act—a casino licensee or associated person;
- (b) for the purposes of section 26 of the Act—a proposed lessee under a casino lease, proposed casino operator or associated person;
- (c) for the purposes of section 30 of the Act—a casino licensee, lessee under a casino lease, casino operator or associated person.

‘(2) The Minister may require an investigated person to give to the Minister—

- (a) if the investigated person is an individual—the information and other items set out in section 6B; and
- (b) if the investigated person is an entity—the information and other items set out in section 6F.

‘(3) If the investigated person is a trustee of a trust estate, the Minister may make a requirement of the person under either or both of sections 6B and 6F, and if the Minister does so—

- (a) any requirement under section 6B relates to the person as an individual; and
- (b) any requirement under section 6F relates to the person as trustee, or to the trust estate, or both, as the Minister considers appropriate.

‘(4) This section does not restrict the Minister in taking any other action that the Minister considers appropriate to fulfil the Minister’s duty under

section 20, 26 or 30 of the Act.

‘Requirements of individuals

‘6B.(1) The Minister may require an investigated person who is an individual to give to the Minister any or all of the following—

- (a) information regarding some or all of the matters set out in Schedule 3;
- (b) an authority under section 6C;
- (c) a recent photograph of the individual;
- (d) a nomination under section 6D.

‘(2) If the Minister does not require an individual to provide information regarding any of the matters set out in Part B of Schedule 3, the Minister may require the individual to give to the Minister a certificate under section 6E.

‘(3) A request made of an individual under this section to give to the Minister information about another person is a request to do so to the best of the individual’s knowledge.

‘Authority to release information

‘6C. The Minister may require an investigated person who is an individual to give to the Minister an authority that authorises the addressee of the authority to release to—

- (a) an inspector of the Casino Control Division; or
- (b) a member of the Police Service;

all, or those specified, records, correspondence and other documents, in the possession of or under the control of the addressee, that relate to the person.

‘Character reference

‘6D. The Minister may require an investigated person who is an individual to nominate persons who—

- (a) satisfy the criteria specified by the Minister in the requirement;
- and

(b) are considered by the investigated person to be suitable to appraise his or her character and reputation.

‘Certificate of financial stability

‘6E. The Minister may, in accordance with section 6B(2), require an investigated person who is an individual to give to the Minister a certificate—

- (a) signed by an accountant; and
- (b) containing the accountant’s name and address; and
- (c) stating that the accountant—
 - (i) has examined the individual’s financial affairs; and
 - (ii) is of the opinion that the individual is of sound and stable financial background.

‘Requirements of entities

‘6F. The Minister may require an investigated person that is an entity to give to the Minister any or all of the following—

- (a) information regarding some or all of the matters set out in Schedule 4;
- (b) an authority under section 6G;
- (c) copies of any documents that relate to the entity lodged in the offices of the National Companies and Securities Commission, the Australian Securities Commission or any other similar body in a country other than Australia;
- (d) copies of any trust deed or partnership agreement that relates to the entity;
- (e) copies of the entity’s audited and published financial statements;
- (f) copies of any related body corporate’s audited and published financial statements.

‘Authority to release information

‘6G. The Minister may require an investigated person that is an entity to

give to the Minister an authority that authorises the addressee of the authority to release to—

- (a) an inspector of the Casino Control Division; or
- (b) a member of the Police Service;

all, or those specified, records, correspondence and other documents, in the possession of or under the control of the addressee, that relate to the person.

‘Criteria for requiring information etc.

‘6H. In deciding what requirements to make of an investigated person under section 6B or 6F, the Minister is to consider, but is not limited to, the nature and level of involvement proposed for the person in the management and operations of the hotel-casino complex or casino.

‘Failure to provide information etc. not an offence

‘6I. Subject to section 6J, a person who fails to comply with a requirement made under this Part does not commit an offence.

‘Providing false or misleading information an offence

‘6J. A person who is required to provide information under this Part, and who provides false or misleading information, commits an offence.

Maximum penalty—10 penalty units.’.

Amendment of Schedule 1

8. Schedule 1 (Form 4)—

omit.

Insertion of new Schedules 3 and 4

9. After Schedule 2—

insert—

‘SCHEDULE 3

**MATTERS IN RESPECT OF WHICH INFORMATION
MAY BE REQUIRED OF INVESTIGATED PERSONS
(INDIVIDUALS)**

Part A

1. The individual's full name and any other names (such as aliases, nicknames, previous surnames) under which the individual is or has been known.
2. The individual's present and past addresses and telephone numbers.
3. The individual's date and place of birth.
4. The individual's gender.
5. The individual's physical description.
6. Any charges made against the individual of which the individual was found guilty, whether or not a conviction was recorded.
7. Any civil action—
 - (a) to which the individual has been or is currently a party; or
 - (b) that the individual is aware may be pending and that involves the individual.
8. The individual's citizenship.
9. The individual's enrolment or non-enrolment (as the case may be) under a State Electoral Roll.
10. The individual's driver's licence.
11. The individual's present and past marriages and spouses.
12. The individual's father, mother, brothers, sisters and children.
13. Any charges made against any of the persons mentioned in item 12 of which the person was found guilty, whether or not a conviction was recorded.
14. The individual's education.

- 15.** The individual's service in the armed forces.
- 16.** The individual's passport.
- 17.** The individual's travel out of Australia during the 3 years immediately before the date of the application.
- 18.** Any repossession of any of the individual's assets by a finance company.
- 19.** The individual's work history, including former employers and any dismissals of the individual.
- 20.** Any body corporate, trust, partnership, joint venture or business in which the individual has participated by way of management or operation.
- 21.** Any involvement of the individual in bookmaking operations or any other aspect of the racing industry.
- 22.** Any present or past involvement of the individual in the casino industry.
- 23.** Any application by the individual or the individual's spouse for a firearm licence.

Part B

- 24.** Whether the individual has ever been bankrupt or taken advantage of the laws relating to bankruptcy or insolvency.
- 25.** The individual's assets and liabilities.
- 26.** The present and past sources of the individual's income and the individual's spouse's income.
- 27.** The individual's current and intended future investment in the hotel-casino complex.

‘SCHEDULE 4

section 6F

**MATTERS IN RESPECT OF WHICH INFORMATION
MAY BE REQUIRED OF INVESTIGATED PERSONS
(ENTITIES)**

1. The name of the entity.
2. The entity’s present and past addresses, telephone numbers, facsimile numbers and places of business.
3. The incorporation of the entity.
4. The registration of the entity with the Australian Securities Commission.
5. The entity’s present and past activities.
6. Any business names previously or currently registered by the entity.
7. Any related bodies corporate.
8. The entity’s present and past capital, including—
 - (a) issues of share capital;
 - (b) annual profits or losses;
 - (c) revaluation of capital;
 - (d) dividends;
 - (e) capital losses.
9. Any prosecutions of the entity.
10. Any other legal action—
 - (a) taken by or against the entity; or
 - (b) pending by or against the entity.
11. The entity’s present and past directors, secretaries, principal executive officers, senior management personnel and auditors.
12. The names of any legal advisers or other consultants previously

engaged by the entity.

13. Ownership of the entity.

14. The entity's bank accounts.

15. The entity's investments.

16. The entity's present and past financial situation generally.

17. The estimated cost of the casino project and the proposed method of financing the project.

18. The entity's investment in the casino.

19. Any previous association with the ownership, administration or management of the casino by the entity's management, directors and other officers.

20. The entity's present or past association with any other person involved with the ownership, administration or management of a casino.

21. Agents appointed by the entity.'.

ENDNOTES

1. Made by the Governor in Council on 20 February 1992.
2. Published in the Gazette on 22 February 1992.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Treasury Department.