

Queensland



# CASINO CONTROL ACT 1982

Reprinted as in force on 21 October 1997  
(includes amendments up to Act No. 57 of 1997)

Reprint No. 2C

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# Information about this reprint

This Act is reprinted as at 21 October 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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**CASINO CONTROL ACT 1982**

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# CASINO CONTROL ACT 1982

[as amended by all amendments that commenced on or before 21 October 1997]

## An Act to provide for the regulation and control of the operation of casinos and for purposes connected therewith

### PART 1—PRELIMINARY

#### Short title

1. This Act may be cited as the *Casino Control Act 1982*.

#### Commencement

2.(1) This section and section 1 shall commence on the day on which this Act is assented to.

(2) Except as provided in subsection (1), this Act shall commence on a day appointed by proclamation.

#### Interpretation

4.(1) In this Act—

“**agency related keno game**”, for a casino operator, means an approved keno game that—

- (a) is played in the casino; and
- (b) in relation to which the casino operator is a keno agent within the meaning of the *Keno Act 1996*.

“**approved form**” means a form approved by the chief executive.

**“approved keno game”** see *Keno Act 1996*, schedule 4.<sup>1</sup>

**“audit program”** means—

- (a) for an inspector—a program approved under section 7(1);<sup>2</sup> or
- (b) for a casino key employee or casino employee—a program approved under section 43B(1).<sup>3</sup>

**“casino”** means the areas of a hotel-casino complex identified in the casino licence as the areas of the casino, and includes, for example, if identified in the licence, not only the areas for the conduct and playing of games but also areas for money counting, surveillance, accounting, storage and other activities related to the operation and functioning of the casino.

**“casino based keno game”** means a game designated under the rules as a game of keno.

**“casino employee”** means any person employed or working in a casino whose duties or responsibilities relate to or are in support of the operation of such casino, but does not include—

- (a) a casino key employee; or
- (b) persons or persons of a class or category of persons prescribed as persons employed in casinos who are not required to be licensed as casino employees.

**“casino gross revenue”** means the total of all sums, including cheques whether collected or not, actually received in any month by a casino operator from the conduct of gaming and agency related keno games, less the total of all sums paid out as winnings during that month in respect of gaming, but does not include premium junket revenue for the month.

For the purposes of this definition, any sum received for the issue of a

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<sup>1</sup> *Keno Act 1996*, schedule 4—

**“approved keno game”** means a keno game conducted by a keno licensee under the keno licence.

<sup>2</sup> Section 7 (Minister may approve program to audit suitability of inspectors)

<sup>3</sup> Section 43B (Minister may approve audit program to investigate casino key employees and casino employees)

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chip for gaming is a sum received from the conduct of gaming and agency related keno games.

**“casino key employee”** means—

- (a) a person employed by, or working for, a casino in a managerial capacity or who is empowered to make decisions, involving the exercise of the person’s discretion, that regulate the operation of a casino; or
- (b) any person associated with or employee of a casino who, in the opinion of the Minister, has the power to exercise a significant influence over or with respect to the operation of the casino; or
- (c) any person associated with or employee of a casino who, by reason of the person’s remuneration or policy-making position or by reason of any other criteria determined by the Minister, holds or exercises or is able to exercise authority of such a nature or to such an extent in respect of the operation of the casino as, in the opinion of the Minister, to render it desirable in the public interest that the person be licensed as a casino key employee.

**“casino lease”** means a written lease approved by the Governor in Council under which the casino licensee leases to the lessee the hotel-casino complex or the casino.

**“casino licence”** means a licence granted by the Governor in Council on the recommendation of the Minister authorising the conduct and playing in a casino of such games as may in the particular case be authorised by the Minister.

**“casino licensee”** means the holder for the time being of a casino licence, and includes a person referred to in this Act as a casino licensee who, whilst not at the material time the holder of a casino licence, is a person to whom it is proposed to grant a casino licence under and in accordance with an agreement as referred to in section 19.

**“casino management agreement”** means a written agreement approved by the Governor in Council under which the casino licensee or the lessee under a casino lease agrees with the other party to the agreement for the management by that other party of the hotel-casino complex or the casino, as the case may be.

**“casino operator”** means—

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- (a) where there is no casino lease or casino management agreement—the casino licensee;
- (b) where there is a casino lease and no casino management agreement—the lessee under the casino lease;
- (c) where there is a casino management agreement, the person who has entered into the agreement with the casino licensee or, where there is also a casino lease—the lessee under the casino lease, as the case may be;

and includes a person referred to in this Act as a casino operator who—

- (d) in the case of paragraph (a)—whilst not at the material time a casino licensee, is a person to whom it is proposed to grant a casino licence under and in accordance with an agreement as referred to in section 19;
- (e) in the case of paragraph (b)—is a lessee under a casino lease entered into prior to the grant of a casino licence to the casino licensee;
- (f) in the case of paragraph (c)—is a person who has entered into a casino management agreement with the casino licensee or the lessee under a casino lease prior to the grant of a casino licence to the casino licensee.

**“chips”** means any tokens used or capable of being used in a casino in the conduct of gaming in the place of money and approved for the purpose by the chief executive.

**“criminal history”** of a person means the person’s criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

- (a) despite section 6 of that Act, includes a conviction of the person to which the section applies; and
- (b) despite section 5 of that Act, includes a charge made against the person for an offence.

**“directed officer”** see section 112.<sup>4</sup>

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<sup>4</sup> Section 112 (Certain officers of the department not to gamble etc.)

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**“financial year”** means the period of 12 months ending on 30 June in any year or, where the chief executive approves some other date as the terminating date of a financial year in a particular case, the period of 12 months ending on the date so approved, and includes, where the chief executive approves some other date as aforesaid, a period longer or shorter than 12 months but not exceeding 18 months ending on the date so approved for the purpose of giving effect to an alteration to the terminating date in the particular case.

**“game”** means a game that may be conducted or played in a casino under a casino licence or a machine game.

**“gaming”** or **“gambling”** means the playing in a casino of any game.

**“Gaming Act”** means any of the following Acts—

- *Art Unions Act 1992*
- *Gaming Machine Act 1991*
- *Keno Act 1996*
- *Lotteries Act 1997*.

**“gaming equipment”** means any electronic, electrical or mechanical contrivance or machine or any other physical item (excluding chips) used or for use in a casino in connection with gaming.

**“gaming machine”** means a device that is designed so that—

- (a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
- (b) it may be operated, wholly or partly—
  - (i) by the insertion of Australian currency or a chip into the device; or
  - (ii) by the use of gaming machine credits; or
  - (iii) by the electronic transfer of gaming machine credits to the device; or
  - (iv) by the use of gaming machine credits held, stored or accredited by the device or elsewhere.

**“gaming machine credit”** means a credit of Australian currency, or chips, registered by a gaming machine.

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**“hotel-casino complex”** means a hotel established within the area of which is a casino and other businesses or amenities identified in an agreement referred to in section 19.

**“inspector”** means a person who is appointed as an inspector.

**“machine game”** means a game that—

- (a) is designed to be played on a gaming machine and identifiable from all other games by differences in rules or programming; and
- (b) is approved under section 62(3)(a).

**“officer”**, of the department, includes an employee of the department.

**“person”** includes any body corporate, association, firm, business or partnership as well as a natural person.

**“premium junket gaming”** means gaming involving persons who participate in the gaming under special junket agreements.

**“premium junket revenue”** means the total of all amounts (including cheques, whether or not collected) actually received in any month by a casino operator from the conduct of premium junket gaming, less the total of all amounts paid out as winnings during the month for premium junket gaming.

**“public interest”** or **“interest of the public”** means public interest or interest of the public having regard to the creation and maintenance of public confidence and trust in the credibility, integrity and stability of casino operations.

**“quarter”** or **“quarter of the year”** means a period of 3 consecutive months commencing on 1 January, 1 April, 1 July or 1 October in any year.

**“special junket agreement”** see section 85D.

**“supervising inspector”**, for a casino, means the inspector nominated by the chief executive as the supervising inspector for the casino.

(2) A reference in this Act to **“casino operation”** or **“operation of a casino”** or to a like expression in relation to a casino is a reference to the operation and conduct in respect of a casino of—

- (a) gaming; and

- (b) money counting, surveillance, accounting, storage and other activities in connection with or related or incidental to gaming and its operation and conduct in respect of a casino.

### **Exercise of power on conditions**

**5.(1)** This section applies to the Minister, the chief executive or an inspector (an “**authorised person**”) when the authorised person has the power to allow someone else to do something.

**(2)** The authorised person may allow the other person to do the thing on conditions the authorised person considers appropriate.

*Example—*

If a casino operator may sell liquor at a gaming table only if the chief executive approves the sale, the chief executive may approve the sale of liquor during certain hours and at certain gaming tables.

**(3)** This section applies whether or not the section mentioning the authorised person’s power states the power may be exercised on conditions.

## **PART 2—ADMINISTRATION**

### **Appointment of inspectors**

**6.(1)** The chief executive may appoint as inspectors—

- (a) officers and employees of the public service; and
- (b) other persons prescribed under a regulation.

**(2)** The chief executive may appoint a person as an inspector only if—

- (a) in the chief executive’s opinion, the person has the necessary expertise or experience to be an inspector; or
- (b) the person has satisfactorily finished training approved by the chief executive.

**(3)** Also, the chief executive may appoint a person as an inspector only if the person is a suitable person to perform the duties of an inspector.

(4) Subsections (2) and (3) do not limit the issues the chief executive may consider when deciding whether to appoint a person as an inspector.

### **Minister may approve program to audit suitability of inspectors**

7.(1) The Minister may approve a program under which the chief executive may reconsider the suitability of an inspector to perform the duties of an inspector.

(2) The suitability of an inspector to perform the duties of an inspector may be reconsidered under the audit program only once every 4 years.

### **Chief executive must consider suitability of proposed inspectors and inspectors**

8.(1) This section applies when the chief executive intends to appoint a person as an inspector.

(2) This section also applies when the chief executive decides, under the audit program, to reconsider the suitability of an inspector to perform the duties of an inspector.

(3) In considering the suitability of the person to perform the duties of an inspector, the chief executive must have regard to, and may make inquiries about, the person's character and standing, financial position and business and training experience.

#### *Example—*

The chief executive's inquiries about an individual's character and standing may include asking the Commissioner of the Police Service for a written report about the person's criminal history.

(4) If asked by the chief executive, the Commissioner of the Police Service must give the chief executive a written report about the criminal history of the person.

(5) Subsection (4) applies to the criminal history in the commissioner's possession or to which the commissioner has access.

(6) Subsections (3) and (4) do not limit the issues to which the chief executive may have regard in considering the suitability of a person to perform the duties of an inspector.

**Identity cards for inspectors**

**9.(1)** The chief executive must give each inspector an identity card.

**(2)** The identity card must—

- (a) contain a recent photograph of the inspector; and
- (b) be signed by the inspector; and
- (c) identify the person as an inspector; and
- (d) state an expiry date.

**(3)** A person who ceases to be an inspector must return the identity card to the chief executive as soon as practicable (but within 21 days) after the person ceases to be an inspector, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

**(4)** This section does not prevent the giving of a single identity card to a person for this Act and other Acts.

**Production or display of identity card**

**10.(1)** An inspector may exercise a power in relation to a person only if the inspector—

- (a) first produces the inspector's identity card for the person's inspection; or
- (b) has the inspector's identity card displayed so it is clearly visible to the person.

**(2)** However, if for any reason it is not practicable to comply with subsection (1) before exercising the power, the inspector must produce the identity card as soon as it is practicable.

**Powers**

**11.(1)** An inspector—

- (a) has the powers given under this or another Act; and
- (b) is subject to the directions of the chief executive in exercising the powers.

- (2) An inspector's powers may be limited—
- (a) under a regulation; or
  - (b) under a condition of appointment; or
  - (c) by written notice given by the chief executive to the inspector.

### **Appointment conditions**

**12.(1)** An inspector holds office on the conditions stated in the instrument of appointment.

- (2) An inspector—
- (a) if the appointment provides for a term of appointment—ceases holding office at the end of the term; and
  - (b) if the conditions of appointment provide—ceases holding office on ceasing to hold another office stated in the appointment conditions; and
  - (c) may resign by signed notice given to the chief executive.

### **Protection from liability**

**13.(1)** This section applies to—

- (a) an inspector; and
- (b) a person acting under the direction of an inspector.

(2) A person does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.

(3) If subsection (2) prevents a civil liability attaching to a person, the liability attaches instead to the State.

### **Secrecy**

**14.(1)** This section applies to a person who, at any time, is or was an inspector or officer of the department.

- (2) A person—
- (a) must keep, and help in keeping, secrecy for all information that

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comes to the person's knowledge in performing functions under this Act; and

- (b) must not disclose information mentioned in paragraph (a) except—
  - (i) for a purpose under this Act or a Gaming Act; or
  - (ii) with a lawful excuse; or
  - (iii) if approved under this section.

Maximum penalty—200 penalty units or imprisonment for 1 year.

(3) If the chief executive approves, a person may disclose information mentioned in subsection (2) to an entity prescribed under a regulation, or to an officer, employee or member of the entity.

(4) An entity or person to whom information is disclosed under subsection (3), and a person or employee under the control of the entity or person, is, in relation to the information, subject to the same rights and liabilities under this section as if the entity or person were a person to whom this section applies.

(5) If the chief executive approves, a person may also disclose information mentioned in subsection (2) to a specified department, entity or person.

(6) Before giving an approval under subsection (5), the chief executive must—

- (a) advise any person who the chief executive considers is likely to be adversely affected by a disclosure because of the proposed approval; and
- (b) give the person the opportunity of making a submission about the proposed approval within the time stated in the notice (of not less than 14 days).

## **Delegations**

**15.(1)** The Minister may delegate the Minister's powers under this Act to—

- (a) the chief executive; or

- (b) an appropriately qualified inspector or appropriately qualified officer of the department.

(2) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified inspector or appropriately qualified officer of the department.

(3) In this section—

**“appropriately qualified”** includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of ‘standing’—*

A person's classification level in the public service.

### **Approval of forms**

16. The chief executive may approve forms under this Act.

## **PART 3—CASINO LICENCES**

### **Grant of casino licences**

18. Notwithstanding any other Act or law—

- (a) the Governor in Council may, on the recommendation of the Minister, grant casino licences;
- (b) the conduct and playing of games in a casino pursuant to a casino licence, in accordance with this Act and any other applicable Act and the agreement relating to the particular licence, is lawful;
- (c) the use of any gaming equipment or chips in the conduct and playing of games where such games are conducted and played in a casino pursuant to a casino licence is lawful.

### **Agreement to precede grant of casino licence**

19.(1) The Governor in Council shall grant a casino licence pursuant to the Governor in Council's power to do so under section 18(a) where—

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- (a) there has first been entered into with the Governor in Council's approval an agreement in writing between—
  - (i) the Minister for and on behalf of the State and the casino licensee; or
  - (ii) the Minister for and on behalf of the State and some other person whom the Governor in Council considers to be the appropriate person to be a party to the agreement with a view to the issue of a casino licence to the casino licensee;

identifying, within a hotel-casino complex or a proposed hotel-casino complex, the casino to be the subject of the licence and containing such terms and conditions as the Governor in Council thinks fit; and

- (b) those terms and conditions contained in the agreement and the provisions of this Act and any provisions of the Act ratifying the agreement to be complied with up to the time of the grant of the casino licence have been complied with.

(2) The agreement shall have no force or effect unless and until it is ratified by Parliament.

**Suitability of casino licensee and other persons**

**20.(1)** Prior to an agreement being entered into, the Minister shall cause to be undertaken such investigations as are necessary to satisfy the Governor in Council or shall require the casino licensee and all persons whether natural persons or not 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 licensee to satisfy the Governor in Council that such casino licensee and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to the following matters appropriate to them respectively, that is to say—

- (a) that each person in question is of good repute, having regard to character, honesty and integrity;
- (b) that each person in question is of sound and stable financial background;

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- (c) in the case of the casino licensee not being a natural person—that it has arranged or, as the circumstances require, has, in an appropriate case, a satisfactory ownership, trust or corporate structure;
- (d) that the casino licensee has or is able to obtain or, where constituted by more than 1 person, together have or are able to obtain—
  - (i) financial resources that are adequate to ensure the financial viability of the hotel-casino complex; and
  - (ii) the services of persons who have sufficient experience in the management and operation of a hotel-casino complex;
- (e) that the casino licensee has or, where constituted by more than 1 person, together have sufficient business ability to establish and maintain or to maintain, as the case may be, a successful hotel-casino complex;
- (f) that none of them has any business association with any person, body or association who or that, in the opinion of the Governor in Council after investigation made or caused to be made by the Minister, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources;
- (g) that each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Minister associated or connected or to be associated or connected with the ownership, administration or management of the operations or business of the casino licensee is a suitable person as or to be such director, partner, trustee, executive officer, secretary or other officer or person in the person's respective capacity;
- (h) such other matters with respect to which the Governor in Council determines the Governor in Council should be satisfied in the particular case.

(2) Nothing contained in subsection (1) operates to require the Minister to cause investigations to be undertaken or to require the casino licensee or other persons referred to in that subsection to satisfy the Governor in Council with respect to any matter where such investigations have been

undertaken or the casino licensee or any other person as aforesaid has satisfied the Governor in Council with respect to that matter pursuant to a requirement prior to the commencement of this Act.

(3) If, for an investigation about a person under this section, the Minister asks the commissioner of the police service for a written report about the person's criminal history, the commissioner must give the report to the Minister.

(4) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.

### **Hotel-casino complex owner or State as licensee**

**21.(1)** A casino licence may be granted to a person only if the person is the owner of the freehold, or the lessee from the State, of the land used for the particular hotel-casino complex.

(2) Save in the case of an assignment as referred to in section 32 and subject to that section, a ground for cancellation or suspension of the casino licence arises, and shall be taken to be a ground for cancellation or suspension arising pursuant to section 31(1), if the casino licensee ceases to be the owner or lessee as mentioned in subsection (1).

### **Casino licence**

**22.(1)** A casino licence, in the approved form, must be issued and signed by the Minister.

(2) The licence shall specify—

- (a) the date of its issue; and
- (b) the name of the casino licensee; and
- (c) the real property or other accurate description and the address of the site of the hotel-casino complex; and
- (d) those areas constituting the casino; and
- (e) such other particulars as may be prescribed.

(3) Where pursuant to the agreement as referred to in section 19 a variation occurs affecting the accuracy of the matters specified in the casino

licence, the casino licensee shall produce the licence to the Minister for the endorsement thereon of the variation, and the Minister shall cause such variation to be made accordingly.

### **Duration of casino licence**

**23.** A casino licence remains in force until it is cancelled or surrendered pursuant to this Act.

### **Lease of hotel-casino complex or of casino**

**24.(1)** Subject to this Act, a casino licensee may, subject to the prior approval of the Governor in Council, lease to another person—

- (a) the hotel-casino complex; or
- (b) the casino.

**(2)** An application to lease must be made, in the approved form, by the casino licensee to the Minister and must be accompanied by—

- (a) a draft of the proposed lease; and
- (b) full details of the proposed lessee; and
- (c) other particulars prescribed under a regulation.

**(3)** The Minister may require the casino licensee or the proposed lessee to supply such additional information or documents or other writings as the Minister considers necessary to enable the Minister to make a recommendation to the Governor in Council.

### **Casino management agreement**

**25.(1)** Subject to this Act, a casino licensee or a lessee under a casino lease may, subject to the prior approval of the Governor in Council, enter into a casino management agreement with another person for the management by that other person of—

- (a) the hotel-casino complex; or
- (b) the casino.

**(2)** An application to enter into an agreement must be made, in the

approved form, by the casino licensee or the lessee under the casino lease to the Minister and must be accompanied by—

- (a) a draft of the proposed agreement; and
- (b) full details of the other party to the proposed agreement; and
- (c) other particulars prescribed under a regulation.

(3) The Minister may require the casino licensee, the lessee under the lease or the other party to the proposed agreement to supply such additional information or documents or other writings as the Minister considers necessary to enable the Minister to make a recommendation to the Governor in Council.

### **Suitability of lessee under a casino lease, casino operator under a casino management agreement and other persons**

26.(1) Prior to any approval by the Governor in Council of a casino lease or a casino management agreement, the Minister shall cause to be undertaken such investigations as are necessary to satisfy the Governor in Council or shall require the proposed lessee under the lease or the proposed casino operator under the agreement and all persons whether natural persons or not 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 proposed lessee or proposed casino operator to satisfy the Governor in Council that the proposed lessee or proposed casino operator and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to those matters specified in section 20 with respect to a casino licensee and other persons referred to therein but subject to a reference to a hotel-casino complex being read as a reference to a casino in an applicable case and subject to such other adaptations as are necessary for the purpose of their application to such proposed lessee or proposed casino operator and other persons.

(2) Nothing contained in subsection (1) operates to require the Minister to cause investigations to be undertaken or to require a proposed lessee under a casino lease or a proposed casino operator under a casino management agreement or other persons referred to in that subsection to satisfy the Governor in Council with respect to any matter where such

investigations have been undertaken or a proposed lessee or proposed casino operator or any other person as aforesaid has satisfied the Governor in Council with respect to that matter pursuant to a requirement prior to the commencement of this Act.

### **Minister to make recommendation**

**27.** The Minister, upon a consideration of the matters material to the application, shall make a recommendation to the Governor in Council with respect to—

- (a) the application by the casino licensee to lease to the proposed lessee the hotel-casino complex or the casino; or
- (b) the application by the casino licensee or lessee under a casino lease to enter into a casino management agreement with the other party proposed for the management by that other party of the hotel-casino complex or the casino;

as the case may be.

### **Determination by Governor in Council concerning approval**

**28.(1)** The Governor in Council, upon a consideration of the recommendation of the Minister and such other matters with respect to the application as the Governor in Council thinks fit, may—

- (a) approve the application; or
- (b) refuse the application; or
- (c) defer a determination pending the submission of further information.

**(2)** Where further information is so submitted, it shall be considered by the Governor in Council together with any further recommendation the Minister may make, and upon such consideration, the Governor in Council may approve or refuse the application.

**(3)** A determination by the Governor in Council to grant an application or to refuse an application is final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.

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

**29.(1)** If in any case the parties to a casino lease or casino management agreement desire to vary its provisions, they shall make application to the Minister setting out the variations proposed and such other particulars as may be prescribed or as may be required by the Minister.

**(2)** The Minister shall make a recommendation to the Governor in Council with respect to the application.

**(3)** The Governor in Council, upon a consideration of the recommendation of the Minister and such other matters with respect to the application as the Governor in Council thinks fit, may—

- (a) approve the application; or
- (b) refuse the application; or
- (c) defer a determination pending the submission of further information;

and the provisions of section 28(2) and (3) shall apply to an application under this section in all respects as they apply to an application referred to in the said section 28.

**(4)** The parties to the casino lease or casino management agreement may vary the casino lease or casino management agreement only where and to the extent the variation is approved by the Governor in Council.

**Investigations concerning continued suitability of casino licensee etc.**

**30.(1)** At any time and from time to time—

- (a) after an agreement has been entered into pursuant to section 19;
- (b) whilst the casino licence in relation to such agreement remains in force;
- (c) after approval by the Governor in Council of a casino lease or casino management agreement pursuant to section 28;
- (d) whilst such casino lease or casino management agreement remains in force;

the Minister may cause to be undertaken such investigations as are necessary to satisfy the Governor in Council or may require the casino

licensee, lessee under the casino lease or casino operator under the casino management agreement and all persons whether natural persons or not for the time being 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 licensee, lessee or operator to satisfy the Governor in Council that such licensee, lessee or operator and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to those matters, appropriate to them respectively, specified in section 20 subject, in the case of a lessee or operator and other associated or connected persons as aforesaid in relation to such lessee or operator, to a reference to a hotel-casino complex being read as a reference to a casino in an applicable case and to such other adaptations as are necessary for the purpose of the application of those matters to such lessee or operator and other persons.

(2) Where the Governor in Council is not satisfied in accordance with subsection (1) following investigations undertaken and requirements made as specified in that subsection, a ground for cancellation or suspension of the casino licence thereby arises and shall be taken to be a ground for cancellation or suspension pursuant to section 31(1).

(3) If, for an investigation about a person under this section, the Minister asks the commissioner of the police service for a written report about the person's criminal history, the commissioner must give the report to the Minister.

(4) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.

### **Cancellation or suspension of casino licences and letters of censure**

**31.(1)** A ground for cancellation or suspension of a casino licence arises if the casino licensee or, in the case of a casino lease, the lessee under such lease or, in the case of a casino management agreement, the casino operator who has entered into such agreement with the casino licensee or the lessee under a casino lease—

- (a) is convicted of any offence under this Act; or
- (b) is convicted of an indictable offence, whether on indictment or

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summarily, punishable in the particular case by imprisonment for 12 months or more irrespective of whether the offence is also punishable by a fine, in addition to or as an alternative to the punishment by imprisonment; or

- (c) fails to comply with any term or condition of the agreement as referred to in section 19 pursuant to which the casino licence was granted, which term or condition is binding on the person; or
- (d) or any director, partner, trustee, executive officer, secretary or other officer or person determined by the Minister associated or connected with the ownership, administration or management of the person's operations or business is not or ceases to be at any time whilst the casino licence is in force a suitable person to be so associated or connected as aforesaid having regard to those matters specified in section 20 or 26 applicable to the person; or
- (e) fails to comply with a written direction given to the person by the Minister or chief executive under this Act and—
  - (i) the person is required under this Act to comply with the direction; and
  - (ii) the Minister believes the failure to comply with direction may jeopardise the integrity of the operation of the casino or adversely affect the interests of the public; or
- (f) is required under this Act to give information to the Minister, the chief executive or an inspector and gives information that is, to the person's knowledge, false or incorrect; or
- (g) fails to discharge financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy or is the subject of a winding up, either voluntarily or pursuant to court order, appointment of a liquidator, appointment of a receiver or receiver and manager or is placed under official management and an official manager appointed pursuant to the provisions of the Companies (Queensland) Code or corresponding legislation of the Commonwealth or of any other State or of any Territory.

(2) Where a ground for cancellation or suspension pursuant to subsection (1) arises and the Minister is of the opinion that the act or

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omission or other thing constituting the ground is of such a serious and fundamental nature that the integrity of the operation of the casino is jeopardised or the interest of the public is adversely affected, the Minister shall issue to—

- (a) the casino licensee; and
- (b) in the case of a casino lease—the lessee thereunder; and
- (c) in the case of a casino management agreement—the casino operator thereunder;

a notice in writing requiring the person or each of them, as the case may be, to show cause why action should not be taken with respect to the casino licence or, as the case may be, the casino lease or casino management agreement pursuant to the provisions of this section.

(3) The Minister shall issue a copy of the notice to any other person who, in the Minister's opinion, has an interest in the casino licence.

(4) The notice shall set out the grounds giving rise to its issue and shall stipulate a date, being not earlier than 21 days after such issue, on or before which cause is required to be shown.

(5) The notice must be in the approved form.

(6) Each person to whom the notice is issued may give answer thereto in writing to the Minister to show cause at any time not later than the date stipulated in the notice in that respect.

(7) Any person having an interest as referred to in subsection (3) may make such submissions to the Minister as the person thinks fit at any time not later than the stipulated date.

(8) The Minister shall consider the answers given in reply to the notice or notices to show cause and any submissions made pursuant to subsection (7) and—

- (a) if in the Minister's opinion satisfactory answers are given or submissions made in reply to or in respect of the notice or notices—the Minister shall take no further action in relation thereto;
- (b) if in the Minister's opinion answers given or submissions made in reply to or in respect of the notice or notices are not satisfactory but action to cancel or suspend the casino licence or to terminate

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the casino lease or casino management agreement is not warranted—the Minister may issue a letter of censure to each of them the casino licensee, the lessee and the casino operator or to any of them censuring them or the person in respect of any matter connected with or giving rise to the notice to show cause;

- (c) if in the Minister's opinion answers given or submissions made in reply to or in respect of the notice or notices are not satisfactory and further action is warranted or if no answers are given and no submissions made—the Minister may—
  - (i) by notice in writing give to each of them the casino licensee, the lessee and the casino operator or to any of them any direction that the Minister considers appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within a time specified in the notice; or
  - (ii) recommend to the Governor in Council that the casino license be cancelled or that it be suspended or that the casino lease or casino management agreement be terminated.

(9) If a direction given by the Minister pursuant to subsection (8)(c)(i) is not complied with within the time specified in the notice, the Minister may recommend to the Governor in Council that the casino licence be cancelled or that it be suspended or that the casino lease or casino management agreement be terminated.

(10) Where a ground for cancellation or suspension pursuant to subsection (1) arises but the Minister is of the opinion that the act or omission or other thing constituting the ground is not of such a serious and fundamental nature that the integrity of the operation of the casino is jeopardised or the interest of the public is adversely affected, the Minister may issue a letter of censure to each of them the casino licensee, the lessee and the casino operator as aforesaid or to any of them censuring them or the person in respect of any matter connected with or giving rise to the ground for cancellation or suspension.

(11) Where the Minister makes a recommendation to the Governor in Council, the Minister shall submit therewith such notices to show cause and answers thereto, any submissions made in connection therewith and such other papers in the Minister's possession as are relevant to the recommendation.

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**(12)** The Governor in Council, after giving consideration to the recommendation of the Minister, other matters referred to in subsection (11) submitted to the Governor in Council and to the circumstances generally, may in the Governor in Council's absolute discretion—

- (a) take no action with respect to the casino licence or casino lease or casino management agreement if the Governor in Council considers action to be not warranted;
- (b) cause a letter of censure to be issued to each of them the casino licensee, the lessee and the casino operator as aforesaid or to any of them by the Minister censuring them or the person concerning any matter in respect of which the Governor in Council considers it proper to do so;
- (c) by notice in writing give or cause to be given on the Governor in Council's behalf to each of them the casino licensee, the lessee and the casino operator or to any of them any direction that the Governor in Council considers appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within a time specified in the notice;
- (d) unless a receiver and manager has been appointed pursuant to section 32, appoint an administrator subject to such terms and conditions as the Governor in Council thinks fit for the purposes as referred to in subsection (14).

**(13)** A letter of censure issued under this section shall become a permanent part of the records of the department about the casino licence or casino lease or casino management agreement and any person censured.

**(14)** An administrator appointed by the Governor in Council pursuant to subsection (12)(d) shall—

- (a) assume full control of and responsibility for the business of the casino licensee in respect of the hotel-casino complex for the casino;
- (b) conduct or cause to be conducted casino operations in accordance with this Act.

**(14A)** The appointment as administrator shall be determined by the appointment of a receiver and manager or an assignment of the casino

licence pursuant to section 32.

(15) Notwithstanding any other provision of this Act, the Governor in Council, if the Governor in Council considers in the Governor in Council's absolute discretion that the circumstances are so extraordinary that it is imperative in the public interest to do so, may cancel the casino licence or suspend it for such period as the Governor in Council thinks fit or direct the termination of the casino lease or casino management agreement.

(16) A decision by the Governor in Council to cancel or suspend a casino licence—

- (a) shall be effective on and from a date and time of day determined by the Governor in Council; and
- (b) in the case of suspension of a casino licence—shall be for such period as the Governor in Council thinks fit; and
- (c) shall be notified in writing by the Minister to the casino licensee and, where there is also a lessee or casino operator as aforesaid, to such lessee or casino operator.

(17) Where a casino licence is suspended pursuant to this section, the Governor in Council, after first considering a recommendation by the Minister relating to the matter, may at any time cancel the balance of the period of suspension still to run or reduce the period of suspension still to run by a period stipulated by the Governor in Council.

(18) A suspension of a casino licence shall, while it remains in force, have the same effect as a cancellation of such licence without prejudice to any penal or other liability actually incurred by the casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement or to the exercise of the powers of the Minister, the chief executive or any inspector under this Act.

(19) The Governor in Council's direction referred to in subsection (15) shall be given in writing to the parties to the lease or agreement and shall specify a date on which the lease or agreement is terminated under this Act if not sooner terminated.

(20) The lease or agreement, if not sooner terminated by the parties thereto, is terminated by force of this Act on the date specified in the direction in that behalf.

(21) The termination of the lease or agreement by force of this Act does

not affect the rights and obligations of the parties thereto up to the time of such termination.

(22) No liability for breach of the lease or agreement attaches to any party thereto by reason only of its termination by force of this Act.

(23) A decision by the Governor in Council to cancel or suspend a casino licence or to direct the termination of a casino lease or casino management agreement is final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.

### **Mortgage and assignment of casino licence etc.**

32.(1) A casino licensee shall not mortgage, charge or otherwise encumber—

- (a) the casino licence; or
- (b) the hotel-casino complex to which the casino licence relates; or
- (c) the rights and benefits under the agreement in question as referred to in section 19;

save with the prior consent of the Minister so to do to a person approved by the Minister (“**the mortgagee**”).

(2) Where the mortgagee wishes to enforce the mortgagee’s security under the mortgage, charge or other encumbrance pursuant to the mortgagee’s rights thereunder—

- (a) the casino licence and the rights, benefits and obligations under the relevant agreement shall be assigned only to a person approved by the Governor in Council;
- (b) any receiver and manager appointed shall be a person approved by the Governor in Council;

having regard to the provisions of subsection (5).

(2A) For the purpose of giving effect to the provisions of subsection (5), the name of a proposed receiver and manager may be submitted to the Minister at any time.

(3) As a condition precedent to the approval by the Governor in Council referred to in subsection (2)(a), the Governor in Council may require that a

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further agreement in writing be entered into between—

- (a) the Minister for and on behalf of the State and the proposed assignee; or
- (b) the Minister for and on behalf of the State and some other person whom the Governor in Council considers to be the appropriate person to be a party to the agreement with a view to the assignment of the casino licence to the proposed assignee;

containing such terms and conditions with respect to the assignment and the proposed assignee as the Governor in Council thinks fit.

(4) Any such further agreement shall have no force or effect unless and until it is ratified by Parliament.

(5) Prior to any approval by the Governor in Council pursuant to subsection (2), the Minister shall cause to be undertaken such investigations as are necessary to satisfy the Governor in Council or shall require the proposed person and all persons whether natural persons or not 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 proposed person to satisfy the Governor in Council that such proposed person and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to the matters appropriate to them respectively that are set out in section 20(1)(a) to (g), subject to such adaptations of those paragraphs as are necessary for the purpose of their application to such proposed person and other persons as aforesaid, and having regard to such other matters with respect to which the Governor in Council determines the Governor in Council should be satisfied in the particular case.

(5A) A reference in subsection (5) to a proposed person is a reference to a proposed assignee or a proposed receiver and manager, as the case requires.

(6) Upon a casino licence being assigned, the assignee is the casino licensee in respect of the casino licence in question, and the Minister shall cause the licence to be amended to show the name of the assignee, the date of the assignment and such other particulars as may be prescribed, and the licence shall be made available to the Minister for the purpose of amendment accordingly.

(7) A decision by the Governor in Council to approve or not to approve of a person pursuant to subsection (2) is final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.

### **Surrender of casino licence**

**33.(1)** The Governor in Council, subject to this section, may accept the surrender of a casino licence.

(2) Application for acceptance of surrender shall be made in writing by the casino licensee to the Minister and shall set out in detail the grounds on which it is made.

(3) Upon a consideration of the application and the grounds on which it is made, the Minister shall make a recommendation to the Governor in Council to accept or not to accept the surrender.

(4) The Governor in Council may decide to accept the surrender or not to accept it after taking into consideration the recommendation of the Minister, but the Governor in Council shall not accept the surrender unless the Governor in Council is satisfied that there are circumstances existing in which the continued operation of the casino is not in the best interest of the casino licensee or of the public.

## **PART 4—LICENSING OF EMPLOYEES OF CASINOS**

### **Unlicensed persons not to be casino key employees or casino employees**

**34.(1)** A person shall not work as or be a casino key employee or a casino employee unless—

- (a) in the case of a casino key employee—the person is the holder of a casino key employee licence and in the case of a casino employee the person is the holder of a casino employee licence; and
- (b) the person is of or above the age of 18 years; and

- (c) the person is employed in the type of work specified in the licence.

Maximum penalty—50 penalty units or imprisonment for 1 year.

(2) A person shall not employ or cause or suffer to be employed in a casino as a casino key employee or a casino employee any person—

- (a) who in the case of employment as a casino key employee is not the holder of a casino key employee licence and in the case of employment as a casino employee is not the holder of a casino employee licence; or
- (b) who is under the age of 18 years; or
- (c) unless the person employs or causes or suffers to be employed that person in the type of work specified in the casino key employee licence or the casino employee licence of which that person is the holder.

Maximum penalty—50 penalty units or imprisonment for 1 year.

(3) A person shall not allocate or cause or suffer to be allocated to a casino key employee or a casino employee any type of work in a casino that is a type of work other than the type of work specified in the licence of that employee.

Maximum penalty—50 penalty units or imprisonment for 1 year.

### **Application for licence**

**35.(1)** An application for a casino key employee licence or a casino employee licence shall be made by the applicant and addressed to the Minister and shall, according to the application in question—

- (a) be in the approved form; and
- (b) be accompanied by the fee prescribed under a regulation; and
- (c) specify the type of licence applied for; and
- (d) specify from the prescribed list the type of work proposed to be performed by the applicant as a licensee; and
- (e) contain or be accompanied by the prescribed information and particulars with respect to the applicant; and

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- (f) be accompanied by such other records, reports, documents and writings relating to the applicant as may be prescribed; and
- (g) be forwarded to or lodged with the chief executive; and
- (h) be accompanied by a letter from a casino operator addressed to the chief executive stating that the operator intends to employ the applicant (subject, in an appropriate case, to the successful completion by the applicant of a training course in the type of work referred to in paragraph (d)) in the type of work referred to in paragraph (d) upon the applicant being granted a licence as applied for; and
- (i) be accompanied by a certificate in the approved form from the casino operator referred to in paragraph (h) that the applicant has successfully completed a training course approved pursuant to this Act or is otherwise qualified by experience (specified in the certificate) appropriate to the type of work referred to in paragraph (d).

(1A) However, where such a training course has not been completed at the time of the making of the application and the successful completion of the training course is to be relied on by the applicant, the application may be supported by a certificate as aforesaid forwarded to the chief executive upon the successful completion of the training course provided the certificate is so forwarded within the time prescribed for the forwarding of a supporting certificate in the circumstances or, if a time is not prescribed, within a time approved by the chief executive.

(2) It is a condition precedent to consideration of an application for a licence under this part that the applicant is agreeable to having the applicant's photograph, fingerprints and palm prints taken.

**Requirement to apply for casino key employee licence in certain cases**

**36.(1)** If the chief executive believes that—

- (a) any person associated with or employee of a casino has the power to exercise a significant influence over or with respect to the casino; or
- (b) any person associated with or employee of a casino, by reason of the person's remuneration or policy-making position or by reason

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of any other criteria prescribed under a regulation, holds or exercises or is able to exercise authority of such a nature or to such an extent in respect of the operation of the casino as to render it desirable in the public interest that the person be licensed as a casino key employee;

the chief executive must, by written notice, ask the person to apply for a casino key employee licence within 7 days of receiving the notice.

(1A) A person to whom a notice is given under subsection (1) must apply for a casino key employee licence within 7 days of receiving the notice, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units or imprisonment for 1 year.

(2) The chief executive must cause a copy of the notice to be served on the casino operator in question.

(3) Where the person required pursuant to subsection (1) to apply for a casino key employee licence fails to do so within the time stipulated in that subsection, the chief executive must cause a notification in writing of such failure to be served on the casino operator in question, and the casino operator shall on such notification being served on the casino operator terminate the association or employment of that person with the casino notwithstanding the provisions of any other Act or law or of any industrial award or agreement.

Maximum penalty—100 penalty units or imprisonment for 1 year.

(4) If the Minister refuses to grant a casino key employee licence applied for under this section—

- (a) the applicant shall on receipt of notification of such refusal cease to be associated with or an employee of the casino in question; and
- (b) the casino operator shall on receipt of notification of such refusal terminate the association or employment of the applicant with the casino.

Maximum penalty—100 penalty units or imprisonment for 1 year.

(5) The casino operator shall not incur any liability whatsoever for or in connection with the termination by the operator, pursuant to this section, of the association or employment of the applicant with the casino.

**Consideration of application**

**37.(1)** Upon receipt of an application and compliance by the applicant with the provisions of this part in relation thereto, the chief executive shall—

- (a) cause the photograph, fingerprints and palm prints of the applicant to be taken;
- (b) initiate and have followed through such investigatory procedures as the chief executive considers necessary in relation to the applicant and the applicant's application;
- (c) consider the application and materials and matters accompanying it together with the results of investigations made in connection therewith and make an assessment of—
  - (i) the integrity, responsibility, personal background and financial stability of the applicant; and
  - (ii) the general reputation of the applicant having regard to character, honesty and integrity; and
  - (iii) the suitability of the applicant to perform the type of work proposed to be performed by the applicant as a licensee;

after which the chief executive shall make a recommendation to the Minister that the application be granted or that it be refused.

**(1A)** However, either of them the chief executive or the Minister may require the applicant to submit such additional information or material as the chief executive or Minister considers it is necessary for the chief executive or Minister to have before making a recommendation or decision, as the case may be; and such information or material, upon receipt, shall be taken into consideration accordingly.

**(2)** In a case to which section 35(1A) is applicable, the chief executive shall await the receipt of the supporting certificate within the required time before making a recommendation.

**(3)** If, for an investigation about the applicant under this section, the chief executive asks the commissioner of the police service for a written report about the applicant's criminal history, the commissioner must give the report to the chief executive.

**(4)** However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.

**Minister may grant or refuse to grant application**

**38.(1)** The Minister, after giving consideration to the recommendation of the chief executive and to such other submitted and investigatory material as the Minister thinks fit including, in an applicable case, additional information or material referred to in section 37(1A), may in the Minister's absolute discretion grant the application for a casino key employee licence or a casino employee licence or refuse it.

**(2)** The chief executive must notify the applicant, in the approved form, of the Minister's decision.

**(3)** The decision of the Minister is final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.

**(4)** The Minister may subject the grant of a licence to such terms, conditions and restrictions as are considered by the Minister to be necessary in the public interest.

**(5)** If the Minister refuses to grant an application for a casino key employee licence or casino employee licence, the chief executive must, as soon as practicable, cause the fingerprints and palm prints of the applicant taken under section 37(1) for the application to be destroyed.

**Issue of licence**

**39.(1)** Where the Minister grants an application for a casino key employee licence or a casino employee licence, the chief executive shall issue and sign the licence.

**(2)** A licence must be in the approved form and must include—

- (a)** the name, and a photograph, of the licensee; and
- (b)** the authority given to the licensee by the licence, including the type of work the licensee may perform; and
- (c)** other particulars prescribed under a regulation.

**(3)** The licence shall be subject to any terms, conditions and restrictions as referred to in section 38(4) and to all other terms, conditions and restrictions as may be prescribed to be implied in the type of licence in question.

(4) In the event of any proposed change in the type of work that may be performed by the holder of a casino key employee licence or a casino employee licence under the holder's licence or in the event of any other change in any circumstance or condition under or in respect of which a licence has been issued, the chief executive, on the matter being referred to the chief executive, may approve such amendment of the licence as the chief executive thinks fit or the issue of a replacement licence in lieu of the existing one.

(5) The chief executive, on being satisfied in such manner as the chief executive thinks fit that a casino key employee licence or a casino employee licence has been destroyed, damaged or lost, may issue to the licensee on payment by the licensee of the prescribed fee a licence in substitution for the one so destroyed, damaged or lost.

### **Notice when certain employees begin employment with casino operator**

40. Within 7 days after a casino key employee or casino employee begins employment with a casino operator, the operator must notify the chief executive, in the approved form, about the employee beginning employment.

Maximum penalty—40 penalty units.

### **Display of identification**

41.(1) A casino key employee or casino employee shall at all times whilst on duty in the casino wear a form of identification as prescribed on the employee's person in such a manner as to be visible to other persons in the casino.

Maximum penalty—40 penalty units.

(2) Subsection (1) is not applicable in the case of a person exempted by the chief executive from the obligation to comply therewith.

(3) The chief executive may so exempt a person or class of person from such obligation.

**Submission of list of licensees**

**42.(1)** A casino operator shall submit to the chief executive once at least in every 6 months a list of the licensees then employed in the casino.

**(2)** The list shall show in respect of each licensee—

- (a) the licensee's name and current address;
- (b) the type of licence held by the licensee;
- (c) the number of the licence;
- (d) any other information prescribed.

**Duration of licence**

**43.** A casino key employee licence or a casino employee licence shall remain in force until—

- (a) the licensee dies;
- (b) it is cancelled by the Minister or surrendered by the licensee;
- (c) the expiration of 12 months after the date the licensee ceases to be employed in a casino in the State.

**Investigations about casino key employees or casino employees**

**43A.(1)** This section applies to a casino key employee or casino employee while the employee's licence remains in force.

**(2)** The chief executive may investigate the employee, including by assessing—

- (a) the employee's integrity, responsibility, personal background and financial stability; and
- (b) the general reputation of the employee having regard to character, honesty and integrity; and
- (c) the suitability of the employee to perform the duties of a casino key employee or casino employee.

**(3)** The chief executive may exercise the powers under subsection (2) only if—

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- (a) the chief executive believes the investigation is necessary because of changed circumstances of the particular employee; or
- (b) the investigation is made under an audit program for casino key employees or casino employees.

(4) The chief executive may, by written notice, ask a person to whom an investigation relates to give information or material the chief executive considers is necessary for the investigation.

(5) The person must comply with the chief executive's notice unless the person has a reasonable excuse.

Maximum penalty—200 penalty units or imprisonment for 1 year.

(6) It is a reasonable excuse for the person not to comply with the notice if complying with the request might tend to incriminate the person.

(7) The person does not commit an offence against this section if the information sought by the chief executive is not in fact relevant to the investigation.

(8) If, for an investigation about a casino key employee or casino employee under this section, the chief executive asks the commissioner of the police service for a written report about the employee's criminal history, the commissioner must give the report to the chief executive.

(9) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.

### **Minister may approve audit program to investigate casino key employees and casino employees**

**43B.(1)** The Minister may approve a program under which the chief executive may investigate casino key employees or casino employees, including assessing the issues mentioned in section 43A(2).<sup>5</sup>

(2) A person may be investigated and assessed under the audit program only once every 4 years.

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<sup>5</sup> Section 43A (Investigations about casino key employees or casino employees)

**Cancellation or suspension of licence**

**44.(1)** The Minister may cancel or suspend a casino key employee licence or a casino employee licence—

- (a) if the holder is convicted of an offence under this Act;
- (b) if the holder is convicted of an indictable offence, whether on indictment or summarily, punishable in the particular case by imprisonment for 12 months or more irrespective of whether the offence is also punishable by a fine, in addition to or as an alternative to the punishment by imprisonment;
- (c) if the holder fails to comply with any term, condition or restriction subject to which the licence is granted;
- (d) if the licence has been granted on false or erroneous information;
- (e) if at any time after the issue of the licence the Minister forms the opinion that the licensee is not a fit and proper person to continue to hold the licence.

**(2)** Suspension of a licence shall be for such period as the Minister thinks fit and shall during such period have the same effect as cancellation of the licence without prejudice to any penal or other liability actually incurred by the licensee or to the exercise of the powers of the Minister, the chief executive or any inspector under this Act.

**(3)** The Minister may at any time, after considering any recommendation by the chief executive in relation thereto, cancel the balance of the period of a suspension of a licence still to run or reduce the period of suspension still to run by a period stipulated by the Minister.

**(4)** A decision by the Minister to cancel or suspend a casino key employee licence or a casino employee licence is final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question by any court on any account whatsoever.

**Letter of censure**

**45.(1)** The Minister, in lieu of cancelling or suspending a licence under section 44, may, if the Minister considers the circumstances are such as not to warrant cancellation or suspension, direct to the casino key employee or casino employee a letter of censure censuring the employee in respect of the

matter in question.

(2) The Minister shall cause a copy of the letter of censure to be forwarded to the casino operator.

(3) The letter of censure becomes part of the records of the department about the person censured.

### **Surrender of casino key employee licence or casino employee licence**

46. The holder of a casino key employee licence or a casino employee licence may, by written notice to the chief executive, surrender the employee's licence.

### **Termination of employment of employee and notification of termination of employment**

47.(1) A casino operator must notify the chief executive in the approved form—

- (a) that the operator has terminated the employment of a casino key employee or a casino employee;
- (b) that a casino key employee or a casino employee has terminated the employee's employment with the operator;
- (c) that a casino key employee or a casino employee has otherwise ceased to be the operator's employee;

within 7 days of such termination of employment or cesser as employee, as the case may be.

Maximum penalty—40 penalty units.

(2) A casino operator shall terminate the employment of a casino key employee or a casino employee within 24 hours after receiving written notice from the chief executive of—

- (a) the cancellation or suspension of the licence of the employee; or
- (b) the employee otherwise ceasing to be the holder of the appropriate licence.

Maximum penalty—40 penalty units.

(3) The provisions of subsection (2) are sufficient authority for the casino operator to terminate the employment of the employee in question, and the operator is so authorised to terminate such employment notwithstanding the provisions of any other Act or law or of any industrial award or agreement and no liability at law shall attach to the operator by reason of such termination.

### **Destruction of fingerprints and palm prints of former licence holders**

**47A.** If the casino key employee licence or casino employee licence held by a person ceases to be in force, the chief executive must, as soon as practicable, cause the fingerprints and palm prints of the person taken under section 37(1)<sup>6</sup> for the person's application for the licence to be destroyed.

### **Provisional licences**

**48.(1)** Pending a decision by the Minister in respect of an application for a casino key employee licence or a casino employee licence, the Minister may grant to the applicant a provisional casino key employee licence or a provisional casino employee licence if the Minister considers that—

- (a) a decision in relation to the license applied for may not be made for some time; and
- (b) the operation of the casino where it is proposed the applicant will be employed will be seriously prejudiced or disadvantaged by delay in the employment of the applicant; and
- (c) the issue of the provisional licence will not prejudice the integrity of the operation of the casino.

(2) The Minister may subject the grant of a provisional licence to such terms, conditions and restrictions as are considered by the Minister to be necessary in the public interest.

(3) If the Minister grants a provisional licence, the chief executive must issue the licence in the approved form and sign it.

(4) A provisional licence shall remain in force until—

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<sup>6</sup> Section 37 (Consideration of application)

- (a) the casino key employee licence or the casino employee licence, as the case may be, is issued or until the Minister decides to refuse to grant the application for a casino key employee licence or a casino employee licence; or
- (b) it is surrendered by the holder; or
- (c) it is cancelled by the Minister.

(5) The Minister in the Minister's absolute discretion may cancel a provisional casino key employee licence or a provisional casino employee licence at any time, and the holder of the licence shall not have any right of action against the Minister, the casino operator in question or any other person in respect of such cancellation or termination of employment as a consequence thereof.

(6) During its currency and subject to the terms, conditions and restrictions imposed by the Minister in respect of it, a provisional casino key employee licence or a provisional casino employee licence shall operate and have the same effect as if it were a casino key employee licence or a casino employee licence issued under this part.

### **Reference to employment**

49. In this part, a reference to “**employ**” or “**employment**” includes a reference to engage or engagement under a contract for services.

## **PART 5—FEES, TAXES AND LEVIES**

### **Casino licence fee**

50.(1) A casino licence fee shall be paid to the chief executive each quarter in respect of a casino licence.

(2) The fee shall be paid prior to the commencement of the quarter in question.

(3) When a casino licence issues during a quarter, the licence fee—

- (a) shall be paid on or before the date of its issue; and

(b) shall be calculated on a pro rata basis having regard to the period remaining in that quarter.

(4) The amount of the licence fee shall be as prescribed from time to time.

### **Casino tax**

**51.(1)** A casino tax shall be paid to the chief executive each month in respect of a casino licence.

(2) The casino tax shall be paid on or before the seventh day of the month next following the month in respect of which it is payable.

(3) Subject to subsection (4), the amount of the casino tax is to be—

(a) the total of—

(i) the percentage of the casino gross revenue for the month in question that applies under the associated agreement; and

(ii) the relevant percentage of the premium junket revenue for the month; or

(b) if the agreement provides that an amount is to be payable in specified circumstances and the circumstances have arisen—that amount.

(4) If the Governor in Council considers that a percentage specified in the agreement should be varied, the Governor in Council may, by regulation, determine a higher or lower percentage for the purposes of subsection (3)(a).

(5) A regulation determining a higher or lower percentage for the purposes of subsection (3)(a) takes effect—

(a) if the regulation is notified in the Gazette on the first day of the month—on that day; or

(b) in any other case—on the first day of the next month.

(6) For subsection (3)(a)—

(a) if the casino gross revenue for a month is a negative amount, the amount worked out under subsection (3)(a)(i) is a negative amount; and

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- (b) if the premium junket revenue for a month is a negative amount, the amount worked out under subsection (3)(a)(ii) is a negative amount.

(7) In this section—

**“associated agreement”**, for a casino licence, means the agreement mentioned in section 19 under which the casino licence issues.

**“relevant percentage”**, for premium junket revenue, for a casino licence, means—

- (a) the percentage that applies under the associated agreement for premium junket revenue; or
- (b) if a percentage for premium junket revenue does not apply under the associated agreement—the percentage that applies under the associated agreement for casino gross revenue.

### **Community benefit levy**

**52.(1)** A casino community benefit levy shall be paid to the chief executive each month in respect of a casino licence.

(2) The levy shall be paid on or before the seventh day of the month next following the month in respect of which it is payable.

(3) The amount of the levy shall be 1% of the total of the casino gross revenue and premium junket revenue for the month in question.

(3A) If the total of the amounts mentioned in subsection (3) is a negative amount, the amount of the levy worked out under the subsection is a negative amount.

(4) There shall be established and maintained in the Treasury a fund called the ‘Casino Community Benefit Fund’.

(5) The levy shall be paid into the fund.

(6) The amount derived by way of levy in respect of each casino licence shall be the subject of the creation and operation of a trust deed appointing trustees and containing provisions, relating to expenditure of such amount for the benefit of the community, approved by the Governor in Council.

(7) A separate account shall be kept for each levy (forming the fund) in respect of a casino licence.

(8) The trustees of each trust deed may make recommendations to the Minister as to the application of moneys, appropriate to the trust deed in question, for the benefit of the community.

(9) The Minister may cause moneys to be paid out of the fund for the benefit of the community in accordance with the recommendations of the trustees.

(10) A regulation may prescribe changes to the way this section applies in relation to a casino licence if a person is—

- (a) for the casino licence—the casino licensee, the casino operator or the lessee under the casino lease; and
- (b) for another casino licence—the casino licensee, the casino operator or the lessee under the casino lease.

*Example of relevant changes—*

A regulation may provide for 1 trust deed for all the relevant casino licences and for 1 separate account to be kept for all levies for the relevant casino licences.

### **Adjustment of casino tax**

**53.(1)** Subsection (2) applies in relation to a casino licence if the casino tax for a month (the “**reference month**”) is a negative amount (a “**tax credit**”).

(2) In working out the casino tax payable for the next month (the “**first adjustment month**”), the tax credit for the reference month is, to the extent possible, to be set off against the casino tax that, apart from this section, would be payable for the first adjustment month.

(3) Subsection (4) applies if—

- (a) without applying subsection (2), the casino tax for the first adjustment month is a negative amount; or
- (b) after applying subsection (2), part of the tax credit (the “**tax credit balance**”) for the reference month has not been set off against casino tax for the first adjustment month.

(4) In working out the casino tax payable for the month (the “**second adjustment month**”) after the first adjustment month, the tax credit, or tax credit balance, for the reference month, is, to the extent possible, to be set

off against the casino tax that, apart from this subsection, would be payable for the second adjustment month.

(5) In relation to casino tax for a month that is a negative amount, the operation of this section extends only to the 2 months after the month.

### **Adjustment of casino community benefit levy**

**53A.(1)** Subsection (2) applies in relation to a casino licence if the casino community benefit levy for a month (the “**reference month**”) is a negative amount (a “**levy credit**”).

(2) In working out the casino community benefit levy payable for the next month (the “**first adjustment month**”), the levy credit for the reference month is, to the extent possible, to be set off against the casino community benefit levy that, apart from this section, would be payable for the first adjustment month.

(3) Subsection (4) applies if—

- (a) without applying subsection (2), the casino community benefit levy for the first adjustment month is a negative amount; or
- (b) after applying subsection (2), part of the levy credit (the “**levy credit balance**”) for the reference month has not been set off against the casino community benefit levy for the first adjustment month.

(4) In working out the casino community benefit levy payable for the month (the “**second adjustment month**”) after the first adjustment month, the levy credit, or levy credit balance, for the reference month, is, to the extent possible, to be set off against the casino community benefit levy that, apart from this subsection, would be payable for the second adjustment month.

(5) In relation to a casino community benefit levy for a month that is a negative amount, the operation of this section extends only to the 2 months after the month.

### **Disposition of casino licence fees etc.**

**54.** Casino licence fees, casino taxes and application fees in respect of casino key employee licences and casino employee licences shall on their

receipt be paid into and form part of the Consolidated Fund.

### **Penalty for late payment**

**55.(1)** Penalty at the rate of 5% shall be charged and become due and payable forthwith on the amount of any casino licence fee, casino tax or casino community benefit levy remaining unpaid after the date on which it becomes due and payable.

**(2)** Additional penalty at the rate of 5% shall be charged and become due and payable on any part of any amount specified in subsection (1) (including penalty) that remains unpaid—

- (a)** upon the expiration of 1 month commencing on the date when the amount first became due and payable; and
- (b)** upon the expiration of each month commencing on the like date thereafter.

**(2A)** However, additional penalty on that amount shall not be charged after the expiration of a period of 3 months commencing on the date when that amount first became due and payable.

**(3)** Subject to subsection (4), penalty or additional penalty payable under this section shall be deemed to be casino tax.

**(4)** The chief executive, for any reason that the chief executive thinks is sufficient, may remit any penalty or additional penalty (or a part of the penalty or additional penalty) payable under this section.

**(5)** Any penalty or additional penalty shall on its receipt be paid into and form part of the Consolidated Fund.

### **Recovery of fees, taxes and levies**

**56.** All fees, taxes and levies due and payable in accordance with this part and remaining unpaid are debts due to the Crown and may be recovered by action as for a debt in any court of competent jurisdiction.

### **Liability for fees, taxes and levies**

**57.(1)** The casino licensee is liable for all fees, taxes and levies due and

payable in accordance with this part.

(2) Where the casino operator is a lessee under a casino lease, the operator and the casino licensee are jointly and severally liable for all fees, taxes and levies due and payable in accordance with this part.

(3) Where the casino operator is a party to a casino management agreement with the casino licensee or a lessee under a casino lease, the operator and the casino licensee or the operator and the casino licensee and the lessee, as the case may be, are jointly and severally liable for all fees, taxes and levies due and payable in accordance with this part.

## **PART 6—CASINO OPERATION**

### **Maintenance of facilities etc.**

**58.** A casino operator shall—

- (a) maintain all facilities and amenities of a casino in such a condition as will ensure at all times the maximum comfort for patrons;
- (b) ensure that the operation of the casino is conducted at all times in a proper and competent manner;
- (c) ensure that all casino installations, equipment and procedures for security and safety purposes are used, operated and applied at all relevant times for the preservation and maintenance of those purposes.

### **Casino layout**

**59.(1)** A casino operator shall—

- (a) ensure that visibility throughout any gaming area of the casino wherein games are being played is clear and unobstructed; and
- (b) submit for the approval of the chief executive a floor plan in connection with the casino drawn to a scale satisfactory to the chief executive indicating in detail the placement of gaming tables, count rooms, cages and all other associated facilities; and

- (c) submit a diagram of the closed-circuit television system indicating camera positions as they relate to the floor plan and full information indicating heights of cameras from gaming tables and their scope of coverage.

Maximum penalty—40 penalty units.

(2) A casino operator shall not operate a casino having the placement of gaming tables, count rooms, cages and other associated facilities other than in accordance with a floor plan approved by the chief executive.

Maximum penalty—40 penalty units.

### **Variation of casino layout**

**60.(1)** If a casino operator proposes to vary the placement of gaming tables, count rooms, cages or any other associated facilities or the close-circuit television system or catwalk surveillance system, the operator shall, at least 3 days prior to the date proposed for giving effect to the variations, submit to the chief executive for the chief executive's approval written details of the proposed variations accompanied by plans and diagrams illustrating the proposals.

(1A) Despite subsection (1), if the proposed variation is a variation of the closed-circuit television system on a temporary basis to evaluate new camera positions, the details of the proposed variation—

- (a) may be submitted to the chief executive at any time before the date proposed for giving effect to the variation; and
- (b) are not required to be in writing or accompanied by plans and diagrams illustrating the proposal.

(2) A casino operator must not vary a thing as mentioned in subsection (1) unless the chief executive has approved the variation in writing.

Maximum penalty—40 penalty units.

(3) A variation to which subsection (1A) applies must not continue for more than 14 days.

**Hours of operation**

**61.(1)** A casino operator shall operate a casino on the days and during the hours on those days approved for the time being by the chief executive.

**(2)** The operator shall not operate a casino on any other day or at any other time.

Maximum penalty—40 penalty units.

**(3)** A casino operator shall submit for the approval of the chief executive a schedule of operating times indicating the days and hours on and during which, it is proposed, the casino shall operate.

**(4)** The chief executive may approve the schedule of operating times as submitted or with such variations as the chief executive thinks fit.

**(5)** If the casino operator proposes to vary the schedule of operating times the operator must give to the chief executive for the chief executive's approval details of the proposal showing the revised schedule of operating times.

**(6)** A casino operator shall not effect any variation referred to in subsection (5) without the approval of the chief executive first had and obtained.

**(7)** The chief executive, for any reason considered by the chief executive to be sufficient in the circumstances, may by notice in writing require a casino operator to vary the schedule of operating hours in respect of a casino on and from a date specified in the notice.

**(7A)** The notice shall be accompanied by or contain therein the revised schedule of operating hours to operate on and from the date specified.

**(7B)** On and from the date so specified, the revised schedule shall be the schedule of operating hours in respect of the casino in question.

**(8)** A casino operator must not allow gaming in the casino at the following times—

- (a) on Christmas Day or Good Friday—between the hours of 3 a.m. and midnight;
- (b) on Anzac Day—between the hours of 3 a.m. and 1 p.m.

Maximum penalty—40 penalty units.

**Gaming equipment and chips**

**62.(1)** A casino operator shall ensure that all gaming equipment in a casino is of a high standard of manufacture and is maintained in good order and condition.

**(2)** A person shall not possess, maintain or exhibit any gaming equipment on the premises of a hotel-casino complex except in the casino.

**(3)** A person shall not possess, maintain or exhibit any gaming equipment in a casino or bring into or remove from a casino any gaming equipment unless such equipment—

- (a) has been approved by the chief executive; and
- (b) is necessary for the conduct of gaming; and
- (c) has permanently affixed thereto or permanently imprinted, impressed or engraved thereon an identification number or symbol authorised by the chief executive; and
- (d) is under the exclusive control of the casino operator or the operator's agents or employees; and
- (e) is brought into or removed from the casino at times authorised for that purpose by the chief executive or at other times when prior notice has been given to and written approval granted by an inspector.

Maximum penalty—40 penalty units.

**(3A)** The chief executive's approval of a gaming machine under subsection (3)(a) must include approval of—

- (a) the machine game to be played on the machine; and
- (b) the artwork for the machine game to be displayed as part of the machine.

**(3AA)** In subsection (3)—

**“casino”** means that area of the casino used for the conduct and playing of games.

**(3B)** The chief executive may approve the artwork for a game only if the chief executive is satisfied the artwork includes rules of the game.

**(4)** A drop box or other receptacle (a **“deposit receptacle”**) that is used

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for the deposit of money, chips, vouchers, slips or other papers (whether or not there is anything actually deposited in the deposit receptacle at the relevant time) must be fitted with 2 locks.

**(4A)** A gaming table to which a deposit receptacle is attached must be fitted with a lock that secures the deposit receptacle to the gaming table.

**(4B)** A count room or storage area in which there is a deposit receptacle that is being used in connection with the operation of the casino must be fitted with 2 locks.

**(4C)** The key or keys of 1 of the locks mentioned in subsections (4) and (4B) must be under the exclusive control of the inspectors at the particular casino and the key or keys of the other lock must be under the exclusive control of the casino operator.

**(4D)** The keys of the lock mentioned in subsection (4A) must be under the exclusive control of the casino operator.

**(4E)** A lock must not be able to be unlocked by a key of another lock.

**(4F)** A deposit receptacle must not be—

- (a) brought into or removed from the area of the casino used for the conduct and playing of games; or
- (b) locked or unlocked;

except at a time and in a way (and in the case of locking or unlocking in a place) approved by the chief executive.

**(5)** Chips used or for use in a casino shall have clearly and permanently impressed, engraved or imprinted thereon—

- (a) the name of the casino or a symbol identifying the casino; and
- (b) any other matters prescribed so that such matters may relate to all chips or different matters may relate to different chips.

**(6)** A casino operator shall submit to the chief executive for approval an order for the purchase of chips before such order is placed with the chips manufacturer, and shall not purchase chips from a chips manufacturer other than one approved by the chief executive.

**(7)** A casino operator shall ensure—

- (a) that chips used in a casino for gaming are of such physical

characteristics as are approved by the chief executive;

(b) that chips used in a casino for gaming are in good condition.

(8) A casino operator shall keep and at all times accurately maintain a written inventory of gaming equipment and chips used or for use in the casino.

(9) A casino operator must not, without the chief executive's consent—

(a) destroy gaming equipment or chips; or

(b) permanently part with the physical possession of gaming equipment or chips.

Maximum penalty—200 penalty units.

(10) A casino operator must not permit a person to repair or maintain gaming equipment unless the chief executive has approved of the person for the purpose of repairing gaming equipment.

Maximum penalty—40 penalty units.

### **Gaming equipment outside of casino**

**62A.(1)** Despite section 62(2),<sup>7</sup> a casino operator may operate gaming equipment outside of a casino with the written approval of the chief executive.

(3) The chief executive may approve the operation of gaming equipment outside of a casino only if the chief executive is satisfied the operation is for 1 or more of the following purposes—

(a) teaching adults the rules of a game;

(b) exhibiting gaming equipment;

(c) promoting a casino.

(4) A casino operator must not use, or allow the use of, cash or chips in the operation of gaming equipment under this section.

Maximum penalty—200 penalty units.

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<sup>7</sup> Section 62 (Gaming equipment and chips)

**Casino games**

**63.(1)** The Minister may make rules for the playing of games in casinos.

(2) The games included in the rules may be conducted or played in a casino under a casino licence.

(3) The rules are subordinate legislation.

(4) A casino operator shall submit to the Minister for approval a statement of the maximum number of each of the games proposed to be played in the casino.

(5) The Minister may approve the maximum number of each of the games as submitted or determine and approve in any particular case a different maximum number.

(6) The maximum number of each of the games to be played in the casino shall be the number in each case approved by the Minister.

(7) Subject to subsection (8), the casino operator may, having regard to the apparent gaming requirements of casino patrons, at any time conduct a number of games less than the maximum number approved for the particular type of that game.

(8) The Minister may, by written notice given to the casino operator, direct that a minimum number of a particular type of game must be played.

(9) The casino operator must ensure that each game conducted in the casino is conducted according to the account of the rules notified under subsection (2) for the playing of the game.

Maximum penalty—40 penalty units.

(11) In this section—

“**game**” does not include a machine game.

**Help for patrons about rules of games**

**64.(1)** A casino operator must—

- (a) when asked by a casino patron for a copy of the rules for the playing of a game, give the patron a copy of the rules for the playing of the particular game to look at; and
- (b) prominently display in the casino advice or information about

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gaming rules, wagers, payout odds for a wager, and other advice or information directed by the chief executive; and

- (c) provide, for casino patrons, summaries of the rules in accordance with texts approved by the chief executive; and
- (d) display at each gaming table or location for the playing of a game a sign showing the permissible minimum and maximum wagers for the game played at the table or location.

*Examples of ways in which summaries may be provided to a casino patron—*

1. Brochures
2. Videos
3. Computer based learning programs.

(2) A casino operator must ensure the permissible minimum wager displayed for a game at a table or location where gaming is taking place is not changed to a higher permissible minimum wager unless—

- (a) a sign showing the new minimum, and the proposed time of change, is displayed at the table or location for at least 20 minutes before the time of the proposed change; or
- (b) all players at the table or location agree to the change.

### **Claims for prizes for casino based keno games**

**64AA.(1)** A claim for payment of a prize for a casino based keno game must be made within 5 years after the day on which the game was conducted.

(2) In this section, a reference to a casino based keno game includes a reference to a casino based keno game conducted before the commencement.

### **Wagers other than permissible minimum and maximum wagers**

**64A.(1)** A casino patron may make arrangements with a casino operator for the patron to make wagers that—

- (a) are less than the permissible minimum wager for a table or location; or

(b) are more than the maximum wager for a table or location.

(2) If a casino operator makes an arrangement mentioned in subsection (1), the operator must give to the patron a document (the “**patron’s document**”) about the arrangement and tell the patron about using the document.

(3) The patron’s document must be in the approved form.

(4) When a patron makes a wager less than the permissible minimum wager, or more than the permissible maximum wager, for a table or location, the casino employee at the table or location—

- (a) must be satisfied that the wager is allowed by the arrangement; and
- (b) must ensure the patron’s document is placed on the table, or at the location in front of the patron, so it is clearly visible to the employee.

### **Obligation of casino operator in relation to conduct of games**

**65.(1)** In a game in which playing cards are used, a casino operator must ensure the cards are at all times dealt from an item of gaming equipment specifically designed for the purpose.

*Example—*

- 1. A card shoe
- 2. An automatic card shuffling device.

(2) A casino operator shall not issue or cause, permit or suffer to be issued any chips for gaming unless the chips are paid for—

- (a) in cash to their value; or
- (b) by chip purchase voucher issued by the casino on payment of the amount shown on the voucher.

(3) A casino operator shall ensure that all gaming wagers are placed by the use of chips unless the rules of a game specifically permit the use of cash.

(4) A casino operator shall ensure that all winning wagers are paid in full without any commission or levy other than a commission or levy provided for in the rules of a game.

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(5) A casino operator shall ensure that all winning wagers are paid in chips unless the rules of a game specifically permit payment by cash or cheque.

(6) A casino operator shall during the hours of operation of a casino, at the request of a casino patron—

- (a) exchange chip purchase vouchers or chips issued by the casino for chips or other chips, as the case may be, as requested of an equivalent total value;
- (b) redeem chips or chip purchase vouchers issued by the casino for cash of an amount equivalent to the value of the chips or chip purchase vouchers.

(6A) However, the casino operator, if requested by the patron, may at the operator's discretion issue for the whole or any part of the amount to be paid in cash, in lieu of cash, a cheque made payable to the patron and drawn on a bank account approved by the chief executive for the purpose.

(7) A casino operator shall not employ, engage or use or cause, permit or suffer any of the operator's agents or employees or any other person to employ, engage or use any barker or shill to induce any person to enter a casino or play any game therein.

(8) A deposit, charge or levy, not being a commission or levy provided for in the rules of a game, shall not be charged, taken or made, directly or indirectly, by a casino operator, on, from, to or in respect of any person for the right to enter a casino or play any game therein.

(8A) It is immaterial that any such deposit, charge or levy is or is claimed to be refundable.

(9) A casino key employee, or casino employee, for a casino must not—

- (a) in the particular casino—gamble on a game or machine; or
- (b) accept or solicit a tip, gratuity, consideration or other benefit from a player or patron.

(10) Subsection (9)(b) applies to an acceptance or solicitation involving the licensee's role in the casino even though it takes place outside of the casino.

**Chief executive may approve gaming documents**

**65A.(1)** The chief executive may approve a casino operator giving or selling to a person a document (a “**gaming document**”)—

- (a) for making wagers on a game; or
- (b) for paying a winning wager; or
- (c) for use in a machine, whether to make wagers, to pay winning wagers or otherwise.

(2) If the chief executive has approved a gaming document for a purpose, the document may be used for the purpose despite section 65(3) or (5).<sup>8</sup>

**Repairers of gaming machines**

**65B.(1)** A person employed to repair gaming machines may play a gaming machine while repairing it.

(2) Subsection (1) applies despite section 65(9).

(3) To remove any doubt, it is declared that if the person causes a winning combination to appear on a gaming machine while repairing it, no amount is payable to the person despite the winning combination.

(4) In this section—

“**repairing**” a gaming machine includes adjusting, altering, carrying out maintenance and testing the machine.

**Liquor served at tables etc.**

**65C.** A casino operator may sell, give or distribute liquor to a person at a gaming table, or at another playing area within a casino, only if the chief executive has approved the sale, giving or distribution at the table or other area.

**Casino operator shall not accept credit wagers etc.**

**66.(1)** A casino operator shall not and an agent or employee of a casino

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<sup>8</sup> Section 65 (Obligation of casino operator in relation to conduct of games)

operator shall not, in connection with any gaming—

- (a) accept a credit wager from any person;
- (b) make a loan to any person;
- (c) advance any thing of value to any person;
- (d) provide cash or chips to any person in respect of a credit card transaction;
- (e) extend credit in any form to any person;
- (f) release or discharge in whole or in part a debt owing by any person without first submitting the prescribed information and material to the Minister and the Minister approving such release or discharge.

Maximum penalty—40 penalty units.

(2) Nothing contained in subsection (1) limits the operation of the provisions of section 68.

### **Deposit advance accounts**

**67.(1)** A casino operator may establish for a person a deposit advance account into which moneys may be deposited by that person in advance of any gaming by the person.

(2) The casino operator must not accept a cheque for deposit to the account unless it is—

- (a) drawn on a bank by the person; and
- (b) made payable to the casino operator; and
- (c) dated but not postdated.

Maximum penalty—40 penalty units.

(2A) Despite subsection (2), the casino operator may accept a cheque for deposit to the account if it is—

- (a) a traveller's cheque; or
- (b) a bank cheque drawn in favour of the person and indorsed to the casino operator; or

- (c) a cheque drawn by—
  - (i) a casino licensee; or
  - (ii) the holder of a licence to operate a casino issued by another State or Territory under a law corresponding to this Act; in favour of the person and indorsed to the casino operator; or
- (d) a cheque prescribed by regulation.

(3) A casino operator may issue to the person for whom the deposit advance account is established a chip purchase voucher or chip purchase vouchers of a value up to the amount for the time being standing to the person's credit in the account or may pay to the person cash up to the amount for the time being so standing to the person's credit.

### **Exchange by casino operator of chip purchase voucher for cheque**

**68.(1)** Subject to subsection (2), a casino operator may issue to a person for the purpose of gaming by the person and in exchange for a cheque from the person a chip purchase voucher or chip purchase vouchers of a value equal to the amount of the cheque.

(2) A casino operator shall not accept for the purposes of subsection (1) a cheque, other than a traveller's cheque, unless it satisfies the requirements specified in section 67(2) in relation to that section.

Maximum penalty—40 penalty units.

### **Redemption of cheques**

**69.** Subject to section 71, a person who has deposited or lodged with a casino operator under section 67 or 68 a cheque that complies with the requirements referred to in section 67(2) in relation to that section may, with the agreement of the casino operator, redeem the cheque by presenting to the casino operator in exchange therefor—

- (a) cash; or
- (b) a cheque or cheques complying with requirements as aforesaid; or
- (c) a chip purchase voucher or chip purchase vouchers; or

(d) chips; or

(e) any 2 or more of the foregoing in combination;

to an amount or a value equivalent to the amount of the cheque so deposited or lodged as aforesaid.

### **Depositing of cheques**

**70.** All cheques received by a casino operator in respect of gaming that are not redeemed in accordance with section 69 shall be banked by the operator within the prescribed time.

Maximum penalty—40 penalty units.

### **No redemption to delay payment**

**71.** Where a person has deposited or lodged a cheque with a casino operator under section 67 or 68, the casino operator shall not agree to the redemption by that person of the cheque pursuant to section 69 for the purpose of avoiding or delaying beyond the prescribed time as referred to in section 70 the banking of the cheque to the appropriate account of the casino operator.

Maximum penalty—40 penalty units.

### **Training courses for employees**

**72.(1)** A casino operator shall provide, for persons employed or to be employed by the operator in a casino as casino key employees or casino employees, training courses relating to the playing of games, the conduct of games and associated activities in connection with casino operations.

**(2)** All training courses to be provided pursuant to subsection (1) shall be—

(a) conducted by the casino operator or, with the approval of the chief executive, by the nominee of the casino operator; and

(b) of such content, format and duration as is approved by the chief executive.

**(3)** The successful completion of an approved training course is a

prerequisite for—

- (a) the issue of a casino key employee licence or a casino employee licence; or
- (b) the approval of the chief executive to the making of an amendment (and such amendment being made) in a licence in respect of the type of work performed or to be performed by the licensee;

and for the employment of the licensee in the type of work specified in the licence, either in the first instance or pursuant to amendment, unless the licensee is qualified by experience, satisfactory to the chief executive, appropriate to the type of work to be performed by the person as licensee.

(4) A casino operator may conduct gaming on a simulated basis for the purpose of training employees, testing gaming equipment and gaming procedures and demonstrating the conduct and playing of games provided—

- (a) the operator has obtained the prior approval of the chief executive; and
- (b) no cash is used and no chips are used.

## **PART 7—INTERNAL CONTROLS, ADMINISTRATIVE AND ACCOUNTING PROCEDURES AND AUDIT REQUIREMENTS**

### **System of controls and procedures**

**73.(1)** A casino operator must give the chief executive for the chief executive's approval—

- (a) a description of the system of internal controls and administrative and accounting procedures proposed by the operator in connection with the operation of the casino;
- (b) details of changes proposed to any such controls and procedures previously approved by the chief executive.

(2) The submission shall be made not later than 90 days prior to the date for the commencement of the operation of the casino or the implementation of the proposed changes, provided that the chief executive may for sufficient cause direct that a particular submission may be made not later than a date determined by the chief executive that is closer to the date for the commencement or implementation as aforesaid, as the case may be.

### **Content of submission**

74. A submission of the description of the system of internal controls and administrative and accounting procedures referred to in section 73(1)(a) must explain the system to be utilised by the casino operator, including, but not limited to—

- (a) accounting procedures, including the standardisation of forms and definition of terms, not inconsistent with this Act, to be utilised in the gaming operations;
- (b) procedures, forms and, where appropriate, formulae for or with respect to—
  - (i) hold percentages and calculations thereof; and
  - (ii) revenue drop; and
  - (iii) expense and overhead schedules; and
  - (iv) complementary services; and
  - (v) salary arrangements; and
  - (vi) personnel practices;
- (c) job descriptions and the system of organising personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in casino operations and identification of primary and secondary supervisory positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to supervise effectively;
- (d) procedures for the conduct and playing of games;
- (e) procedures within a cashier's cage for the receipt, storage and disbursement of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions

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- pertaining to gaming operations;
- (f) procedures for the collection and security of moneys at the gaming tables and other places in the casino where games are conducted;
  - (g) procedures and forms for the transfer of chips to and from the gaming tables and other places in the casino where games are conducted from and to a cashier's cage;
  - (h) procedures for the transfer of moneys from the gaming tables and other places in the casino where games are conducted to other areas of the casino for counting;
  - (i) procedures and forms for the transfer of moneys or chips from and to any gaming area;
  - (j) procedures and security for the counting and recording of revenue;
  - (k) procedures and security for the transfer of moneys to and from a bank from and to the casino;
  - (l) procedures for the security, storage and recording of chips utilised in the gaming operations;
  - (m) procedures and standards for the maintenance, security and storage of any gaming equipment;
  - (n) procedures for the payment and recording of winnings associated with any games where such winnings are paid by cash or cheque;
  - (o) procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;
  - (p) procedures for the cashing and recording of cheque transactions;
  - (q) procedures for the establishment and use of deposit advance accounts;
  - (r) procedures for the use and maintenance of security and surveillance facilities, including catwalk systems and close-circuit television systems;
  - (s) procedures governing the utilisation of security personnel within the casino;

- (t) procedures for the control of keys used or for use in casino operations.

### **Chief executive's approval**

**75.(1)** The chief executive must review each submission received by the chief executive under section 73 and consider—

- (a) whether it is in conformity with the requirements of this Act; and
- (b) in a case referred to in section 73(1)(a)—whether the system of controls and procedures provides satisfactory and effective control over the operations of the casino; and
- (c) in a case referred to in section 73(1)(b)—whether the system of controls and procedures as previously approved as altered in accordance with the changes proposed provides satisfactory and effective control over the operations of the casino.

**(2)** If the chief executive considers that—

- (a) the submission is not in conformity with the requirements of this Act; or
- (b) the system of controls and procedures does not provide satisfactory and effective control over the operations of the casino, either as a system in the first instance or as a system as changed in accordance with proposed alterations;

the chief executive must, before finally deciding about the approval, inform the casino operator accordingly and specify the steps to be taken for the submission to be in conformity with the requirements of this Act or for the system (in the first instance or as changed) to provide satisfactory and effective control over the operations of the casino.

**(3)** For the casino operator's submission to proceed, the operator must take the steps specified by the chief executive.

**(4)** If the chief executive decides the submission is in conformity with the requirements of this Act and that the system of controls and procedures provides satisfactory and effective control over the operations of the casino, either in the first instance or as changed in accordance with proposed alterations, the chief executive shall approve the system or proposed changes, as the case may be, accordingly.

(5) The chief executive may by notice in writing require a casino operator to alter any part of the system of controls and procedures on and from a date specified in the notice.

(5A) The notice shall stipulate the alteration to be made.

(5B) On and from the date so specified, the system as required to be altered shall be the system of controls and procedures in connection with the operation of the casino.

(6) A casino operator shall not—

- (a) conduct gaming in a casino unless the system of controls and procedures as aforesaid has been—
  - (i) approved by the chief executive; and
  - (ii) implemented by the casino operator;
- (b) change the system approved by the chief executive unless any changes proposed by the operator are first approved by the chief executive.

### **Books etc. to be kept on premises**

**76.(1)** All books, records and documents relating to the operations of the hotel-casino complex or the casino, as the case may be, shall be kept by the casino operator on the hotel-casino complex premises.

Maximum penalty—40 penalty units.

(2) The chief executive may by signed written notice—

- (a) exempt the casino operator from compliance with subsection (1) either in respect of all books, records and documents or some of them as specified by the chief executive for reasons considered by the chief executive to be sufficient;
- (b) approve generally or in particular cases that books, records and documents otherwise kept on the premises as aforesaid may be removed temporarily to another place or other places.

(3) Subject to any other Act or law relating to the retention or destruction of books, records and documents, all books, records and documents as referred to in subsection (1) shall be retained by the casino operator for a period of 5 years after the completion of the transactions to which they

relate, provided that the chief executive may, on the application of the casino operator, approve—

- (a) the retention of books, records or documents in an alternative form or manner;
- (b) the destruction of any of the books, records or documents not considered to be essential at a time prior to the expiration of the period as aforesaid.

### **Keeping of bank accounts**

**77.(1)** A casino operator must keep a bank account, or bank accounts, approved by the chief executive for use for all banking transactions about the operations of the hotel-casino complex or the casino.

Maximum penalty—40 penalty units.

**(2)** The operator must not use an account approved under subsection (1) for other purposes.

Maximum penalty—40 penalty units.

### **Accounts to be kept**

**78.** A casino operator shall—

- (a) keep such accounting records as correctly record and explain the transactions and financial position of the operations of the hotel-casino complex or the casino, as the case may be;
- (b) keep the operator's accounting records in such a manner as will enable—
  - (i) true and fair financial statements and accounts to be prepared from time to time;
  - (ii) the operator's financial statements and accounts to be conveniently and properly audited.

Maximum penalty—40 penalty units.

**Financial statements and accounts**

**79.** A casino operator shall prepare financial statements and accounts giving a true and fair view of the operator's financial operations in respect of the hotel-casino complex or the casino, as the case may be, which statements and accounts shall include—

- (a) trading accounts, where applicable, for the financial year;
- (b) profit and loss accounts for the financial year;
- (c) balance sheet as at the end of the financial year.

Maximum penalty—40 penalty units.

**Chief executive may approve financial year period**

**80.** It is competent for the chief executive in a particular case on application made to the chief executive to approve a date other than 30 June as the terminating date of a financial year.

**Submission of reports**

**81.(1)** A casino operator shall submit to the chief executive, at such times as are prescribed, reports relating to the operations of the hotel-casino complex or the casino, as the case may be.

**(1A)** A report must be in the approved form.

**(2)** Where in the opinion of the chief executive any such report is deficient in information required to be provided, the chief executive may instruct the casino operator to submit to the chief executive information to supply the deficiency within a time nominated by the chief executive; and the casino operator shall supply the additional information within the nominated time accordingly.

**Audit provisions**

**82.(1)** A casino operator shall at the operator's own expense cause the operator's books, accounts and financial statements relating to the operations of the hotel-casino complex or the casino, as the case may be, to be audited by a person who—

- (a) is a registered company auditor under the Companies (Queensland) Code; and
- (b) is approved by the chief executive.

(2) The auditor shall complete the audit within 4 months of the close of the financial year and immediately upon completion thereof submit a report thereon to each of them the casino operator and the chief executive.

Maximum penalty—40 penalty units.

### **Wider application of certain provisions of this part**

**83.(1)** In this section, reference to “**person other than the actual operator**” is a reference to a casino licensee or a lessee under a casino lease or to each of them a casino licensee and a lessee under a casino lease, as the case requires, where there is a casino lease or a casino management agreement or both a casino lease and a casino management agreement.

(2) The provisions of sections 76 to 82 apply to and impose obligations and liabilities on a person other than the actual operator in respect of all matters relating to the operations of the hotel-casino complex or the casino, as the case may be, according to the person’s interest therein or association therewith to the same extent in all respects as they do in the case of the casino operator under a casino management agreement.

## **PART 8—AGREEMENTS AND OTHER DOCUMENTS IN CONNECTION WITH CASINO OPERATION**

### *Division 1—Approval and review of agreements*

#### **Restriction on certain agreements etc.**

**84.(1)** Casino leases referred to in section 24 and casino management agreements referred to in section 25 are not subject to the provisions of this section.

(2) None of them—

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- (a) a casino licensee; or
- (b) a lessee under a casino lease; or
- (c) a casino operator under a casino management agreement;

shall, unless the approval in writing of the Minister is first had and obtained, enter into or be a party to any lease, contract, agreement or arrangement, written or unwritten, with any other person for such person to lease, let, lend or otherwise provide any thing or to furnish any service in return for—

- (d) any direct or indirect interest in or percentage or share of moneys gambled at the casino; or
- (e) any direct or indirect interest in or percentage or share of the revenues, profits or earnings from or of the casino.

Maximum penalty—40 penalty units.

(3) If the Minister considers that it is desirable or appropriate to do so in any particular case, the Minister may, upon application made to the Minister in that behalf, approve in writing a lease, contract, agreement or arrangement referred to in subsection (2).

**Review of agreements etc.**

**85.(1)** Casino leases referred to in section 24 and casino management agreements referred to in section 25 are not subject to the provisions of this section.

(2) Any of them—

- (a) a casino licensee; and
- (b) a lessee under a casino lease; and
- (c) a casino operator under a casino management agreement;

shall, if directed by the Minister to do so, furnish to the Minister within the time stipulated by the Minister such information as the Minister thinks fit with respect to any lease, contract, agreement or arrangement (“**the agreement**”) written or unwritten, with any other person relating to the hotel-casino complex or the casino.

(3) Without limiting the generality of subsection (2), matters concerning which the Minister may direct the furnishing of information include—

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- (a) names of persons entering into the agreements; and
- (b) description of any property, goods or other things or any services provided or to be provided; and
- (c) value, type or nature of consideration; and
- (d) operative period of the agreement.

(4) Any of them a licensee, lessee or operator as referred to in subsection (2) shall, if directed by the Minister to do so, furnish to the Minister within the time stipulated by the Minister a copy of the agreement if it is in writing.

(5) If the Minister, upon a review of any information or documents furnished under this section, is of the opinion that the continuance of the agreement is not in the public interest or jeopardises the integrity of gaming having regard to its terms and such other factors as to the Minister appear relevant, the Minister may issue to the licensee, lessee or operator as referred to in subsection (2) who is the party to the agreement a notice in writing requiring the licensee, lessee or operator to show cause why the agreement should not be terminated.

(6) The notice shall set out the grounds giving rise to its issue and shall stipulate a date, being not earlier than 21 days after such issue, on or before which cause is required to be shown.

(7) Where the Minister issues a notice, the Minister shall issue a copy thereof to the other party to the agreement.

(8) The licensee, lessee or operator to whom the notice is issued may give answer thereto in writing to the Minister to show cause at any time not later than the date stipulated in the notice in that respect.

(9) The other party may make such submissions to the Minister as the other party thinks fit at any time not later than that stipulated date.

(10) The Minister shall consider any answers given in reply to the notice to show cause and any submissions made by the other party and—

- (a) if in the Minister's opinion satisfactory answers are given or submissions made in reply to or in respect of the notice—the Minister shall take no further action in relation thereto;
- (b) if in the Minister's opinion answers given or submissions made in reply to or in respect of the notice are not satisfactory or if no

answers are given and no submissions made—the Minister may direct the termination of the contract.

(11) The Minister’s direction referred to in subsection (10)(b) shall be given in writing to the parties to the agreement and shall specify a date on which the agreement is terminated under this Act if not sooner terminated.

(12) The agreement in question, if not sooner terminated by the parties to the agreement, is terminated by force of this Act on the date specified in the direction in that behalf.

(13) The termination of the agreement by force of this Act does not affect the rights and obligations of the parties thereto up to the time of such termination.

(14) No liability for breach of the agreement attaches to any party thereto by reason only of its termination by force of this Act.

### *Division 2—Junket agreements*

#### **Definitions**

**85A.** In this division—

**“group of participants”** means a group of persons to which a junket agreement applies.

**“junket agreement”** means an agreement entered into by a casino operator, with the approval of the Minister under section 84, with another person (the **“promoter”**) under which—

- (a) the promoter arranges for a group of persons to visit the casino to participate in gaming; and
- (b) the casino operator pays the promoter a commission based on—
  - (i) the amount the persons gamble at the casino; or
  - (ii) the revenue of the casino derived from the persons.

**“participant”** means a person who is a member of a group of participants.

**“promoter”** see definition “junket agreement”.

**“sole participant agreement”** means a junket agreement under which the

promoter is the only participant.

### **Groups of participants**

**85B.** A group of participants may consist of 1 person.

### **Promoter and participant**

**85C.** A promoter and a participant may be the one person.

### **Special junket agreements**

**85D.(1)** A junket agreement (being a junket agreement that is a sole participant agreement) is a special junket agreement only if—

- (a) the participant is a nonresident of Queensland; and
- (b) the amount agreed to be committed under the agreement by the participant for gaming at the casino is at least the amount prescribed under a regulation for this paragraph.

**(2)** A junket agreement (being a junket agreement that is not a sole participant agreement) is a special junket agreement only if—

- (a) each participant in the group of participants—
  - (i) is a nonresident of Queensland; or
  - (ii) is a person to whom a declaration under subsection (3) applies; and
- (b) the amount agreed to be committed under the agreement by the participants in the group for gaming at the casino is at least the amount prescribed under a regulation for this paragraph.

**(3)** The chief executive may, in relation to a junket agreement that is not a sole participant agreement, declare that a participant in the group of participants is a person whose place of residence is not relevant for the agreement.

**(4)** However, the chief executive may make the declaration only if—

- (a) each other participant in the group is a nonresident of Queensland; and

- (b) it is reasonable to make the declaration, having regard to the nature of the participant's association with the other participants.

## **PART 9—DIRECTIONS, POWERS ETC. WITH RESPECT TO CASINOS**

### **Directions as to operation of casino**

**86.(1)** The Minister may, by notice in writing, give directions to a casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement in relation to the management, supervision or control of any aspect of the operation of a casino.

(2) Each casino licensee, lessee or casino operator as aforesaid shall comply in all respects with a direction so given by the Minister.

Maximum penalty—100 penalty units.

(3) If a person, convicted of an offence for failure to comply with a direction under subsection (2), persists in the failure to comply that constitutes the offence, the person shall be taken to commit a separate offence on each day on which the failure continues and the person may be prosecuted and are liable to a penalty of 10 penalty units for each offence.

### **Inspectors may be and remain on casino premises**

**87.** Inspectors may at any time enter, be and remain on the premises of a casino for the purpose of—

- (a) viewing the operations of gaming and other activities associated with the operation of the casino; and
- (b) viewing a video recording of operations or activities mentioned in paragraph (a); and
- (c) ascertaining whether the operation of the casino is being properly supervised and managed, and whether the provisions of this Act and the terms and conditions of the applicable agreement referred to in section 19 are being observed; and

- (d) in all other respects, exercising their powers and performing their duties under this Act.

### **Other powers of inspectors**

**88.(1)** An inspector may—

- (a) require any person who has in the person's possession or under the person's control any gaming equipment or chips or any books, accounts, records or documents (which books, accounts, records or documents are hereafter in this part referred to as records) related to the operation of a casino or otherwise relevant to the administration of this Act to—
  - (i) produce for the inspector's inspection any such gaming equipment or chips or records;
  - (ii) attend before the inspector at a time and place named and then and there to answer any questions or supply any information with respect to any gaming equipment or chips or any records referred to in this paragraph or any entry therein;
- (b) inspect any gaming equipment or chips or records referred to in paragraph (a) and take such notes or copies of or in relation to such records or extracts therefrom as the inspector deems necessary;
- (c) where the inspector deems it necessary so to do for the purpose of obtaining evidence for production in possible subsequent proceedings against any person for an offence committed against this Act or any other Act or law—impound or retain any gaming equipment or chips or records inspected by the inspector pursuant to paragraph (b), provided that the person entitled thereto in the case of records shall, in lieu thereof, be entitled within a reasonable time to a copy certified as correct by the inspector, and such certified copy shall be received in all courts as evidence of and as of equal validity to the original;
- (d) with the prior approval in writing of the Minister and subject to subsection (3), enter any premises or place in or at which the inspector believes on reasonable grounds any gaming equipment

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or chips or records as aforesaid is or are present in order to search for such equipment, chips or records;

- (e) in a casino or other premises or place search for and seize and retain any gaming equipment or chips or records as aforesaid that the inspector considers will afford evidence as to the commission of an offence against this Act or any other Act or law suspected by the inspector on reasonable grounds to have been committed;
- (f) require any casino licensee, lessee under a casino lease, casino operator under a casino management agreement, casino key employee, casino employee or any other person associated with the operation or management of a casino to attend before the inspector at a time and place named and then and there to answer any questions or supply any information with respect to the operation of a casino;
- (g) examine and test any gaming equipment or chips and order the destruction of gaming equipment or chips considered by the inspector to be unsatisfactory for use;
- (h) receive and investigate complaints from casino patrons with respect to any aspect of the operation of a casino and advise such patrons the results of the investigations;
- (i) call to the inspector's aid—
  - (i) another inspector or a police officer where the inspector is obstructed or believes on reasonable grounds that the inspector will be obstructed in the exercise of powers or performance of duties;
  - (ii) a person who the inspector thinks is competent to assist the inspector in the exercise of powers or performance of duties.

(2) Any gaming equipment or chips or records impounded or retained pursuant to subsection (1)(c) or seized and retained pursuant to subsection (1)(e) may be detained for such period as the inspector thinks fit and, where any proceedings are commenced for the purpose of which the equipment, chips or records was or were retained, shall be detained until the final determination of those proceedings including any appeal in the matter of those proceedings.

(3) Before an inspector enters any premises that are used or any part of

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premises that is used exclusively as a dwelling house, the inspector shall, save where the inspector has the permission of the occupier thereof to the inspector's entry, obtain from a justice a warrant to enter in the approved form.

**(3A)** For the purposes of this subsection, premises used as a dwelling house do not include the curtilage of those premises.

**(3B)** A justice who is satisfied upon the complaint of an inspector that there is reasonable cause to suspect that any gaming equipment or chips or records related to the operation of a casino or otherwise relevant to the administration of this Act is or are on premises or a part of premises used exclusively as a dwelling house and that—

- (a) in respect thereof an offence against this Act or any other Act or law has been, is being or is likely to be committed; or
- (b) it or they are likely to be or provide evidence for production in possible subsequent proceedings against any person for an offence committed against this Act or any other Act or law;

may issue a warrant, directed to the inspector, to enter the premises or part of premises specified in the warrant for the purpose of exercising therein the powers conferred upon an inspector under this Act.

**(3C)** For 1 month from the date of its issue, a warrant shall be sufficient authority for the inspector and any person acting in aid of the inspector—

- (a) to enter the premises or part of premises specified in the warrant; and
- (b) to exercise therein the powers conferred upon an inspector under this Act.

**(4)** For the purpose of gaining entry to any place that the inspector is authorised under this Act to enter, an inspector and all persons acting in aid of the inspector may use such force as is necessary.

**(5)** A person who is acting in aid of an inspector under this Act shall have and may exercise all or any of the powers conferred upon an inspector under this Act.

**(6)** Any requirement under this section may be made—

- (a) verbally; or

- (b) by writing addressed to the person to or on whom it is made and delivered to the person personally or sent by post to the person's address last known to the inspector.

### **Privilege against self incrimination**

**88A.** An individual is not required under this Act to answer a question, or give information, that might tend to incriminate the individual.

### **Offences relating to inspectors**

**89.** A person shall not—

- (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector or person acting in aid of an inspector who is exercising powers or performing functions or duties under this Act or attempting so to do;
- (b) when required under this Act to produce for inspection any gaming equipment, chips or records referred to in this part, fail without lawful excuse to produce such gaming equipment, chips or records in accordance with such requirement;
- (c) when required under this Act to attend before an inspector, fail without lawful excuse to so attend in accordance with such requirement;
- (d) when required under this Act to answer any question or supply any information with respect to any gaming equipment, chips or records referred to in this part or with respect to any entry in any such records or with respect to the operation of a casino, give an answer or supply information that is false or misleading or, knowing or being in a position to know the answer or information required, fail to answer that question or supply that information;
- (e) retake any gaming equipment, chips or records seized, impounded or retained under the authority of this Act;
- (f) refuse or fail to destroy any gaming equipment or chips considered by an inspector to be unsatisfactory for use when ordered by the inspector so to do;

- (g) prevent, directly or indirectly, a person from attending before an inspector, producing to an inspector any gaming equipment, chips or records or answering any question of or supplying any information to an inspector when that person is required so to do under this Act.

Maximum penalty—40 penalty units.

### **Bank may be required to furnish particulars**

**90.(1)** The manager or other principal officer of a bank in which a casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement keeps and maintains an account in relation to the operation of a hotel-casino complex or a casino shall, when so required in writing by an inspector, furnish to the inspector a statement of account and any other particulars required by the inspector to be so furnished, including copies of cheques or records relevant to the account; and no liability shall be incurred by the bank or the manager or other principal officer thereof in respect of any breach of trust or otherwise by reason only of the furnishing of any statement or particulars or copies pursuant to this section.

**(2)** An inspector may only make a written requirement under subsection (1) if the chief executive approved the inspector making the requirement.

### **Inquiry into operation of casinos**

**91.(1)** The Minister may if the Minister thinks fit nominate and appoint in writing the chief executive or other officer of the department to hold an inquiry into the operation of a casino.

**(2)** In the holding of the inquiry the chief executive or appointed officer shall have and may exercise all the powers, authorities, rights, privileges, protection and jurisdiction of a commission of inquiry under the *Commissions of Inquiry Act 1950*, save such as are by that Act reserved to a chairperson of a commission when that chairperson is a Judge of the Supreme Court.

**(3)** Nothing contained in this section affects any other powers that the chief executive has under this Act or, where the appointed officer is an inspector, that the appointed officer has as an inspector under this Act.

## **PART 10—GENERAL**

### **Entry to and exclusion of entry from casino**

**92.(1)** Save as is provided in this part, no person has a right against a casino operator to enter or remain in a casino, except by the licence of the casino operator.

**(2)** A casino operator or casino manager may give a written direction to a person prohibiting the person from entering or remaining in the casino.

**(3)** A direction may be given to a person only if the casino operator or manager believes on reasonable grounds—

- (a) the person has engaged in dishonest acts in relation to gaming; or
- (b) the person has acted in a way affecting, or potentially affecting—
  - (i) the proper conduct or integrity of gaming; or
  - (ii) the safety or wellbeing of persons in the casino; or
- (c) the person has engaged in unlawful conduct and, because of the conduct, the person's presence in the casino would not be in the interests of the casino operator or persons in the casino.

**(4)** If a casino operator operates more than 1 casino, a direction may relate to a stated casino, or all casinos, operated by the operator.

**(5)** In this section—

“**casino manager**”, for a casino, means—

- (a) a person designated as a shift manager for the casino by the casino operator; or
- (b) another person who—
  - (i) occupies a position equivalent, similar or more senior to the position of a person mentioned in paragraph (a); and
  - (ii) is concerned with, or takes part in, managing the operations of the casino.

**Appeal to Minister**

**93.(1)** A person receiving a direction in writing pursuant to section 92 prohibiting the person from entering or remaining in a casino may appeal against the direction to the Minister.

**(2)** The appeal shall be made in writing and shall detail the grounds on which the appeal is made.

**(3)** The Minister may cause such inquiries to be made by the chief executive in relation to the direction as the Minister thinks fit and the results of the inquiries to be reported upon to the Minister.

**(4)** Upon a consideration of the grounds of appeal detailed by the appellant and any matters reported upon to the Minister by the chief executive in relation to the direction, the Minister may—

- (a) reject the appeal; or
- (b) allow the appeal.

**(5)** The decision of the Minister shall—

- (a) be communicated in writing to the appellant and the casino operator;
- (b) be final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.

**(6)** The allowance of the appeal by the Minister revokes the direction without prejudice to the right of the casino operator or person in charge of the operation of the casino at a particular time, acting in good faith, to give a further direction to that person for a reason considered by the Minister to be a sufficient reason.

**(7)** An appeal against a direction does not prejudice the effectiveness of the direction pending the Minister's decision thereon.

**Commissioner of the Police Service may exclude entry**

**94.(1)** The Commissioner of the Police Service may, in writing, direct a casino operator to exclude a specified person from the casino, and the casino operator shall comply.

**(2)** Where the Commissioner of the Police Service gives a direction, the

commissioner shall, where practicable—

- (a) make available to the casino operator a photograph of the person to be excluded; and
- (b) give notice of the direction to the person to be excluded.

### **Copy of direction to chief executive**

**95.** A copy of a direction in writing given under section 92 or 94 shall be given to the chief executive by the casino operator or other person who has given the direction pursuant to section 92 or the Commissioner of the Police Service, as the case may be.

### **Duration of direction**

**96.** A direction given under section 92 or 94 shall, subject to section 93, remain in force unless and until revoked by the casino operator or the Commissioner of the Police Service as the case may be.

### **List of names of excluded persons**

**97.(1)** A casino operator shall maintain a list of the names of persons who are for the time being prohibited from entering or remaining in the casino pursuant to a direction in writing referred to in section 92 or excluded from the casino pursuant to a direction in writing referred to in section 94.

**(2)** The casino operator shall make available to the chief executive or an inspector nominated by the chief executive, either by name or description of office, a copy of the list of names referred to in subsection (1) that is current from time to time for the use by and information of inspectors on duty at the casino.

### **Casino operator may exclude or remove excluded person**

**98.(1)** It is lawful for a casino operator and an employee or agent of a casino operator employed in or acting in connection with the casino and any person acting by the authority of the casino operator, employee or agent to use such force as is reasonably necessary in order to prevent any person who is the subject of a direction under section 92 or 94 from entering the

casino or in order to remove any such person who remains in the casino, provided that the casino operator, employee, agent or person does not do bodily harm to such person.

(2) In subsection (1)—

“**bodily harm**” has the meaning assigned to it in the Criminal Code.

### **Excluded person not to enter or remain in casino**

**99.** A person who is the subject of a direction in writing under section 92 or 94 shall not enter or remain in the casino to which the direction relates.

Maximum penalty—40 penalty units.

### **Excluded person not to be allowed in casino**

**100.** A casino operator or employee or agent of a casino operator employed in or acting in connection with the casino shall not allow or suffer any person who to his or her knowledge is the subject of a direction in writing under section 92 or 94 in respect of that casino to enter or remain in the casino.

Maximum penalty—40 penalty units.

### **Powers of inspectors etc. unaffected**

**101.** Nothing contained in sections 92 to 100 operates to prevent any inspector or any other person from exercising any power conferred on the inspector or other person by this or any other Act or law to enter, or to do any other act in relation to, a casino.

### **Provisions relating to minors in respect of casinos**

**102.(1)** Persons under the age of 18 years shall not be, and shall not be permitted to be, in a casino during the hours of operation of the casino on any day.

(2) A person under the age of 18 years who is found in a casino during the hours of operation of the casino on any day is guilty of an offence.

Maximum penalty—10 penalty units.

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**(2A)** To remove any doubt, it is declared that if a minor gambles in a casino and—

- (a) wins—no amount is payable to the minor or anyone else on the minor's behalf; and
- (b) loses—the wagers remain the property of the casino operator and are not recoverable by the minor or anyone else on the minor's behalf.

**(2B)** If a minor has gambled on a gaming machine and wins a jackpot, the casino operator must promptly notify an inspector about the gaming and, with the inspector's approval, return the amount of the jackpot to the jackpot pool for the machine as soon as is practicable.

**(3)** A casino operator or employee or agent of a casino operator employed in or acting in connection with the casino—

- (a) shall not allow or suffer any person under the age of 18 years to enter or remain in the casino at any time during the hours of operation of the casino on any day;
- (b) shall remove or cause to be removed from the casino any person under the age of 18 years who is found in the casino during the hours of operation of the casino on any day.

Maximum penalty—20 penalty units.

**(4)** If a casino operator or employee or agent of a casino operator employed in or acting in connection with the casino suspects that any person attempting to enter or who is in the casino may be under the age of 18 years, the operator, employee or agent may request that person to furnish the operator, employee or agent with a certificate in the approved form signed by that person, specifying the true age of that person.

**(4A)** A person is guilty of an offence if the person, on being asked to give acceptable evidence of age—

- (a) does not give acceptable evidence and further attempts to enter the casino; or
- (b) does not give acceptable evidence and does not immediately leave the casino voluntarily; or
- (c) gives acceptable evidence of age that is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(5) It is a defence in any proceedings for an offence under subsection (3) to establish—

- (a) that the defendant believed, on reasonable grounds, that the person in question was of or above the age of 18 years; or
- (b) that at the time of the contravention of or failure to comply with subsection (3), the defendant had obtained from the person in question a certificate referred to in subsections (4) and (4A) that indicated that person was of or above the age of 18 years.

(6) In this section—

“**acceptable evidence of age**” means a document that is acceptable evidence of age under the *Liquor Act 1992*.

### **Minors employed by casino operator**

**102A.(1)** Section 102 does not apply to a minor employed by the casino operator for a purpose, and in circumstances, approved by the chief executive.

(2) The chief executive may approve of a minor being in a casino as part of a training or work experience arrangement if the chief executive believes that it is part of the minor’s duties to be in the casino.

*Example—*

If an electrician is employed by a casino operator to repair its gaming equipment, the electrician’s minor apprentice may be approved by the chief executive to be in the casino on conditions, including, for example, only when the apprentice is with the electrician while the electrician or apprentice is repairing a machine.

### **Minors on heritage tour of a hotel-casino complex**

**102B.(1)** Section 102 does not apply to minors taking part in a guided heritage tour of a hotel-casino complex under an arrangement approved by the chief executive.

(2) The chief executive may approve an arrangement for guided heritage tours of a hotel-casino complex only if the tours do not involve areas of the

complex where gaming is taking place when a minor is taking part in the tour.

### **Cheating**

**103.** Any person who in a casino—

- (a) by any fraudulent trick, device, sleight of hand or representation;  
or
- (b) by any fraudulent act, practice or scheme; or
- (c) by the fraudulent use of any machine, equipment or other thing;  
or
- (d) by the fraudulent use of any instrument or article of a type normally used in connection with gaming or appearing to be of a type normally used in connection with gaming;

obtains for himself or herself or another person or induces any person to deliver, give or credit to the person or another person any money, chips, benefit, advantage, valuable consideration or security is guilty of an offence.

*Example of a fraudulent act—*

A person who, knowing chips are not the person's chips, claims them or takes possession of them.

Maximum penalty—200 penalty units or imprisonment for 2 years.

### **Unlawful use of certain equipment etc.**

**104.** Any person who in a casino uses or has in the person's possession—

- (a) any chips that the person knows are bogus or counterfeit chips; or
- (b) any cards, dice or coins that the person knows have been marked, loaded or tampered with; or
- (c) for the purpose of cheating or stealing, any equipment, device or thing that permits or facilitates cheating or stealing;

is guilty of an offence.

Maximum penalty—200 penalty units or imprisonment for 2 years.

**Detention of persons by casino operator etc. in relation to offences under sections 103 and 104**

**105.(1)** Any of them—

- (a) a casino operator;
- (b) an employee or agent of a casino operator;
- (c) an inspector;

may in a casino detain in a suitable place therein any person who is or whom the operator, employee, agent or inspector suspects on reasonable grounds to be contravening or attempting to contravene section 103 or 104, using such force as is reasonably necessary for that purpose, until the arrival of a police officer at the place of detention.

(2) The person so detaining shall take such steps as are necessary to ensure the summoning and arrival of a police officer with as little delay as possible.

**Detention, arrest etc. of persons by police officer in relation to offences under sections 103 and 104**

**106.(1)** Any police officer may in a casino detain in a suitable place therein for a reasonable time any person who has or who is suspected on reasonable grounds to have contravened or attempted to contravene section 103 or 104.

(2) A police officer, in so detaining a person, may—

- (a) search that person and the possessions of that person;
- (b) seize anything found as a result of the search that may afford evidence of the commission of an offence;
- (c) use such force as is reasonably necessary for the purpose of detention and search.

(3) A police officer may arrest without warrant any person who has or whom the police officer suspects on reasonable grounds has committed or attempted to commit an offence against section 103 or 104.

**Offences relating to revenue**

**107.** Any person who wilfully—

- (a) evades the payment of any fee, tax or levy payable by the person under the provisions of this Act;
- (b) furnishes to the chief executive or an inspector any return in respect of any fee, tax or levy payable under the provisions of this Act that is false in any material particular;
- (c) makes any false statement or report to the chief executive or an inspector in respect of any fee, tax or levy payable under the provisions of this Act;

is guilty of an offence.

Maximum penalty—200 penalty units or imprisonment for 2 years.

**Offences relating to unauthorised games**

**108.(1)** A person shall not conduct in a casino any game unless the game is permitted to be conducted in a casino pursuant to section 63.

Maximum penalty—100 penalty units or imprisonment for 1 year.

**(2)** Subsection (1) does not apply if the person is the casino operator for the casino and the game is—

- (a) a machine game; or
- (b) an agency related keno game.

**Offences relating to cheating by casino operator etc.**

**109.** Any casino operator or employee or agent of a casino operator who in a casino conducts any game in such a manner as to win or attempt to win from any person to himself, herself or any other person any money, chips or other valuable thing by any fraud, unlawful device or ill-practice is guilty of an offence.

Maximum penalty—200 penalty units or imprisonment for 2 years.

**Forgery and like offences**

**110.** A person who—

- (a) forges or counterfeits any chip purchase voucher, licence, identification card or other form of identification authorised to be issued under this Act; or
- (b) knowingly utters any such chip purchase voucher, licence, identification card or other form of identification so forged or counterfeited; or
- (c) personates any person named in any such licence, identification card or other form of identification; or
- (d) falsely represents himself or herself to be an inspector, or an officer of the department involved with the administration of this Act; or
- (e) connives at any such forging, counterfeiting, uttering, personating or representing as aforesaid; or
- (f) knowingly makes a false statement in any application made under this Act;

is guilty of an offence.

Maximum penalty—100 penalty units or imprisonment for 1 year.

**Bribery of officers**

**111.(1)** An officer of the department who corruptly asks for, receives or obtains or agrees to receive or obtain any money, property or benefit of any kind for the officer or any other person—

- (a) to forego or neglect the officer's duty or influence the officer in the performance of the officer's duty under this Act; or
- (b) on account of anything already done or omitted to be done or to be afterwards done or omitted to be done by the officer in the discharge of the officer's duty under this Act; or
- (c) to use or take advantage of the officer's office improperly to gain a benefit or advantage for or facilitate the commission of an offence under this Act by another person;

is guilty of an offence.

Maximum penalty—200 penalty units or imprisonment for 2 years.

(2) Any person who corruptly gives, confers or procures or promises or offers to give or confer or procure or to attempt to procure to, on or for an officer of the department involved with the administration of this Act or any other person any money, property or benefit of any kind—

- (a) for the officer to forego or neglect the officer's duty or to influence the officer in the performance of the officer's duty under this Act; or
- (b) on account of anything already done or omitted to be done by the officer in the discharge of the officer's duty under this Act; or
- (c) for the officer to use or take advantage of the officer's office improperly to gain a benefit or advantage for or facilitate the commission of an offence under this Act by such first mentioned person or any other person;

is guilty of an offence.

Maximum penalty—200 penalty units or imprisonment for 2 years.

### **Certain officers of the department not to gamble etc.**

**112.(1)** If the chief executive of the department directs, an officer of the department (the “**directed officer**”) must not gamble in a casino except to the extent necessary for the officer to perform the officer's duties as an officer of the department.

Maximum penalty—40 penalty units.

(1A) A directed officer must not—

- (a) accept or solicit employment from a licensee under this Act; or
- (b) be an employee, in any capacity, of a licensee under this Act; or
- (c) knowingly have, directly or indirectly, a business or financial association with, or a business or financial interest in something together with, a licensee under this Act.

Maximum penalty—40 penalty units.

(1B) A person who was a directed officer must not, for 1 year after the

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person ceases to be a directed officer, without the chief executive's approval—

- (a) accept or solicit employment from a licensee under this Act; or
- (b) be an employee, in any capacity, of a licensee under this Act; or
- (c) knowingly have, directly or indirectly, a business or financial association with, or a business or financial interest in something together with, a licensee under this Act.

Maximum penalty—40 penalty units.

(2) A licensee under this Act—

- (a) shall not employ in any capacity or have as an employee a person who is a directed officer;
- (b) shall not, without the approval of the chief executive, employ in any capacity or have as an employee or business or financial associate a person who was a directed officer within a period of 1 year after that person ceased to be a directed officer.

Maximum penalty—40 penalty units.

(3) A directed officer who knowingly has, directly or indirectly—

- (a) any business or financial association with; or
- (b) any business or financial interest in any matter in conjunction with;

a person who becomes an applicant for a licence under this Act shall, immediately upon becoming aware that such person has become an applicant—

- (c) notify the chief executive of such association or interest; and
- (d) if directed by the chief executive, terminate the association or relinquish the interest within a time specified by the chief executive.

Maximum penalty—40 penalty units.

(4) In this section—

**“licensee under this Act”** includes a lessee under a casino lease and a casino operator under a casino management agreement.

**Entry to casino by police officers**

**113.(1)** Any police officer may, in the discharge of the police officer's duty, enter any area of a casino to which, subject to section 92, the public has access.

(2) Any such area is a public place for the purpose of the exercise by a police officer of powers and the discharge by the police officer of duties exercisable or, as the case may be, to be discharged by the police officer in a public place under any Act or law.

(3) A police officer may, on being authorised so to do by an inspector on duty at a casino, enter any other area of the casino in the discharge of the police officer's duty, provided that this provision does not limit or prejudice the exercise by a police officer of any other power the police officer has pursuant to law to enter a casino or any part of it.

(4) When an inspector gives an authorisation to a police officer in accordance with subsection (3), the police officer shall, where practicable, give notice of the authorisation to the person who is for the time being in charge of the operation of the casino.

**Power to require name and address**

**114.(1)** Any police officer, in connection with the exercise by the police officer of any powers or the discharge by the police officer of any duties under this Act in relation to any person, may require that person to state the person's name, address and date of birth or any of those particulars, and, where the police officer suspects on reasonable grounds that any of the particulars stated is false, may require evidence of the correctness thereof.

(2) A person required under this section to state the person's name, address and date of birth or any of those particulars who—

- (a) refuses or fails to state forthwith any such particulars; or
- (b) states any false particulars;

is guilty of an offence.

Maximum penalty—20 penalty units.

(3) A person required under this section to produce evidence of the correctness of any particulars who—

- (a) refuses or fails to produce that evidence; or
- (b) produces false evidence with respect to those particulars;

is guilty of an offence.

Maximum penalty—20 penalty units.

(4) A police officer may arrest without warrant any person who, when required under this section to state the person's name, address and date of birth or any of those particulars or to produce evidence of correctness of any such particulars, refuses or fails to do so or states a name, address or date of birth or produces evidence that in the opinion of the police officer is false.

### **Fingerprints and the like**

**115.(1)** Where a person has been arrested for an offence or an attempt to commit an offence against section 103 or 104, a police officer at the police establishment to which the person is taken after arrest or where the person is in custody may take all such particulars as the police officer considers necessary for the identification of that person, including the person's voice print, photograph, fingerprints, palm prints, footprints, toe prints and handwriting, and in taking those particulars may use such force as is reasonably necessary for the purpose.

(2) A court that convicts a person who appears personally before it of an offence or an attempt to commit an offence against section 103 or 104 may in its discretion order that person into the custody of a police officer for the purpose of obtaining any particulars referred to in subsection (1), and that police officer and any police officer acting in aid of the police officer shall take (using force as is reasonably necessary for the purpose) that person to a place where those particulars can adequately be taken and take those particulars.

(3) Where a person is found not guilty of an offence or an attempt to commit an offence against section 103 or 104, any voice print, photograph, fingerprints, palm prints, footprints, toe prints or handwriting previously taken pursuant to this section in relation to the offence in respect of which the person was found not guilty shall be destroyed in the person's presence or in the presence of a person nominated by the person.

**Source of information or reports**

**116.** A prosecutor for the prosecution or a witness on behalf of the prosecution in a proceeding under this Act shall not be compelled—

- (a) to disclose the fact that the prosecutor or witness received information or the nature of such information or the name of a person who gave such information; or
- (b) where the prosecutor or witness is a police officer or an officer of the department—to produce a report or document made or received by the prosecutor or witness in his or her official capacity or containing confidential information or to make a statement in relation thereto.

**Effect of casino licence**

**117.(1)** The operation of a casino pursuant to a casino licence, in accordance with this Act and any other applicable Act and the agreement as referred to in section 19 relating to the particular licence does not, in itself, constitute a public or private nuisance.

(2) Subject to subsection (3), nothing contained in section 18 operates to validate or render enforceable a contract related to gambling that would, apart from that section, be invalid or unenforceable.

(3) A contract to which subsection (2) refers and to which the casino operator is a party is enforceable against the casino operator.

**Protection of officers etc.**

**118.** No liability shall be incurred by any person referred to in section 105 or 106 who, acting pursuant thereto or acting in good faith and purporting to act pursuant thereto, detains any person or exercises any other power thereunder.

**Proceedings for offences**

**120.(1)** Subject to subsections (3), (4) and (5), offences against this Act may be prosecuted in a summary way under the *Justices Act 1886*.

(2) A prosecution for an offence against this Act may be commenced

within 1 year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant, whichever is the period later to expire.

(3) Offences against sections 103, 109, 110 and 111 may be prosecuted in a summary way under the *Justices Act 1886* or upon indictment.

(4) Where proceedings for an offence against section 103, 109, 110 or 111 are taken with a view to summary conviction of the defendant, the court, if it forms the opinion that the matter should not be determined summarily or if the defendant requires that the matter be dealt with upon indictment, shall abstain from determining the matter summarily and shall instead deal with the proceedings as proceedings with a view to the committal of the defendant for trial or sentence, as the case may be, and may exercise in respect of the defendant for the purpose of such proceedings all the powers conferred on it by law as though the proceedings were proceedings with a view to committal in the first instance.

(5) Where the court abstains from determining a matter summarily pursuant to subsection (4), a plea of the defendant, if taken at the outset of the summary proceedings, shall be disregarded and, before committing the defendant for trial or for sentence, it shall address the defendant in accordance with the provisions of the *Justices Act 1886*, section 104.

(6) A conviction upon indictment for an offence against section 103, 109, 110 or 111 shall be and have effect in law as a conviction for an indictable offence.

### **Power to arrest includes power to proceed by complaint and summons**

**121.** In any case where power is given to arrest an offender, the power and authority to proceed against an offender by way of complaint and summons under the *Justices Act 1886* also lies and shall have full force and effect.

### **Attempt to commit offence**

**122.(1)** A person shall not attempt to commit an offence against this Act.

(2) A person convicted of the offence of attempting to commit an offence

against this Act is liable to the same penalty as an offender convicted of the offence itself unless the person proves that the person desisted of the person's own motion from the further prosecution of the person's intention without its fulfilment being prevented by circumstances independent of the person's will, in which case the person is liable to one-half of the penalty to which the person would otherwise be liable.

(3) The Criminal Code, section 4 applies with respect to an attempt to commit an offence against this Act.

(4) A person may be convicted of attempting to commit an offence upon a complaint charging the person with that offence.

### **Liability for offence by body corporate**

**123.(1)** Where a body corporate commits an offence against this Act, each of the following persons shall be deemed to have committed the offence and, notwithstanding the Criminal Code, section 23 or any other rule of law or practice, to be criminally responsible for the act or omission concerned therein and may be charged with the offence and punished accordingly—

- (a) the person who at the time of the commission of the offence was the chairperson of directors, managing director, manager or other governing officer by whatever name called and each member of the governing body by whatever name called of the body corporate;
- (b) every person who at the time of the commission of the offence managed or acted or took part in the management, administration or government of the business in the State of the body corporate.

(2) This section applies so as not to limit or affect in any way the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.

(3) It is a defence to a charge for an offence against this Act brought against a person specified in subsection (1)(a) or (1)(b) to prove that the offence was committed without that person's knowledge or consent or connivance and that the person exercised due diligence to prevent the commission of the offence.

**Forfeiture**

**124.(1)** The court that convicts a person of an offence against this Act may order to be forfeited to the State—

- (a) anything seized under section 106;
- (b) any gaming equipment, chips, books, accounts, records or documents (impounded or retained pursuant to section 88(1)(c) or seized and retained pursuant to section 88(1)(e)) detained pursuant to section 88(2);

relating to or connected with the commission of the offence of which the person has been convicted.

**(2)** Where a person charged before a court for an offence against this Act is not convicted of any offence, the court may order to be forfeited to the State any bogus or counterfeit chips, any marked, loaded or tampered with cards, dice or coins and any device or thing that permits or facilitates cheating or stealing that were found in the possession or under the control of that person.

**(3)** Anything forfeited to the State pursuant to this section shall be dealt with or disposed of in such manner as the Minister directs.

**(4)** A forfeiture, dealing with or disposal of anything under this section does not confer upon any person a right to compensation.

**Service of notices, documents etc.**

**125.(1)** Save where any other provision of this Act otherwise provides, any direction, order, requisition or notice in writing or any other document or writing (“**a document**”) required or authorised by this Act to be given to or served upon any person shall be taken to have been duly given or served if—

- (a) it is served personally on the person to whom it is directed or on a person authorised by that person, either generally or in a particular case, to accept service of documents on the person’s behalf;
- (b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives or serves it;

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- (c) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives or serves it;
- (d) where a manner of service is prescribed by any other Act or law in relation to a person or class of person—it is served in the manner so prescribed.

(2) Where any document is given or served, the person who gives or serves it may attend before a justice and depose on oath and in writing endorsed on a copy of the document to the manner of service thereof showing therein the date of personal service, leaving, posting or service in other manner prescribed as aforesaid, as the case may be, of such document.

(3) Every such deposition shall upon production in court be evidence of the matters contained therein and shall be sufficient proof of the giving or service of such document to or on the person to whom it is directed.

**Evidentiary provisions**

**126.** In proceedings under this Act—

- (a) it shall not be necessary to prove the appointment of the Minister, the Commissioner of the Police Service, any police officer, the chief executive, any inspector or any officer of the department;
- (b) a signature purporting to be that of any person in any capacity referred to in paragraph (a) shall be taken to be the signature it purports to be until the contrary is proved;
- (c) a document or writing purporting to be a copy of any direction, notice, requirement, order or requisition given or made under this Act or of any licence (including any provisional licence) granted or issued under this Act shall be evidence of the direction, notice, requirement, order, requisition or licence of which it purports to be a copy and, in the absence of evidence to the contrary, shall be conclusive such evidence;
- (d) a document or writing purporting to be made by an inspector and to be a copy of or an extract from a list of names of persons referred to in section 97 shall be evidence of the particulars in the list of which it purports to be a copy or extract and, in the absence

of evidence to the contrary, shall be conclusive such evidence;

- (e) a certificate purporting to be signed by the chief executive certifying that at a specified time or during a specified period there was or was not in force under this Act a licence of a specified kind shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate;
- (f) the authority of a person to accept service of documents on behalf of another shall be presumed in the absence of evidence to the contrary;
- (g) the averment that any person is of a specified age or is under or over a specified age shall be sufficient evidence of the fact until the contrary is proved.

## **Regulations**

**127.(1)** The Governor in Council may make regulations under this Act.

**(2)** A regulation may be made for or about the following matters—

- (a) the types of work a casino key employee or casino employee may be licensed to perform and the compilation of lists in relation to the work;
- (b) arrangements and procedures for the taking of finger prints and palm prints of an applicant for a casino key employee licence or a casino employee licence;
- (d) the fees payable for the purposes of this Act;
- (e) the control of advertising by casino licensees, lessees under casino leases and casino operators under casino management agreements;
- (f) the casino tax mentioned in section 51;
- (g) gaming machines and machine games;
- (h) creating offences and prescribing penalties of not more than 10 penalty units for the offences.

## PART 11—TRANSITIONAL AND SAVINGS

### Existing regulations

**128.** A regulation in force under this Act immediately before the commencement of this section continues to have effect, after the commencement, as if it had been made under this Act, as in force immediately after the commencement.

### Overpayments of casino tax

**129.(1)** This section applies if the amount paid by a person as casino tax for a month before the enactment of the *Casino Control Amendment Act 1996* is more than the amount payable, after the commencement of that Act, for the month.

**(2)** The Minister may, in relation to the amount of the difference (the “**overpaid amount**”) between the amounts mentioned in subsection (1), either—

- (a) pay to the person an amount equal to the overpaid amount; or
- (b) for amounts of casino tax payable by the person after the enactment of the *Casino Control Amendment Act 1996*, credit the person with an amount equal to the overpaid amount.

### Extended time for making claims for prizes for certain casino based keno games

**130.(1)** This section applies to a casino based keno game—

- (a) that was conducted at least 5 years before the commencement; and
- (b) for which a claim for payment of a prize for the keno game was not made before the commencement.

**(2)** This section also applies to a casino based keno game—

- (a) that was conducted less than 5 years before the commencement; and
- (b) for which a claim for payment of a prize for the keno game was

not made before the commencement; and

- (c) for which, apart from subsection (3), the claim for payment would be required to be made less than 3 months after the commencement.

(3) Despite section 64AA,<sup>9</sup> a claim for payment of a prize for the casino based keno game may be made within 3 months after the commencement.

(4) This section expires 3 months after it commences.

### **Transitional provision about forms**

**131.(1)** This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

(3) This section expires 6 months after it commences.

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<sup>9</sup> Section 64AA (Claims for prizes for casino based keno games)

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## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 October 1997. Future amendments of the Casino Control Act 1982 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes an roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 32 of 1993	3 June 1994
2	to Act No. 6 of 1995	31 March 1995
2A	to Act No. 58 of 1995	2 August 1996
2B	to Act No. 69 of 1996	18 February 1997

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of Table	Reprint No.
Changed names and titles	1
Changed citations and remade laws	1
Obsolete and redundant provisions	1, 2
Corrected minor errors	1
Renumbered provisions	1

## 6 List of legislation

### **Casino Control Act 1982 No. 78**

date of assent 16 December 1982

ss 1–2 commenced on date of assent

remaining provisions commenced 19 February 1983 (proc pubd gaz 19 February 1983 p 640)

as amended by—

### **Public Accountants Registration (Repeal and Consequential Amendments) Act 1990 No. 85 s 5 sch 2**

date of assent 29 November 1990

commenced 1 January 1991 (see s 2(3))

### **Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 ss 1–3 sch 1**

date of assent 7 December 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1993 (1993 SL No. 163)

**Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 1**

date of assent 3 June 1993  
 commenced on date of assent

**Casino Control Amendment Act 1995 No. 6**

date of assent 29 March 1995  
 commenced on date of assent

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 2**

date of assent 28 November 1995  
 commenced on date of assent

**Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1**

date of assent 28 November 1995  
 commenced on date of assent

**Keno Act 1996 No. 47 ss 1, 244 sch 3**

date of assent 15 November 1996  
 commenced on date of assent

**Casino Control Amendment Act 1996 No. 69**

date of assent 9 December 1996  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 July 1996 (see s 2)

**Lotteries Act 1997 Act No. 34 ss 1–2, 232**

date of assent 18 July 1997  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 August 1997 (1997 SL No. 230)

**Treasury Legislation Amendment Act 1997 Act No. 57 s 1 pt 3**

date of assent 16 October 1997  
 commenced on date of assent

## 7 List of annotations

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 def “approved form” ins 1995 No. 6 s 3(2)  
 def “approved keno game” ins 1997 No. 57 s 6(1)  
 def “audit program” ins 1995 No. 6 s 3(2)  
 def “casino” sub 1995 No. 6 s 3  
 def “casino based keno game” ins 1997 No. 57 s 6(1)  
 def “Casino Control Division” om 1995 No. 6 s 3(1)  
 def “casino gross revenue” amd 1996 No. 69 s 4(2); 1997 No. 57 s 6(2)  
 def “casino key employee” amd 1995 No. 6 s 3 sch

def “**chief executive**” ins 1993 No. 32 s 3 sch 1  
 def “**chips**” amd 1995 No. 6 s 3 sch  
 def “**criminal history**” ins 1995 No. 6 s 3(2)  
 def “**directed officer**” ins 1995 No. 6 s 3(2)  
 def “**Division**” om 1995 No. 6 s 3(1)  
 def “**financial year**” amd 1995 No. 6 s 3 sch  
 def “**game**” sub 1992 No. 68 s 3 sch 1; 1995 No. 6 s 3  
 def “**Gaming Act**” ins 1996 No. 47 s 244 sch 3  
 sub 1997 No. 34 s 232(2)  
 def “**gaming machine**” ins 1992 No. 68 s 3 sch 1  
 def “**gaming machine credit**” ins 1992 No. 68 s 3 sch 1  
 def “**inspector**” sub 1995 No. 6 s 3  
 def “**machine game**” ins 1992 No. 68 s 3 sch 1  
 amd 1995 No. 6 s 3 sch  
 def “**member of the police force**” om R1 (see RA s 39)  
 def “**officer**” ins 1995 No. 6 s 3(2)  
 def “**premium junket gaming**” ins 1996 No. 69 s 4(1)  
 def “**premium junket revenue**” ins 1996 No. 69 s 4(1)  
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 def “**supervising inspector**” ins 1995 No. 6 s 3(2)  
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s 102B        ins 1995 No. 6 s 16

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**s 112** amd 1993 No. 32 s 3 sch 1; amd 1995 No. 6 s 18(2)

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amd 1995 No. 6 s 3 sch; 1995 No. 58 s 4 sch 1

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exp 29 September 1995 (see s 129(2))

pres s 129 ins 1996 No. 69 s 10

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**s 130** prev s 130 ins 1995 No. 6 s 19

exp 29 September 1995 (see s 130(3))

pres s 130 ins 1997 No. 57 s 23

exp 16 January 1998 (see s 130(4))

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- s 131**      prev s 131 ins 1995 No. 6 s 19  
              exp 29 March 1996 (see s 131(4))  
              AIA s 20A applies (see s 131(3))  
              pres s 131 ins 1997 No. 57 s 23  
              exp 16 April 1998 (see s 131(3))

**Prescribed forms to continue as approved forms**

- s 132**      ins 1995 No. 6 s 19  
              exp 29 September 1995 (see s 132(2))

**References in statutory instruments to director**

- s 133**      ins 1995 No. 6 s 19  
              exp 29 March 1996 (see s 133(2))

**Certain officers taken to be directed officers**

- s 134**      ins 1995 No. 6 s 19  
              exp 29 March 1996 (see s 134(2))