

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 78 of 1982

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

[ASSENTED TO 16TH DECEMBER, 1982]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

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

2. **Commencement.** (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

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

3. **Arrangement of Act.** This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—ADMINISTRATION;

PART III—CASINO LICENCES;

PART IV—LICENSING OF EMPLOYEES OF CASINOS;

PART V—FEES, TAXES AND LEVIES;

PART VI—CASINO OPERATION;

PART VII—INTERNAL CONTROLS, ADMINISTRATIVE AND ACCOUNTING PROCEDURES AND AUDIT REQUIREMENTS;

PART VIII—AGREEMENTS AND OTHER DOCUMENTS IN CONNEXION WITH CASINO OPERATION;

PART IX—DIRECTIONS, POWERS, ETC., WITH RESPECT TO CASINOS;

PART X—GENERAL.

4. **Interpretation.** (1) In this Act, unless the contrary intention appears—

“casino” means those areas of a hotel-casino complex identified in a casino licence as the areas constituting the casino in a particular case. Without limiting the generality or scope of the foregoing, the term includes where so identified not only 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 Control Division” or “Division” means the section of the Treasury Department referred to in section 10;

“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. The term 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, less the total of all sums paid out as winnings during that month in respect of gaming.

For the purposes of this definition, any sum received for the issue of a chip for gaming is a sum received from the conduct of gaming:

“casino key employee” means—

- (a) any person employed or working in a casino in a managerial capacity or who is empowered to make decisions, involving the exercise of his discretion, that regulate the operation of a casino;
- (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 his 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 he 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 authorizing the conduct and playing in a casino of such games as may in the particular case be authorized by the Minister;

“casino licensee” means the holder for the time being of a casino licence. The term 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—

- (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.

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

- (i) 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;
- (ii) 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;
- (iii) 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 Director;

“ the Deputy Director ” means the Deputy Director, Casino Control Division, Treasury Department;

“ the Director ” means the Director, Casino Control Division, Treasury Department;

“ financial year ” means the period of 12 months ending on 30 June in any year or, where the Director 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. The term includes, where the Director 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 any game notified in the Gazette, together with an account of the rules for the playing thereof, by the Minister as a game that may be conducted or played in a casino pursuant to a casino licence;

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

“ 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 connexion with gaming;

“ 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) an inspector appointed under section 6;
 - (b) an officer who is or is appointed to be an inspector under section 6;
 - (c) a person who is appointed as an inspector (whether by use of that term or by use of another name containing that term) under section 7;
 - (d) any person who is, *ex officio*, an inspector under this Act;
- “member of the police force” means member of the police force of the State;
- “the Minister” means the Treasurer or other Minister of the Crown for the time being charged with the administration of this Act. The term includes any Minister of the Crown who is temporarily performing the duties of the Minister;
- “person” includes any body corporate, association, firm, business or partnership as well as a natural person;
- “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 three consecutive months commencing on the first day of January, April, July or October in any year.

(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 connexion with or related or incidental to gaming and its operation and conduct in respect of a casino.

PART II—ADMINISTRATION

5. Administration of Act. The Minister is charged with the administration of this Act.

6. Officers. (1) The Governor in Council may appoint a Director, Casino Control Division, Treasury Department, a Deputy Director, Casino Control Division, Treasury Department and such inspectors and other officers as he deems necessary for the effectual administration of this Act.

(2) Such officers shall be appointed and hold office under the *Public Service Act 1922–1978*.

(3) The Director and Deputy Director are, *ex officio*, inspectors for the purposes of this Act.

(4) Any appointment under the *Public Service Act 1922-1978* of a Director, Casino Control Division, Treasury Department, a Deputy Director, Casino Control Division, Treasury Department or an inspector or other officer for the purpose of or in connexion with the administration of matters relating to the regulation and control of the operation of casinos in the State that is current immediately before the commencement of this Act shall, on such commencement, be taken to be an appointment under the said *Public Service Act* made for the effectual administration of this Act.

(5) The Governor in Council may appoint an officer of the Public Service to be an inspector for the purposes of this Act, and an officer so appointed may hold his appointment as an inspector in conjunction with any other office he holds in the Public Service.

7. Appointment of other persons. (1) In addition to the appointment of officers under section 6, the Governor in Council, on the recommendation of the Minister, may appoint other persons, not being appointments under the *Public Service Act 1922-1978*, for the effectual administration of this Act.

(2) Subject to this Act, such persons may be appointed to such positions and to perform such functions and duties as the Governor in Council from time to time determines.

(3) Persons appointed under this section shall be appointed on such terms and conditions as to remuneration and otherwise, subject to subsection (4) and to any applicable industrial award or industrial agreement, as the Governor in Council, on the recommendation of the Minister, thinks fit.

(4) An appointment under this section shall be for a period not exceeding 5 years, provided, however, that the person in question may be appointed for a second or subsequent period not exceeding 5 years in each case.

8. Assistance within Treasury Department. The Under Treasurer, Treasury Department, shall make available clerical and other staff assistance (persons made available by him being additional to appointees under sections 6 and 7) if from time to time it becomes necessary to do so for the effectual administration of this Act.

9. Good repute of persons appointed as inspectors. The Governor in Council shall, before appointing an inspector for the purposes of this Act, whether under the *Public Service Act 1922-1978* or under this Act, satisfy himself from due inquiry caused to be made in that regard that the person to be appointed is of good repute, having regard to character, honesty and integrity.

10. Casino Control Division. (1) The section of the Treasury Department established in connexion with the administration of this Act shall be referred to as the Casino Control Division.

(2) Appointees under sections 6 and 7 and persons made available pursuant to section 8 whilst rendering assistance for the purposes of this Act shall be officers of the Casino Control Division.

11. Director to organize work of Division. The Director shall be the senior administrative officer of the Division and, subject to the Under Treasurer, shall organize the work of the Division in a manner that will ensure its efficient and effective operation.

12. Deputy Director may act during absence, etc., of Director. In the event of the illness or absence of the Director or in the event of a vacancy occurring in the office of the Director and until a new Director is appointed, it is competent for the Deputy Director to exercise the powers and functions and perform the duties of the Director, and any such exercise or performance by the Deputy Director in a circumstance as aforesaid has the same force and effect as has such an exercise or performance by the Director and shall be taken to be an exercise or performance by the Director.

13. Illness or absence of Director and Deputy Director. In the event of the illness or absence of both the Director and the Deputy Director, the exercise of the powers and functions of the Director or the performance of his duties by the person who for the time being occupies or performs the duties of the office of Director has the same force and effect as has such an exercise or performance by the Director and shall be taken to be an exercise or performance by the Director.

14. Power of delegation. (1) The Director with the prior approval of the Minister may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his hand, delegate—

- (a) to a particular person; or
- (b) to the holder of an office specifying the office but without naming the holder

all or any of his powers or functions under this Act (other than this power of delegation).

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) A delegation may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers or functions delegated or as to time, place or circumstances as may be specified in the instrument of delegation.

(4) Subject to prior approval as referred to in subsection (1), the Director may make such and so many delegations under this section and to such number of delegates as he considers necessary or desirable.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done or suffered by the Director.

(6) A delegation under this section does not prevent or prejudice the exercise or performance of a power or function by the Director.

(7) A delegation under this section is revocable at the will of the Director and shall be revoked by him if the Minister so directs.

15. Police assistance. (1) Such arrangements may be made as are agreed upon between the Minister and the Minister for the time being in charge of Police or as are determined by the Governor in Council with respect to—

- (a) the rendering of assistance by members of the police force;
- (b) the supply of information contained in the records of the Police Department;
- (c) the making available of other resources and facilities of the Police Department

to the Director and other officers of the Division for the purposes of the effectual administration of this Act.

(2) The Commissioner of Police shall ensure that effect is given to any such arrangements so agreed upon or determined.

16. Secrecy. (1) Officers of the Division shall be bound to secrecy by affidavit or solemn declaration in the prescribed form.

(2) An officer of the Division so bound to secrecy shall preserve and assist in preserving secrecy with regard to all matters that come to his knowledge in his official capacity in connexion with the administration of this Act and shall not communicate any such matter to any person save in the exercise of his powers or performance of his duties under this Act.

(3) An officer of the Division who in contravention of his affidavit or declaration of secrecy and without lawful excuse reveals or communicates any matter in respect of which he is bound to secrecy is guilty of an offence.

Penalty: \$2 500 or imprisonment for one year or both.

(4) Notwithstanding the provisions of this section, an officer of the Division may, if authorized by the Minister to do so, reveal or communicate any matter coming to his knowledge as aforesaid to any Department of the State, body, holder of an office or person specified by the Minister; and the Minister may so authorize an officer and specify a Department, body, holder of an office or person as aforesaid in any case where he deems it to be necessary or desirable to do so.

17. Identification of inspectors, etc. (1) Every inspector shall be furnished with an identification card, signed by the Director, identifying him as an inspector.

(2) The Director may cause any other officer of the Division to be furnished with an identification card, signed by the Director and identifying the officer, in any case where, having regard to the nature of the powers, functions or duties of the officer in question, it is appropriate for him to have such means of identification.

(3) An identification card shall be in the prescribed form and shall contain the photograph and signature of the inspector or other officer concerned and any other prescribed particulars.

(4) The identification card of an inspector or other officer shall be sufficient evidence of his identity as such inspector or other officer in connexion with the exercise and performance by him of his powers, functions and duties under this Act and shall be produced by him on demand to any person who is the subject of or affected by the exercise and performance of such powers, functions and duties.

PART III—CASINO LICENCES

18. **Grant of casino licences.** 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.

19. **Agreement to precede grant of casino licence.** (1) The Governor in Council shall grant a casino licence pursuant to his power to do so under section 18 (a) where—

- (a) there has first been entered into with his 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.

20. Suitability of casino licensee and other persons. (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;
- (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 one 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 one 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 his respective capacity;
- (h) such other matters with respect to which the Governor in Council determines he 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.

21. Hotel-casino complex owner as licensee. (1) The person to whom a casino licence is granted shall be the owner of the hotel-casino complex in question.

(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 as aforesaid.

22. Casino licence. (1) A casino licence shall be issued by the Minister under his hand and shall be in the prescribed form.

(2) The licence shall specify—

- (a) the date of its issue;
- (b) the name of the casino licensee;
- (c) the real property or other accurate description and the address of the site of the hotel-casino complex;
- (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.

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

24. Lease of hotel-casino complex or of casino. (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 shall be made by the casino licensee to the Minister in the prescribed form and shall be accompanied by a draft of the proposed lease, full details of the proposed lessee and such other particulars as may be prescribed.

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

25. Casino management agreement. (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 such agreement shall be made by the casino licensee or the lessee under the casino lease to the Minister in the prescribed form and shall be accompanied by a draft of the proposed agreement, full details of the other party to the proposed agreement and such other particulars as may be prescribed.

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

26. Suitability of lessee under a casino lease, casino operator under a casino management agreement and other persons. (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.

27. Minister to make recommendation. 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.

28. Determination by Governor in Council concerning approval.

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

- (a) approve the application;
- (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.

29. Variation of casino lease or casino management agreement.

(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 he thinks fit, may—

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

and the provisions of subsections (2) and (3) of section 28 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.

30. Investigations concerning continued suitability of casino licensee, etc. (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).

31. Cancellation or suspension of casino licences and letters of censure. (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;
- (b) 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) 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 him;

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- (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 his 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 section 26 applicable to him;
 - (e) refuses or fails to comply with any direction given to him in writing by the Minister pursuant to any provision of this Act and with which it is his duty to comply, and which refusal or failure to comply, in the opinion of the Minister, jeopardizes the integrity of the operation of the casino or adversely affects the interest of the public;
 - (f) where required under this Act to supply information to the Minister, the Director or an inspector, supplies information to him that is, to his knowledge, false or erroneous;
 - (g) fails to discharge his financial commitments, becomes bankrupt or compounds with his 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 of the Commonwealth.

(2) Where a ground for cancellation or suspension pursuant to subsection (1) arises and the Minister is of the opinion that the act or 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 jeopardized or the interest of the public is adversely affected, he 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 him 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 his 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) Save where a form of notice to show cause is prescribed by regulations under this Act, the notice shall be in such form and contain such matters as the Minister thinks fit, subject to the provisions of this section.

(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 he 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 his opinion satisfactory answers are given or submissions made in reply to or in respect of the notice or notices, he shall take no further action in relation thereto;
- (b) if in his 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 the casino lease or casino management agreement is not warranted, he 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 him in respect of any matter connected with or giving rise to the notice to show cause;
- (c) if in his 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, he 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 he 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 licence 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 jeopardized or the interest of the public is adversely affected, he 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 him 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, he shall submit therewith such notices to show cause and answers thereto, any submissions made in connexion therewith and such other papers in his possession as are relevant to the recommendation.

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

- (a) take no action with respect to the casino licence or casino lease or casino management agreement if he 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 him 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 his behalf to each of them the casino licensee, the lessee and the casino operator or to any of them any direction that he 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 he 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 Casino Control Division in relation to 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 or the casino;
- (b) conduct or cause to be conducted casino operations in accordance with this Act.

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 he considers in his 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 he 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;
- (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 him.

(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 Director 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.

32. Mortgage and assignment of casino licence, etc. (1) A casino licensee shall not mortgage, charge or otherwise encumber—

- (a) the casino licence;
- (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 (which person is hereafter in this section referred to as "the mortgagee").

(2) Where the mortgagee wishes to enforce his security under the mortgage, charge or other encumbrance pursuant to his 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).

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 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 paragraphs (a) to (g) of section 20 (1), 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 he should be satisfied in the particular case.

A reference in this subsection 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.

33. Surrender of casino licence. (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 he shall not accept the surrender unless he is satisfied that there are circumstances existing in which the continued operation of the casino is not in the best interests of the casino licensee or of the public.

PART IV—LICENSING OF EMPLOYEES OF CASINOS

34. Unlicensed persons not to be casino key employees or casino employees. (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 he is the holder of a casino key employee licence and in the case of a casino employee he is the holder of a casino employee licence;

(b) he is of or above the age of 18 years; and

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

(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;

(b) who is under the age of 18 years; or

(c) unless he 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.

(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.

Penalty under this section: \$5 000 in the case of a body corporate and \$2 500 or imprisonment for one year or both in the case of a natural person.

35. Application for licence. (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 prescribed form;

(b) be accompanied by the prescribed fee in respect thereof;

(c) specify the type of licence applied for;

- (d) specify from the prescribed list the type of work proposed to be performed by him as a licensee;
- (e) contain or be accompanied by the prescribed information and particulars with respect to the applicant;
- (f) be accompanied by such other records, reports, documents and writings relating to the applicant as may be prescribed;
- (g) be forwarded to or lodged with the Director;
- (h) be accompanied by a letter from a casino operator addressed to the Director stating that he 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 his being granted a licence as applied for;
- (i) be accompanied by a certificate in the prescribed 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):

Provided that 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 Director 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 Director.

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

36. Requirement to apply for casino key employee licence in certain cases. (1) Where the Minister is of the opinion 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 his 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 to render it desirable in the public interest that he be licensed as a casino key employee,

he shall, by notice in writing, require that person to apply for a casino key employee licence within 7 days after receipt by him of such notice; and such person shall so apply within the stipulated time accordingly.

Penalty for failure to so apply within the stipulated time: \$5 000 or imprisonment for one year or both.

(2) The Minister shall 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 Minister shall 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 him 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.

(4) Where 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.

Penalty under subsections (3) and (4): \$10 000 in the case of a body corporate and \$5 000 or imprisonment for one year or both in the case of a natural person.

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

37. Consideration of application. (1) Upon receipt of an application and compliance by the applicant with the provisions of this Part in relation thereto, the Director shall—

- (a) cause the photograph, finger prints and palm prints of the applicant to be taken;
- (b) initiate and have followed through such investigatory procedures as he considers necessary in relation to the applicant and his application;
- (c) consider the application and materials and matters accompanying it together with the results of investigations made in connexion therewith and make an assessment of—
 - (i) the integrity, responsibility, personal background and financial stability of the applicant;
 - (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 him as a licensee,

after which he shall make a recommendation to the Minister that the application be granted or that it be refused:

Provided that either of them the Director or the Minister may require the applicant to submit to him such additional information or material as he considers it is necessary for him 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 the proviso to paragraph (i) of section 35 (1) is applicable, the Director shall await the receipt of the supporting certificate within the required time before making a recommendation.

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

(2) The applicant shall be notified in writing in the prescribed form by the Director of the decision of the Minister.

(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 him to be necessary in the public interest.

39. Issue of licence. (1) Where the Minister grants an application for a casino key employee licence or a casino employee licence, the Director shall issue the licence under his hand.

(2) The licence shall be in the prescribed form for the licence in question and shall specify—

- (a) the name of the holder of the licence (and show his photograph thereon);
- (b) the authority given to the holder of the licence by the licence, including the type of work that may be performed by him, and
- (c) any other prescribed particulars.

(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 his 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 Minister, on the matter being referred to him, may approve such amendment of the licence as he thinks fit or the issue of a replacement licence in lieu of the existing one.

(5) The Director, on being satisfied in such manner as he 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 him of the prescribed fee a licence in substitution for the one so destroyed, damaged or lost.

40. Notification of commencement of employment. A casino operator shall notify the Director in the prescribed form of the commencement of employment of a casino key employee or a casino employee within 7 days of such commencement.

41. Display of identification. (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 his person in such a manner as to be visible to other persons in the casino.

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

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

42. Submission of list of licensees. (1) A casino operator shall submit to the Director 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) his name and current address;
- (b) the type of licence held by him;
- (c) the number of the licence;
- (d) any other information prescribed.

43. Duration of licence. 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.

44. Cancellation or suspension of licence. (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 Director or any inspector under this Act.

(3) The Minister may at any time, after considering any recommendation by the Director 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 him.

(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.

45. Letter of censure. (1) The Minister, in lieu of cancelling or suspending a licence under section 44, may, if he 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 him 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 shall become a permanent part of the records of the Casino Control Division in relation to the person censured.

46. Surrender of casino key employee licence or casino employee licence. The holder of a casino key employee licence or a casino employee licence may, by notice in writing to the Minister, surrender his licence.

47. Termination of employment of employee and notification of termination of employment. (1) A casino operator shall notify the Director in the prescribed form—

- (a) that he 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 his employment with him;
- (c) that a casino key employee or a casino employee has otherwise ceased to be his employee

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

(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 Director 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.

(3) The provisions of subsection (2) are sufficient authority for the casino operator to terminate the employment of the employee in question, and he is so authorized 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 him by reason of such termination.

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

- (a) a decision in relation to the licence applied for may not be made for some time;
- (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 him to be necessary in the public interest.

(3) Where the Minister grants a provisional licence, it shall be in the prescribed form and issued by the Director under his hand.

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

- (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;
- (b) it is surrendered by the holder; or
- (c) it is cancelled by the Minister.

(5) The Minister in his 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.

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

PART V—FEES, TAXES AND LEVIES

50. Casino licence fee. (1) A casino licence fee shall be paid to the Director 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.

51. Casino tax. (1) A casino tax shall be paid to the Director 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) The amount of the casino tax shall be the amount represented by a percentage, specified in the agreement as referred to in section 19 pursuant to which the casino licence issues, of the casino gross revenue for the month in question or, in lieu thereof, it may be, according to circumstances stipulated in the agreement, if circumstances are so stipulated, an amount specified in the agreement as being the amount payable in those circumstances:

Provided that the Governor in Council, if he considers circumstances have arisen as a consequence of which the percentage as aforesaid so specified in the agreement should be varied, may by Order in Council determine that the percentage shall be varied by the substitution of a higher or lower percentage (stipulated in the Order in Council) than that so specified and, on and from the first day of the month next following the date of publication of the Order in Council in the Gazette, the percentage stipulated in the Order in Council shall be deemed to be the percentage specified in the agreement in lieu of that so specified or of that stipulated in an earlier Order in Council.

52. Community benefit levy. (1) A casino community benefit levy shall be paid to the Director 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 one per centum of the casino gross revenue for the month in question.

(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.

53. Adjustment of payment of casino tax and casino community benefit levy in certain circumstances. (1) If 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 (hereinafter in this section referred to as "the total receipts") is less than the total of all sums paid out as winnings during that month in respect of gaming (hereinafter in this section referred to as "the total payments"), the amount of the difference between the total payments and the total receipts shall for the purpose of the assessment of casino tax and casino community benefit levy payable in respect of the next succeeding month be first deducted, to the extent it may be, from the casino gross revenue for that month.

(2) Where there is no casino gross revenue for that month or where the casino gross revenue for that month is less than the amount of the difference as aforesaid, the amount of the difference or that part thereof that is in excess of the casino gross revenue for that month, as the case may be, shall for the purpose of the assessment of casino tax and casino community benefit levy payable in respect of the next month thereafter be first deducted, to the extent it may be, from the casino gross revenue for such next month.

(3) The operation of this section shall extend, in respect of the amount of the difference between the total payments and the total receipts as aforesaid in any month, only to the two months next succeeding that month.

54. Disposition of casino licence fees, etc. 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 Revenue Fund.

55. Penalty for late payment. (1) Penalty at the rate of 5 per centum 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 per centum 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 one 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:

Provided that 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 Director, for any reason that he 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 Revenue Fund.

56. Recovery of fees, taxes and levies. 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.

57. Liability for fees, taxes and levies. (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, he 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, he and the casino licensee or he 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 VI—CASINO OPERATION

58. Maintenance of facilities, etc. 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.

59. Casino layout. (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;
- (b) submit for the approval of the Director a floor plan in connexion with the casino drawn to a scale satisfactory to the Director indicating in detail the placement of gaming tables, count rooms, cages and all other associated facilities;
- (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; and
- (d) submit a plan of the catwalk surveillance system indicating the positions of communication facilities.

(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 Director.

60. Variation of casino layout. (1) If a casino operator proposes to vary the placement of gaming tables, count rooms, cages or any other associated facilities or the closed circuit television system or catwalk surveillance system, he shall, at least 3 days prior to the date proposed for giving effect to the variations, submit to the Director for his approval details of the proposed variations accompanied by plans and diagrams illustrating the proposals.

(2) A casino operator shall not effect any variation as aforesaid without the approval of the Director first had and obtained.

61. Hours of operation. (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 Minister.

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

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

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

(5) If the casino operator proposes to vary the schedule of operating times he shall submit to the Minister for his 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 Minister first had and obtained.

(7) (a) The Minister, for any reason considered by him 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.

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

(c) 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 shall not be operated—

(a) on Christmas Day or Good Friday, between the hours of 3 o'clock before noon and 12 o'clock midnight;

(b) on Anzac Day, between the hours of 3 o'clock before noon and the time specified in section 4 of the *Anzac Day Act 1921-1981* as the time in the afternoon before which any place of public entertainment or amusement may not be open on that day.

62. Gaming equipment and chips. (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 Director;

(b) is necessary for the conduct of gaming;

(c) has permanently affixed thereto or permanently imprinted, impressed or engraved thereon an identification number or symbol authorized by the Director;

(d) is under the exclusive control of the casino operator or his agents or employees; and

(e) is brought into or removed from the casino at times authorized for that purpose by the Director or at other times when prior notice has been given to and written approval granted by an inspector.

In this subsection the term "casino" means that area of the casino used for the conduct and playing of games.

(4) (a) All drop boxes and other receptacles for the depositing therein of moneys (being either notes or coins), tokens, vouchers, slips or other papers, whether actually deposited therein or not, shall be equipped with two locks.

(b) A gaming table to which a drop box referred to in paragraph (a) is affixed or attached shall be equipped with two locks securing the affixing or attaching of the drop box.

(c) All count rooms and storage areas wherein there are drop boxes and other receptacles referred to in paragraph (a) that are in use in connexion with the operation of the casino shall be equipped with two locks.

(d) The key or keys of one of the locks shall be under the exclusive control of officers of the Division and the key or keys of the other lock shall be under the exclusive control of the casino operator.

(e) Each of the locks shall be such that it cannot be unlocked by the key or any key of the other lock.

(f) A drop box or other receptacle referred to in paragraph (a) shall not be—

(i) brought into or removed from the area of the casino used for the conduct and playing of games; or

(ii) locked or unlocked

save at such times and according to such procedures and, in the case of locking or unlocking, in such places as are approved by the Director.

(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 Director 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 Director.

(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 Director;

(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 shall not destroy any gaming equipment or chips save under the supervision of an inspector.

(10) A casino operator shall not cause or permit any person to repair or maintain any gaming equipment unless such person is a person approved by the Director for the purpose.

63. Casino games. (1) The Minister may, by notification in the Gazette, notify any game as a game that may be conducted or played in a casino pursuant to a casino licence.

(2) The notification in respect of a game shall include an account of the rules for the playing of the game.

(3) Rules for the playing of a game may be altered by subsequent notification.

(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) The casino operator at any time, having regard to the apparent gaming requirements of casino patrons, may conduct a number of games in any particular case less than the maximum number approved in respect thereof:

Provided that the Minister may direct that a minimum number of any particular type of game shall be played at any time and, where he does so, the casino operator shall comply with the direction.

(8) A casino operator shall ensure that each game conducted in a casino is conducted according to the rules in force for the time being in relation thereto.

64. Assistance to patrons in relation to rules of games. (1) A casino operator shall—

- (a) at the request of any casino patron, make available for his examination a copy of the rules of gaming in respect of any particular game as notified for the time being in the Gazette;
- (b) display prominently within the casino such advice or information concerning gaming rules, mode of payment of winning wagers, the odds of winning for each wager and such other advice or information to the player as may be directed by the Minister;
- (c) provide for casino patrons brochures summarizing the rules of gaming in accordance with texts approved by the Minister;
- (d) display at each gaming table or location related to the playing of a game a sign indicating the permissible minimum and maximum wagers pertaining to the game played at such table or location.

(2) A casino operator shall ensure that a minimum wager indicated in respect of a game at a table or location shall not be changed to a higher minimum unless a sign indicating the new minimum and the proposed time of change is displayed at the table or location at least 20 minutes prior to the time of proposed change.

65. Obligation of casino operator in relation to conduct of games.

(1) A casino operator shall ensure that in any game in which playing cards are used such cards are at all times dealt from an item of gaming equipment specifically designated for that purpose and known as a "card shoe".

(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.

(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:

Provided that the casino operator, if requested by the patron, may at his 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 Minister for the purpose.

(7) A casino operator shall not employ, engage or use or cause, permit or suffer any of his 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) 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.

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

(9) A casino key employee or a casino employee shall not in a casino in which he is employed or with which he is associated—

(a) wager at any game; or

(b) solicit or accept any tip, gratuity, consideration or other benefit from any player or patron at that casino.

(10) A casino operator shall not sell, give or distribute intoxicating liquor to any person at a gaming table or at any other playing area within a casino.

66. Casino operator shall not accept credit wagers, etc. (1) A casino operator shall not and an agent or employee of a casino operator shall not, in connexion 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.

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

67. Deposit advance accounts. (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 him.

(2) A casino operator shall not accept for deposit to the account a cheque, other than a traveller's cheque, unless it is—

- (a) drawn on a bank and payable on demand;
- (b) drawn for a specific amount;
- (c) made payable to the casino operator; and
- (d) dated but not post dated.

(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 his credit in the account or may pay to him cash up to the amount for the time being so standing to his credit.

68. Exchange by casino operator of chip purchase voucher for cheque. (1) Subject to subsection (2), a casino operator may issue to a person for the purpose of gaming by him and in exchange for a cheque from him 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.

69. Redemption of cheques. Subject to section 71, a person who has deposited or lodged with a casino operator under section 67 or section 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;

- (b) a cheque or cheques complying with requirements as aforesaid;
- (c) a chip purchase voucher or chip purchase vouchers;
- (d) chips; or
- (e) any two 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.

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

71. No redemption to delay payment. Where a person has deposited or lodged a cheque with a casino operator under section 67 or section 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.

72. Training courses for employees. (1) A casino operator shall provide, for persons employed or to be employed by him 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 connexion 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 Director, by the nominee of the casino operator; and
- (b) of such content, format and duration as is approved by the Director.

(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 Minister 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 Minister, appropriate to the type of work to be performed by him 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) he has obtained the prior approval of the Director; and
- (b) no cash is used and no chips are used.

PART VII—INTERNAL CONTROLS, ADMINISTRATIVE AND ACCOUNTING PROCEDURES AND AUDIT REQUIREMENTS

73. System of controls and procedures. (1) A casino operator shall submit to the Director for the approval of the Minister—

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

(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 Minister may for sufficient cause direct that a particular submission may be made not later than a date determined by him that is closer to the date for the commencement or implementation as aforesaid, as the case may be.

74. Content of submission. A submission of the description of the system of internal controls and administrative and accounting procedures referred to in section 73 (1) (a) shall contain both narrative and diagrammatic representation of the system to be utilized by the casino operator, including, but not limited to—

- (a) accounting procedures, including the standardization of forms and definition of terms, not inconsistent with this Act, to be utilized in the gaming operations;
- (b) procedures, forms and, where appropriate, formulae for or with respect to—
 - (i) hold percentages and calculations thereof;
 - (ii) revenue drop;
 - (iii) expense and overhead schedules;
 - (iv) complementary services;
 - (v) salary arrangements; and
 - (vi) personnel practices;
- (c) job descriptions and the system of organizing 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 disbursal of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions 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 utilized 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 connexion 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 closed circuit television systems;
- (s) procedures governing the utilization of security personnel within the casino;
- (t) procedures for the control of keys used or for use in casino operations.

75. Minister's approval. (1) The Director shall review each submission received by him pursuant to section 73 and, subject to subsection (2), advise the Minister—

- (a) whether it is in conformity with the requirements of this Act; and
- (b) in a case referred to in subsection (1) (a) of section 73, whether the system of controls and procedures provides satisfactory and effective control over the operations of the casino; or
- (c) in a case referred to in subsection (1) (b) of section 73, 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 Director 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,

he shall, before advising the Minister, 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) The casino operator, in order for his submission to proceed, shall take the steps to be taken as specified by the Director.

(4) Where the Director advises the Minister that 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 Minister shall approve the system or proposed changes, as the case may be, accordingly.

(5) (a) The Minister 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.

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

(c) On and from the date so specified, the system as required to be altered shall be the system of controls and procedures in connexion 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 Minister; and
- (ii) implemented by the casino operator;

(b) change the system approved by the Minister unless any changes proposed by him are first approved by the Minister.

76. Books, etc., to be kept on premises. (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.

(2) The Director may by writing under his hand—

- (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 him for reasons considered by him 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 7 years after the completion of the transactions to which they relate, provided that the Director 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.

77. Keeping of bank accounts. A casino operator shall keep and maintain separate bank accounts as approved by the Minister in a bank in the State for use for all banking transactions relating to the operations of the hotel-casino complex or the casino, as the case may be.

78. Accounts to be kept. 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 his 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) his financial statements and accounts to be conveniently and properly audited.

79. Financial statements and accounts. A casino operator shall prepare financial statements and accounts giving a true and fair view of his 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.

80. Director may determine financial year period. It is competent for the Director in a particular case on application made to him to approve a date other than 30 June as the terminating date of a financial year.

81. Submission of reports. (1) A casino operator shall submit to the Director, at such times as are prescribed, reports relating to the operations of the hotel-casino complex or the casino, as the case may be, containing such information as is prescribed.

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

82. Audit provisions. (1) A casino operator shall at his own expense cause his 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 registered as a public accountant under the *Public Accountants Registration Act 1946-1975*; and
- (b) is approved by the Minister.

(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 Director.

83. Wider application of certain provisions of this Part. (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 his 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 VIII—AGREEMENTS AND OTHER DOCUMENTS IN CONNEXION WITH CASINO OPERATION

84. Restriction on certain agreements, etc. (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—

- (a) a casino licensee;
- (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—

- (i) any direct or indirect interest in or percentage or share of moneys gambled at the casino; or

- (ii) any direct or indirect interest in or percentage or share of the revenues, profits or earnings from or of the casino.

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

85. Review of agreements, etc. (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;

(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 him such information as he thinks fit with respect to any lease, contract, agreement or arrangement (hereinafter in this section referred to as “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 to him of information include—

(a) names of persons entering into the agreements;

(b) description of any property, goods or other things or any services provided or to be provided;

(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 him a copy of the agreement if it is in writing.

(5) If the Minister, upon a review of any information or documents furnished to him under this section, is of the opinion that the continuance of the agreement is not in the public interest or jeopardizes the integrity of gaming having regard to its terms and such other factors as to the Minister appear relevant, he 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 him 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, he 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 he 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 his opinion satisfactory answers are given or submissions made in reply to or in respect of the notice, he shall take no further action in relation thereto;
- (b) if in his 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, he 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.

PART IX—DIRECTIONS, POWERS, ETC., WITH RESPECT TO CASINOS

86. Directions as to operation of casino. (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.

Penalty: \$10 000 in the case of a body corporate and \$5 000 in the case of a natural person.

(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, he shall be taken to commit a separate offence on each day on which the failure continues and he may be prosecuted and shall be liable to a penalty of \$1 000 in the case of a body corporate and \$500 in the case of a natural person for each such offence accordingly.

87. Inspectors may be and remain on casino premises. 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;
- (b) observing other activities associated with the operation of the casino;
- (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;
- (d) in all other respects, exercising their powers and performing their duties under this Act.

88. Other powers of inspectors. (1) An inspector may—

- (a) require any person who has in his possession or under his 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 his inspection any such gaming equipment or chips or records;
 - (ii) attend before him 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 he deems necessary;
- (c) where he 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 him 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 he believes on reasonable grounds any gaming equipment 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 he considers will afford evidence as to the commission

of an offence against this Act or any other Act or law suspected by him 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 him 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 him 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 his investigations;
- (i) call to his aid—
 - (i) another inspector or a member of the police force where he is obstructed or believes on reasonable grounds that he will be obstructed in the exercise of his powers or performance of his duties;
 - (ii) a person who he thinks is competent to assist him in the exercise of his powers or performance of his 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) (a) Before an inspector enters any premises that are used or any part of premises that is used exclusively as a dwelling-house, he shall, save where he has the permission of the occupier thereof to his entry, obtain from a justice a warrant to enter in the prescribed form.

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

(c) 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—

- (i) 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
- (ii) 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 his 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.

(d) For one month from the date of its issue, a warrant shall be sufficient authority for the inspector and any person acting in aid of him—

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

(4) For the purpose of gaining entry to any place that he is authorized under this Act to enter, an inspector and all persons acting in aid of him 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 him personally or sent by post to his address last known to the inspector.

(7) A person is not required, in respect of any matter within the application of this Act, to answer any question or give any information tending to incriminate himself.

89. Offences relating to inspectors. 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 his powers or performing his 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.

90. Bank may be required to furnish particulars. (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 shall not make a requirement in writing under subsection (1) unless he has the prior approval in writing of the Minister so to do.

91. Inquiry into operation of casinos. (1) The Minister may if he thinks fit nominate and appoint in writing the Director or any other officer of the Division to hold an inquiry into the operation of a casino.

(2) In the holding of the inquiry the Director 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 Acts, 1950 to 1954*, save such as are by those Acts reserved to a chairman of a Commission when that chairman is a Judge of the Supreme Court.

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

PART X—GENERAL

92. Entry to and exclusion of entry from casino. (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 direction, either verbally or in writing, prohibiting a person from entering or remaining in a casino may be given to that person by the casino operator or the person who at the time in question is in charge of the operation of the casino.

(3) A person to whom a direction is given may, if it is not in writing, request that it be given to him in writing, whereupon the casino operator or person in charge as aforesaid shall give the direction in writing.

93. Appeal to Minister. (1) A person receiving a direction in writing pursuant to section 92 prohibiting him 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 Director in relation to the direction as he thinks fit and the results of the inquiries to be reported upon to him.

(4) Upon a consideration of the grounds of appeal detailed by the appellant and any matters reported upon to him by the Director 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 him 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.

94. Commissioner of Police may exclude entry. (1) The Commissioner of Police 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 Police gives a direction, he 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.

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

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

97. List of names of excluded persons. (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 Director or an inspector nominated by the Director, 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.

98. Casino operator may exclude or remove excluded person. (1) It is lawful for a casino operator and an employee or agent of a casino operator employed in or acting in connexion 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 section 94 from entering the casino or in order to remove any such person who remains in the casino, provided that he does not do bodily harm to such person.

(2) In subsection (1) the term "bodily harm" has the meaning assigned to it in *The Criminal Code*.

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

Penalty: \$2 000.

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

Penalty: \$2 000.

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

102. Provisions relating to minors in respect of casinos. (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.

Penalty: \$500.

(3) A casino operator or employee or agent of a casino operator employed in or acting in connexion 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.

Penalty: \$1 000.

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

(b) If a person, on being requested to furnish a certificate under this subsection—

(i) fails to furnish such a certificate and attempts further to enter the casino;

(ii) fails to furnish such a certificate and fails to leave the casino voluntarily; or

(iii) furnishes a certificate that is false or misleading in any material particular,

he is guilty of an offence.

Penalty: \$1 000.

(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 subsection (4) that indicated that person was of or above the age of 18 years.

103. Cheating. Any person who in a casino—

(a) by any fraudulent trick, device, sleight of hand or representation;

(b) by any fraudulent scheme or practice;

(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 connexion with gaming or appearing to be of a type normally used in connexion with gaming

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

Penalty: \$20 000 in the case of a body corporate and \$10 000 or imprisonment for two years or both in the case of a natural person.

104. Unlawful use of certain equipment, etc. Any person who in a casino uses or has in his possession—

- (a) any chips that he knows are bogus or counterfeit chips;
- (b) any cards, dice or coins that he 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.

Penalty: \$20 000 in the case of a body corporate and \$10 000 or imprisonment for two years or both in the case of a natural person.

105. Detention of persons by casino operator, etc., in relation to offences under sections 103 and 104. (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 he suspects on reasonable grounds to be contravening or attempting to contravene section 103 or section 104, using such force as is reasonably necessary for that purpose, until the arrival of a member of the police force 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 member of the police force with as little delay as possible.

106. Detention, arrest, etc., of persons by member of the police force in relation to offences under sections 103 and 104. (1) Any member of the police force 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 section 104.

- (2) A member of the police force, 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 member of the police force may arrest without warrant any person who has or whom he suspects on reasonable grounds has committed or attempted to commit an offence against section 103 or section 104.

107. Offences relating to revenue. Any person who wilfully—

- (a) evades the payment of any fee, tax or levy payable by him under the provisions of this Act;
- (b) furnishes to the Director 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 Director or an inspector in respect of any fee, tax or levy payable under the provisions of this Act

is guilty of an offence.

Penalty: \$20 000 in the case of a body corporate and \$10 000 or imprisonment for two years or both in the case of a natural person.

108. Offences relating to unauthorized games. 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.

Penalty: \$10 000 in the case of a body corporate and \$5 000 or imprisonment for one year or both in the case of a natural person.

109. Offences relating to cheating by casino operator, etc. 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 or any other person any money, chips or other valuable thing by any fraud, unlawful device or ill-practice is guilty of an offence.

Penalty: \$20 000 in the case of a body corporate and \$10 000 or imprisonment for two years or both in the case of a natural person.

110. Forgery and like offences. A person who—

- (a) forges or counterfeits any chip purchase voucher, licence, identification card or other form of identification authorized to be issued under this Act;
- (b) knowingly utters any such chip purchase voucher, licence, identification card or other form of identification so forged or counterfeited;
- (c) personates any person named in any such licence, identification card or other form of identification;
- (d) falsely represents himself to be an inspector or an officer of the Casino Control Division;
- (e) connives at any such forging, counterfeiting, uttering, personating or representing as aforesaid;

(f) knowingly makes a false statement in any application made under this Act

is guilty of an offence.

Penalty: \$5 000 or imprisonment for one year or both.

111. Bribery of officers of the Division. (1) Any officer of the Division who corruptly asks for, receives or obtains or agrees to receive or obtain any money, property or benefit of any kind for himself or any other person—

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

is guilty of an offence.

Penalty: \$10 000 or imprisonment for two years or both.

(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, upon or for any officer of the Division or any other person any money, property or benefit of any kind—

- (a) for the officer to forego or neglect his duty or to influence him in the performance of his duty as an officer of the Division;
- (b) on account of anything already done or omitted to be done by the officer in the discharge of his duty as an officer of the Division;
- (c) for the officer to use or take advantage of his office improperly to gain a benefit or advantage for or facilitate the commission of an offence by such firstmentioned person or any other person

is guilty of an offence.

Penalty: \$20 000 in the case of a body corporate and \$10 000 or imprisonment for two years or both in the case of a natural person.

112. Officers of the Division not to gamble, etc. (1) An officer of the Division—

- (a) shall not gamble in a casino save to the extent that it may be necessary for him to do so in the course of his duties as an officer;
- (b) shall not knowingly have, directly or indirectly—
 - (i) any business or financial association with; or
 - (ii) any business or financial interest in any matter in conjunction with
a licensee under this Act;

- (c) shall not be an employee in any capacity of a licensee under this Act;
 - (d) shall not solicit or accept employment from or be an employee or business or financial associate in any capacity of a licensee under this Act within a period of one year after he ceases to be an officer of the Division.
- (2) A licensee under this Act—
- (a) shall not employ in any capacity or have as an employee a person who is an officer of the Division;
 - (b) shall not employ in any capacity or have as an employee or business or financial associate a person who was an officer of the Division within a period of one year after that person ceased to be an officer of the Division.
- (3) An officer of the Division 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—
- (i) notify the Minister of such association or interest; and
 - (ii) if directed by the Minister, terminate the association or relinquish the interest within a time specified by the Minister.
- (4) The expression “licensee under this Act” occurring in this section includes a lessee under a casino lease and a casino operator under a casino management agreement.

113. Entry to casino by members of the police force. (1) Any member of the police force may, in the discharge of his 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 member of the police force of powers and the discharge by him of duties exercisable or, as the case may be, to be discharged by him in a public place under any Act or law.

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

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

114. Power to require name and address. (1) Any member of the police force, in connexion with the exercise by him of any powers or the discharge by him of any duties under this Act in relation to any person, may require that person to state his name, address and date of birth or any of those particulars, and, where he 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 his 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.

Penalty: \$1 000.

(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.

Penalty: \$1 000.

(4) A member of the police force may arrest without warrant any person who, when required under this section to state his name, address and date of birth or any of those particulars or to produce evidence of the 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 member of the police force is false.

115. Finger prints and the like. (1) Where a person has been arrested for an offence or an attempt to commit an offence against section 103 or section 104, a member of the police force at the police establishment to which he is taken after arrest or where he is in custody may take all such particulars as he considers necessary for the identification of that person, including his voice print, photograph, finger prints, palm prints, foot prints, 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 section 104 may in its discretion order that person into the custody of a member of the police force for the purpose of obtaining any particulars referred to in subsection (1), and that member and any member acting in aid of him 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 section 104, any voice print, photograph, finger prints, palm prints, foot prints, toe prints or handwriting previously taken pursuant to this section in relation to the

offence in respect of which he was found not guilty shall be destroyed in his presence or in the presence of a person nominated by him.

116. Source of information or reports. 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 he received information or the nature of such information or the name of a person who gave such information; or
- (b) where he is a member of the police force or an officer of the Casino Control Division, to produce a report or document made or received by him in his official capacity or containing confidential information or to make a statement in relation thereto.

117. Effect of casino licence. (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.

118. Protection of officers, etc. (1) No liability shall be incurred by the Crown, the Minister, the Under Treasurer, the Commissioner of Police, the Director, any inspector or any other officer of the Casino Control Division or any member of the police force or other person acting in aid of an inspector pursuant to this Act on account of anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

(2) No liability shall be incurred by any person referred to in section 105 or section 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.

119. General penalty. A person who contravenes or fails to comply with any provision of this Act is guilty of an offence and, save where a specific penalty is otherwise provided, is liable, in the case of a body corporate, to a penalty of \$5 000 and, in the case of a natural person, to a penalty of \$2 500.

120. Proceedings for offences. (1) Subject to subsections (3), (4) and (5), offences against this Act may be prosecuted in a summary way under the *Justices Act 1886–1980*.

(2) A prosecution for an offence against this Act may be commenced within one 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* 1886–1980 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 section 104 of the *Justices Act* 1886–1980.

(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.

121. Institution of proceedings. (1) Without limiting the provisions of subsection (2), proceedings for an offence against section 103, 104 or 114 may be instituted by a member of the police force, and a member of the police force is entitled to appear before a Magistrates Court on behalf of and act for the complainant.

(2) Proceedings for an offence against this Act may be instituted by the Director or by a person authorized in writing by the Minister to institute the proceedings in a particular case.

(3) 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* 1886–1980 also lies and shall have full force and effect.

122. Attempt to commit offence. (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 he proves that he desisted of his own motion

from the further prosecution of his intention without its fulfilment being prevented by circumstances independent of his will, in which case he is liable to one half of the penalty to which he would otherwise be liable.

(3) Section 4 of *The Criminal Code* 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 him with that offence.

123. Liability for offence by body corporate. (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 section 23 of *The Criminal Code* 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 chairman 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; and
- (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 he exercised due diligence to prevent the commission of the offence.

124. Forfeiture. (1) The court that convicts a person of an offence against this Act may order to be forfeited to Her Majesty—

- (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 Her Majesty 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 Her Majesty 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.

125. Service of notices, documents, etc. (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 (hereafter in this section referred to as a document) required or authorized 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 authorized by that person, either generally or in a particular case, to accept service of documents on his 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;
- (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.

126. Evidentiary provisions. In proceedings under this Act—

- (a) it shall not be necessary to prove the appointment of the Minister, the Commissioner of Police, any member of the police force, the Director, any inspector or any officer of the Casino Control Division;
- (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 Director 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.

127. Regulations. (1) The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to—

- (a) the types of work a casino key employee or casino employee may be licensed to perform and the compilation of a list or lists with respect thereto;
- (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;
- (c) forms to be used for the purposes of this Act and prescribing such forms and by whom prescribed forms or any particular prescribed forms shall be printed;
- (d) any matter or thing in relation to the administration of this Act in respect of which a fee is payable and prescribing the amount of such fee;
- (e) the control of advertising by casino licensees, lessees under casino leases and casino operators under casino management agreements in relation to casinos and their operation;
- (f) offences against the regulations and prescribing the amount of any penalty for an offence against any regulation, provided that any such penalty shall not exceed \$500;
- (g) all matters required or permitted by this Act to be prescribed where such matters are to be or may be prescribed by the regulations or where the method of prescription is not otherwise provided;

(h) all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.

(2) The power to regulate conferred by this section includes the power to prohibit.

128. Publication of Orders in Council. Section 28A of the *Acts Interpretation Act 1954–1977* applies in respect of Orders in Council made under this Act as if they were regulations and, for the purpose of such application, that section shall be read as if a reference to the term “regulation” were a reference to the term “Order in Council”.