

South Australia

# Casino Act 1997

An Act to regulate the licensing and control of the casino at Adelaide; and for other purposes.

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## Legislative history

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### The Parliament of South Australia enacts as follows:

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Casino Act 1997*.

### 2A—Object

The object of this Act is to provide for the licensing, supervision and control of the Adelaide Casino and, in particular, to ensure—

- (a) that the Adelaide Casino is properly managed and operated; and
- (b) that those involved in the control, management and operation of the Adelaide Casino are suitable persons to exercise their respective functions and responsibilities; and
- (c) that gambling in the Adelaide Casino is conducted responsibly, fairly and honestly, with due regard to minimising the harm caused by gambling; and
- (d) that the interest of the State in the taxation of gambling revenue arising from the operation of the Adelaide Casino is properly protected.

### 3—Interpretation

- (1) In this Act, unless the contrary intention appears—

***approved licensing agreement***—see section 16;

***authorised game*** means a game of chance, or a game combined of chance and skill, authorised or approved under this Act or the conditions of the casino licence;

***authorised officer*** means—

- (a) the Commissioner; or
- (b) a member or the secretary of the Authority; or
- (c) a person authorised by the Commissioner to exercise the powers of an authorised officer under this Act;

***Authority*** means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995*;

***automated table game equipment*** means equipment of a kind defined in the approved licensing agreement as automated table game equipment;

**cashless gaming system** means a system that enables the storage of monetary value for use in operating a gaming machine or automated table game equipment;

**casino duty agreement**—see section 17;

**casino licence** means the licence (under this Act or the former Act) to operate the casino;

**casino premises** means the premises defined in the casino licence, or by the Governor in accordance with section 6(3), as the casino premises;

**child** means a person under the age of 18 years;

**Commissioner** means the Liquor and Gambling Commissioner;

**compliance notice**—see section 58;

**criminal intelligence** means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or endanger a person's life or physical safety;

**domestic partner** means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

**executive officer** of a body corporate is—

- (a) a secretary or public officer of the body corporate; or
- (b) a person responsible for managing the body corporate's business or any aspect of its business;

**former Act** means the *Casino Act 1983*;

**gambling** means the playing of a game for monetary or other stakes and includes making or accepting a wager;

**gambling chips** means chips or tokens used or capable of being used as gambling stakes or prizes;

**gaming area** means a part of the casino premises that is defined by the Commissioner by notice in the Gazette (in accordance with any requirements in the approved licensing agreement) as a gaming area (whether the notice was published in the Gazette before or after the commencement of this definition);

**gaming machine** means gaming machine as defined in the *Gaming Machines Act 1992* but does not include automated table game equipment;

**police officer** means any member of the police force;

**premium customer** means a customer of the casino who falls within a class defined in the approved licensing agreement as premium customers to whom the licensee will afford special privileges (including access to gambling in premium gaming areas);

**premium gaming area** means a gaming area, or part of a gaming area, that is defined by the Commissioner by notice in the Gazette (in accordance with any requirements in the approved licensing agreement) as an area set aside for premium customers and that is only accessible to other customers in accordance with the approved licensing agreement (whether the notice was published in the Gazette before or after the commencement of this definition);

**prescribed gaming machine component** means prescribed gaming machine component as defined in the *Gaming Machines Act 1992*;

**spouse**—a person is the spouse of another if they are legally married;

**staff member**—see section 28(4);

**statutory default**—see section 56;

**substantial shareholder** in a body corporate means a person who has a substantial holding in the body corporate as defined in section 9 of the *Corporations Act 2001* of the Commonwealth.

- (2) In this Act, **administrator**, **controller** and **liquidator** have (unless the contrary intention appears) the same respective meanings as in the *Corporations Act 2001* of the Commonwealth.

#### 4—Close associates

- (1) Two persons are **close associates** if—
- (a) one is a spouse, domestic partner, parent, brother, sister or child of the other; or
  - (b) they are members of the same household; or
  - (c) they are in partnership; or
  - (d) they are joint venturers; or
  - (e) one is a body corporate and the other is a director or executive officer of the body corporate; or
  - (f) one is a body corporate (other than a public company whose shares are quoted on a prescribed financial market) and the other is a shareholder in the body corporate; or
  - (g) one is a body corporate whose shares are quoted on a prescribed financial market and the other is a substantial shareholder in the body corporate; or
  - (h) one has a right to participate (otherwise than as a shareholder in a body corporate) in income or profits derived from a business conducted by the other; or
  - (i) one is in a position to exercise control or significant influence over the conduct of the other; or
  - (j) a chain of relationships can be traced between them under any one or more of the above paragraphs.
- (2) In subsection (1)—

**prescribed financial market** means a prescribed financial market within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

## **Part 2—Licensing of casino**

### **Division 1—Grant of licence**

#### **5—Grant of licence**

- (1) The Governor may grant a casino licence.
- (2) In the case of the first grant of a casino licence under this section, the grant is to be made to Adelaide Casino Pty Ltd (ACN 082 362 061).
- (3) Any later grant of a casino licence under this section is to be made, on the recommendation of the Authority, to an applicant for the licence.

#### **6—Casino premises**

- (1) In the case of the first grant of a casino licence after the commencement of this Act, the licence may only be granted for premises in respect of which a casino licence is, or was last, in force.
- (2) After the first grant of a casino licence under this Act, a casino licence may be granted for premises at a different site (to take effect on or after the surrender or termination of an earlier licence) if the Authority, after conducting a public inquiry into the appropriateness of the new site, recommends the grant of the licence for those premises.
- (2a) The casino premises will be only regarded as being at a different site for the purposes of subsection (2) if no part of the premises is situated on the previous site.
- (3) The Governor may, on the recommendation of the Authority (made without public inquiry), redefine the boundaries of the casino premises by notice in the Gazette, if the new boundaries consist only of an extension or contraction of the previous boundaries.

#### **7—Restriction on number of licences**

There is not to be more than one casino licence in force under this Act at the same time.

### **Division 2—Authority conferred by licence**

#### **8—Authority conferred by licence**

- (1) Despite any other law of the State, but subject to this Act—
  - (a) the licensee may operate the casino in accordance with the conditions of the licence; and
  - (b) a person may participate in an authorised game conducted at the casino premises.
- (2) The operation of the casino in accordance with the licence does not, in itself, constitute a public or private nuisance.



## 8A—Gaming machine entitlements

- (1) The licence authorises the licensee to operate a number of gaming machines equivalent to the number of gaming machine entitlements held in respect of the gaming areas by the licensee under the *Gaming Machines Act 1992*.
- (2) The number of gaming machine entitlements held in respect of the gaming areas cannot exceed the maximum number specified in the approved licensing agreement.

## Division 3—Term and renewal of licence

### 9—Term and renewal of licence

- (1) The licence is to be granted for a term fixed under the approved licensing agreement.
- (2) If before the end of a term for which the licence has been granted or renewed, the parties to the approved licensing agreement renegotiate the agreement, and the agreement as renegotiated is approved by the Authority, the Governor may renew the licence for a term fixed under the renegotiated agreement.
- (2a) Despite the above provision for approval of the renegotiated agreement by the Authority, an assurance of a kind referred to in section 16(6) is not subject to approval by the Authority.
- (3) However, the licensee is to have no entitlement to, or legitimate expectation of, renewal.

## Division 4—Conditions of licence

### 10—Conditions of licence

- (1) The conditions of the licence consist of—
  - (a) subject to section 16(1a)—the conditions fixed by this Act; and
  - (b) the conditions (*supplementary licence conditions*) fixed by or in accordance with the approved licensing agreement.
- (2) Subject to the approved licensing agreement, the Governor may, on the recommendation of the Authority, vary supplementary licence conditions.

## Division 5—Transfer of licence

### 11—Transfer of licence

- (1) The Governor may, on the recommendation of the Authority, approve the transfer of the casino licence.
- (2) On a transfer of the licence—
  - (a) the transferee succeeds to all the rights and obligations of the transferor under the approved licensing agreement and the casino duty agreement; and
  - (ab) the transferee succeeds to all gaming machine entitlements (within the meaning of the *Gaming Machines Act 1992*) held by the transferor immediately before the transfer; and

- (b) the approved licensing agreement and the casino duty agreement govern the conditions of the licence in the same way and to the same extent as before the transfer.

## **Division 6—Dealings affecting casino licence**

### **12—Dealing with licence and associated business assets**

The licensee cannot mortgage, charge or encumber any of the following assets without the approval of the Authority—

- (a) the casino licence; or
- (b) business assets associated with the operation of the casino (including incidental assets such as the facilities for providing food and refreshments for casino patrons).

### **13—Dealings affecting casino business**

- (1) The licensee must not enter into a transaction under which the licensee disposes of, or grants an interest in, the business conducted under the casino licence to someone else without the approval of the Authority.
- (2) The following are (for example) transactions under which the licensee grants an interest in the business conducted under the casino licence—
  - (a) a partnership agreement that relates to business conducted or to be conducted under the licence;
  - (b) an agreement or arrangement under which a person participates in proceeds or profits of business conducted or to be conducted under the licence;
  - (c) an agreement or arrangement under which the licensee remunerates another by reference to proceeds or profits of the business or any aspect of the business.
- (3) However, this section does not invalidate an agreement or arrangement made subject to a condition precedent under which it is not to take effect until approved by the Authority.

### **14—Other transactions under which outsiders may acquire control or influence**

- (1) This section applies to a transaction if it is a transaction (other than one for which the Authority's approval is required under this Division or Division 6A) under which a person or a group of persons who are close associates of each other attain a position of control or significant influence over the licensee.
- (2) Within 14 days after the licensee becomes aware of a transaction to which this section applies, the licensee must—
  - (a) inform the Commissioner and the Authority of the transaction; and
  - (b) provide any information about the transaction that is available to the licensee.

Maximum penalty: \$60 000.

- (3) If the licensee is a party to a transaction to which this section applies, and the transaction takes effect before the Authority approves it, the licensee is liable to disciplinary action.
- (4) If a transaction to which this section applies has not been approved or ratified by the Authority, the Authority may, after allowing the parties to the transaction a reasonable opportunity to be heard, make orders of one or more of the following kinds:
  - (a) an order avoiding the transaction;
  - (b) an order requiring a person who has acquired an interest under the transaction to dispose of that interest within a specified time;
  - (c) an order terminating a contractual or other relationship under which control or influence might be exercised over the licensee;
  - (d) an order preventing or regulating the exercise of power or influence acquired as a result of the transaction;
  - (e) an order (which may include an order for restitution) dealing with any consequential or ancillary issues.
- (5) A person adversely affected by an order under subsection (4) may, within 1 month after the date of the order or a longer period allowed by the Supreme Court, appeal to the Supreme Court against the order.
- (6) On an appeal, the Supreme Court may—
  - (a) confirm, vary or revoke the Authority's order and, if the order is revoked, make any order that should have been made in the first place; and
  - (b) make incidental and ancillary orders.
- (7) The Supreme Court may, if satisfied on application by the Authority that there is good reason to do so, register an order of the Authority in the Court and, on registration, the order may be enforced as a judgment of the Court.

#### **14A—Approval or ratification of transactions to which this Division applies**

- (1) An application for the Authority's approval or ratification of a transaction to which this Division applies—
  - (a) must be made to the Authority by the parties to the transaction in the form required by the Authority; and
  - (b) must be supported by the information required by the Authority.
- (2) If a transaction to which this Division applies results or might result in the acquisition by a person other than the licensee of power to conduct, or to control or exercise significant influence over the conduct of, the casino business, the Authority—
  - (a) must assess the suitability of that person to exercise that power and, in doing so, must apply (to the extent they are applicable) the same criteria as apply to assessing the suitability of a prospective licensee; and
  - (b) must not approve or ratify the transaction unless satisfied that the person is a suitable person to exercise the relevant power.

- (3) An application for the Authority's approval or ratification of a transaction to which this Division applies may be withdrawn by a party to the transaction at any time before the application is determined.

## **Division 6A—Approval of designated persons**

### **14B—Approval of designated persons**

- (1) The licensee must ensure that each person who becomes a designated person has been approved by the Authority.  
Maximum penalty: \$20 000.
- (2) The licensee must, within 14 days after a person ceases to be a designated person, give the Authority written notice identifying the person and stating the date when, and the reason why, the person ceased to be a designated person.  
Maximum penalty: \$5 000.
- (3) This section applies in relation to designated persons, other than directors of the licensee, subject to any limitation for the time being specified by the Authority by written notice to the licensee.
- (4) This section does not apply in respect of an administrator, controller or liquidator of the licensee who has assumed control over the business conducted under the licence or a person acting on the authority of such a person.
- (5) An application for the Authority's approval of a person to become a designated person in relation to the licensee—
  - (a) must be in the form required by the Authority; and
  - (b) must be supported by the information required by the Authority verified, if the Authority so requires, by statutory declaration; and
  - (c) must be made by the licensee.
- (6) If a change of circumstances occurs after an application is made but before it is determined, the licensee must immediately give the Authority full details of the change.  
Maximum penalty: \$10 000.
- (7) An application may be withdrawn by the licensee before the application is determined.
- (8) The Authority must not approve a person to become a designated person in relation to the licensee unless satisfied that the person is a suitable person to become a designated person in relation to the licensee.
- (9) In assessing the suitability of a person, the Authority may have regard to—
  - (a) the person's financial background and resources; and
  - (b) the person's reputation; and
  - (c) the character, reputation and financial background of the person's close associates; and
  - (d) any representations made by the Minister; and
  - (e) any other matters the Authority thinks fit.

- (10) The Authority must give the Commissioner of Police a copy of all applications made under this section and must allow the Commissioner of Police a reasonable opportunity to make representations on the application.
- (11) The Commissioner of Police must make available to the Authority information about criminal convictions and other information to which the Commissioner of Police has access relevant to whether the application should be granted.
- (12) In this section—  
*designated person* means—
  - (a) a director of the licensee; or
  - (b) an executive officer of the licensee; or
  - (c) a person, or a person of a class, designated by the Authority for the purpose.

## **Division 7—Surrender of licence**

### **15—Surrender of licence**

- (1) The licensee may, with the approval of the Authority, surrender the casino licence.
- (2) The surrender of the casino licence does not affect liabilities incurred by the licensee before the surrender takes effect.

## **Division 8—Agreement with licensee**

### **16—Approved licensing agreement**

- (1) There is to be an agreement (the *approved licensing agreement*) between the licensee and the Minister about—
  - (a) the operation of the casino; and
  - (b) the term of the licence; and
  - (c) the conditions of the licence; and
  - (d) the performance of the licensee's responsibilities under the licence or this Act.
- (1a) The agreement may exempt the licensee from, or modify the licensee's obligation to comply with—
  - (a) specified requirements of this Act or conditions fixed by this Act; or
  - (b) provisions of a code or a requirement prescribed by the Authority under this Act,  
in relation to premium customers or premium gaming areas.
- (1b) An exemption or modification referred to in subsection (1a) may be subject to conditions specified in the approved licensing agreement.
- (2) The agreement may deal with other subjects relevant to the casino.
- (3) The agreement—
  - (a) is to be entered into with a prospective licensee before the licence is granted or with a licensee before renewal of the licence; and

- (b) subject to subsection (1a)—must be consistent with the provisions of this Act; and
  - (c) has no effect unless approved by the Authority.
- (4) If the agreement so provides, specified provisions of the agreement become conditions of the casino licence.
  - (4a) The agreement binds the licensee, the Minister, the Authority and the Commissioner and, if the agreement so provides, any other person who consents to be bound by the agreement.
  - (5) The agreement may be varied by a later agreement between the parties but such a variation must (subject to subsection (1a)) be consistent with the provisions of this Act and has no effect unless approved by the Authority.
  - (6) The agreement may contain an assurance, on terms and conditions fixed in the agreement, that the exclusiveness of the licensee's right to operate a casino in this State will not be impugned during a period set out in the agreement.
  - (7) Despite the above provisions for approval of the agreement or a variation of the agreement by the Authority, an assurance under subsection (6) or a variation of the terms and conditions of such an assurance is not subject to approval by the Authority.

## 17—Casino duty agreement

- (1) There is to be an agreement (the *casino duty agreement*) between the licensee and the Treasurer—
  - (a) fixing the amount, or basis of calculation, of casino duty; and
  - (b) providing for the payment of casino duty; and
  - (c) dealing with interest and penalties to be paid for late payment or non-payment of casino duty.
- (2) The agreement is to be entered into with a prospective licensee before the licence is granted or with a licensee before renewal of the licence.
- (3) The agreement may be varied by a later agreement between the parties.
- (4) The casino duty agreement or an agreement for variation of the casino duty agreement operates as a deed—despite the absence of the formalities of execution and delivery.
- (5) The casino duty agreement does not attract stamp duty.
- (6) Before entering into a casino duty agreement, the Treasurer may require the licensee or prospective licensee to give security for compliance with its obligations under the agreement.
- (7) The Treasurer may delegate any powers or functions under the casino duty agreement or under this Act—
  - (a) to a specified person or body; or
  - (b) to a person occupying a specified office or position.
- (8) A delegation—
  - (a) may be made subject to conditions and limitations specified in the instrument of delegation; and

- (b) if the instrument of delegation so provides, may be further delegated by the delegate; and
- (c) is revocable at will and does not prevent the Treasurer from acting personally in a matter.

## **18—Agreements to be tabled in Parliament**

- (1) The Minister must, within 12 sitting days after the Authority approves—
  - (a) an agreement entered into by the Minister with a view to the agreement becoming an approved licensing agreement under this Division; or
  - (b) an agreement for the variation of an approved licensing agreement,have copies of the agreement laid before both Houses of Parliament.
- (2) The Treasurer must, within 12 sitting days after entering into a casino duty agreement or an agreement for the variation of a casino duty agreement, have copies of the agreement laid before both Houses of Parliament.

## **Part 3—Applications for grant or transfer of licence**

### **Division 1—Eligibility to apply**

#### **19—Eligibility of applicants**

An applicant for the grant or transfer of the casino licence must be a body corporate.

### **Division 2—Making of applications**

#### **20—Applications**

- (1) Applications for the grant, renewal or transfer of the casino licence are to be made to the Authority.
- (2) An application—
  - (a) must be in the form required by the Authority; and
  - (b) in the case of an application for the transfer of the licence—must be made jointly by the proposed transferor and transferee; and
  - (c) must be supported by the information required by the Authority.
- (3) If a change of circumstances occurs after an application is made but before it is determined, the applicant must immediately give the Authority full details of the change.  
Maximum penalty: \$10 000.
- (4) An applicant for a licence may withdraw the application at any time and, in the case of an application for the transfer of a licence, either party to the application may withdraw the application at any time.

## **Division 3—The Authority's recommendation**

### **21—Suitability of applicant for grant, renewal or transfer of casino licence**

- (1) The Authority must not recommend the grant or renewal of the casino licence unless satisfied that the applicant is a suitable person to operate the casino.
- (2) If the Authority is satisfied that two or more applicants would be suitable persons to operate the casino, the Authority may recommend to the Governor that a choice be made between those applicants (but a recommendation need not be delayed until the Authority has assessed all applications).
- (3) The Authority must not recommend the transfer of the casino licence unless satisfied that the applicant that is the proposed transferee is a suitable person to operate the casino.
- (4) In assessing the suitability of an applicant, the Authority may have regard to—
  - (a) the applicant's corporate structure; and
  - (b) the extent of the applicant's financial resources and whether they are suitable and adequate to ensure the financial stability of the casino; and
  - (c) the applicant's financial background; and
  - (d) the extent of the applicant's business acumen and experience and, in particular, whether the applicant's business experience would suggest that it could operate the casino successfully; and
  - (e) the applicant's reputation; and
  - (f) the character, reputation, and financial background of the applicant's close associates; and
  - (g) any representations made by the Minister; and
  - (h) any other matters the Authority thinks fit.
- (5) In considering an application for a casino licence (other than an application for the first grant of a licence after the commencement of this Act), the Authority may have regard to—
  - (a) the nature and standard of the casino premises and the facilities to be provided by, or in conjunction with, the casino; and
  - (b) the likely impact of the casino on tourism, employment and economic development in the region in which the casino is (or is to be) located.

## **Division 4—Investigations by the Authority**

### **22—Investigations**

- (1) The Authority must carry out the investigations and make the inquiries it considers necessary to enable it to make an appropriate recommendation on an application under this Part.
- (2) The Authority must keep under review the continued suitability of the licensee and the licensee's close associates, and carry out the investigations it considers necessary for that purpose.



- (3) The Authority may obtain from the Commissioner of Police such reports on persons as it considers necessary for the purposes of investigations and must, for the purposes of an investigation into an application under this Part, obtain from the Commissioner of Police a report on anyone whose suitability to be concerned in or associated with the management and operation of the casino is to be assessed by the Authority.

### **23—Investigative powers**

- (1) The Authority may, by notice in writing—
- (a) require any person to provide to the best of the person's knowledge and belief, information, verified by statutory declaration, on matters relevant to the investigation that are specified in the notice; or
  - (b) require any person to appear before the Authority for examination on matters relevant to the investigation; or
  - (c) require any person to produce to the Authority, within a period stated in the notice, documents or other material relevant to the investigation.
- (2) The Authority may also require any person whose suitability to be concerned in or associated with the management and operation of the casino is under investigation to submit to the taking of photographs, finger prints and palm prints.
- (3) A person is guilty of an offence if the person—
- (a) fails to comply with a requirement made by the Authority under this section; or
  - (b) having appeared for examination before the Authority, refuses or fails to take an oath, or to answer a question to the best of the person's knowledge and belief, when required to do so by the Authority.

Maximum penalty: \$10 000.

- (4) The powers conferred by this section are in addition to those conferred in the *Independent Gambling Authority Act 1995*.

### **24—Results of investigation**

- (1) If the Authority carries out an investigation under this Part, the Authority must notify the following persons of the results of the investigation:
- (a) the Minister;
  - (b) in the case of an investigation in connection with an application—the applicant;
  - (c) in the case of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates—the licensee.
- (2) The Authority is not obliged to give reasons to an applicant for a recommendation that the application should be granted or rejected.

## Division 5—Costs of investigation

### 25—Costs of investigation

- (1) If the Authority carries out an investigation under this Part, the Authority must require—
  - (a) in the case of an investigation in connection with an application—the applicant; or
  - (b) in the case of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates—the licensee,to meet the cost of the investigation.
- (2) The Authority may require the applicant or licensee to make specified payments towards the costs of the investigation before the investigation begins and during the course of the investigation.
- (3) If a payment is not made by an applicant as required by the Authority, the Authority may discontinue the investigation.
- (4) At the end of the investigation, the Authority must certify the cost of the investigation and any unpaid balance of that cost may be recovered from the applicant or licensee as a debt due to the State.
- (5) In proceedings for recovery of the cost (or the balance of the cost) of an investigation, the Authority's certificate is to be regarded as conclusive evidence of that cost.

## Division 6—Governor not bound by Authority's recommendation

### 26—Governor not bound

The Governor is not bound to act in accordance with the Authority's recommendation.

## Part 4—Operation of casino

### Division 1—Opening hours

#### 27—Opening hours

- (1) The hours of opening for business are to be as fixed by or under the conditions of the licence.
- (2) However, it is a condition of the licence that the gaming areas are not to be open for business on Good Friday or Christmas Day.

### Division 1A—Gambling only allowed in enclosed areas

#### 27A—Gambling only allowed in enclosed areas

- (1) It is a condition of the casino licence that gambling may only take place under the licence within a place or area that is enclosed as defined by the *Tobacco Products Regulation Act 1997* (see section 4(3) and (4)).
- (2) Section 16(1a) does not apply to the condition imposed under subsection (1).

## Division 2—Approval of management and staff

### 28—Classification of offices and positions

- (1) A *sensitive position* is any of following offices or positions—
  - (a) the position occupied by—
    - (i) a person who exercises or is in a position to exercise control or substantial influence over the licensee in the conduct of its affairs; or
    - (ii) an employee of the licensee; or
    - (iii) a person employed or engaged (either by the licensee or someone else) to work at the casino premises;  
(except a position classified as non-sensitive by the Authority); or
  - (b) any other position associated with the operation of the casino that is designated by the Authority as a sensitive position.
- (2) A *position of responsibility* is a sensitive position classified by the Authority as a position of responsibility.
- (3) Positions of responsibility are divided into classes as determined by the Authority.
- (4) *Staff member* is a general description applicable to both sensitive positions and positions classified by the Authority as non-sensitive.

### 29—Obligations of licensee

- (1) The licensee must not permit a person to occupy or work in a sensitive position unless the person is approved under this Division as a suitable person to work in sensitive positions.  
Maximum penalty: \$20 000.
- (2) The licensee must not permit a person to occupy or work in a position of responsibility unless the person is approved under this Division as a suitable person to work in a position of responsibility of the relevant class.  
Maximum penalty: \$20 000.
- (3) If a person ceases to occupy a sensitive position or a position of responsibility, the licensee must within 14 days give the Commissioner written notice—
  - (a) identifying the person and the position; and
  - (b) stating the date when the person ceased to occupy the position; and
  - (c) stating why the person ceased to occupy the position.Maximum penalty: \$5 000.
- (4) The Authority may exempt the licensee from compliance with this section to an extent specified in the instrument of exemption.
- (5) This section does not apply—
  - (a) in respect of a person who occupied the relevant position at the commencement of this Act; or

- (ab) in respect of an administrator, controller or liquidator of the licensee who has assumed control over the casino business or a person acting on the authority of such a person; or
- (ac) in respect of a person who is approved by the Authority as a designated person under section 14B; or
- (b) in circumstances covered by an exemption.

### **30—Applications for approval**

- (1) The licensee may apply to the Commissioner for approval of a person as a suitable person to work in—
  - (a) sensitive positions; or
  - (b) positions of responsibility of a particular class or particular classes.
- (2) The application must be accompanied by the information and materials required under the regulations and by the Commissioner.
- (3) The Commissioner may require the person for whom the approval is sought to submit to the taking of photographs, finger prints and palm prints.
- (4) The Commissioner must give the Commissioner of Police a copy of all applications made under this section and must allow the Commissioner of Police a reasonable opportunity to make representations on the application.
- (5) The Commissioner of Police must make available to the Commissioner information about criminal convictions and other information to which the Commissioner of Police has access relevant to whether the application should be granted.

### **31—Decision on application**

- (1) The Commissioner may grant or refuse an application for approval under this Division.
- (2) The Commissioner must give written notice to the licensee and the person for whom approval was sought of the Commissioner's decision on the application.

### **32—Suspension of approval**

- (1) If the person to whom an approval relates is charged with an offence involving dishonesty or punishable by imprisonment, the Commissioner may, by written notice to the licensee and the approved person, suspend the approval.
- (2) While the approval is under suspension, the person is not to be regarded as a person approved under this Division to work in a position of responsibility or a sensitive position (as the case requires).
- (3) The Commissioner may revoke a suspension at any time.

### **33—Revocation of approval**

- (1) The Commissioner may, by written notice to the licensee and the approved person, revoke the approval.

- (2) Before the Commissioner revokes an approval, the Commissioner must, by written notices, invite the licensee and the approved person to make representations to the Commissioner within a specified time and must consider any representations made in response to the invitations.

### **Division 3—Provisions of general application to staff**

#### **33A—Recognition of staff training courses**

- (1) For the purposes of this Act, the Authority may, by notice in the Gazette, recognise courses of training required to be undertaken by staff members as—
  - (a) basic training; or
  - (b) advanced training.
- (2) The Authority may, by notice in the Gazette, prescribe criteria for the recognition of courses of training under subsection (1), provided that—
  - (a) a course recognised as basic training must include subjects dealing with gaming operations, responsible gaming, basics of problem gambling identification (including automated risk monitoring) and basics of pre-commitment; and
  - (b) a course recognised as advanced training must include subjects dealing with advanced problem gambling identification (including automated risk monitoring), low level intervention and referral to gambling help services and advanced pre-commitment.
- (3) The Authority may, by subsequent notice in the Gazette, withdraw a recognition under subsection (1), or vary or revoke a notice under subsection (2).
- (4) Before the Authority publishes a notice in the Gazette under this section, the Authority must—
  - (a) give notice in writing of the proposed notice to the licensee; and
  - (b) consider any representations made by the licensee about the proposed notice within 28 days after the notice is given or a longer period allowed in the notice.
- (5) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice published in the Gazette under subsection (2) as if it were a regulation within the meaning of that Act.
- (6) The Authority must review the matters prescribed under subsection (2) at least every 5 years.
- (7) The Authority must seek and consider written submissions from the licensee and from the public when conducting a review.
- (8) A notice published in the Gazette under this section may be incorporated with any other notices that may be published by the Authority under any other Act.
- (9) If the Authority—
  - (a) refuses to recognise a course under this section; or
  - (b) withdraws a recognition of a course under this section,

the provider of the course may apply to the Minister for a review of that decision.

- (10) The Minister may determine the application as the Minister thinks fit and, if the Minister finds in favour of the applicant, grant or preserve the recognition (as appropriate) and require the Authority to publish a notice in the Gazette accordingly.

### **34—Identity cards**

- (1) A staff member, while on duty in the casino premises, must wear an identification card in a form and manner approved by the Commissioner.  
Maximum penalty: \$2 500.
- (2) On ceasing to be a staff member, the former staff member must surrender the identity card to the Commissioner.  
Maximum penalty: \$2 500.
- (3) The Commissioner may, by instrument in writing, exempt a person or class of persons from compliance with this section.

### **35—Staff not to gamble**

A staff member must not operate any machine or participate in any game in the casino premises except to the extent necessary for the proper performance of the member's duties.

Maximum penalty: \$10 000.

### **36—Staff not to accept gratuities**

- (1) A staff member must not, in relation to his or her work, accept a gift or gratuity from any person.  
Maximum penalty: \$20 000.
- (2) However, a staff member does not commit an offence by accepting a gift or gratuity if—
- (a) it is a staff gratuity paid by the licensee or another employer on a basis approved by the Commissioner; or
  - (b) it is of a kind, or given in circumstances, approved by the Commissioner.

### **37—Staff to be exempt from *Security and Investigation Agents Act 1995***

A person is, in relation to the performance of functions and duties as a staff member, exempt from the *Security and Investigation Agents Act 1995*.

## **Division 4—Approval and use of systems and equipment**

### **38—Approval of management systems etc**

- (1) It is a condition of the casino licence that—
- (a) systems and procedures for conducting authorised games; and
  - (b) systems and procedures for surveillance and security; and
  - (c) systems and procedures for internal management and control; and

- (d) systems and procedures for handling, dealing with and accounting for money and gambling chips; and
- (e) other systems and procedures that the Authority determines to be subject to this section,

must be approved by the Commissioner.

- (2) It is a condition of the casino licence that the licensee must ensure that the licensee's operations under the casino licence conform with the approved systems and procedures.

### **39—Operations involving movement of money etc**

- (1) It is a condition of the casino licence that the licensee must comply with directions given by the Commissioner or an authorised officer about the movement or counting of money or gambling chips in the casino premises.
- (2) It is a condition of the casino licence that the licensee must comply with instructions given by the Commissioner to facilitate the scrutiny by authorised officers of operations involving the movement or counting of money or gambling chips in the casino premises.

### **40—Approval of installation etc of equipment**

- (1) It is a condition of the casino licence that the licensee must not permit the installation or use of—
  - (a) equipment for gambling; or
  - (b) equipment for surveillance or security; or
  - (c) equipment of any other kind or for any other purpose notified by the Authority to the licensee,

unless it is approved by the Commissioner.

- (2) It is a condition of the casino licence that the licensee must comply with any instructions of the Commissioner about the use of any such equipment.
- (3) It is a condition of the casino licence that the Commissioner may, personally or through the agency of an authorised officer, assume control of any such equipment at any time.
- (4) It is a condition of the casino licence that the licensee must not permit the removal of any such equipment except with the approval of the Commissioner.

### **40A—Approval of automated table game equipment, gaming machines and games**

- (1) The Commissioner may, on application by a person, approve particular automated table game equipment, particular gaming machines or particular games to be of a class that is approved for the purposes of this Act.
- (2) If an application under subsection (1) relates to automated table game equipment, a gaming machine or a game that can be lawfully operated or played in another jurisdiction prescribed by the regulations for the purposes of this subsection, the Commissioner must grant the approval (unless that equipment, machine or game is of a kind that must not be approved in accordance with this section or the regulations).

- (3) The Commissioner must not approve automated table game equipment under this section unless the equipment—
  - (a) is able to be operated in compliance with the requirements of this Act; and
  - (b) complies with any other requirements prescribed by the regulations.
- (4) The Commissioner must not approve a gaming machine under this section unless the machine—
  - (a) is able to be operated in compliance with the requirements of this Act; and
  - (b) complies with any other requirements prescribed by the regulations.
- (5) The Commissioner may determine that a gaming machine complies with a requirement under subsection (4) if the machine, when used with other equipment, complies with the requirement (and, in such a case, the machine and the other equipment will together constitute the approved gaming machine for the purposes of this Act).
- (6) The Commissioner must not approve a game under this section unless the game—
  - (a) in the case of a game to be played on a gaming machine—returns winnings to players at a rate that is not less than 87.5% of the total amount of all bets made on the game on a particular gaming machine; and
  - (b) in any case—
    - (i) is able to be operated in compliance with the requirements of this Act; and
    - (ii) complies with any other requirements prescribed by the regulations.
- (7) The Commissioner may approve a game to be played on a gaming machine for the purposes of this Act that does not comply with subsection (6)(a) if the Commissioner is satisfied that the game will operate in a way that allows the expenditure, or part of the expenditure, on the game when played on a particular gaming machine to accumulate with the expenditure, or part of the expenditure, on a game played on another gaming machine and that the games, in combination, return winnings to players at a rate that is not less than 87.5% of the total amount of all bets made on the games.
- (8) Subject to subsection (9), an approval granted under this section has effect for a period of—
  - (a) in the case of an approval of a game—5 years; or
  - (b) in the case of an approval of any automated table game equipment or a gaming machine—10 years.
- (9) The Commissioner may, on application made by a person, extend the period for which an approval granted under this section will have effect as follows:
  - (a) the period of 5 years referred to in subsection (8)(a) may be extended by a further period of up to 5 years (determined by the Commissioner) on an application made not more than 2 years before expiry of the approval;
  - (b) the period of 10 years referred to in subsection (8)(b) may be extended by a further period of up to 10 years (determined by the Commissioner) on an application made not more than 5 years before expiry of the approval.



(10) In this section—

*game* means any game software for use with a gaming machine or automated table game equipment.

#### **40B—Recognition of certain systems operated in connection with gaming machines and automated table game equipment**

- (1) For the purpose of this Act, the Authority may, by notice in the Gazette, recognise systems to be operated in connection with gaming machines or automated table game equipment, or classes of gaming machines or automated table game equipment, approved under this Act being—
  - (a) account based cashless gaming systems; or
  - (b) automated risk monitoring systems.
- (2) The Authority may, by notice in the Gazette, prescribe criteria for a system recognised under subsection (1) which must address—
  - (a) in relation to an account based cashless gaming system—
    - (i) the maximum value to be stored and transferred from a user account to a gaming machine or automated table game equipment; and
    - (ii) the payment of prizes; and
    - (iii) the provision of account statements; and
    - (iv) any other matter prescribed by the regulations; or
  - (b) in relation to an automated risk monitoring system—
    - (i) identifying indicators of potential problem gambling behaviour; and
    - (ii) any other matter prescribed by the regulations.
- (3) A recognition under this section continues in force for a period specified by the Authority in the notice of recognition or, if no such period is specified, for a period of 5 years (but the Authority may withdraw the recognition before the end of that period by notice in the Gazette if it thinks fit).
- (4) The provisions of a notice prescribed under this section may be of general, limited or varied application according to—
  - (a) the classes of person, gaming machines, automated table game equipment or gaming operations; or
  - (b) the circumstances; or
  - (c) any other specified factor,to which the provision is expressed to apply.
- (5) The Authority may, by subsequent notice in the Gazette, withdraw a recognition under subsection (1) or vary or revoke a notice under subsection (2).
- (6) Before the Authority publishes a notice in the Gazette under this section, the Authority must—
  - (a) give notice in writing of the proposed notice to the licensee; and

- (b) consider any representations made by the licensee about the proposed notice within 28 days after the notice is given or a longer period allowed in the notice.
- (7) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice published in the Gazette under subsection (2) as if it were a regulation within the meaning of that Act.
- (8) The Authority must review the matters prescribed under subsection (2) at least every 5 years.
- (9) The Authority must seek and consider written submissions from the licensee and from the public when conducting a review.
- (10) A notice published under subsection (2) may be incorporated with any other notices that may be published by the Authority under any other Act.
- (11) If the Authority—
  - (a) refuses to recognise a system under this section; or
  - (b) withdraws a recognition of a system under this section,the system provider may apply to the Minister for a review of that decision.
- (12) The Minister may determine the application as the Minister thinks fit and, if the Minister finds in favour of the applicant, grant or preserve the recognition (as appropriate) and require the Authority to publish a notice in the Gazette accordingly.

#### **41—Interference with approved systems, equipment etc**

- (1) A person who interferes in any way with the proper operation of a system, equipment, machine or game approved or recognised under this Division with the intent of gaining any benefit or advantage for himself or herself or any other person, is guilty of an offence.  
Maximum penalty: \$50 000 or imprisonment for 4 years.
- (2) A person who manufactures, sells, supplies or has in his or her possession a device designed, adapted or intended to be used for the purpose of interfering with the proper operation of a system, equipment, machine or game approved or recognised under this Division is guilty of an offence.  
Maximum penalty: \$50 000 or imprisonment for 4 years.
- (3) A person who uses a computer, calculator or other device for the purpose of projecting the outcome of an authorised game being played in a gaming area is guilty of an offence.  
Maximum penalty: \$50 000 or imprisonment for 4 years.
- (4) A person other than a staff member authorised by the licensee to do so must not remove cash or gambling chips from gaming equipment.  
Maximum penalty: \$5 000 or imprisonment for 3 months.

## Division 4AA—Disposal of games and gaming machines

### 41AA—Sale or supply of equipment, games, gaming machines and components

- (1) It is a condition of the casino licence that the licensee must not sell or supply automated table game equipment, a game, gaming machine or prescribed gaming machine component to a person other than the holder of a gaming machine dealer's licence under the *Gaming Machines Act 1992*.
- (2) If any agreement or arrangement is entered into by the licensee and any person other than the holder of a gaming machine dealer's licence for, or in connection with, the sale or supply of automated table game equipment, games, gaming machines or prescribed gaming machine components the agreement or arrangement is null and void.
- (3) This section does not apply in relation to a sale or supply to the transferee on a transfer of the casino licence in accordance with section 11.
- (4) In this section—  
*game* means any game software for use with a gaming machine or automated table game equipment.

## Division 4A—Codes of practice

### 41A—Codes of practice may be prescribed by the Authority

- (1) For the purposes of this Act, the Authority may, by notice in the Gazette, prescribe—
  - (a) advertising codes of practice; and
  - (b) responsible gambling codes of practice.
- (2) Without limiting the generality of subsection (1)(b), a responsible gambling code of practice may—
  - (a) require the licensee to provide information to patrons regarding responsible gambling, the availability of services to address problems associated with gambling (including barring orders) and any other matter under this Act, whether by—
    - (i) signs and warning notices; or
    - (ii) the use of audio, visual, or electronic means,in accordance with any requirements specified in the code; and
  - (b) make provision relating to the making of barring orders under Part 4 of the *Independent Gambling Authority Act 1995*; and
  - (c) require the licensee to have a program for intervention in problem gambling designed to promote—
    - (i) identification of persons engaging in problem gambling, including through observation of the attendance patterns, behaviour and statements of gamblers; and

- (ii) the provision of information relating to responsible gambling and the availability of services to address problems associated with gambling to persons so identified; and
    - (iii) the use of barring orders under Part 4 of the *Independent Gambling Authority Act 1995* in relation to persons so identified; and
    - (iv) the referral of persons so identified to the Department within the meaning of the *Problem Gambling Family Protection Orders Act 2004*; and
  - (d) make provision relating to the provision and operation of customer loyalty programs; and
  - (e) require the licensee to comply with specified requirements in relation to staff training including (without limitation)—
    - (i) requiring staff, or specified classes of staff, to complete the whole or any part of the training courses recognised in accordance with section 33A; and
    - (ii) specifying procedures for obtaining exemptions from the requirements referred to in subparagraph (i) in relation to particular staff, or a specified class of staff (and any such exemptions may be granted by the Authority subject to conditions the Authority thinks fit); and
  - (f) include other matters designed to reduce the incidence of problem gambling.
- (3) The provisions of a notice prescribed under this section may be of general, limited or varied application according to—
- (a) the classes of person, equipment or operations; or
  - (b) the circumstances; or
  - (c) any other specified factor,
- to which the provision is expressed to apply.
- (4) The Authority may, by subsequent notice in the Gazette, vary or revoke a notice under this section.
- (5) Before the Authority publishes a notice in the Gazette under this section, the Authority must—
- (a) give notice in writing of the proposed notice to the licensee; and
  - (b) consider any representations made by the licensee about the proposed notice within 28 days after the notice is given or a longer period allowed in the notice.
- (6) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice published in the Gazette under this section as if it were a regulation within the meaning of that Act.
- (7) The Authority must review the codes of practice prescribed under this section at least every 5 years.
- (8) The Authority must seek and consider written submissions from the licensee and from the public when conducting a review.

- (9) A code of practice prescribed under this section may be incorporated with any other codes of practice that may be prescribed by the Authority under any other Act.

#### **41B—Compliance with codes of practice**

It is a condition of the casino licence—

- (a) that the licensee must ensure that advertising by the licensee conforms with any advertising codes of practice prescribed under section 41A(1)(a); and
- (b) that the licensee must ensure that operations under the licence conform with any responsible gambling codes of practice prescribed under section 41A(1)(b).

### **Division 5—Prohibited practices**

#### **42—Gambling on credit prohibited**

- (1) It is a condition of the casino licence that the licensee must not, in connection with gambling at the casino premises—
- (a) accept a wager unless the gambler places the wager by putting down cash or gambling chips at the time the wager is made; or
  - (b) lend money, gambling chips or anything that might be converted into money or gambling chips; or
  - (ba) allow a person to use a credit card or charge card for the purpose of paying for gambling or in circumstances where the licensee could reasonably be expected to know that the use of the card is for that purpose; or
  - (c) extend any other form of credit; or
  - (d) release or discharge a gambling debt without the Authority's approval.
- (2) However, the above condition does not prevent the licensee or another person from extending credit for gambling on terms and conditions approved by the Authority.

#### **42A—Prohibition of ATMs**

It is a condition of the casino licence that the licensee must not provide, or allow another person to provide an automatic teller machine in a gaming area.

#### **42B—Provisions relating to gaming machines and automated table games**

- (1) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that may be operated in connection with a cashless gaming system other than a system recognised by the Authority under section 40B(1)(a).
- (2) It is a condition of the casino licence that the licensee must not, on or after the prescribed day, provide any gaming machine or automated table game equipment that may be operated otherwise than in connection with an automated risk monitoring system recognised by the Authority under section 40B(1)(b).
- (3) It is a condition of the casino licence that the licensee must not, on or after the prescribed day, provide any gaming machine or automated table game equipment that is not capable of displaying on-screen messages.

- (4) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that allows the operation of the game by insertion of a bank note.
- (5) It is a condition of the casino licence that the licensee must not permit the use of an audio device on any gaming machine if the use of the device is not intended primarily to assist a person with a hearing impairment.
- (6) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that is fitted with a device or mechanism designed to allow the playing of a number of successive games by an automatic process.
- (7) It is a condition of the casino licence that the licensee must not provide any gaming machine that allows a maximum bet of more than \$5.

- (8) In this section—

*audio device* means an earphone, earpiece, headphone, headset or any other device to convert signals from a gaming machine to audible sound delivered to the ear of a person playing the machine to the exclusion of everyone else;

*prescribed day* means—

- (a) 31 December 2018; or
- (b) if, before 31 December 2018, the Governor prescribes a later date by regulation—on that later date.

#### **42C—Prohibition of gambling outside of gaming areas**

- (1) It is a condition of the casino licence that the licensee will not, except as may be provided by the approved licensing agreement, permit gambling in the casino premises other than in a gaming area.
- (2) If the approved licensing agreement allows the licensee to permit any gambling in a part of the casino premises other than a gaming area, it is a condition of the casino licence that the licensee will take all reasonably practicable measures to ensure that no child is able to engage in that gambling.

### **Division 6—Exclusion of children**

#### **43—Exclusion of children**

- (1) A child who enters a gaming area is guilty of an offence.  
Maximum penalty: \$500.
- (2) Any amount won by a child by gambling at the casino premises is forfeited to the Crown.
- (3) If a child enters a gaming area, the licensee and the staff member who is responsible for supervising entry to the gaming area are each guilty of an offence.  
Maximum penalty:  
In the case of the licensee—\$10 000.  
In the case of a staff member—\$2 000.

- (4) It is a defence to a charge of an offence against subsection (3) to prove that procedures for exclusion of children approved by the Authority were being properly enforced at the time the child entered the gaming area.
- (5) An authorised person who suspects on reasonable grounds that a person who is in a gaming area or about to enter a gaming area may be a child may require the person to produce evidence of age to the authorised person's satisfaction.
- (6) A person who—
  - (a) fails without reasonable excuse to comply with a requirement under subsection (5); or
  - (b) makes a false statement, or produces false evidence, in response to such a requirement,is guilty of an offence.  
Maximum penalty: \$2 000.
- (7) An authorised person who suspects on reasonable grounds that a person who is in a gaming area is a child—
  - (a) may require the person to leave the gaming area; and
  - (b) if the person fails to comply with that requirement—exercise reasonable force to remove the person from the gaming area.
- (7a) The regulations may prescribe circumstances in which this section or provisions of this section do not apply.
- (8) In this section, an *authorised person* is—
  - (a) an agent or employee of the licensee; or
  - (b) a police officer.

## Division 7—General barring powers

### 44—Licensee's power to bar

- (1) The licensee may, by written order, bar a person (the *barred person*) from the gaming areas for a period specified in the order.
- (2) The order must—
  - (a) state the grounds on which the order is made; and
  - (b) set out the rights of the barred person to have the order reviewed under this section; and
  - (c) must be given to the person against whom it is made personally or by sending it by post addressed to the person at the last known postal address.
- (3) An order may be made under this section on any reasonable ground (other than on the ground that the person is placing his or her own welfare, or the welfare of dependants, at risk through gambling).

**Note—**

In relation to barring on the ground that a person is placing his or her own welfare, or the welfare of dependants, at risk through gambling—see Part 4 of the *Independent Gambling Authority Act 1995*.

- (4) The order may be made for a period of up to 3 months.
- (5) If the barred person applies to the Commissioner within 14 days of the order for a review of the order the Commissioner must review the order and may confirm, vary or revoke the order.
- (6) A barred person who enters or remains in a gaming area contrary to an order under this section is guilty of an offence.  
Maximum penalty: \$2 500.
- (7) If a barred person is allowed to enter or remain in a gaming area contrary to an order under this section, the licensee is guilty of an offence.  
Maximum penalty: \$10 000.
- (8) An agent or employee of the licensee or a police officer may exercise reasonable force—
  - (a) to prevent a person from entering a gaming area contrary to an order under this section; or
  - (b) to remove a person who is in a gaming area contrary to an order under this section.
- (9) The licensee or the Commissioner may at any time revoke an order under this section.
- (10) The licensee must retain copies of all orders made under this section.

**45—Commissioner's power to bar**

- (1) The Commissioner may, by written order, bar a person (the *barred person*) from the gaming areas for a period specified in the order or for an unlimited period.
- (2) The Commissioner may make an order under this section—
  - (c) on review of an order made by the licensee barring the person against whom the order is to be made from the gaming areas; or
  - (d) on the Commissioner's own initiative.
- (3) The order must—
  - (a) state the grounds on which the order is made; and
  - (b) set out the rights of the barred person to have the order reviewed; and
  - (c) be given to the person against whom it is made personally or by sending it by post addressed to the person at the last known postal address.



- (4) An order may be made under this section on any reasonable ground (other than on the ground that the person is placing his or her own welfare, or the welfare of dependants, at risk through gambling).

**Note—**

In relation to barring on the ground that a person is placing his or her own welfare, or the welfare of dependants, at risk through gambling—see Part 4 of the *Independent Gambling Authority Act 1995*.

- (5) A barred person who enters or remains in a gaming area contrary to an order under this section is guilty of an offence.  
Maximum penalty: \$2 500.
- (6) If a barred person is allowed to enter or remain in a gaming area contrary to an order under this section, the licensee is guilty of an offence.  
Maximum penalty: \$10 000.
- (7) An agent or employee of the licensee or a police officer may exercise reasonable force—
- (a) to prevent a person from entering a gaming area contrary to an order under this section; or
  - (b) to remove a person who is in a gaming area contrary to an order under this section.
- (8) The Commissioner may at any time revoke an order under this section.
- (9) The Commissioner must retain copies of all orders made under this section.

**45A—Commissioner of Police's power to bar**

- (1) The Commissioner of Police may, by written order, bar a person (the *barred person*) from the gaming areas for a period specified in the order or for an unlimited period on any reasonable ground.
- (2) The order must—
- (a) subject to subsection (3), state the grounds on which the order is made; and
  - (b) set out the rights of the barred person to have the order reviewed by the Authority; and
  - (c) be given to the person against whom it is made personally or by sending it by post addressed to the person at the last known postal address.
- (3) If a person is barred from the gaming areas by order under this section because of information that is classified by the Commissioner of Police as criminal intelligence, the order need only state that it would be contrary to the public interest if the person were not so barred.
- (4) If a person has been barred from the gaming areas by order under this section, the licensee must, within 14 days of the service of the order, be provided with—
- (a) a copy of the order; and
  - (b) information that identifies the person,
- (but a failure to comply with this subsection does not affect the operation of the order).

- (5) A barred person who enters or remains in a gaming area contrary to an order under this section is guilty of an offence.  
Maximum penalty: \$2 500.
- (6) If a barred person is allowed to enter or remain in a gaming area contrary to an order under this section, the licensee is guilty of an offence.  
Maximum penalty: \$10 000.
- (7) An agent or employee of the licensee or a police officer may exercise reasonable force—
  - (a) to prevent a person from entering a gaming area contrary to an order under this section; or
  - (b) to remove a person who is in a gaming area contrary to an order under this section.
- (8) The Commissioner of Police may at any time revoke an order under this section.
- (9) The Commissioner of Police may not delegate his or her power under this section except to a Deputy Commissioner or Assistant Commissioner of Police.
- (10) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the power of the Commissioner of Police to act in any matter; and
  - (d) is revocable at will by the Commissioner of Police.

#### **46—Summary exclusion in case of intoxication etc**

An agent or employee of the licensee or a police officer may exercise reasonable force to prevent a person entering the casino premises, or to remove a person from the casino premises, if the person—

- (a) is behaving in an abusive, offensive or disorderly manner; or
- (b) appears to be intoxicated.

### **Division 8—General power of direction**

#### **47—Directions to licensee**

- (1) The Authority may, by written notice, give directions to the licensee about the management, supervision and control of any aspect of the operation of the casino.
- (2) The licensee must ensure that all directions given under this section are diligently observed and carried out.

### **Division 9—Consultation with licensee**

#### **47A—Requirement for Authority to consult licensee**

- (1) This section applies to any of the following powers of the Authority under this Part:
  - (a) the power to give a direction or instruction;

- (b) the power of classification or designation in relation to officers or staff of the licensee;
  - (c) the power to determine systems and procedures for which the Commissioner's approval will be required;
  - (d) the power to notify the licensee of equipment for which the Commissioner's approval will be required.
- (2) Before the Authority exercises a power to which this section applies the Authority must, unless the Authority considers it contrary to the public interest to do so—
- (a) give written notice to the licensee of the proposed exercise of power; and
  - (b) consider any representations made by the licensee about the proposed exercise of power within 14 days after the notice is given or a longer period allowed in the notice.

#### **47B—Requirement for Commissioner to consult licensee**

- (1) This section applies to any of the following powers of the Commissioner under this Part:
- (a) the power to give a direction or instruction;
  - (b) the power to approve the basis on which staff gifts or gratuities may be accepted.
- (2) Before the Commissioner exercises a power to which this section applies the Commissioner must, unless the Commissioner considers it contrary to the public interest to do so—
- (a) give written notice to the licensee of the proposed exercise of power; and
  - (b) consider any representations made by the licensee about the proposed exercise of power within 14 days after the notice is given or a longer period allowed in the notice.

## **Part 5—Financial matters**

### **Division 1—Accounts and audit**

#### **48—Accounts and audit**

- (1) The licensee must keep proper financial accounts in relation to the operation of the casino.  
Maximum penalty: \$50 000.
- (2) The accounts—
- (a) must be kept in accordance with generally accepted accounting standards; and
  - (b) must be segregated from accounts relevant to other business carried on by the licensee.
- (3) The licensee must have the accounts periodically audited as required under the conditions of the licence by a registered company auditor.

#### **49—Licensee to supply copy of audited accounts**

- (1) As soon as practicable after the audit of accounts that the licensee is required to keep under this Division is completed, the licensee must give the Authority and the Treasurer a copy of the audited accounts.

Maximum penalty: \$10 000.

- (2) As soon as practicable after the audit of accounts that the licensee is required to keep under the *Corporations Act 2001* of the Commonwealth is completed the licensee must give the Authority and the Treasurer a copy of the audited accounts.

Maximum penalty: \$10 000.

#### **50—Duty of auditor**

- (1) The auditor of accounts that the licensee is required to keep either under this Division or the *Corporations Act 2001* of the Commonwealth must—

- (a) notify the Authority of any suspected irregularity in the accounts or in the licensee's financial affairs; and
- (b) must, on the written request of the Authority, provide the Authority with information specified in the request (in a manner and form specified in the request) about the accounts or the licensee's financial affairs.

Maximum penalty: \$10 000.

- (2) A communication under subsection (1) is absolutely privileged.
- (3) The Authority must keep information obtained under this section confidential, subject to the following exceptions:
  - (a) the Authority may, on the written request of the Minister, the Treasurer or the Commissioner, divulge information obtained under this section to the Minister, the Treasurer or the Commissioner (as the case may be);
  - (b) the Authority may divulge information obtained under this section as otherwise authorised by law.

### **Division 2—Casino duty**

#### **51—Liability to casino duty**

- (1) The licensee must pay casino duty (and interest and penalties for late payment or non-payment of casino duty) in accordance with the casino duty agreement.
- (2) In the absence of an agreement between the licensee and the Treasurer, the licensee must pay casino duty (and interest and penalties for late payment or non-payment of casino duty) on a basis fixed under the regulations.
- (3) The Treasurer must pay duty (and interest and penalties) received from the licensee into the Consolidated Account.
- (4) Casino duty (and interest and penalties) may be recovered as a debt due to the State.

#### **52—Evasion and underpayment of casino duty**

- (1) The licensee must not—
  - (a) attempt to evade the payment of casino duty; or

- (b) make a false or misleading statement or return relevant to the amount of casino duty payable knowing it to be false or misleading.

Maximum penalty: \$100 000.

- (2) If the licensee contravenes subsection (1) or there is otherwise an underpayment of casino duty, the Treasurer may make an estimate of the duty that should have been paid and make a reassessment of duty on the basis of the estimate.
- (3) Duty may be recovered on the basis of the reassessment as a debt due to the State.

### **52AA—Investigatory powers relating to casino duty**

- (1) It is a condition of the casino licence that the licensee must, on the written request of the Treasurer, provide information within the time specified in the request about any matter relevant to the payment of casino duty or the casino duty agreement.
- (2) An authorised officer may, for a purpose related to the payment of casino duty or the casino duty agreement—
  - (a) enter and remain on premises; and
  - (b) require any person on the premises to answer questions or otherwise furnish information; and
  - (c) require any person on the premises to produce any instrument or record in the person's custody or control (including a written record that reproduces in an understandable form information stored by computer, microfilm or other means or process); and
  - (d) require the owner or occupier of the premises to provide the authorised officer with such assistance and facilities as is or are reasonably necessary to enable the authorised officer to exercise powers under this Division; and
  - (e) seize and remove any instrument or record on behalf of the Treasurer.
- (3) Entry may be made at any reasonable time.
- (4) An authorised officer must, at the request of a person in relation to whom the authorised officer intends to exercise any powers under this section, produce the officer's identity card for the inspection of the person.
- (5) A person who—
  - (a) hinders or obstructs an authorised officer in the exercise of a power under this section; or
  - (b) without reasonable excuse, refuses or fails to comply with a requirement of an authorised officer under this section,

is guilty of an offence.

Maximum penalty: \$10 000.

- (6) A person is not guilty of an offence under this section arising from the entry of an authorised officer onto premises unless it is established that, at the material time, the authorised officer—
  - (a) identified himself or herself as an authorised officer; and
  - (b) warned the person that a refusal or failure to comply with the requirement constituted an offence.

(7) In this section—

*authorised officer* means an authorised officer under the *Taxation Administration Act 1996*.

### **Division 3—Recovery of administration costs**

#### **52A—Commissioner to recover administration costs**

- (1) The Commissioner must, not less than 1 month before the commencement of each financial year, notify the licensee in writing of the amount fixed by the Minister as the recoverable administration costs for that financial year.
- (2) If, during the course of the financial year, the Minister varies the amount fixed as the recoverable administration costs for the financial year, the Commissioner must notify the licensee in writing of the variation, specifying the amount fixed as the revised recoverable administration costs for that financial year.
- (3) Subject to subsection (4), the licensee must, in each month of the financial year, pay to the Commissioner one-twelfth of the amount of the recoverable administration costs for that financial year.
- (4) If a notice is given to the licensee under subsection (2), the licensee must, in each month of the financial year following that notice, pay to the Commissioner an amount equal to the revised recoverable administration costs specified in the notice less the total of the payments that have fallen due under this section in the financial year, divided by the number of payments yet to fall due under this section in the financial year.
- (5) If the whole or a part of an amount payable by the licensee is not paid to the Commissioner as required, the amount unpaid may be recovered from the licensee as a debt due to the State.
- (6) In proceedings for recovery of an amount unpaid, the Commissioner's certificate is to be regarded as conclusive evidence of the recoverable administration costs or revised recoverable administration costs for the period specified in the certificate.
- (7) In this section—

*administration costs* means the costs of administering this Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

## **Part 6—Supervision**

### **Division 1—Commissioner's supervisory responsibility**

#### **53—Responsibility of the Commissioner**

The Commissioner is responsible to the Authority to ensure that the operations of the casino are subject to constant scrutiny.

## Division 2—Power to obtain information

### 54—Power to obtain information

It is a condition of the casino licence that the licensee must, on the written request of the Commissioner or the Authority, provide information within the time specified in the request about—

- (a) any matter relevant to the operation of the casino specified in the request; or
- (b) any aspect of the licensee's financial affairs specified in the request.

## Division 3—Powers of authorised officers

### 55—Powers of inspection

- (1) An authorised officer may at any time enter and remain in the casino premises to ascertain whether—
  - (a) the operation of the casino is being properly supervised and managed; or
  - (b) the provisions of this Act and the conditions of the licence are being complied with.
- (2) A staff member must, at the request of an authorised officer, facilitate an examination by the officer of—
  - (a) systems, procedures or equipment used for gambling, surveillance or security; or
  - (b) accounts, records or other documents relating to the operation of the casino.

Maximum penalty: \$25 000.

- (2a) An authorised officer may retain any accounts, records or documents relating to the operation of the casino for as long as is reasonably necessary for the purposes of copying or taking extracts from any of them.
- (3) A person must not obstruct an authorised officer in the exercise of powers under this section.  
Maximum penalty: \$25 000.
- (4) If an authorised officer becomes aware of an irregularity, deficiency or statutory default in the supervision or management of the casino or in the accounts or records relating to the casino, the officer must make a written report on the irregularity, deficiency or default to the Commissioner and to the Authority.

## Part 7—Power to deal with default

### Division 1—Statutory default

#### 56—Statutory default

A *statutory default* occurs if—

- (a) the licensee contravenes or fails to comply with a provision of this Act or a condition of the licence; or

- (b) the licensee becomes liable to disciplinary action under this Act on some other basis; or
- (c) an event occurs, or circumstances come to light, that show the licensee to be an unsuitable person to continue to hold the licence.

### **57—Effect of criminal proceedings**

- (1) The Authority may exercise its powers under this Part in relation to a statutory default whether or not criminal proceedings have been, or are to be, taken for the default and even though a penalty may have been already imposed for the default.
- (2) However—
  - (a) if the licensee expiates a statutory default under this Part, no further action may be taken for that default; and
  - (b) the Authority must, in imposing a fine, take into account any fine that has already been imposed in criminal proceedings.

## **Division 2—Compliance notices**

### **58—Compliance notice**

- (1) If a statutory default occurs, the Authority may give written notice to the licensee (a *compliance notice*) specifying the default and requiring the licensee to take specified action, within a period specified in the notice, to remedy the default or to ensure against repetition of the default.
- (2) If the licensee fails to take the specified action within the time allowed in the notice, the licensee is guilty of an offence.  
Maximum penalty: \$100 000.

## **Division 3—Expiation notices**

### **59—Expiation notice**

- (1) If a statutory default occurs, the Authority may give written notice to the licensee (an *expiation notice*) specifying the default and informing the licensee that disciplinary action may be avoided by payment of a specified sum not exceeding \$10 000 within a period specified in the notice.
- (2) If the specified amount is paid in accordance with the notice, no disciplinary action may be taken under this Act for the default nor may criminal proceedings be taken for the default.

## **Division 4—Injunctive remedies**

### **60—Injunctive remedies**

- (1) If a statutory default occurs or there are reasonable grounds to suspect that a statutory default may occur or be attempted, the Supreme Court may, on application by the Minister or the Authority, grant an injunction to prevent the statutory default or to prevent recurrence of the statutory default.
- (2) The injunction may be granted on terms the Court considers appropriate.



- (3) An injunction may be granted under this section whether or not—
  - (a) there has been some previous statutory default of the same or a similar nature;  
or
  - (b) there is imminent danger of substantial damage to any person.
- (4) No undertaking as to damages can be required of the Minister or the Authority in proceedings under this section.

## **Division 5—Disciplinary action**

### **61—Disciplinary action**

- (1) If a statutory default occurs, the Authority may give written notice to the licensee—
  - (a) specifying the default; and
  - (b) requiring the licensee to show cause, within a period specified in the notice (which must be at least 14 days), why disciplinary action should not be taken against the licensee.
- (2) The Authority must allow the licensee a reasonable opportunity to make submissions orally or in writing to the Authority.
- (3) After considering the submissions (if any) made by the licensee, the Authority may, by order, take disciplinary action as follows—
  - (a) the Authority may censure the licensee;
  - (b) the Authority may impose a fine of up to \$100 000 on the licensee;
  - (c) the Authority may vary the conditions of the licence (irrespective of any provision of the approved licensing agreement excluding or limiting the power of variation of the conditions of the licence);
  - (d) the Authority may suspend the licence for a specified or unlimited period;
  - (e) the Authority may cancel the licence.
- (4) Disciplinary action takes effect on the date of service of the order on the licensee or on a later date specified in the order.
- (5) If the Authority suspends the licence, the Authority may, at any time, terminate the suspension.
- (6) A fine imposed under this section may be recovered as a debt due to the State.

### **62—Alternative remedy**

The Authority may, instead of taking disciplinary action, issue a compliance notice.

## **Division 6—Official management**

### **63—Power to appoint manager**

- (1) If the casino licence—
  - (a) is suspended, cancelled or surrendered; or
  - (b) expires and is not renewed,

the Minister may, on the recommendation of the Authority, appoint an official manager of the business conducted under the licence.

- (2) If the licensee—
- (a) becomes insolvent within the meaning of Part 7.10 of the *Corporations Act 2001* of the Commonwealth; or
  - (b) goes into liquidation,
- the Minister may, on the recommendation of the Authority, appoint an official manager of the business conducted under the licence.
- (3) An appointment under subsection (1) or (2) may be terminated at any time by the Minister.
- (4) The approved licensing agreement may contain provisions governing the basis on which the Minister's powers are to be exercised under this section.

## 64—Powers of manager

- (1) The official manager—
- (a) is to assume control of the business conducted under the licence (or former licence); and
  - (b) is entitled to possession and control of property of the licensee (or former licensee) used for the purposes of the business conducted under the licence; and
  - (c) is, while the appointment continues in force, taken to be the holder of a licence on conditions determined by the Authority.
- (2) Any proceeds of the business while under official management are to be applied as follows—
- (a) first, a reasonable rental for the licensee's (or former licensee's) property is to be paid out of the proceeds to the licensee (or former licensee) while the property remains in the official manager's possession; and
  - (b) secondly, the proceeds are to be applied towards the costs of official management (including the official manager's remuneration); and
  - (c) thirdly, any remaining balance is to be paid into the Consolidated Account.
- (3) However, the approved licensing agreement may operate to exclude or modify the provisions of subsection (2).
- (4) The regulations may confer powers and impose duties on official managers and regulate official management in other ways.

## Division 7—Administrators, controllers and liquidators

### 64A—Administrators, controllers and liquidators

- (1) If an administrator, controller or liquidator of the licensee assumes control over the casino business for a period (the *period of administration*) that person—
- (a) stands in the position of the licensee for the period of administration; and

- (b) is liable for the casino duty and other liabilities to the Crown accruing during the period of administration; and
  - (c) is subject to this Act, and liable to direction and control under this Act, in the same way as if the person were the licensee; and
  - (d) if charged with an offence against this Act, is entitled to a defence on proof that the offence was not committed intentionally and did not arise from the defendant's failure to take reasonable care to avoid the commission of the offence.
- (2) For the purposes of subsection (1), an administrator, controller or liquidator will only be regarded as being in control of the casino business if in control of all or substantially all of the business assets associated with the operation of the casino.

## **Part 8—Review and appeal**

### **65—Review of decisions**

- (1) A person aggrieved by a decision of the Commissioner under this Act may, within 30 days after receiving notice of the decision, apply to the Authority for a review of the decision.
- (2) A person aggrieved by a decision of the Commissioner of Police to bar the person from the gaming areas by order under section 45A may, within 14 days after being given a copy of the order, apply to the Authority for a review of the decision.
- (3) On an application under this section, the Authority may confirm, vary, revoke or reverse the decision under review.
- (4) In this section—  
*decision* of the Commissioner includes, for example, the refusal of an application or the revocation of an approval.

### **66—Finality of Authority's decisions**

- (1) A decision of the Authority under this Act is final and without appeal subject however to the following qualifications:
  - (a) an appeal lies to the Supreme Court against a decision to take disciplinary action against a licensee; and
  - (b) an appeal lies, with the permission of the Supreme Court, against a decision of the Authority on a question of law.
- (2) An appeal must be commenced, or the application for permission to appeal made, within 1 month after the decision to which the appeal relates.

### **66A—Procedure in relation to criminal intelligence**

In any proceedings under this Part, the Authority or the Supreme Court—

- (a) must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and

- (b) may take evidence consisting of or relating to information that is so classified by the Commissioner of Police by way of affidavit of a police officer of or above the rank of superintendent.

### **67—Finality of Governor's decisions**

A decision by the Governor under this Act is not subject to review or appeal in any court.

## **Part 9—Miscellaneous**

### **68—Reasons for decision**

- (1) The Governor is not bound to give reasons for a decision under this Act.
- (2) The Authority is not bound to give reasons for a decision under this Act.

**Exception—**

The Authority must, at the request of a person affected by a decision, give reasons for a decision if an appeal lies against the decision as of right, or with permission, to the Supreme Court.

- (3) The Commissioner is not bound to give reasons for a decision under this Act.

**Exceptions—**

- 1 The Commissioner must, at the request of a person whom the Commissioner has barred from the casino, give reasons for doing so.
- 2 The Commissioner must, at the request of the Authority, give reasons to the Authority for a decision of the Commissioner under this Act.

### **68A—Minister may issue certain directions to Authority**

If the Minister is of the opinion that a requirement imposed by the Authority on the licensee under this Act (whether the requirement is imposed under a code of practice, by the issue of a direction to the licensee or otherwise) would have the effect of requiring a pre-commitment system to be operated in connection with gaming machines or automated table game equipment provided by the licensee, the Minister may issue such directions to the Authority as the Minister thinks fit in relation to that requirement.

### **69—Confidentiality of criminal intelligence and other information provided by Commissioner of Police**

- (1) Information provided by the Commissioner of Police under this Act to the Authority or the Commissioner may not be disclosed to any person other than the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure, if the Commissioner of Police asks for the information to be kept confidential on the ground that its disclosure might create a risk of loss, harm or undue distress.
- (2) Information that is classified by the Commissioner of Police as criminal intelligence for the purposes of this Act may not be disclosed to any person other than the Authority, the Commissioner, the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure.

- (3) The Commissioner of Police may not delegate the function of classifying information as criminal intelligence for the purposes of this Act except to a Deputy Commissioner or Assistant Commissioner of Police.

#### **70—Prohibition of gambling by Commissioner and authorised officers**

- (1) The Commissioner must not engage in gambling at the casino premises.  
Maximum penalty: \$10 000.
- (2) An authorised officer must not engage in gambling at the casino premises.  
Maximum penalty: \$10 000.

#### **71—Annual report**

- (1) The Commissioner must, on or before 31 August in each year, prepare and present to the Authority a report on the administration of this Act during the preceding financial year.
- (2) The Authority must, on or before 30 September in each year, prepare and present to the Minister a report on its activities in relation to the casino during the preceding financial year.
- (3) The report must include—
  - (aa) any directions issued by the Minister under section 68A; and
  - (a) details of any statutory default occurring during the course of the relevant financial year; and
  - (b) details of any disciplinary action taken by the Authority; and
  - (c) the Commissioner's report on the administration of this Act together with any observations on that report that the Authority considers appropriate.
- (4) The Minister must, within 12 sitting days after receiving the Authority's report, have copies of the report laid before both Houses of Parliament.

#### **72—Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
  - (1a) The regulations may be of general, limited or varied application according to—
    - (a) the classes of person, equipment or operations; or
    - (b) the circumstances; or
    - (c) any other specified factor,to which the provision is expressed to apply.
  - (1b) The regulations may, for transitional purposes—
    - (a) provide that specified provisions of this Act will not apply in relation to the licensee or the casino premises, or a specified part of the casino premises, until a specified day; or
    - (b) modify the application of this Act, or provisions of this Act, in relation to the licensee or the casino premises, or a specified part of the casino premises, until a specified day.

- (2) A regulation may impose a penalty not exceeding \$2 000 for contravention of, or failure to comply with, a provision of a regulation.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation repealed by principal Act

The *Casino Act 1997* repealed the following:

*Casino Act 1983*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1997	31	<i>Casino Act 1997</i>	19.6.1997	11.9.1997 ( <i>Gazette 11.9.1997 p703</i> ) except Pts 5 & 7 and s 71—19.6.1999 (s 7(5) <i>Acts Interpretation Act 1915</i> )
1999	47	<i>Casino (Licence) Amendment Act 1999</i>	12.8.1999	12.8.1999
2001	18	<i>Statutes Amendment (Gambling Regulation) Act 2001</i>	31.5.2001	Pt 3 (ss 11—15 & 17—19)—1.10.2001 ( <i>Gazette 13.9.2001 p4116</i> ); Pt 3 (s 16)—1.6.2002 ( <i>Gazette 30.5.2002 p1996</i> )
2002	34	<i>Statutes Amendment (Corporations—Financial Services Reform) Act 2002</i>	28.11.2002	Pt 5 (ss 10—14)—1.8.2003 ( <i>Gazette 10.7.2003 p2913</i> )
2006	17	<i>Statutes Amendment (New Rules of Civil Procedure) Act 2006</i>	6.7.2006	Pt 13 (ss 50 & 51)—4.9.2006 ( <i>Gazette 17.8.2006 p2831</i> )
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 12 (ss 38 & 39)—1.6.2007 ( <i>Gazette 26.4.2007 p1352</i> )
2007	45	<i>Statutes Amendment (Investigation and Regulation of Gambling Licensees) Act 2007</i>	1.11.2007	Pt 3 (ss 9—12) & Sch 1 (cl 2)—1.11.2007
2008	48	<i>Statutes Amendment (Power to Bar) Act 2008</i>	4.12.2008	Pt 3 (ss 12—16)—1.3.2009 ( <i>Gazette 26.2.2009 p765</i> ) except new s 66A(6) (as inserted by s 15)—4.12.2010 (s 7(5) <i>Acts Interpretation Act 1915</i> )
2010	28	<i>Gaming Machines (Miscellaneous) Amendment Act 2010</i>	9.12.2010	Sch 1 (cl 1)—1.1.2011 ( <i>Gazette 16.12.2010 p5695</i> )
2012	19	<i>Statutes Amendment (Criminal Intelligence) Act 2012</i>	24.5.2012	Pt 2 (ss 4 & 5)—12.7.2012 ( <i>Gazette 12.7.2012 p3110</i> )

2013	37	<i>Statutes Amendment (Gambling Reform) Act 2013</i>	8.8.2013	<b>Pt 3 (s 56)—31.8.2013; s 37—31.10.2013; ss 12—36, 38, 39, new ss 42A, 42B(1)—(6), (8) &amp; 42C (as inserted by s 40); ss 41, 46—55 &amp; 57—61—1.1.2014; ss 42—45—1.7.2014; new s 42B(7) (as inserted by s 40)—1.1.2017 (Gazette 29.8.2013 p3648)</b>
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## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	1.8.2003
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.8.2003</i>
s 2A	inserted by 47/1999 s 2 amended by 18/2001 s 11	12.8.1999 1.10.2001
s 3		
s 3(1)	s 3 redesignated as s 3(1) by 47/1999 s 3	12.8.1999
authorised game	substituted by 18/2001 s 12(a) amended by 37/2013 s 12(1)	1.10.2001 1.1.2014
Authority	substituted by 18/2001 s 12(b)	1.10.2001
automated table game equipment	inserted by 37/2013 s 12(2)	1.1.2014
cashless gaming system	inserted by 37/2013 s 12(4)	1.1.2014
<i>casino</i>	<i>deleted by 37/2013 s 12(3)</i>	<i>1.1.2014</i>
casino premises	inserted by 37/2013 s 12(5)	1.1.2014
Commissioner	amended by 18/2001 s 12(c)	1.10.2001
criminal intelligence	inserted by 48/2008 s 12	1.3.2009
domestic partner	inserted by 43/2006 s 38(1)	1.6.2007
gaming area	inserted by 37/2013 s 12(6)	1.1.2014
gaming machine	inserted by 18/2001 s 12(d) amended by 37/2013 s 12(7)	1.10.2001 1.1.2014
premium customer	inserted by 37/2013 s 12(8)	1.1.2014
premium gaming area	inserted by 37/2013 s 12(8)	1.1.2014
prescribed gaming machine component	inserted by 37/2013 s 12(8)	1.1.2014
spouse	inserted by 43/2006 s 38(2)	1.6.2007
substantial shareholder	substituted by 34/2002 s 10(a)	1.8.2003



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s 3(2)	inserted by 47/1999 s 3	12.8.1999
	amended by 34/2002 s 10(b)	1.8.2003
s 4		
s 4(1)	s 4 amended and redesignated as s 4(1) by 34/2002 s 11(a)—(c)	1.8.2003
	amended by 43/2006 s 39	1.6.2007
s 4(2)	inserted by 34/2002 s 11(c)	1.8.2003
Pt 2		
Pt 2 Div 1		
s 5	substituted by 47/1999 s 4	12.8.1999
s 6		
s 6(2)	amended by 37/2013 s 13(1)	1.1.2014
s 6(2a)	inserted by 37/2013 s 13(2)	1.1.2014
s 6(3)	amended by 37/2013 s 13(3)	1.1.2014
Pt 2 Div 2		
s 8		
s 8(1)	amended by 37/2013 s 14	1.1.2014
s 8A	inserted by 37/2013 s 15	1.1.2014
Pt 2 Div 3		
s 9		
s 9(2a)	inserted by 37/2013 s 16	1.1.2014
Pt 2 Div 4		
s 10		
s 10(1)	amended by 37/2013 s 17	1.1.2014
Pt 2 Div 5		
s 11		
s 11(2)	amended by 37/2013 s 18	1.1.2014
Pt 2 Div 6		
s 14	substituted by 47/1999 s 5	12.8.1999
s 14(1)	amended by 37/2013 s 19	1.1.2014
s 14A	inserted by 47/1999 s 5	12.8.1999
Pt 2 Div 6A	inserted by 37/2013 s 20	1.1.2014
Pt 2 Div 8		
s 16		
s 16(1a) and (1b)	inserted by 37/2013 s 21(1)	1.1.2014
s 16(3)	amended by 37/2013 s 21(2)	1.1.2014
s 16(4a)	inserted by 47/1999 s 6	12.8.1999
s 16(5)	amended by 37/2013 s 21(3)	1.1.2014
s 17		
s 17(7) and (8)	inserted by 37/2013 s 22	1.1.2014
Pt 3		
s 20		
s 20(2)	(d) deleted by 47/1999 s 7(a)	12.8.1999

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s 20(4)	substituted by 47/1999 s 7(b)	12.8.1999
s 20(5)	<i>deleted by 47/1999 s 7(b)</i>	<i>12.8.1999</i>
s 21		
s 21(5)	amended by 37/2013 s 23	1.1.2014
s 22		
s 22(2)	substituted by 45/2007 s 9	1.11.2007
s 22(3)	inserted by 45/2007 s 9	1.11.2007
s 23		
s 23(4)	amended by 18/2001 s 13	1.10.2001
s 24		
s 24(1)	s 24 redesignated as s 24(1) by 47/1999 s 8 substituted by 45/2007 s 10	12.8.1999 1.11.2007
s 24(2)	inserted by 47/1999 s 8	12.8.1999
s 25		
s 25(1)	substituted by 45/2007 s 11(1)	1.11.2007
s 25(2)	amended by 45/2007 s 11(2)	1.11.2007
s 25(3)	amended by 45/2007 s 11(3)	1.11.2007
s 25(4)	amended by 45/2007 s 11(4)	1.11.2007
Pt 4		
Pt 4 Div 1		
s 27		
s 27(2)	amended by 37/2013 s 24	1.1.2014
Pt 4 Div 1A	inserted by 37/2013 s 25	1.1.2014
Pt 4 Div 2		
s 28		
s 28(1)	amended by 37/2013 s 26(1), (2)	1.1.2014
s 29		
s 29(3)	amended by 47/1999 s 9(a)	12.8.1999
s 29(5)	amended by 47/1999 s 9(b) amended by 37/2013 s 27	12.8.1999 1.1.2014
Pt 4 Div 3		
s 33A	inserted by 37/2013 s 28	1.1.2014
s 34		
s 34(1)	amended by 37/2013 s 29	1.1.2014
s 35	amended by 37/2013 s 30	1.1.2014
Pt 4 Div 4		
ss 37A and 37B	<i>inserted by 18/2001 s 14</i> <i>deleted by 37/2013 s 31</i>	<i>1.10.2001</i> <i>1.1.2014</i>
s 38		
s 38(1)	amended by 47/1999 s 10 amended by 18/2001 s 15	12.8.1999 1.10.2001
s 39		
s 39(1)	amended by 37/2013 s 32(1)	1.1.2014

s 39(2)	amended by 37/2013 s 32(2)	1.1.2014
s 40		
s 40(1)	amended by 37/2013 s 33	1.1.2014
ss 40A and 40B	inserted by 37/2013 s 34	1.1.2014
s 41		
s 41(1)—(3)	substituted by 37/2013 s 35(1)	1.1.2014
s 41(4)	amended by 37/2013 s 35(2)	1.1.2014
Pt 4 Div 4AA	inserted by 37/2013 s 36	1.1.2014
<i>Pt 4 Div 4A before substitution by 37/2013</i>	<i>inserted by 18/2001 s 16</i>	<i>1.6.2002</i>
s 41C		
s 41C(1)	amended by 28/2010 Sch 1 cl 1(1)	1.1.2011
s 41C(4)	amended by 28/2010 Sch 1 cl 1(2)	1.1.2011
Pt 4 Div 4A	substituted by 37/2013 s 37	31.10.2013
Pt 4 Div 5		
heading	amended by 18/2001 s 17	1.10.2001
	amended by 37/2013 s 38	1.1.2014
s 42		
s 42(1)	amended by 18/2001 s 18	1.10.2001
	amended by 37/2013 s 39	1.1.2014
s 42A	inserted by 18/2001 s 19	1.10.2001
	substituted by 37/2013 s 40	1.1.2014
s 42B	inserted by 18/2001 s 19	1.10.2001
	<b>substituted by 37/2013 s 40</b>	<b>1.1.2014 except s 42B(7)—1.1.2017</b>
s 42C	inserted by 37/2013 s 40	1.1.2014
Pt 4 Div 6		
s 43		
s 43(1)	amended by 37/2013 s 41(1)	1.1.2014
s 43(2)	amended by 37/2013 s 41(2)	1.1.2014
s 43(3)	amended by 37/2013 s 41(3), (4)	1.1.2014
s 43(4)	amended by 37/2013 s 41(5)	1.1.2014
s 43(5)	amended by 37/2013 s 41(6)	1.1.2014
s 43(7)	amended by 37/2013 s 41(7), (8)	1.1.2014
s 43(7a)	inserted by 37/2013 s 41(9)	1.1.2014
Pt 4 Div 7		
heading	substituted by 37/2013 s 42	1.7.2014
s 44		
s 44(1)	amended by 37/2013 s 43(1), (2)	1.7.2014
s 44(2)	amended by 37/2013 s 43(1)	1.7.2014
s 44(3)	substituted by 37/2013 s 43(3)	1.7.2014
s 44(4)	amended by 37/2013 s 43(4)	1.7.2014
s 44(5)	amended by 37/2013 s 43(1)	1.7.2014

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s 44(6) and (7)	substituted by 37/2013 s 43(5)	1.7.2014
s 44(8)	amended by 37/2013 s 43(6)	1.7.2014
s 45		
s 45(1)	amended by 37/2013 s 44(1), (2)	1.7.2014
s 45(2)	amended by 37/2013 s 44(2)	1.7.2014
	(a) and (b) deleted by 37/2013 s 44(3)	1.7.2014
s 45(3)	amended by 37/2013 s 44(1)	1.7.2014
s 45(4)—(6)	substituted by 37/2013 s 44(4)	1.7.2014
s 45(7)	amended by 37/2013 s 44(5)	1.7.2014
s 45A	inserted by 48/2008 s 13	1.3.2009
s 45A(1)	amended by 37/2013 s 45(1), (2)	1.7.2014
s 45A(2)	amended by 37/2013 s 45(1)	1.7.2014
s 45A(3) and (4)	amended by 37/2013 s 45(2)	1.7.2014
s 45A(5) and (6)	substituted by 37/2013 s 45(3)	1.7.2014
s 45A(7)	amended by 37/2013 s 45(4)	1.7.2014
s 46	amended by 37/2013 s 46	1.1.2014
Pt 4 Div 9	inserted by 47/1999 s 11	12.8.1999
Pt 5		
Pt 5 Div 1		
s 48		
s 48(2)	amended by 37/2013 s 47	1.1.2014
s 49		
s 49(1)	amended by 37/2013 s 48	1.1.2014
s 49(2)	amended by 34/2002 s 12	1.8.2003
	amended by 37/2013 s 48	1.1.2014
s 50		
s 50(1)	amended by 34/2002 s 13	1.8.2003
s 50(3)	substituted by 37/2013 s 49	1.1.2014
Pt 5 Div 2		
s 52		
s 52(1)	amended by 37/2013 s 50(1)	1.1.2014
s 52(2)	amended by 37/2013 s 50(2)	1.1.2014
s 52(3)	amended by 37/2013 s 50(3)	1.1.2014
s 52AA	inserted by 37/2013 s 51	1.1.2014
Pt 5 Div 3	inserted by 45/2007 s 12	1.11.2007
Pt 6		
s 55		
s 55(1)	amended by 37/2013 s 52(1)	1.1.2014
s 55(2)	amended by 37/2013 s 52(2)	1.1.2014
s 55(2a)	inserted by 37/2013 s 52(3)	1.1.2014
Pt 7		
s 56	amended by 47/1999 s 12	12.8.1999
s 63		

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s 63(2)	substituted by 47/1999 s 13	12.8.1999
	amended by 34/2002 s 14	1.8.2003
s 63(3)	substituted by 47/1999 s 13	12.8.1999
s 63(4)	inserted by 47/1999 s 13	12.8.1999
s 64		
s 64(1)	amended by 47/1999 s 14(a)	12.8.1999
s 64(2)	amended by 47/1999 s 14(b)	12.8.1999
Pt 7 Div 7	inserted by 47/1999 s 15	12.8.1999
Pt 8		
s 65		
s 65(2)	substituted by 48/2008 s 14(1)	1.3.2009
	amended by 37/2013 s 53	1.1.2014
s 65(4)	inserted by 48/2008 s 14(2)	1.3.2009
s 66		
s 66(1)	amended by 17/2006 s 50(1)	4.9.2006
s 66(2)	amended by 17/2006 s 50(2)	4.9.2006
s 66A	inserted by 48/2008 s 15	1.3.2009 except s 66A(6)—4.12.2010
	substituted by 19/2012 s 4	12.7.2012
Pt 9		
s 68		
s 68(2)	amended by 17/2006 s 51	4.9.2006
s 68A	inserted by 37/2013 s 54	1.1.2014
s 69	substituted by 48/2008 s 16	1.3.2009
s 69(4)	<i>deleted by 19/2012 s 5</i>	12.7.2012
s 70		
s 70(1) and (2)	amended by 37/2013 s 55	1.1.2014
s 71		
s 71(1)	amended by 37/2013 s 56(1)	31.8.2013
s 71(2)	amended by 37/2013 s 56(2)	31.8.2013
s 71(3)	amended by 37/2013 s 56(3)	31.8.2013
s 72		
s 72(1a) and (1b)	inserted by 37/2013 s 57	1.1.2014
Sch		
cl 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.8.2003
Sch	<i>deleted by 37/2013 s 58</i>	1.1.2014

## Transitional etc provisions associated with Act or amendments

### *Statutes Amendment (Investigation and Regulation of Gambling Licensees) Act 2007, Sch 1—Transitional provisions*

#### **2—Casino Act—Recovery of administration costs incurred in 2007/2008**

Section 52A of the *Casino Act 1997* (as inserted by this Act) is to apply to the financial year 1 July 2007 to 30 June 2008 subject to the following modifications:

- (a) a reference to the financial year is to be read as a reference to the period commencing on the day on which this Act comes into operation and ending on 30 June 2008;
- (b) subsection (1) is to be read as though it required the notice to be provided not less than 1 month after the commencement of this Act;
- (c) subsection (3) is to be read as though it required the licensee, in each month of the financial year, to pay to the Commissioner an amount equal to the recoverable administration costs for the financial year divided by the number of months in the financial year following the notice under subsection (1).

### *Statutes Amendment (Gambling Reform) Act 2013*

#### **59—Transitional provision—designated persons**

A person who, immediately before the commencement of section 20, occupies a position that, immediately after the commencement of that section, falls within the definition of *designated person* in section 14B(12) of the *Casino Act 1997* (as enacted by section 20) is, on the commencement of section 20, taken to have been approved by the Authority in accordance with section 14B of the *Casino Act 1997* (as enacted by section 20).

#### **60—Transitional provision—barring orders**

- (1) The holder of the casino licence must, as soon as practicable after the commencement of section 43, notify the Independent Gambling Authority of all orders that were in force under section 44 of the *Casino Act 1997* immediately before the commencement of section 43 and that were made on the ground of the person placing his or her own welfare, or the welfare of dependants, at risk through gambling.
- (2) It is taken to be a condition of the casino licence that the licensee comply with subsection (1).
- (3) The Liquor and Gambling Commissioner must, as soon as practicable after the commencement of section 44, notify the Independent Gambling Authority of all orders that were in force under section 45 of the *Casino Act 1997* immediately before the commencement of section 44 and that were made on the ground of the person placing his or her own welfare, or the welfare of dependants, at risk through gambling.

- (4) A person who, immediately before the commencement of sections 43 and 44, is barred from the casino by order under section 44 or 45 of the *Casino Act 1997* on the ground of the person placing his or her own welfare, or the welfare of dependants, at risk through gambling (however that ground is expressed) is, on the commencement of sections 43 and 44, taken to be barred from the gaming areas (within the meaning of the *Casino Act 1997*) under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by this Act) until—
- (a) the expiration of the period specified in the order; or
  - (b) the expiration of a period of 3 years; or
  - (c) the completion of a review of the order under section 140,
- whichever occurs first.
- (5) A person who, immediately before the commencement of sections 43, 44 and 45, is barred from the casino by order under section 44, 45 or 45A of the *Casino Act 1997* on any other ground is, on the commencement of sections 43, 44 and 45, taken to be barred from the gaming areas (within the meaning of the *Casino Act 1997*).

### **61—Transitional provision—approval of automated table games, gaming machines and games**

- (1) Any automated table game equipment, gaming machine or game that is installed, or that may be used, in the casino premises in accordance with the *Casino Act 1997* and the conditions of the licence immediately before the commencement of this section is, on that commencement, taken to have been approved under section 40A of the *Casino Act 1997* as enacted by this Act (and such approval is, for the purposes of that section, taken to have been granted on the day on which this section commences).
- (2) For the avoidance of doubt, nothing in this section derogates from section 42B of the *Casino Act 1997* (as enacted by this Act) or any other conditions of the casino licence.

### **Historical versions**

Reprint No 1—12.8.1999  
Reprint No 2—1.10.2001  
Reprint No 3—1.6.2002  
Reprint No 4—1.8.2003  
4.9.2006  
1.6.2007  
1.11.2007  
1.3.2009  
4.12.2010  
1.1.2011  
12.7.2012  
31.8.2013  
31.10.2013  
1.1.2014  
1.7.2014