



Australian Capital Territory

Casino Control Act 1988

A1988-72

Republication No 4B

Effective: 1 January 1997 – 22 September 1997

Republication date: 18 April 2019

Last amendment made by A1996-79

About this republication

The republished law

This is a republication of the *Casino Control Act 1988* effective from 1 January 1997 to 22 September 1997.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.



Australian Capital Territory
Casino Control Act 1988

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Updated as at 1 January 1997

TABLE OF PROVISIONS

Section

PART I—PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

PART II—ADMINISTRATION

Division 1—Casino

4. Designation of casino
5. Lawfulness of casino operation
6. List of persons excluded from casino
7. Application of Liquor Act

Division 2—Inspectors

8. Chief casino inspector
9. Functions of chief casino inspector
10. Chief casino inspector—powers
11. Inspectors
12. Identity cards
13. Rights of inspector on casino premises
14. Powers

Division 3—Financial

15. Casino licence fee
16. General tax
- 16A. Commission-based player tax
17. Liability for fee and taxes—suspension of licence

Casino Control Act 1988

TABLE OF PROVISIONS—continued

Section

Division 4—General

- 18. Investigations
- 19. Self incrimination
- 20. Secrecy
- 21. Tabling of documents

PART III—CASINO SURVEILLANCE AUTHORITY

Division 1—Establishment, functions and powers of Authority

- 22. Establishment of Authority
- 23. Functions of Authority
- 24. Powers of Authority

Division 2—Constitution and meetings of Authority

- 25. Membership of Authority
- 26. Appointment of members
- 27. Term of office
- 28. Basis of holding office
- 29. Remuneration and allowances
- 30. Leave of absence
- 31. Resignation
- 32. Disclosure of interests
- 33. Termination of appointment
- 34. Terms and conditions of appointment not provided for by Act
- 35. Acting appointments
- 36. Meetings

Division 3—Finance

- 37. Money of Authority
- 38. Application of money

PART IV—DEVELOPMENT AND CONTROL AGREEMENTS

- 39. Approval of developer
- 40. Development agreement
- 41. Sale of casino
- 42. Control agreement
- 43. Terms of agreements
- 44. Notification of agreements

PART V—CASINO LICENCE

- 45. Grant of casino licence
- 46. Duration of casino licence
- 47. Surrender of casino licence

Casino Control Act 1988

TABLE OF PROVISIONS—continued

Section	
48.	Suspension or cancellation of casino licence—grounds
48A.	Automatic suspension or cancellation of interim casino licence
49.	Suspension or cancellation of casino licence—procedures
50.	Assignment of casino licence
51.	Appointment of administrator
	PART VI—OPERATIONAL ARRANGEMENTS
52.	Lease of casino
53.	Casino operation agreement
54.	Variation of lease or agreement
55.	Scrutiny of supply contracts
56.	Termination of supply contracts
57.	Effect of termination
	PART VII—OPERATION OF CASINO
	<i>Division 1—Facilities and equipment</i>
58.	Maintenance of facilities
59.	Approval of layout
60.	Approval of gaming equipment and chips
	<i>Division 2—Operating times</i>
61.	Application of Holidays Act
62.	Observance of operating times
63.	Approval of operating times
64.	Determination of operating times by Minister
	<i>Division 3—Exclusion of persons from casino</i>
65.	General
66.	Grounds
67.	Enforcement
68.	Obligations of casino licensee
69.	Directions of Commissioner of Police
70.	Revocation of direction
	<i>Division 4—Gaming and related activities</i>
71.	Authorised games
72.	Rules for authorised games
73.	Gaming equipment and chips
74.	Conduct of gaming
75.	Gaming by certain persons prohibited
76.	Gaming machines
77.	Cheating
78.	Forgery

Casino Control Act 1988

TABLE OF PROVISIONS—continued

Section

Division 5—Provision of money for gaming

- 79. Restriction on credit
- 80. Cheques
- 81. Deposit accounts
- 82. Redemption of cheques
- 83. Proceedings etc. in relation to gaming

PART VIII—CASINO EMPLOYEES' LICENCES

Division 1—Employment of licence holders

- 84. Key employees
- 85. Operations employees
- 86. Information relating to casino employees
- 87. Effect of suspension or cancellation of licence

Division 2—Applications for licences

- 88. Eligibility for issue of casino employees' licences
- 89. Application for casino employee's licence
- 90. Destruction of prints and photographs
- 91. Change of particulars set out in application
- 92. Requirement for further information
- 93. Approval of application

Division 3—Issue of licences

- 94. Issue of casino employee's licence
- 95. Conditions of casino employee's licence
- 96. Provisional casino employee's licence

Division 4—General

- 97. Duration of casino employee's licence
- 98. Variation of casino employee's licence
- 99. Loss etc. of casino employee's licence
- 100. Suspension and cancellation of casino employee's licence

PART IX—ENFORCEMENT

Division 1—Powers of search, entry and seizure

- 101. Interpretation
- 102. Powers of inspectors
- 103. Seizure of things not specified in warrant
- 104. Consents relating to searches
- 105. Search warrants
- 106. Police entry
- 107. Special powers of inspectors and police

Casino Control Act 1988

TABLE OF PROVISIONS—continued

Section	
108.	Restrictions affecting search of persons
109.	Disposal of gaming equipment etc. after seizure
110.	Detention of suspected person
	<i>Division 2—Offences</i>
111.	Obstructing inspector
112.	Compliance with requirement of inspector
113.	False information
114.	False representation
115.	Failure to provide information
116.	Conflict of interest
117.	Bribery
118.	Conduct of directors, servants and agents
	PART X—FINANCIAL
119.	Bank accounts
120.	Access to banking records
121.	Accounts and records
122.	Statement of accounts
123.	Audit
124.	Retention of records
	PART XI—REVIEW OF DECISIONS
125.	Interpretation
126.	Review of decisions
127.	Notification of decisions
	PART XII—MISCELLANEOUS
127A.	Effect on Territory Plan
128.	Security related decisions
129.	Directions for management
130.	Recommendations of Authority
131.	Evidence
132.	Power of Minister to determine fees
133.	Regulations



Australian Capital Territory
Casino Control Act 1988

An Act to provide for the establishment and control of a casino in the Territory

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Casino Control Act 1988*.¹

Commencement

2. This Act commences on such date as is fixed by the Minister by notice in the *Gazette*.¹

Interpretation

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

“associate”, in relation to a corporation, has the same meaning as in section 6 of the *Foreign Takeovers Act 1975* of the Commonwealth;

“authorised game” means a game declared under section 71 to be an authorised game for the purposes of this Act;

“authorised person” means—

- (a) the chief casino inspector;
- (b) an inspector;
- (c) an investigator;
- (d) a member;
- (e) a casino employee; and

Casino Control Act 1988

- (f) any other person who performs in relation to this Act a function on behalf of the Territory;

“authorised police officer”, in relation to a direction given under subsection 69 (1) or 70 (1), means—

- (a) the Commissioner of Police; and
- (b) where the direction is given by a police officer authorised by the Commissioner for the purpose—that police officer;

“Authority” means the Casino Surveillance Authority established by section 22;

“casino” means—

- (a) an area designated under paragraph 4 (1) (a); and
- (b) an area, or all the areas, designated under paragraph 4 (1) (b);

“casino employee” means—

- (a) a key employee;
- (b) an operations employee; and
- (c) any other person employed or permitted to work in relation to the operation of the casino;

“casino employee’s licence” means—

- (a) a key employee’s licence; or
- (b) an operations employee’s licence;

“casino lease” means—

- (a) a lease in writing under which the developer or proprietor leases the casino to another person, being a lease approved by the Minister under section 52; or
- (b) that lease as varied from time to time in accordance with section 54;

“casino lessee” means the lessee under a casino lease;

“casino licence” means a licence granted under section 45;

Casino Control Act 1988

“casino licence fee” means the casino licence fee determined under section 15;

“casino licensee” means a person who holds a casino licence;

“casino operation agreement” means—

- (a) an agreement entered into between the developer, proprietor or casino lessee and the casino licensee under subsection 53 (1); or
- (b) that agreement as varied from time to time in accordance with section 54;

“Chairperson” means the Chairperson of the Authority;

“chief casino inspector” means the person appointed under section 8 to be the chief casino inspector;

“chip purchase voucher” means a document issued to a person by the casino licensee entitling the person to be issued with chips by the licensee the face value of which is equivalent to the amount specified in the document;

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

“commission-based gaming” means gaming participated in by a person visiting the casino under a commission-based player scheme;

“commission-based player scheme” means an arrangement between a promoter and the casino licensee, or between a prospective player or players and the licensee—

- (a) the primary purpose of which is to induce a person or persons or the prospective player or players to visit the casino for the purpose of participating in gaming; and
- (b) under which an amount exceeding the prescribed amount is provided, directly or indirectly, for that person or player or either or any of those persons or players by the casino licensee by way of commission in relation to the visit or in connection with the provision of transportation, food, beverages, lodging or entertainment in respect of the visit or for any other purpose associated with the visit;

Casino Control Act 1988

“commission-based player tax” means tax payable under section 16A;

“control agreement” means—

- (a) an agreement entered into between the Minister and the proprietor under subsection 42 (1) for the operation of the casino; or
- (b) that agreement as varied from time to time in accordance with subsection 42 (2);

“court” includes any tribunal, authority or person having power to require the answering of questions or the production of documents;

“determined fee” means the fee determined pursuant to section 132 for the purposes of the provision in which the expression occurs;

“developer” means a company approved by the Minister under section 39 to develop the casino;

“development agreement” means—

- (a) an agreement entered into between the Minister and the developer under subsection 40 (1); or
- (b) that agreement as varied from time to time in accordance with subsection 40 (2);

“employ” includes engage under a contract for services;

“financial year” means a period of 12 months ending on 31 December;

“game” means a game of chance or a game partly of chance and partly of skill;

“gaming” means the playing of any game;

“gaming equipment” means any electrical, electronic or mechanical device or any other thing (other than chips) used, or suitable for use, in connection with gaming;

“gaming machine” has the same meaning as in the *Gaming Machine Act 1987*;

“general tax” means tax payable under section 16;

“inspector” means an inspector under section 11;

Casino Control Act 1988

“investigator” means a person authorised under subsection 18 (1) to conduct an investigation;

“involved person” means—

- (a) the casino licensee;
- (b) the developer;
- (c) the proprietor;
- (d) the casino lessee; or
- (e) a casino employee;

“key employee” means—

- (a) a person who is employed or permitted to work in relation to the operation of the casino in a managerial capacity; or
- (b) a person who makes decisions, involving the exercise of his or her discretion, that substantially affect the operation of the casino;

“key employee’s licence” means a key employee’s licence issued to a person under subsection 94 (1);

“licence” means a casino licence or a casino employee’s licence;

“member” means a member of the Authority;

“operation”, in relation to the casino, means—

- (a) the conduct of gaming in the casino;
- (b) the management, supervision and surveillance of the conduct of gaming in the casino;
- (c) money counting in relation to the casino;
- (d) accounting in relation to the casino;
- (e) the provision of facilities or services in the casino, other than facilities or services relating to gaming;
- (f) advertising in relation to the casino;
- (g) the use of storage areas in the casino; or

Casino Control Act 1988

- (h) any other activities incidental to, or connected with, gaming or any other facilities or services provided in the casino;

“operations employee” means a person who is employed or permitted to work in relation to the operation of the casino, other than—

- (a) a key employee; or
- (b) a person included in a class of persons determined by the Minister, by instrument published in the *Gazette*, not to be operations employees;

“operations employee’s licence” means an operations employee’s licence issued to a person under subsection 94 (2);

“owner”, in relation to the casino, means the person who is the lessee of the parcel of land on which the casino is situated;

“premises” includes—

- (a) a structure, building, aircraft, vehicle or vessel; and
- (b) a place (whether enclosed or built upon or not);

“proprietor” means a company in connection with which the Minister has given an approval under section 41 for the sale or other disposal of the casino;

“records”, in relation to the operation of the casino, means any books, accounts, documents or other source of information of any description (however compiled, recorded or stored) that concern the operation of the casino or are otherwise relevant to the administration of this Act;

“security related decision” means a decision referred to in paragraph 128 (1) (a) or (2) (a) in respect of which a certificate under section 128 has been signed;

“supply contract” means—

- (a) a contract relating to the supply of goods or services to the casino; and
- (b) a contract included in a class of contracts specified by the regulations to be a class of contracts for the purposes of Part VI;

not being—

Casino Control Act 1988

- (c) the casino operation agreement;
- (d) a casino lease;
- (e) a contract relating to the construction of the casino; or
- (f) a contract included in a class of contracts specified by the regulations not to be a class of contracts for the purposes of Part VI;

“this Act” includes any regulations under this Act.

(1A) In this Act, a reference to “the casino” shall be read as a reference to—

- (a) the area designated under paragraph 4 (1) (a);
- (b) the area, or the aggregation of the areas, designated under paragraph 4 (1) (b); and
- (c) if there is in effect a designation under each of those paragraphs—all designated areas;

as the case requires.

(2) In this Act, a reference to the developer shall, if there are 2 or more developers, be read as a reference to each of those developers.

(3) In this Act, a reference to the proprietor shall, if there are 2 or more proprietors, be read as a reference to each of those proprietors.

(4) For the purposes of this Act, a person shall be taken to satisfy the suitability requirements if the person—

- (a) has a reputation for sound business conduct;
- (b) in the case of a natural person—has a reputation for sound character;
- (c) is not associated, and has not entered into any business or financial arrangements, with any person who does not have a reputation for sound character and business conduct;
- (d) has a business reputation demonstrating the capacity to achieve—
 - (i) in the case of the developer—the successful development of the casino; and
 - (ii) in the case of any other person—the successful operation of the casino;

- (e) in the case of the developer and proposed casino licensee—
 - (i) is not associated in business, and has not entered into financial arrangements, with any person who has conducted business with inadequate financial resources; and
 - (ii) has, or is able to obtain, financial resources that are adequate to develop the casino successfully in accordance with the development agreement, or to operate the casino successfully, as the case requires;
 - (f) in the case of the proposed casino licensee—has, or is able to obtain, the services of a sufficient number of persons who—
 - (i) have a reputation for sound character; and
 - (ii) have adequate relevant experience to achieve the successful operation of the casino;
 - (g) in the case of the developer—is, in relation to any other matter relevant to the development of the casino, suitable to participate in that development; and
 - (h) in the case of a person other than the developer—is, in relation to any other matter relevant to the operation of the casino, suitable to participate in that operation.
- (5) For the purposes of this Act, an offence shall be taken to be related to an offence against this Act, if it is an offence—
- (a) against or arising out of Part VIII of the Crimes Act, 1900 of the State of New South Wales in its application to the Territory; and
 - (b) that relates to the offence against this Act.

PART II—ADMINISTRATION

Division 1—Casino

Designation of casino

4. (1) The Minister may, for the purposes of this Act, by notice published in the *Gazette*, designate—

- (a) an area to be the casino; and

- (b) an area or areas to be the interim casino.

(2) The Minister shall not designate an area under paragraph (1) (a) or (b) if the designation of another area under that paragraph has effect.

Lawfulness of casino operation

5. (1) Notwithstanding any other law of the Territory but subject to this Act, it is lawful—

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

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

(3) This section does not operate to enable an action to be brought in a court to recover—

- (a) money won in the course of gaming in the casino;
- (b) money, or a cheque or other instrument, given in payment of money so won; or
- (c) money wagered in the course of gaming in the casino, being money that was lent in the knowledge that it was to be applied in that manner;

unless the money was won from, or wagered with, as the case may be, the casino licensee.

List of persons excluded from casino

6. (1) The casino licensee shall maintain, in writing, a list of names of persons in respect of whom directions to exclude the persons from the casino are in force under subsection 69 (1).

(2) The casino licensee shall make available to the Authority and the chief casino inspector a copy of the list referred to in subsection (1).

Penalty—

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

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

Application of Liquor Act

7. Except as otherwise provided by this Act, the *Liquor Act 1975* applies in relation to the casino.

Division 2—Inspectors

Chief casino inspector

8. (1) For the purposes of this Act, there shall be a chief casino inspector.

(2) The Minister shall, by instrument, appoint a person to be the chief casino inspector.

(3) A person is not eligible for appointment under this section unless the person is a public servant.

Functions of chief casino inspector

9. (1) The functions of the chief casino inspector are—

- (a) to ensure the proper and efficient performance of the function of the Authority referred to in paragraph 23 (1) (a);
- (b) to direct the activities of other inspectors;
- (c) to furnish advice to the Authority with respect to such matters relating to the functions of the Authority as the Authority directs; and
- (d) to assist the Authority in the performance of such of its functions as the Authority directs.

(2) In addition to the functions of the chief casino inspector under subsection (1), the chief casino inspector has such other functions as are conferred on him or her—

- (a) under any other provision of this Act; and
- (b) by the Authority.

Chief casino inspector—powers

10. The chief casino inspector has the power to do all things necessary or convenient to be done for or in connection with the performance of his or her functions.

Inspectors

11. (1) There shall be 1 or more inspectors for the purposes of this Act.

(2) The Chief Executive shall create and maintain 1 or more offices in the Government Service the duties of which include performing the functions of an inspector.

(3) The following persons shall be inspectors:

- (a)** any public servant for the time being performing the duties of a Government Service office of inspector referred to in subsection (2);
- (b)** the chief casino inspector.

Identity cards

12. (1) The Chief Executive shall issue to the chief casino inspector an identity card that specifies his or her name and appointment and on which appears a recent photograph of the chief casino inspector.

(2) The Chief Executive shall issue to an inspector an identity card that specifies the inspector's name and office, and on which appears a recent photograph of the inspector.

(3) Upon ceasing—

- (a)** to be the chief casino inspector; or
- (b)** to occupy, or to act in, an office of inspector;

a person shall not, without reasonable excuse, fail to return his or her identity card to the Chief Executive.

Penalty: \$100.

Rights of inspector on casino premises

13. (1) An inspector may at any time enter and remain on the premises of the casino for the purposes of—

- (a)** viewing gaming;
- (b)** observing any of the operations of the casino;
- (c)** ascertaining whether the operation of the casino is being properly conducted, supervised and managed;
- (d)** ascertaining whether the provisions of this Act are being complied with; and
- (e)** in any other respect, exercising his or her powers or performing his or her duties.

(2) An inspector who enters the casino under subsection (1) is not authorised to remain in the casino if, on the request of a casino employee, the inspector does not show his or her identity card to the employee.

Powers

14. (1) An inspector may—

- (a) require a person whom the inspector believes, on reasonable grounds, has in the person's possession or under the person's control any gaming equipment or chips—
 - (i) to produce the equipment or chips to the inspector for inspection or testing; or
 - (ii) to attend before the inspector at a reasonable time and place specified by the inspector and there to answer such questions, or to supply such information, relating to the equipment or chips as the inspector specifies;
- (b) require an interested person—
 - (i) to produce to the inspector for inspection such records in the custody or control of the person relating to the casino or the operation of the casino as the inspector specifies; or
 - (ii) to attend before the inspector at a reasonable time and place specified by the inspector and there to answer such questions, to supply such information, or to produce such records, relating to the casino or the operation of the casino, as the inspector specifies;
- (c) inspect or test any gaming equipment or chips or inspect such records, and take copies of, or make notes in relation to, such records, relating to the casino or the operation of the casino, as the inspector considers necessary;
- (d) direct the casino licensee not to use any gaming equipment or chips that the inspector considers to be unsatisfactory for use;
- (e) receive and, if the inspector thinks fit, investigate a complaint with respect to any aspect of the operation of the casino and advise the complainant of the results of any investigation; and
- (f) call to the inspector's assistance—
 - (i) another inspector; or

Casino Control Act 1988

- (ii) a casino employee who, in the belief of the inspector, is competent to assist the inspector in the exercise of his or her powers or performance of his or her duties.

(2) A requirement under paragraph (1) (a) or (b) or a direction under paragraph (1) (d) may be made to a person—

- (a) by notice in writing; or
- (b) where the inspector is satisfied that special circumstances make it appropriate—orally.

(3) In this section—

“interested person” means—

- (a) the casino lessee;
- (b) the casino licensee;
- (c) the developer;
- (d) the proprietor;
- (e) a casino employee; or
- (f) any other person associated with the management or operation of the casino.

Division 3—Financial

Casino licence fee

15. (1) The Minister may from time to time, by notice published in the *Gazette*, determine a casino licence fee for the purposes of this Act.

(2) The casino licence fee is payable to the Authority by the casino licensee at such times and in such manner as is specified in the relevant notice under subsection (1).

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

(4) A daily penalty at the rate of 20 per cent per annum is payable by the casino licensee on any principal amount of the casino licence fee that remains unpaid after the fourteenth day after the relevant time for payment of the fee.

(5) The daily penalty payable under subsection (4) compounds at 3-monthly intervals.

(6) The Minister may, for any reason the Minister thinks fit, remit any part, or the whole, of the daily penalty payable under this section.

(7) The casino licence fee and daily penalty payable under this section are debts due to the Authority and may be recovered by action in any court of competent jurisdiction.

General tax

16. (1) General tax is payable in respect of the non-commission-based profit derived by the casino licensee each month in connection with the operation of the casino.

(2) The Minister may from time to time, by notice published in the *Gazette*, determine the rate at which general tax is payable.

(3) General tax is payable to the Territory by the casino licensee at such times and in such manner as is specified in the relevant notice under subsection (2).

(4) In this section—

“chips” does not include chips supplied by the casino for commission-based gaming;

“non-commission-based gaming” means gaming other than commission-based gaming;

“non-commission-based profit”, in relation to a month, means an amount ascertained by deducting from the total amount received by the casino licensee in that month from non-commission-based gaming in the casino the amount paid out during that month as winnings in respect of that gaming, and then—

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

month—deducting from the amount so ascertained the difference between those values.

Commission-based player tax

16A. (1) Commission-based player tax is payable in respect of the completed commission-based profit derived by the casino licensee each month in connection with the operation of the casino.

(2) The Minister may from time to time, by notice published in the *Gazette*, determine the rate at which commission-based player tax is payable.

(3) Commission-based player tax is payable to the Territory by the casino licensee at such times and in such manner as is specified in the relevant notice under subsection (2).

(4) In this section—

“commission-based player chips” means chips supplied by the casino licensee for commission-based gaming;

“completed commission-based player scheme” , in relation to a month, means a commission-based player scheme in relation to which commission-based gaming is completed during that month, irrespective of whether the commission-based gaming commenced in that month or previously;

“completed commission-based profit”, in relation to a month, means the total profit derived during that month from completed commission-based player schemes irrespective of whether the profit relates to gaming occurring in that month or previously;

“profit”, in relation to a commission-based player scheme, means an amount ascertained by deducting from the amount received by the casino licensee from commission-based gaming in the casino under the scheme the amount paid out to persons participating in the scheme as winnings in respect of that gaming, and then—

- (a) where the value of unredeemed commission-based player chips held by the participants in the scheme after its completion is greater than the value of unredeemed commission-based player chips (being chips originally purchased for the purposes of a previous scheme) used in the course of commission-based

gaming in relation to the scheme—adding to the amount so ascertained the difference between those values; or

- (b) where the value of unredeemed commission-based player chips held by the participants in the scheme after its completion is less than the value of unredeemed commission-based player chips (being chips originally purchased for the purposes of a previous scheme) used in the course of commission-based gaming in relation to the scheme—deducting from the amount so ascertained the difference between those values.

Liability for fee and taxes—suspension of licence

17. The liability of the casino licensee to pay the casino licence fee, general tax or commission-based player tax is not affected by a suspension of the casino licence and—

- (a) that fee continues to be payable by the casino licensee to the Authority; and
- (b) general tax and commission-based player tax continues to be payable by the casino licensee to the Territory;

in respect of any period of suspension of the licence.

Division 4—General

Investigations

18. (1) For the purposes of this Act, the Authority may, by instrument, authorise the chief casino inspector, an inspector or another person to conduct an investigation in relation to a matter specified in the instrument, other than a matter involving the commission or the possible commission of an offence against this Act or another law in force in the Territory.

(2) For the purpose of conducting an investigation, an investigator may, by notice in writing, after giving to a person warning of the obligation to comply with the requirement, require that person within such period of not less than 21 days as is specified in the notice—

- (a) to furnish to the investigator, orally or in writing, such information as is specified in the notice;

- (b) to produce to the investigator such documents in the custody or control of the person, containing records relating to the casino or the operation of the casino as are specified in the notice;
- (c) to produce to the investigator such other document in the custody or control of the person as is specified in the notice; or
- (d) to answer, orally or in writing, such question as is specified in the notice;

to enable the investigation to be properly conducted.

(3) An investigator may—

- (a) inspect a document produced under subsection (2); and
- (b) make copies of, or take extracts from, such parts of the document as are relevant to a matter the subject of the investigation.

(4) A person shall not, without reasonable excuse—

- (a) refuse or fail to comply with a requirement made of the person under subsection (2) to the extent that the person is capable of complying with that requirement; or
- (b) in purported compliance with such a requirement, knowingly or recklessly furnish information or give an answer that is false or misleading in a material particular.

Penalty—

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

Self incrimination

19. A person is not excused from furnishing information, producing a document or answering a question pursuant to a requirement made of the person under subsection 18 (2) on the ground that the information or answer, or the production of the document, may tend to incriminate the person, but any information furnished, document produced or answer given pursuant to a requirement under that subsection, and any information or thing (including any document) obtained as a direct or indirect consequence of the furnishing of the information, production of the document or answering of the question, as the case may be, is not admissible in evidence against the person in any criminal or civil

proceedings, other than proceedings for an offence against subsection 18 (4) or under Part IX of the *Public Sector Management Act 1994*.

Secrecy

20. (1) Subject to subsection (3), a person shall not, directly or indirectly, except in the performance of duties or exercise of powers under this Act, make a record of, or divulge to any person, any information with respect to the affairs of another person acquired by the first-mentioned person in the performance of those duties or exercise of those powers.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2) Subject to subsection (5), a person is not, except for the purposes of this Act, required—

- (a) to produce in court a document that has come into his or her possession or under his or her control; or
- (b) to divulge to a court any information that has come to his or her notice;

in the performance of duties or exercise of powers under this Act.

(3) A person may—

- (a) divulge specified information to such persons as the Minister directs if the Minister certifies that it is necessary in the public interest that the information should be so divulged;
- (b) divulge information to a prescribed authority or prescribed person; or
- (c) divulge information to a person who is expressly or impliedly authorised by the person to whom the information relates to obtain it.

(4) An authority or person to whom information is divulged under subsection (3), and a person or employee under the control of that authority or person, shall, in respect of that information, be subject to the same rights, privileges, obligations and liabilities under this section as if that authority, person or employee were a person performing duties under this Act and had acquired the information in the performance of those duties.

(5) Where—

- (a) the Minister certifies that it is necessary in the public interest that specified information should be divulged to a court; or

- (b) a person to whom information relates has expressly authorised it to be divulged to a court;

a person may be required—

- (c) to produce in court any document containing the information; or
- (d) to divulge the information to the court.

Tabling of documents

21. The Minister shall, as soon as practicable, cause to be laid before the Legislative Assembly a copy of—

- (a) the development agreement;
- (b) any control agreement;
- (c) any casino lease;
- (d) any casino operation agreement;
- (e) any casino licence;
- (f) the instrument under subsection 39 (1) approving a company as the developer;
- (g) any approval given under subsection 41 (1) relating to the sale or other disposal of the casino;
- (h) any notice issued under subsection 45 (3);
- (i) any notice of suspension or cancellation of a casino licence given under subsection 49 (6);
- (j) any notice given under subsection 49 (5) terminating, or reducing the period of, the suspension of a casino licence;
- (k) any approval given under subsection 50 (1) by the Minister relating to the assignment of a casino licence;
- (l) any instrument under subsection 51 (1) appointing an administrator;
- (m) any approval given under subsection 54 (1) relating to the variation of a casino lease or casino operation agreement; and
- (n) any certificate signed or received by the Minister under section 128.

PART III—CASINO SURVEILLANCE AUTHORITY

Division 1—Establishment, functions and powers of Authority

Establishment of Authority

22. (1) There is established by this Act an Authority by the name of the Casino Surveillance Authority.

(2) The Authority—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) may sue and be sued in its corporate name.

(3) The common seal of the Authority shall be kept in such custody as the Authority directs and shall not be used except as authorised by the Authority.

(4) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the common seal of the Authority appearing on a document and shall presume that it was duly affixed.

Functions of Authority

23. (1) The functions of the Authority are—

- (a) to supervise the operation of the casino;
- (b) to make recommendations to the Minister in relation to the operating times of the casino;
- (c) to make recommendations to the Minister in relation to—
 - (i) the games that may be played in the casino; and
 - (ii) the rules under which those games may be played;
- (d) to inquire into, and make recommendations to the Minister on, the suitability of—
 - (i) a proposed developer, proposed proprietor or proposed casino lessee;
 - (ii) the casino licensee or a person nominated as the proposed casino licensee;

- (iii) a person to whom the casino licence is proposed to be assigned;
or
- (iv) a person proposed to be appointed as an administrator for the purposes of section 51;
- (e) to inquire into, and make recommendations to the Minister on, matters referred to it by the Minister relating to the control of the casino or of the operations of the casino;
- (f) of its own motion, to inquire into, and make recommendations to the Minister on, matters relating to the control of the casino or of the operations of the casino; and
- (g) to make recommendations to the Minister as to the laws that should be made on matters relating to the control of the casino or of the operations of the casino.

(2) In addition to the functions of the Authority under subsection (1), the Authority has such other functions as are conferred on it under any other provision of this Act.

Powers of Authority

24. The Authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Division 2—Constitution and meetings of Authority

Membership of Authority

25. The Authority shall consist of—

- (a) a Chairperson; and
- (b) 4 other members.

Appointment of members

26. (1) The members shall be appointed by the Minister.

(2) The Minister shall not appoint a person to be the Chairperson unless the person—

- (a) is, or has been—
 - (i) a Judge of the Family Court of Australia;

- (ii) a Judge of the Federal Court of Australia;
 - (iii) a Judge of the Supreme Court; or
 - (iv) a Judge of the Supreme Court of a State or the Northern Territory; or
- (b) has been enrolled as a legal practitioner (however described) of the High Court or of the Supreme Court of a State or Territory for not less than 10 years.
- (3) In relation to the members referred to in paragraph 25 (b)—
 - (a) 1 member shall be a person who has an educational qualification relating to accountancy;
 - (b) 1 member shall be a person who has extensive experience in, and a knowledge of, public administration; and
 - (c) 1 member shall be a minister of religion or a person of comparable standing in the community.
- (4) The Minister shall not appoint a person to be a member if the Minister is satisfied that—
 - (a) the person has, or at any time during the preceding 3 years had, whether directly or indirectly—
 - (i) a business or financial association with; or
 - (ii) a business or financial interest in any matter in conjunction with; an involved person; or
 - (b) the person is, or at any time during the preceding 3 years was, whether directly or indirectly, employed, in any capacity, by an involved person.
- (5) The appointment of a member is not invalid because of a defect or irregularity in connection with the member's appointment.

Term of office

27. (1) A member—

- (a) shall be appointed with effect from the day specified in the instrument of appointment; and

- (b) holds office, subject to this Act, for such term (not exceeding 3 years) as is specified in the instrument of appointment, but is eligible for re-appointment.

(2) If a member ceases to hold office before the end of the term of appointment, another person may, in accordance with this Act, be appointed in the member's place until the end of the term.

Basis of holding office

28. A member holds office on a part time basis.

Remuneration and allowances

29. (1) A member shall be paid such remuneration and allowances as are prescribed.

(2) Subsection (1) does not apply in relation to—

- (a) remuneration if there is a subsisting determination relating to the remuneration to be paid to the member; or
- (b) an allowance of a particular kind if there is a subsisting determination relating to an allowance of that kind to be paid to the member.

(3) In subsection (2), “determination” means a determination of the Remuneration Tribunal.

Leave of absence

30. (1) The Minister may grant leave of absence to the Chairperson on such terms and conditions as the Minister considers appropriate.

(2) The Chairperson may grant leave of absence to another member on such terms and conditions as the Chairperson considers appropriate.

Resignation

31. A member may resign his or her office by writing signed by the member and delivered to the Minister.

Disclosure of interests

32. (1) A member who has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Authority (whether at a meeting or otherwise) shall, as soon as possible after the relevant facts have come

to the member's knowledge, disclose the nature of the interest at a meeting of the Authority.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Authority and, unless the Minister or the Authority otherwise determines, the member shall not—

- (a) be present during any deliberation of the Authority in relation to the matter; or
- (b) take part in any decision of the Authority in relation to the matter.

(3) A member referred to in subsection (2) shall not—

- (a) be present during any deliberation of the Authority for the purpose of considering whether to make a determination under that subsection in relation to that member; or
- (b) take part in the making by the Authority of such a determination.

Termination of appointment

33. (1) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

(2) The Minister shall terminate the appointment of a member if the member—

- (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (b) without reasonable excuse, contravenes section 32;
- (c) is convicted, in Australia or an external Territory, of—
 - (i) an offence against a law relating to gaming or betting or casinos; or
 - (ii) an offence against any other law punishable on conviction by imprisonment for a period of not less than 6 months;
- (d) being the Chairperson, is absent, except with the leave of the Minister, from 3 consecutive meetings of the Authority; or
- (e) being a member other than the Chairperson, is absent, except with the leave of the Chairperson, from 3 consecutive meetings of the Authority.

Terms and conditions of appointment not provided for by Act

34. A member holds office on such terms and conditions (if any) in relation to matters not provided for by this Act as are determined, in writing, by the Minister.

Acting appointments

35. (1) The Minister may appoint a member to act as Chairperson—

- (a) during a vacancy in the office of Chairperson (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Chairperson is absent from the Territory or is, for any reason, unable to perform the duties of the office.

(2) The Minister may appoint a person to act as a member referred to in paragraph 25 (b)—

- (a) during a vacancy in the office of such a member (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when such a member is acting as Chairperson, is absent from the Territory or is, for any reason, unable to attend meetings of the Authority.

(3) Anything done by or in relation to a person purporting to act under this section is not invalid merely because—

- (a) the occasion for the appointment had not arisen;
- (b) there was a defect or irregularity in connection with the appointment;
- (c) the appointment had ceased to have effect; or
- (d) the occasion to act had not arisen or had ceased.

Meetings

36. (1) The Authority shall hold such meetings as are necessary for the efficient performance of its functions.

(2) Subject to subsection (3), meetings of the Authority shall be held at such times and places as the Authority from time to time determines.

(3) The Chairperson may at any time convene a meeting of the Authority.

(4) The Chairperson shall preside at all meetings of the Authority.

- (5) At a meeting of the Authority—
- (a) the Chairperson and 2 other members constitute a quorum;
 - (b) a question shall be decided by a majority of the votes of the members present and voting; and
 - (c) the Chairperson has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (6) The Authority shall keep minutes of its proceedings.

Division 3—Finance

Money of Authority

37. The money of the Authority consists of—
- (a) amounts paid to the Authority under section 15 by way of the casino licence fee;
 - (b) amounts paid to the Authority under section 89, 97 or 99 by way of fees for the issue or renewal of casino employee's licences or the issue of copies of such licences; and
 - (c) any other amounts paid to the Authority.

Application of money

38. The money of the Authority shall be applied only—
- (a) in payment or discharge of expenses and liabilities incurred by the Authority; and
 - (b) in payment of remuneration and allowances payable to members.

PART IV—DEVELOPMENT AND CONTROL AGREEMENTS

Approval of developer

39. (1) The Minister may, by instrument, approve a company or companies for the purpose of undertaking the development of the casino, being a company or companies that proposes or propose to be the owner of the casino.

(2) In approving a company as the developer, the Minister shall have regard to any recommendations made by the Authority concerning the suitability of the company.

Development agreement

40. (1) The Minister may enter into an agreement with the developer for the development and ownership of the casino.

(2) An agreement referred to in subsection (1) may be varied from time to time by an agreement entered into between the Minister and the developer.

(3) The Minister shall not enter into an agreement under subsection (1) or (2) unless the Minister is satisfied that—

- (a)** the developer satisfies the relevant suitability requirements; and
- (b)** any director, secretary or other officer of the developer who would be likely to be involved in the development of the casino is a fit and proper person to be so involved.

Sale of casino

41. (1) The owner of the casino may, with the approval in writing of the Minister, sell or otherwise dispose of the casino to another company or other companies.

(2) The Minister shall not give an approval for the purposes of subsection (1) unless the Minister is satisfied that the company or each of the companies proposing to acquire the casino satisfies the relevant suitability requirements.

(3) In giving an approval for the purposes of subsection (1) in connection with a company, the Minister shall have regard to any recommendations made by the Authority concerning the suitability of the company.

Control agreement

42. (1) Where the Minister gives an approval for the purposes of subsection 41 (1), the Minister may enter into an agreement with the proprietor for the operation of the casino.

(2) An agreement referred to in subsection (1) may be varied from time to time by an agreement entered into between the Minister and the proprietor.

Terms of agreements

43. (1) An agreement shall make provision for—

- (a)** matters relating to the grant of a casino licence;

- (b) the ownership and control of the developer, or proprietor, as the case requires;
- (c) the ownership of the casino;
- (d) the operation of the casino and such related matters as the Minister considers necessary; and
- (e) in the case of the development agreement—
 - (i) the location and siting of the casino; and
 - (ii) the development and commissioning of the casino.

(2) In this section—

“agreement” means the development agreement and control agreement.

Notification of agreements

44. The Minister shall cause a notification of the making of an agreement under subsection 40 (1) or (2) or 42 (1) or (2) to be published in the *Gazette*.

PART V—CASINO LICENCE

Grant of casino licence

45. (1) The Minister shall grant a casino licence in respect of an area designated under paragraph 4 (1) (a) to—

- (a) a person nominated by the developer under the development agreement as the proposed casino licensee;
- (b) a person nominated by the proprietor under a control agreement as the proposed casino licensee; or
- (c) a person nominated as the proposed casino licensee by a casino lessee under an arrangement entered into between the lessee and the developer or proprietor.

(1A) A person is not eligible to be granted a casino licence in respect of the interim casino unless he or she is a person to whom a licence may be granted under subsection (1).

(2) The Minister shall not grant a casino licence to the person nominated as the proposed casino licensee unless the Minister is satisfied that the person satisfies the relevant suitability requirements.

(3) The Minister shall not grant the initial casino licence in respect of an area designated under paragraph 4 (1) (a) unless—

- (a) the Minister is satisfied that proper arrangements have been made for the timely provision of community facilities associated with the development of the casino; and
- (b) the Minister issues a notice describing those arrangements.

(4) In granting a casino licence to a person, the Minister shall have regard to any recommendations made by the Authority concerning the suitability of the person.

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

- (a) shall specify—
 - (i) the date of its issue;
 - (ii) the date of its expiration;
 - (iii) the name of the licensee;
 - (iv) an address in the Territory specified by the licensee for the service of documents on the licensee;
 - (v) the address of the casino;
 - (vi) such other particulars relating to the casino as the Minister considers necessary; and
 - (vii) such other particulars as are prescribed; and
- (b) shall identify the area designated by the Minister under section 4 to be the casino.

(6) Where the Minister makes a decision refusing to grant a casino licence, the Minister shall give to any casino lessee and the owner of the casino notice in writing—

- (a) of the decision; and
- (b) unless the decision is a security related decision—of the grounds for the decision.

(7) A casino licence in respect of the interim casino shall not be granted for a period exceeding 3 years.

Duration of casino licence

46. A casino licence remains in force until the expiration of the date specified in the licence as the date of expiration of the licence—

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

under this Act.

Surrender of casino licence

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

(2) The casino licensee shall not surrender the casino licence if there is an amount payable by the licensee to the Territory or Authority under section 15, 16 or 16A.

(3) Where the casino licensee ceases to be responsible for the operation of the casino, otherwise than by reason that the licensee has assigned the casino licence under section 50, the casino licence shall be deemed to have been surrendered.

Suspension or cancellation of casino licence—grounds

48. (1) A ground for suspension or cancellation of a casino licence arises where—

- (a) the casino licensee is convicted of—
 - (i) an offence against this Act; or
 - (ii) an offence that is to be taken to be related to an offence against this Act;
- (b) the casino licensee is convicted of an indictable offence, whether on indictment or summarily;
- (c) the casino licensee contravenes a provision of this Act;
- (ca) in the case of a casino licence in respect of the interim casino—
 - (i) the developer is in breach of the development agreement; or
 - (ii) the developer in respect of the area referred to in paragraph 4 (1)
 - (a) is in breach of the development agreement in respect of that area;

- (d) the casino licensee contravenes a requirement by the Treasurer of the Commonwealth in relation to a matter of foreign investment;
- (e) the casino licensee refuses or fails to comply with a direction by the Authority under section 129;
- (f) the casino licensee knowingly or recklessly supplies to the Minister or an authorised person information that is false or misleading in a material particular;
- (g) the casino licensee fails to meet the licensee's financial commitments when they become due and payable;
- (h) proceedings to wind up the casino licensee are instituted;
- (i) the Minister is satisfied that the casino licensee is not, or has ceased to be, a suitable person to be the licensee having regard to the suitability requirements applicable to a casino licensee;
- (j) the Minister is satisfied that a person associated in business with the casino licensee is not, or has ceased to be, a suitable person to be so associated having regard to—
 - (i) the character of the person; or
 - (ii) the manner in which the person has conducted business;
- (k) a change occurs in the ownership of the casino and the proprietor nominates under the control agreement a person other than the current casino licensee as the proposed casino licensee; or
- (l) the casino lessee, under an arrangement entered into between the lessee and the developer or proprietor, nominates a person other than the current casino licensee as the proposed casino licensee.

(2) Notwithstanding any other provision of this Act, the Minister may, where he or she is satisfied that it is in the public interest to do so—

- (a) suspend the casino licence for such period as the Minister thinks fit; or
- (b) cancel the casino licence.

Automatic suspension or cancellation of interim casino licence

48A. (1) This section applies where the licences in respect of the areas designated under paragraphs 4 (1) (a) and (b) respectively are held by the same persons or by persons nominated for the respective purposes under subsection 45 (1) by the same person.

(2) Where a licence in respect of an area designated under paragraph 4 (1) (a) is suspended or cancelled under this Part, any licence in respect of the interim casino is, by force of this section—

- (a) suspended for a period coextensive with the period of suspension of the other licence; or
- (b) cancelled;

as the case may be.

(3) Where—

- (a) a licence in respect of the interim casino is suspended by force of this section; and
- (b) the period of suspension of the licence in respect of the area designated under paragraph 4 (1) (a) is terminated or reduced under subsection 49 (5);

the period of suspension of the licence in respect of the interim casino is terminated or reduced commensurately.

Suspension or cancellation of casino licence—procedures

49. (1) Where—

- (a) a ground for suspension or cancellation of the casino licence arises under subsection 48 (1); or
- (b) the Minister proposes to suspend or cancel the casino licence for the reason referred to in subsection 48 (2);

the Minister, by notice in writing, shall request an interested person, and may request any other person who in the opinion of the Minister has an interest in the licence, to show cause, within such period (being not less than 21 days after the issue of the notice) as is specified in the notice, why the casino licence should not be suspended, or cancelled, as the case may be.

(2) A notice under subsection (1) shall specify the ground for its issue.

(3) The Minister, shall have regard to any response made under subsection (1) and—

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

- (b) where the matter is not resolved to his or her satisfaction but the Minister considers that action to suspend or cancel the casino licence is not warranted—may, in writing, caution the casino licensee; or
- (c) where the matter is not resolved to his or her satisfaction and the Minister is satisfied that further action is warranted, may—
 - (i) by notice in writing, give such direction as the Minister considers appropriate; or
 - (ii) suspend for such period as the Minister thinks fit, or cancel, the casino licence.

(4) Where a direction given by the Minister under subparagraph (3) (c) (i) is not complied with within the time specified in the notice, the Minister may suspend for such period as he or she thinks fit, or cancel, the casino licence.

(5) Where a casino licence is suspended under this Part, the Minister may, by notice in writing given to the casino licensee, at any time terminate, or reduce the period of, the suspension of the licence.

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

(7) In this section—

“interested person” means—

- (a) the casino lessee;
- (b) the owner of the casino; and
- (c) the casino licensee.

Assignment of casino licence

50. (1) The casino licensee may, with the approval in writing of the Minister and the owner of the casino, assign the casino licence to another person.

(2) The Minister shall not approve an assignment of the casino licence to a person unless the Minister is satisfied that, if the person were nominated as a proposed casino licensee under the development agreement or control agreement, the person would satisfy the relevant suitability requirements applicable to such a person.

(3) In approving an assignment of the casino licence to a person, the Minister shall have regard to any recommendations made by the Authority concerning the suitability of the person.

(4) An application for approval under subsection (1)—

- (a) shall be made by the casino licensee;
- (b) shall be in writing in a form approved by the Minister;
- (c) shall be signed by the casino licensee;
- (d) shall contain such particulars relating to the proposed assignment as are required by the form; and
- (e) shall be supported by such further particulars relating to the proposed assignment as the Minister, by notice in writing given to the casino licensee, has required to be supplied within a reasonable period specified in the notice.

Appointment of administrator

51. (1) Where a casino licence is suspended or cancelled under this Part, the Minister may, if he or she is satisfied that it is in the public interest to do so, by instrument, appoint an administrator for the purposes of this section.

(2) In appointing a person to be an administrator for the purposes of this section, the Minister shall have regard to any recommendations made by the Authority concerning the suitability of the person.

(3) An administrator shall be appointed on such terms and conditions as the Minister thinks fit.

(4) The appointment of an administrator—

- (a) may be terminated at any time by the Minister; and
- (b) shall be determined by an assignment of the casino licence under section 50.

(5) An administrator shall—

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

PART VI—OPERATIONAL ARRANGEMENTS

Lease of casino

52. (1) The developer or proprietor may, with the approval in writing of the Minister, lease the casino to a person.

(2) The Minister shall not approve a casino lease unless the Minister is satisfied that the proposed lessee satisfies the relevant suitability requirements.

(3) In giving an approval for the purposes of subsection (1), the Minister shall have regard to any recommendations made by the Authority concerning the suitability of the proposed lessee.

(4) An application for approval under subsection (1) shall be made by the developer, or proprietor, as the case requires, in a form approved by the Minister and shall be accompanied by—

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

(5) The Minister may, by notice in writing, require the applicant to supply such further particulars or documents, or to answer such questions, relating to the proposed lease as are specified in the notice.

(6) Where the Minister makes a decision refusing to approve a lease of the casino, the Minister shall give to the applicant and the proposed lessee notice in writing—

- (a)** of the decision; and
- (b)** unless the decision is a security related decision—of the grounds for the decision.

Casino operation agreement

53. (1) The developer, proprietor or casino lessee may, with the approval in writing of the Minister, enter into an agreement with the casino licensee for the licensee to operate the casino.

(2) An application for approval under subsection (1) shall be made by the developer, proprietor or casino lessee, as the case requires, and the casino licensee in a form approved by the Minister and shall be accompanied by—

- (a) a draft of the proposed agreement; and
- (b) such other particulars as are required by the form.

(3) The Minister may, by notice in writing, require the applicants to supply such further particulars or documents, or to answer such questions, relating to the proposed agreement as are specified in the notice.

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

Variation of lease or agreement

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

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

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

(4) Where the Minister makes a decision refusing to approve a variation of a casino lease or casino operation agreement, the Minister shall give to the parties to the lease or agreement notice in writing—

- (a) of the decision; and
- (b) unless the decision is a security related decision—of the grounds for the decision.

Scrutiny of supply contracts

55. (1) A person shall not, except with the approval of the Authority, enter into a supply contract involving the payment or receipt by a party to the contract of an amount exceeding such amount as the Minister, by notice published in the *Gazette*, determines for the purposes of this section.

(2) Where the Authority considers that it is not in the public interest for a supply contract to remain in force, the Authority shall give to each person who is a party to the contract a notice in writing requesting the person, within 14 days after the receipt by the person of the notice, to show cause why the contract should not be terminated.

(3) A notice given to a person under subsection (2)—

- (a) shall specify the reasons why it is considered that it is not in the public interest for the contract to remain in force; and
- (b) may require that any submissions to be made by the person in response to the notice be made orally or in writing.

(4) The Authority shall not give or refuse to give an approval under subsection (1) unless it has first inquired into—

- (a) the suitability of each person who intends to be a party to the proposed supply contract; and
- (b) the operation of that contract.

(5) The Authority shall not give a notice under subsection (2) unless it has first inquired into—

- (a) the suitability of each person who is a party to the supply contract; and
- (b) the operation of that contract.

Termination of supply contracts

56. (1) Where submissions made in accordance with a notice given under subsection 55 (2) are satisfactory to show cause why the contract to which the notice relates should not be terminated, the Authority shall take no further action in relation to the matter.

(2) Where, in relation to a notice given under subsection 55 (2) in respect of a supply contract—

- (a) no submissions are made in accordance with the notice; or
- (b) submissions made in accordance with the notice are not satisfactory to show cause why the contract should not be terminated;

the Authority shall, by notice in writing given to each person who is a party to the contract, terminate the contract from such date as is specified in the notice.

Effect of termination

57. Where a supply contract is terminated under section 56—

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract;
- (b) no liability for breach of the contract is incurred by a person who was a party to the contract by reason only of that termination; and
- (c) neither the Territory nor the Authority incurs any liability by reason of that termination.

PART VII—OPERATION OF CASINO

Division 1—Facilities and equipment

Maintenance of facilities

58. The casino licensee shall—

- (a) maintain the facilities and amenities of the casino in such a condition as will promote the satisfaction of patrons;
- (b) ensure that the casino is at all times properly and competently conducted;
- (c) ensure that all casino installations, equipment and procedures for security are available and are tested, used, operated and applied effectively; and
- (d) ensure the gaming equipment and chips approved by the Authority for use in the casino are maintained in good order and condition.

Approval of layout

59. (1) The casino licensee shall not operate the casino unless the layout of the casino is in accordance with plans and diagrams approved by the Authority.

Penalty—

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

(2) The casino licensee shall submit, for the approval of the Authority—

- (a) plans and diagrams of the layout of the casino; and

- (b) where it is proposed to vary the layout of the casino—plans and diagrams of the proposed variation.

(3) The Authority may, by notice in writing, require the casino licensee to supply such further particulars or documents, or to answer such questions, relating to plans and diagrams submitted to the Authority under this section as are specified in the notice.

(4) The Authority shall not approve plans and diagrams under this section unless the layout of the casino as shown on the plans and diagrams complies with the requirements of the regulations.

Approval of gaming equipment and chips

60. The Authority may approve gaming equipment and chips for use in the casino.

Division 2—Operating times

Application of Holidays Act

61. The *Holidays Act 1958* does not have the effect of limiting the days on which the casino may be operated.

Observance of operating times

62. The casino licensee shall not operate the casino otherwise than in accordance with—

- (a) a schedule of operating times approved by the Minister under section 63; or
- (b) if a schedule of operating times is determined by the Minister under section 64—that schedule.

Penalty—

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

Approval of operating times

63. (1) The casino licensee shall submit, for the approval of the Minister—

- (a) a schedule of operating times for the casino, setting out the days on which, and hours during which, it is proposed to operate the casino; and

- (b) where it is proposed to vary a schedule of operating times previously approved under this section—a schedule of operating times as proposed to be varied.

(2) The Minister may approve a schedule of operating times under this section as submitted or with such variations or subject to such conditions as the Minister thinks fit.

(3) In giving an approval under subsection (2), the Minister shall have regard to any recommendations made by the Authority in relation to the matter.

Determination of operating times by Minister

64. (1) The Minister may at any time determine the operating times for the casino.

(2) Where the Minister makes a determination under subsection (1), he or she shall forward to the casino licensee, in writing—

- (a) a schedule of the operating times; and
- (b) a notice specifying the date on which the schedule takes effect.

Division 3—Exclusion of persons from casino

General

65. (1) A person does not have a right as against the casino licensee to enter, or be in, the casino.

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

(3) This Division does not affect the operation of any other law of the Territory.

(4) This Division does not authorise the exclusion of an authorised person from the casino.

Grounds

66. (1) A person shall not enter the casino during the hours of operation of the casino if the person—

- (a) is requested by a casino employee not to enter the casino on the ground that the person has previously contravened the approved rules of an authorised game or rules of conduct in force in the casino; or

- (b) is a person in relation to whom a direction under subsection 69 (1) is in force.

Penalty: \$2,000.

(2) A person shall not enter the casino during the hours of operation of the casino if the person—

- (a) is under the age of 18 years; or
- (b) is not permitted, by reason of a condition referred to in subsection 65 (2), to enter the casino.

Penalty: \$1,000.

(3) A person shall not remain in the casino during the hours of operation of the casino if the person—

- (a) when requested to do so by a casino employee, refuses or fails to produce evidence of his or her age;
- (b) has been requested by a casino employee to leave the casino on the ground that the person—
 - (i) appears not to understand fully the nature or consequences of gaming as it relates to the application of the approved rules of authorised games and the potential for financial loss;
 - (ii) appears to be under the influence of alcohol or a drug to the extent that the person could not reasonably be expected to exercise rational judgment while playing an authorised game;
 - (iii) appears to be under the influence of alcohol or a drug to the extent that the person is affecting the orderly functioning of the operations of the casino;
 - (iv) appears to be cheating, or attempting to cheat, in the casino; or
 - (v) has previously contravened the approved rules of an authorised game or rules of conduct in force in the casino;
- (c) is not permitted, by reason of a condition referred to in subsection 65 (2), to remain in the casino; or
- (d) is a person in relation to whom a direction under subsection 69 (1) is in force.

Casino Control Act 1988

(4) A person shall not, on being requested under paragraph (3) (a) to produce evidence of his or her age, produce evidence that is false.

Penalty: \$1,000.

(5) A person is not prevented from entering, or being in, the casino on the ground only that the person is under the age of 18 years if the person—

- (a) is employed or permitted to work at the casino; or
- (b) enters, or is in, the casino in the company of the spouse or a parent of the person, being a spouse or parent who is not less than 18 years of age—
 - (i) for the purpose of dining at a restaurant in the casino; or
 - (ii) for a purpose connected with entertainment at the casino that does not involve playing or observing the playing of an authorised game.

Enforcement

67. (1) A person who is—

- (a) a police officer;
- (b) for the time being in charge of the casino; or
- (c) an agent or employee of the casino licensee;

may, with such assistance as is necessary and reasonable and using such force as is necessary and reasonable, cause another person who, under section 66, may not enter, or remain in, the casino—

- (d) to be prevented from entering the casino; or
- (e) to be removed promptly from the casino;

as the case requires.

(2) A person shall not, without reasonable excuse, obstruct or hinder a person in the exercise of a power conferred on the last-mentioned person under subsection (1).

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

Obligations of casino licensee

68. (1) The casino licensee shall not, knowingly or recklessly—

- (a) permit to enter the casino a person who is not entitled to do so by virtue of paragraph 66 (1) (a) or (2) (a); or
- (b) fail to remove from the casino—
 - (i) a person in relation to whom a request to leave the casino may be made by a casino employee under subparagraph 66 (3) (b) (i), (ii), (iii) or (iv); or
 - (ii) a person who is not entitled to remain in the casino by virtue of paragraph 66 (3) (c).

Penalty—

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

(2) The casino licensee shall not refuse to permit a person to enter, or be in, the casino on the ground only that the person is under the age of 18 years if the person—

- (a) is employed or permitted to work at the casino; or
- (b) enters, or is in, the casino in the company of the spouse or a parent of the person, being a spouse or parent who is not less than 18 years of age—
 - (i) for the purpose of dining at a restaurant in the casino; or
 - (ii) for a purpose connected with entertainment at the casino that does not involve playing or observing the playing of an authorised game.

Directions of Commissioner of Police

69. (1) The Commissioner of Police, or a police officer authorised by the Commissioner for the purpose, may, by notice in writing, direct the casino licensee to exclude from the casino a person specified in the notice.

(2) A direction under subsection (1) shall not be given in respect of a person unless the authorised police officer believes, on reasonable grounds, that the

person is, or has been, engaged in, or associated with persons engaged in, swindling, cheating or any malpractice in gaming.

(3) The casino licensee shall not, without reasonable excuse, contravene a direction in force under subsection (1).

Penalty—

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

(4) Where a notice is given under subsection (1) to the casino licensee, the authorised police officer—

- (a) shall make available to the casino licensee a recent photograph of the person specified in the notice; or
- (b) if it is not practicable to comply with paragraph (a)—shall provide the casino licensee with such a description of the person specified in the notice as is sufficient to enable the casino licensee to readily identify the person.

Revocation of direction

70. (1) The Commissioner of Police, or a police officer authorised by the Commissioner for the purpose, may, upon application made to him or her by the person in respect of whom a direction to the casino licensee was given by an authorised police officer under subsection 69 (1), revoke the direction if the authorised police officer is satisfied that the person is a fit and proper person to be permitted to enter, and participate in gaming in, the casino.

(2) The authorised police officer shall, as soon as practicable after revoking a direction, notify, in writing, the casino licensee and the person in respect of whom the direction was given of the revocation.

(3) A revocation under subsection (1) shall be made by instrument in writing.

Division 4—Gaming and related activities

Authorised games

71. (1) The Minister may, by notice published in the *Gazette*, declare a game to be an authorised game for the purposes of this Act.

(2) In making a declaration under subsection (1), the Minister shall have regard to any recommendations made by the Authority in relation to the matter.

(3) Where the Minister declares a game to be an authorised game, the Minister—

- (a) shall, as soon as practicable, notify, in writing, the casino licensee of the declaration; and
- (b) may, at any time, by notice in writing given to the casino licensee, specify, in regard to the playing of that game, any restriction or condition that the Minister thinks fit.

Rules for authorised games

72. (1) Where the Minister declares a game to be an authorised game under section 71, the Minister shall, by notice published in the *Gazette*, approve the rules under which that game is to be played.

(2) Where the Minister approves the rules of a game under subsection (1), those rules shall, subject to subsection (3), be taken to be the approved rules of the game for the purposes of this Act.

(3) The Minister may at any time, by notice published in the *Gazette*, alter the approved rules of a game and, upon publication of the notice, the approved rules of that game shall be taken to be altered accordingly.

(4) In approving or altering the rules of a game under this section, the Minister shall have regard to any recommendations made by the Authority in relation to the matter.

(5) The reference in subsection (3) to an alteration of the approved rules of a game shall be read as including a reference to an omission from or an addition to those rules.

(6) The Minister shall, as soon as practicable, notify, in writing, the casino licensee of—

- (a) the rules approved by the Minister under which an authorised game is to be played; and
- (b) any alteration of the approved rules of an authorised game.

(7) The casino licensee shall ensure that printed copies of the approved rules of each authorised game conducted in the casino are freely available to patrons of the casino.

Gaming equipment and chips

73. (1) A person, other than a person authorised by the Authority, shall not, except while in the casino, have in his or her possession any gaming equipment or chips approved by the Authority for use in the casino.

(2) A person shall not exhibit or possess gaming equipment or chips in the casino other than gaming equipment or chips approved by the Authority for use in the casino.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both.

Conduct of gaming

74. The casino licensee—

- (a) shall cause all playing cards dealt in the course of gaming in the casino to be dealt from a card shoe;
- (b) shall not issue, or cause or permit to be issued, any chips for gaming in the casino unless the chips are paid for—
 - (i) in money to the face value of the chips; or
 - (ii) by chip purchase vouchers issued in accordance with the regulations;
- (c) shall not conduct an authorised game, or permit an authorised game to be conducted, in the casino otherwise than in accordance with—
 - (i) the approved rules for that game; and
 - (ii) any restriction or condition specified in a notice under subsection 71 (3) in relation to that game;
- (d) shall not, in relation to the playing of an authorised game, permit wagers to be placed in the casino otherwise than by means of chips unless the

approved rules of the game require, or provide for, the placing of wagers in money;

- (e) shall cause all wagers won in the course of playing an authorised game in the casino to be paid for in full without deduction of any commission or levy other than a commission or levy provided for in the approved rules of that game;
- (f) shall, during the times the casino is open to the public for gaming, at the request of a patron of the casino, cause—
 - (i) chip purchase vouchers to be exchanged for chips;
 - (ii) chips to be exchanged for other chips; or
 - (iii) chips or chip purchase vouchers to be redeemed for money of a value equivalent to the face value of the chips or chip purchase vouchers; and
- (g) shall not require any deposit, charge, commission or levy (whether directly or indirectly and whether or not it is claimed to be refundable) to be paid by a person for the person to enter the casino or, except as may be provided by the approved rules of a game, to take part in gaming in the casino.

Penalty—

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

Gaming by certain persons prohibited

75. (1) An authorised person shall not play a game in the casino except to the extent that it may be necessary to do so—

- (a) in the performance of his or her functions under this Act;
- (b) in the course of his or her employment; or
- (c) in the performance in relation to this Act of a function on behalf of the Territory or Authority.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2) A casino employee shall not solicit or accept any gratuity, consideration or other benefit from a patron in the casino.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2A) Subsection (2) does not apply to a casino employee who, in the ordinary course of his or her work in relation to the operation of the casino, provides food or beverages to patrons of the casino.

(3) The casino licensee shall not knowingly permit a person under the age of 18 years to play any game in the casino.

Penalty—

- (a) if the offender is a body corporate—\$25,000; or
- (b) if the offender is a natural person—\$5,000 or imprisonment for 2 years, or both.

(4) A person under the age of 18 years who plays a game in the casino is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

Gaming machines

76. A person shall not install, use or permit the installation or use of a gaming machine in the casino.

Penalty—

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000 or imprisonment for 6 months, or both.

Cheating

77. (1) A person shall not, in the casino, dishonestly—

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

obtain for himself or herself or another person, or induce a person to deliver, give or credit to him or her or another person, any money, chips, benefit, advantage, valuable consideration or security.

Penalty: \$10,000 or imprisonment for 5 years, or both.

- (2) A person shall not use, or have in his or her possession, in the casino—
- (a) chips that the person knows are bogus or counterfeit chips;
 - (b) cards, dice or coins that the person knows have been marked, loaded or tampered with; or
 - (c) for the purposes of cheating or stealing—any equipment, device or thing that permits or facilitates cheating or stealing.

Penalty: \$5,000 or imprisonment for 2 years, or both.

(3) Paragraphs (2) (a) and (b) do not prohibit the possession of a thing by a person in charge of the casino, an agent or employee of the casino licensee, an inspector or a police officer if that thing has been seized by any of those persons from another person for destruction or for use as evidence in proceedings for any offence.

Forgery

78. A person shall not—

- (a) forge or counterfeit chips, a chip purchase voucher, a licence or a form of identification used for the purposes of this Act; or
- (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, licence or such a form of identification.

Penalty: \$10,000 or imprisonment for 5 years, or both.

Division 5—Provision of money for gaming

Restriction on credit

79. The casino licensee or a casino employee shall not, in relation to gaming in the casino—

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

- (f) wholly or partly release or discharge a debt without the approval of the Minister.

Penalty—

- (a) if the offender is a body corporate—\$25,000; or
- (b) if the offender is a natural person—\$5,000 or imprisonment for 2 years, or both.

Cheques

80. (1) The casino licensee shall not accept a cheque, other than a cheque of a kind, and otherwise than in accordance with the procedures, specified in the regulations.

Penalty—

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

(2) The casino licensee shall, in relation to a cheque accepted by the licensee that has not been redeemed under section 82, present the cheque for payment within such period as is specified, for the purposes of this section, by the Minister by notice published in the *Gazette*.

Penalty—

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

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

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both.

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

Deposit accounts

81. (1) The casino licensee may establish for a natural person a deposit account.

(2) The casino licensee may issue to a person who establishes a deposit account—

- (a) chips;
- (b) chip purchase vouchers;
- (c) money; or
- (d) a cheque;

not exceeding in total value the amount standing to the credit of the account at the time of issue of the chips, vouchers, money or cheque.

(3) The casino licensee shall credit to the deposit account of a person—

- (a) the amount of any money or cheque deposited with the casino licensee for the purpose by the person; and
- (b) the amount of any money transferred by the person to that account directly from an account operated by the person with a financial institution.

(4) The casino licensee shall debit the deposit account of a person with—

- (a) an amount equal to—
 - (i) the face value of chips or vouchers;
 - (ii) the amount of money; or
 - (iii) the amount of a cheque;issued to the person under subsection (2); and
- (b) the amount of any money transferred by the person from that account directly to an account operated by the person with a financial institution.

(5) The casino licensee shall not credit an amount to the deposit account of a person, or debit the deposit account of a person with an amount, otherwise than in accordance with this section.

Redemption of cheques

82. A person may, with the agreement of the casino licensee, redeem any cheque accepted from the person by the casino licensee, at any time prior to presentation, or the expiration of the period specified for presentation, of the cheque for payment under subsection 80 (2), by presenting at the cash desk of the casino—

- (a) an amount of money equivalent to;
- (b) chips the face value of which is equivalent to; or
- (c) where more than 1 cheque is being redeemed—a consolidating cheque for an amount equivalent to;

the amount of the cheque, or the sum of the amounts of the cheques, to be redeemed.

Proceedings etc. in relation to gaming

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

(2) The casino licensee shall not assign to a third party the whole or any part of any rights arising out of a gaming debt incurred in the casino by a person, being a debt incurred by reason of the dishonour of a cheque drawn by that last-mentioned person and accepted by the casino licensee.

Penalty—

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000 or imprisonment for 6 months, or both.

(3) An action lies against the casino licensee to recover—

- (a) money won at gaming in the casino; or
- (b) the amount of a cheque given by the casino licensee in payment of money so won and subsequently dishonoured.

PART VIII—CASINO EMPLOYEES' LICENCES

Division 1—Employment of licence holders

Key employees

84. (1) The casino licensee is, in respect of each day during any part of which the licensee knowingly or recklessly employs or permits to work in relation to the casino as a key employee a person who does not hold a key employee's licence, guilty of an offence punishable, on conviction, by a fine not exceeding—

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

(2) A person who does not hold a key employee's licence is, in respect of each day during any part of which the person is employed or works in relation to the casino as a key employee, guilty of an offence punishable, on conviction, by a fine not exceeding \$500.

(3) The casino licensee shall not knowingly or recklessly permit a person who holds a key employee's licence to be employed or to work in relation to the casino while contravening a condition of the licence.

Penalty—

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

(4) A person who holds a key employee's licence shall not be employed or work in relation to the casino while contravening a condition of the licence.

Penalty: \$500.

(5) In this section—

“key employee's licence” includes a provisional key employee's licence.

Operations employees

85. (1) The casino licensee is, in respect of each day during any part of which the licensee knowingly or recklessly employs or permits to work in relation to the casino as an operations employee a person who does not hold an operations employee's licence, guilty of an offence punishable, on conviction, by a fine not exceeding—

- (a) if the offender is a body corporate—\$1,000; or
- (b) if the offender is a natural person—\$200.

(2) A person who does not hold an operations employee's licence is, in respect of each day during any part of which the person is employed or works in relation to the casino as an operations employee, guilty of an offence punishable, on conviction, by a fine not exceeding \$200.

(3) The casino licensee shall not knowingly or recklessly permit a person who holds an operations employee's licence to be employed or to work in relation to the casino while contravening a condition of the licence.

Penalty—

- (a) if the offender is a body corporate—\$1,000; or
- (b) if the offender is a natural person—\$200.

(4) A person who holds an operations employee's licence shall not be employed or work in relation to the casino while contravening a condition of the licence.

Penalty: \$200.

(5) In this section—

“operations employee's licence” includes a provisional operations employee's licence.

Information relating to casino employees

86. (1) The casino licensee shall—

- (a) not later than 7 days after the holder of a casino employee's licence, or any other person, commences or ceases to be employed or permitted to work in relation to the casino—notify the Authority, in a form of notice approved by the Minister, of that commencement or cessation; and
- (b) within such period of not more than 7 days as is specified by the Authority in a notice in writing given by it to the casino licensee—in a form of notice approved by the Minister, notify the Authority, separately for each of the following categories of persons, of the names of all persons who, during the period of 6 months immediately before the date of that notice, were—

- (i) key employees;
- (ii) operations employees;
- (iii) employed or permitted to work in relation to the casino; or
- (iv) employed by the casino licensee in any other capacity.

(2) The Authority shall not give a notice under paragraph (1) (b) on more than 2 occasions in any period of 12 months.

(3) The Authority may, at any time, by notice in writing given to a person who holds a casino employee's licence, require that person—

- (a) to provide, in accordance with directions in the notice, such information relevant to the holding of the licence as is specified in the notice;
- (b) to produce, in accordance with directions in the notice, such records, or records of such kinds, relevant to the holding of the licence as are specified in the notice;
- (c) to permit examination of the records, the taking of extracts from the records and the making of copies of the records; or
- (d) to authorise a person specified in the notice to comply with a requirement of a kind referred to in paragraph (a), (b) or (c).

(4) A notice given under subsection (3) to a person who holds a casino employee's licence does not cease to have effect by reason only that the licence ceases to have effect.

Effect of suspension or cancellation of licence

87. (1) The casino licensee shall, not later than 24 hours after receiving a notice of suspension or cancellation of a casino employee's licence, cease to permit the person who was the holder of that licence to perform, in relation to the casino, functions of the kind specified in that licence.

(2) Subsection (1) has effect notwithstanding any law of the Territory or any award or industrial or other agreement.

(3) Neither the Territory nor the Authority incurs any liability by reason of the operation of subsection (1).

Division 2—Applications for licences

Eligibility for issue of casino employees' licences

88. (1) A person is not eligible for the issue of a key employee's licence if the person—

- (a) is not a fit and proper person to hold such a licence;
- (b) is under the age of 18 years; or
- (d) is within a class of persons prescribed for the purposes of this paragraph.

(2) A person is not eligible for the issue of an operations employee's licence if the person—

- (a) is not a fit and proper person to hold such a licence;
- (b) is under the age of 18 years;
- (c) is not an Australian citizen or a permanent resident of Australia; or
- (d) is within a class of persons prescribed for the purposes of this paragraph.

Application for casino employee's licence

89. (1) An application by a person for a casino employee's licence—

- (a) shall set out the functions that the person proposes to perform in relation to the casino;
- (b) shall be lodged with the chief casino inspector;
- (c) shall be accompanied by—
 - (i) the imprints of the fingers and the palms of both hands of the applicant; and
 - (ii) a recent photograph of the face of the applicant;
- (d) in the case of an application for a key employee's licence—
 - (i) shall be in a form approved by the Minister in relation to applications of that kind; and
 - (ii) shall be accompanied by—
 - (A) the determined fee;

- (B) any documents that are prescribed in relation to applications of that kind; and
 - (C) any documents that the form of application specifies; and
- (e) in the case of an application for an operations employee's licence—
- (i) shall be in a form approved by the Minister in relation to applications of that kind; and
 - (ii) shall be accompanied by—
 - (A) the determined fee;
 - (B) any documents that are prescribed in relation to applications of that kind; and
 - (C) any documents that the form of application specifies.

(2) The form of application by a person for a casino employee's licence may require that the truth of any information set out in the application be verified by statutory declaration.

(3) A determined fee referred to in subparagraph (1) (d) (ii) or (e) (ii) is payable to the Authority.

Destruction of prints and photographs

90. Where—

- (a) an application by a person for a casino employee's licence is refused; or
- (b) the casino employee's licence held by a person is surrendered or cancelled;

the Authority shall cause to be destroyed—

- (c) the imprint of the finger prints and palm prints, and the photograph, of that person, that accompanied that application or the application for that licence, as the case may be; and
- (d) any copy of that imprint, or those imprints, and of that photograph, that is in the Authority's possession or control for a purpose connected with that application, or the application for that licence, as the case may be.

Change of particulars set out in application

91. Where, before an application for a casino employee's licence is determined, or while a casino employee's licence is in force, a change occurs in a matter set out in, or in any documents lodged in connection with, the application for the licence, the applicant or the holder of the licence shall, as soon as practicable, give the Authority written particulars of the change verified, if the Minister so requires, by statutory declaration.

Requirement for further information

92. The Authority may, by notice in writing, require the casino licensee, the applicant for a casino employee's licence or any person whose association with the applicant is, in the opinion of the Authority, relevant to the application—

- (a) to provide, in accordance with directions in the notice, such information, verified, if the Authority so requires, by statutory declaration, relating to the application as is specified in the notice;
- (b) to produce, in accordance with directions in the notice, such records, or records of such kinds, relating to the application as are specified in the notice;
- (c) to permit examination of the records, the taking of extracts from the records and the making of copies of the records; or
- (d) to authorise a person specified in the notice to comply with a requirement of a kind referred to in paragraph (a), (b) or (c).

Approval of application

93. (1) The Authority shall consider each application for a casino employee's licence and shall—

- (a) approve the application;
- (b) after varying, with the consent in writing of the applicant, the functions set out in the application under paragraph 89 (1) (a), approve the application as so varied; or
- (c) refuse to approve the application.

(2) Where the Authority approves an application for a casino employee's licence, it may determine conditions to which the licence is to be subject.

(3) The Authority may refuse to approve an application for a casino employee's licence where—

- (a) the application does not comply with the requirements of section 89; or
- (b) a requirement made under section 92 in relation to the application is not complied with.

(4) The Authority shall refuse to approve an application for a casino employee's licence if the applicant for the licence fails to establish that he or she is eligible for the issue of the licence.

(5) In considering an application for a casino employee's licence, the Authority may inquire into such matters relating to the application as it thinks fit.

Division 3—Issue of licences

Issue of casino employee's licence

94. (1) Where the Authority approves an application for a key employee's licence, the chief casino inspector shall issue to the applicant a key employee's licence in a form approved by the Minister.

(2) Where the Authority approves an application for an operations employee's licence, the chief casino inspector shall issue to the applicant an operations employee's licence in a form approved by the Minister.

(3) A casino employee's licence shall set out—

- (a) the functions that the holder of the licence may perform in relation to the casino; and
- (b) any conditions determined by the Authority under subsection 93 (2).

Conditions of casino employee's licence

95. (1) A casino employee's licence is subject to—

- (a) the condition—
 - (i) that the holder of the licence shall comply with a requirement made of the licence holder under subsection 86 (3); and
 - (ii) that a person authorised by the holder of the licence for the purpose shall comply with such a requirement;
- (b) any conditions set out in the licence under subsection 94 (3);

- (c) any conditions imposed by the Authority during the currency of the licence and notified to the holder of the licence and the casino licensee by notice in writing;
- (d) in the case of a key employee's licence—any conditions prescribed in relation to licences of that kind; and
- (e) in the case of an operations employee's licence—any conditions prescribed in relation to licences of that kind.

(2) A condition referred to in paragraph (1) (b) or (c) may be a condition that is applicable to only one holder of a licence.

(3) A condition of a casino employee's licence referred to in paragraph (1) (b) or (c) may be varied or revoked by the Authority, whether or not an application to that effect is made to the Authority by the holder of the licence or the casino licensee.

Provisional casino employee's licence

96. (1) Pending the issue of a key employee's licence—

- (a) the Authority may approve the issue to the applicant for that licence of a provisional key employee's licence; and
- (b) the chief casino inspector shall, upon that approval being given, issue to the applicant such a provisional licence in a form approved by the Minister.

(2) Pending the issue of an operations employee's licence—

- (a) the Authority may approve the issue to the applicant for that licence of a provisional operations employee's licence; and
- (b) the chief casino inspector shall, upon that approval being given, issue to the applicant such a provisional licence in a form approved by the Minister.

(3) Where the Authority approves the issue of a provisional casino employee's licence, it may determine conditions to which the licence is to be subject.

(4) A provisional casino employee's licence shall set out—

- (a) the functions that the holder of the licence may perform in relation to the casino; and

(b) any conditions determined by the Authority under subsection (3).

(5) A provisional casino employee's licence is subject to—

- (a) any conditions set out in the licence under subsection (4);
- (b) in the case of a provisional key employee's licence—any conditions prescribed in relation to licences of that kind; and
- (c) in the case of a provisional operations employee's licence—any conditions prescribed in relation to licences of that kind.

(6) A condition referred to in paragraph (5) (a) may be a condition that is applicable to only one holder of a licence.

(7) A provisional casino employee's licence may be cancelled by the Authority by notice in writing given to the holder of the licence.

(8) A provisional casino employee's licence ceases to have effect—

- (a) upon the expiration of such period as is specified in the notice referred to in subsection (7) or, if the notice so specifies, upon receipt by the holder of the licence of the notice;
- (b) upon issue of a casino employee's licence to the holder of that provisional licence;
- (c) upon surrender of the licence to the Authority;
- (d) upon the expiration of 3 months after issue of the licence; or
- (e) upon the death of the licensee;

whichever event first occurs.

Division 4—General

Duration of casino employee's licence

97. (1) A casino employee's licence, other than a provisional casino employee's licence, ceases to have effect—

- (a) upon cancellation of the licence
- (b) upon surrender of the licence to the Authority;
- (c) upon the expiration of 12 months after issue, or renewal, as the case may be, of the licence; or

- (d) upon the death of the licensee;

whichever event first occurs.

- (2) The Authority shall—

- (a) on an application being made in accordance with this section; and
- (b) on payment of the determined fee;

renew a casino employee's licence, other than a provisional casino employee's licence, for the period of 12 months commencing on the day immediately following the day on which, but for its renewal, the licence would cease to have effect under paragraph (1) (c).

- (3) An application under this section shall—

- (a) be made by the holder of a casino employee's licence, other than a provisional casino employee's licence;
- (b) be in a form approved by the Minister; and
- (c) be made not earlier than 1 month before, and not later than, the day on which the licence would, but for this section, cease to have effect under paragraph (1) (c).

(4) The determined fee referred to in paragraph (2) (b) is payable to the Authority.

(5) Subject to this section, the provisions of this Act apply in respect of an application under this section as if that application were an application for a casino employee's licence except such of those provisions as relate to—

- (a) the form of that application;
- (b) the determined fee; and
- (c) the issue of a provisional casino employee's licence.

Variation of casino employee's licence

98. (1) The holder of a casino employee's licence may apply to the Authority in a form approved by the Minister for a variation of the functions that the holder may perform in relation to the casino.

(2) An application under subsection (1) shall be accompanied by the determined fee.

(3) The provisions of this Act apply in respect of an application under subsection (1) as if that application were an application for a casino employee's licence except such of those provisions as relate to—

- (a) the form of that application;
- (b) the determined fee; and
- (c) the issue of a provisional casino employee's licence.

(4) Where the Authority proposes to approve an application under subsection (1), the chief casino inspector—

- (a) shall notify the holder of the licence and the casino licensee by notice in writing of the variation that the Authority proposes to make in relation to the licence;
- (b) shall request the holder to forward the licence to the chief casino inspector for alteration;
- (c) on receipt of the licence, shall alter it in accordance with that proposal; and
- (d) after altering the licence, shall return it to the holder.

Loss etc. of casino employee's licence

99. Where the chief casino inspector is satisfied that a casino employee's licence that is in force has been lost, destroyed or damaged, the chief casino inspector shall, on payment to the Authority of the determined fee, issue to the holder of the licence a copy of the licence and that copy has, for the purposes of this Act, the same force and effect as the licence.

Suspension and cancellation of casino employee's licence

100. (1) A ground for suspension or cancellation of a casino employee's licence arises where—

- (a) the licence was issued at a time when there were grounds for refusing its issue that were then unknown to the Authority;
- (b) the licensee is convicted of—
 - (i) an offence against this Act;
 - (ii) an offence that is to be taken to be related to an offence against this Act; or

- (iii) an offence against any other law relating to gaming or betting or casinos;
- (c) the licensee is convicted, in or outside the Territory, of any other offence punishable on conviction by imprisonment for a period of not less than 6 months, whether or not in addition to a fine;
- (d) the licensee contravenes a provision of this Act;
- (e) the licensee contravenes a condition of the licence;
- (f) the licensee provides in relation to the licence false or misleading information;
- (g) the licensee refuses or fails to provide information that he or she is required under this Act to provide;
- (h) the licensee is bankrupt, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (i) is not, for any other reason, a suitable person to hold the licence.

(2) Where the Authority is satisfied that a ground for suspension or cancellation of a casino employee's licence has arisen under subsection (1), the Authority may, by notice in writing served on the holder of the licence—

- (a) censure the holder for any action referred to in the notice;
- (b) vary the functions that the holder may perform in relation to the casino;
- (c) impose further conditions on the licence;
- (d) suspend the licence for such period as the Authority thinks fit; or
- (e) cancel the licence.

(3) The Authority may at any time by notice in writing given to a person who was the holder of a casino employee's licence at the time of the suspension of the licence terminate, or reduce the period of, the suspension of the licence.

(4) A casino employee's licence ceases to be in force during a period of suspension, or upon cancellation, of the licence.

(5) Subsection (4) does not affect—

- (a) any penal or other liability incurred by the holder of the licence; or

- (b) the exercise of the functions of the Minister, the Authority or any authorised person in relation to the holder of the licence or the licence.

PART IX—ENFORCEMENT

Division 1—Powers of search, entry and seizure

Interpretation

101. (1) In this Division, unless the contrary intention appears—

“offence” means any conduct (whether constituted by an act or omission) engaged in which constitutes, or which it is believed on reasonable grounds constitutes—

- (a) an offence against this Act; or
- (b) an offence that is to be taken to be related to an offence against this Act.

(2) For the purposes of this Division, a thing is connected with a particular offence if—

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

Powers of inspectors

102. (1) An inspector may—

- (a) enter any premises; and
- (b) search the premises for, and seize, any thing that the inspector believes on reasonable grounds to be connected with an offence;

if the entry, search or seizure, as the case requires, is made—

- (c) pursuant to a warrant issued under subsection 105 (2);
- (d) with the consent of the occupier of the premises; or
- (e) pursuant to an order of a court.

(2) An inspector may—

- (a) search a person for any thing connected with an offence; and

- (b) seize any thing found in the course of the search that the inspector believes on reasonable grounds to be connected with an offence;

if the search or seizure, as the case requires, is made—

- (c) pursuant to a warrant issued under subsection 105 (4);
- (d) with the consent of the person; or
- (e) pursuant to an order of a court.

Seizure of things not specified in warrant

103. If, in the course of searching under a warrant issued under section 105 for things connected with a particular offence, an inspector finds a thing that the inspector believes on reasonable grounds to be—

- (a) connected with that offence, although not of a kind specified in the warrant; or
- (b) connected with another offence;

the inspector may seize that thing if the inspector has reasonable grounds for believing that it is necessary to effect the seizure in order to prevent the thing being—

- (c) concealed, lost or destroyed;
- (d) sold or otherwise disposed of; or
- (e) used in connection with an offence or gaming in the casino.

Consents relating to searches

104. (1) Before seeking the consent of a person for the purposes of paragraph 102 (1) (d) or (2) (d), an inspector shall inform the person that the person may refuse to give that consent.

(2) If the inspector obtains the person's consent for those purposes, the inspector shall ask the person to sign a written acknowledgement—

- (a) where paragraph 102 (1) (d) is applicable—that the person has given the inspector consent, for the purposes of that paragraph, to enter the premises of which the person is the occupier and to exercise the powers of an inspector referred to in paragraph 102 (1) (b);

- (b) where paragraph 102 (2) (d) is applicable—that the person has given the inspector consent, for the purposes of that paragraph, to search the person and to exercise the powers of an inspector referred to in paragraph 102 (2) (b);
- (c) that the person has been informed that he or she may refuse to give that consent; and
- (d) of the day on which, and the time at which, that consent was given.

(3) Where it is material, in any proceedings, for a court to be satisfied that a person has consented for the purposes of paragraph 102 (1) (d) or (2) (d) and an acknowledgement, in accordance with subsection (2) and signed by the person, is not produced in evidence, it shall be presumed that the person did not consent unless the contrary is established.

Search warrants

105. (1) Where an inspector has reasonable grounds for suspecting that there may be, or that, within the next following 72 hours, there may be, in or on any premises, a thing of a particular kind connected with a particular offence, the inspector may—

- (a) lay before a magistrate an information on oath setting out those grounds; and
- (b) apply for the issue of a warrant to search the premises for things of that kind.

(2) Where an application is made under subsection (1) for a warrant to search premises, the magistrate may, subject to subsection (5), issue a warrant authorising an inspector named in the warrant with such assistance and by such force as is necessary and reasonable—

- (a) to enter the premises;
- (b) to search the premises for things of the kind specified in the warrant; and
- (c) to seize any thing found in the course of the search that the inspector believes, on reasonable grounds, to be a thing of that kind connected with the relevant offence.

(3) Where an inspector has reasonable grounds for suspecting that there may be a thing of a particular kind connected with a particular offence—

- (a) on a person;
- (b) in the clothing that is being worn by a person; or
- (c) otherwise in a person's immediate control;

the inspector may—

- (d) lay before a magistrate an information on oath setting out those grounds; and
- (e) apply for the issue of a warrant to search the person for things of that kind.

(4) Where an application is made under subsection (3) for a warrant to search a person, the magistrate may, subject to subsection (5), issue a warrant authorising an inspector named in the warrant with such assistance and by such force as is necessary and reasonable—

- (a) to search the person for things of the kind specified in the warrant; and
- (b) to seize any thing found in the course of the search that the inspector believes, on reasonable grounds, to be a thing of that kind connected with the relevant offence.

(5) A magistrate shall not issue a warrant under this section unless—

- (a) the informant or another person has given the magistrate, either orally or by affidavit, any further information that the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(6) A warrant shall—

- (a) state the purpose for which it is issued;
- (b) specify the nature of the relevant offence;
- (c) specify particular hours during which the entry is authorised, or state that the entry is authorised at any time of the day or night;
- (d) include a description of the kinds of things in relation to which the powers under the warrant may be exercised; and

- (e) specify the date, being a date not later than 1 month after the date of issue of the warrant, on which the warrant ceases to have effect.

Police entry

106. (1) A police officer—

- (a) who is of, or above, the rank of sergeant;
- (b) who is authorised for the purpose by a police officer of, or above, the rank referred to in paragraph (a); or
- (c) who is requested to do so by an inspector;

may at any time enter, and be in, any part of the casino.

(2) Subsection (1) shall not be taken to affect the power of a police officer under any other law of the Territory to enter, and be in, the casino.

Special powers of inspectors and police

107. (1) Where an inspector enters the casino under subsection 13 (1), the inspector may search the casino for, and seize, anything that the inspector suspects on reasonable grounds to be connected with an offence.

(2) Where—

- (a) an inspector enters the casino under subsection 13 (1); and
- (b) the inspector suspects, on reasonable grounds, that a particular thing is connected with a particular offence;

the inspector may search a person for the thing and, if the thing is found in the course of the search, seize it.

(3) Where a police officer suspects, on reasonable grounds, that a particular thing is connected with a particular offence, the police officer may search a person, or enter premises and search, for the thing and, if the thing is found in the course of the search, seize it.

(4) An inspector or police officer shall not exercise a power under this section in relation to a thing unless—

- (a) the inspector or police officer, as the case requires, believes, on reasonable grounds, that it is necessary to exercise the power in order to prevent the concealment, loss or destruction of the thing; and

- (b) the circumstances are so serious and urgent that they require the immediate exercise of the power without the authority of an order of a court or of a warrant issued under this Act or another law in force in the Territory.

(5) If, in the course of searching, in accordance with this section, for a thing connected with a particular offence, an inspector or police officer finds—

- (a) a thing that the inspector or police officer believes, on reasonable grounds, to be a thing connected with another offence; or
- (b) any thing that the inspector or police officer believes, on reasonable grounds, will afford evidence as to the commission of an offence;

and the inspector or police officer, as the case requires, believes, on reasonable grounds, that it is necessary to seize that thing in order to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating the offence or the other offence, the inspector or police officer, as the case requires, may seize the thing.

Restrictions affecting search of persons

108. (1) Where an inspector or police officer may search a person under this Division, the inspector or police officer, as the case requires, may also search—

- (a) the clothing that is being worn by the person; and
- (b) any property in, or apparently in, the person's immediate control.

(2) In conducting a search of a person under this Division, an inspector or police officer shall not use more force, or subject a person to greater indignity, than is reasonable and necessary in order to conduct the search.

(3) A person shall not be searched under this Division except by a person of the same sex.

(4) Nothing in this Division shall be taken to authorise a person to carry out a search by way of an examination of a body cavity of a person.

Disposal of gaming equipment etc. after seizure

109. (1) Where a thing, other than an illegal thing, is seized under section 102, 103 or 107—

- (a) if a person is not charged, within a period of 60 days after the seizure, with an offence against this Act in relation to that thing, or, having been

charged with such an offence, is not convicted of the offence—the Minister shall arrange for the thing to be returned to the person from whom it was seized, or to the person occupying, or in charge of, the relevant premises, as the case requires; or

- (b) if a person is convicted of an offence referred to in paragraph (a), not being an indictable offence, the court may order—
 - (i) that the thing be returned to the person from whom it was seized or to the person occupying, or in charge of, the relevant premises, as the case requires; or
 - (ii) that the thing shall be forfeited to the Territory.

(2) Where an illegal thing is seized under section 102, 103 or 107, the thing is forfeited to the Territory.

(3) In this section—

“illegal thing” means—

- (a) a bogus or counterfeit chip;
- (b) a card that has been marked or otherwise tampered with;
- (c) dice that has been marked, loaded or otherwise tampered with;
or
- (d) any other device or thing that permits or facilitates cheating.

Detention of suspected person

110. (1) Where—

- (a) the person for the time being in charge of the casino;
- (b) an agent or employee of the casino licensee; or
- (c) an inspector;

suspects on reasonable grounds that a person in the casino is contravening, or attempting to contravene, a provision of this Act, the person in charge, agent, employee or inspector may detain the suspected person in a suitable place in the casino until the arrival at the place of detention of a police officer.

(2) A person may not be detained under this section unless—

- (a) no more force is used than is reasonable and necessary in the circumstances;
- (b) the person detained is informed of the reasons for the detention; and
- (c) the person effecting the detention immediately notifies a police officer of the detention and the reasons for the detention.

Division 2—Offences

Obstructing inspector

111. A person shall not wilfully obstruct, hinder, threaten or intimidate an inspector in the exercise of the inspector's powers or the performance of the inspector's functions under this Act.

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

Compliance with requirement of inspector

112. A person shall not, without reasonable excuse, refuse or fail to comply with a requirement made of the person or direction given to the person by an inspector in the exercise of the inspector's powers or the performance of the inspector's functions under this Act.

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

False information

113. A person shall not, in relation to any matter arising under this Act, knowingly or recklessly—

- (a) furnish information that is false or misleading in a material particular; or
- (b) make a material omission from information furnished in purported compliance with a requirement under this Act.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both.

False representation

114. A person shall not—

- (a) personate the holder of a licence or of a form of identification used for the purposes of this Act; or
- (b) falsely represent himself or herself to be an inspector or other authorised person.

Penalty: \$2,000 or imprisonment for 12 months, or both.

Failure to provide information

115. A person shall not, without reasonable excuse, fail to furnish information or a document that the person is required under this Act to furnish.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both.

Conflict of interest

116. (1) An official shall not knowingly or recklessly—

- (a) have, directly or indirectly—
 - (i) any business or financial association with; or
 - (ii) any business or financial interest in any matter in conjunction with;
an involved person; or
- (b) be employed, in any capacity, by an involved person.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2) Where a person ceases to be an official, the person shall not knowingly or recklessly solicit or accept employment from, or have any business or financial association with, an involved person within the period of 1 year after so ceasing to be an official.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(3) An involved person shall not knowingly or recklessly—

- (a) have, directly or indirectly—
 - (i) any business or financial association with; or

- (ii) any business or financial interest in any matter in conjunction with;

an official; or

- (b) employ in any capacity an official.

Penalty—

- (a) if the offender is a body corporate—\$25,000; or
- (b) if the offender is a natural person—\$5,000 or imprisonment for 2 years, or both.

(4) Where a person ceases to be an official, an involved person shall not knowingly or recklessly employ in any capacity, or have any business or financial association with, the person within the period of 1 year after the person so ceased to be an official.

Penalty—

- (a) if the offender is a body corporate—\$25,000; or
- (b) if the offender is a natural person—\$5,000 or imprisonment for 2 years, or both.

(5) An official who knowingly has, directly or indirectly—

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

a person who is the applicant for a casino employee's licence shall, as soon as practicable, notify the Authority in writing of the association or interest.

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

(6) In this section—

“official” means an authorised person, other than a casino employee.

Bribery

117. (1) An authorised person shall not—

- (a) ask for, receive, obtain or agree to receive or obtain any money, property or benefit of any kind for himself or herself or for another person—

- (i) to forego or neglect his or her duty or to influence him or her in the performance of his or her functions under this Act; or
- (ii) on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the performance of those functions; or
- (b) use, or take advantage of, his or her position as an authorised person in order improperly to gain a benefit or advantage for, or to facilitate the commission of an offence by, another person.

Penalty: \$5,000 or imprisonment for 2 years, or both.

(2) A person who gives to, confers upon, or procures for, an authorised person, or any other person, any money, property or benefit of any kind—

- (a) to influence the authorised person to forego or neglect, or in the performance of, his or her functions under this Act;
- (b) on account of anything done or omitted to be done, or to be afterwards done or omitted to be done, by the authorised person in relation to those functions; or
- (c) to influence the authorised person to use, or take advantage of, his or her position as an authorised person in order improperly to gain a benefit or advantage for, or to facilitate the commission of an offence by, any person;

is guilty of an offence punishable, on conviction—

- (d) if the offender is a body corporate—by a fine not exceeding \$25,000; or
- (e) if the offender is a natural person—by a fine not exceeding \$5,000 or imprisonment for 2 years, or both.

Conduct of directors, servants and agents

118. (1) Where, in proceedings for an offence against this Act, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show—

- (a) that the conduct was engaged in by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; and

(b) that the director, servant or agent had the state of mind.

(2) Any conduct engaged in on behalf of a body corporate by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority shall be taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the body corporate unless the body corporate establishes that the body corporate took reasonable precautions and exercised due diligence to avoid the conduct.

(3) Where, in proceedings for an offence against this Act, it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show—

(a) that the conduct was engaged in by a servant or agent of the person within the scope of his or her actual or apparent authority; and

(b) that the servant or agent had the state of mind.

(4) Any conduct engaged in on behalf of a person other than a body corporate by a servant or agent of the person within the scope of his or her actual or apparent authority shall be taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the first-mentioned person unless the first-mentioned person establishes that the first-mentioned person took reasonable precautions and exercised due diligence to avoid the conduct.

(5) Where—

(a) a person other than a body corporate is convicted of an offence; and

(b) the person would not have been convicted of the offence if subsections (3) and (4) had not been enacted;

the person is not liable to be punished by imprisonment for that offence.

(6) A reference in subsection (1) or (3) to the state of mind of a person includes a reference to—

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person's reasons for the intention, opinion, belief or purpose.

(7) A reference in this section to engaging in conduct includes a reference to failing or refusing to engage in conduct.

PART X—FINANCIAL

Bank accounts

119. The casino licensee shall open and maintain separate bank accounts, as approved by the Minister, at a bank or banks in the Territory for use for all banking transactions arising in relation to the operation of the casino or the casino operation agreement.

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both.

Access to banking records

120. (1) The Minister may, by written notice to a bank referred to in section 119, require the bank to give an inspector, on the day and during the hours, specified in the notice access to a statement of an account referred to in that section and such other particulars relating to the account as are specified in the notice.

(2) The Minister may, by written notice to a bank referred to in section 119, require the bank, within 30 days after receiving the notice, to give an inspector specified in the notice, a copy of a statement of an account referred to in that section.

(3) A bank shall not, without reasonable excuse, refuse or fail to comply with a requirement made under subsection (1) or (2).

Penalty—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both.

(4) The hours specified in a notice to a bank under subsection (1) shall be during the normal business hours of the bank.

(5) Where, by virtue of subsection (1), an inspector may inspect a statement of an account, the inspector may also make a copy of, or take extracts from, the statement.

Accounts and records

121. The casino licensee shall—

- (a) cause to be kept, in respect of the transactions and affairs of the casino licensee relating to the operation of the casino, proper accounts and records in accordance with the accounting principles generally applied in commercial practice; and
- (b) do all things necessary to ensure that, in relation to the operation of the casino—
 - (i) payments out of the moneys of the casino licensee are correctly made and properly authorised;
 - (ii) adequate control is maintained over the incurring of liabilities by the casino licensee; and
 - (iii) adequate control is maintained over the assets of, or in the custody of, the casino licensee.

Statement of accounts

122. The casino licensee shall, as soon as practicable but not later than 90 days after the end of each financial year, lodge with the Minister financial statements and accounts in a form approved by the Minister, including—

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

that give a true and fair view of the financial operations of the casino licensee in relation to the operation of the casino.

Penalty—

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000 or imprisonment for 6 months, or both.

Audit

123. (1) The casino licensee shall, as soon as practicable after the end of each financial year, cause the books, accounts and financial statements of the casino licensee in relation to the casino to be audited by the Auditor-General.

(2) The casino licensee shall cause a report of the Auditor-General under subsection (1) to be lodged with the Minister as soon as practicable after the end of the financial year to which the report relates.

Penalty—

- (a) if the offender is a body corporate—\$5,000; or
- (b) if the offender is a natural person—\$1,000 or imprisonment for 6 months, or both.

Retention of records

124. The casino licensee shall keep in the casino all records relating to transactions less than 7 years old that relate to the casino operation agreement or the operation of the casino.

Penalty—

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

PART XI—REVIEW OF DECISIONS

Interpretation

125. In this Part, unless the contrary intention appears—

“primary decision” means—

- (a) a decision of the Minister under subsection 15 (6) remitting any part, or the whole, of the daily penalty payable under section 15;
- (b) a decision of the Authority under section 55 giving or refusing to give an approval relating to the entering into of a supply contract;
- (c) a decision of the Authority under section 56 terminating a supply contract;
- (d) a decision of the Authority under section 59 approving or refusing to approve plans and diagrams;
- (e) a decision of the Authority under section 60 approving or refusing to approve gaming equipment or chips;

Casino Control Act 1988

- (f) a decision of the Minister under section 63 approving or refusing to approve a schedule of operating times;
- (g) a determination by the Minister under section 64 of the operating times for the casino;
- (h) a direction given by an authorised police officer under subsection 69 (1) to the casino licensee to exclude a person from the casino;
- (i) a decision of an authorised police officer under subsection 70 (1) refusing to revoke a direction of a kind referred to in paragraph (h);
- (j) a decision of the Minister under section 71 specifying a restriction or condition in regard to the playing of an authorised game;
- (k) a decision of the Minister under section 72—
 - (i) approving or refusing to approve rules under which an authorised game is to be played; or
 - (ii) altering the rules under which an authorised game is to be played;
- (l) a decision of the Authority under section 93 approving or refusing to approve an application for a casino employee's licence or refusing to approve an application for a casino employee's licence of the type for which application was made;
- (m) a decision of the Authority under subsection 95 (3) varying or revoking a condition to which a casino employee's licence is subject;
- (n) a decision of the Authority under section 98 varying or refusing to vary the functions that the holder of a casino employee's licence may perform in relation to the casino;
- (o) a decision of the chief casino inspector under section 99 refusing to issue a copy of a casino employee's licence;
- (p) a decision of the Authority under section 100 suspending or cancelling a casino employee's licence; or

- (q) a direction given by the Authority under section 129 to the casino licensee in relation to a matter connected with the operation of the casino;

“reviewable decision” means a primary decision in respect of which a certificate under subsection 128 (1) has not been signed.

Review of decisions

126. Application may be made to the Administrative Appeals Tribunal for a review of a reviewable decision.

Notification of decisions

127. (1) The Minister, Authority or authorised police officer, as the case requires, shall, upon making a primary decision, cause notice in writing of the decision to be given to—

- (a) the person whose interests are affected by the decision; and
- (b) if the decision is a decision of a kind referred to in paragraph (h) or (o) of the definition of “primary decision” in section 125—the casino licensee.

(2) A notice given under subsection (1) in respect of a reviewable decision shall be in accordance with the requirements of the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

PART XII—MISCELLANEOUS

Effect on Territory Plan

127A. (1) Sections 4 and 39 have effect notwithstanding sections 8 and 9 of the Land Act.

(2) Except as provided in subsection (1), nothing in this Act shall be taken to authorise doing any act, or approving the doing of any act, that would be inconsistent with the Plan.

(3) In this section—

“Land Act” means the *Land (Planning and Environment) Act 1991*;

“Plan” has the same meaning as in the Land Act.

Security related decisions

128. (1) Where—

- (a) the Minister or Authority makes a decision of a kind referred to in the definition of “primary decision” in section 125; and
- (b) that decision is based on a matter relating to the security of the casino or of an authorised game;

the Minister or Authority, as the case requires, shall sign a certificate to that effect.

(2) Where—

- (a) the Minister makes a decision—
 - (i) under section 45 refusing to grant a casino licence;
 - (ii) under section 52 refusing to approve a lease of the casino; or
 - (iii) under section 54 refusing to approve a variation of a casino lease or casino operation agreement; and
- (b) that decision is based on a matter relating to the security of the casino or of an authorised game;

the Minister shall sign a certificate to that effect.

(3) The Authority shall, as soon as practicable after signing a certificate under this section, forward the certificate to the Minister.

Directions for management

129. (1) The Authority may, by notice in writing, give directions to the casino licensee in relation to any matter connected with the operation of the casino.

(2) The casino licensee shall comply with a direction under subsection (1).

Recommendations of Authority

130. Where, under this Act, the Minister, in making a decision in relation to a particular matter, is required to have regard to any recommendations made by the Authority in respect of that matter, the Minister may—

- (a) accept the recommendation;
- (b) reject the recommendation; or

- (c) refer the matter back to the Authority for further consideration or investigation.

Evidence

131. (1) In proceedings for an offence against this Act, a certificate signed by the Minister stating—

- (a) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a licence;
- (b) that, on a specified day, specified names were included in the list of names maintained under section 6; or
- (c) that a direction, notice, order, requirement, decision or licence was given, made, granted or issued under this Act;

is prima facie evidence of the matters so stated.

(2) In proceedings for an offence against this Act, evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

(3) A document that purports to have been signed by an authorised person shall be taken to have been so signed unless the contrary is proved.

Power of Minister to determine fees

132. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

Regulations

133. (1) The Executive may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the regulations may—

- (a) make provision in relation to the control of the casino or of the operations of the casino;

Casino Control Act 1988

- (b) make provisions in relation to the quality, type or identification of gaming equipment to be used in the casino;
- (c) make provision in relation to the maintenance or use of gaming equipment in the casino;
- (d) make provision in relation to the control of chip stock;
- (e) prescribe standards or procedures for the testing, repair or overhaul of gaming equipment;
- (f) make provision in relation to the handling of chips by casino employees or the use of chips by patrons of the casino;
- (g) make provision in relation to the transportation of gaming equipment or chips to or from the casino;
- (h) make provision in relation to the security arrangements to be applied in relation to the casino;
- (i) prescribe, for the purposes of security and orderly gaming, requirements for the layout of the casino relating to—
 - (i) the siting of gaming tables, gaming equipment, counting rooms, cages and other facilities provided for operations in the casino;
 - (ii) the manner of installation of any closed circuit television system, the position and field of coverage of cameras associated with the system and the height of the cameras above the gaming operations in the casino;
 - (iii) the position and type of any catwalk surveillance system for use in connection with the direct visual monitoring of operations of the casino;
 - (iv) the communications facilities provided for persons maintaining operations in the casino, whether by means of a closed circuit television system, a catwalk surveillance system or by some other means; and
 - (v) the office and related facilities to be provided for inspectors;
- (j) prescribe procedures for the payment of winning wagers;
- (k) prescribe procedures for the supervision and control of the counting of money;

Casino Control Act 1988

- (l) specify the amount, or prescribe procedures for specifying the amount, of any bet to be made in connection with the playing of an authorised game;
- (m) prescribe procedures for the reconciliation of disputes arising out of the conduct of gaming in the casino;
- (n) prescribe accounts or other records to be kept by the casino licensee;
- (o) prescribe requirements to be observed by the casino licensee in relation to the publication of information concerning the casino and its activities;
- (p) make provision in relation to notices to be displayed in the casino by the casino licensee;
- (q) make provision in relation to the control of commission-based player schemes;
- (r) make provision in relation to the manner of identification of a casino employee who is performing duties in relation to gaming;
- (s) prescribe criteria for the grant of a casino licence or a casino employee's licence, including matters relating to the control of any corporation affected by this Act or to substantial shareholders of, foreign participation in, or persons who are associates of, such a corporation;
- (t) prescribe conditions to be applicable to a casino licence;
- (u) require that any matter affected by the regulations be subject to the approval, or satisfaction, of a specified body, or a person holding or occupying a particular office, so as to authorise such a body or person to exercise a discretionary authority; or
- (v) prescribe, for offences against the regulations, penalties not exceeding—
 - (i) if the offender is a body corporate—a fine of \$2,500; or
 - (ii) if the offender is a natural person—a fine of \$500.

(3) In making regulations in relation to a matter of a kind referred to in paragraph (2) (a), the Minister shall have regard to any recommendations made by the Authority.

Casino Control Act 1988

NOTE

1. The *Casino Control Act 1988* as shown in this reprint comprises Act No. 72, 1988 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Casino Control Ordinance 1988</i>	72, 1988	23 Sept 1988	12 Dec 1988 (see <i>Gazette</i> 1988, No. S383)	
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Statutory Authorities (Audit Arrangements) Act 1990</i>	25, 1990	22 June 1990	Ss. 1 and 2: 22 June 1990 Remainder: 22 June 1990 (see <i>Gazette</i> 1990, No. S35)	Ss. 19 and 20
<i>Casino Control (Amendment) Act 1991</i>	117, 1991	10 Jan 1992	10 Jan 1992	—

Casino Control Act 1988

NOTE—continued

Table of Acts—continued

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Land (Planning and Environment) (Consequential Provisions) Act 1991</i>	118, 1991	15 Jan 1992	Ss. 1 and 2: 15 Jan 1992 Ss. 3-8, 17-27 and 32-44: 2 Apr 1992 (see <i>Gazette</i> 1992, No. 13, p. 478) Remainder: 15 July 1992	Ss. 25-27
<i>Casino Control (Amendment) Act 1992</i>	81, 1992	22 Dec 1992	22 Dec 1992	—
<i>Casino Control (Amendment) Act 1993</i>	34, 1993	25 June 1993	25 June 1993	S. 5
<i>Public Sector Management (Consequential and Transitional Provisions) Act 1994</i>	38, 1994	30 June 1994	Ss. 1 and 2: 30 June 1994 Remainder: 1 July 1994 (see <i>Gazette</i> 1994, No. S142, p. 2)	Ss. 3, 5-12, 15 and 19)
<i>Administrative Appeals (Consequential Amendments) Act 1994</i>	60, 1994	11 Oct 1994	Ss. 1 and 2: 11 Oct 1994 Remainder: 14 Nov 1994 (see s. 2 (2) and <i>Gazette</i> 1994, No. S250)	—
<i>Statutory Offices (Miscellaneous Provisions) Act 1994</i>	97, 1994	15 Dec 1994	Ss. 1 and 2: 15 Dec 1994 Remainder: 15 Dec 1994 (see <i>Gazette</i> 1994, No. S)	Part III (ss. 4-9)
<i>Casino Control (Amendment) Act 1994</i>	102, 1994	22 Dec 1994	Ss. 1-3: 22 Dec 1994 S. 9: (rep. by 79, 1996) Remainder: 16 Jan 1995 (see <i>Gazette</i> 1995, No. S21)	—
	as amended by 79, 1996	20 Dec 1996	(see 79, 1996 below)	
(Reprinted as at 31 January 1995)				
<i>Financial Management and Audit (Consequential and Transitional Provisions) Act 1996</i>	26, 1996	1 July 1996	1 July 1996	—

Casino Control Act 1988

NOTE—continued

Table of Acts—continued

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Casino Control (Amendment) Act 1996</i>	79, 1996	20 Dec 1996	Ss. 1-3 and 9: 20 Dec 1996 Remainder: 1 Jan 1997	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	am. No. 38, 1989; Act No. 117, 1991; No. 34, 1993; Nos. 97 and 102, 1994; No. 79, 1996
S. 4	am. Act No. 117, 1991
S. 8	am. No. 38, 1989
S. 9	am. Act No. 97, 1994
S. 10	rs. Act No. 97, 1994
S. 11	am. No. 38, 1989 rs. Act No. 97, 1994
S. 12	rs. Act No. 97, 1994
S. 16	am. No. 38, 1989; Act No. 102, 1994; No. 79, 1996
S. 16A	ad. Act No. 102, 1994 am. No. 79, 1996
S. 17	am. No. 38, 1989; Act No. 102, 1994; No. 79, 1996
S. 19	am. No. 38, 1989; Act No. 38, 1994
S. 21	am. No. 38, 1989
S. 38A	ad. Act No. 25, 1990 rep. No. 26, 1996
S. 45	am. Act No. 117, 1991
S. 47	am. No. 38 1989; Act No. 102, 1994
S. 48	am. No. 38, 1989; Act No. 117, 1991
S. 48A	ad. Act No. 117, 1991
S. 57	am. No. 38, 1989
S. 75	am. No. 38, 1989; Act No. 81, 1992
S. 87	am. No. 38, 1989
S. 88	am. Act No. 117, 1991
S. 109	am. No. 38, 1989
S. 123	am. Act No. 26, 1996
Ss. 126, 127	am. No. 38, 1989; Act No. 60, 1994
S. 127A	ad. Act No. 117, 1991 am. No. 118, 1991
S. 133	am. No. 38, 1989; Act No. 79, 1996

© Australian Capital Territory 2019