



Australian Capital Territory

Casino Control Act 1988 No 72

Republication No 10

Effective: 17 January 2003

Republication date: 17 January 2003

Last amendment made by Act 2002 No 51
(republication for amendments by Act 2002 No 49)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Casino Control Act 1988* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 17 January 2003. It also includes any amendment, repeal or expiry affecting the republished law to 17 January 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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 Act 2001*, part 11.3 authorises 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 Act 2001*, s 115 and s 117). 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.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Casino Control Act 1988

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Australian Capital Territory

Casino Control Act 1988

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

Part 1 Preliminary

1 Name of Act

This Act is the *Casino Control Act 1988*.

2A Incorporation of Gambling and Racing Control Act

The *Gambling and Racing Control Act 1999* is incorporated and is read as one with this Act.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

approved schedule of opening times means the approved schedule mentioned in section 62.

approved system—see section 60A.

associate, in relation to a corporation—see the *Foreign Takeovers Act 1975* (Cwlth), section 6.

authorised game means a game declared under section 71 to be an authorised game for this Act.

authorised person means—

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

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

casino means the area designated under section 4.

casino employee means—

- (a) a key employee; and
- (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 written lease under which the owner 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 licence fee means the casino licence fee determined under section 15.

casino licensee means the corporation that holds the casino licence.

casino operation agreement means—

- (a) an agreement entered into between the owner or casino lessee and the casino licensee under section 53 (1); or

- (b) that agreement as varied from time to time in accordance with section 54.

censure—see section 48.

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 commission.

commission means the Gambling and Racing Commission established by the *Gambling and Racing Control Act 1999*.

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.

commission-based player tax means tax payable under section 16A.

control agreement—see section 43.

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

disciplinary action—see section 48.

employ includes engage under a contract for services.

excluded person—see section 65.

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—see the *Gaming Machine Act 1987*.

general tax means tax payable under section 16.

grounds for disciplinary action—see section 48B.

group—see the *Taxation Administration Act 1998*, section 112.

influential person—see section 3D.

inspector means an authorised officer under the *Gambling and Racing Control Act 1999*.

involved person means—

- (a) the casino licensee; or
- (b) an owner; or
- (c) the casino lessee; or
- (d) 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 section 94 (1).

licence means a casino licence or a casino employee's licence.

operation, in relation to the casino, means—

- (a) the conduct of gaming in the casino; or
- (b) the management, supervision and surveillance of the conduct of gaming in the casino; or
- (c) money counting in relation to the casino; or
- (d) accounting in relation to the casino; or
- (e) the provision of facilities or services in the casino, other than facilities or services relating to gaming; or
- (f) advertising in relation to the casino; or
- (g) the use of storage areas in the casino; or
- (h) the keeping and storage of records; or
- (i) 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 to whom a determination under section 3AA applies.

operations employee's licence means an operations employee's licence issued to a person under section 94 (2).

owner—see section 3A.

premises includes—

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

prescribed identity document, for an individual, means a document that—

- (a) contains information that indicates that the individual showing it is more than 18 years old; and
- (b) contains a photo that could reasonably be thought to be of the individual displaying it; and
- (c) is 1 of the following:
 - (i) a licence issued under the *Road Transport (Driver Licensing) Act 1999*;
 - (ii) a proof of age card issued under the *Liquor Act 1975*;
 - (iii) a document equivalent to a document referred to in subparagraph (i) or (ii) that has been issued in a State or another Territory;
 - (iv) a passport.

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.

respectable—see section 3C.

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

suitable—see section 3B.

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 part 6;

other than—

- (c) the casino operation agreement; or
- (d) a casino lease; or
- (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 part 6.

3AA Determination of people who are not operations employees

- (1) The Minister may, in writing, determine that a person is not an operations employee for this Act.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

3A Owners

In this Act—

- (a) a reference to ***an owner*** of the casino is a reference to a person who, alone or jointly with others, is the lessee of a parcel of land on which the casino, or part of the casino, is located; and

- (b) a reference to *the owner* of the casino is a reference to all such persons.

3B Suitability

- (1) A corporation is suitable to be the casino licensee only if—
 - (a) it is respectable; and
 - (b) each influential person of the corporation is respectable; and
 - (c) it has or can readily obtain—
 - (i) the financial resources; and
 - (ii) the services of competent individuals;necessary to operate the casino successfully and free of any corrupt influences, in accordance with this Act.
- (2) A person is suitable to be an owner of the casino only if—
 - (a) the person is respectable; and
 - (b) if the person is a corporation—each influential person of the corporation is respectable; and
 - (c) the person has the capacity properly to fulfil the person's obligations as an owner under this Act.
- (3) A corporation is suitable to be the lessee of the casino only if—
 - (a) it is respectable; and
 - (b) each influential person of the corporation is respectable; and
 - (c) it has the capacity properly to fulfil its obligations as the lessee under this Act.

3C Respectability

- (1) Subject to this section, a corporation is respectable if —
 - (a) it has a good business reputation; and
 - (b) it is in a sound financial position and has not operated with inadequate financial resources; and
 - (c) it does not have business or financial arrangements with a person that is not respectable.
- (2) Subject to this section, an individual is respectable if he or she—
 - (a) has a reputation for good character; and
 - (b) he or she has a good business reputation; and
 - (c) is in a sound financial position; and
 - (d) does not have business or financial arrangements with a person that is not respectable.
- (3) A person is not respectable if the person has been convicted within the previous 5 years, whether in the ACT or elsewhere, of an offence—
 - (a) involving fraud or dishonesty; or
 - (b) that is punishable by a term of imprisonment; or
 - (c) against a gaming law of the Territory or a similar law of another jurisdiction.

3D Influential persons

- (1) In this Act, each of the following is an influential person of a corporation:
 - (a) a secretary, director or senior manager of the corporation;
 - (b) a related corporation;
 - (c) a secretary, director or senior manager of a related corporation;

- (d) an influential owner;
 - (e) an apparently influential person.
- (2) In this section, in relation to a corporation:

apparently influential person means a person who, it appears to the commission, has the capacity, by informal means or connections, to have as much influence over the actions of the corporation as a person mentioned in subsection (1) (a) to (d).

influential owner means a person who, whether directly or through intermediary corporate ownership or nominees—

- (a) is able to control 5% of the votes at an annual general meeting of the corporation; or
- (b) is able to control the appointment of a director of the corporation.

related corporation means a related body corporate under the Corporations Act.

senior manager means a person who has substantial responsibility in the management of the corporation.

Part 2 Administration

Division 2.1 Casino

4 Designation of casino

The regulations may designate an area to be the casino for this Act.

5 Lawfulness of casino operation

- (1) Notwithstanding any other Territory law 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; or
 - (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 only because 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; or
 - (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 way;

unless the money was won from, or wagered with, the casino licensee.

7 Application of Liquor Act

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

Division 2.2 Inspectors

8 Chief casino inspector

- (1) For this Act, there shall be a chief casino inspector.
- (2) The Minister shall, in writing, 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.

9 Functions of chief casino inspector

- (1) The functions of the chief casino inspector are—
 - (a) to ensure the proper and efficient exercise of the function of the commission in supervising the operation of the casino; and
 - (b) to direct the activities of other inspectors; and
 - (c) to give advice to the commission with respect to any matters relating to the functions of the commission that the commission directs; and
 - (d) to assist the commission in the exercise of any of its functions that the commission directs.
- (2) In addition to the functions of the chief casino inspector under subsection (1), the chief casino inspector has any other functions given to him or her—
 - (a) under any other provision of this Act; and
 - (b) by the commission.

10 Chief casino inspector—powers

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

11 Inspectors

- (1) There shall be 1 or more inspectors for this Act.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include exercising 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 public service office of inspector referred to in subsection (2);
 - (b) the chief casino inspector.

12 Identity card for chief casino inspector

The identity card issued for the chief casino inspector under the *Gambling and Racing Control Act 1999* must indicate that the holder is the chief casino inspector.

13 Rights of inspector on casino premises

- (1) An inspector may at any time enter and remain on the premises of the casino for the purposes of—
 - (a) viewing gaming; and
 - (b) observing any of the operations of the casino; and
 - (c) ascertaining whether the operation of the casino is being properly conducted, supervised and managed; and
 - (d) ascertaining whether the provisions of this Act are being complied with; and

- (e) in any other respect, exercising his or her functions.
- (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.

14 Powers of inspectors

- (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 the questions, or to supply the information, relating to the equipment or chips that the inspector specifies; and
 - (b) require an interested person—
 - (i) to produce to the inspector for inspection the records in the custody or control of the person relating to the casino or the operation of the casino that the inspector specifies; or
 - (ii) to attend before the inspector at a reasonable time and place specified by the inspector and there to answer the questions, to supply the information, or to produce the records, relating to the casino or the operation of the casino, that the inspector specifies; and
 - (c) inspect or test any gaming equipment or chips or inspect the records, and take copies of, or make notes in relation to, the records, relating to the casino or the operation of the casino, that the inspector considers necessary; and

- (d) direct the casino licensee not to use any gaming equipment or chips that the inspector considers to be unsatisfactory for use; and
 - (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
 - (ii) a casino employee who, in the belief of the inspector, is competent to assist the inspector in the exercise of his or her functions.
- (2) A requirement under subsection (1) (a) or (b) or a direction under subsection (1) (d) may be made to a person—
- (a) by written notice; or
 - (b) if the inspector is satisfied that special circumstances make it appropriate—orally.
- (3) In this section:
- interested person*** means—
- (a) the casino lessee; or
 - (b) the casino licensee; or
 - (c) an owner; or
 - (d) a casino employee; or
 - (e) any other person associated with the management or operation of the casino.

Division 2.3 Financial

15 Casino licence fee

- (1) The Minister may, in writing, determine a casino licence fee for this Act.
- (2) The casino licence fee is payable to the commission by the casino licensee at the times and in the way that is specified in the relevant determination 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 annum is payable by the casino licensee on any principal amount of the casino licence fee that remains unpaid after the 14th 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 commission may, for any reason the commission 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 commission and may be recovered by action in any court of competent jurisdiction.
- (8) A determination under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

16 General tax

- (1) General tax is payable in respect of the noncommission-based profit derived by the casino licensee each month in connection with the operation of the casino.
- (2) The Minister may, in writing, determine the rate at which general tax is payable.
- (3) General tax is payable to the Territory by the casino licensee at the times and in the way that is specified in the relevant determination under subsection (2).
- (4) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) In this section:

chips does not include chips supplied by the casino for commission-based gaming.

noncommission-based gaming means gaming other than commission-based gaming.

noncommission-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 noncommission-based gaming in the casino the amount paid out during that month as winnings in respect of that gaming, and then—

- (a) if 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) if 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.

16A Commission-based player tax

- (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, in writing, 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 the times and in the way that is specified in the relevant determination under subsection (2).
- (4) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) 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) if 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) if 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.

17 Liability for fee and taxes—suspension of licence

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 commission; and
- (b) general tax and commission-based player tax continues to be payable by the casino licensee to the commission;

in respect of any period of suspension of the licence.

Part 4 Control agreement

41 Owner of casino

- (1) An owner of the casino must not sell or otherwise dispose of the owner's share of the lease, or a part of that share, except to a person approved in writing by the Minister.

Maximum penalty: 50 penalty units.

- (2) The Minister must not approve a person for subsection (1) unless satisfied, on advice from the commission, that—
 - (a) each influential person in relation to the person has been identified; and
 - (b) the person and each influential person is respectable; and
 - (c) on the transfer of ownership, the person will become a party to a control agreement.

42 Commission must make control agreement

- (1) The Minister must ensure that there is a control agreement in place at all times between the Minister and the owner of the casino.
- (2) The terms of the control agreement may be varied by agreement between the Minister and the owner of the casino.
- (3) The Minister must not enter a control agreement, or a variation of a control agreement, unless satisfied, on the advice of the commission, that it is appropriate.
- (4) If a control agreement is entered into or varied, the Minister must prepare a written notice of the making or variation of the agreement.
- (5) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

43 Control agreement

In this Act:

control agreement means an agreement between the Minister and the owner of the casino that deals with—

- (a) the nomination of the casino licensee; and
- (b) leasing the casino to another person; and
- (c) the control and operation of the casino; and
- (d) the other matters the Minister considers necessary or desirable.

Part 5 Casino licence

45 Grant of casino licence

- (1) The Minister may grant a single licence under this section (the *casino licence*).
- (2) The Minister must not grant the licence to a person unless—
 - (a) the person is a corporation that has been nominated by—
 - (i) if there is a casino lease—the casino lessee; or
 - (ii) otherwise—the owner; and
 - (b) the Minister is satisfied, on the advice of the commission, that the person is suitable to be the casino licensee.
- (3) In granting a casino licence to a person, the commission shall have regard to any recommendations made by the commission about the suitability of the person.
- (4) A casino licence—
 - (a) shall specify—
 - (i) the date of its issue; and
 - (ii) the date of its expiration; and
 - (iii) the name of the licensee; and
 - (iv) an address in the ACT specified by the licensee for the service of documents on the licensee; and
 - (v) the address of the casino; and
 - (vi) any other particulars relating to the casino the Minister considers necessary; and
 - (vii) any other particulars that are prescribed; and

- (b) shall identify the area designated by the Minister under section 4 to be the casino.
- (5) If 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 written notice—
 - (a) of the decision; and
 - (b) unless the decision is a security related decision, of the grounds for the decision.

45A Casino licensee must comply with code of practice

The casino licensee must comply with the relevant code of practice (if any) prescribed under the *Gambling and Racing Control Act 1999*.

46 Duration of casino licence

A casino licence remains in force until the end 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.

47 Surrender of casino licence

- (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 commission under section 15, 16 or 16A.
- (3) If the casino licensee ceases to be responsible for the operation of the casino, otherwise than because the licensee has assigned the casino licence under section 50, the casino licence shall be deemed to have been surrendered.

48 Commission may take disciplinary action against casino licensee

- (1) If the commission is satisfied that grounds for disciplinary action exist, the commission may take any of the following disciplinary actions that it thinks appropriate against the casino licensee:
- (a) issue a censure;
 - (b) impose conditions on, or vary the conditions of, the licence;
 - (c) impose a monetary penalty not exceeding \$1 000 000;
 - (d) suspend the casino licence for a specified period or until a specified condition is fulfilled;
 - (e) suspend the casino licence indefinitely;
 - (f) cancel the casino licence.
- (2) In this Act:
- censure*** means a notice to the casino licensee that sets out grounds of disciplinary action against the casino licensee.
- (3) A censure may include a direction that requires the casino licensee—
- (a) to cease contravening a provision of this Act or condition of the licence; or
 - (b) to rectify a matter that contributes to the grounds of disciplinary action;
- within a specified time.
- (4) A casino licence has no effect for section 5 while it is suspended, but the suspension does not affect the operation of the licence for any other purpose.
- (5) A monetary penalty imposed under this section may be recovered as a debt due to the Territory.

48A Minister may suspend or cancel the casino licence in public interest

Despite any other provision of this Act, the Minister may, if satisfied that it is in the public interest to do so—

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

48B Grounds for disciplinary action

For this Act, *grounds for disciplinary action* exist if—

- (a) information given to the commission by the casino licensee at any time was false, incomplete or otherwise misleading; or
- (b) any of the following contravenes a provision of this Act or a condition of the licence:
 - (i) the casino licensee;
 - (ii) a person in charge of the casino;
 - (iii) an agent or employee of the casino licensee; or
- (c) the casino licensee contravenes a requirement by the Treasurer of the Commonwealth in relation to a matter of foreign investment; or
- (d) the casino premises are no longer suitable for the conduct of casino operations; or
- (e) the casino licensee is not, or ceases to be, a suitable person to be the licensee; or
- (f) an owner of the casino is not, or ceases to be, a suitable person to be the owner; or
- (g) the casino lessee is not, or ceases to be, a suitable person to be the lessee; or

- (h) the casino licensee fails to meet the licensee's financial commitments when they become due and payable; or
- (i) proceedings to wind up the casino licensee are instituted.

49 Procedure for disciplinary action or Ministerial action

- (1) Subject to this section—
 - (a) the commission must not take disciplinary action against the casino licensee; and
 - (b) the Minister must not take action against the casino licensee under section 48A;unless the commission has given each interested person—
 - (c) 21 days notice that the action is contemplated, and the grounds for it; and
 - (d) a reasonable opportunity to show cause why the proposed action should not be taken.
- (2) If a direction given in a censure is not complied with in the specified time, the commission may take further disciplinary action without complying with subsection (1).
- (3) A member of the commission who has participated in a decision to issue a censure is not prevented by that reason alone from participating in a decision on whether further disciplinary action should be taken under subsection (2).
- (4) The commission may reduce the severity of a disciplinary action, and the Minister may reduce a period of suspension under section 48A.
- (5) A disciplinary action or an action under subsection (4) or section 48A takes effect when written notice of the action is received by the casino licensee, or on a later date specified in the notice.

(6) The commission must send copies of a notice for subsection (5) to each interested person.

(7) In this section:

interested person means—

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

50 Assignment of casino licence

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

(2) The Minister must not approve an assignment of the casino licence to a person that could not be granted the licence under section 45.

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

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

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

51 Appointment of administrator

- (1) If 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, in writing, appoint an administrator for this section.
- (2) In appointing a person to be an administrator for this section, the commission shall have regard to any recommendations made by the commission about the suitability of the person.
- (3) An administrator shall be appointed on the terms and conditions 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 6 Operational arrangements

52 Lease of casino

- (1) The owner may, with the written approval of the Minister, lease the casino to a corporation.
- (2) The Minister must not approve a casino lease unless satisfied, taking account of the advice of the commission, that the proposed lessee is suitable to be the lessee.
- (3) An application for approval under subsection (1) shall be made by the owner and shall be accompanied by—
 - (a) a draft of the proposed lease; and
 - (b) particulars of the financial standing, relevant managerial experience and business reputation of the proposed lessee.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (4) The Minister may, by written notice, require the applicant to supply the further particulars or documents, or to answer the questions, relating to the proposed lease that are specified in the notice.
- (5) If the Minister makes a decision refusing to approve a lease of the casino, the Minister shall give to the applicant and the proposed lessee written notice—
 - (a) of the decision; and
 - (b) unless the decision is a security related decision, of the grounds for the decision.

53 Casino operation agreement

- (1) The owner or casino lessee may, with the written approval of the Minister, enter into an agreement with the casino licensee for the licensee to operate the casino.
- (2) An application for approval must be—
 - (a) made in writing by the proposed parties to the agreement; and
 - (b) accompanied by a draft of the proposed agreement.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (3) The Minister may, by written notice, require the applicants to supply the further particulars or documents, or to answer the questions, relating to the proposed agreement that are specified in the notice.
- (4) If the Minister refuses to approve a proposed casino operation agreement, the Minister shall, by written notice, inform the applicants of the refusal and of the grounds for the refusal.

54 Variation of lease or agreement

- (1) The parties to a casino lease or casino operation agreement may, with the written approval 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 the variation on the control and operation of the casino.
- (3) The Minister may, by written notice, require a party to a proposed variation to supply the particulars or documents, or to answer the questions, relating to the proposed variation that are specified in the notice.
- (4) If 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 written notice—

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

55 Scrutiny of supply contracts

- (1) A person shall not, except with the approval of the commission, enter into a supply contract involving the payment or receipt by a party to the contract of an amount exceeding the amount the commission, in writing, determines for this section.

- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) If the commission considers that it is not in the public interest for a supply contract to remain in force, the commission shall give to each person who is a party to the contract a written notice 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.
- (4) 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.
- (5) The commission 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.
- (6) The commission 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.

56 Termination of supply contracts

- (1) If submissions made in accordance with a notice given under section 55 (3) are satisfactory to show cause why the contract to which the notice relates should not be terminated, the commission shall take no further action in relation to the matter.
- (2) If, in relation to a notice given under section 55 (3) 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 commission shall, by written notice given to each person who is a party to the contract, terminate the contract from the date specified in the notice.

57 Effect of termination

If 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; and
- (b) no liability for breach of the contract is incurred by a person who was a party to the contract only because of that termination; and
- (c) neither the Territory nor the commission incurs any liability because of that termination.

Part 7 Operation of casino

Division 7.1 Facilities and operations

57A Directions about operations

- (1) The commission may give written directions in writing to the casino licensee, not inconsistent with this Act, about how the licensee is to conduct any operation of the casino, and the casino licensee must comply with the directions.
- (2) This division does not limit the directions that the commission may give under this section.

58 Maintenance of facilities

The casino licensee must, to the satisfaction of the commission—

- (a) maintain the facilities and amenities of the casino for the benefit of the patrons; and
- (b) maintain in good order and regularly test all security and surveillance equipment relating to the casino; and
- (c) maintain the gaming equipment and chips of the casino in good order and condition.

59 Approval of layout

- (1) The casino licensee must not operate the casino except—
 - (a) when the layout of the casino is in accordance with plans and diagrams approved by the commission; and
 - (b) in accordance with any conditions set by the commission for the layout used.

Maximum penalty: 50 penalty units.

- (2) The casino licensee must submit, for the approval of the commission—
 - (a) plans and diagrams of the layout of the casino; and
 - (b) if it is proposed to vary the layout of the casino—plans and diagrams of the proposed variation.
- (3) The commission may require the casino licensee to supply further particulars or documents, or to answer written questions about the plans and diagrams submitted to the commission.
- (4) The commission must not approve plans and diagrams under this section unless they show a layout of the casino that complies with the regulations.
- (5) The commission may approve plans and diagrams that provide for alternative layouts, and may set conditions for use of a layout.

60 Approval of gaming equipment and chips

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

60A Approved system of controls and procedures must be implemented

- (1) The casino licensee must not conduct operations in the casino unless the commission has approved in writing a system of internal controls and administrative and accounting procedures for the casino (the *approved system*).

Maximum penalty: 50 penalty units.

- (2) The commission may amend the approved system as the commission thinks appropriate.
- (3) The approved system or an amendment of it takes effect when notice of it is given in writing to the casino licensee, or on a later date specified in the notice.

- (4) The casino licensee must ensure that the approved system is implemented.

Maximum penalty: 50 penalty units.

60B Content of approved system

The approved system may include (but is not limited to) details of the following:

- (a) accounting procedures, including the standardisation of forms and the definition of terms, to be used in operations in the casino;
- (b) procedures, forms and formulas relating to—
 - (i) hold percentages; or
 - (ii) revenue drop; or
 - (iii) complementary services;
- (c) job descriptions and the system of organising personnel and the chain of command so as to ensure that—
 - (i) responsibility is not concentrated in a small number of positions; and
 - (ii) no person has exclusive responsibility for an area without supervision or scrutiny by another person; and
 - (iii) areas of responsibility are small enough for the individuals responsible to exercise effective supervision;
- (d) procedures for conducting authorised games;
- (e) procedures for receiving, storing and disbursing chips and cash, cashing cheques, redeeming chips and recording all transactions;

- (f) procedures for collecting and ensuring the security of money at the gaming tables and other places in the casino where authorised games are conducted;
- (g) procedures and forms for transferring or moving money within the casino;
- (h) procedures and forms for transferring or moving chips within the casino;
- (i) procedures and security for counting and recording revenue;
- (j) procedures and security for transferring money between the casino and a bank;
- (k) procedures for storing, recording and ensuring the security of chips;
- (l) procedures and standards for maintaining, storing and ensuring the security of gaming and betting equipment;
- (m) procedures for paying and recording winnings that are paid by cash or cheque;
- (n) procedures for issuing chip purchase vouchers and recording the transactions;
- (o) procedures for cashing cheques and recording transactions by cheque;
- (p) procedures for establishing and using deposit accounts;
- (q) procedures for using and maintaining security and surveillance facilities, including closed-circuit television systems;
- (r) procedures for regularly testing security and surveillance equipment;
- (s) procedures for regularly testing—
 - (i) the effectiveness of the procedures of the approved system; and

- (ii) how well the procedures are being implemented;
- (t) procedures governing the utilisation of security personnel within the casino;
- (u) procedures to control keys used or for use in operations in the casino.

Division 7.2 Operating times

61 Application of Holidays Act

The *Holidays Act 1958* does not limit the days when the casino may be operated.

62 Casino must operate only at approved times

The casino licensee must not operate the casino except in accordance with the approved schedule of opening times.

Maximum penalty: 50 penalty units.

63 Approved schedule of opening times

- (1) The commission must give the casino a schedule of the hours and days when the casino, or specified parts of the casino, may open (the *approved schedule*).
- (2) The commission may vary or replace the approved schedule at any time.
- (3) The approved schedule may—
 - (a) specify conditions for opening the casino, or a part of the casino, at specified times; or
 - (b) require the casino, or a part of the casino, to be open at specified times.
- (4) The commission must take into account any requests of the casino licensee in deciding on the approved schedule.

Division 7.3 Exclusion of persons from casino

64 Excluded persons

In this Act:

excluded person means—

- (a) a person excluded from entering or remaining in the casino under section 69 or 70A; or
- (b) a person—
 - (i) whom the casino licensee or the person for the time being in charge of the casino reasonably believes to be a person mentioned in paragraph (a); and
 - (ii) who has been notified of that belief orally or in writing.

65 No general right of entry to casino

- (1) Subject to this division, a person may enter or remain in the casino only by the licence of the casino licensee.
- (2) The regulations may prescribe conditions for members of the public to enter or remain in the casino.

66 Entry of inspectors

An inspector may enter and remain in any part of the casino to exercise functions under this Act.

67 Entry of police

- (1) For the purpose of the discharge of the duty of a police officer, any part of the casino to which the public has access is taken to be a public place.

- (2) The commission or an inspector may authorise a police officer to enter any part of the casino to which the public does not have access and remain there for the purpose of discharging his or her duty as a police officer.
- (3) An authorisation that applies on a particular occasion may be given orally.
- (4) An authorisation given in writing may apply on a particular occasion or for a specified period.
- (5) This section does not affect any power a police officer has by law to enter any part of the casino.

68 Exclusion of young people

- (1) The casino licensee must not permit a young person to enter or remain in—
 - (a) a gaming area; or
 - (b) except in the company of the spouse or a parent of the person—any other part of the casino.

Maximum penalty: 50 penalty units.

- (2) A young person must not enter or remain in—
 - (a) a gaming area; or
 - (b) except in the company of the spouse or a parent of the person—any other part of the casino.

Maximum penalty: 5 penalty units.

- (3) It is a defence in proceedings for an offence against subsection (1) if the defendant proves that the young person—
 - (a) was at least 16 years old; and
 - (b) had shown a prescribed identity document.

- (4) A person must not use another person's identification or a form of identification that is forged to enter or remain in a gaming area.

Maximum penalty: 10 penalty units.

- (5) In this section:

gaming area means any part of the casino—

- (a) where gaming takes place; or
- (b) from which it is possible to see gaming taking place.

parent means a parent who is more than 18 years old.

spouse means a spouse who is more than 18 years old.

young person means a person who is less than 18 years old and is not employed by or permitted to work in the casino.

69 Casino licensee may notify persons of exclusion

- (1) The casino licensee or the person for the time being in charge of the casino may notify a person orally or in writing that the person is excluded under this section from entering or remaining in the casino for the period specified.
- (2) The period specified in an oral notice must not be more than 14 days.
- (3) A written notice must—
 - (a) refer to this section; and
 - (b) state briefly the reasons why the person is excluded; and
 - (c) state that an appeal against the exclusion may be made to the commission.
- (4) A person who is notified orally may require the notice to be put in writing, and may stay in the casino while this is done.

- (5) A person may appeal to the commission against being excluded under this section from entering or remaining in the casino.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an appeal, the form must be used.

- (6) On receiving an appeal, the commission may, after considering submissions from the person and the casino licensee, confirm, modify or rescind the exclusion.

70 Casino licensee must notify certain persons of exclusion

The casino licensee must use its power under section 69 to exclude a person for at least 24 hours if the person is in the casino and—

- (a) 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; or
- (b) 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; or
- (c) 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; or
- (d) appears to be cheating, or attempting to cheat, in the casino.

70A Notification of exclusion by commissioner of police or commission

- (1) The commissioner of police or the commission may, by written notice to the casino licensee, exclude a specified person (the *subject*) from entering or remaining in the casino indefinitely or for the period specified.

- (2) The person who gives or revokes a notice under subsection (1) must make reasonable efforts to inform the subject of the effect of the notice or revocation.
- (3) The person who gives a notice under subsection (1)—
 - (a) must make available to the casino licensee a recent photograph of the subject; or
 - (b) if it is not practicable to comply with paragraph (a)—must provide the casino licensee with a description of the subject that is sufficient to enable the casino licensee to identify the person readily.

70B Requests for exclusion

- (1) This section applies if a person wishes to apply to the commission to exclude, under section 70A—
 - (a) the applicant; or
 - (b) another person (the *affected person*);from entering or remaining in the casino.
- (2) The applicant may apply, in writing, to the commission for the exclusion.

Note 1 A fee may be determined under s 132 (Determination of fees) for an application.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.
- (3) The commission may, on application by the applicant, waive any fee payable to the commission in relation to the application.
- (4) If the application relates to an affected person, the commission must not take account of the application unless—

- (a) the commission is satisfied that the applicant has a sufficiently close relationship to the affected person to make the request; and
 - (b) the affected person has been given an opportunity to object to the notice; and
 - (c) the commission is satisfied that it would be in the best interests of the affected person to issue the notice.
- (5) If the commission excludes a person because of an application under this section, the notice to the casino licensee must state that reason.
- (6) This section does not affect the power of the commission to exclude a person under section 70A without an application under this section or on other grounds than an application under this section.

70C Requests for revocation of exclusion

- (1) This section applies if an excluded person who was excluded by the commission by a notice under section 70A wishes to apply for the commission to revoke the notice.
- (2) The person may apply in writing to the commission for revocation of the notice.

Note 1 A fee may be determined under s 132 (Determination of fees) for this subsection.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (3) The commission may, on application by the applicant, waive any fee payable to the commission in relation to the application.

70D Casino licensee must exclude excluded persons

- (1) The casino licensee must not, without reasonable excuse, permit an excluded person to enter or remain in the casino.

Maximum penalty: 50 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant believed on reasonable grounds that the person who entered or remained in the casino was not the excluded person.

70E Excluded person must not enter casino

An excluded person must not enter or remain in the casino.

Maximum penalty: 20 penalty units.

70F Enforcement

- (1) A person who is—
- (a) a police officer; or
 - (b) an agent or employee of the casino licensee;
- may, with the assistance that is necessary and reasonable and using the force that is necessary and reasonable—
- (c) prevent an excluded person from entering the casino; or
 - (d) remove an excluded person promptly from the casino.
- (2) A person must not, without reasonable excuse, obstruct or hinder a person who is exercising the power given by subsection (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

70G Record of persons excluded from casino

- (1) The casino licensee must maintain a current record of persons excluded from the casino under section 69 or 70A.

Maximum penalty: 50 penalty units.

- (2) The record must show which of the following applies to each person:

- (a) the person was excluded under section 69 because section 70 applied to the person;
 - (b) the person was excluded under section 69, but section 70 did not apply to the person;
 - (c) the person was excluded by the commissioner of police under section 70A;
 - (d) the person was excluded by the commission under section 70A because of an application under section 70B;
 - (e) the person was excluded by the commission under section 70A, but not because of an application under section 70B.
- (3) The record must show for each person the time for which the person is excluded.
- (4) The casino licensee must inform the commission whenever the record changes, and must supply a copy to the commission on request.

Maximum penalty: 50 penalty units.

Division 7.4 Gaming and related activities

71 Authorised games

- (1) The commission may, in writing, declare a game to be an authorised game for this Act.
- (2) A declaration is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) If the commission declares a game to be an authorised game, the commission —
- (a) shall, as soon as practicable, notify, in writing, the casino licensee of the declaration; and

- (b) may, at any time, by written notice given to the casino licensee, specify, in regard to the playing of that game, any restriction or condition that the commission thinks fit.
- (4) A request by the casino licensee for the commission to make a declaration under this section must be accompanied by the determined fee.

72 Rules for authorised games

- (1) If the commission declares a game to be an authorised game under section 71, the commission shall, in writing, approve the rules under which that game is to be played.
- (2) Rules approved under subsection (1) for a game are a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) If the commission approves the rules of a game under subsection (1), those rules shall, subject to subsection (4), be taken to be the approved rules of the game for this Act.
- (4) The commission shall, as soon as practicable, notify, in writing, the casino licensee of—
 - (a) the rules approved by the commission under which an authorised game is to be played; and
 - (b) any alteration of the approved rules of an authorised game.
- (5) The casino licensee must ensure that printed copies of the approved rules of each authorised game conducted in the casino are available to patrons without charge at a place near the entrance to the casino.
- (6) The casino licensee may, in writing, ask the commission to amend under this section the approved rules of a game.

Note A fee may be determined under s 132 (Determination of fees) for this subsection.

73 Gaming equipment and chips

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

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

74 Conduct of gaming

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; and
- (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; and
- (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 section 71 (3) in relation to that game; and
- (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; and

- (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; and
- (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; or
 - (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.

Maximum penalty: 50 penalty units.

75 Gaming by certain persons prohibited

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

Maximum penalty: 20 penalty units.

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

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) 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.

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

Maximum penalty: 20 penalty units.

- (5) A person under the age of 18 years who plays a game in the casino commits an offence.

Maximum penalty: 10 penalty units.

76 Gaming machines

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

Maximum penalty: 50 penalty units.

77 Cheating

- (1) A person shall not, in the casino, dishonestly—
- (a) by trick, device, sleight of hand or representation; or
 - (b) by a scheme or practice; or
 - (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.

Maximum penalty: 500 penalty units, 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; or
 - (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.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (3) Subsection (2) (a) and (b) does 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.

78 Forgery

A person shall not—

- (a) forge or counterfeit chips, a chip purchase voucher, a licence or a form of identification used for 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.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

Division 7.5 Provision of money for gaming

79 Restriction on credit

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

Maximum penalty: 50 penalty units.

80 Cheques

- (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.

Maximum penalty: 10 penalty units.

- (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 determined, in writing, by the commission.

Maximum penalty: 10 penalty units.

- (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.

Maximum penalty: 50 penalty units, imprisonment for 1 year 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.
- (5) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

81 Deposit accounts

- (1) The casino licensee may establish for an individual a deposit account.
- (2) The casino licensee may issue to a person who establishes a deposit account—
 - (a) chips; or
 - (b) chip purchase vouchers; or
 - (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; or

- (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.

82 Redemption of cheques

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 end of the period specified for presentation, of the cheque for payment under section 80 (2), by presenting at the cash desk of the casino—

- (a) an amount of money equivalent to; or
- (b) chips the face value of which is equivalent to; or
- (c) if 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.

83 Proceedings etc in relation to gaming

- (1) Notwithstanding any other Territory law, 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 because of the dishonour of a cheque drawn by that lastmentioned person and accepted by the casino licensee.

Maximum penalty: 50 penalty units.

- (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 8 Casino employees' licences

Division 8.1 Employment of licence holders

84 Key employees

- (1) The casino licensee commits an offence 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.

Maximum penalty (for each day): 5 penalty units.

- (2) A person who does not hold a key employee's licence commits an offence 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.

Maximum penalty (for each day): 5 penalty units.

- (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.

Maximum penalty: 5 penalty units.

- (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.

Maximum penalty: 5 penalty units.

- (5) In this section:

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

85 Operations employees

- (1) The casino licensee commits an offence 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.

Maximum penalty (for each day): 5 penalty units.

- (2) A person who does not hold an operations employee's licence commits an offence 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.

Maximum penalty (for each day): 5 penalty units.

- (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.

Maximum penalty: 5 penalty units.

- (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.

Maximum penalty: 5 penalty units.

- (5) In this section:

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

86 Information relating to casino employees

- (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 commission of that commencement or cessation; and
 - (b) within the period of not more than 7 days that is specified by the commission in a written notice given by it to the casino licensee, notify the commission, 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; or
 - (ii) operations employees; or
 - (iii) employed or permitted to work in relation to the casino; or
 - (iv) employed by the casino licensee in any other capacity.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a notice, the form must be used.

- (2) The commission shall not give a notice under section (1) (b) on more than 2 occasions in any period of 12 months.
- (3) The commission may, at any time, by written notice given to a person who holds a casino employee's licence, require that person—
- (a) to provide, in accordance with directions in the notice, the information relevant to the holding of the licence that is specified in the notice; or
 - (b) to produce, in accordance with directions in the notice, the records, or records of the kinds, relevant to the holding of the licence that are specified in the notice; or

- (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 only because that the licence ceases to have effect.

87 Effect of suspension or cancellation of licence

- (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 exercise, in relation to the casino, functions of the kind specified in that licence.
- (2) Subsection (1) has effect notwithstanding any Territory law or any award or industrial or other agreement.
- (3) Neither the Territory nor the commission incurs any liability because of the operation of subsection (1).

Division 8.2 Applications for licences

88 Eligibility for issue of casino employees' licences

- (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; or
 - (b) is under the age of 18 years; or
 - (c) is within a class of persons prescribed for 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; or

- (b) is under the age of 18 years; or
- (c) is not an Australian citizen or a permanent resident of Australia; or
- (d) is within a class of persons prescribed for this paragraph.

89 Application for casino employee's licence

An application by a person for a casino employee's licence—

- (a) shall set out the functions that the person proposes to exercise in relation to the casino; and
- (b) shall be lodged with the chief casino inspector; and
- (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; and
 - (iii) the consent of the applicant for the photograph to be retained by the commission whether or not the application is successful.

Note 1 A fee may be determined under s 132 (Determination of fees) for this section.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

90 Destruction of prints and photographs

If—

- (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 commission shall cause to be destroyed—

- (c) the imprint of the fingerprints and palmprints of that person that accompanied that application or the application for that licence; and
- (d) any copy of that imprint, or those imprints that is in the commission's possession or control for a purpose connected with that application, or the application for that licence.

91 Change of particulars set out in application

If, 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 commission written particulars of the change verified, if the commission so requires, by statutory declaration.

92 Requirement for further information

The commission may, by written notice, 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 commission, relevant to the application—

- (a) to provide, in accordance with directions in the notice, the information, verified, if the commission so requires, by statutory declaration, relating to the application that is specified in the notice; or
- (b) to produce, in accordance with directions in the notice, the records, or records of the kinds, relating to the application that are specified in the notice; or
- (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).

93 Approval of application

- (1) The commission shall consider each application for a casino employee's licence and shall—
 - (a) approve the application; or
 - (b) after varying, with the written consent of the applicant, the functions set out in the application under section 89 (1) (a), approve the application as so varied; or
 - (c) refuse to approve the application.
- (2) If the commission approves an application for a casino employee's licence, it may determine conditions to which the licence is to be subject.
- (3) The commission may refuse to approve an application for a casino employee's licence if—
 - (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 commission 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 commission may inquire into the matters relating to the application it thinks fit.

Division 8.3 Issue of licences

94 Issue of casino employee's licence

- (1) If the commission approves an application for a key employee's licence, the chief casino inspector shall issue to the applicant a key employee's licence.
- (2) If the commission approves an application for an operations employee's licence, the chief casino inspector shall issue to the applicant an operations employee's licence.
- (3) A casino employee's licence shall set out—
 - (a) the functions that the holder of the licence may exercise in relation to the casino; and
 - (b) any conditions determined by the commission under section 93 (2).

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a licence under this section, the form must be used.

95 Conditions of casino employee's licence

- (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 section 86 (3); and
 - (ii) that a person authorised by the holder of the licence for the purpose shall comply with such a requirement; and
 - (b) any conditions set out in the licence under section 94 (3); and
 - (c) any conditions imposed by the commission during the currency of the licence and notified to the holder of the licence and the casino licensee by written notice; and

- (d) for a key employee's licence—any conditions prescribed in relation to licences of that kind; and
 - (e) for an operations employee's licence—any conditions prescribed in relation to licences of that kind.
- (2) A condition referred to in subsection (1) (b) or (c) may be a condition that is applicable to only 1 holder of a licence.
- (3) A condition of a casino employee's licence referred to in subsection (1) (b) or (c) may be varied or revoked by the commission, whether or not an application to that effect is made to the commission by the holder of the licence or the casino licensee.

96 Provisional casino employee's licence

- (1) Pending the issue of a key employee's licence—
- (a) the commission may approve the issue to the applicant for that licence of a provisional key employee's licence; and
 - (b) the chief casino inspector shall, on that approval being given, issue to the applicant a provisional key employee's licence.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a provisional key employee's licence, the form must be used.

- (2) Pending the issue of an operations employee's licence—
- (a) the commission may approve the issue to the applicant for that licence of a provisional operations employee's licence; and
 - (b) the chief casino inspector shall, on that approval being given, issue to the applicant a provisional operations employee's licence.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a provisional operations employee's licence, the form must be used.

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- (3) If the commission 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 exercise in relation to the casino; and
 - (b) any conditions determined by the commission under subsection (3).
- (5) A provisional casino employee's licence is subject to—
- (a) any conditions set out in the licence under subsection (4); and
 - (b) for a provisional key employee's licence—any conditions prescribed in relation to licences of that kind; and
 - (c) for a provisional operations employee's licence—any conditions prescribed in relation to licences of that kind.
- (6) A condition referred to in subsection (5) (a) may be a condition that is applicable to only 1 holder of a licence.
- (7) A provisional casino employee's licence may be cancelled by the commission by written notice given to the holder of the licence.
- (8) A provisional casino employee's licence ceases to have effect—
- (a) at the end of the period specified in the notice referred to in subsection (7) or, if the notice so specifies, on receipt by the holder of the licence of the notice; or
 - (b) on issue of a casino employee's licence to the holder of that provisional licence; or
 - (c) on surrender of the licence to the commission; or
 - (d) at the end of 3 months after issue of the licence; or
 - (e) on the death of the licensee;

whichever event first occurs.

Division 8.4 General

97 Duration of casino employee's licence

- (1) A casino employee's licence, other than a provisional casino employee's licence, ceases to have effect—
- (a) on cancellation of the licence; or
 - (b) on surrender of the licence to the commission; or
 - (c) at the end of 12 months after issue, or renewal, as the case may be, of the licence; or
 - (d) on the death of the licensee;

whichever event first occurs.

- (2) If an application is made in accordance with this section, the commission must 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, apart from its renewal, the licence would cease to have effect under subsection (1) (c).

Note A fee may be determined under s 132 (Determination of fees) for this subsection.

- (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; and
 - (b) be made not earlier than 1 month before, and not later than, the day the licence would, apart from this section, cease to have effect under subsection (1) (c).

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (4) 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; and
 - (b) the fee determined under section 132 (Determination of fees); and
 - (c) the issue of a provisional casino employee's licence.

98 Variation of casino employee's licence

- (1) The holder of a casino employee's licence may apply to the commission in writing for a variation of the functions that the holder may exercise in relation to the casino.

Note 1 A fee may be determined under s 132 (Determination of fees) for this subsection.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (2) 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; and
 - (b) the determined fee; and
 - (c) the issue of a provisional casino employee's licence.
- (3) If the commission 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 written notice of the variation that the commission proposes to make in relation to the licence; and

- (b) shall request the holder to forward the licence to the chief casino inspector for alteration; and
- (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.

99 Loss etc of casino employee's licence

If 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 must, on application by the holder of the licence, issue to the holder of the licence a copy of the licence and that copy has, for this Act, the same force and effect as the licence.

Note A fee may be determined under s 132 (Determination of fees) for this section.

100 Suspension and cancellation of casino employee's licence

- (1) A ground for suspension or cancellation of a casino employee's licence arises if—
 - (a) the licence was issued at a time when there were grounds for refusing its issue that were then unknown to the commission; or
 - (b) the licensee is convicted of—
 - (i) an offence against this Act; or
 - (iii) an offence against any other law relating to gaming or betting or casinos; or

Note A reference to an offence against a Territory law includes a reference to a related ancillary offence, eg attempt (see *Legislation Act 2001*, s 189).

- (c) the licensee is convicted, in or outside the ACT, 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;
or
- (d) the licensee contravenes a provision of this Act; or
 - (e) the licensee contravenes a condition of the licence; or
 - (f) the licensee provides in relation to the licence false or misleading information; or
 - (g) the licensee refuses or fails to provide information that he or she is required under this Act to provide; or
 - (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) If the commission is satisfied that a ground for suspension or cancellation of a casino employee's licence has arisen under subsection (1), the commission may, by written notice served on the holder of the licence—
- (a) censure the holder for any action referred to in the notice; or
 - (b) vary the functions that the holder may exercise in relation to the casino; or
 - (c) impose further conditions on the licence; or
 - (d) suspend the licence for the period the commission thinks fit; or
 - (e) cancel the licence.
- (3) The commission may at any time by written notice 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 on 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 commission or any authorised person in relation to the holder of the licence or the licence.

Part 9 Enforcement

Division 9.1 Powers of search, entry and seizure

101 Interpretation for pt 9

- (1) In this division:

offence means any conduct (whether constituted by an act or omission) engaged in which constitutes, or which it is believed on reasonable grounds constitutes an offence against this Act.

- (2) For 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; or
- (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.

102 Powers of inspectors

- (1) An inspector may—

- (a) enter any premises; and
- (b) search the premises for, and seize, anything 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) under a warrant issued under section 105 (2); or
- (d) with the consent of the occupier of the premises; or
- (e) under an order of a court.

- (2) An inspector may—
- (a) search a person for any thing connected with an offence; and
 - (b) seize anything 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) under a warrant issued under section 105 (4); or
 - (d) with the consent of the person; or
 - (e) under an order of a court.

103 Seizure of things not specified in warrant

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

104 Consents relating to searches

- (1) Before seeking the consent of a person for section 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 acknowledgment—
 - (a) if section 102 (1) (d) applies—that the person has given the inspector consent, for that paragraph, to enter the premises of which the person is the occupier and to exercise the powers of an inspector referred to in section 102 (1) (b); and
 - (b) if section 102 (2) (d) applies—that the person has given the inspector consent, for that paragraph, to search the person and to exercise the powers of an inspector referred to in section 102 (2) (b); and
 - (c) that the person has been informed that he or she may refuse to give that consent; and
 - (d) of the day and time when that consent was given.
- (3) If it is material, in any proceedings, for a court to be satisfied that a person has consented for section 102 (1) (d) or (2) (d) and an acknowledgment, 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.

105 Search warrants

- (1) If 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) If 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 the assistance and by the force that is necessary and reasonable—
 - (a) to enter the premises; and
 - (b) to search the premises for things of the kind specified in the warrant; and
 - (c) to seize anything 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) If 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; or
 - (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) If 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 the assistance and by the force that 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 about 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; and
 - (b) specify the nature of the relevant offence; and
 - (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; and
 - (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, not later than 1 month after the date of issue of the warrant, when the warrant ceases to have effect.

106 Police entry

- (1) A police officer—
 - (a) who is of, or above, the rank of sergeant; or
 - (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 Territory law to enter, and be in, the casino.

107 Special powers of inspectors and police

- (1) If an inspector enters the casino under section 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) If—
- (a) an inspector enters the casino under section 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) If 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 believes, on reasonable grounds, that it is necessary to exercise the power 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) anything 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 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 may seize the thing.

108 Restrictions affecting search of persons

- (1) If an inspector or police officer may search a person under this division, the inspector or police officer 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 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.

109 Disposal of gaming equipment etc after seizure

- (1) If 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 an offence against this Act, is not convicted of the offence—the commission 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), other than 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) If 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; or
 - (b) a card that has been marked or otherwise tampered with; or
 - (c) dice that has been marked, loaded or otherwise tampered with; or
 - (d) any other device or thing that permits or facilitates cheating.

110 Detention of suspected person

(1) If—

- (a) the person for the time being in charge of the casino; or
- (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; and
- (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 9.2 Offences

111 Obstructing inspector

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

Maximum penalty: 50 penalty units, imprisonment for 1 year or both.

112 Compliance with requirement of inspector

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 functions under this Act.

Maximum penalty: 50 penalty units.

113 False information

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

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

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

114 False representation

A person shall not—

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

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

115 Failure to provide information

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

Maximum penalty: 20 penalty units.

116 Conflict of interest

(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.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) If 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.

Maximum penalty: 100 penalty units, imprisonment for 1 year 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.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) If 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.

Maximum penalty: 100 penalty units, imprisonment for 1 year 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 commission in writing of the association or interest.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (6) In this section:

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

117 Bribery

- (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 exercise 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 exercise 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.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (2) A person who gives to, confers on, 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 exercise of, his or her functions under this Act; or
 - (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;

commits an offence.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

118 Conduct of directors, servants and agents

- (1) If, 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) If, 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 firstmentioned person unless the firstmentioned person establishes that the firstmentioned person took reasonable precautions and exercised due diligence to avoid the conduct.

- (5) If—
- (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 10 Financial

119 Banking accounts

- (1) The casino licensee must use a banking account approved in writing by the commission for each banking transaction that relates to the operation of the casino or to the casino operation agreement.

Maximum penalty: 50 penalty units.

- (2) The commission may approve several banking accounts for use by the casino licensee.
- (3) The commission must not approve a banking account unless—
 - (a) the account is with—
 - (i) a bank as defined in the *Banking Act 1959* (Cwlth), section 5; or
 - (ii) a bank, credit union or building society constituted under a Territory law; or
 - (iii) a similar institution constituted outside the ACT; and
 - (b) if the account is maintained outside the ACT—the commission is satisfied that there is good reason for the casino licensee to have the account; and
 - (c) the casino has authorised the institution to give details of the account to the commission on request.
- (4) The commission may place restrictions on the use by the casino licensee of a banking account outside the ACT.

120 Access to banking records

- (1) The commission may, by written notice to a financial institution referred to in section 119, require the financial institution 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 the other particulars relating to the account that are specified in the notice.
- (2) The commission may, by written notice to a financial institution referred to in section 119, require the financial institution, 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 financial institution shall not, without reasonable excuse, refuse or fail to comply with a requirement made under subsection (1) or (2).
Maximum penalty: 50 penalty units.
- (4) The hours specified in a notice to a financial institution under subsection (1) shall be during the normal business hours of the financial institution.
- (5) If, under 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.

121 Accounts and records

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 money of the casino licensee are correctly made and properly authorised; and
- (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.

122 Statement of accounts

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

- (a) trading accounts, if applicable, for the financial year; and
- (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.

Maximum penalty: 20 penalty units.

123 Audit

- (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 an auditor approved in writing by the commission.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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

Maximum penalty: 50 penalty units.

124 Retention of records

The casino licensee shall keep in the casino, or in a place approved in writing by the commission, all records relating to transactions less than 7 years old that relate to the casino operation agreement or the operation of the casino.

Maximum penalty: 20 penalty units.

Part 11 Review of decisions

125 Definitions for pt 11

In this part:

primary decision means—

- (a) a decision of the commission under section 15 (6) remitting any part, or the whole, of the daily penalty payable under section 15; or
- (b) a decision of the commission under section 55 giving or refusing to give an approval relating to the entering into of a supply contract; or
- (c) a decision of the commission under section 56 terminating a supply contract; or
- (d) a decision of the commission under section 59 approving or refusing to approve plans and diagrams; or
- (e) a decision of the commission under section 60 approving or refusing to approve gaming equipment or chips; or
- (f) a decision by the commission to issue or vary an approved schedule of opening times under section 63; or
- (g) a decision of the commission under section 71 specifying a restriction or condition in regard to the playing of an authorised game; or
- (h) a decision of the commission under section 72—
 - (i) approving or refusing to approve rules under which an authorised game is to be played; or

- (ii) amending the rules under which an authorised game is to be played; or
- (i) a decision of the commission 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; or
- (j) a decision of the commission under section 95 (3) varying or revoking a condition to which a casino employee's licence is subject; or
- (k) a decision of the commission under section 98 varying or refusing to vary the functions that the holder of a casino employee's licence may exercise in relation to the casino; or
- (l) a decision of the chief casino inspector under section 99 refusing to issue a copy of a casino employee's licence; or
- (m) a decision of the commission under section 100 suspending or cancelling a casino employee's licence; or
- (n) a direction given by the commission under section 129 to the operation of the casino.

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

126 Review of decisions

Application may be made to the administrative appeals tribunal for a review of a reviewable decision.

127 Notification of decisions

- (1) The person making a primary decision must cause written notice 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 mentioned in section 125, definition of ***primary decision***, paragraph (1)—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 the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Part 12 Miscellaneous

127A Effect on Territory plan

- (1) Section 4 has effect despite the Land Act, sections 8 and 9.
- (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—see the Land Act.

128 Security related decisions

- (1) If—
 - (a) the commission makes a decision of a kind referred to in section 125, definition of *primary decision*; and
 - (b) that decision is based on a matter relating to the security of the casino or of an authorised game;

the commission shall issue a certificate to that effect.

- (2) If—
 - (a) the Minister makes a decision—
 - (i) under section 45 refusing to grant a casino licence; or
 - (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 commission shall, as soon as practicable after issuing a certificate under this section, forward the certificate to the Minister.

129 Directions for management

- (1) The commission may, by written notice, 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).

130 Recommendations of commission

If, 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 commission in respect of that matter, the Minister may—

- (a) accept the recommendation; or
- (b) reject the recommendation; or
- (c) refer the matter back to the commission for further consideration or investigation.

131 Evidence

- (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; or
 - (b) that, on a specified day, specified names were included in the list of names maintained under section 70G; 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.

132 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

133 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may—

- (a) make provision in relation to the control of the casino or of the operations of the casino; or
- (b) make provisions in relation to the quality, type or identification of gaming equipment to be used in the casino; or
- (c) make provision in relation to the maintenance or use of gaming equipment in the casino; or

- (d) make provision in relation to the control of chip stock; or
- (e) prescribe standards or procedures for the testing, repair or overhaul of gaming equipment; or
- (f) make provision in relation to the handling of chips by casino employees or the use of chips by patrons of the casino; or
- (g) make provision in relation to the transportation of gaming equipment or chips to or from the casino; or
- (h) make provision in relation to the security arrangements to be applied in relation to the casino; or
- (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; and
 - (ii) the method 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; and
 - (iii) the position and type of any catwalk surveillance system for use in connection with the direct visual monitoring of operations of the casino; and
 - (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; or

- (k) prescribe procedures for the supervision and control of the counting of money; or
- (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; or
- (m) prescribe procedures for the reconciliation of disputes arising out of the conduct of gaming in the casino; or
- (n) prescribe accounts or other records to be kept by the casino licensee; or
- (o) prescribe requirements to be observed by the casino licensee in relation to the publication of information about the casino and its activities; or
- (p) make provision in relation to notices to be displayed in the casino by the casino licensee; or
- (q) make provision in relation to the control of commission-based player schemes; or
- (r) make provision in relation to the method of identification of a casino employee who is exercising duties in relation to gaming; or
- (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; or
- (t) prescribe conditions to be applicable to a casino licence; or
- (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.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.
- (4) In making regulations in relation to a matter of a kind referred to in subsection (2) (a), the Executive must have regard to any recommendations made by the commission.

135 Transitional provision on control agreement

The development agreement that was in place immediately before the commencement of the *Gambling Legislation Amendment Act 1999*, section 13, continues in existence as a control agreement, and is taken to have been duly notified in accordance with section 42.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

| | |
|---|---|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | p = page |
| cl = clause | par = paragraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | prov = provision |
| exp = expires/expired | pt = part |
| Gaz = Gazette | r = rule/subrule |
| hdg = heading | reg = regulation/subregulation |
| IA = Interpretation Act 1967 | renum = renumbered |
| ins = inserted/added | reloc = relocated |
| LA = Legislation Act 2001 | R[X] = Republication No |
| LR = legislation register | RI = reissue |
| LRA = Legislation (Republication) Act 1996 | s = section/subsection |
| mod = modified / modification | sch = schedule |
| No = number | sdiv = subdivision |
| num = numbered | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Casino Control Ordinance 1988* No 72 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 25).

Commonwealth legislation

Casino Control Act 1988 No 72

notified 23 September 1988

commenced 12 December 1988 (Cwlth Gaz 1988 No S383)

as amended by

Legislation before becoming Territory enactment

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment

Statutory Authorities (Audit Arrangements) Act 1990 No 25 pt 5

notified 22 June 1990 (Gaz 1990 No S29)

s 1, s 2 commenced 22 June 1990 (s 2 (1))

pt 5 remainder commenced 22 June 1990 (s 2 (2) and Gaz 1990 No S35)

Casino Control (Amendment) Act 1991 No 117

notified 10 January 1992 (Gaz 1992 No S162)
commenced 10 January 1992

Land (Planning and Environment) (Consequential Provisions) Act 1991 No 118 sch 1 pt 3

notified 15 January 1992 (Gaz 1992 No S3)
s 1, s 2 commenced 15 January 1992 (s 2 (1))
sch 1 pt 3 commenced 2 April 1992 (s 2 (2) and Gaz 1992 No 13)

Casino Control (Amendment) Act 1992 No 81

notified 22 December 1992 (Gaz 1992 No S240)
commenced 22 December 1992 (s 2)

Casino Control (Amendment) Act 1993 No 34

notified 25 June 1993 (Gaz 1993 No S114)
commenced 25 June 1993 (s 2)

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 13

notified 30 June 1994 (Gaz 1994 No S121)
s 1, s 2 commenced 30 June 1994 (s 2 (1))
remainder commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Casino Control (Amendment) Act 1994 No 102 (as am by 1996 No 79)

notified 22 December 1994 (Gaz 1994 No S289)
s 1, s 2 commenced 22 December 1994 (s 2 (1))
ss 4-8 commenced 16 January 1994 (s 2 (2) and Gaz 1995 No S21)
s 9 commenced 1 January 1997 (s 2 (4))

Endnotes

3 Legislation history

Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 No 26 sch pt 5

notified 1 July 1996 (Gaz 1996 No S130)
commenced 1 July 1996 (s 2)

Casino Control (Amendment) Act 1996 No 79

notified 20 December 1996 (Gaz 1996 No S328)
ss 1-3 and 9 commenced 20 December 1996 (s 2 (1))
remainder commenced 1 January 1997 (s 2 (2))

Remuneration Tribunal (Consequential Amendments) Act 1997 No 41 sch 1

notified 19 September 1997 (Gaz 1997 No S264)
s 1, s 2 commenced 19 September 1997 (s 2 (1))
sch 1 commenced 23 September 1997 (s 2 (2) and Gaz 1997 No S280)

Financial Institutions (Removal of Discrimination) Act 1997 No 88 sch

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch commenced 31 December 1997 (s 2 (2) and Gaz 1997 No S442)

Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch 1 commenced 1 June 1998 (see s 2 (2))

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Casino Control (Amendment) Act 1999 No 19

notified 14 April 1999 (1999 No S16)
commenced 14 April 1999 (s 2)

Gambling and Racing Control (Consequential Provisions) Act 1999 No 47 s 3 and sch

notified 17 September 1999 (Gaz 1999 No S54)
s 1, s 2 commenced 17 September 1999 (s 2 (1))
s 3, sch commenced 1 December 1999 (s 2 (2) and Gaz 1999 No S63)

Gambling Legislation Amendment Act 1999 No 56 pt 2 and sch 1

notified 10 November 1999 (Gaz 1999 No 45)
s 1, s 2 commenced 10 November 1999 (s 2 (1))
pt 2 and sch 1 commenced 1 December 1999 (s 2 (2) and Gaz 1999 No S63)

Legislation (Consequential Amendments) Act 2001 No 44 pt 54

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 54 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Legislation Amendment Act 2002 No 11 pt 2.5

notified LR 27 May 2002
s 1, s 2 commenced 27 May 2002 (LA s 75)
pt 2.5 commenced 28 May 2002 (s 2 (1))

Statute Law Amendment Act 2002 (No 2) No 49 pt 3.1

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
pt 3.1 commenced 17 January 2003 (s 2 (1))

Criminal Code 2002 No 51 pt 1.3

notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
pt 1.3 commenced 1 January 2003 (s 2 (1))

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.535

Incorporation of Gambling and Racing Control Act

s 2A ins 1999 No 56 s 4

Endnotes

4 Amendment history

Definitions for Act

- s 3 am 1991 No 117 s 3; 1999 No 56 s 5
- def **approved schedule of opening times** ins 1999 No 56 s 5
- def **approved system** ins 1999 No 56 s 5
- def **authorised person** am 1989 No 38 sch 1; 1999 No 47 sch
- def **authorised police officer** om 1999 No 56 s 5
- def **authority** om 1999 No 47 sch
- def **casino** sub 1991 No 117 s 3; 1999 No 56 s 5
- def **casino lease** am 1999 No 56 s 5
- def **casino licensee** sub 1999 No 56 s 5
- def **casino operation agreement** am 1999 No 56 s 5
- def **censure** ins 1999 No 56 s 5
- def **chairperson** om 1999 No 47 sch
- def **commission** ins 1999 No 47 sch
- def **commission-based gaming** ins 1996 No 79 s 4
- def **commission-based player scheme** ins 1996 No 79 s 4
- def **commission-based player tax** ins 1996 No 79 s 4
- def **control agreement** sub 1999 No 56 s 5
- def **determined fee** om 2001 No 44 amdt 1.536
- def **developer** om 1999 No 56 s 5
- def **development agreement** om 1999 No 56 s 5
- def **disciplinary action** ins 1999 No 56 s 5
- def **excluded person** ins 1999 No 56 s 5
- def **financial year** sub 1993 No 34 s 4
- def **general tax** ins 1994 No 102 s 4
- def **grounds for disciplinary action** ins 1999 No 56 s 5
- def **group** ins 1999 No 56 s 5
- def **influential person** ins 1999 No 56 s 5
- def **inspector** sub 1994 No 97 sch pt 1; 1999 No 56 s 5
- def **investigator** om 1999 No 56 s 5
- def **involved person** am 1999 No 56 s 5; pars renum R7 LA
- def **junket** om 1996 No 79 s 4
- def **junket gaming** ins 1994 No 102 s 4
om 1996 No 79 s 4
- def **junket tax** ins 1994 No 102 s 4
om 1996 No 79 s 4
- def **member** om 1999 No 47 sch
- def **operation** am 1999 No 56 s 5; pars renum R7 LA
- def **operations employee** am 2001 No 44 amdt 1.537
- def **owner** sub 1999 No 56 s 5
- def **prescribed identity document** ins 1999 No 56 s 5
- def **proprietor** om 1999 No 56 s 5
- def **respectable** ins 1999 No 56 s 5
- def **suitable** ins 1999 No 56 s 5
- def **this Act** om 2001 No 44 amdt 1.538

Determination of people who are not operations employees

- s 3AA ins 2001 No 44 amdt 1.539

Owners

s 3A ins 1999 No 56 s 6

Suitability

s 3B ins 1999 No 56 s 6

Respectability

s 3C ins 1999 No 56 s 6

Influential persons

s 3D ins 1999 No 56 s 6

References to offences against this Act

s 3E ins 1999 No 56 s 6
om 2002 No 11 amdt 2.10

Casino

div 2.1 hdg (prev pt 2 div 1 hdg) renum R7 LA

Designation of casino

s 4 am 1991 No 117 s 4; 1999 No 19 s 4
sub 1999 No 56 s 7; 2002 No 49 amdt 3.1

List of persons excluded from casino

s 6 am 1998 No 54 sch; 1999 No 47 s 5 sch
om 1999 No 56 s 8

Inspectors

div 2.2 hdg (prev pt 2 div 2 hdg) renum R7 LA

Chief casino inspector

s 8 am 1989 No 38 sch 1

Functions of chief casino inspector

s 9 am 1994 No 97 sch pt 1; 1999 No 47 s 5 sch; 1999 No 56 s 32
sch 1

Chief casino inspector—powers

s 10 sub 1994 No 97 sch pt 1

Inspectors

s 11 am 1989 No 38 sch 1
sub 1994 No 97 sch pt 1

Identity card for chief casino inspector

s 12 sub 1994 No 97 sch pt 1
am 1998 No 54 sch
sub 1999 No 56 s 9

Powers of inspectors

s 14 am 1999 No 56 s 10; pars renum R7 LA

Financial

div 2.3 hdg (prev pt 2 div 3 hdg) renum R7 LA

Endnotes

4 Amendment history

Casino licence fee

s 15 am 1999 No 47 s 5 sch; 2001 No 44 amdts 1.540-1.542

General tax

s 16 am 1989 No 38 sch 1; 1994 No 102 s 5; 1996 No 79 s 5; amdts 1.543-1.546

Commission-based player tax

s 16A ins 1994 No 102 s 6
am 1996 No 79 s 6; 2001 No 44 amdts 1.547-1.550

Liability for fee and taxes—suspension of licence

s 17 am 1989 No 38 sch 1; 1994 No 102 s 7; 1996 No 79 s 7; 1999 No 47 s 5 sch; 1999 No 56 s 11

General

pt 2 div 4 hdg om 1999 No 56 s 12

Investigations

s 18 am 1998 No 54 sch; 1999 No 47 s 5 sch
om 1999 No 56 s 12

Selfincrimination

s 19 am 1989 No 38 sch 1; 1994 No 38 sch 1 pt 13
om 1999 No 56 s 12

Secrecy

s 20 am 1998 No 54 sch
om 1999 No 56 s 12

Tabling of documents

s 21 am 1989 No 38 sch 1
om 1999 No 56 s 12

Casino surveillance authority

pt 3 hdg om 1999 No 47 s 3

Establishment of authority

s 22 om 1999 No 47 s 3

Functions of authority

s 23 om 1999 No 47 s 3

Powers of authority

s 24 om 1999 No 47 s 3

Membership of authority

s 25 om 1999 No 47 s 3

Appointment of members

s 26 am 1997 No 96 sch 1
om 1999 No 47 s 3

Term of office

s 27 om 1999 No 47 s 3

Basis of holding office

s 28 om 1999 No 47 s 3

Remuneration and allowances

s 29 om 1997 No 41 sch 1

Leave of absence

s 30 om 1999 No 47 s 3

Resignation

s 31 om 1999 No 47 s 3

Disclosure of interests

s 32 om 1999 No 47 s 3

Termination of appointment

s 33 om 1999 No 47 s 3

Terms and conditions of appointment not provided for by Act

s 34 om 1999 No 47 s 3

Acting appointments

s 35 om 1999 No 47 s 3

Meetings

s 36 om 1999 No 47 s 3

Money of authority

s 37 om 1999 No 47 s 3

Application of authority

s 38 om 1999 No 47 s 3

Audit Act to apply

s 38A ins 1990 No 25 s 7
om 1996 No 26 sch pt 5

Development and control agreements

pt 4 hdg sub 1999 No 56 s 13

Approval of developer

s 39 am 1999 No 47 s 5 sch
om 1999 No 56 s 13

Development agreement

s 40 om 1999 No 56 s 13

Owner of casino

s 41 am 1999 No 47 s 5 sch
sub 1999 No 56 s 13

Endnotes

4 Amendment history

Commission must make control agreement

s 42 sub 1999 No 56 s 13
am 2001 No 44 amdt 1.551

Control agreement

s 43 sub 1999 No 56 s 13

Notification of agreements

s 44 om 1999 No 56 s 13

Grant of casino licence

s 45 am 1991 No 117 s 5; 1999 No 47 s 5 sch; 1999 No 56 s 14;
2001 No 44 amdt 1.552; ss renum R7 LA

Casino licensee must comply with code of practice

s 45A ins 1999 No 56 s 15

Surrender of casino licence

s 47 am 1989 No 38 sch 1; 1994 No 102 s 8; 1999 No 47 s 5 sch

Commission may take disciplinary action against casino licensee

s 48 am 1989 No 38 sch 1; 1991 No 117 s 6; 1999 No 47 s 5 sch
sub 1999 No 56 s 16

Minister may suspend or cancel the casino licence in public interest

s 48A ins 1991 No 117 s 7
sub 1999 No 56 s 16

Grounds for disciplinary action

s 48B ins 1999 No 56 s 16

Procedure for disciplinary action or Ministerial action

s 49 sub 1999 No 56 s 16

Assignment of casino licence

s 50 am 1999 No 47 s 5 sch; 1999 No 56 s 17; 2001 No 44 amdt
1.553-1.557

Appointment of administrator

s 51 am 1999 No 47 s 5 sch

Lease of casino

s 52 am 1999 No 47 s 5 sch; 1999 No 56 s 18; 2001 No 44 amdt
1.558-1.561; ss renum R7 LA

Casino operation agreement

s 53 am 1999 No 56 s 19; 2001 NO 44 amdt 1.562

Scrutiny of supply contracts

s 55 am 1999 No 47 s 5 sch; 2001 No 44 amdt 1.563-1.565

Termination of supply contracts

s 56 am 1999 No 47 s 5 sch

Effect of termination

s 57 am 1989 No 38 sch 1; 1999 No 47 s 5 sch

Facilities and operations

div 7.1 hdg (prev pt 7 div 1 hdg) sub 1999 No 56 s 20
renum R7 LA

Directions about operations

s 57A ins 1999 No 56 s 20

Maintenance of facilities

s 58 am 1999 No 47 s 5 sch
sub 1999 No 56 s 20

Approval of layout

s 59 am 1998 No 54 sch; 1999 No 47 s 5 sch
sub 1999 No 56 s 20

Approval of gaming equipment and chips

s 60 am 1999 No 47 s 5 sch
sub 1999 No 56 s 20

Approved system of controls and procedures must be implemented

s 60A ins 1999 No 56 s 20

Content of approved system

s 60B ins 1999 No 56 s 20

Operating times

div 7.2 hdg (prev pt 7 div 2 hdg) sub 1999 No 56 s 20
renum R7 LA

Application of Holidays Act

s 61 sub 1999 No 56 s 20

Casino must operate only at approved times

s 62 am 1998 No 54 sch; 1999 No 47 s 5 sch
sub 1999 No 56 s 20

Approved schedule of opening times

s 63 am 1999 No 47 s 5 sch
sub 1999 No 56 s 20

Exclusion of persons from casino

div 7.3 hdg (prev pt 7 div 3 hdg) sub 1999 No 56 s 20
renum R7 LA

Excluded persons

s 64 am 1999 No 47 s 5 sch
sub 1999 No 56 s 20

No general right of entry to casino

s 65 sub 1999 No 56 s 20

Endnotes

4 Amendment history

Entry of inspectors

s 66 am 1998 No 54 sch
sub 1999 No 56 s 20

Entry of police

s 67 am 1998 No 54 sch
sub 1999 No 56 s 20

Exclusion of young people

s 68 am 1998 No 54 sch
sub 1999 No 56 s 20

Casino licensee may notify persons of exclusion

s 69 am 1998 No 54 sch
sub 1999 No 56 s 20
am 2001 No 44 amdt 1.566

Casino licensee must notify certain persons of exclusion

s 70 sub 1999 No 56 s 20

Notification of exclusion by commissioner of police or commission

s 70A ins 1999 No 56 s 20

Requests for exclusion

s 70B ins 1999 No 56 s 20
am 2001 No 44 amdts 1.567-1.569

Requests for revocation of exclusion

s 70C ins 1999 No 56 s 20
am 2001 No 44 amdt 1.570

Casino licensee must exclude excluded persons

s 70D ins 1999 No 56 s 20

Excluded person must not enter casino

s 70E ins 1999 No 56 s 20

Enforcement

s 70F ins 1999 No 56 s 20

Record of persons excluded from casino

s 70G ins 1999 No 56 s 20

Gaming and related activities

div 7.4 hdg (prev pt 7 div 4 hdg) renum R7 LA

Authorised games

s 71 am 1999 No 47 s 5 sch; 1999 No 56 s 21; 2001 No 44 amdts
1.571-1.573

Rules for authorised games

s 72 am 1999 No 47 s 5 sch; 1999 No 56 s 22; 2001 No 44 amdts
1.575-1.580

Gaming equipment and chips

s 73 am 1998 No 54 sch; 1999 No 47 s 5 sch

Conduct of gaming

s 74 am 1998 No 54 sch

Gaming by certain persons prohibited

s 75 am 1989 No 38 sch 1; 1992 No 81 s 4; 1998 No 54 sch; 1999 No 47 s 5 sch; ss renum R7 LA

Gaming machines

s 76 am 1998 No 54 sch

Cheating

s 77 am 1998 No 54 sch

Forgery

s 78 am 1998 No 54 sch

Provision of money for gaming

div 7.5 hdg (prev pt 7 div 5 hdg) renum R7 LA

Restriction on credit

s 79 am 1998 No 54 sch; 1999 No 47 s 5 sch; 1999 No 56 s 23

Cheques

s 80 am 1998 No 54 sch; 1999 No 47 s 5 sch; 2001 No 44 amdt 1.581, amdt 1.582

Proceedings etc in relation to gaming

s 83 am 1998 No 54 sch

Employment of licence holders

div 8.1 hdg (prev pt 8 div 1 hdg) renum R7 LA

Key employees

s 84 am 1998 No 54 sch

Operations employees

s 85 am 1998 No 54 sch

Information relating to casino employees

s 86 am 1999 No 47 s 5 sch; 2001 No 44 amdts 1.583-1.585

Effect of suspension or cancellation of licence

s 87 am 1989 No 38 sch 1; 1999 No 47 s 5 sch

Application for licences

div 8.2 hdg (prev pt 8 div 2 hdg) renum R7 LA

Eligibility for issue of casino employees' licences

s 88 am 1991 No 117 s 8; pars renum R7 LA

Endnotes

4 Amendment history

Application for casino employee's licence

s 89 am 1999 No 47 s 5 sch; 1999 No 56 s 24; 2001 No 44 amds
1.586-1.589

Destruction of prints and photographs

s 90 am 1999 No 47 s 5 sch; 1999 No 56 s 25

Change of particulars set out in application

s 91 am 1999 No 47 s 5 sch

Requirement for further information

s 92 am 1999 No 47 s 5 sch

Approval of application

s 93 am 1999 No 47 s 5 sch

Issue of licences

div 8.3 hdg (prev pt 8 div 3 hdg) renum R7 LA

Issue of casino employee's licence

s 94 am 1999 No 47 s 5 sch; 2001 No 44 amdt 1.590, amdt 1.591

Conditions of casino employee's licence

s 95 am 1999 No 47 s 5 sch

Provisional casino employee's licence

s 96 am 1999 No 47 s 5 sch; 2001 No 44 amds 1.592-1.595

General

div 8.4 hdg (prev pt 8 div 4 hdg) renum R7 LA

Duration of casino employee's licence

s 97 am 1999 No 47 s 5 sch; 2001 No 44 amds 1.596-1.603

Variation of casino employee's licence

s 98 am 1999 No 47 s 5 sch; 2001 No 44 amds 1.604-1.607

Loss etc of casino employee's licence

s 99 am 1999 No 47 s 5 sch; 2001 No 44 amdt 1.608, amdt 1.609

Suspension and cancellation of casino employee's licence

s 100 am 1999 No 47 s 5 sch; 1999 No 56 s 32 sch 1
am 2002 No 11 amdt 2.11; 2002 No 51 amdt 1.4

Powers of search, entry and seizure

div 9.1 hdg (prev pt 9 div 1 hdg) renum R7 LA

Interpretation for pt 9

s 101 am 1999 No 56 s 32 sch 1

Disposal of gaming equipment etc after seizure

s 109 am 1989 No 38 sch 1; 1999 No 47 s 5 sch

Offences

div 9.2 hdg (prev pt 9 div 2 hdg) renum R7 LA

Obstructing inspector

s 111 am 1998 No 54 sch

Compliance with requirement of inspector

s 112 am 1998 No 54 sch

False information

s 113 am 1998 No 54 sch

False representation

s 114 am 1998 No 54 sch

Failure to provide information

s 115 am 1998 No 54 sch

Conflict of interest

s 116 am 1998 No 54 sch; 1999 No 47 s 5 sch

Bribery

s 117 am 1998 No 54 sch

Banking accounts

s 119 sub 1997 No 88 sch
am 1998 No 54 sch; 1999 No 47 s 5 sch
sub 1999 No 56 s 26

Access to banking records

s 120 am 1997 No 88 sch ; 1998 No 54 sch; 1999 No 47 s 5 sch

Statement of accounts

s 122 am 1998 No 54 sch; 1999 No 47 s 5 sch

Audit

s 123 am 1996 No 26 sch pt 5; 1998 No 54 sch; 1999 No 47 s 5 sch;
1999 No 56 s 27

Retention of records

s 124 am 1998 No 54 sch; 1999 No 56 s 28

Definitions for pt 11

s 125 am 1999 No 47 s 5 sch; 1999 No 56 s 29; 2001 No 44 amdt
1.610; pars renum R7 LA

Review of decisions

s 126 am 1989 No 38 sch 1; 1994 No 60 sch 1

Notification of decisions

s 127 am 1989 No 38 sch 1; 1994 No 60 sch 1; 1999 No 47 s 5 sch;
1999 No 56 s 30

Endnotes

5 Earlier republications

Effect on Territory plan

s 127A ins 1991 No 117 s 9
am 1991 No 118 sch 1 pt 3; 1999 No 56 s 32 sch 1

Security related decisions

s 128 am 1999 No 47 s 5 sch

Directions for management

s 129 am 1999 No 47 s 5 sch

Recommendations of commission

s 130 am 1999 No 47 s 5 sch

Evidence

s 131 am 1999 No 56 s 32 sch 1

Determination of fees

s 132 sub 2001 No 44 amdt 1.611

Regulation-making power

s 133 hdg sub 2001 No 44 amdt 1.612
s 133 am 1989 No 38 sch 1; 1996 No 79 s 8; 1998 No 54 sch; 1999
No 47 s 5 sch; 2001 No 44 amdts 1.613-1.619

Commission is successor in title to the authority

s 134 ins 1999 No 47 s 5 sch
om R6 LRA

Transitional provision on control agreement

s 135 ins 1999 No 56 s 31

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to | Republication date |
|------------------|-----------------|--------------------|
| 1 | Act 1990 No 25 | 31 May 1991 |
| 2 | Act 1992 No 81 | 31 December 1992 |
| 3 | Act 1993 No 34 | 31 January 1994 |
| 4 | Act 1994 No 102 | 31 January 1995 |

Endnotes

| Earlier republications | | | 5 |
|------------------------|----------------|------------------|---|
| 5 | Act 1997 No 96 | 31 December 1997 | |
| 6 | Act 1999 No 56 | 9 June 2000 | |
| 7 | Act 2001 No 44 | 23 April 2002 | |
| 8 | Act 2002 No 11 | 30 May 2002 | |
| 9 | Act 2002 No 51 | 1 January 2003 | |

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