

Version No. 063
Casino Control Act 1991
Act No. 47/1991

Version incorporating amendments as at 5 April 2005

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purpose of this Act is to establish a system for the licensing, supervision and control of casinos with the aims of—

- (a) ensuring that the management and operation of casinos remains free from criminal influence or exploitation; and
- (b) ensuring that gaming in casinos is conducted honestly; and
- (c) promoting tourism, employment, and economic development generally in the State.

2. Commencement

- (1) Sections 7, 14, 15, 142, 151, 153 and 167 come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act come into operation on a day or days to be proclaimed.

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s. 3

3. Definitions

(1) In this Act—

S. 3(1) def. of
"approved
betting
competition"
inserted by
No. 36/1994
s. 4.

"approved betting competition" means a betting competition of a kind or class approved by the Minister under Part 5A;

S. 3(1) def. of
"authorised
deposit-taking
institution"
inserted by
No. 11/2001
s. 3(Sch.
item 10.1).

"authorised deposit-taking institution" has the same meaning as in the Banking Act 1959 of the Commonwealth;

S. 3(1) def. of
"authorised
person"
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 1(a)).

"authorised person" has the same meaning as in the **Gambling Regulation Act 2003**;

S. 3(1) def. of
"Authority"
substituted by
No. 37/1994
s. 229(a).

"Authority" means the Victorian Casino and Gaming Authority established under the **Gaming and Betting Act 1994**;

S. 3(1) def. of
"betting rules"
inserted by
No. 36/1994
s. 4.

"betting rules" means rules made by the casino operator in accordance with this Act for approved betting competitions;

S. 3(1) def. of
"bingo centre
operator"
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 1(k)).

"bingo centre operator" has the same meaning as in the **Gambling Regulation Act 2003**;

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"cash facility" means—

- (a) an automatic teller machine; or
- (b) an EFTPOS facility; or
- (c) any other prescribed facility that enables a person to gain access to his or her funds or to credit;

S. 3(1) def. of "cash facility" inserted by No. 38/2002 s. 3(1).

"casino" means premises, or part of premises, defined as a casino for the time being under section 17;

"casino employee" means an employee having functions in or in relation to a casino;

"casino licence" means a licence granted under Part 2;

"casino operator" means a person who is the holder of a licence;

"chips" means any tokens used instead of money for the purpose of gaming;

"Commission" means Victorian Commission for Gambling Regulation established by the **Gambling Regulation Act 2003**;

S. 3(1) def. of "Commission" inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(k)).

"commissioner" has the same meaning as in the **Gambling Regulation Act 2003**;

S. 3(1) def. of "commissioner" inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(k)).

"decision" has the same meaning as in the **Gambling Regulation Act 2003**;

S. 3(1) def. of "decision" substituted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(b)).

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S. 3(1) def. of
"Director"
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 1(j)).

* * * * *

S. 3(1) def. of
"electronic
monitoring
system"
inserted by
No. 93/1993
s. 4(1)(a).

"electronic monitoring system" means any electronic or computer or communications system or device that is so designed that it may be used, or adapted, to send or receive data from gaming equipment in relation to the security, accounting or operation of gaming equipment;

"employ" includes engage under a contract for services;

S. 3(1) def. of
"exclusion
order"
amended by
Nos 17/1996
s. 24(a),
38/2002
s. 3(2)(a).

"exclusion order" means a written or oral order under section 72 or a written order under section 74 prohibiting a person from entering, or remaining in, a casino;

S. 3(1) def. of
"Executive
Commissioner"
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 1(k)).

"Executive Commissioner" has the same meaning as in the **Gambling Regulation Act 2003**;

"game" means a game of chance or a game that is partly a game of chance and partly a game requiring skill;

S. 3(1) def. of
"Gaming
Commission"
inserted by
No. 93/1993
s. 4(1)(b),
repealed by
No. 37/1994
s. 229(b).

* * * * *

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"gaming equipment" means any device or thing (including chips) used, or capable of being used, for or in connection with gaming and includes—

- (a) a gaming machine; and
- (b) linked jackpot equipment; and
- (c) an electronic monitoring system; and
- (d) a part of, or replacement part for, any such machine, equipment or system—

but does not include interactive gaming equipment within the meaning of the **Interactive Gaming (Player Protection) Act 1999** that is used or intended to be used for the purposes of interactive games within the meaning of that Act and not for gaming of any other kind;

"gaming machine" has the same meaning as in the **Gambling Regulation Act 2003**;

"gaming operator" has the same meaning as in the **Gambling Regulation Act 2003**;

S. 3(1) def. of "gaming equipment" amended by Nos 93/1993 s. 4(1)(c), 41/1999 s. 75(a).

S. 3(1) def. of "gaming machine" inserted by No. 93/1993 s. 4(1)(d), amended by No. 41/1999 s. 75(b), substituted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(c)).

S. 3(1) def. of "gaming operator" inserted by No. 44/1995 s. 4, substituted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(d)).

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S. 3(1) def. of
"inspector"
substituted by
Nos 37/1994
s. 229(c),
17/1996
s. 24(b),
114/2003
s. 12.1.2
(Sch. 5
item 1(e)).

"inspector" has the same meaning as in the
Gambling Regulation Act 2003;

S. 3(1) def. of
"interstate
Chief
Commissioner"
inserted by
No. 38/2002
s. 3(2)(b).

"interstate Chief Commissioner" means the
chief officer (however designated) of the
police force of another State or a Territory;

S. 3(1) def. of
"interstate
exclusion
order"
inserted by
No. 38/2002
s. 3(2)(b).

"interstate exclusion order" means an order
made by an interstate Chief Commissioner of
a similar nature to an exclusion order made
under section 74;

S. 3(1) def. of
"jackpot"
inserted by
No. 93/1993
s. 4(1)(e).

"jackpot" means the combination of letters,
numbers, symbols or representations
required to be displayed on the reels or video
screen of a gaming machine so that the
winnings in accordance with the prize payout
scale displayed on the machine are payable
from money which accumulates as
contributions are made to a special prize
pool;

S. 3(1) def. of
"junket"
inserted by
No. 36/1994
s. 4.

"junket" means an arrangement whereby a
person or a group of people is introduced to a
casino operator by a junket organiser or
promoter who receives a commission based
on the turnover of play in the casino
attributable to the persons introduced by the
organiser or promoter or otherwise
calculated by reference to such play;

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"licence", except in Part 4, means a licence granted under Part 2;

"linked jackpot arrangement" means an arrangement whereby 2 or more gaming machines are linked to a device that—

S. 3(1) def. of "linked jackpot arrangement" inserted by No. 93/1993 s. 4(1)(f).

- (a) records, from time to time, an amount which, in the event of a jackpot or other result being obtained on one of those machines, may be payable, or part of which may be payable, as winnings; and
- (b) for the purpose of recording the amount referred to in paragraph (a), receives data from each gaming machine to which the device is linked; and
- (c) is not capable of affecting the outcome of a game on a gaming machine to which the device is linked;

"linked jackpot equipment" means any jackpot meter, payout display, linking equipment, computer equipment, programming or other device (other than a gaming machine) forming, or capable of forming, part of a linked jackpot arrangement;

S. 3(1) def. of "linked jackpot equipment" inserted by No. 93/1993 s. 4(1)(f).

"operations", in relation to a casino, means—

- (a) the conduct of gaming and approved betting competitions in the casino;
- (b) the management and supervision of the conduct of gaming and approved betting competitions in the casino;
- (c) money counting in, and in relation to, the casino;
- (d) accounting procedures in, and in relation to, the casino;

S. 3(1) def. of "operations" amended by No. 36/1994 s. 20(a).

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- (e) the use of storage areas in the casino;
- (f) other matters affecting or arising out of, activities in the casino;

S. 3(1) def. of "operator" inserted by No. 44/1995 s. 4, amended by No. 16/1997 s. 115(a), repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(j)).

* * * * *

S. 3(1) def. of "premium player arrangement" inserted by No. 36/1994 s. 4, amended by No. 73/1996 s. 9.

"premium player arrangement" means an arrangement whereby a casino operator agrees to pay a patron of the casino a commission based on the patron's turnover of play in the casino or otherwise calculated by reference to such play;

S. 3(1) def. of "public interest" or "interest of the public" amended by No. 88/2000 s. 36.

"public interest" or **"interest of the public"** means public interest or interest of the public (except in sections 143 and 151) having regard to the creation and maintenance of public confidence and trust in the credibility, integrity and stability of casino operations;

"record" includes any book, account, document, paper or other source of information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or in any other matter or by any other means;

S. 3(1) def. of "refund" inserted by No. 36/1994 s. 4.

"refund" means the amount of an investment made in a totalisator under this Act which is repayable to an investor (whether wholly or partly) in accordance with the betting rules;

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"spin" has the same meaning as in the **Gambling Regulation Act 2003**;

S. 3(1) def. of "spin" inserted by No. 38/2002 s. 3(3), substituted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(f)).

"spin rate" has the same meaning as in the **Gambling Regulation Act 2003**;

S. 3(1) def. of "spin rate" inserted by No. 38/2002 s. 3(3), substituted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(g)).

"this Act" includes the regulations;

"ticket" in relation to a totalisator, includes card, token or thing entitling or purporting to entitle any person to any interest in any dividend, division or distribution of any money by means of, or in connection with, or as the result of, the operation of a totalisator;

S. 3(1) def. of "ticket" inserted by No. 36/1994 s. 4.

"totalisator" has the same meaning as in the **Gambling Regulation Act 2003**;

S. 3(1) def. of "totalisator" inserted by No. 36/1994 s. 4, substituted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(h)).

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S. 3(1) def. of "venue operator" inserted by No. 44/1995 s. 4, substituted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(i)).

"venue operator" has the same meaning as in the **Gambling Regulation Act 2003**.

(2) In this Act—

- (a) a reference to a function includes a reference to a power, authority or duty; and
- (b) a reference to the exercise of a function includes, in relation to a duty, a reference to the performance of the duty.

S. 3(3) inserted by No. 93/1993 s. 4(2).

(3) The Governor in Council, on the recommendation of the Authority, may, by Order published in the Government Gazette, declare a machine, or type of machine, to be a gaming machine.

4. Meaning of "associate"

S. 4(1) amended by No. 17/1996 s. 25(a)(b).

(1) For the purposes only of sections 9, 20, 28 and 28A, a person is an "associate" of a casino operator or an applicant for a casino licence if the person—

S. 4(1)(a) amended by No. 17/1996 s. 25(c).

- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the casino business of the operator or applicant, and by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that casino business; or

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(b) holds or will hold any relevant position, whether in right of the person or on behalf of any other person, in the casino business of the operator or applicant.

S. 4(1)(b)
amended by
No. 17/1996
s. 25(d).

(2) In this section—

"relevant financial interest", in relation to a business, means—

- (a) any share in the capital of the business;
or
- (b) any entitlement to receive any income derived from the business;

"relevant position", in relation to a business, means the position of director, manager, or other executive position or secretary, however that position is designated;

"relevant power" means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

- (a) to participate in any directorial, managerial, or executive decision; or
- (b) to elect or appoint any person to any relevant position.

* * * * *

S. 5
amended by
No. 37/1994
s. 229(d),
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 2).

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s. 6

PART 2—LICENSING OF CASINOS

6. Licensed casinos declared lawful

S. 6(1)
amended by
Nos 93/1993
s. 5, 114/2003
s. 12.1.2
(Sch. 5
item 3(a)).

- (1) Subject to this Act and the **Gambling Regulation Act 2003**, the conduct and playing of a game and the use of gaming equipment is lawful when the game is conducted, and the gaming equipment is provided, in a casino by or on behalf of the casino operator.

S. 6(1A)
inserted by
No. 36/1994
s. 17.

- (1A) Despite the provisions of any other Act or law, a bet made in an approved betting competition and the use of a totalisator in such a competition are lawful when the competition is conducted in accordance with this Act.

S. 6(2)
amended by
Nos 36/1994
s. 20(b),
16/1997
s. 115(b),
114/2003
s. 12.1.2
(Sch. 5
item 3(b)).

- (2) Except to the extent (if any) that the regulations otherwise provide, and except to the extent that Chapter 3 of the **Gambling Regulation Act 2003** otherwise provides, that Act does not apply to the conduct and playing of a game or approved betting competition and the use of gaming equipment when the game or approved betting competition is conducted and the gaming equipment is provided in a casino by or on behalf of the casino operator.

- (3) This section does not operate to enable a proceeding to be brought to recover—

S. 6(3)(a)
amended by
No. 36/1994
s. 20(c).

- (a) money won in the course of gaming or betting in a casino; or
- (b) money or a cheque or other instrument given in payment of money so won; or

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- (c) a loan of money to be wagered in the course of gaming or betting in a casino—

S. 6(3)(c)
amended by
No. 36/1994
s. 20(c).

unless the money was won from or wagered with a casino operator.

- (4) The conduct of operations in a casino in accordance with this Act and the conditions of the relevant casino licence is not a public or private nuisance.

7. Ministerial directions as to requirements for casinos

- (1) The Minister must ensure that—
- (a) no expressions of interest in the establishment of a casino are called for; and
 - (b) no invitations for applications for casino licences are issued; and
 - (c) no application for a casino licence is received—

under or for the purposes of this Act unless regulations are in force prescribing—

- (d) the maximum permissible number of casinos;
 - (e) the permissible locations for casinos;
 - (f) the required style and size of casinos generally or of any particular casino;
 - (g) such other matters (if any) as the Minister considers relevant to the expressions of interest, invitations or applications.
- (2) The Commission must not grant a casino licence if to do so would be inconsistent with the regulations.

S. 7(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 4).

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s. 8

S. 7(3)
amended by
No. 34/1993
s. 17(1).

(3) An amendment or purported amendment of a provision of regulations referred to in sub-section (1), being a provision prescribing a matter referred to in sub-section (1)(d), (e), (f) or (g), is void if it is made after any expressions of interest in the establishment of a casino are called for, invitations for casino licences issued, or application for a casino licence received.

S. 7(4)
inserted by
No. 93/1993
s. 6.

(4) Sub-section (2) and regulations made under this section do not apply to the establishment of the Melbourne Casino on the temporary casino site referred to in Part 9A.

8. Application for casino licence

S. 8(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 4).

(1) A person may on or after 1 December 1992 apply to the Commission to be granted a casino licence.

S. 8(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 4).

(2) An application for a licence must be made in a form in or to the effect of the form approved by the Commission and must be accompanied by the prescribed fee.

S. 8(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 4).

(3) The application must contain or be accompanied by such additional information as the Commission may request.

S. 8(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 4).

(4) If a requirement made by this section is not complied with, the Commission may refuse to consider the application.

S. 8(5)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 4).

(5) If an application is refused under sub-section (4) or withdrawn by the applicant, the Commission, at its discretion, may refund the whole or part of the application fee.

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9. Matters to be considered in determining applications

- (1) The Commission must not grant an application for a casino licence unless satisfied that the applicant, and each associate of the applicant (as defined in section 4), is a suitable person to be concerned in or associated with the management and operation of a casino. **S. 9(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 4).**
- (2) In particular, the Commission must consider whether— **S. 9(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 4).**
- (a) each such person is of good repute, having regard to character, honesty and integrity;
 - (b) each such person is of sound and stable financial background;
 - (c) in the case of an applicant that is not a natural person, the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;
 - (d) the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the proposed casino and the services of persons who have sufficient experience in the management and operation of a casino;
 - (e) the applicant has sufficient business ability to establish and maintain a successful casino;
 - (f) any of those persons has any business association with any person, body or association who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources; **S. 9(2)(f) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 4).**

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S. 9(2)(g)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 4).

- (g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity.

10. Investigation of application

S. 10(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 5(a)).

- (1) On receiving an application for a casino licence, the Commission must cause to be carried out all such investigations and inquiries as it considers necessary to enable it to consider the application properly.

S. 10(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 5(a)).

- (2) In particular, the Commission—
- (a) may require any person it is investigating in relation to the person's suitability to be concerned in or associated with the management or operation of a casino to consent to having his or her photograph, finger prints and palm prints taken;
- (b) must refer a copy of the application and of any such photograph, finger prints and palm prints and any supporting documentation to the Chief Commissioner of Police.

S. 10(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 5(a)(b)).

- (3) The Chief Commissioner of Police must inquire into and report to the Commission on such matters concerning the application as the Commission requests.

S. 10(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 5(a)).

- (4) The Commission may refuse to consider an application for a casino licence if any person from whom it requires a photograph, finger prints or palm prints under this section refuses to allow his or her photograph, finger prints or palm prints to be taken.

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11. Commission may require further information etc.

S. 11
(Heading)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 6).

(1) The Commission may, by notice in writing, require a person who is an applicant for a casino licence or a person whose association with the applicant is, in the opinion of the Commission, relevant to the application to do any one or more of the following—

S. 11(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 7).

- (a) to provide, in accordance with directions in the notice, any information, verified by statutory declaration, that is relevant to the investigation of the application and is specified in the notice; and
- (b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them; and
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); and
- (d) to furnish to the Commission any authorities and consents that the Commission directs for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the person and his or her associates or relations from other persons.

S. 11(1)(d)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 7).

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S. 11(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 7).

- (2) If a requirement made under this section is not complied with, the Commission may refuse to consider the application concerned.

12. Updating of application

S. 12(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 7).

- (1) If a change occurs in the information provided in or in connection with an application for a casino licence (including in any documents lodged with the application), before the application is granted or refused, the applicant must forthwith give the Commission written particulars of the change verified by statutory declaration.

Penalty: 50 penalty units.

S. 12(1A)
inserted by
No. 88/2000
s. 37(1),
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 7).

- (1A) If—

S. 12(1A)(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 7).

- (a) the Commission requires information (including information in any records) from a person referred to in section 11 whose association with the applicant is in the opinion of the Commission relevant to the application; and

- (b) a change occurs in that information before the application is granted or refused—

that person must forthwith give the Commission written particulars of the change.

Penalty: 50 penalty units.

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- (2) When particulars of the change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of sub-section (1) or (1A) to any further change in the information provided.

S. 12(2)
amended by
No. 88/2000
s. 37(2).

13. Determination of applications

- (1) The Commission must determine an application by either granting or refusing the application and must notify the applicant in writing of its decision.

S. 13(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 7).

- (2) A licence may be granted subject to such conditions as the Commission thinks fit.

S. 13(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 7).

- (3) Without limiting the matters to which conditions may relate, the conditions of a licence may relate to any matter for which provision is made by this Act but must not be inconsistent with a provision of this Act.

* * * * *

S. 13(4)
repealed by
No. 88/2000
s. 38.

- (5) If an application is granted, the licence is granted for the term, subject to the conditions and for the location specified in the licence.

14. Authority may agree to exclusivity

- (1) On or after 1 December 1992, the Authority may, with the approval of the Minister, enter into an agreement with a person, in connection with the grant of a casino licence to the person, binding the Authority for a specified period not to grant another casino licence for a location within a

S. 14
amended by
No. 38/2002
s. 4 (ILA
s. 39B(1)).

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specified distance from the location of the person's casino or not to grant another casino licence for a casino of a specified kind for such a location.

S. 14(2)
inserted by
No. 38/2002
s. 4.

(2) The Authority cannot enter into any agreement under this section on or after the commencement of section 4 of the **Gaming Legislation (Amendment) Act 2002**.

S. 14(3)
inserted by
No. 38/2002
s. 4,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 8).

(3) Sub-section (2) does not prevent the Authority or the Commission from amending or varying any agreement made under this section before the commencement referred to in that sub-section after that commencement in accordance with the terms of the agreement.

15. Management agreement

S. 15(1)
amended by
Nos 94/1993
s. 18(a)(b),
114/2003
s. 12.1.2
(Sch. 5
item 9).

(1) The Commission must not grant a licence unless—

(a) an agreement in writing has been entered into on or after 1 December 1992 between the Minister for and on behalf of the State and the proposed casino operator identifying the casino to be the subject of the licence and containing any terms and conditions that the Minister thinks fit; and

(b) the Agreement has been ratified by the Parliament.

S. 15(1)(b)
inserted by
No. 94/1993
s. 18(b).

S. 15(2)
amended by
No. 94/1993
s. 18(c).

(2) An agreement referred to in sub-section (1) may be varied by the parties but has no effect unless it is ratified by the Parliament.

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16. Amendment of conditions

- (1) The conditions of a casino licence may be amended in accordance with this section.
- (2) An amendment may be proposed—
- (a) by the casino operator by requesting the Commission in writing to make the amendment; or
 - (b) by the Commission by giving notice in writing of the proposed amendment to the casino operator.
- (3) The Commission must give the casino operator at least 14 days to make submissions to the Commission concerning any proposed amendment (whether proposed by the Commission or the licensee) and must consider the submissions made.
- (4) The Commission must then decide whether to make the proposed amendment, either with or without changes from that originally proposed, and must notify the casino operator of its decision.
- (5) Any amendment that the Commission decides upon takes effect when notice of the decision is given to the casino operator or on any later date that may be specified in the notice.
- S. 16(2)(a) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 9).
- S. 16(2)(b) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 9).
- S. 16(3) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 9).
- S. 16(4) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 9).
- S. 16(5) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 9).

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S. 17
(Heading)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 10).

17. Commission to define casino premises

- (1) The boundaries of a casino, as at the time when the casino licence is granted, must be defined by the casino licence within the location for which the licence is granted.
- (2) The Commission may from time to time redefine the boundaries of a casino, at the location for which the licence is granted, as the Commission thinks fit and may do so of its own motion or on the application of the casino operator.
- (3) An application for the redefining of the boundaries of a casino must be accompanied by the prescribed fee.
- (4) The defining or redefining of the boundaries of a casino takes effect when the Commission gives written notice of it to the casino operator concerned or any later date specified in the notice.

S. 17(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 11).

S. 17(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 11).

18. Duration of casino licence

A casino licence remains in force for the period for which it was granted, as specified in the licence, unless it is sooner cancelled or surrendered under this Act.

S. 19
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 12).

19. Mortgage etc. of casino licence

A casino operator must not mortgage, charge or otherwise encumber the casino licence except with the prior approval of the Commission.

20. Cancellation, suspension or variation of casino licence

- (1) In this section—

"disciplinary action" means the cancellation or suspension of a casino licence, the issuing of a letter of censure, the variation of the terms of a casino licence or the imposition of a fine not exceeding \$1 000 000;

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"grounds for disciplinary action" in relation to a casino licence means any of the following grounds—

- (a) that the licence was improperly obtained in that, at the time the licence was granted, there were grounds for refusing it;
 - (b) that the casino operator, a person in charge of the casino, an agent of the casino operator or a casino employee has contravened a provision of this Act or a condition of the licence;
 - (c) that the casino premises are, for specified reasons, no longer suitable for the conduct of casino operations;
 - (d) the casino operator is, for specified reasons, considered to be no longer a suitable person to hold the licence;
 - (da) the casino operator has failed to comply with a direction under section 28A(5) within the time referred to in that subsection to terminate an association with an associate;
 - (e) for specified reasons, it is considered to be no longer in the public interest that the licence should remain in force.
- (2) The Commission may serve on a casino operator a notice in writing affording the casino operator an opportunity to show cause within 14 days why disciplinary action should not be taken on grounds for disciplinary action specified in the notice.

S. 20(1) def. of "grounds for disciplinary action" amended by No. 17/1996 s. 26(1).

S. 20(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 12).

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S. 20(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 12).

(3) The casino operator, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken and the Commission must consider any submissions so made.

S. 20(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 12).

(4) The Commission may then take disciplinary action against the casino operator as the Commission sees fit and does so by giving written notice to the casino operator—

(a) of the cancellation or suspension of the casino licence, the variation of the terms of the licence or the imposition of the fine; or

(b) in the form of a letter of censure; or

S. 20(4)(b)
amended by
No. 17/1996
s. 26(2).

(c) any combination of the sanctions referred to in paragraph (a) or paragraphs (a) and (b).

S. 20(4)(c)
inserted by
No. 17/1996
s. 26(2).

(5) The cancellation, suspension or variation of a casino licence under this section takes effect when the notice is given or on a later date specified in the notice.

(6) A letter of censure may censure the casino operator in respect of any matter connected with the operation of the casino and may include a direction to the casino operator to rectify within a specified time any matter giving rise to the letter of censure.

S. 20(7)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 12).

(7) If any direction given under sub-section (6) is not complied with in the specified time, the Commission may by giving written notice to the casino operator, cancel, suspend or vary the terms of the casino licence or impose a fine not exceeding \$1 000 000 without affording the casino operator a further opportunity to be heard.

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- (8) A casino licence is of no effect for the purposes of section 6 while it is suspended but the suspension does not affect its operation for any other purpose.
- (9) A fine imposed under this section may be recovered as a debt due to the State.
- (10) A member of the Commission who has participated in consideration of disciplinary action is not prevented by that reason alone from considering whether further disciplinary action should be taken.

S. 20(10) inserted by No. 17/1996 s. 26(3), amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 12).

21. Surrender of licence

- (1) A casino operator may surrender the casino licence by giving notice in writing to the Commission.
- (2) The surrender takes effect only if the Commission consents to the surrender.

S. 21(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 12).

S. 21(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 12).

22. Appointment of a manager if licence cancelled or suspended

- (1) If a casino licence is suspended, cancelled or surrendered, the Commission may, if it is satisfied that it is in the public interest to do so, by instrument appoint a manager of the casino for the purposes of this section.
- (2) In appointing a person to be a manager, the Commission must have regard to the suitability of the person.

S. 22(1) amended by Nos 34/1993 s. 6(1), 114/2003 s. 12.1.2 (Sch. 5 item 12).

S. 22(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 12).

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S. 22(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 12).

(3) A manager is appointed on such terms and conditions as the Commission thinks fit.

S. 22(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 12).

(4) The appointment of a manager of a casino may be terminated at any time by the Commission and is terminated by the grant of another casino licence in respect of the casino.

(5) If the appointment of the manager is terminated, the manager ceases to be deemed to be the holder of a casino licence.

(6) A manager—

S. 22(6)(a)
amended by
Nos 34/1993
s. 6(2),
114/2003
s. 12.1.2
(Sch. 5
item 12).

(a) is deemed to be the holder of a casino licence on the same terms as those on which the casino operator held the licence before its cancellation, suspension or surrender, subject to such modifications as the Commission determines;

S. 22(6)(b)
amended by
No. 93/1993
s. 7(1)(a).

(b) assumes full control of and responsibility for the business of the casino operator in respect of the casino and may retain for use in the casino any property of the casino operator; and

(c) must conduct, or cause to be conducted, casino operations in accordance with this Act; and

S. 22(6)(d)
amended by
No. 93/1993
s. 7(1)(b).

(d) has, in connection with the conduct of those operations, all the functions of the operator; and

S. 22(6)(e)
inserted by
No. 93/1993
s. 7(1)(b).

(e) may employ such staff as may be required to operate the casino.

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- (7) The regulations may make provision for or with respect to the functions of a manager appointed under this section.
- (8) The following provisions have effect in respect of the net earnings of a casino while operations in the casino are being conducted by a manager under this section—
- (a) subject to paragraph (b), no payment of net earnings is to be made to the former casino operator without the prior approval of the Commission;
 - (b) the former casino operator is entitled to a fair rate of return out of net earnings (if any) on any property of the former casino operator retained by the manager;
 - (c) the Commission may direct that all or any part of net earnings (other than that referred to in paragraph (b)) must be paid into the Consolidated Fund, with any balance to be paid to the former casino operator.

S. 22(8)
inserted by
No. 93/1993
s. 7(2).

S. 22(8)(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 12).

S. 22(8)(c)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 12).

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PART 3—SUPERVISION AND CONTROL OF CASINO OPERATORS

Division 1—Directions, investigations etc.

23. Directions to operator

S. 23(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 13).

- (1) The Commission may give to a casino operator a written direction that relates to the conduct, supervision or control of operations in the casino and the operator must comply with the direction as soon as it takes effect.
Penalty: 50 penalty units.
- (2) The direction takes effect when the direction is given to the casino operator or on a later date specified in the direction.
- (3) The power conferred by this section includes a power to give a direction to a casino operator to adopt, vary, cease or refrain from any practice in respect of the conduct of casino operations.
- (4) A direction under this section must not be inconsistent with this Act or the conditions of the casino licence.
- (5) If a person is convicted of an offence under this section and persists in the contravention that constitutes the offence, the person is to be taken to commit a further offence on each day that the contravention continues and may be prosecuted accordingly.

Penalty for each such offence: 20 penalty units.

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24. General investigations

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| (1) The Commission may investigate a casino from time to time and at any time that the Commission thinks it desirable to do so and, if it is directed to do so by the Minister, must investigate the casino. | S. 24(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 13). |
| (2) The investigation may include (but is not limited to) an investigation of any or all of the following matters— | |
| (a) the casino and operations in the casino; | |
| (b) the casino operator or a person who, in the opinion of the Commission, is an associate of the casino operator; | S. 24(2)(b) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 13). |
| (c) a person or persons who in the opinion of the Commission could affect the exercise of functions in or in relation to the casino; or | S. 24(2)(c) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 13). |
| (d) a person or persons who, in the opinion of the Commission, could be in a position to exercise direct or indirect control over the casino operator, or an associate of the casino operator, in relation to functions in or in relation to the casino. | S. 24(2)(d) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 13). |
| (3) The Commission may make a report to the Minister on the results of such an investigation if it thinks it desirable to do so and must make such a report if the investigation was made at the direction of the Minister. | S. 24(3) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 13). |
| (4) A function of the Commission under this section may be performed by the Executive Commissioner. | S. 24(4) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 14). |

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25. Regular investigations of casino operator's suitability etc.

S. 25(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 15).

(1) Not later than 3 years after the commencement of operations in a casino, and thereafter at intervals not exceeding 3 years, the Commission must investigate and form an opinion as to whether or not—

- (a) the casino operator is a suitable person to continue to hold the casino licence; and
- (b) it is in the public interest that the casino licence should continue in force.

S. 25(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 15).

(2) The Commission must report its findings and opinion to the Minister, giving reasons for its opinion and must take whatever action it considers appropriate in the light of its findings.

26. Operator to provide information

S. 26(1)
amended by
Nos 88/2000
s. 39(a)(b),
114/2003
s. 12.1.2
(Sch. 5
item 15).

(1) The Commission may, by notice in writing, require a casino operator or a person who was a casino operator or a person who, in the opinion of the Commission, is or was directly or indirectly associated with the operator—

S. 26(1)(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 15).

(a) to provide the Commission or an authorised person, in accordance with directions in the notice, with such information relevant to the operator or that association or to the casino, or with such information as the Commission requires, as is specified in the notice; or

S. 26(1)(b)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 15).

(b) to produce to the Commission or an authorised person, in accordance with the directions in the notice, such records relevant to the operator or that association or to the casino, or to matters specified by the Commission, as are specified in the notice and to permit examination of those records,

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- the taking of extracts from them and the making of copies of them; or
- (c) to attend before the Commission or an authorised person for examination in relation to any matters relevant to the operator or that association or to the casino, or to matters specified by the Commission, and to answer questions relating to those matters. S. 26(1)(c) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 15).
- (2) A person is not excused from complying with a notice under this section on the ground that compliance might tend to incriminate the person but, if the person, in writing given to the Commission, claims, before complying with the notice, that compliance might tend to incriminate the person, information provided in compliance with the notice is not admissible in evidence against the person in criminal proceedings other than proceedings under this Act. S. 26(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 15).
- (3) If records are produced under this section, the Commission or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from them and the making of copies of them. S. 26(3) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 15).
- (4) At any reasonable times during the period for which records are retained, the Commission or authorised person must permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Commission or an authorised person. S. 26(4) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 15).
- (5) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.
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S. 26(6)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 16).

- (6) A function of the Commission under this section may be performed by any commissioner.

27. Failure to provide information punishable as contempt

S. 27(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 17).

- (1) If the Commission is satisfied that a person has, without reasonable excuse, failed to comply with a requirement of a notice under section 26, the Commission may certify the failure to the Supreme Court.

S. 27(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 17).

- (2) If the Commission so certifies, the Supreme Court may inquire into the case and—
- (a) order the person to comply with the requirements within a period specified by the Court; or
 - (b) if the Court is satisfied that the person failed, without reasonable excuse, to comply with the requirement—punish the person as if the person were in contempt of the Court and, if it thinks fit, also make an order under paragraph (a).

28. Change in situation of casino operator

- (1) In this section—
- "associate"** has the same meaning as in section 4;
- "major change"** in the situation existing in relation to a casino operator means—
- (a) any change in that situation which results in a person becoming an associate of the casino operator; or
 - (b) any other change in that situation which is of a class or description prescribed as major for the purposes of this section;

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"minor change" in the situation existing in relation to a casino operator means any change in that situation that is prescribed as a minor change for the purposes of this section.

(2) A casino operator must—

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| (a) ensure that a major change in the situation existing in relation to the operator which is within the operator's power to prevent occurring does not occur except with the prior approval in writing of the Commission; and | S. 28(2)(a) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 17). |
| (b) notify the Commission in writing of the likelihood of any major change in the situation existing in relation to the operator to which paragraph (a) does not apply as soon as practicable after the operator becomes aware of the likelihood of the change; and | S. 28(2)(b) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 17). |
| (c) notify the Commission in writing of any major change in the situation existing in relation to the operator to which paragraphs (a) and (b) do not apply within 3 days after becoming aware that the change has occurred; and | S. 28(2)(c) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 17). |
| (d) notify the Commission in writing of any minor change in the situation existing in relation to the operator within 14 days after becoming aware that the change has occurred. | S. 28(2)(d) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 17). |

Penalty: 50 penalty units.

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| (3) If a major change for which the approval of the Commission is sought under this section involves a person becoming an associate of the casino operator, the Commission must not grant its approval unless satisfied that the person is a | S. 28(3) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 17). |
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suitable person to be associated with the management of a casino.

(4) Sections 10 and 11 apply to and in respect of an application for approval under this section in the same way that they apply to and in respect of an application for a licence.

S. 28(5) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 17).

(5) If a major change is proposed or has occurred involving a person becoming an associate of the casino operator and the approval of the Commission to the change is not required—

S. 28(5)(a) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 17).

(a) the Commission must inquire into the change to determine whether it is satisfied that the person is a suitable person to be associated with the management of a casino; and

(b) if it is not so satisfied, must take such action as it considers appropriate.

S. 28AA inserted by No. 88/2000 s. 41, amended by No. 114/2003 s. 12.1.2 (Sch. 5 items 18, 19) (LA s. 39B(1)).

28AA. Change in situation of associate

(1) Whenever a change of a kind specified by the Commission in writing given to an associate of a casino operator takes place in the situation existing in relation to the associate of the casino operator, the associate must notify the Commission in writing of the change within 14 days after it takes place.

Penalty: 20 penalty units.

S. 28AA(2) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 19).

(2) A function of the Commission under this section may be performed by any commissioner.

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s. 28A

28A. On-going monitoring of associates and others

S. 28A
inserted by
No. 17/1996
s. 27.

- (1) The Commission may from time to time investigate—
- (a) an associate, or a person likely to become an associate, of a casino operator; or
 - (b) any person, body or association having a business association with a person referred to in paragraph (a).
- (2) A casino operator must—
- (a) notify the Commission in writing that a person is likely to become an associate as soon as practicable after the casino operator becomes aware of the likelihood; and
 - (b) take all reasonable steps to ensure that a person does not become an associate except with the prior approval in writing of the Commission.
- (3) If the Commission, having regard to the matters referred to in sub-section (4), determines that an associate is unsuitable to be concerned in or associated with the business of the casino operator, the Commission may, by notice in writing, require the associate to terminate the association with the casino operator.
- (4) In particular, the Commission must consider whether the associate—
- (a) is of good repute, having regard to character, honesty and integrity;
 - (b) is of sound and stable financial background;

S. 28A(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

S. 28A(2)(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

S. 28A(2)(b)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

S. 28A(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

S. 28A(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

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S. 28A(4)(c)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

(c) has any business association with any person, body or association who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.

S. 28A(4A)
inserted by
No. 88/2000
s. 42,
amended by
No. 114/2003
s. 12.1.2
(Sch 5 item
20(a)(b)).

(4A) If the Commission determines that an associate of a casino operator has engaged or is engaging in conduct that, in the Commission's opinion, is unacceptable for a person who is concerned in or associated with the ownership, management or operation of the business of the casino operator, the Commission may—

(a) issue a written warning to the associate that the conduct is unacceptable; or

(b) give written notice to the associate requiring the associate to give a written undertaking to the Commission, within the period specified in the notice, regarding the future conduct of the associate.

S. 28A(4A)(b)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

(4B) If the associate fails to give an undertaking required under sub-section (4A)(b) or breaches an undertaking given under that provision, the Commission may give the associate written notice requiring the associate to terminate, within 14 days or a longer period agreed with the Commission, the association with the casino operator.

S. 28A(4B)
inserted by
No. 88/2000
s. 42,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

(5) If the association is not terminated within 14 days from the date of the notice referred to in sub-section (3) or (4B) or any longer period agreed with the Commission, the Commission may, by notice in writing, direct the casino operator to take all reasonable steps to terminate the association and the casino operator must comply with the direction within 14 days or any longer period agreed with the Commission.

S. 28A(5)
substituted by
No. 88/2000
s. 42,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

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(6) The Commission—

- (a) may require an associate or person likely to become an associate to consent to having his or her photograph, finger prints and palm prints taken; and
- (b) must refer a copy of such photograph, finger prints and palm prints and any supporting documents to the Chief Commissioner of Police.

S. 28A(6)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 20(a)).

(7) A function of the Commission under this section may be performed by the Executive Commissioner.

S. 28A(7)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 21).

Division 2—Contracts

29. Definitions

(1) In this Division—

"contract" includes any kind of agreement or arrangement;

"controlled contract", in relation to a casino operator, means a contract that relates wholly or partly to the supply of goods or services to the casino or to any other matter that is specified by the Commission by notice in writing given to the casino operator as a controlled matter for the purposes of this definition but does not include a contract that relates solely to—

S. 29(1) def. of
"controlled
contract"
amended by
Nos 93/1993
s. 8(1),
36/1994
s. 5(1),
38/2002 s. 5,
114/2003
s. 12.1.2
(Sch. 5
item 22(a)(b)).

- (a) the construction of the casino; or
- (b) the alteration of premises used or to be used as the casino; or

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s. 29

- (ba) the supply, maintenance, repair or modification of gaming machines or gaming equipment relating to gaming machines, being a contract between the casino operator and a person listed on the Roll under the **Gambling Regulation Act 2003**; or
- (c) any other class of matter specified by the Commission by notice in writing given to the casino operator as not being controlled matter for the purposes of this definition; or
- (ca) a class of contract of a kind approved under sub-section (1A); or
- (d) any other class of contract specified by the Commission by notice in writing given to the casino operator as not being a controlled contract for the purposes of this definition.

S. 29(1A)
inserted by
No. 36/1994
s. 5(2),
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 22(a)).

(1A) The Commission may, by notice in writing given to the casino operator, approve an agreement or arrangement with a specified person for the supply of specified goods or services as an agreement or arrangement that is not a contract to which this Division applies.

S. 29(1B)
inserted by
No. 88/2000
s. 40(1),
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 22(a)).

(1B) The Commission may, by notice in writing given to the casino operator, exempt the casino operator from any of the requirements or provisions of this Division (except section 35) that are specified in the notice in relation to contracts if the Commission is satisfied that the system of internal controls and administrative and accounting procedures approved by the Commission under section 121 in relation to the casino operator adequately provide for compliance with this Division.

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Part 3—Supervision and Control of Casino Operators

s. 30

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- (1C) The notice may specify that it applies to contracts generally or to the classes of contracts specified in the notice. **S. 29(1C) inserted by No. 88/2000 s. 40(1).**
- (2) The Commission must publish in its annual report all classes of matter and all classes of contract specified by the Commission under paragraph (c), (ca) or (d) of the definition of "controlled contract" in sub-section (1) during the previous year. **S. 29(2) inserted by No. 93/1993 s. 8(2), amended by Nos 36/1994 s. 5(3), 114/2003 s. 12.1.2 (Sch. 5 item 22(a)).**
- 30. Requirements for controlled contracts** **S. 30 substituted by No. 93/1993 s. 9.**
- (1) A casino operator must not enter into or be a party to, or to the variation of, a contract that is a controlled contract in relation to that operator unless—
- (a) the operator has given notice in writing to the Commission of the details of the proposed contract or variation at least 28 days (or any shorter period approved by the Commission in a particular case or in respect of a particular class of contract) before entering into or becoming a party to it; and **S. 30(1)(a) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 23).**
- (b) the Commission has not, within that period, given notice in writing to the operator that the Commission objects to the proposed contract or requires further time, the further period to be specified in the notice, to conduct its investigations. **S. 30(1)(b) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 23).**
- Penalty: 100 penalty units.
- (1A) A function of the Commission under sub-section (1) may be performed by any commissioner. **S. 30(1A) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 24).**
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S. 30(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 23).

- (2) If the Commission notifies the casino operator that it requires further time to conduct its investigations, the operator must not enter into the contract until the expiration of the period specified in the notice.

Penalty: 100 penalty units.

S. 30(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 23).

- (3) If the Commission notifies the casino operator that it objects to the proposed contract, the operator must not enter into the contract.

Penalty: 100 penalty units.

S. 30(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 23).

- (4) The Commission must not object to a proposed contract unless it has first inquired into the operation of the contract and the suitability of each person who is a party to the contract.

S. 31
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 25).

31. Notice to be given of certain contracts

If—

S. 31(a)
amended by
Nos 93/1993
s. 8(3)(a)(b),
114/2003
s. 12.1.2
(Sch. 5
item 25).

- (a) a casino operator enters into a contract relating solely to a class of matter or class of contract specified by the Commission under section 29 as not being controlled matter or a controlled contract; or

(b) any such contract is varied—

the casino operator must, within 14 days of entering into the contract or the variation is made, as the case may be, give notice in writing to the Commission of that fact and brief particulars of the contract or variation.

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32. Notice to show cause why contract should not be terminated

- (1) The Commission may serve on each party to a controlled contract a notice in writing affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the ground that, for reasons specified in the notice, it is no longer in the public interest that the contract should remain in force.
- (2) The notice must specify the reasons why it is considered that it is not in the public interest for the contract to remain in force.
- (3) The person may, within the period specified in the notice, arrange with the Commission for the making of submissions as to why the contract should not be terminated.
- (4) After considering any submissions so made, the Commission may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.
- (5) If the contract is not terminated as required by the notice, it is terminated by this Act.

S. 32(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 25).

S. 32(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 25).

S. 32(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 25).

33. Effect of termination

If a contract is terminated in accordance with this Division—

- (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 contract is incurred by a person who was a party to the contract by reason only of that termination; and

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S. 33(c)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 25).

- (c) neither the State nor the Commission incurs any liability by reason of that termination.

34. Offence—giving effect to terminated contract

A party to a contract terminated in accordance with this Division must not give any effect to any part of the contract.

Penalty: 100 penalty units.

35. Parties to contracts to provide information

Section 26 applies in relation to a party to a controlled contract or contract to which section 31 applies in the same way as it applies in relation to a casino operator.

Division 3—Injunctions

S. 36
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 26).

36. Injunctions to prevent contraventions etc.

If a casino operator has engaged or is proposing to engage in conduct that constitutes or would constitute—

- (a) a contravention of a provision of this Act or of a condition of the casino licence; or
- (b) attempting to contravene such a provision; or
- (c) aiding, abetting, counselling or procuring a person to contravene such a provision; or
- (d) inducing, or attempting to induce, whether by threats, promises or otherwise, a person to contravene such a provision; or
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision; or

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Part 3—Supervision and Control of Casino Operators

s. 36

(f) conspiring with others to contravene such a provision—

the Commission may apply to the Supreme Court for an injunction on such terms as the Court determines to be appropriate.

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Part 4—Licensing of Casino Employees

s. 37

PART 4—LICENSING OF CASINO EMPLOYEES

37. Definitions

(1) In this Part—

S. 37(1) def. of
"licence"
amended by
Nos 34/1993
s. 7, 114/2003
s. 12.1.2
(Sch. 5
item 27(a)).

"licence" means a licence issued by the
Commission under this Part;

"licensee" means the holder of a licence under
this Part;

S. 37(1) def. of
"special
employee"
amended by
Nos 36/1994
ss 6,
20(d)(i)(ii),
114/2003
s. 12.1.2
(Sch. 5
item 27(b)).

"special employee" means a person who—

- (a) is employed or working in a casino in a
managerial capacity or who is
authorised to make decisions, involving
the exercise of his or her discretion, that
regulate operations in a casino; or
- (b) is employed or working in a casino in
any capacity relating to the following
activities—
 - (i) the conduct of gaming or
approved betting competitions;
 - (ii) the movement of money or chips
about the casino;
 - (iii) the exchange of money or chips to
patrons in the casino;
 - (iv) the counting of money or chips in
the casino;

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Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 38

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- (iva) the security and surveillance of the casino;
 - (v) the operation, maintenance, construction, or repair of gaming equipment or totalisators;
 - (vi) the supervision of any of the above activities;
 - (vii) any other activity relating to operations in the casino that is specified by the Commission for the purposes of this definition by notice in writing given to the casino operator.

- (2) Nothing in this Part affects the operation of the **Private Agents Act 1966**.

38. Special employees to be licensed

- (1) A person must not exercise in or in relation to a casino any of the functions of a special employee except in accordance with the authority conferred on the person by a licence.

Penalty: 50 penalty units.

- (2) A licence authorises the holder of the licence to exercise in or in relation to the casino the functions specified in the licence subject to the functions being exercised in accordance with the provisions of this Act and the conditions of the licence.
- (3) A casino operator must not—
 - (a) employ or use the services of a person to perform any function of a special employee in or in relation to a casino; or

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Part 4—Licensing of Casino Employees

s. 39

(b) allocate or permit or suffer to be allocated to a person the exercise of any function of a special employee in or in relation to the casino—

unless the person is authorised by a licence to exercise the function concerned.

Penalty: 100 penalty units.

39. Application for licence

S. 39(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 28).

(1) An application for a licence must be in a form approved by the Commission, must be lodged with the Commission and must be accompanied by—

(a) the prescribed fee; and

(b) such documents (if any) as may be specified by the Commission and that the form of application requires accompany the application; and

(c) a certificate by the casino operator who employs or is proposing to employ the applicant as to the competence of the applicant to exercise the functions specified in the certificate.

(2) The information provided in and accompanying the application must be verified by statutory declaration.

S. 39(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 28).

(3) If the applicant is a natural person, the Commission may require the applicant to consent to have taken his or her finger prints or palm prints or both, and a photograph.

(4) An application for a licence may not be made by a person who is under the age of 18 years or is a person within a class of persons prescribed as being ineligible to apply for a licence.

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Part 4—Licensing of Casino Employees

s. 40

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|---|---|
| <p>(5) If a requirement under this section is not complied with, the Commission may refuse to consider the application concerned.</p> | <p>S. 39(5)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 28).</p> |
| <p>(6) A function of the Commission under this section may be performed by any commissioner.</p> | <p>S. 39(6)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 29).</p> |

40. Direction to apply for licence

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|--|---|
| <p>(1) For the purposes of this section, a person has a special relationship with a casino if, in the opinion of the Commission—</p> <ul style="list-style-type: none">(a) the person is associated with the casino operator or is a casino employee, and has the power to exercise a significant influence over or with respect to operations in the casino; or(b) the person is associated with the casino operator or is a casino employee, and it is in the public interest that the person, by reason of his or her remuneration or his or her authority in relation to the operations in the casino, be licensed as a special employee. | <p>S. 40(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 30(a)).</p> |
| <p>(2) The Commission may by notice in writing given to a person who has a special relationship with a casino—</p> <ul style="list-style-type: none">(a) direct that the association or employment that constitutes the special relationship is to be regarded as the exercise by the person of the functions of a special employee; and(b) require the person to apply for the appropriate licence within a specified period of not less than 7 days. | <p>S. 40(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 30(a)).</p> |
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Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 40

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- (3) The association or employment specified in the notice must, for the purposes of this Part, be regarded as the exercise by the person of the functions of a special employee as soon as—
- (a) the period allowed by the direction for the making of an application for the appropriate licence expires with no application having been made; or
 - (b) (if the application is made within that period) the application is determined.
- (4) If this section results in a person who has a special relationship with a casino contravening section 38 (Special employees to be licensed)—

S. 40(4)(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 30(b)).

- (a) the Commission must notify that person and the casino operator of that fact; and

S. 40(4)(b)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 30(b)).

- (b) the person and the casino operator are each guilty of an offence if the association or employment that constitutes the contravention is not terminated within 24 hours (or such longer period as the Commission may allow) after that notice is given.

Penalty: 100 penalty units.

- (5) The termination of an association or employment in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement and the State does not incur any liability because of such a termination.

S. 40(6)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 31).

- (6) A function of the Commission under this section may be performed by any commissioner.

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Part 4—Licensing of Casino Employees

s. 41

41. Updating of application for licence

- (1) If a change occurs in the information provided in or in connection with an application for a licence (including in any documents lodged with the application) before the application is granted or refused, the applicant must forthwith give the Commission written particulars of the change verified by statutory declaration.
- (2) When particulars of the change are given, those particulars are then to be considered to have formed part of the original application, for the purposes of the operation of sub-section (1) in relation to any further change in the information provided.
- (3) A function of the Commission under this section may be performed by any commissioner.

S. 41(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 32).

S. 41(3)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 33).

42. Commission may require further information

- (1) The Commission may, by notice in writing, require a person who is an applicant for a licence or who, in the opinion of the Commission has some association or connection with the applicant that is relevant to the application to do any one or more of the following—
 - (a) to provide, in accordance with directions in the notice, such information, verified by statutory declaration, as is relevant to the investigation of the application and is specified in the notice; or

S. 42
(Heading)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 34).

S. 42(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 35(a)).

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Part 4—Licensing of Casino Employees

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S. 42(1)(c)
amended by
No. 44/1995
s. 7(2)(a).

S. 42(1)(d)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 35(b)).

S. 42(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 35(a)).

S. 42(3)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 36).

- (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them; or
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); or
- (d) to furnish to the Commission such authorities and consents as the Commission directs for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the person and his or her associates or relations from other persons.

- (2) If a requirement made under this section is not complied with, the Commission may refuse to consider the application concerned.
- (3) A function of the Commission under this section may be performed by any commissioner.

43. Applications to be investigated

S. 43(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 37(a)).

- (1) The Commission must investigate each application.

S. 43(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 37(a)).

- (2) If, as a result of the investigation, the Commission decides that an application be refused, the Commission must notify the applicant in writing of that decision.

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 44

*	*	*	*	*	
					S. 43(3) amended by No. 88/2000 s. 43, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 37(b)).
*	*	*	*	*	S. 43(4)–(6) repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 37(b)).

44. Determination of applications

- (1) The Commission must consider an application for a licence and must take into account the investigation under section 43 and any submissions made by the applicant within the time allowed and must make an assessment of—
- (a) the integrity, responsibility, personal background and financial stability of the applicant; and
 - (b) the general reputation of the applicant having regard to character, honesty and integrity; and
 - (c) the suitability of the applicant to perform the type of work proposed to be performed by the applicant as a licensee.
- (2) The Commission must determine the application by either issuing a licence to the applicant or refusing the application and must inform the applicant accordingly.
- (3) The Commission is not required to give reasons for the decision but may give reasons if it thinks fit.

S. 44(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 38(a)).

S. 44(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 38(a)).

S. 44(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 38(a)(b)).

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 45

S. 44(4)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 38(c)).

- (4) A function of the Commission under this section may be performed by any commissioner.

45. Conditions of licence

S. 45(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 39).

- (1) A licence is subject to any condition imposed by the Commission and notified to the licensee on the issue of the licence or during its currency.

S. 45(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 39).

- (2) A condition of a licence may be varied or revoked by the Commission whether or not on application made to the Commission by the licensee.

S. 45(3)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 40).

- (3) A function of the Commission under this section may be performed by any commissioner.

S. 45A
inserted by
No. 93/1993
s. 10,
amended by
Nos 44/1995
s. 5, 16/1997
s. 115(c)(d),
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 41).

45A. Person licensed under Gambling Regulation Act 2003

- (1) A person who holds a special employee's licence, a bingo centre employee's licence or a technician's licence issued under the **Gambling Regulation Act 2003** may apply to the Commission under this section for a special employee's licence under this Act.
- (2) An application under sub-section (1) must be accompanied by—
- (a) the prescribed fee; and
 - (b) a certificate by the venue operator, gaming operator or bingo centre operator who employs or employed the applicant as to the competence of the applicant to exercise the functions specified in the certificate.

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 45B

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- (3) The Commission, if satisfied that the authority given to the applicant by a special employee's licence, a bingo centre employee's licence or a technician's licence issued under the **Gambling Regulation Act 2003** is comparable to the authority conferred by a special employee's licence under this Part, may issue such a licence to the applicant.
 - (4) A function of the Commission under this section may be performed by any commissioner.

45B. Appeals

- (1) If a decision to refuse to grant an application for a licence, or a decision to grant a licence subject to conditions, is made by a single commissioner, the applicant may appeal against the decision to the Commission within 28 days of notification of the decision.
- (2) An appeal must—
 - (a) be in writing; and
 - (b) specify the grounds on which it is made.
- (3) After consideration of an appeal, the Commission may—
 - (a) confirm the decision; or
 - (b) in the case of a decision to refuse an application—grant the application, either unconditionally or subject to conditions; or
 - (c) in the case of a decision to grant an application subject to conditions—vary or remove the conditions.

S. 45B
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 41).

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 46

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- (4) The decision of the Commission on an appeal—
 - (a) must be notified in writing to—
 - (i) the applicant; and
 - (ii) the casino operator who employs or proposes to employ the applicant, if the Commission knows who this is; and
 - (b) may include the reasons for the decision.
 - (5) The Commission as constituted for the purposes of the appeal must not include the commissioner who made the decision appealed against.

46. Identification

S. 46(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 42).

- (1) A special employee, not being a person to whom an exemption under sub-section (2) applies, must at all times while on duty in the casino wear identification of a kind approved by the Commission in such manner as to be visible to other persons in the casino.

S. 46(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 42).

- (2) The Commission may exempt a person or class of persons from the requirements of sub-section (1).

- (3) Identification worn by a special employee in compliance with the **Private Agents Act 1966** is sufficient compliance with this section.

S. 46(4)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 43).

- (4) A function of the Commission under this section may be performed by any commissioner.

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 47

47. Provisional licences

- (1) The Commission may, pending a decision on an application for a licence, grant the applicant a provisional licence. **S. 47(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 44).**
- (2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Commission when issuing the licence. **S. 47(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 44).**
- (3) A provisional licence may be cancelled by the Commission at any time and, unless sooner surrendered or cancelled, ceases to have effect on the approval or refusal of the provisional licensee's application for a licence. **S. 47(3) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 44).**
- (4) This Act applies to a provisional licence in the same way as it applies to a licence (to the extent that it is consistent with this section).
- (5) A function of the Commission under this section may be performed by any commissioner. **S. 47(5) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 45).**

48. Duration of licence

A licence remains in force until whichever of the following happens first—

- (a) the licence is cancelled; or
- (b) the licensee, by notice in writing, surrenders the licence to the Commission; or **S. 48(b) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 46).**

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 49

S. 48(c)
substituted by
No. 93/1993
s. 11(1),
amended by
No. 88/2000
s. 44.

- (c) the expiration of 10 years after the end of the month in which the licence was granted.

49. Renewal of licence

S. 49(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 47).

- (1) A licensee may, not earlier than 1 month before the expiration of his or her current licence, apply to the Commission for a new licence, in which case—

(a) the current licence continues in force until the new licence is issued or its issue is refused; and

(b) if issued, the new licence must be taken to have been granted on the tenth anniversary of the date on which the current licence was granted and must be dated accordingly.

S. 49(1)(b)
amended by
Nos 93/1993
s. 11(2),
104/2004 s. 45.

- (2) An application for a new licence must be made in a form approved by the Commission and must be accompanied by the prescribed fee.

S. 49(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 47).

- (3) This Act (except provisions relating to the form of an application or the issue of a provisional licence) apply to and in relation to—

(a) an application under this section for a new licence;

(b) the determination of such an application; and

(c) any licence issued as a result of such an application—

as if the application has been made by a person other than a licensee.

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 50

- (4) A function of the Commission under this section may be performed by any commissioner.

S. 49(4)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 48).

50. Variation of licence

- (1) Application may be made to the Commission, accompanied by the prescribed fee, for variation of a licence.

S. 50(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 49).

- (2) Except in relation to the fee to accompany the application, this Act applies in relation to such an application in the same way as it applies to an application for a licence.

- (3) If the application is approved, the Commission may vary the licence to which the application relates (or issue a new licence specifying the varied authority).

S. 50(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 49).

51. Loss etc. of licence

- (1) If the Commission is satisfied that a licence has been lost, destroyed or damaged, the Commission may, on payment of the prescribed fee, issue a replacement licence.

S. 51
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
items 49, 50)
(ILA s. 39B(1)).

- (2) A function of the Commission under this section may be performed by any commissioner.

S. 51(2)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 50).

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 52

S. 52
amended by
Nos 98/1994
s. 26, 44/1995
s. 6(1),
16/1997
s. 115(e),
88/2000
s. 45(1),
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 51).

52. Cancellation etc. of licence

(1) In this section—

"disciplinary action" in relation to a licensee,
means any of the following—

- (a) the service of a written notice on the licensee censuring him or her for any action specified in the notice;
- (b) variation of the licence;
- (c) suspension of the licence for a specified period;
- (d) cancellation of the licence;
- (e) cancellation of the licence and disqualification from obtaining or applying for a licence or permit under this Act or the **Gambling Regulation Act 2003** for a specified period not exceeding 4 years;

"grounds for disciplinary action" means any of the following grounds in respect of a licence—

- (a) that the licence was improperly obtained in that, when it was granted there were grounds for refusing it;
- (b) that the licensee has been convicted or found guilty of—
 - (i) an offence against this Act, the **Gambling Regulation Act 2003** or an offence against regulations made under either Act; or
 - (ii) an offence arising out of or in connection with the employment of the licensee under either Act; or

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Part 4—Licensing of Casino Employees

s. 52

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- (iii) whether or not in Victoria, an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine);
 - (c) that the licensee has contravened a condition of the licence;
 - (d) that the licensee has failed to provide information that he or she is required by this Act to provide or has provided information knowing it to be false or misleading;
 - (e) that the licensee has become bankrupt, applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit;
 - (f) that for any reason, the licensee is not a suitable person to be the holder of the licence.
- (2) The Commission may inquire into whether there are grounds for disciplinary action against a licensee.
 - (3) If the Commission decides that disciplinary action be taken against the licensee, the Commission must give the licensee notice of the recommendation and at least 14 days to make submissions to the Commission on the matter.
 - (4) The Commission must consider any submissions made by the licensee within the time allowed and is to decide whether to take disciplinary action against the licensee.
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Part 4—Licensing of Casino Employees

s. 53

- (5) If the Commission decides that there are grounds for disciplinary action against a licensee, the Commission may take the action and does so by giving notice in writing of the action to the licensee.
- (6) The disciplinary action takes effect when the notice is given or on a later date specified in the notice.

53. Suspension of licence

- (1) The Commission may suspend the licence of a licensee by notice in writing given to the licensee if the Commission is satisfied that the licensee has been charged with, found guilty of or convicted of—

S. 53
amended by
Nos 44/1995
s. 6(2),
88/2000
s. 45(2),
114/2003
s. 12.1.2
(Sch. 5
items 52(a),
53) (LA
s. 39B(1)).

S. 53(1)(a)
inserted by
No. 44/1995
s. 6(2),
amended by
No. 16/1997
s. 115(f),
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 52(b)).

S. 53(1)(b)
inserted by
No. 44/1995
s. 6(2).

S. 53(1)(c)
inserted by
No. 44/1995
s. 6(2).

S. 53(2)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 53).

- (a) an offence against this Act, the **Gambling Regulation Act 2003** or an offence against regulations made under either of these Acts;
or

- (b) an offence arising out of or in connection with the employment of the licensee under any of those Acts; or

- (c) whether or not in Victoria, an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine).

- (2) A function of the Commission under this section may be performed by any commissioner.

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Part 4—Licensing of Casino Employees

s. 54

54. Effect etc. of suspension

- (1) During any period of suspension of a licence, the licensee is deemed not to be the holder of a licence.
- (2) The Commission may, at any time, terminate or reduce a period of suspension of a licence.
- (3) A function of the Commission under this section may be performed by any commissioner.

S. 54(2) amended by No. 88/2000 s. 45(3), substituted by No. 114/2003 s. 12.1.2 (Sch. 5 item 54).

S. 54(3) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 54).

54A. Return of licence on suspension or cancellation

If the licence of a licensee is suspended or cancelled, the licensee must return the licence to the Commission within 14 days after the suspension or cancellation.

Penalty: 20 penalty units.

S. 54A inserted by No. 17/1996 s. 28, amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 55).

55. Termination of employment on suspension or cancellation of licence

- (1) If a casino operator receives written notice from the Commission that the licence of an associate of the operator or the licence of an employee has been suspended under section 52 or cancelled, or has otherwise ceased to be in force, the operator must, within 24 hours after receiving the notice—
 - (a) in the case of an associate of the operator, terminate the association that constitutes the exercise of the functions of a special employee; or

S. 55(1) amended by Nos 44/1995 s. 6(3), 114/2003 s. 12.1.2 (Sch. 5 item 56).

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Part 4—Licensing of Casino Employees

s. 56

- (b) in the case of an employee, terminate the employment that constitutes the exercise of the functions of a special employee or cause it to be terminated.

Penalty: 100 penalty units.

- (2) A termination of employment in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement and the State does not incur any liability because of such a termination.

56. Casino operator to provide information relating to licensees

- (1) A casino operator—

S. 56(1)(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 57).

- (a) within 7 days after a licensed employee commences to have functions in or in relation to the casino, must notify the Commission, in a form approved by the Commission, of the commencement of the exercise of those functions; and

S. 56(1)(b)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 57).

- (b) not less than twice each year, on dates specified by the Commission, must submit to the Commission, in a form approved by the Commission, a list of the licensed employees having functions in or in relation to the casino; and

S. 56(1)(c)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 57).

- (c) not later than 7 days after a licensed employee ceases to have functions in or in relation to the casino, must notify the Commission, in a form approved by the Commission, of the cessation of the exercise of those functions.

Penalty: 50 penalty units.

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 57

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- (2) The Commission, by notice in writing, may require a licensee—
- (a) to provide, in accordance with directions in the notice, such information relevant to the holding of the licence as is specified in the notice; or
 - (b) to produce, in accordance with directions in the notice, such records relevant to the holding of the licence as are specified in the notice and to permit examination of the records and the making of copies of the records.
- (3) It is a condition of a licence that the licensee must comply with the requirements of a notice under this section.
- (4) A function of the Commission under this section may be performed by any commissioner.

S. 56(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 57).

S. 56(4)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 58).

57. Change in situation of licensee

- (1) Whenever a change of a kind specified by the Commission in writing given to the holder of a licence takes place in the situation existing in relation to the holder of the licence, the holder must notify the Commission in writing of the change within 14 days after it takes place.
- Penalty: 50 penalty units.
- (2) A function of the Commission under this section may be performed by any commissioner.

S. 57
amended by
Nos 88/2000
s. 46, 114/2003
s. 12.1.2
(Sch. 5
items 59, 60)
(ILA s. 39B(1)).

S. 57(2)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 60).

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Part 4—Licensing of Casino Employees

s. 58

58. Training courses for employees

S. 58(1)
amended by
No. 36/1994
s. 20(e).

(1) A casino operator must provide for persons employed or to be employed by the operator as special employees in the casino training courses relating to the playing of games, the conduct of games and approved betting competitions and associated activities in connection with casino operations.

(2) Training courses provided for the purposes of this section must—

S. 58(2)(a)
amended by
Nos 93/1993
s. 12, 114/2003
s. 12.1.2
(Sch. 5
item 61),
104/2004
s. 46(a).

(a) be conducted by the casino operator or, with the approval of the Commission, the nominee of the casino operator.

S. 58(2)(b)
amended by
Nos 93/1993
s. 12, 114/2003
s. 12.1.2
(Sch. 5
item 61),
repealed by
No. 104/2004
s. 46(b).

* * * * *

S. 58(3)
amended by
No. 36/1994
s. 20(f)(i)–(iii).

(3) A casino operator may conduct gaming and approved betting competitions on a simulated basis for the purpose of training employees, testing gaming equipment and gaming procedures, testing betting equipment and betting procedures and demonstrating the conduct and playing of games and the conduct of approved betting competitions, but only if—

S. 58(3)(a)
amended by
Nos 93/1993
s. 12, 114/2003
s. 12.1.2
(Sch. 5
item 61).

(a) the operator has the approval of the Commission to do so; and

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Part 4—Licensing of Casino Employees

s. 58A

(b) no cash or chips are used without the approval of the Commission.

S. 58(3)(b) substituted by No. 36/1994 s. 7, amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 61).

(4) Despite the provisions of any other law, the possession and use of gaming equipment as authorised by sub-section (3) is lawful.

Penalty: 50 penalty units.

(5) A function of the Commission under this section may be performed by any commissioner.

S. 58(5) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 62).

58A. Compulsory training for special employees in relation to gaming machines

S. 58A inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 63).

(1) A licensee who performs any of the functions of a special employee in relation to gaming machines must complete—

(a) an approved training course within the first 6 months after starting his or her employment as a special employee; and

(b) an approved refresher course at least once every 3 years following completion of the approved training course.

(2) A casino operator must ensure that a person employed by the casino operator as a special employee does not perform any of the functions of a special employee in relation to gaming machines if the person has not complied with sub-section (1).

Penalty: 20 penalty units.

Casino Control Act 1991
Act No. 47/1991

Part 4—Licensing of Casino Employees

s. 58A

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- (3) The courses required by this section are in addition to those required by section 58.
- (4) In this section—
- "approved refresher course"** has the same meaning as in section 3.4.54 of the **Gambling Regulation Act 2003**;
- "approved training course"** has the same meaning as in section 3.4.54 of the **Gambling Regulation Act 2003**.
-

PART 5—CASINO OPERATIONS

59. Casino layout to be as approved by Commission

S. 59
(Heading)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 64).

- (1) It is a condition of a casino licence that gaming or an approved betting competition is not to be conducted in the casino unless the facilities provided in relation to the conduct and monitoring of operations in the casino are in accordance with plans, diagrams and specifications that are for the time being approved by the Commission under this section.
- (2) The Commission may approve plans, diagrams and specifications indicating the following—
- (a) the situation within the casino of gaming tables and gaming equipment, counting rooms, cages and other facilities provided for operations in the casino;
 - (b) the manner in which a closed circuit television system operates within the casino, including details of the positions and field of coverage of the cameras and viewing screens and the height of the cameras above the gaming;
 - (c) the position and description of a catwalk surveillance system for the direct visual monitoring of operations in the casino;
 - (d) the communication facilities provided for persons monitoring operations in the casino, whether by means of the closed circuit television system or the catwalk surveillance system, or otherwise.

S. 59(1)
amended by
Nos 36/1994
s. 20(g),
114/2003
s. 12.1.2
(Sch. 5
item 65).

S. 59(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 65).

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 60

S. 59(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 65).

- (3) The Commission may amend an approval under this section by giving not less than 14 days' written notice of the amendment to the casino operator.

S. 59(4)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 66).

- (4) A function of the Commission under this section may be performed by any commissioner.

60. Approval of games and rules for games

S. 60(1)
amended by
Nos 93/1993
s. 13(1),
38/2002
s. 6(1),
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 67).

- (1) The Commission may, by notice published in the Government Gazette, approve the games that may be played in a casino (other than games to be played on a gaming machine) and the rules for those games.

Note to
s. 60(1)
inserted by
No. 38/2002
s. 6(2),
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 67).

Note: Games to be played on gaming machines in a casino are approved under section 3.5.4 of the **Gambling Regulation Act 2003**.

S. 60(1A)
inserted by
No. 94/1993
s. 19,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 68).

- (1A) The Commission may, under sub-section (1), give approvals that differ according to differences in time, place or circumstances.

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Part 5—Casino Operations

s. 60

(1B) The Commission must, in approving games under this section, comply with Part 5 of the Agreement, a copy of which is set out in Schedule 1 to the **Casino (Management Agreement) Act 1993**.

S. 60(1B) inserted by No. 94/1993 s. 19, amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 68).

* * * * *

S. 60(1C) inserted by No. 93/1993 s. 13(2), repealed by No. 37/1994 s. 229(e).

- (2) A casino operator must not permit a game to be conducted or played in a casino unless—
- (a) there is an order in force under this section approving the game; and
 - (b) the game is conducted or played in accordance with the rules of the game approved by such an order.

Penalty: 100 penalty units.

- (3) A person must not conduct a game in a casino or permit a game conducted by him or her to be played in a casino, unless—
- (a) there is an order in force under this section approving the game; and
 - (b) the game is conducted or played in accordance with the rules of the game approved by such an order.

Penalty: 20 penalty units.

- (4) It is a defence to a prosecution for a contravention of sub-section (3) if the defendant establishes that the contravention was permitted by the casino operator.

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 61

S. 60(5)
inserted by
No. 38/2002
s. 6(3).

- (5) Sub-sections (2) and (3) do not apply to a game played on a gaming machine in a casino.

61. Directions as to number of games to be available

S. 61(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 69).

- (1) The Commission may give a direction in writing to a casino operator concerning any one or more of the following—
- (a) the particular games that are or are not to be available to be played in the casino;
 - (b) the minimum number of any particular game that is to be available to be played in the casino;
 - (c) the maximum number of any particular game that is to be available to be played in the casino.

S. 61(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 69).

- (2) The Commission may amend any such direction by a further direction in writing to the casino operator.
- (3) It is a condition of a casino licence that the casino operator is to comply with any direction for the time being in force under this section.

62. Approval of gaming equipment

S. 62(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 70(a)).

- (1) The Commission may investigate or authorise the investigation of gaming equipment for the purpose of determining whether the equipment is suitable to be approved for use in a casino and may require the cost of such an investigation to be paid by a person seeking the approval.

S. 62(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 70(a)).

- (2) The Commission may approve gaming equipment for use in a casino and, for that purpose, may approve particular equipment or may approve equipment of a specified class or description and may make the approval subject to conditions.

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- (2A) In approving gaming equipment under this section, the Commission may take into account the certificate of a person listed on the Roll under the **Gambling Regulation Act 2003**, being a person referred to in section 3.4.61(1)(c) of that Act.
- (3) The Regulations may specify standards with respect to the manufacture or supply of gaming equipment for use in a casino.
- (4) Despite the provisions of any other law, the possession of gaming equipment is lawful if—
- (a) the possession is for the purposes of an investigation under this section; or
 - (b) the equipment is identifiable in a manner approved by the Commission and is in a casino with the approval of the Commission or the circumstances of its possession are such as have been approved by the Commission generally or in a particular case.
- (5) This section does not apply to gaming equipment that is a gaming machine.
- (6) A function of the Commission under this section may be performed by any commissioner.
- S. 62(2A)** inserted by No. 93/1993 s. 14, amended by No. 37/1994 s. 229(f), substituted by No. 38/2002 s. 7(1), amended by No. 114/2003 s. 12.1.2 (Sch. 5 items 70(a), 71).
- S. 62(4)(b)** amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 70(a)(b)).
- S. 62(5)** inserted by No. 38/2002 s. 7(2).
- S. 62(6)** inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 72).

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s. 62A

62A. Gaming machines in casinos

S. 62A
inserted by
No. 93/1993
s. 15,
amended by
No. 16/2000
s. 3 (ILA
s. 39B(1)).

S. 62A(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 73).

- (1) Gaming machines intended for use in a casino must be obtained from manufacturers and suppliers listed on the Roll within the meaning of the **Gambling Regulation Act 2003**.

S. 62A(2)
inserted by
No. 16/2000
s. 3.

- (2) The number of gaming machines available for gaming at the Melbourne Casino must not exceed 2500.

S. 62A(3)
inserted by
No. 16/2000
s. 3.

- (3) In sub-section (2), "**Melbourne Casino**" has the same meaning as in the Agreement within the meaning of the **Casino (Management Agreement) Act 1993**.

S. 62A(4)
inserted by
No. 38/2002
s. 7(3).

- (4) The Minister may from time to time give a direction in writing to a casino operator as to the bet limits to apply to gaming machines in the casino.

S. 62A(5)
inserted by
No. 38/2002
s. 7(3).

- (5) The Minister may vary or revoke a direction by further direction in writing to the casino operator.

S. 62A(6)
inserted by
No. 38/2002
s. 7(3).

- (6) The Minister must, as soon as possible after giving a direction under sub-section (4) or (5), cause notice of the direction to be published in the Government Gazette.

S. 62A(7)
inserted by
No. 38/2002
s. 7(3).

- (7) A casino operator must comply with a direction given under sub-section (4) or (5).

Penalty: 100 penalty units.

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s. 62AB

62AB. Banning large denomination note acceptors and autoplay facilities

S. 62AB
inserted by
No. 38/2002
s. 8.

- (1) A casino operator must not allow a game to be played on a gaming machine that accepts banknotes with a denomination greater than \$50.

Penalty: 20 penalty units.

- (2) A casino operator must not allow a game to be played on a gaming machine unless each spin can be initiated only by a distinct and separate activation of the machine by the player (whether by pushing a play button, touching the screen or otherwise).

Penalty: 20 penalty units.

- (3) Sub-sections (1) and (2) do not apply, before 1 January 2008, to a game that was approved by the Authority before 1 January 2003.

- (4) Sub-sections (1) and (2) do not apply to a game played on a gaming machine located in an area specified by notice of the Commission published in the Government Gazette if the casino operator complies with the conditions, if any, specified in the notice.

S. 62AB(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 74).

62AC. Spin rates

S. 62AC
inserted by
No. 38/2002
s. 8.

- (1) A casino operator must not allow a game to be played on a gaming machine if the spin rate of the game is less than 2.14 seconds.

Penalty: 20 penalty units.

- (2) Sub-section (1) does not apply to a game played on a gaming machine located in an area specified by notice of the Commission published in the Government Gazette if the casino operator complies with the conditions, if any, specified in the notice.

S. 62AC(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 74).

Casino Control Act 1991
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Part 5—Casino Operations

s. 62B

S. 62B
inserted by
No. 93/1993
s. 15,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 74).

62B. Linked jackpots unlawful without approval

A person must not, without the approval of the Commission, install or cause to be installed a linked jackpot arrangement.

Penalty: 100 penalty units.

63. Unsatisfactory gaming equipment

S. 63(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 75).

(1) The Commission may, following a report to the Commission made by an inspector, direct a casino operator to rectify to the satisfaction of an inspector, or to destroy, gaming equipment that the inspector has directed the operator to cease to have available for use on the ground that it is unsatisfactory.

(2) A casino operator must forthwith comply with such a direction.

Penalty: 100 penalty units.

(3) A function of the Commission under this section may be performed by any commissioner.

S. 63(3)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 76).

64. Conduct of gaming

S. 64
amended by
No. 38/2002
s. 9 (ILA
s. 39B(1)).

(1) The casino operator is responsible for ensuring that the following provisions are complied with in the casino and is guilty of an offence if they are not complied with—

(a) gaming equipment must not be used for gaming in the casino unless—

(i) the Commission has approved in writing of the use in the casino of that equipment or of the class or description of equipment concerned, whether or not subject to conditions; and

S. 64(1)(a)(i)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 77(a)).

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Act No. 47/1991

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- (ii) the equipment is used only in accordance with conditions to which the approval is subject;
- (b) all playing cards dealt in the course of gaming in the casino must be dealt from a card shoe or, if the Commission has approved, by notice published in the Government Gazette, of the use of another procedure or device for dealing cards, by that procedure or from that device;
- (c) chips for gaming in the casino must not be issued unless the chips are paid for in money to the value of the chips or by chip purchase voucher that, on payment of the amount shown on the voucher, was issued by or on behalf of the operator;
- (d) gaming wagers must not be placed in the casino otherwise than by means of chips unless the rules of the game require or provide for the placing of wagers in money;
- (e) all wagers won in the course of gaming or betting in the casino must be paid for in full without deduction of any commission or levy, other than a commission or levy provided for in the rules of the game or betting competition;
- (f) all wagers won in the course of gaming in the casino must be paid in chips, unless the rules of a game specifically permit payment by cash or cheque;
- (g) at the request of a patron of the casino, during the times the casino is open to the public for gaming—
- (i) chip purchase vouchers issued by the casino operator must be exchanged for chips; and

S. 64(1)(b)
amended by
Nos 36/1994
s. 8, 114/2003
s. 12.1.2
(Sch. 5
item 77(a)).

S. 64(1)(e)
amended by
No. 36/1994
s. 20(h)(i)(ii).

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S. 64(1)(g)(iii)
amended by
Nos 11/2001
s. 3(Sch.
item 10.2),
114/2003
s. 12.1.2
(Sch. 5
item 77(b)).

- (ii) chips must be exchanged for other chips; and
- (iii) chips, or chip purchase vouchers, issued by the casino operator, must be redeemed (for a value equivalent to their value) for money or, at the option of the operator, for a cheque made payable to the patron and drawn on an authorised deposit-taking institution approved by the Commission;

S. 64(1)(h)
repealed by
No. 93/1993
s. 16(a).

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S. 64(1)(i)
substituted by
No. 93/1993
s. 16(b).

- (i) a person who is a casino employee or an agent of the casino operator must not at the casino induce patrons to enter the casino;

S. 64(1)(j)
amended by
Nos 36/1994
s. 20(i)(i)(ii),
114/2003
s. 12.1.2
(Sch. 5
item 77(b)).

- (j) a person must not be required to pay a deposit, charge, commission or levy (whether directly or indirectly and whether or not it is claimed to be refundable) to enter the casino or, except as may be provided by the rules of a game or betting competition or as may be approved by the Commission, to take part in gaming or betting in the casino.

Penalty: 100 penalty units.

S. 64(2)
inserted by
No. 38/2002
s. 9,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 77(b)).

- (2) Despite sub-section (1), a casino operator may accept gaming wagers, pay wagers won on gaming or betting or issue or redeem chips in or for the currency of a country other than Australia for commission based players in accordance with any relevant controls and procedures approved by the Commission under section 121 in respect of the use of foreign currency in the casino.

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s. 65

(3) In sub-section (2)—

"commission based player" means a person who participates in a premium player arrangement or a junket where the person and the casino operator satisfy the requirements of any relevant controls and procedures approved by the Commission under section 121 in respect of a premium player or a junket player (as the case may be).

S. 64(3)
inserted by
No. 38/2002
s. 9,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 77(b)).

(4) A function of the Commission under this section may be performed by any commissioner.

S. 64(4)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 78).

65. Times of operation of casinos

(1) A casino operator must cause the casino to be open to the public for gaming and betting in accordance with this Act on such days and at such times as are for the time being directed by the Commission by order in writing served on the operator.

S. 65(1)
amended by
Nos 36/1994
s. 20(j),
114/2003
s. 12.1.2
(Sch. 5
item 79).

(2) The operator must cause the casino to be closed to the public—

(a) on days and at times that are not days or times specified in a direction for the time being in force under this section in relation to the casino; and

(b) on days or at times specified in such a direction as days on which, or times at which, the opening of the casino to the public is prohibited.

Penalty: 50 penalty units.

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s. 66

S. 65(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 79).

(3) Before giving or varying a direction under this section, the Commission must consider any representations made by the casino operator in relation to the hours and days to be specified in the direction.

S. 65(4)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 80).

(4) A function of the Commission under this section may be performed by any commissioner.

66. Assistance to patrons

S. 66(1)
amended by
No. 93/1993
s. 17,
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 81).

(1) A casino operator must—

(a) display a notice in accordance with subsection (1A) informing patrons where a copy of rules under section 60 may be inspected; and

(b) display prominently in the casino—

(i) the advice or information concerning those rules, the mode of payment of winning wagers and the odds of winning each wager; and

(ii) any other advice or information to the player—

as the Commission directs; and

(c) display prominently at each gaming table or location related to the playing of a game, a sign indicating the permissible minimum and maximum wagers pertaining to the game played there.

Penalty: 25 penalty units.

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s. 67

(1A) The notice must—

- (a) be in the form approved by the Commission;
and
- (b) contain the information determined by the Commission; and
- (c) be displayed in the manner or location determined by the Commission.

S. 66(1A)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 81).

(1B) A casino operator must allow a patron to inspect a copy of the rules on request.

Penalty: 25 penalty units.

S. 66(1B)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 81).

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

Penalty: 50 penalty units.

(3) A function of the Commission under this section may be performed by any commissioner.

S. 66(3)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 82).

67. Operation of security equipment etc.

A casino operator must ensure that all casino installations, equipment and procedures for security and safety purposes are used, operated and applied at all relevant times for the preservation and maintenance of those purposes.

Penalty: 50 penalty units.

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Act No. 47/1991

Part 5—Casino Operations

s. 68

68. Credit etc.

(1) In this section—

"cheque" means a cheque (other than a traveller's cheque) that—

S. 68(1)(a)
amended by
No. 11/2001
s. 3(Sch.
item 10.3).

(a) is drawn on an account of an authorised deposit-taking institution for a specific amount payable on demand; and

(b) is dated but not post-dated.

S. 68(2)
amended by
No. 36/1994
s. 20(k).

(2) Except to the extent that this section otherwise allows, a casino operator must not, and an agent of the operator or a casino employee must not, in connection with any gaming or betting in the casino—

(a) accept a wager made otherwise than by means of money or chips; or

(b) lend money or any valuable thing; or

(c) provide money or chips as part of a transaction involving a credit card or a debit card; or

(d) extend any other form of credit; or

S. 68(2)(e)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 83).

(e) except with the approval of the Commission, wholly or partly release or discharge a debt.

(3) A casino operator may establish for a person a deposit account to which is to be credited the amount of any deposit to the account comprising—

(a) money; or

(b) a cheque payable to the operator; or

(c) a traveller's cheque.

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- (4) The operator may issue to a person who establishes a deposit account and debit to the account chip purchase vouchers or money, not exceeding in total value the amount standing to the credit of the account at the time of issue of the vouchers or money.
- (5) The operator may, in exchange for a cheque payable to the operator or a traveller's cheque, issue to a person chip purchase vouchers of a value equivalent to the amount of the cheque or traveller's cheque.
- (6) A cheque accepted by the operator may, by agreement with the operator, be redeemed in exchange for the equivalent in value to the amount of the cheque of any one or more of the following—
- (a) money;
 - (b) cheque payable to the operator;
 - (c) chip purchase vouchers;
 - (d) chips.
- (7) The casino operator—
- (a) must, within the time specified by the Commission by notice in writing given to the operator for the purposes of this sub-section, deposit a cheque with an authorised deposit-taking institution accepted by the operator under this section; and
 - (b) must not agree to the redemption of such a cheque for the purpose of avoiding compliance with paragraph (a).

S. 68(7)(a)
amended by
Nos 11/2001
s. 3(Sch.
item 10.4),
114/2003
s. 12.1.2
(Sch. 5
item 83).

Penalty: 50 penalty units.

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S. 68(8)
inserted by
No. 73/1996
s. 10,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 83).

(8) Despite sub-section (2), a casino operator may provide chips on credit to a person who is not ordinarily resident in Australia for use while participating in—

(a) a premium player arrangement with the casino operator; or

(b) a junket at the casino—

if the casino operator and the person satisfy the requirements of any relevant controls and procedures approved by the Commission under section 121 in respect of a premium player or a junket player (as the case may be).

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S. 69
amended by
Nos 36/1994
s. 9, 17/1996
s. 29,
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 84).

70. Right of entry to a casino

(1) Except as provided by this section and section 71, a person enters and remains in a casino only by the licence of the operator of the casino.

(2) An inspector may enter, and remain in, a casino, or any part of a casino, in the performance of functions conferred or imposed on the inspector by this Act or the **Gambling Regulation Act 2003**.

S. 70(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 85).

71. Police powers of entry to a casino

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

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- (2) A police officer may, on being authorised by the Commission or an inspector so to do, enter any part of a casino to which the public does not have access and may remain there for the purpose of discharging his or her duty as a police officer. **S. 71(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 86).**
- (3) Such an authorisation may be given in a particular case or generally and may be given so as to operate on a specified occasion or throughout a specified period.
- (4) The Commission or an inspector giving such an authorisation to a police officer must inform the casino operator or the person for the time being in charge of the casino as soon as practicable. **S. 71(4) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 86).**
- (5) Nothing in this section affects any power a police officer has by law to enter any part of a casino.
- (6) A function of the Commission under this section may be performed by any commissioner. **S. 71(6) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 87).**

72. Exclusion orders

- (1) The Commission or a casino operator or the person for the time being in charge of a casino, may, by order given to a person orally or in writing, prohibit the person from entering or remaining in the casino. **S. 72(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 88(a)).**
- (1A) An oral order lapses after 14 days. **S. 72(1A) inserted by No. 17/1996 s. 30.**
- (2) If a person is given an oral order and the person requires the order to be given in writing, the oral order is suspended while the order is put in writing (but only if the person remains available in the casino to be given the written order).

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S. 72(2A)
inserted by
No. 36/1994
s. 10,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 88(a)).

(2A) The Commission or a casino operator may give a written order under this section to a person, on the voluntary application of the person, prohibiting the person from entering or remaining in a casino.

S. 72(2B)
inserted by
No. 36/1994
s. 10,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 88(b)).

(2B) An application under sub-section (2A) must be in writing and signed by the applicant in the presence of a person authorised by the Commission to witness such an application.

S. 72(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 88(c)).

(3) As soon as practicable after a casino operator gives a written order under this section, the operator must cause a copy of the order to be given to the Commission.

Penalty: 50 penalty units.

(4) This section does not authorise the exclusion from the casino of an inspector or other authorised person, or a police officer.

S. 72(5)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 89).

(5) A function of the Commission under this section may be performed by any commissioner.

S. 73
amended by
No. 36/1994
s. 11,
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 90).

73. Appeal to Commission

(1) If a written order under section 72 prohibiting the person from entering or remaining in a casino is made by—

- (a) a single commissioner; or
- (b) a casino operator; or

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(c) a person for the time being in charge of a casino—

the person receiving the order may appeal against the order to the Commission within 28 days of receipt of the written order.

- (2) An appeal must—
- (a) be in writing; and
 - (b) specify the grounds on which it is made.
- (3) After consideration of an appeal, the Commission may, by order—
- (a) reject the appeal and confirm the order; or
 - (b) allow the appeal (in whole or part) and substitute a new order or vary the order.
- (4) An order of the Commission on an appeal—
- (a) must be notified in writing to the person; and
 - (b) must include the reasons for its decision to make the order.
- (5) Nothing in this section prejudices the right of the Commission, a casino operator or a person in charge of a casino to make a further order in respect of that person for a reason considered sufficient by the Commission, casino operator or person in charge.
- (6) An appeal against an order does not affect the operation of the decision or prevent the taking of action to implement the order.
- (7) In the case of an appeal against an order made by a single commissioner, the Commission as constituted for the purposes of the appeal must not include that commissioner.

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 74

S. 74
substituted by
No. 38/2002
s. 10.

74. Exclusion orders by Chief Commissioner of Police

- (1) The Chief Commissioner of Police may, by written order given to a person, prohibit the person from entering or remaining in a casino.
- (2) As soon as practicable after making an exclusion order, the Chief Commissioner of Police must—
 - (a) give a copy of the order to the casino operator and the Commission and, if practicable, make available to the casino operator a photograph of the person who is the subject of the order; and
 - (b) notify each interstate Chief Commissioner of the making of the order.
- (3) For the avoidance of doubt, an exclusion order given under this section is not subject to appeal under section 73.

S. 74(2)(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 91).

75. Duration of exclusion orders

- (1) An exclusion order remains in force in respect of a person unless and until it is revoked by the person who gave the order.
- (2) An exclusion order given by a person for the time being in charge of a casino may be revoked by any other person who is for the time being in charge of the casino or by the casino operator.
- (3) If the Chief Commissioner of Police revokes an exclusion order, he or she must notify each casino operator, the Commission and each interstate Chief Commissioner of the revocation.

S. 75(3)
substituted by
No. 38/2002
s. 11,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 91).

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- (4) When an exclusion order is revoked by a casino operator or by the person for the time being in charge of a casino, the casino operator must give notice of the revocation to the Commission as soon as practicable after it occurs.

S. 75(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 91).

Penalty: 20 penalty units.

76. List of excluded persons

- (1) A casino operator must, immediately before gaming or betting commences in the casino on any day—
- (a) prepare a list of names bearing the date of that day; or
 - (b) add the date of that day to an unchanged list of names applicable under this sub-section on the last preceding day—

S. 76(1)
amended by
Nos 36/1994
s. 20(l),
38/2002
s. 12(1)(a).

those names being the names of persons who, immediately before the only day, or each day, of which the date appears on the list, were the subject of exclusion orders for the casino, or interstate exclusion orders, of which the operator is or was aware.

Penalty: 50 penalty units.

- (2) The operator must—
- (a) on each day on which the casino is open for gaming and betting, provide an inspector on duty in the casino with a copy of the list referred to in sub-section (1) that bears the date of that day; and
 - (b) notify an inspector on duty in the casino of the making, or the revocation, of an exclusion order or interstate exclusion order of which the operator becomes aware during that day.

S. 76(2)(a)
amended by
No. 36/1994
s. 20(m).

S. 76(2)(b)
amended by
No. 38/2002
s. 12(1)(b).

Penalty: 50 penalty units.

Casino Control Act 1991
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s. 77

S. 76(3)
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 92).

- (3) A person must not provide any part of a list prepared under sub-section (1) to any person except—
- (a) the casino operator; or
 - (b) a casino employee; or
 - (c) the Commission; or
 - (d) an inspector; or
 - (e) a person approved by the Commission for the purpose.

Penalty: 10 penalty units.

S. 76(4)
inserted by
No. 38/2002
s. 12(2),
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 93).

- (4) As soon as practicable after becoming aware of the making or revocation of an interstate exclusion order, the Chief Commissioner of Police must notify each casino operator and the Commission.

S. 77
amended by
No. 38/2002
s. 12(3) (ILA
s. 39B(1)).

77. Excluded person not to enter casino

- (1) A person the subject of an exclusion order relating to a casino must not enter or remain in the casino.

Penalty: 20 penalty units.

- (2) A person the subject of an interstate exclusion order must not enter or remain in a casino.

Penalty: 20 penalty units.

S. 77(2)
inserted by
No. 38/2002
s. 12(3).

78. Removal of excluded persons from casino

- (1) This section applies to the following persons in a casino—
- (a) the person for the time being in charge of the casino;
 - (b) an agent of the casino operator;
 - (c) a casino employee.

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 78A

- (2) A person to whom this section applies who knows that a person the subject of an exclusion order or interstate exclusion order is in the casino, must notify an inspector as soon as practicable.

S. 78(2)
amended by
No. 38/2002
s. 12(4).

Penalty: 20 penalty units.

- (3) The inspector must remove the person from the casino or cause the person to be removed from the casino.

- (4) It is lawful for a person to whom this section applies, using no more force than is reasonably necessary—

(a) to prevent a person the subject of an exclusion order or interstate exclusion order from entering the casino; and

S. 78(4)(a)
amended by
No. 38/2002
s. 12(4).

(b) to remove such a person from the casino or cause such a person to be removed from the casino—

but nothing in this section authorises a person to do anything in contravention of the **Private Agents Act 1966**.

78A. No advertising to excluded persons

S. 78A
inserted by
No. 38/2002
s. 13.

- (1) A casino operator must not knowingly send or direct by any means advertising or other promotional material relating to the casino to a person who is the subject of an exclusion order relating to the casino or an interstate exclusion order.

Penalty: 50 penalty units.

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 78B

- (2) For the purposes of sub-section (1), a casino operator does not send or direct material to a person only because the casino operator makes the material available generally to members of the public.

Examples

Examples of making material available generally to members of the public include publishing it on the Internet, television or other medium or displaying it on a billboard.

S. 78B
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 94).

78B. Forfeiture of winnings

- (1) This section applies to a person who is—
- (a) subject to an exclusion order; or
 - (b) subject to an interstate exclusion order; or
 - (c) a minor.
- (2) If a person to whom this section applies enters or remains in a casino in contravention of this Act, all winnings (including linked jackpots) paid or payable to the person in respect of gaming on gaming machines or playing any game approved under section 60 in the casino—
- (a) are forfeited to the State; and
 - (b) must be paid to the Commission for payment into the Community Support Fund under the **Gambling Regulation Act 2003**.
- (3) If winnings referred to in sub-section (2) comprise or include a non-monetary prize, the casino operator must pay the value of that prize to the Commission for payment into the Community Support Fund under the **Gambling Regulation Act 2003**.
- (4) In determining the value of a non-monetary prize for the purposes of sub-section (3), any amount of GST payable in respect of the supply to which the prize relates is to be taken into account.

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 79

- (5) Any dispute between a person to whom this section applies and a casino operator as to the amount of winnings forfeited under this section must be investigated and determined by an inspector.

79. Gambling in the casino by certain persons prohibited

- (1) An authorised person must not gamble or bet in a casino except to the extent that it may be necessary to do so in the exercise of his or her functions in the course of the administration of this Act.

S. 79(1)
amended by
No. 36/1994
s. 20(n).

- (2) A special employee (as defined in Part 4) in a casino must not gamble or bet in the casino.

S. 79(2)
substituted by
No. 36/1994
s. 12.

Penalty: 20 penalty units.

- (2A) If a person—

S. 79(2A)
inserted by
No. 36/1994
s. 12.

- (a) has a special relationship with a casino within the meaning of section 40(1); and
- (b) is required under section 40(2) to apply for a licence and—
- (i) the requirement has not been withdrawn in writing; or
- (ii) the association or employment constituting the special relationship is not terminated—

the person must not gamble or bet in the casino.

Penalty: 20 penalty units.

- (3) If an authorised person ceases to be an authorised person, he or she must not gamble or bet in a casino during the next 12 months.

S. 79(3)
amended by
No. 36/1994
s. 20(o).

Penalty: 20 penalty units.

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 79A

S. 79A
inserted by
No. 36/1994
s. 13.

79A. Gratuities etc.

- (1) A special employee (as defined in Part 4) in a casino must not solicit or accept from a patron of the casino any gratuity, consideration or other benefit relating to the performance of his or her duties as a special employee.

Penalty: 20 penalty units.

- (2) Sub-section (1) does not apply to a person, or a class of persons, authorised by the Commission, by notice in writing to the casino operator, to accept gratuities.

S. 79A(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 95).

80. Possession of certain things prohibited

- (1) A person must not, in a casino, use any device for the purpose of enabling the person or some other person to count or otherwise record cards dealt in the course of gaming in the casino.

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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Part 5—Casino Operations

s. 81

- (3) Sub-section (2) does not prohibit the possession in a casino of any thing referred to in sub-section (2)(a) or (b) by a person in charge of the casino, an agent of the operator, a casino employee, an inspector, or a police officer, if that thing has been seized by any of those persons from another person for use as evidence in proceedings for an offence.

81. Detention of suspected person

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S. 81(1)
repealed by
No. 88/2000
s. 47(a).

- (2) A person who is—
- (a) for the time being in charge of a casino; or
 - (b) an agent of the casino operator; or
 - (c) a casino employee—

S. 81(2)
amended by
Nos 88/2000
s. 47(b),
38/2002 s. 14.

and who suspects on reasonable grounds that a person in the casino is contravening or attempting to contravene section 81, 82, 83 or 83A of the **Crimes Act 1958**, section 80 of this Act or a prescribed provision of this Act or has contravened any such section or provision may detain the suspected person in a suitable place in or near the casino until the arrival at the place of detention of a police officer.

- (3) A person may not be detained under this section unless—
- (a) no more force is used than may be reasonably necessary; 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.

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 81AA

S. 81AA
inserted by
No. 38/2002
s. 15.

81AA. Limiting withdrawals and advances from cash facilities

- (1) A casino operator must not, within 50 metres of any entrance to the casino, provide, or allow another person to provide, cash facilities that allow a person to obtain by means of those facilities, in any one transaction on any one debit or credit card, an amount of cash exceeding \$200.

Penalty: 50 penalty units.

- (2) A casino operator must not allow a person to obtain from a cash facility within 50 metres of any entrance to the casino a cash advance from a credit account.

Penalty: 50 penalty units.

S. 81AAB
inserted by
No. 38/2002
s. 15.

81AAB. Payment of winnings and cashing of cheques

- (1) A casino operator must not pay out, or allow another person to pay out, winnings or accumulated credits exceeding \$2000 from a gaming machine to a person except by cheque.

Penalty: 50 penalty units.

- (2) Sub-section (1) does not apply to a game played on a gaming machine located in an area specified by notice of the Commission published in the Government Gazette if the casino operator complies with the conditions, if any, specified in the notice.

- (3) A casino operator must, at the request of a person, pay out any winnings or accumulated credits from a gaming machine to the person by cheque.

Penalty: 50 penalty units.

S. 81AAB(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 95).

Casino Control Act 1991
Act No. 47/1991

Part 5—Casino Operations

s. 81AAB

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- (4) A casino operator must not, at the casino, give, or allow another person to give, a person cash or gaming tokens in exchange for a cheque drawn on an account of the casino operator to enable that person to play a gaming machine in the casino.

Penalty: 50 penalty units.

Casino Control Act 1991
Act No. 47/1991

Part 5A—Approved Betting Competitions

s. 81A

Pt 5A
(Heading and
ss 81A–81N)
inserted by
No. 36/1994
s. 18.

PART 5A—APPROVED BETTING COMPETITIONS

S. 81A
inserted by
No. 36/1994
s. 18.

81A. Approval of betting competitions

S. 81A(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 96(a)).

- (1) Subject to this Part, the Minister, after consultation with the Minister administering the **Gambling Regulation Act 2003**, may, by instrument, approve a betting competition on a particular event or contingency or class of events or contingencies as an approved betting competition for the purposes of this Act, subject to such conditions as the Minister determines.
- (2) The approval of a betting competition under this section must specify whether it is a competition with fixed odds or whether it is a competition conducted on a totalisator.
- (3) The Minister must not under this section approve a betting competition—

S. 81A(3)(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 96(b)).

- (a) on a horse race, harness race or greyhound race at a race meeting in Australia or New Zealand if the holder of the wagering licence or the wagering operator under the **Gambling Regulation Act 2003** is proposing to conduct wagering on that race; or
- (b) that, in the opinion of the Minister, is offensive or contrary to the public interest; or
- (c) that is played on a gaming machine; or
- (d) that is a club keno game.

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Act No. 47/1991

Part 5A—Approved Betting Competitions

s. 81B

81B. Events

A betting competition may be approved in respect of—

- (a) any event or contingency of or relating to a horse race, harness race, or greyhound race;
- (b) any other race, fight, game, sport or exercise;
- (c) any other event or contingency of any kind.

S. 81B
inserted by
No. 36/1994
s. 18.

81C. Notice of approved betting competition

Notice of the approval under this Part of a betting competition that may be conducted by a casino operator must be published in the Government Gazette as soon as practicable after the approval is given but a failure to publish the notice does not affect the validity of the approval.

S. 81C
inserted by
No. 36/1994
s. 18.

81D. Conditions of approval

- (1) The approval of a betting competition is subject to such conditions (if any) as are specified in the instrument of approval as varied and in force for the time being.
- (2) The Minister, after consultation with the Minister administering the **Gambling Regulation Act 2003**, may by instrument vary or revoke any conditions to which the approval of a betting competition is subject and may, for any reasonable cause stated in writing by the Minister, withdraw the approval.

S. 81D
inserted by
No. 36/1994
s. 18.

S. 81D(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 97).

81E. Only persons in casino may take part in betting competitions

Only persons present in the casino may take part in a betting competition approved under this Part.

S. 81E
inserted by
No. 36/1994
s. 18.

Casino Control Act 1991
Act No. 47/1991

Part 5A—Approved Betting Competitions

s. 81F

S. 81F
inserted by
No. 36/1994
s. 18.

81F. Approval of totalisator

S. 81F(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 98).

(1) Before a casino operator uses a totalisator for the conduct of an approved betting competition, the totalisator must be approved by the Commission.

S. 81F(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 98).

(2) The approval of the Commission under sub-section (1) may be given subject to any conditions that the Commission thinks fit and may for any reasonable cause stated by the Commission in writing be withdrawn by the Commission.

S. 81G
inserted by
No. 36/1994
s. 18.

81G. Betting competition not to be conducted without betting rules

A casino operator must not conduct an approved betting competition unless there are in force betting rules under this Part applying to that competition, or to competitions of that type.

S. 81H
inserted by
No. 36/1994
s. 18.

81H. Casino operator to make betting rules

- (1) Subject to this Act, the regulations and any condition of the casino licence, a casino operator must make betting rules in relation to—
- (a) totalisators for approved betting competitions; and
 - (b) betting in approved betting competitions at fixed odds; and
 - (c) such other matters as are necessary for the proper carrying on of a business of conducting approved betting competitions.
- (2) Rules under sub-section (1) may, without limiting sub-section (1)(c), include provisions relating to—
- (a) placing of bets, including minimum bets;

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Part 5A—Approved Betting Competitions

s. 81H

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- (b) odds;
 - (c) dividends or prizes, including minimum dividends or prizes, calculation of dividends or prizes, payment of dividends or prizes and unclaimed dividends or prizes;
 - (d) refunds;
 - (e) jackpots;
 - (f) determination of disputes;
 - (g) display of information.
- (3) Rules under sub-section (1) must specify the day on which they are made and the day on which they come into operation, being a day at least 4 weeks after the day on which they are made or such earlier day (not being earlier than the day of making) approved in writing by the Commission.
- (4) The betting rules may confer a discretionary authority or impose a duty on a specified person or class of persons.
- (5) The casino operator must comply with the prescribed requirements relating to the making of betting rules.
- (6) The casino operator must give a copy of rules made under this section to the Commission forthwith after they are made.
- (7) The Commission may at any time, by notice in writing given to the licensee, disallow a betting rule as from a day specified in the notice, being not earlier than 3 days after the notice is given to the licensee, if the Commission is satisfied that the rule is unfair to investors, unreasonable or contrary to the public interest.

S. 81H(3)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 99).

S. 81H(6)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 99).

S. 81H(7)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 99).

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Part 5A—Approved Betting Competitions

s. 81I

S. 81H(8)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 99).

- (8) If, before a betting rule is made, the Commission consents in writing to the making of the rule in a specified form, the Commission must not disallow the rule within the period of 6 months after it is made.
- (9) The betting rules, as in force when the bet is made, form part of the contract between the casino operator and the investor.

S. 81I
inserted by
No. 36/1994
s. 18.

81I. Commissions—totalisators

A casino operator may deduct or cause to be deducted, as commission out of the total amount invested in each totalisator conducted by the operator on an approved betting competition an amount not exceeding 20% of the amount so invested.

S. 81J
inserted by
No. 36/1994
s. 18.

81J. Tax

- (1) In this section—

"base amount" has the same meaning as in clause 22.3 of the Management Agreement;

"gross betting revenue" means the total amount invested in approved betting competitions conducted by a casino operator in a period less the total amount paid out as winnings on approved betting competitions during that period;

"GST Act" means the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth;

S. 81J(1) def.
of "GST Act"
inserted by
No. 24/2000
s. 5(1)(a).

S. 81J(1) def.
of "State tax
credit"
inserted by
No. 24/2000
s. 5(1)(a).

"State tax credit" for a casino operator in respect of a month, means an amount equal to the amount that would be determined under Division 126 of the GST Act as the casino operator's global GST amount for that month if the only gambling supplies by the casino

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Act No. 47/1991

Part 5A—Approved Betting Competitions

s. 81J

operator attributable to that month were gambling supplies related to approved betting competitions conducted by the casino operator during that month;

"Management Agreement" means the Management Agreement set out in Schedule 1 to the **Casino (Management Agreement) Act 1993**.

(2) Subject to sub-section (2A), a casino operator must pay to the Treasurer, in respect of each month in which approved betting competitions are conducted in the casino, a tax equal to—

S. 81J(2)
amended by
No. 24/2000
s. 5(1)(b).

(a) for the period until 30 June 1997, 20%; and

(b) on and from 1 July 1997, 21¼%—

of the gross betting revenue during each such month.

(2A) The amount of tax payable by a casino operator under sub-section (2) in respect of a month is to be reduced by the State tax credit for the casino operator in respect of that month.

S. 81J(2A)
inserted by
No. 24/2000
s. 5(2).

(2B) A casino operator must give the Treasurer any information the Treasurer requires to determine the State tax credit for the casino operator in respect of a month.

S. 81J(2B)
inserted by
No. 24/2000
s. 5(2).

(3) Tax payable under sub-section (2) is payable within 7 days after the end of each month in which approved betting competitions are conducted.

(4) In addition to the tax payable under sub-section (2), the casino operator must pay to the Treasurer, in respect of each financial year commencing 1 July in which the gross betting revenue during that year exceeds the base amount, additional tax calculated in accordance with clauses 22.3, 22.4, 22.6 and 22.7 of the Management Agreement, as

Casino Control Act 1991
Act No. 47/1991

Part 5A—Approved Betting Competitions

s. 81K

if a reference to Gross Gaming Revenue were a reference to gross betting revenue.

- (5) Additional tax payable under sub-section (4) is payable within 7 days after the end of each financial year.
- (6) If a casino operator does not pay an amount of tax payable under this section within the period in which it is so payable, the operator is liable to pay interest at the rate prescribed by the regulations on that amount from the date on which the payment was due until payment.
- (7) The Commission may, if it thinks fit, mitigate or remit an amount of interest due under sub-section (6).

S. 81J(7)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 100).

S. 81K
inserted by
No. 36/1994
s. 18.

81K. Recovery of amounts owing

An amount payable under this Part is a debt due to the State and may be recovered in a court of competent jurisdiction.

S. 81L
inserted by
No. 36/1994
s. 18.

81L. Dividends

- (1) A casino operator, after the deduction of the operator's commission under section 81I, must pay by way of dividends all money invested in a totalisator conducted by the operator on an approved betting competition.
- (2) If no person nominates the winning combination in a totalisator conducted by a casino operator on an approved betting competition, the operator may, unless otherwise directed by the Commission, transfer the money that would have been payable as dividends in that totalisator to be added to the money to form part of the money available for dividends in respect of a subsequent totalisator conducted by the operator on an approved betting competition.

S. 81L(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 100).

Casino Control Act 1991
Act No. 47/1991

Part 5A—Approved Betting Competitions

s. 81M

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- (3) If, but for this section, a dividend would include a fraction of 10 cents—
- (a) if the fraction is less than 5 cents, the casino operator is not required to include the fraction in the dividend; and
 - (b) if the fraction is 5 cents or more, the operator is required to include 5 cents in the dividend.

81M. Unclaimed refunds, dividends and prizes

S. 81M
inserted by
No. 36/1994
s. 18.

- (1) On or before the last day of each month, the casino operator must pay to the Treasurer an amount equal to the sum of all refunds, dividends and prizes which have remained unclaimed for not less than 12 months on the first day of that month (less the expenses of the operator reasonably incurred in searching for the persons entitled to those refunds, dividends or prizes).
- (2) If a claimant makes a demand against the Treasurer for money paid to the Treasurer under sub-section (1), the Treasurer, upon being satisfied that the claimant is the owner of the money demanded, must direct that it be paid to the claimant out of money available for the purpose.

81N. Casino (Management Agreement) Act does not apply

S. 81N
inserted by
No. 36/1994
s. 18.

Except as otherwise provided by this Part, nothing in the **Casino (Management Agreement) Act 1993** applies to approved betting competitions under this Part.

PART 6—MINORS

82. Definitions

In this Part—

"acceptable proof of age" for a person means—

S. 82 def. of
"acceptable
proof of age"
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 101).

- (a) documentary evidence that might reasonably be accepted as applying to the person and as proving that the person is at least 18 years of age; or
- (b) evidence that the Commission has declared by notice in writing given to a casino operator to be acceptable evidence in relation to the operation of the casino that a person is at least 18 years of age;

"minor" means a person who is under the age of 18 years.

83. Part only applies during hours of operation of casino

This Part applies to a casino only during the hours of operation of the casino.

84. Minors not to enter casino

A minor must not for any purpose enter or remain in a casino.

Penalty: 10 penalty units.

85. Minors in a casino—offences by casino operator

- (1) If a minor enters a casino, the casino operator is guilty of an offence.

Penalty: 20 penalty units.

- (2) If a minor is in a casino, the casino operator must forthwith notify an inspector.

Penalty: 20 penalty units.

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- (3) The inspector must remove the minor or cause the minor to be removed from the casino, using no more force than is reasonably necessary.
 - (4) It is a defence to a prosecution for an offence under this section if it is proved that—
 - (a) the minor was above the age of 14 years; and
 - (b) before the minor entered the casino or while the minor was in the casino there was produced to the casino operator or to his or her agent or employee acceptable proof of age for the minor.

86. Entry of minors to be prevented

- (1) If a casino operator or a casino employee is aware that a person who may reasonably be suspected of being a minor is attempting to enter the casino, the casino operator or employee must refuse the person entry to the casino.

Penalty: 10 penalty units.

- (2) The casino operator or employee is not required to refuse the person entry if there is produced to the casino operator or employee acceptable proof of age for the person.

87. Proof of age may be required

- (1) The person for the time being in charge of a casino, an agent of the operator, a casino employee, an inspector, or a police officer, may if he or she has reasonable cause to suspect that a person in a casino is a minor—
 - (a) require the person in the casino to state his or her correct age, name and address; and
 - (b) if it is suspected on reasonable grounds that the age, name or address given in response to the requirement is false, require the person to produce evidence of its correctness.

Casino Control Act 1991
Act No. 47/1991

Part 6—Minors

s. 88

- (2) A person must not fail to comply with a requirement under sub-section (1)(a) and must not, without reasonable cause, fail to comply with a requirement under sub-section (1)(b).

Penalty: 10 penalty units.

- (3) It is not an offence to fail to comply with a requirement under sub-section (1) if the person who made the requirement did not inform the person of whom the requirement was made, at the time it was made, that it is an offence to fail to comply with the requirement.

- (4) If a person contravenes sub-section (2), a police officer may arrest the person without warrant and bring him or her before a magistrate to be dealt with according to law.

88. Minor using false evidence of age

A minor who uses any evidence purporting to be evidence of his or her age in order to obtain entry to or remain in a casino is guilty of an offence if the evidence is false in a material particular in relation to the minor.

Penalty: 10 penalty units.

89. Notices to be displayed

- (1) The Commission may by written direction given to a casino operator require a notice or notices to be displayed in a casino with respect to the exclusion from the casino of persons under the age of 18 years.

- (2) The direction may impose requirements as to the form, position and matter to be displayed on any such notice.

S. 89(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 101).

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- (3) A casino operator is guilty of an offence if such a direction is not complied with in relation to the casino.

Penalty: 20 penalty units.

90. Minors not to be detained

A minor may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this Act.

91. Evidence

In any proceedings under this Act, an allegation that, at a specified time, a person was under the age of 18 years is evidence of the truth of the allegation unless the defendant denies the allegation.

92. Apprentices permitted entry to casino

It is a defence to a prosecution under this Part if it is proved that the minor concerned was an apprentice (within the meaning of Part 5 of the **Vocational Education and Training Act 1990**) and that the minor's entry into or presence in the casino on the occasion in question was for the purpose only of his or her receiving training or instruction as an apprentice.

Casino Control Act 1991
Act No. 47/1991

Part 7—Casino Regulation

s. 93

PART 7—CASINO REGULATION

Division 1—Preliminary

93. Definition

In this Part, a reference to gaming equipment or records is a reference to gaming equipment or records related to the operation of a casino or otherwise relevant to the administration of this Act.

Pt 7 Div 2
(Heading and
ss 94–101)
amended by
Nos 34/1993
s. 8, 93/1993
s. 18, 36/1994
s. 20(p)–(r),
37/1994
s. 229(g),
42/1995
s. 224(Sch. 2
item 7),
46/1998
s. 7(Sch. 1),
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 102).

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Division 3—Inspectors

S. 102
amended by
No. 93/1993
s.19,
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 103).

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Casino Control Act 1991
Act No. 47/1991

Part 7—Casino Regulation

s. 105

*	*	*	*	*	S. 103 amended by No. 93/1993 s. 20, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 103).
*	*	*	*	*	S. 104 repealed by No. 37/1994 s. 229(h), new s. 104 inserted by No. 17/1996 s. 31, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 103).
*	*	*	*	*	Pt 7 Div. 3 (Heading) inserted by No. 37/1994 s. 229(i), repealed by No. 44/1995 s. 7(1).

105. Rights of inspector on casino premises

- (1) An inspector may at any time enter and remain on the premises of a casino for the purposes of doing any one or more of the following—
- (a) observing any of the operations of the casino;
 - (b) ascertaining whether the operation of the casino is being properly conducted, supervised and managed;
 - (c) ascertaining whether the provisions of this Act or the **Gambling Regulation Act 2003** are being complied with;

S. 105(1)(c)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 104).

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Part 7—Casino Regulation

s. 106

S. 105(1)(d)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 104).

(d) in any other respect, exercising his or her functions under this Act or the **Gambling Regulation Act 2003**.

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

S. 106
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 105(a)).

106. Functions of inspectors

The functions of inspectors under this Act are as follows (in addition to any functions under the **Gambling Regulation Act 2003**)—

S. 106(a)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 105(b)).

(a) to supervise operations in a casino, and to inspect the gaming equipment used in a casino, for the purpose of ascertaining whether or not the casino operator is complying with the provisions of this Act, the conditions of the casino licence, and any directions issued by the Commission under this Act;

(b) to supervise the handling and counting of money in a casino;

(c) to assist in any other manner, where necessary, in the detection of offences committed against this Act in a casino;

S. 106(d)
amended by
Nos 36/1994
s. 20(s),
114/2003
s. 12.1.2
(Sch. 5
item 105(c)).

(d) to receive and investigate complaints, in accordance with section 10.5.11 of the **Gambling Regulation Act 2003**, from casino patrons relating to the conduct of gaming or betting in a casino;

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Part 7—Casino Regulation

s. 106

(e) to report to the Commission regarding operations in a casino;

S. 106(e)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 105(d)).

(f) any other functions as are conferred on inspectors under this Act.

S. 106(f)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 105(e)).

* * * * *

S. 107
amended by
No. 36/1994
s. 20(t)(u),
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 106).

* * * * *

S. 108
amended by
No. 36/1994
s. 20(v)(w),
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 106).

* * * * *

S. 109
amended by
No. 36/1994
s. 20(x)(y),
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 106).

* * * * *

S. 110
amended by
No. 36/1994
s. 20(z),
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 106).

Casino Control Act 1991
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Part 7—Casino Regulation

s. 111

S. 111
repealed by
No. 37/1994
s. 229(j).

* * * * *

Casino Control Act 1991
Act No. 47/1991

Part 8—Fees, Taxation etc.

s. 112A

PART 8—FEES, TAXATION ETC.

* * * * * S. 112
repealed by
No. 93/1993
s. 21.

112A. Casino supervision and control charge

S. 112A
inserted by
No. 34/1993
s. 9.

- (1) The casino operator must pay to the Commission for payment into the Consolidated Fund—
- (a) on the grant of a casino licence, the premium payment determined by the Treasurer under sub-section (3); and
 - (b) the prescribed casino supervision and control charge in respect of the prescribed periods in each year not later than the prescribed date for each such period.

S. 112A(1)
amended by
Nos 93/1993
s. 22(1),
114/2003
s. 12.1.2
(Sch. 5
item 107).

* * * * * S. 112A(2)
repealed by
No. 93/1993
s. 22(2).

- (3) The Treasurer, after consultation with the Minister, must determine an amount as the premium payment payable under sub-section (1)(a).
- (4) The amount determined by the Treasurer under sub-section (3) must be specified in the agreement referred to in section 15(1).
- (5) If a casino licence is cancelled or surrendered, the Treasurer may refund the whole or part of the premium payment referred to in sub-section (1)(a) and the Consolidated Fund is hereby to the necessary extent appropriated accordingly.

Casino Control Act 1991
Act No. 47/1991

Part 8—Fees, Taxation etc.

s. 113

- (6) The premium payment payable under sub-section (1)(a) and the casino supervision and control charge prescribed for the purposes of sub-section (1)(b) are taxes.

S. 112B
inserted by
No. 93/1993
s. 23,
amended by
No. 37/1994
s. 229(k),
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 108).

* * * * *

113. Casino tax

S. 113(1)
amended by
Nos 93/1993
s. 24, 114/2003
s. 12.1.2
(Sch. 5
item 109).

- (1) The casino operator must pay to the Commission for payment into the Consolidated Fund the prescribed casino tax in respect of each casino licence in respect of each of the first 3 years after the commencement of this section during which the casino operator holds a casino licence.
- (2) The regulations may require the casino tax to be determined by reference to a percentage of certain revenue arising from the operations of the casino or in such other manner as is specified in the regulations.
- (3) The regulations may specify the time within which tax must be paid.

114. Community benefit levy

S. 114
amended by
No. 93/1993
s. 25(1)(a)(b).

S. 114(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 109).

- (1) The casino operator must pay to the Commission for payment into the Consolidated Fund the prescribed community benefit levy in respect of the casino licence at such times and in such manner as is prescribed and, if the regulations so prescribe, may pay the levy by instalments in accordance with the regulations.

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Act No. 47/1991

Part 8—Fees, Taxation etc.

s. 114A

- (2) There shall be paid into the Hospitals and Charities Fund under the **Health Services Act 1988** all community benefit levies paid under this Part to be applied in the manner in which that Fund may be applied and the Consolidated Fund is hereby to the necessary extent appropriated accordingly.
- (3) An account must be kept showing separately money paid into the Fund in respect of each casino licence.

S. 114(2)
inserted by
No. 93/1993
s. 25(2),
amended by
No. 36/1994
s. 14.

S. 114(3)
inserted by
No. 93/1993
s. 25(2).

114A. Health benefit levy

S. 114A
(Heading)
inserted by
No. 48/2001
s. 3(1).

S. 114A
inserted by
No. 89/2000
s. 3.

- (1) A casino operator must pay to the Commission for payment into the Consolidated Fund each financial year a health benefit levy calculated in accordance with the following formula—

S. 114A(1)
substituted by
No. 48/2001
s. 3(2),
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 110(a)).

$$L = \$1533.33 \times \frac{GM}{12}$$

where—

L is the levy payable by the casino operator;

GM is the sum of the number of gaming machines operating in the casino on the first Saturday in each month from and including December in the preceding financial year to and including November in the financial year.

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Act No. 47/1991

Part 8—Fees, Taxation etc.

s. 114B

S. 114A(2)
amended by
No. 48/2001
s. 3(3)(a).

- (2) For the purpose of sub-section (1), a gaming machine is taken to be operating in a casino on the first Saturday in a month if, at any time on that day, the machine—
- (a) is available for gaming in the casino; or
 - (b) would be available for gaming in the casino if the machine were connected to the electronic monitoring system.

S. 114A(3)
amended by
Nos 48/2001
s. 3(3)(b),
114/2003
s. 12.1.2
(Sch. 5
item 110(b)).

- (3) The Treasurer, in consultation with the Commission, is to determine the amount of the levy on a casino operator for a financial year and must notify the casino operator of his or her determination as soon as practicable after the first Saturday in November in that year.
- (4) The levy is payable in two equal instalments each financial year, due on 15 December and 15 June.
- (5) The determination under sub-section (3) in respect of the financial year commencing on 1 July 2000 must be made and notified to the casino operator as soon as practicable after the commencement of section 3 of the **Gaming Acts (Gaming Machine Levy) Act 2000**.

S. 114B
(Heading)
inserted by
No. 48/2001
s. 3(4)(a).

114B. Hypothecation of health benefit levy

S. 114B
inserted by
No. 89/2000
s. 3.

- (1) In respect of each financial year there is to be paid out of the Consolidated Fund into the Hospitals and Charities Fund under the **Health Services Act 1988** an amount equal to the amount paid into the Consolidated Fund under section 114A in that financial year.
- (2) Payments under sub-section (1) are to be made at the times determined by the Treasurer.
- (3) The Consolidated Fund is appropriated to the extent necessary for payments to be made under sub-section (1).

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Part 8—Fees, Taxation etc.

s. 115

115. Returns to gaming machine players

(1) A casino operator must ensure that the pay-out table on gaming machines in the casino is set so as to return to players the players' proportion of the total amounts wagered on gaming machines each year at the casino, after deduction of the sum of jackpot special prizes as approved for the time being under section 60 and payable during that year.

S. 115 substituted by No. 93/1993 s. 26.

(2) The players' proportion is—

(a) not less than 87 per centum; or

S. 115(2)(a) amended by No. 90/1998 s. 4(1)(a).

(b) if the Commission so determines in accordance with sub-section (3), a fixed percentage greater than 87 per centum.

S. 115(2)(b) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 111).

(3) A determination under sub-section (2)—

(a) must be made by notice published in the Government Gazette; and

(b) must be expressed to have effect on and after a specified date.

116. Interest on overdue amounts

(1) Interest is payable by way of penalty on any amount of casino licence fee, premium payment, casino supervision and control charge, casino tax, health benefit levy or casino community benefit levy that is not paid by the due date.

S. 116(1) amended by Nos 34/1993 s. 10(1), 89/2000 s. 4, 48/2001 s. 3(4)(b).

(2) Interest begins to run from the date that the amount concerned became due.

(3) The rate of interest is as prescribed by the regulations.

Casino Control Act 1991
Act No. 47/1991

Part 8—Fees, Taxation etc.

s. 118

S. 116(4)
amended by
Nos 34/1993
s. 10(2),
89/2000 s. 4,
48/2001
s. 3(4)(b).

(4) Any interest paid under this section is to be considered to have been paid as casino licence fee, premium payment, casino supervision and control charge, casino tax, health benefit levy or casino community benefit levy, as appropriate to the amount on which it is paid as interest.

S. 116(5)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 112).

(5) The Commission may waive or refund payment of interest under this section, as the Commission thinks fit.

S. 117
repealed by
No. 34/1993
s. 11.

* * * * *

118. Recovery of amounts owing

An amount payable under this Part is a debt due to the State and may be recovered in a court of competent jurisdiction.

S. 119
amended by
No. 34/1993
s. 12.

119. Effect of suspension of licence

If a casino licence has been suspended and a manager appointed under section 22, the casino supervision and control charge and casino tax are not payable in respect of the period during which the licence is suspended.

120. Offences relating to revenue

A person must not—

S. 120(a)
amended by
No. 34/1993
s. 13.

(a) wilfully evade the payment of any fee, premium payment, charge, tax or levy payable by the person under this Act; or

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Part 8—Fees, Taxation etc.

s. 120

(b) furnish a return, or make a statement or report, to the Commission or an inspector in respect of any fee, premium payment, charge, tax or levy payable under this Act knowing that the return, statement or report is false or misleading in a material particular.

S. 120(b)
amended by
Nos 34/1993
s. 13, 114/2003
s. 12.1.2
(Sch. 5
item 113).

Penalty: 100 penalty units.

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Part 9—Casino Internal Controls

s. 121

PART 9—CASINO INTERNAL CONTROLS

121. Approved system of controls and procedures to be implemented

S. 121(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 114(a)).

- (1) A casino operator must not conduct operations in the casino unless the Commission has approved in writing of a system of internal controls and administrative and accounting procedures for the casino.

S. 121(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 114(a)).

- (2) Any such approval may be amended from time to time, as the Commission thinks fit.

S. 121(2A)
inserted by
No. 93/1993
s. 27,
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 114(b)).

* * * * *

- (3) An approval or amendment of an approval under this section takes effect when notice of it is given in writing to the casino operator concerned, or on a later date specified in the notice.
- (4) The casino operator must ensure that the system approved for the time being under this section for the casino is implemented.

Penalty: 50 penalty units.

122. Content of approved system

- (1) A system of internal controls and administrative and accounting procedures approved for the purposes of section 121 must 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 a casino;
 - (b) procedures, forms and, where appropriate, formulas for or with respect to—
 - (i) hold percentages and the calculation thereof;
 - (ii) revenue drop;
 - (iii) complementary services;
 - (iv) salary arrangements; and
 - (v) personnel practices;
 - (c) job descriptions and the system of organising personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in operations in a casino and identification of primary and secondary supervisory positions for areas of responsibility, which areas must not be so extensive as to be impractical for an individual to supervise effectively;
 - (d) procedures for the conduct and playing of games and approved betting competitions;
 - (e) procedures for the receipt, storage and disbursement of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions pertaining to casino operations;

S. 122(1)(d)
amended by
No. 36/1994
s. 20(za)(i).

S. 122(1)(e)
amended by
No. 36/1994
s. 20(za)(ii).

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Part 9—Casino Internal Controls

s. 122

S. 122(1)(f)
amended by
No. 36/1994
s. 20(za)(iii).

(f) procedures for the collection and security of money at the gaming tables and other places in a casino where games or approved betting competitions are conducted;

(g) procedures and forms relating to transfers of money within a casino;

S. 122(1)(h)
amended by
No. 36/1994
s. 20(za)(iv).

(h) procedures for the transfer of money from the gaming tables and other places in a casino where games or approved betting competitions are conducted to other areas of a casino for counting;

S. 122(1)(i)
amended by
No. 36/1994
s. 20(za)(v).

(i) procedures and forms for the transfer of money or chips from and to a gaming or betting area;

(j) procedures and security for the counting and recording of revenue;

S. 122(1)(k)
amended by
No. 11/2001
s. 3(Sch.
item 10.5).

(k) procedures and security for the transfer of money from a casino to an authorised deposit-taking institution and from an authorised deposit-taking institution to a casino;

(l) procedures for the security, storage and recording of chips utilised in the gaming operations in a casino;

S. 122(1)(m)
amended by
No. 36/1994
s. 20(za)(vi).

(m) procedures and standards for the maintenance, security and storage of gaming and betting equipment;

S. 122(1)(n)
amended by
No. 36/1994
s. 20(za)(vii).

(n) procedures for the payment and recording of winnings associated with games or approved betting competitions where the winnings are paid by cash or cheque;

(o) procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;

Casino Control Act 1991
Act No. 47/1991

Part 9—Casino Internal Controls

s. 122

-
- (p) procedures for the cashing of cheques and recording of transactions by cheque;
- (q) procedures for the establishment and use of deposit accounts;
- (r) procedures for the use and maintenance of security and surveillance facilities, including catwalk systems and closed circuit television systems;
- (s) procedures governing the utilisation of security personnel within a casino; **S. 122(1)(s) amended by No. 88/2000 s. 48(a).**
- (t) procedures for the control of keys used or for use in operations in a casino;
- (u) procedures and standards for assessing the suitability of suppliers of goods or services to the casino and the casino operator which may vary according to the nature of the goods or services or the nature of the suppliers of goods or services; **S. 122(1)(u) inserted by No. 88/2000 s. 48(b).**
- (v) procedures for maintaining records of the suppliers of goods and services; **S. 122(1)(v) inserted by No. 88/2000 s. 48(b), amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 115(a)).**
- (w) procedures for the promotion and conduct of junkets or premium player arrangements. **S. 122(1)(w) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 115(b)).**
- (2) For the purposes of an approval or amendment of an approval, controls and procedures may be described narratively or represented diagrammatically, or by a combination of both methods.
-

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Part 9—Casino Internal Controls

s. 123

123. Banking

(1) A casino operator must—

S. 123(1)(a)
amended by
Nos 11/2001
s. 3(Sch.
item 10.6(a)(i)
(ii)), 114/2003
s. 12.1.2
(Sch. 5
item 116).

(a) keep and maintain separate accounts, as approved by the Commission, at an authorised deposit-taking institution in the State for use for all banking transactions arising under this Act in relation to the operator; and

S. 123(1)(b)
amended by
Nos 11/2001
s. 3(Sch.
item 10.6(b)),
114/2003
s. 12.1.2
(Sch. 5
item 116).

(b) from time to time provide the Commission, as required, and in a form approved by the Commission, with a written authority addressed to the authorised deposit-taking institution referred to in paragraph (a) authorising the authorised deposit-taking institution to comply with any requirements of an inspector exercising the powers conferred by this section.

Penalty: 100 penalty units.

S. 123(2)
amended by
No. 11/2001
s. 3(Sch.
item 10.7).

(2) An inspector may, by notice in writing, require the manager or other principal officer of an authorised deposit-taking institution referred to in sub-section (1) to provide the inspector with a statement of an account referred to in that section and such other particulars relating to the account as may be specified in the notice.

(3) A person to whom a notice is given under sub-section (2), must comply with the notice.

Penalty: 50 penalty units.

S. 123(4)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 116).

(4) An inspector may not exercise the powers conferred by this section without the prior written approval of the Commission.

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Part 9—Casino Internal Controls

s. 124

- (5) A function of the Commission under this section may be performed by any commissioner.

S. 123(5)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 117).

124. Accounts to be kept

- (1) A casino operator must keep such accounting records as correctly record and explain the transactions and financial position of the operations of the casino.
- (2) The accounting records must be kept in such a manner as will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

Penalty: 50 penalty units.

125. Statement of accounts

A casino operator must, as soon as practicable after the end of the financial year determined for the casino by the Commission, prepare financial statements and accounts, including:

- (a) trading accounts, where 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 gives a true and fair view of the financial operations of the operator in relation to the casino.

Penalty: 50 penalty units.

S. 125
amended by
No. 114/2003
s.12.1.2
(Sch. 5
item 118).

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Act No. 47/1991

Part 9—Casino Internal Controls

s. 126

126. Books etc. to be kept on casino premises

- (1) A casino operator must ensure that all documents relating to the operations of the casino are—
 - (a) kept at the casino; and
 - (b) retained for not less than 7 years after the completion of the transactions to which they relate.

Penalty: 50 penalty units.

- (2) The Commission may by instrument in writing grant an exemption to a casino operator from all or specified requirements of this section in respect of all or specified, or specified classes of documents and may grant such an exemption subject to conditions.

S. 126(2)
amended by
No. 114/2003
s.12.1.2
(Sch. 5
item 118).

127. Audit

- (1) A casino operator must, as soon as practicable after the end of the financial year determined for the casino by the Commission, cause the books, accounts and financial statements of the operator in relation to the casino to be audited by a person approved by the Commission to audit the accounting records of the operator.
- (2) The casino operator must cause the auditor's report and the profit and loss account and balance sheet of the operator in relation to the casino to be lodged with the Commission within 4 months after the end of the financial year to which the report, profit and loss account and balance sheet relate.

Penalty: 50 penalty units.

S. 127(1)
amended by
No. 114/2003
s.12.1.2
(Sch. 5
item 118).

S. 127(2)
amended by
Nos 93/1993
s. 28(a)(b),
114/2003
s. 12.1.2
(Sch. 5
item 118).

Casino Control Act 1991
Act No. 47/1991

Part 9—Casino Internal Controls

s. 128

128. Submission of reports

S. 128
substituted by
No. 34/1993
s. 14.

(1) A casino operator must submit to the Commission reports relating to the operations of the casino.

S. 128(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 118).

(2) The reports are to be submitted at the times, and are to contain the information, that is specified by notice in writing given to the casino operator by the Commission from time to time.

S. 128(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 118).

Penalty applying to this section: 50 penalty units.

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Act No. 47/1991

Part 9A—The Melbourne Casino

s. 128A

Pt 9A
(Heading and
ss 128A–
128S)
inserted by
No. 34/1993
s. 4.

PART 9A—THE MELBOURNE CASINO

Pt 9A Div. 1
(Heading)
substituted by
No. 93/1993
s. 32.

Division 1—Introductory

S. 128A
inserted by
No. 34/1993
s. 4.

128A. Definitions

(1) In this Part¹—

"Melbourne Casino area" means the lands shown in a plan of survey referred to in section 128B(1) and approved under section 128B or, if that area is varied in accordance with this Division, that area as so varied;

"Melbourne Casino project" means the project involving—

- (a) the establishment of the Melbourne Casino on the Melbourne Casino site; and
- (b) the establishment of the Melbourne Casino on the temporary casino site (whether or not in the Melbourne Casino area) for use until the permanent Melbourne Casino is established; and
- (c) the development and use of land in the Melbourne Casino area or the temporary casino site for facilities or any purpose related to the project as described in paragraphs (a) and (b); and

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Act No. 47/1991

Part 9A—The Melbourne Casino

s. 128B

- (d) roadworks and other works in the Melbourne Casino area or the temporary casino site associated with the project as described in paragraphs (a) to (c);

"Melbourne Casino site" means—

- (a) unless paragraph (b) applies, the land for the time being shown on a plan of survey referred to in section 128B(2) and approved under section 128B or, if that area is varied in accordance with this Division, that area as so varied; or
- (b) if a casino licence is granted for any part of that land, the land within the boundaries of the casino as defined for the time being under section 17;

"subordinate instrument" has the same meaning as in the **Interpretation of Legislation Act 1984**;

"temporary casino site" means land shown as the temporary site for the Melbourne Casino in a plan referred to in section 128B(3) and approved under section 128B, or if that area is varied in accordance with this Division, that area as so varied.

- (2) In this Part **"development"**, **"road"**, **"use"** and **"works"** have the same meanings as in the **Planning and Environment Act 1987**.

128B. Plans

- (1) On receiving a plan of survey, signed by the Surveyor-General, of the land shown hatched and cross-hatched on the plan in Schedule 1, or that land as nearly as practicable, the Minister may recommend that the Governor in Council approves the plan.

S. 128B
inserted by
No. 34/1993
s. 4.

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Act No. 47/1991

Part 9A—The Melbourne Casino

s. 128C

- (2) On receiving a plan of survey, signed by the Surveyor-General, of the land shown hatched on the plan in Schedule 2, or that land as nearly as practicable, the Minister may recommend that the Governor in Council approve the plan.
- (3) The Minister may designate land within the permissible locations for a casino prescribed for the purposes of section 7 to be the temporary site for the Melbourne Casino and, on receiving a plan of survey, signed by the Surveyor-General, of that land, or that land as nearly as practicable, the Minister may recommend that the Governor in Council approve the plan.
- (4) A plan under this section may make any adjustment to boundaries that is necessary because of a defect found on survey.
- (5) For the purposes of this section, the Governor in Council, on the Minister's recommendation, may approve a plan by Order published in the Government Gazette.

S. 128C
inserted by
No. 34/1993
s. 4.

128C. Changes in Melbourne Casino area and site

- (1) For the purposes of the Melbourne Casino project, the Governor in Council may, by Order published in the Government Gazette—
 - (a) reduce the Melbourne Casino area, the Melbourne Casino site or the temporary casino site; or
 - (b) increase the Melbourne Casino area or the Melbourne Casino site or the temporary casino site by adding land in the vicinity of that area or site.
- (2) The power under sub-section (1) to reduce or increase the area of the Melbourne Casino site may only be exercised if the boundaries of the casino have not been defined under section 17.

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- (3) Land may only be added to the Melbourne Casino area, the Melbourne Casino site or the temporary casino site under sub-section (1) if the land is within the permissible locations for a casino prescribed for the purposes of section 7.
- (4) An Order under sub-section (1) may revoke the approval of a plan and approve a new or amended plan for the purposes of this Division.
- (5) An Order under this section must be made on the Minister's recommendation after the Minister has received any appropriate plans of survey signed by the Surveyor-General.

Division 2—Casino Development

128D. Amendment of planning scheme

S. 128D
inserted by
No. 34/1993
s. 4.

- (1) In addition to any other power to prepare, adopt or approve amendments to planning schemes, the Minister administering the **Planning and Environment Act 1987** may—
 - (a) on the recommendation of the Minister administering this Act, prepare; and
 - (b) adopt and approve—amendments to any planning scheme applying to any land in the Melbourne Casino area or the temporary casino site to facilitate the Melbourne Casino project.
- (2) Without limiting what an amendment may include, an amendment prepared under this section may—
 - (a) impose any conditions on the development and use of land for the purposes of the Melbourne Casino project that the Minister administering the **Planning and Environment Act 1987** may determine; and

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S. 128D(2)(c)
amended by
No. 90/1998
s. 4(1)(b).

- (b) provide that no permit is required for all or any part of that development or use of land; and
 - (c) specify the Minister administering the **Planning and Environment Act 1987** as the responsible authority for the administration or enforcement of any provision of a planning scheme applicable to the Melbourne Casino project; and
 - (d) specify the Minister administering this Act as a referral authority for applications for planning permits in relation to land in the Melbourne Casino area or temporary casino site.
- (3) The **Planning and Environment Act 1987** (except for section 12(1), (a) and (e), (2) and (3) and Divisions 1 and 2 of Part 3, and section 39(1) to (6) and any regulations made for the purposes of those provisions) applies to the preparation, adoption and approval of an amendment under this section.
- (4) This section has effect despite anything in section 46 of the **Planning and Environment Act 1987** and that section does not apply to an amendment prepared, adopted or approved under this section.
- (5) Section 39(7) of the **Planning and Environment Act 1987** applies to an amendment prepared, adopted or approved under this section as if before "Division 1" there were inserted "section 12(1) or".
- (6) Section 39(8) of the **Planning and Environment Act 1987** applies to an amendment prepared or adopted under this section as if—
- (a) the words "Except for an application under this section" were deleted; and

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(b) before "Division 1" there were inserted
"section 12(1) or".

(7) Nothing in this section prevents either House of
Parliament exercising its power under section 38
of the **Planning and Environment Act 1987**.

128E. Administration of Building Act

S. 128E
inserted by
No. 34/1993
s. 4.

(1) Despite anything to the contrary in the **Building Act 1993**, the Minister administering that Act may, by Order published in the Government Gazette, declare that the administration and enforcement in relation to all or any part of the Melbourne Casino area or the temporary casino site of any of the provisions of that Act and the regulations made under that Act is to be carried out by the Minister or any other person or body specified in the Order and in accordance with the terms and conditions of the Order.

S. 128E(1)
amended by
Nos 126/1993
s. 264(Sch. 5
item 5.1),
36/1994
s. 15(1).

(2) The **Building Act 1993** and the regulations under that Act apply for the purposes of this section as if—

S. 128E(2)
amended by
No. 126/1993
s. 264(Sch. 5
item 5.2(a)).

(a) any reference to a council or a relevant building surveyor or a municipal building surveyor were a reference to the Minister or the relevant person or body specified in an Order under this section; and

S. 128E(2)(a)
amended by
No. 126/1993
s. 264(Sch. 5
item 5.2(b)).

(b) Part 10 of that Act required the Building Appeals Board to hold closed proceedings on matters affecting the Melbourne Casino site or the temporary casino site.

S. 128E(2)(b)
amended by
No. 126/1993
s. 264(Sch. 5
item 5.2(c)).

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S. 128E(3)
amended by
Nos 126/1993
s. 264(Sch. 5
item 5.3),
36/1994
s. 15(2).

(3) Section 151 of this Act applies to the Minister administering the **Building Act 1993** and to any other person or body in respect of whom an Order is made under this section and to any other person exercising any power or performing any duty under that Act or the regulations under that Act in relation to the Melbourne Casino area or the temporary casino site as if—

S. 128E(3)(a)
amended by
No. 126/1993
s. 264(Sch. 5
item 5.3).

(a) after "this Act" (wherever occurring) there were **inserted** "or the **Building Act 1993**"; and

(b) in sub-section (1)—

(i) before "the performance of duties" there were **inserted** "the performance of official duties or"; and

S. 128E(3)
(b)(ii)
amended by
No. 126/1993
s. 264(Sch. 5
item 5.3).

(ii) after "those duties" there were **inserted** "under this Act or the **Building Act 1993**".

S. 128F
inserted by
No. 34/1993
s. 4.

128F. Application of Heritage Act

S. 128F(1)
amended by
No. 93/1995
s. 218(1)
(Sch. 2 item
2.1(a)(b)).

(1) The Minister administering the **Heritage Act 1995**, by Order published in the Government Gazette, may exempt any registered place within the meaning of that Act or other building or land in the Melbourne Casino area from the operation of that Act.

S. 128F(2)
amended by
No. 93/1995
s. 218(1)
(Sch. 2 item
2.1(a)(c)(i)(iii)).

(2) On the making of an Order under sub-section (1), the **Heritage Act 1995** ceases to apply to the place, building or land in respect of which the Order is made and any registered place ceases to be registered under that Act.

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- (3) An Order under sub-section (1) may be made subject to any conditions specified in the Order including—
- (a) a condition requiring specified things to be done to the satisfaction of the Minister administering the **Heritage Act 1995**; and
 - (b) a condition providing that any use or development of land is conditional on an agreement being entered into with that Minister.
- (4) Any person who fails to comply with a condition of an Order or an agreement made under an Order is guilty of an offence and liable to a penalty of up to 1500 penalty units or 2 years imprisonment.
- (5) The Minister may revoke or amend an Order made under sub-section (1).
- (6) On the revocation of an Order made under sub-section (1)—
- (a) the **Heritage Act 1995** again applies to any place, building or land affected by the Order; and
 - (b) in the case of any place affected by the Order which was previously registered under that Act, that Act applies as if that place had not been registered.

S. 128F(3)(a) amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.1(a)).

S. 128F(6)(a) amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.1(a)(d)(i)).

S. 128F(6)(b) amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.1(d)(ii)).

128G. Environment effects

The **Environment Effects Act 1978** does not apply to any works in the Melbourne Casino project.

S. 128G inserted by No. 34/1993 s. 4.

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Division 3—Powers over land

S. 128H
inserted by
No. 34/1993
s. 4.

128H. Acquisition

- (1) For the purposes of the Melbourne Casino project or of access to or within the Melbourne Casino area, the Minister may acquire any interest in land by agreement or compulsorily.
- (2) This section is in addition to and does not take away from any of the Minister's other powers to acquire interests in land.

S. 128I
inserted by
No. 34/1993
s. 4.

128I. Acquisition of land under other legislation

- (1) The Minister, by Order published in the Government Gazette, may declare that this section applies to the acquisition of an interest in land by agreement or compulsorily if—
 - (a) the interest is being or has been acquired by a Minister or a public statutory authority at the request of the Minister administering this section, the Minister administering the **Planning and Environment Act 1987** or the Minister administering the **Gaming Machine Control Act 1991**; and
 - (b) the interest is being or has been acquired under an Act other than this Act; and
 - (c) the interest is being or has been acquired for the purpose of the Melbourne Casino project or for access to or within the Melbourne Casino area; and
 - (d) the acquisition commences before the commencement of this section.
 - (2) In relation to the acquisition of an interest in land to which this section applies and which is not vested in, or registered under the name of the acquiring authority, the Minister is the successor in law of the acquiring authority.
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- (3) Without limiting sub-section (2)—
- (a) anything relating to that acquisition that has been done by or in relation to the acquiring authority must be taken to have been done by or in relation to the Minister;
 - (b) the acquisition must be taken to be an acquisition under this Division;
 - (c) in any instrument or document relating to the acquisition, a reference to the acquiring authority must be taken to be a reference to the Minister;
 - (d) the Minister must be taken to be substituted for the acquiring authority as a party to any proceeding relating to the acquisition;
 - (e) the Minister may continue and complete anything of a continuing nature done in relation to the acquisition (including any step taken under the **Subdivision Act 1988**).
- (4) If, as a result of an acquisition of an interest in land to which this section applies, the interest is vested in or has been registered in the name of the acquiring authority at the commencement of this section, the interest vests, by force of this section, in the Crown, subject to any interest, right, power or authority to which it was subject immediately before its vesting under this section.

128J. Application of Land Acquisition and Compensation Act

S. 128J
inserted by
No. 34/1993
s. 4.

- (1) Subject to this section, the **Land Acquisition and Compensation Act 1986** applies to this Division and for that purpose—
- (a) this Division is the special Act; and
 - (b) the Minister is the Authority.

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- (2) Sections 5(1), 13, 20 and 26(2) and (5) of the **Land Acquisition and Compensation Act 1986** do not apply to this Division.
- (3) Section 8(1) of the **Land Acquisition and Compensation Act 1986** applies to this Division as if for paragraph (e) there were **substituted**—
- "(e) state that section 5(1) does not apply to the interest; and".
- (4) An interest in land compulsorily acquired under this Division vests in the Crown under section 24 of the **Land Acquisition and Compensation Act 1986** despite anything to the contrary in that section.
- (5) Section 26 of the **Land Acquisition and Compensation Act 1986** applies to this Division as if—
- (a) in sub-section (3) after "that sub-section" there were **inserted** "or until the date when the authority is to take possession specified in a notice under sub-section (11A) (as the case requires)";
- (b) in sub-section (8) after "sub-section (2)" there were **inserted** "or the date on which the authority is to take possession specified in a notice under sub-section (11A) or";
- (c) in sub-section (9) after "that sub-section" there were **inserted** "or the date on which the authority is to take possession specified in a notice under sub-section (11A) (as the case requires)";
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s. 128K

(d) after sub-section (11) there were **inserted**—

"(11A) The Authority must serve on any person in occupation of the land acquired written notice of the time and date on which the Authority is to take possession."

128K. Powers over Crown land

S. 128K
inserted by
No. 34/1993
s. 4.

(1) For the purposes of the Melbourne Casino project, the Minister has the following powers over any part of the Melbourne Casino area or the temporary casino site that is Crown land—

- (a) to develop or use the land;
- (b) to construct, extend, realign or relocate roads.

(2) For the purposes of the Melbourne Casino project the Minister may grant leases, licences, rights, or privileges over Crown land in the Melbourne Casino area or the temporary casino site on any terms and conditions (including the payment of rents and fees) that the Minister thinks fit.

S. 128K(2)
amended by
No. 46/1998
s. 7(Sch. 1).

(3) Subject to this section, the provisions of the **Land Act 1958** relating to leases and licences under subdivisions 1 and 2 of Division 9 of Part I of that Act apply to leases and licences under this section.

(4) Section 138(2) of the **Land Act 1958** does not apply to a licence under this section.

(5) Section 138A of the **Land Act 1958** applies to a licence under this section for a stratum of Crown land as if—

- (a) sub-section (2) referred to a licence under this section instead of a licence under section 138;

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S. 128K(5)(d)
amended by
No. 12/2004
s. 150.

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- (b) in sub-section (3)(b)(ii) after "this Act" there were inserted "or Division 3 of Part 9A of the **Casino Control Act 1991**";
- (c) in sub-section (5) for "section 138(2)" there were substituted "anything to the contrary in any Act";
- (d) after sub-section (5) there were inserted—
- "(5A) A licence over a stratum of Crown land may be granted even though there is a freeway or an arterial road (within the meaning of the **Road Management Act 2004**) over the land if the person granting the licence is satisfied that the exercise of the licensee's rights under the licence would not interfere with the use of the road by the public and the stratum covered by the licence does not include the level at which the road is constructed.
- (5B) In addition to any conditions under sub-section (7), a licence covering a stratum of Crown land above or below a declared road is subject to any terms and conditions determined by the person who grants the licence, specified in the licence and relating to the protection, maintenance and preservation of the road as a highway.";
- (e) sub-section (7)(c) were omitted.
- (6) Despite anything to the contrary in the **Crown Land (Reserves) Act 1978** or in any reservation of land under that Act a lease or licence may be granted under this section over Crown land, whether or not it is reserved under that Act or used as a car park in accordance with that Act.
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- (7) The **Crown Land (Reserves) Act 1978** does not apply to—
- (a) a development or use of Crown land under sub-section (1); or
 - (b) a lease or licence over Crown land under sub-section (2).
- (8) If a provision of the **Land Act 1958** applied by this section to a lease or licence is inconsistent with a provision of this section or of that lease or licence, the provision of this section or of that lease or licence prevails.
- (9) Without limiting section 15, a management agreement under that section may include provisions concerning redevelopment and use of land in the Melbourne Casino area or the temporary casino site.
- (10) In this section "**Crown land**" includes land in the Melbourne Casino area that is referred to in section 9(2) of the **King-Street Bridge Act 1957**.

128L. Road closure

- (1) The Governor in Council, by Order published in the Government Gazette, may close the whole or any part of a road in the Melbourne Casino area.
- (2) As soon as possible after the publication of an Order under sub-section (1) the Minister must cause notice of the road closure to be published in a newspaper circulating generally throughout Victoria.
- (3) On the publication of an Order under sub-section (1)—
 - (a) the land over which the closed road ran ceases to be a road; and

S. 128L
inserted by
No. 34/1993
s. 4.

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- (b) all rights, easements and privileges over that land existing or claimed either in the public or by any body or person as incident to any express or implied grant, or past or supposed dedication, or by user, operation of law or otherwise, cease; and
- (c) the land is deemed to be unalienated land of the Crown.

S. 128M
inserted by
No. 34/1993
s. 4.

128M. Revocation of reservations

- (1) The following Orders in Council are revoked to the extent that they apply to the Melbourne Casino area—
 - (a) Order in Council dated 26 November 1963 (published in the Government Gazette of 4 December 1963 at page 3569) to the extent that it relates to land at South Melbourne, Parish of Melbourne South, County of Bourke, which is by that Order permanently reserved as a site for a public park;
 - (b) Order in Council dated 18 June 1969 (published in the Government Gazette of 25 June 1969 at page 1880) relating to land at South Melbourne, Parish of Melbourne South, County of Bourke, which is by that Order permanently reserved as a site for a public park.
- (2) On the revocation by this section of an Order in Council reserving land—
 - (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests;
 - (b) the appointment of any committee of management is revoked to the extent that it relates to that land;

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- (c) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to the land.

128N. No compensation payable by Crown

No compensation is payable by the Crown in respect of anything done under or arising out of section 128L or 128M.

S. 128N
inserted by
No. 34/1993
s. 4.

Division 4—General

128O. Dispute resolution

- (1) The Governor in Council may determine any dispute or question about anything done or proposed to be done under this Part or any other Act and that arises in relation to or may affect the Melbourne Casino project, if the dispute or question arises between any of the following—
- (a) a public statutory authority;
 - (b) a Department within the meaning of the **Public Administration Act 2004**;
 - (c) a municipal council.
- (2) A dispute or question can only be referred for determination under sub-section (1) on the joint recommendation of the Minister and—
- (a) the Minister responsible for any Department concerned; or
 - (b) the Minister administering the Act under which any body concerned is established or operates.
- (3) The determination has effect despite anything to the contrary in any Act, and the persons or bodies

S. 128O
inserted by
No. 34/1993
s. 4.

S. 128O(1)(b)
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 25).

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between which the dispute or question arose are
bound by the determination.

S. 128P
inserted by
No. 34/1993
s. 4,
amended by
No. 93/1995
s. 218(1)
(Sch. 2
item 2.2),
repealed by
No. 38/2002
s. 16.

* * * * *

S. 128Q
inserted by
No. 34/1993
s. 4.

128Q. Bodies may be required to act promptly

S. 128Q(1)
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 25).

- (1) The Governor in Council, by Order published in the Government Gazette, may require a Department Head (within the meaning of the **Public Administration Act 2004**), public statutory authority or municipal council to carry out his her or its functions in relation to the Melbourne Casino project or the Melbourne Casino area within a time specified in the Order, and the person or body must comply with the requirement.
- (2) A requirement under sub-section (1) cannot vary any time or time limit prescribed by or under an Act.

S. 128R
inserted by
No. 34/1993
s. 4.

128R. Registrar of Titles to make necessary amendments to records

S. 128R(1)
repealed by
No. 85/1998
s. 24(Sch
item 7).

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s. 128S

-
- (2) The Registrar of Titles must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of any provision of this Part.

Division 5—Limitation of jurisdiction of Supreme Court

128S. Supreme Court—Limitation of jurisdiction

S. 128S
inserted by
No. 34/1993
s. 4.

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court—

- (a) reviewing matters of the kind described in section 39(7) and (8) of the **Planning and Environment Act 1987** (as modified by section 128D(5) and (6) of this Act); or
- (b) awarding compensation in respect of anything done under or arising out of section 128L or 128M.
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Act No. 47/1991

Part 10—Powers and Functions of the Commission

s. 140

Pt 10
(Heading)
substituted by
No. 37/1994
s. 229(l),
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 119).

**PART 10—POWERS AND FUNCTIONS OF THE
COMMISSION**

Ss 129–139
repealed by
No. 37/1994
s. 229(m).

* * * * *

S. 140
(Heading)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 120).

140. Object of the Commission

The object of the Commission is to maintain and administer systems for the licensing, supervision and control of casinos, for the purpose of—

S. 140
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 121).

(a) ensuring that the management and operation of casinos remains free from criminal influence or exploitation; and

S. 140(b)
amended by
No. 36/1994
s. 20(zb).

(b) ensuring that gaming and betting in casinos is conducted honestly; and

S. 140(c)
substituted by
No. 16/2000
s. 4.

(c) fostering responsible gambling in casinos in order to—

(i) minimise harm caused by problem gambling; and

(ii) accommodate those who gamble without harming themselves or others.

Casino Control Act 1991
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Part 10—Powers and Functions of the Commission

s. 141

141. Functions of the Commission

- | | | |
|--|---|---|
| | * * * * * | <p>S. 141
(Heading)
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 122).</p> <p>S. 141(1)
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 123(a)).</p> |
| (2) Without limiting its other functions, the Commission— | | <p>S. 141(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 123(b)(i)).</p> |
| (a) must oversee the operation and regulation of casinos; | | |
| (ab) must consider any system of controls and administrative and accounting procedures of the Commission to ensure that the taxes, charges and levies payable under this Act are paid and must approve or reject the system; | | <p>S. 141(2)(ab)
inserted by
No. 93/1993
s. 29,
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 123
b)(ii)).</p> |
| (b) must advise the Minister concerning policy in relation to supervision and inspection of casinos; | | <p>S. 141(2)(b)
amended by
No. 34/1993
s. 17(2)(a).</p> |
| (c) must do all things it is authorised or required to do under this Act, including but not limited to— | | <p>S. 141(2)(c)
amended by
No. 34/1993
s. 17(2)(a),
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 123(c)).</p> |
| (i) supervising directly the operation of casinos and the conduct of gaming and betting within them; | | |

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- (ii) ensuring that the handling and counting of money in casinos is supervised;
- (iii) detecting offences committed in or in relation to casinos;
- (iv) receiving and investigating complaints from casino customers concerning the conduct of gaming or betting in the casino;
- (v) investigating the antecedents of applicants for licences;
- (vi) checking casino records as required;
- (vii) inspecting, testing and approving gaming equipment and chips used in casinos;
- (viii) ensuring that the taxes, charges and levies payable under this Act are paid;
- (ix) preparing and giving to the Minister such reports concerning the operation of casinos and the conduct of gaming and betting in them as the Commission thinks fit or as the Minister may request.

142. Authority may enter into agreements

- (1) On or after 1 December 1992, with the approval of the Minister, the Authority may enter into agreements (on behalf of the State) for or in connection with the establishment and operation of casinos.
- (2) Such an agreement may provide that all or specified obligations imposed by the agreement are to be considered to be conditions of the relevant casino licence and such a provision has effect accordingly.

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(3) The Authority or the Commission cannot enter into any agreement under this section on or after the commencement of section 17 of the **Gaming Legislation (Amendment) Act 2002**.

S. 142(3) inserted by No. 38/2002 s. 17, amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 124).

(4) Sub-section (3) does not prevent the Authority from amending or varying any agreement made under this section before the commencement referred to in that sub-section after that commencement in accordance with the terms of the agreement.

S. 142(4) inserted by No. 38/2002 s. 17.

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S. 143 amended by No. 88/2000 s. 49, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 125).

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S. 144 amended by No. 38/2002 s. 18, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 125).

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S. 145 repealed by No. 37/1994 s. 229(n), new s. 145 inserted by No. 88/2000 s. 50, amended by No. 38/2002 s. 19, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 125).

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	*	*	*	*	*
<p>S. 146 repealed by No. 37/1994 s. 229(n), new s. 146 inserted by No. 88/2000 s. 50, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 125).²</p>					
<p>S. 147 amended by No. 34/1993 s. 15, repealed by No. 37/1994 s. 229(n).³</p>	*	*	*	*	*
<p>S. 148 repealed by No. 37/1994 s. 229(n).⁴</p>	*	*	*	*	*
<p>S. 149 amended by No. 93/1993 s. 30(a)(b), repealed by No. 36/1994 s. 16.</p>	*	*	*	*	*

PART 11—GENERAL

150. No liability in respect of things done before agreement

An action does not lie against the State in respect of anything done, or purported to be done, for the purposes of the establishment or operation of a casino in the State, before an agreement is entered into under section 15 in relation to that casino or proposed casino.

150A. Use of name including word "casino"

S. 150A
inserted by
No. 29/1993
s. 9.

- (1) A person, not being a casino operator, must not except with the consent of the Commission, use or have attached to or exhibited at or on—
- (a) that person's place of business; or
 - (b) any other premises—

S. 150A(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 126).

where gaming machines are installed or on any name-place or sign-board or in any advertisement, hand-bill or notice published by or for that person the word "casino", either alone or in combination with any other word or letters.

Penalty: If the person is a natural person,
10 penalty units;

If the person is a corporation,
50 penalty units.

- (2) If a person is convicted of an offence under subsection (1) and the offence continues after conviction, the person is guilty of a further offence and liable on conviction to an additional penalty for each day during which the offence so continues of—

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s. 150A

- (a) if the person is a natural person, not more than 2 penalty units;
- (b) if the person is a corporation, not more than 10 penalty units.

S. 151
amended by
Nos 34/1993
s. 16, 17/1996
s. 32, 88/2000
s. 51,
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 127).

* * * * *

S. 151A
inserted by
No. 88/2000
s. 52,
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 127).

* * * * *

S. 152
amended by
No. 90/1998
s. 3,
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 127).

* * * * *

S. 153
amended by
Nos 34/1993
s. 17(2)(b),
37/1994
s. 229(o)(p),
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 127).

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Casino Control Act 1991
Act No. 47/1991

Part 11—General

s. 153B

* * * * *

S. 153A
inserted by
No. 93/1993
s. 31,
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 127).

153B. Forgery and impersonation

A person must not—

- (a) forge or counterfeit chips, a chip purchase voucher, a licence under this Act or a special employee's form of identification; or
- (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, a licence under this Act or a special employee's form of identification; or
- (c) impersonate the holder of such a licence or form of identification.

Penalty: 100 penalty units or imprisonment for 2 years or both.

S. 153B
inserted by
No. 93/1993
s. 31,
amended by
No. 44/1995
s. 7(2)(b),
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 128).

153C. Conduct in casino

A casino operator must not permit any indecent, violent or quarrelsome conduct within the casino.

Penalty: 100 penalty units.

* * * * *

S. 153C
inserted by
No. 93/1993
s. 31.

S. 154
repealed by
No. 114/2003
s. 12.1.2
(Sch. 5
item 129).

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Part 11—General

s. 155

155. Appeals

S. 155(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 130(a)).

- (1) Except as otherwise provided in this Act, a decision of the Commission under this Act is final and is not subject to appeal or review.

S. 155(2)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 130(b)).

- (2) Except as otherwise provided in this section, a decision of the Commission under this Act is final and is not subject to appeal or review.

S. 155(3)
amended by
Nos 109/1994
s. 34(5)(a),
114/2003
s. 12.1.2
(Sch. 5
item 130(b)).

- (3) A person aggrieved by a decision of the Commission—
- (a) to cancel or suspend, or to refuse to cancel or suspend, a casino licence; or
 - (b) to amend, or to refuse to amend, the conditions of a casino licence—

may appeal to the Court of Appeal from the decision on a question of law.

S. 155(4)
repealed by
No. 109/1994
s. 34(5)(b).

* * * * *

- (5) Section 74 of the **County Court Act 1958** applies to an appeal under sub-section (3) with such modifications as are necessary.

S. 155(6)
amended by
No. 109/1994
s. 34(5)(c).

- (6) The Court of Appeal shall hear and determine the appeal and make such order as it thinks appropriate by reason of its decision, including, without limiting its power to make such orders—

S. 155(6)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 130(b)).

- (a) an order affirming or setting aside the decision of the Commission;

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s. 156

(b) an order remitting the matter to the Commission to decide again in accordance with the directions of the Court of Appeal.

S. 155(6)(b) amended by Nos 109/1994 s. 34(5)(c), 114/2003 s. 12.1.2 (Sch. 5 item 130(b)).

(7) A person aggrieved by a decision referred to in sub-section (3) is to be taken to be a person affected by a decision of a tribunal within the meaning of sections 3 and 11 of the **Administrative Law Act 1978**.

156. No right to compensation for cancellation etc.

No right to compensation enforceable against the State arises in relation to the cancellation, suspension or variation of the terms of licence, or an amendment of the conditions of a licence, under this Act.

* * * * * Ss 157, 158 repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 131).

* * * * * S. 159 amended by No. 88/2000 s. 53, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 131).

* * * * * Ss 160–164 repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 131).

165. Forfeiture of offending articles

- (1) If a person commits an offence under this Act involving the unlawful use or possession of any gaming equipment or any other article or thing, the court before which the person is convicted may order the equipment, article or thing to be forfeited to the State.
- (2) An inspector or a police officer may, in a casino, seize and retain possession of any equipment, article or thing that he or she reasonably suspects is liable to forfeiture under this section.

166. Information gathering for law enforcement purposes

S. 166(1)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 132).

- (1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Commission may direct a casino operator in writing to provide the Commission with information obtained by the operator concerning gaming in the casino.
- (2) Such direction may relate to particular information or to information generally and may relate to particular or general information concerning a specified person.
- (3) The direction must specify—
 - (a) the kind of information that the casino operator is required to provide; and
 - (b) the manner in which the information is to be provided.
- (4) It is a condition of a casino licence that the casino operator must comply with such a direction.
- (5) The Commission may make information obtained by the Commission under this section available to any law enforcement agency.

S. 166(5)
amended by
No. 114/2003
s. 12.1.2
(Sch. 5
item 132).

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s. 167

(6) In this section—

"law enforcement agency" means—

- (a) the police force of this or any other State or of a Territory; or
- (b) the Australian Federal Police; or
- (c) the Australian Crime Commission; or
- (d) the New South Wales Crime Commission; or
- (e) any other authority or person responsible for the enforcement of the laws of the Commonwealth or of this or any other State or of a Territory.

S. 166(6)
def. of
"law
enforcement
agency"
amended by
No. 52/2003
s. 52(Sch. 1
item 1).

167. Regulations

(1) The Governor in Council may make regulations for or with respect to—

- (a) the installations, devices and equipment to be provided in a casino for gaming and other purposes and the maintenance of the installations, devices and equipment;
- (b) the facilities and amenities to be provided for patrons of, and inspectors on duty in, a casino and the maintenance of those amenities;
- (ba) the provision to players of gaming machines in a casino of information relevant to gaming on gaming machines;
- (c) the provision and security of drop boxes and other places for the depositing of money;
- (d) the movement of gaming equipment to and from a casino;
- (e) advertising relating to a casino;

S. 167(1)(ba)
inserted by
No. 16/2000
s. 5.

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s. 167

- (f) the submission of reports by casino operators;
- (g) regulating in the casino the activities of persons (other than licensees under Part 4) who are in the casino in the course of their employment or prohibiting any of those activities;
- (h) the testing of operations, or of proposed operations, in a casino;
- (i) the acquisition of gaming equipment for use in a casino;
- (j) the servicing of gaming equipment used in a casino;
- (k) the issue and storage of gaming equipment for use in a casino;
- (l) the form of contracts that, within the meaning of section 29, are controlled contracts, the approval of the Commission before a specified class of those contracts may take effect and the disclosure to the Commission of the existence of any such contracts;
- (la) any matter in relation to which betting rules may be made under this Act;
- (lb) requirements relating to betting rules;
- (m) any other matter or thing required or permitted to be prescribed or necessary to be prescribed to give effect to this Act.

S. 167(1)(l)
amended by
Nos 34/1993
s. 17(2)(c),
12.1.2(Sch. 5
item 133(a)).

S. 167(1)(la)
inserted by
No. 36/1994
s. 19.

S. 167(1)(lb)
inserted by
No. 36/1994
s. 19.

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s. 167

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- (2) Regulations made under this Act—
- (a) may impose a penalty not exceeding 20 penalty units for a breach of the regulations; and
 - (b) may be of general or of specially limited application; and
 - (c) may differ according to differences in time, place or circumstance, including regulations under Part 8; and
 - (d) may confer a discretionary authority or impose a duty on the Commission.
- (3) The Regulations are subject to disallowance by a House of the Parliament.
- (4) If a regulation made under this Act is disallowed by the Parliament or a House of the Parliament, no regulation which is the same in substance as the disallowed regulation may be made within 6 months after the date of the disallowance, unless—
- (a) if the regulation was disallowed by one House of the Parliament, that House approves the making of a regulation the same in substance as the disallowed regulation; or
 - (b) if the regulation was disallowed by both Houses of the Parliament, each House approves the making of a regulation the same in substance as the disallowed regulation.
- (5) Any regulation made in contravention of subsection (4) shall be void and of no effect.
- S. 167(2)(c) amended by No. 17/1996 s. 33.**
- S. 167(2)(d) inserted by No. 17/1996 s. 33, amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 133(b)).**
- S. 167(3) substituted by No. 90/1998 s. 4(2).**
- S. 167(4) substituted by No. 90/1998 s. 4(2).**

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S. 168
inserted by
No. 88/2000
s. 54,
substituted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 134).

**168. Transitional provisions for the Gambling
Regulation Act 2003**

Schedule 3 has effect.

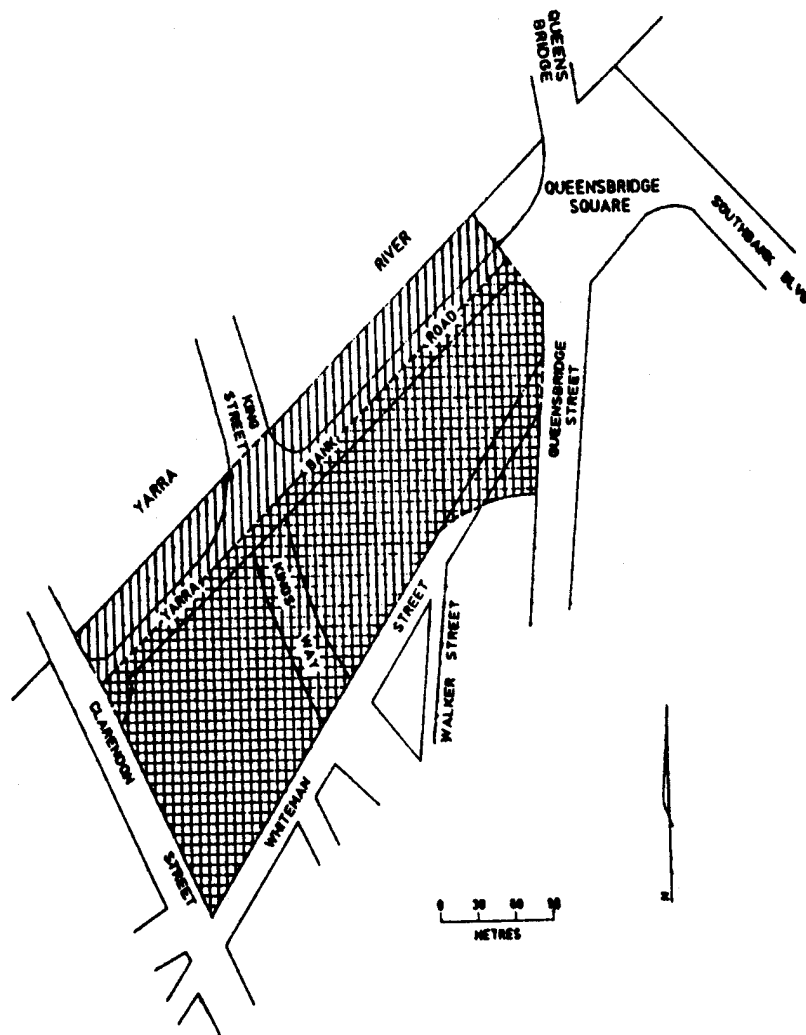
SCHEDULES

SCHEDULE 1⁵

Part 9A Division 1

Sch. 1
inserted by
No. 34/1993
s. 5.

MELBOURNE CASINO AREA



Casino Control Act 1991
Act No. 47/1991

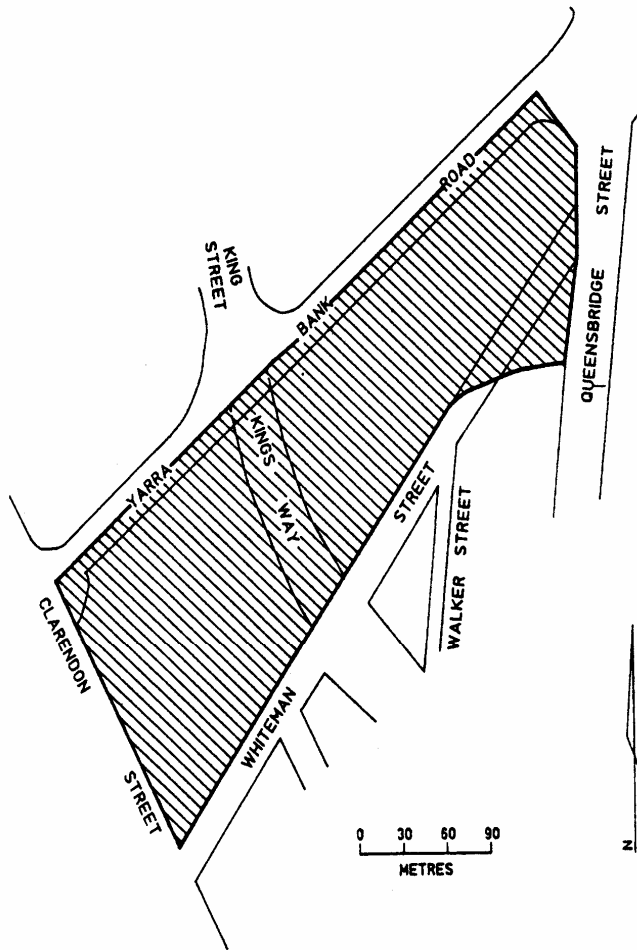
Sch. 2

Sch. 2
inserted by
No. 34/1993
s. 5.

SCHEDULE 2⁶

Part 9A Division 1

MELBOURNE CASINO SITE



SCHEDULE 3

Section 168

Sch. 3
inserted by
No. 114/2003
s. 12.1.2
(Sch. 5
item 135).

TRANSITIONALS—GAMBLING REGULATION ACT 2003

1. Definition

In this Schedule, "**commencement day**" means the day on which section 12.1.2 of the **Gambling Regulation Act 2003** comes into operation.

2. Licensing of casinos

- (1) A notice given by the Authority under section 11(1) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 11(1).
- (2) Written particulars verified by statutory declaration given by an applicant to the Authority under section 12(1) prior to the commencement day are taken, on and after that day, to be written particulars given to the Commission under section 12(1).
- (3) Information required by the Authority under section 12(1A) prior to the commencement day is taken, on and after that day, to be information required by the Commission under section 12(1A).
- (4) A determination made or notification given by the Authority under section 13(1) immediately before the commencement day is taken, on and after that day, to be a determination made or notification given by the Commission under section 13(1).
- (5) A request made to or an amendment proposed by the Authority under section 16(2) before the commencement day is taken, on and after that day, to be a request made to or an amendment proposed by the Commission under section 16(2).
- (6) A notice given by the Authority under section 17(4) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 17(4).

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Act No. 47/1991

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- (7) A notice given by the Authority under section 20(2) or (4) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 20(2) or (4).

3. Supervision and control of casino operators

- (1) A direction given by the Authority under section 23(1) immediately before the commencement day is taken, on and after that day, to be a direction given by the Commission under section 23(1).
- (2) A notice given by the Authority under section 26(1) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 26(1).
- (3) A notice given by the Authority under section 28A(3) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 28A(3).
- (4) A notice given by the Authority under section 28A(4A)(a) or (b) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 28A(4A)(a) or (b).
- (5) A notice given by the Authority under section 28A(4B) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 28A(4B).
- (6) A notice given by the Authority under section 28A(5) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 28A(5).

4. Controlled contracts

- (1) A notice given by the Authority under section 29(1)(c) or (d) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 29(1)(c) or (d) (as the case requires).
- (2) A notice given by the Authority under section 29(1A) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 29(1A).
-

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- (3) A notice given by the Authority under section 29(1B) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 29(1B).
 - (4) A notice given by an operator to the Authority under section 30(1)(a) or (b) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by that operator to the Commission under section 30(1)(a) or (b) (as the case requires).
 - (5) Notification given by the Authority under section 30(2) or (3) that was in force immediately before the commencement day is taken, on and after that day, to be notification given by the Commission under section 30(2) or (3).
 - (6) A notice given by an operator to the Authority under section 31 that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by that operator to the Commission under section 31.
 - (7) A notice served by the Authority under section 32(1) that was in force immediately before the commencement day is taken, on and after that day, to be a notice served by the Commission under section 32(1).

5. Licensing of casino employees

- (1) An application made to the Director under section 39 immediately before the commencement day is taken to be an application made to the Commission under section 39.
- (2) A notice given by the Director or the Authority under section 40(2) that was in force immediately before the commencement day is taken to be a notice given by the Commission under section 40(2).
- (3) A notice or direction given by the Director or the Authority under section 42 that was in force immediately before the commencement day is taken to be a notice given by the Commission under section 42.
- (4) In deciding an application under section 44, the Commission may take into account any investigation into that application by the Director before the commencement day.
- (5) An application made to the Director under section 45A immediately before the commencement day is taken to be an application made to the Commission under section 45A.

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- (6) A provisional licence under section 47 (as in force immediately before the commencement day) that was in force immediately before the commencement day is taken, on and after that day, to be a provisional licence under section 47 as amended by the **Gambling Regulation Act 2003** subject to any conditions to which the licence was subject immediately before that commencement.
 - (7) An exemption given by the Director under section 46(2) that was in force immediately before the commencement day is taken on and after that day to be an exemption given by the Commission under section 46(2).
 - (8) An application for a new licence made to the Director under section 49 that was made before the commencement date is taken, on and after that day, to be an application for a new licence made to the Commission under section 49.
 - (9) An application for variation of a licence made to the Director under section 50 that was made before the commencement date is taken, on and after that day, to be an application for variation made to the Commission under section 50.
 - (10) In determining whether to take any disciplinary action under section 52, the Commission may have regard to any inquiry undertaken by the Director, or any recommendation made by the Director, under that section before the commencement day.
 - (11) Suspension of a licence of a licensee by the Director by notice under section 53 that was made before the commencement date is taken, on and after that day, to be an application for suspension of a licence by the Commission under section 53.
 - (12) A notification, approval of a form or specification of dates by the Authority or the Director under section 56 that was in force immediately before the commencement day is taken, on and after that day, to be a notification, approval or specification by the Commission under section 56.
 - (13) A specification of the Director under section 57 that was in force immediately before the commencement day is taken, on and after that day, to be a specification by the Commission under section 57.
 - (14) An approval of the Director under section 58 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 58.
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Sch. 3

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- (15) Section 58A does not operate so as to impose an obligation on a licensee, or to make a casino operator guilty of an offence, before the first anniversary of the day on which the Commission first approves a training course under section 3.4.54(3) of the **Gambling Regulation Act 2003**.

6. Casino Operations

- (1) An approval of the Director under section 59 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 59.
- (2) An approval of the Authority under section 60 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 60.
- (3) A direction given by the Authority under section 61(1) immediately before the commencement day is taken, on and after that day, to be a direction given by the Commission under section 61(1).
- (4) An approval of the Director under section 62 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 62.
- (5) A notice of the Authority published in the Government Gazette under section 62AB(4) before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 62AB(4).
- (6) A notice of the Authority published in the Government Gazette under section 62AC(2) before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 62AC(2).
- (7) An approval of the Authority under section 62B that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 62B.
- (8) A direction of the Director under section 63(1) that was in force immediately before the commencement day is taken, on and after that day, to be a direction given by the Commission under section 63(1).
- (9) An approval of the Director or Authority under section 64 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 64.
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- (10) A direction of the Authority under section 65 that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 65.
 - (11) A direction of the Director under section 66(1)(b) that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 66(1)(b).
 - (12) An approval of the Authority under section 68(2)(e) that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 68(2)(e).
 - (13) A notice given by the Authority under section 68(7) that was in force immediately before the commencement day is taken to be a notice given by the Commission under section 68(7).
 - (14) An authorisation given by the Authority or Director under section 71(2) that was in force immediately before the commencement day is taken, on and after that day, to be an authorisation given by the Commission under section 71(2).
 - (15) An order given by the Director under section 72 that was in force immediately before the commencement day is taken, on and after that day, to be an order given by the Commission under section 72.
 - (16) An appeal to the Authority under section 73(1) that was made before the commencement day, but not yet decided under section 73(5), is taken to be an appeal to the Commission under section 73(1).
 - (17) An authorisation given by the Authority under section 79A(2) that was in force immediately before the commencement day is taken, on and after that day, to be an authorisation given by the Commission under section 79A(2).
 - (18) A notice of the Authority published in the Government Gazette under section 81AAB(2) before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 81AAB(2).

7. Minors

- (1) A notice of acceptable evidence given by the Authority under section 82 that was in force immediately before the commencement day is taken, on and after that day, to be a notice of acceptable evidence given by the Commission under section 82.
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Sch. 3

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- (2) A direction of the Authority under section 89(1) that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 89(1).

8. Casino internal controls

- (1) An approval of the Authority under section 121 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 121.
- (2) An approval or requirement of the Authority under section 123(1) that was in force immediately before the commencement day is taken, on and after that day, to be an approval or requirement (as the case requires) of the Commission under section 123(1).
- (3) A determination of a financial year by the Authority under section 125 or 127 that was in force immediately before the commencement day is taken, on and after that day, to be a determination of a financial year by the Commission under section 125 or 127 (as the case requires).
- (4) An exemption granted by the Authority under section 126(2) that was in force immediately before the commencement day is taken, on and after that day, to be an exemption granted by the Commission under section 126(2).
- (5) An approval of a person by the Authority under section 127 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the person by the Commission under section 127.
- (6) A notice given by the Authority under section 128(2) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 128(2).

9. General

- (1) Consent of the Authority under section 150A before the commencement day is taken, on and after that day, to be consent of the Commission under section 150A.
- (2) A direction of the Authority under section 166(1) that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 166(1).
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Endnotes

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 24 April 1991

Legislative Council: 4 June 1991

The long title for the Bill for this Act was "A Bill to provide for the establishment of a system for the licensing, supervision and control of casinos and for other purposes."

The **Casino Control Act 1991** was assented to on 25 June 1991 and came into operation as follows:

Sections 7, 14, 15, 142, 151, 153, 167 on 25 June 1991: section 2(1); rest of Act (*except* section 94) on 9 October 1991: Government Gazette 9 October 1991 page 2762; section 94 on 27 May 1993: Government Gazette 27 May 1993 page 1330.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Casino Control Act 1991** by Acts and subordinate instruments.

Gaming Machine Control (Amendment) Act 1993, No. 29/1993

Assent Date: 25.5.93
Commencement Date: All of Act (*except* ss 6–9) on 25.5.93: s. 2(1); ss 6–9 at the beginning of the 28th day after the day on which this Act receives the Royal Assent—22.6.93: s. 2(2)
Current State: All of Act in operation

Casino Control (Amendment) Act 1993, No. 34/1993

Assent Date: 25.5.93
Commencement Date: Pt 1 (ss 1–3) on 25.5.93: s. 2(1); ss 9, 17(1) on 25.6.91: s. 2(2); rest of Act on 25.5.93: Special Gazette (No. 30) 25.5.93 p. 1
Current State: All of Act in operation

Casino Control (Further Amendment) Act 1993, No. 93/1993

Assent Date: 16.11.93
Commencement Date: Ss 1, 2, 6 on 16.11.93: s. 2(1); rest of Act on 16.11.93: Special Gazette (No. 82) 16.11.93 p. 1
Current State: All of Act in operation

Casino (Management Agreement) Act 1993, No. 94/1993

Assent Date: 16.11.93
Commencement Date: 16.11.93
Current State: All of Act in operation

Building Act 1993, No. 126/1993

Assent Date: 14.12.93
Commencement Date: S. 264(Sch. 5 items 5.1–5.3) on 1.7.94: Special Gazette (No. 42) 1.7.94 p. 1
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 4(Sch. 2 item 12) on 1.1.95: Government Gazette 28.7.94 p. 2055
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Casino Control (Miscellaneous Amendments) Act 1994, No. 36/1994

Assent Date: 31.5.94
Commencement Date: Pt 1 (ss 1–3) on 31.5.94: s. 2(1); rest of Act (*except* ss 17–20) on 2.6.94: Government Gazette 2.6.94 p. 1339; ss 17–20 on 1.7.94: Government Gazette 16.6.94 p. 1576
Current State: All of Act in operation

Casino Control Act 1991
Act No. 47/1991

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Gaming and Betting Act 1994, No. 37/1994

Assent Date: 2.6.94
Commencement Date: S. 229(a)–(g)(k)–(p) on 3.6.94: Special Gazette (No. 31) 2.6.94 p. 1; s. 229(h)–(j) on 3.6.95: s. 2(3)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gaming and Betting (Amendment) Act 1994, No. 98/1994

Assent Date: 13.12.94
Commencement Date: S. 26 on 1.2.95: Special Gazette (No. 10) 1.2.95 p. 1
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Constitution (Court of Appeal) Act 1994, No. 109/1994

Assent Date: 20.12.94
Commencement Date: Pt 1 (ss 1, 2) on 20.12.94: s. 2(1); rest of Act on 7.6.95: Special Gazette (No. 41) 23.5.95 p. 1
Current State: All of Act in operation

Equal Opportunity Act 1995, No. 42/1995

Assent Date: 14.6.95
Commencement Date: S. 224 on 5.10.95: Government Gazette 28.9.95 p. 2731; Sch. 2 item 7 on 1.1.96: Government Gazette 21.12.95 p. 3571
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gaming Acts (Amendment) Act 1995, No. 44/1995

Assent Date: 14.6.95
Commencement Date: Ss 3–6, 7(2) on 14.6.95: s. 2(1); s. 7(1) on 3.6.95: s. 2(2)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Heritage Act 1995, No. 93/1995

Assent Date: 5.12.95
Commencement Date: S. 218(1)(Sch. 2 items 2.1, 2.2) on 23.5.96: Government Gazette 23.5.96 p. 1248
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gaming Acts (Amendment) Act 1996, No. 17/1996

Assent Date: 2.7.96
Commencement Date: Ss 24–33 on 2.7.96: s. 2(1)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Miscellaneous Acts (Further Omnibus Amendments) Act 1996, No. 73/1996

Assent Date: 17.12.96
Commencement Date: Ss 9, 10 on 17.12.96: s. 2(1)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Casino Control Act 1991
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Gaming No. 2 Act 1997, No. 16/1997

Assent Date: 6.5.97
Commencement Date: S. 115 on 31.3.98: s. 2(4)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Transfer of Land (Single Register) Act 1998, No. 85/1998

Assent Date: 17.11.98
Commencement Date: S. 24(Sch. item 7) on 1.1.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gaming Acts (Further Amendment Act 1998, No. 90/1998

Assent Date: 24.11.98
Commencement Date: Ss 3, 4 on 24.11.98: s. 2(1)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Interactive Gaming (Player Protection) Act 1999, No. 41/1999

Assent Date: 8.6.99
Commencement Date: S. 75 on 9.11.00: Government Gazette 9.11.00 p. 2667
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gambling Legislation (Responsible Gambling) Act 2000, No. 16/2000

Assent Date: 9.5.00
Commencement Date: Ss 3–5 on 10.5.00: s. 2(1)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

National Taxation Reform (Further Consequential Provisions) Act 2000, No. 24/2000

Assent Date: 16.5.00
Commencement Date: S. 5 on 17.5.00: s. 2(1)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gambling Legislation (Miscellaneous Amendments) Act 2000, No. 88/2000

Assent Date: 5.12.00
Commencement Date: Ss 39, 40, 43, 46–48, 51, 52, 54 on 1.2.01: Government Gazette 1.2.01 p. 129; ss 44, 45 on 1.3.01: Government Gazette 1.3.01 p. 303; ss 37, 41, 42, 53 on 26.4.01: Government Gazette 26.4.01 p. 744; ss 36, 38, 49, 50 on 28.8.01: Government Gazette 23.8.01 p. 1928
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Casino Control Act 1991
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Endnotes

Gaming Acts (Gaming Machine Levy) Act 2000, No. 89/2000

Assent Date: 5.12.00
Commencement Date: 6.12.00: s. 2
Current State: All of Act in operation

Statute Law Amendment (Authorised Deposit-taking Institutions) Act 2001, No. 11/2001

Assent Date: 8.5.01
Commencement Date: S. 3(Sch. item 10) on 1.6.01: s. 2(2)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

State Taxation Acts (Taxation Reform Implementation) Act 2001, No. 48/2001

Assent Date: 27.6.01
Commencement Date: S. 3 on 1.7.01: s. 2(3)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gaming Legislation (Amendment) Act 2002, No. 38/2002

Assent Date: 18.6.02
Commencement Date: Ss 3(1)(2), 4, 5, 7(1)(3), 10–14, 16–19 on 19.6.02: s. 2(1); s. 9 on 1.7.02: s. 2(6); ss 3(3), 8, 15 on 1.1.03: s. 2(3); ss 6, 7(2) on 15.5.03: Government Gazette 15.5.03 p. 1121
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Australian Crime Commission (State Provisions) Act 2003, No. 52/2003

Assent Date: 16.6.03
Commencement Date: S. 52(Sch. 1 item 1) on 17.6.03: s. 2(1)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gambling Regulation Act 2003, No. 114/2003

Assent Date: 16.12.03
Commencement Date: S. 12.1.2(Sch. 5 items 1–135) on 1.7.04: Government Gazette 1.7.04 p. 1843
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Road Management Act 2004, No. 12/2004

Assent Date: 11.5.04
Commencement Date: S. 150 on 1.7.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Gambling Regulation (Further Amendment) Act 2004, No. 104/2004

Assent Date: 21.12.04
Commencement Date: S. 45 on 1.3.01: s. 2(3); s. 46 on 22.12.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

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Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 25) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Casino Control Act 1991**

Casino Control Act 1991
Act No. 47/1991

Endnotes

3. Explanatory Details

¹ S. 128A(1):

Melbourne Casino area

The dimensions of the Melbourne Casino area are set out in Plan No. LEGAL/93–2222 signed by the Surveyor-General on 4 October 1993. The dimensions of the site were varied by Orders of the Governor in Council as notified in the following Gazettes:

Government Gazette	10 February 1994	pp 398, 399
Government Gazette	27 October 1994	p. 2093
Government Gazette	4 May 1994	p. 1076
Government Gazette	9 November 1995	p. 3155
Government Gazette	1 February 1996	p. 271
Government Gazette	18 July 1996	p. 1874

Melbourne Casino site

The dimensions of the Melbourne Casino site are set out in Certified Plan CP112471A signed by the Surveyor-General on 12 November 1993.

Temporary Casino site

The temporary casino site was designated on Plan LEGL./93–223 signed by the Surveyor-General and approved by Order of the Governor in Council notice of which Order was gazetted on 16 November 1993. The site area was further varied by Order of the Governor in Council notice of which Order was gazetted on 10 February 1994, Government Gazette 10 February 1994 pages 398, 399.

² S. 146 (*repealed*): The repeal of sections 146–148 proposed by section 4 (Sch. 2 item 12) of the **Financial Management (Consequential Amendments) Act 1994**, No. 31/1994 is not included in this publication, due to their earlier repeal by section 229(n) of the **Gaming and Betting Act 1994**, No. 37/1994.

³ S. 147: See note 2.

⁴ S. 148: See note 2.

⁵ Sch. 1: See note 1.

⁶ Sch. 2: See note 1.