

Version No. 043
Casino Control Act 1991
Act No. 47/1991

Version incorporating amendments as at 9 November 2000

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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.

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;

"authorised person" means—

- (a) a member of the Authority; or
- (b) the Director; or
- (c) an inspector; or
- (d) a member of the staff of the Authority appointed by the Authority in writing to be an authorised person for the purposes of this Act;

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;

"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;

"decision" in relation to the Director or the Authority, includes determination;

"Director" means the Director of Casino Surveillance appointed under section 94;

"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;

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

"employ" includes engage under a contract for services;

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

S. 3(1) def. of "exclusion order" amended by No. 17/1996 s. 24(a).

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

"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;

S. 3(1) def. of "gaming machine" inserted by No. 93/1993 s. 4(1)(d), amended by No. 41/1999 s. 75(b).

"gaming machine" means any device, whether wholly or partly mechanically or electronically operated, that is so designed that—

- (a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
- (b) as a result of making a bet on the device, winnings may become payable—

and includes any machine declared to be a gaming machine under sub-section (3) 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;

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"gaming operator" has the same meaning as in the **Gaming Machine Control Act 1991**;

S. 3(1) def. of "gaming operator" inserted by No. 44/1995 s. 4.

"inspector" means a person appointed under Division 3 of Part 7;

S. 3(1) def. of "inspector" substituted by Nos 37/1994 s. 229(c), 17/1996 s. 24(b).

"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 "jackpot" inserted by No. 93/1993 s. 4(1)(e).

"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;

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

"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;

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

"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 "operations" amended by No. 36/1994 s. 20(a).

"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;
- (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).

"operator", in relation to a bingo centre, has the same meaning as in the **Gaming No. 2 Act 1997**;

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"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 "premium player arrangement" inserted by No. 36/1994 s. 4, amended by No. 73/1996 s. 9.

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

"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;

"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;

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

"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" means a scheme of pari-mutuel betting, whether conducted by means of an instrument or contrivance known as a totalisator or otherwise;

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

S. 3(1) def. of "venue operator" inserted by No. 44/1995 s. 4.

"venue operator" has the same meaning as in the **Gaming Machine Control Act 1991**.

(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

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

(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.

(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.

5. Staff of Authority

In this Act, a reference to a member of the staff of the Authority is a reference to—

- (a) a person who is employed under section 96 of the **Gaming and Betting Act 1994** or whose services are made use of under that section; or
- (b) a police officer who is performing services for the Authority.

S. 5(a)
amended by
No. 37/1994
s. 229(d).

PART 2—LICENSING OF CASINOS

6. Licensed casinos declared lawful

S. 6(1)
amended by
No. 93/1993
s. 5.

- (1) Subject to this Act and the **Gaming Machine Control Act 1991**, 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).

- (2) Except to the extent (if any) that the regulations otherwise provide, the **Lotteries Gaming and Betting Act 1966** and the **Gaming No. 2 Act 1997** do 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.

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

- (3) This section does not operate to enable a proceeding to be brought to recover—
- (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 Authority must not grant a casino licence if to do so would be inconsistent with the regulations.

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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*

- (1) A person may on or after 1 December 1992 apply to the Authority to be granted a casino licence.
- (2) An application for a licence must be made in a form in or to the effect of the form approved by the Authority and must be accompanied by the prescribed fee.
- (3) The application must contain or be accompanied by such additional information as the Authority may request.
- (4) If a requirement made by this section is not complied with, the Authority may refuse to consider the application.
- (5) If an application is refused under sub-section (4) or withdrawn by the applicant, the Authority, at its discretion, may refund the whole or part of the application fee.

9. *Matters to be considered in determining applications*

- (1) The Authority 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.

- (2) In particular, the Authority must consider whether—
- (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 Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
 - (g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority 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*

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- (1) On receiving an application for a casino licence, the Authority must cause to be carried out all such investigations and inquiries as it considers necessary to enable it to consider the application properly.
- (2) In particular, the Authority—
 - (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.
- (3) The Chief Commissioner of Police and the Director must inquire into and report to the Authority on such matters concerning the application as the Authority requests.
- (4) The Authority 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.

11. *Authority may require further information etc.*

- (1) The Authority 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 Authority, relevant to the application to do any one or more of the following—
 - (a) to provide, in accordance with directions in the notice, any information, verified by
-

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- 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 Authority any authorities and consents that the Authority directs for the purpose of enabling the Authority 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 Authority may refuse to consider the application concerned.

12. *Updating of application*

- (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 Authority written particulars of the change verified by statutory declaration.

Penalty: 50 penalty units.

- (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) to any further change in the information provided.

13. *Determination of applications*

- (1) The Authority must determine an application by either granting or refusing the application and must notify the applicant in writing of its decision.
- (2) A licence may be granted subject to such conditions as the Authority thinks fit.
- (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.
- (4) The Authority is not required to give reasons for its decision on an application but may give reasons if it thinks fit.
- (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*

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 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.

15. *Management agreement*

Casino Control Act 1991

Act No. 47/1991

- (1) The Authority 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.
- (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.

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

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

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

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 Authority in writing to make the amendment; or
 - (b) by the Authority by giving notice in writing of the proposed amendment to the casino operator.
- (3) The Authority must give the casino operator at least 14 days to make submissions to the Authority concerning any proposed amendment (whether proposed by the Authority or the licensee) and must consider the submissions made.
- (4) The Authority 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 Authority 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.

17. *Authority 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 Authority may from time to time redefine the boundaries of a casino, at the location for which the licence is granted, as the Authority 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 Authority gives written notice of it to the casino operator concerned or any later date specified in the notice.

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.

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 Authority.

20. *Cancellation, suspension or variation of casino licence*

Casino Control Act 1991

Act No. 47/1991

(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;

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

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

- (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 Authority 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.

- (3) The casino operator, within the period allowed by the notice, may arrange with the Authority for the making of submissions to the Authority as to why disciplinary action should not be taken and the Authority must consider any submissions so made.
- (4) The Authority may then take disciplinary action against the casino operator as the Authority 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
 - (c) any combination of the sanctions referred to in paragraph (a) or paragraphs (a) and (b).
- (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.
- (7) If any direction given under sub-section (6) is not complied with in the specified time, the Authority may by giving written notice to the casino

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

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

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.

- (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 Authority 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).

21. Surrender of licence

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

22. Appointment of a manager if licence cancelled or suspended

- (1) If a casino licence is suspended, cancelled or surrendered, the Authority 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 Authority must have regard to the suitability of the person.
- (3) A manager is appointed on such terms and conditions as the Authority thinks fit.
- (4) The appointment of a manager of a casino may be terminated at any time by the Authority and is

S. 22(1)
amended by
No. 34/1993
s. 6(1).

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
No. 34/1993
s. 6(2).

(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 Authority 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.

(7) The regulations may make provision for or with respect to the functions of a manager appointed under this section.

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

(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—

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- (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 Authority;
 - (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 Authority 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.
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**PART 3—SUPERVISION AND CONTROL OF CASINO
OPERATORS**

Division 1—Directions, investigations etc.

23. *Directions to operator*

- (1) The Authority 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.

24. *General investigations*

- (1) The Authority may investigate a casino from time to time and at any time that the Authority thinks it desirable to do so and, if it is directed to do so by the Minister, must investigate the casino.

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- (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 Authority, is an associate of the casino operator;
 - (c) a person or persons who in the opinion of the Authority could affect the exercise of functions in or in relation to the casino; or
 - (d) a person or persons who, in the opinion of the Authority, 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.
- (3) The Authority 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.

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

- (1) Not later than 3 years after the commencement of operations in a casino, and thereafter at intervals not exceeding 3 years, the Authority 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.
- (2) The Authority 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

- (1) The Authority may, by notice in writing, require a casino operator or a person who, in the opinion of the Authority, is directly or indirectly associated with the operator—
 - (a) to provide the Authority 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 Authority requires, as is specified in the notice; or
 - (b) to produce to the Authority 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 Authority, as are specified in the notice and to permit examination of those records, the taking of extracts from them and the making of copies of them; or
 - (c) to attend before the Authority 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 Authority, and to answer questions relating to those matters.
 - (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 Authority, 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
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against the person in criminal proceedings other than proceedings under this Act.

- (3) If records are produced under this section, the Authority 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.
- (4) At any reasonable times during the period for which records are retained, the Authority 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 Authority or an authorised person.
- (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.

27. Failure to provide information punishable as contempt

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

"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—

- (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 Authority; and
 - (b) notify the Authority 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
 - (c) notify the Authority in writing of any major change in the situation existing in relation to
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the operator to which paragraphs (a) and (b) do not apply within 3 days after becoming aware that the change has occurred; and

- (d) notify the Authority 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.

Penalty: 50 penalty units.

- (3) If a major change for which the approval of the Authority is sought under this section involves a person becoming an associate of the casino operator, the Authority must not grant its approval unless satisfied that the person is a 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.
- (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 Authority to the change is not required—
- (a) the Authority 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.

28A. *On-going monitoring of associates and others*

- (1) The Authority may from time to time investigate—
- (a) an associate, or a person likely to become an associate, of a casino operator; or

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

Casino Control Act 1991

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- (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 Authority 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 Authority.
- (3) If the Authority, 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 Authority may, by notice in writing, require the associate to terminate the association with the casino operator.
- (4) In particular, the Authority 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;
 - (c) has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.
- (5) If the association is not terminated within 14 days from the date of the notice referred to in sub-section (3), the Authority may, by notice in writing, direct the casino operator to take all reasonable steps to terminate the association and
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the casino operator must comply with the direction within 14 days or any longer period agreed with the Authority.

- (6) The Authority—
- (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.

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 Authority 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—

- (a) the construction of the casino; or
- (b) the alteration of premises used or to be used as the casino; or
- (c) any other class of matter specified by the Authority by notice in writing given to the casino operator as not being

S. 29(1) def. of
"controlled
contract"
amended by
Nos 93/1993
s. 8(1),
36/1994
s. 5(1).

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 Authority 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).

- (1A) The Authority 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(2)
inserted by
No. 93/1993
s. 8(2),
amended by
No. 36/1994
s. 5(3).

- (2) The Authority must publish in its annual report all classes of matter and all classes of contract specified by the Authority under paragraph (c), (ca) or (d) of the definition of "controlled contract" in sub-section (1) during the previous year.

S. 30
substituted by
No. 93/1993
s. 9.

30. Requirements for controlled contracts

- (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 Authority of the details of the proposed contract or variation at least 28 days (or any shorter period approved by the Authority in a particular case or in respect of a particular class of contract) before entering into or becoming a party to it; and
 - (b) the Authority has not, within that period, given notice in writing to the operator that

the Authority objects to the proposed contract or requires further time, the further period to be specified in the notice, to conduct its investigations.

Penalty: 100 penalty units.

- (2) If the Authority 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.

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

Penalty: 100 penalty units.

- (4) The Authority 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.

31. Notice to be given of certain contracts

If—

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

S. 31(a)
amended by
No. 93/1993
s. 8(3)(a)(b).

- (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 Authority of that fact and brief particulars of the contract or variation.

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

- (1) The Authority 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 Authority for the making of submissions as to why the contract should not be terminated.
- (4) After considering any submissions so made, the Authority 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.

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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- (c) neither the State nor the Authority 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

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

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

PART 4—LICENSING OF CASINO EMPLOYEES

37. Definitions

(1) In this Part—

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

S. 37(1) def. of "licence" amended by No. 34/1993 s. 7.

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

"special employee" means a person who—

S. 37(1) def. of "special employee" amended by No. 36/1994 ss 6, 20(d)(i)(ii).

- (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;
 - (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 Authority 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
- (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*

- (1) An application for a licence must be in a form approved by the Director, must be lodged with the Director and must be accompanied by—
 - (a) the prescribed fee; and
 - (b) such documents (if any) as may be specified by the Director 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.
- (3) If the applicant is a natural person, the Director 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.
- (5) If a requirement under this section is not complied with, the Director may refuse to consider the application concerned.

40. *Direction to apply for licence*

- (1) For the purposes of this section, a person has a special relationship with a casino if, in the opinion of the Director or the Authority—

- (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.
- (2) The Director or the Authority may by notice in writing given to a person who has a special relationship with a casino—
- (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.
- (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)—

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

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 Director 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.

42. *Director may require further information*

- (1) The Director may, by notice in writing, require a person who is an applicant for a licence or who, in the opinion of the Director 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
- (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 Authority such authorities and consents as the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the person and his or her associates or relations from other persons.

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

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

43. *Applications to be investigated*

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

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- (3) The applicant may, within 14 days after receiving notice of the decision, appeal against the decision to the Authority.
 - (4) The appeal must be in writing and specify the grounds on which it is made.
 - (5) Upon consideration of the grounds of appeal specified by the applicant, the Authority may confirm the Director's decision or order the Director to issue a licence.
 - (6) The decision of the Authority must be communicated in writing to the Director, the appellant and the casino operator.

44. *Determination of applications*

- (1) The Director 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 Director must determine the application by either issuing a licence to the applicant or refusing the application and must inform the applicant accordingly.
- (3) The Director is not required to give reasons for the decision but may give reasons if he or she thinks fit.

45. Conditions of licence

- (1) A licence is subject to any condition imposed by the Director and notified to the licensee on the issue of the licence or during its currency.
- (2) A condition of a licence may be varied or revoked by the Director whether or not on application made to the Director by the licensee.

S. 45A
inserted by
No. 93/1993
s. 10.

45A. Person licensed under Gaming Machine Control Act and Gaming No. 2 Act

S. 45A(1)
amended by
Nos 44/1995
s. 5(1),
16/1997 s.
115(c).

- (1) A person who holds a special employee's licence or a technician's licence issued under the **Gaming Machine Control Act 1991** or an employee's licence issued under section 57 of the **Gaming No. 2 Act 1997** may apply to the Director under this section for a special employee's licence under this Act.

S. 45A(2)(b)
amended by
No. 44/1995
s. 5(2).

- (2) An application under sub-section (1) must be accompanied by—
 - (a) the prescribed fee; and
 - (b) a certificate by the venue operator or gaming operator or operator of a bingo centre who employs or employed the applicant as to the competence of the applicant to exercise the functions specified in the certificate.

S. 45A(3)
amended by
Nos 44/1995
s. 5(3),
16/1997 s.
115(d).

- (3) The Director, if satisfied that the authority given to the applicant by a special employee's licence or a technician's licence issued under the **Gaming Machine Control Act 1991** or by an employee's licence issued under section 57 of the **Gaming No. 2 Act 1997** is comparable to the authority conferred by a special employee's licence under this Part, may issue such a licence to the applicant.
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46. Identification

- (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 Director in such manner as to be visible to other persons in the casino.
- (2) The Director 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.

47. Provisional licences

- (1) The Director may, pending a decision on an application for a licence, grant the applicant a provisional licence.
- (2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Director when issuing the licence.
- (3) A provisional licence may be cancelled by the Director 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.
- (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).

48. Duration of licence

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

- (a) the licence is cancelled; or

S. 48(c)
substituted by
No. 93/1993
s. 11(1).

- (b) the licensee, by notice in writing, surrenders the licence to the Director; or
- (c) the expiration of 3 years after the end of the month in which the licence was granted.

49. *Renewal of licence*

S. 49(1)(b)
amended by
No. 93/1993
s. 11(2).

- (1) A licensee may, not earlier than 1 month before the expiration of his or her current licence, apply to the Director 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 third anniversary of the date on which the current licence was granted and must be dated accordingly.
- (2) An application for a new licence must be made in a form approved by the Director and must be accompanied by the prescribed fee.
- (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.

50. *Variation of licence*

- (1) Application may be made to the Director, accompanied by the prescribed fee, for variation of a licence.
- (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 Director may vary the licence to which the application relates (or issue a new licence specifying the varied authority).

51. Loss etc. of licence

If the Director is satisfied that a licence has been lost, destroyed or damaged, the Director may, on payment of the prescribed fee, issue a replacement licence.

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;

"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;

S. 52(1) def. of "grounds for disciplinary action" amended by Nos 98/1994 s. 26, 44/1995 s. 6(1), 16/1997 s. 115(e).

- (b) that the licensee has been convicted or found guilty of—
- (i) an offence against this Act, the **Gaming Machine Control Act 1991**, the **Gaming and Betting Act 1994**, the **Gaming No. 2 Act 1997** or the **Lotteries Gaming and Betting Act 1966** or an offence against regulations made under any of those Acts; or
 - (ii) an offence arising out of or in connection with the employment of the licensee under any of those Acts; or
 - (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;

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- (f) that for any reason, the licensee is not a suitable person to be the holder of the licence.
- (2) The Director may of his or her own motion, and must at the direction of the Authority, inquire into whether there are grounds for disciplinary action against a licensee and must make a recommendation to the Authority on the matter.
- (3) If the Director recommends that disciplinary action be taken against the licensee, the Authority must give the licensee notice of the recommendation and at least 14 days to make submissions to the Authority on the matter.
- (4) The Authority must consider the Director's recommendation and any submissions made by the licensee within the time allowed and is to decide whether to take disciplinary action against the licensee.
- (5) If the Authority decides that there are grounds for disciplinary action against a licensee, the Authority 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*

The Director may suspend the licence of a licensee by notice in writing given to the licensee if the Director is satisfied that the licensee has been charged with—

**S. 53
amended by
No. 44/1995
s. 6(2).**

S. 53(a)
inserted by
No. 44/1995
s. 6(2),
amended by
No. 16/1997
s. 115(f).

(a) an offence against this Act, the **Gaming Machine Control Act 1991**, the **Gaming and Betting Act 1994**, the **Gaming No. 2 Act 1997** or the **Lotteries Gaming and Betting Act 1966** or an offence against regulations made under any of those Acts; or

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

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

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

(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).

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 Authority may, at any time, terminate or reduce a period of suspension of a licence.

S. 54A
inserted by
No. 17/1996
s. 28.

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 Director within 14 days after the suspension or cancellation.

Penalty: 20 penalty units.

55. Termination of employment on suspension or cancellation of licence

S. 55(1)
amended by
No. 44/1995
s. 6(3).

- (1) If a casino operator receives written notice from the Authority 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—

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- (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
 - (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—
 - (a) within 7 days after a licensed employee commences to have functions in or in relation to the casino, must notify the Director, in a form approved by the Director, of the commencement of the exercise of those functions; and
 - (b) not less than twice each year, on dates specified by the Director, must submit to the Director, in a form approved by the Director, a list of the licensed employees having functions in or in relation to the casino; and
 - (c) not later than 7 days after a licensed employee ceases to have functions in or in relation to the casino, must notify the Director, in a form approved by the Director, of the cessation of the exercise of those functions.

Penalty: 50 penalty units.

- (2) The Director, 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.

57. *Change in situation of licensee*

Whenever a change of a kind specified by the Director 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 Director in writing of the change within 14 days after it takes place.

Penalty: 20 penalty units.

58. *Training courses for employees*

- (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.

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

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

(a) be conducted by the casino operator or, with the approval of the Director, the nominee of the casino operator; and

S. 58(2)(a)
amended by
No. 93/1993
s. 12.

(b) be of such content, format and duration as is approved by the Director from time to time.

S. 58(2)(b)
amended by
No. 93/1993
s. 12.

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

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

S. 58(3)(a)
amended by
No. 93/1993
s. 12.

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

S. 58(3)(b)
substituted by
No. 36/1994
s. 7.

(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.

PART 5—CASINO OPERATIONS

59. *Casino layout to be as approved by Director*

S. 59(1)
amended by
No. 36/1994
s. 20(g).

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

60. Approval of games and rules for games

(1) The Authority, having regard to the recommendations, if any, of the Director, may, by notice published in the Government Gazette, approve the games that may be played in a casino and the rules for those games.

S. 60(1)
amended by
No. 93/1993
s. 13(1).

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

S. 60(1A)
inserted by
No. 94/1993
s. 19.

(1B) The Authority 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.

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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.

61. *Directions as to number of games to be available*

- (1) The Authority 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.
- (2) The Authority 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*

- (1) The Director 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.

(2) The Director 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.

(2A) The Director must not approve under sub-section (2) a gaming machine or an electronic monitoring system unless the Director has first consulted with the Authority.

S. 62(2A) inserted by No. 93/1993 s. 14, amended by No. 37/1994 s. 229(f).

(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 Director and is in a casino with the approval of the Authority or the circumstances of its possession are such as have been approved by the Director generally or in a particular case.

62A. Gaming machines in casinos

(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 **Gaming Machine Control Act 1991**.

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

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

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

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. 62B
inserted by
No. 93/1993
s. 15.

62B. *Linked jackpots unlawful without approval*

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

Penalty: 100 penalty units.

63. *Unsatisfactory gaming equipment*

- (1) The Director may, following a report to the Director 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.

64. *Conduct of gaming*

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 Director 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

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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 Director 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—

S. 64(b)
amended by
No. 36/1994
s. 8.

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

- (i) chip purchase vouchers issued by the casino operator must be exchanged for chips; and
- (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 a bank approved by the Authority;

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

* * * * *

S. 64(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(j)
amended by
No. 36/1994
s. 20(i)(i)(ii).

- (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 Authority, to take part in gaming or betting in the casino.

Penalty: 100 penalty units.

65. Times of operation of casinos

S. 65(1)
amended by
No. 36/1994
s. 20(j).

- (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 Authority by order in writing served on the operator.

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- (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.

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

66. Assistance to patrons

- (1) A casino operator must ensure that—
- (a) at the request of a casino patron, a copy of the rules of gaming in respect of any particular game (as approved for the time being under section 60) is made available for inspection by the patron; and
 - (b) there is prominently displayed within the casino such advice or information concerning gaming rules, mode of payment of winning wagers, the odds of winning for each wager and such other advice or information to the player as may be directed by the Director; and
 - (c) at the request of a patron of the casino, a brochure summarising the rules of gaming in respect of a game played in the casino (in accordance with the text approved by the Director) is provided to the patron; and

S. 66(1)(b)
amended by
No. 93/1993
s. 17.

S. 66(1)(c)
amended by
No. 93/1993
s. 17.

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- (d) there is prominently displayed 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.
- (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.

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.

68. Credit etc.

- (1) In this section—

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

- (a) is drawn on a bank for a specific amount payable on demand; and
- (b) is dated but not post-dated.
- (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—

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

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- (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
 - (e) except with the approval of the Authority, 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.
- (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 Authority by notice in writing given to the operator for the purposes of this sub-section, bank a cheque 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).

Penalty: 50 penalty units.

- (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 Authority under section 121 in respect of a premium player or a junket player (as the case may be).

69. Junkets

- (1AA) A person may not organise or promote a junket without the approval of the Director given in accordance with the regulations.

- (1AB) The Director must not grant approval to an organiser or promoter of a junket unless satisfied that the criteria specified in the regulations are met.

S. 68(8)
inserted by
No. 73/1996
s. 10.

S. 69(1AA)
inserted by
No. 17/1996
s. 29(1).

S. 69(1AB)
inserted by
No. 17/1996
s. 29(1).

Casino Control Act 1991
Act No. 47/1991

s. 69

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| (1) The regulations may make provision for or with respect to regulating or prohibiting the promotion and conduct of junkets or premium player arrangements. | S. 69(1)
amended by
No. 36/1994
s. 9(1). |
| (2) In particular, the regulations may— | |
| (a) impose restrictions on who may be approved to organise or promote a junket; and | S. 69(2)(a)
amended by
No. 17/1996
s. 29(2)(a). |
| (ab) prescribe the procedure for applications for the approval of the Director; and | S. 69(2)(ab)
inserted by
No. 17/1996
s. 29(2)(b). |
| (b) require the organiser or promoter of a junket, or the casino operator concerned, to give the Authority advance notice of the junket and to furnish to the Authority detailed information concerning the conduct of and the arrangements for the conduct of any junket; and | |
| (c) require any contract or other agreement that relates to the conduct of a junket to be in a form and containing provisions approved of by the Authority; and | |
| (d) require the organiser or promoter of a junket, or the casino operator concerned, to give specified information concerning the conduct of the junket to participants in the junket; and | S. 69(2)(d)
amended by
No. 36/1994
s. 9(2). |
| (e) require the casino operator concerned to give the Authority advance notice of a premium player arrangement and to furnish to the Authority specified information concerning the conduct of the premium player arrangement. | S. 69(2)(e)
inserted by
No. 36/1994
s. 9(2). |
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S. 69(3)
repealed by
No. 36/1994
s. 9(3).

* * * * *

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.

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.
- (2) A police officer may, on being authorised by the Authority, the Director 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.
- (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 Authority, the Director 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.
- (5) Nothing in this section affects any power a police officer has by law to enter any part of a casino.

72. Exclusion orders

(1) The Director 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.

(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).

(2A) The Director 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(2A)
inserted by
No. 36/1994
s. 10.

(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 Authority to witness such an application.

S. 72(2B)
inserted by
No. 36/1994
s. 10.

(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 Authority and the Director.

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.

73. Appeal to Authority

Casino Control Act 1991

Act No. 47/1991

S. 73(3A)
inserted by
No. 36/1994
s. 11.

- (1) A person receiving a direction in writing under section 72 prohibiting the person from entering or remaining in a casino may within 28 days after receiving the direction appeal against the direction to the Authority.
- (2) The appeal must be made in writing and specify the grounds on which it is made.
- (3) The Authority may cause such inquiries to be made by the Director in relation to the direction as the Authority thinks fit and the results of the inquiries to be reported to it.
- (3A) If the exclusion order was given on the application of the person to whom it applies, the inquiries made by the Director are, if possible, to include inquiries made of the witness to the application.
- (4) Upon a consideration of the grounds of appeal specified by the appellant and any matters reported upon to the Authority by the Director in relation to the direction, the Authority may—
 - (a) reject the appeal; or
 - (b) allow the appeal.
- (5) The decision of the Authority shall—
 - (a) be communicated in writing to the appellant and the casino operator;
 - (b) be final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.
- (6) The allowance of the appeal by the Authority revokes the direction without prejudice to the right of the casino operator or person in charge of the operation of the casino at a particular time, acting in good faith, to give a further direction to

that person for a reason considered by him or her to be a sufficient reason.

- (7) An appeal against a direction does not prejudice the effectiveness of the direction pending the Authority's decision.

74. *Chief Commissioner of Police may order person to be excluded*

- (1) The Chief Commissioner of Police may direct a casino operator in writing to exclude a person from the casino by giving the person or causing the person to be given an order under section 72, and the casino operator must comply with the direction.

Penalty: 50 penalty units.

- (2) The Chief Commissioner of Police may give such a direction in anticipation of the person entering the casino.
- (3) Where practicable, the Chief Commissioner of Police must make available to the casino operator a photograph of the person who is the subject of the direction and must give the person notice of the direction.

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) An exclusion order given at the direction of the Chief Commissioner of Police cannot be revoked

except with the written approval of the Chief Commissioner.

- (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 Director as soon as practicable after it occurs.

Penalty: 20 penalty units.

76. List of excluded persons

S. 76(1)
amended by
No. 36/1994
s. 20(l).

- (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—

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 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

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

exclusion order of which the operator becomes aware during that day.

Penalty: 50 penalty units.

(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 Authority; or
- (d) the Director; or
- (e) an inspector; or
- (f) a person approved by the Director for the purpose.

Penalty: 10 penalty units.

77. Excluded person not to enter casino

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

Penalty: 20 penalty units.

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.

(2) A person to whom this section applies who knows that a person the subject of an exclusion order is

in the casino, must notify an inspector as soon as practicable.

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 from entering the casino; and
 - (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**.

79. *Gambling in the casino by certain persons prohibited*

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

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

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

Penalty: 20 penalty units.

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

- (2A) If a person—
 - (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—

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- (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.

79A. *Gratuities etc.*

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

- (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 Authority, by notice in writing to the casino operator, to accept gratuities.

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.

- (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

- (1) An inspector who suspects on reasonable grounds that a person who is in a casino or on the premises of which the casino forms part is contravening or attempting to contravene a provision of this or any other Act or has contravened any such 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.
- (2) Any other 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—

and who suspects on reasonable grounds that a person in the casino is contravening or attempting

to contravene section 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.
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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*

- (1) Subject to this Part, the Minister, after consultation with the Minister administering the **Gaming and Betting Act 1994**, 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—
 - (a) on a horse race, harness race or greyhound race at a race meeting in Australia or New Zealand if the licensee or operator under the **Gaming and Betting Act 1994** 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.

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 **Gaming and Betting Act 1994**, 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.

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.

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

81F. *Approval of totalisator*

- (1) Before a casino operator uses a totalisator for the conduct of an approved betting competition, the totalisator must be approved by the Director.
- (2) The approval of the Director under sub-section (1) may be given subject to any conditions that the Director thinks fit and may for any reasonable cause stated by the Director in writing be withdrawn by the Director.

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;
 - (b) odds;

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- (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 Authority.
 - (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 Authority forthwith after they are made.
 - (7) The Authority 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 Authority is satisfied that the rule is unfair to investors, unreasonable or contrary to the public interest.
 - (8) If, before a betting rule is made, the Authority consents in writing to the making of the rule in a specified form, the Authority 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;

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

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

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 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 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 Authority may, if it thinks fit, mitigate or remit an amount of interest due under sub-section (6).

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 Authority, 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.

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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—

- (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 Authority 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.

(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 Authority 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.

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

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.

Division 2—Director of Casino Surveillance

94. Director

- (1) There shall be a Director of Casino Surveillance who shall be appointed by the Governor in Council.
- (2) The Director is not, in respect of the office of Director, subject to the provisions of the **Public Sector Management and Employment Act 1998**.
- (3) A person is not eligible to be appointed Director if, at any time during the preceding 4 years, the person has been employed by or significantly associated with a casino operator.

S. 94(2)
amended by
No. 46/1998
s. 7(Sch. 1).

95. Terms of appointment

- (1) Subject to this Part, the Director holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment but is eligible for re-appointment.

S. 95(2)(3)
repealed by
No. 42/1995
s. 224(Sch. 2
item 7).

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- (4) Subject to this Part, the Director holds office on such terms and conditions as are determined by the Governor in Council.

96. Remuneration and allowances

The Director must be paid such remuneration and allowances as are determined by the Governor in Council.

97. Acting appointment

- (1) The Minister may appoint a person to act as Director during any period, or during all periods, when the Director is absent from duty or during a vacancy in the office of Director.

S. 97(1)
amended by
No. 34/1993
s. 8(a).

- (2) If a person has been appointed under this section to act as Director during the absence from duty of the Director and the Director ceases to hold office without having resumed duty, the period of appointment of the person so appointed is deemed to continue, subject to this Part, until—

- (a) the person resigns the appointment; or
(b) the appointment is terminated by the Minister; or

S. 97(2)(b)
amended by
No. 34/1993
s. 8(b).

- (c) a period of 12 months elapses from the day on which the absent Director ceases to hold office—

whichever first happens.

- (3) A person acting as Director shall act in that capacity on such terms and conditions as the Minister determines.

- (4) A person acting as Director may resign the acting appointment by writing signed by the person and delivered to the Minister.

S. 97(4)
amended by
No. 34/1993
s. 8(c).

- (5) A person acting as Director has and may exercise all the powers and shall perform all the functions and duties conferred or imposed by this Act on the Director and, for the purpose of the exercise of those powers or the performance of those functions and duties, this Act has effect as if a reference to the Director included a reference to a person acting as the Director.
- (6) Any act done by a person acting as or purporting to be appointed as Director shall not be called in question in any proceeding on the ground that the occasion for the person to act or the appointment of the person had not arisen or the occasion for the appointment had passed or the appointment had ceased to have effect.

S. 98
amended by
No. 37/1994
s. 229(g).

98. *Delegation*

The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Director delegate to a member or officer of the Authority, an inspector, an authorised person or a member of the staff of the Director or the Director of Gaming and Betting all or any of the powers of the Director under this Act, other than this power of delegation.

99. *Removal from office*

The Governor in Council may remove the Director from office.

100. *Resignation*

The Director may resign office by writing signed by him or her and delivered to the Governor in Council.

101. *Functions of Director*

The following are the functions of the Director—

- | | |
|---|---|
| (a) to supervise directly the operation of casinos and the conduct of gaming and betting within them; | S. 101(a)
amended by
No. 36/1994
s. 20(p). |
| (b) to make recommendations to the Authority concerning the games that may be played in casinos and the rules of such games; | |
| (c) to ensure that the handling and counting of money in casinos is supervised; | |
| (d) to detect offences committed in or in relation to casinos; | |
| (e) to receive and investigate complaints from casino customers concerning the conduct of gaming or betting in the casino; | S. 101(e)
amended by
No. 36/1994
s. 20(q). |
| (f) to investigate the antecedents of applicants for licences and report on their ability to the Authority; | |
| (g) to participate in proceedings before the Authority if there are hearings by the Authority to consider licence applications; | |
| (h) to check casino records as required; | |
| (i) to report generally to and assist the Authority regarding the operation of casinos; | |
| (j) to inspect, test and approve gaming equipment and chips used in casinos; | |
| (k) to ensure that the taxes, charges and levies payable under this Act are paid; | S. 101(k)
inserted by
No. 93/1993
s. 18. |
| (l) to appoint, supervise, direct and control inspectors; | S. 101(l)
inserted by
No. 93/1993
s. 18. |

S. 101(m)
inserted by
No. 93/1993
s. 18.

(m) to make recommendations to the Authority concerning systems of internal controls and administrative and accounting procedures for casinos;

S. 101(n)
inserted by
No. 93/1993
s. 18,
amended by
No. 36/1994
s. 20(r).

(n) to prepare and furnish to the Authority and the Minister such reports concerning the operation of casinos and the conduct of gaming and betting in them as the Director thinks fit or as the Authority or the Minister may request.

Division 3—Inspectors

102. *Appointment*

S. 102(2A)
inserted by
No. 93/1993
s. 19.

- (1) The Director may appoint inspectors for the purposes of this Act.
- (2) The Director must not appoint a person under subsection (1) unless the Director is satisfied after due inquiry that the person is of good reputation, having regard to character, honesty and integrity.
- (2A) The Director must require a person the Director is inquiring into in relation to the person's suitability to be appointed an inspector to consent to having his or her photograph, finger prints and palm prints taken.

S. 102(2B)
inserted by
No. 93/1993
s. 19.

(2B) The Director must refer a copy of any photograph, finger prints and palm prints and any supporting documentation to the Chief Commissioner of Police.

S. 102(2C)
inserted by
No. 93/1993
s. 19.

(2C) The Chief Commissioner of Police must inquire into and report to the Director on any matters that the Director requests.

- (3) Unless the Director otherwise approves, a person is not eligible to be appointed an inspector if, at any time during the preceding 4 years, the person has been employed by or significantly associated with a casino operator.

103. *Director to be an inspector*

The Director has and may exercise all the powers of an inspector under this Act and, in respect of gaming machines in casinos, all the powers of an inspector under the **Gaming Machine Control Act 1991**.

S. 103
amended by
No. 93/1993
s. 20.

104. *Identification of inspectors*

- (1) An inspector is not authorised to exercise the functions of an inspector unless he or she is in possession of an identification card issued by the Director.
- (2) If a person proposing to exercise the functions of an inspector fails to produce on demand his or her identification card, the person is not authorised to exercise those functions in relation to the person making the demand.

S. 104
repealed by
No. 37/1994
s. 229(h),
new s. 104
inserted by
No. 17/1996
s. 31.

* * * * *

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 are being complied with;
 - (d) in any other respect, exercising his or her functions under this Act.
- (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.

106. *Functions of inspectors*

The functions of inspectors under this Act are as follows—

- (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 Authority or the Director 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;
- (d) to receive and investigate complaints, in accordance with section 107, from casino patrons relating to the conduct of gaming or betting in a casino;

S. 106(d)
amended by
No. 36/1994
s. 20(s).

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- (e) to report to the Director regarding operations in a casino;
 - (f) such other functions as are conferred on inspectors under this Act.

107. *Inspector to investigate complaints*

- (1) On receiving a complaint from a patron relating to the conduct of gaming or betting in a casino, an inspector must forthwith investigate the complaint.
- (2) The inspector must inform the casino operator of the substance of the complaint and give the operator a reasonable opportunity to make a response to it.
- (3) If, as a result of the investigation, the inspector is satisfied that—
 - (a) the conduct of any game in the casino has contravened any condition of the casino licence, any rules of the game approved under section 60 (Approval of games and rules of games) or any direction given by the Authority or the Director under this Act; or
 - (ab) the conduct of an approved betting competition has contravened the betting rules; or
 - (b) there has been any other contravention of a provision of this Act—the inspector must report the matter to the Director in writing.
- (4) The inspector must give or send a copy of his or her report to the casino operator and must inform the complainant of the results of the investigation of the complaint and of any action taken as a consequence of it.

S. 107(1)
amended by
No. 36/1994
s. 20(f).

S. 107(3)(ab)
inserted by
No. 36/1994
s. 20(u).

108. Powers of inspectors

(1) An inspector may do any one or more of the following—

S. 108(1)(a)
amended by
No. 36/1994
s. 20(v)(i).

(a) require any person in possession of, or having control of, any gaming or betting equipment or records to produce the equipment or records for inspection and to answer questions or provide information relating to the equipment or records;

S. 108(1)(b)
amended by
No. 36/1994
s. 20(v)(ii).

(b) inspect any gaming or betting equipment or records and take copies of, extracts from, or notes relating to, any records;

S. 108(1)(c)
amended by
No. 36/1994
s. 20(v)(iii).

(c) if the inspector considers it necessary to do so for the purpose of obtaining evidence of the commission of an offence, seize any gaming or betting equipment or records;

S. 108(1)(d)
amended by
No. 36/1994
s. 20(v)(iv).

(d) with the prior approval in writing of the Director, enter any premises or place other than the casino in which the inspector suspects on reasonable grounds that there is gaming or betting equipment or records if the inspector does so with the consent of the occupier or in accordance with a search warrant under section 109;

S. 108(1)(e)
amended by
No. 36/1994
s. 20(v)(v).

(e) in a casino or a place entered under paragraph (d), search for, seize and remove and retain any gaming or betting equipment or records that the inspector considers will afford evidence of the commission of an offence reasonably suspected by the inspector;

(f) by notice in writing require the operator, an employee, or any other person associated with operations in a casino or their management, to attend before the inspector

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- at a specified time or place and answer questions, or provide information, with respect to operations in the casino;
- (g) examine and test any gaming or betting equipment in a casino and order the person in charge of a casino to withdraw unsatisfactory gaming or betting equipment from use in the casino or to destroy unsatisfactory chips;
- (h) call to his or her aid a police officer if he or she is obstructed, or believes on reasonable grounds that he or she will be obstructed, in the exercise of his or her functions.
- (2) If an inspector seizes gaming or betting equipment or records under this section, they may be retained by the inspector until the completion of any proceedings (including proceedings on appeal) in which they may be evidence but only if, in the case of records, the person from whom the records were seized is provided, within a reasonable time after the seizure, with a copy of the records certified by an inspector as a true copy.
- (3) Sub-section (2) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that sub-section are instituted so orders.
- (4) A copy of records provided under sub-section (2) is, as evidence, of equal validity to the records of which it is certified to be a copy.
- (5) A person is not required by this section to answer a question that might incriminate the person.
- (6) A police officer has, while acting in aid of an inspector, the functions of an inspector.

109. Search warrants

S. 109(1)
amended by
No. 36/1994
s. 20(x).

- (1) An inspector may apply to a magistrate for the issue of a search warrant if the inspector believes on reasonable grounds that there are on any premises gaming or betting equipment or records—
 - (a) in relation to which an offence has been, is being, or is likely to be, committed; or
 - (b) that those articles may be evidence of an offence.

S. 109(2)
amended by
No. 36/1994
s. 20(y).

- (2) A magistrate to whom such an application is made, if satisfied by evidence on oath or by affidavit that there are reasonable grounds for doing so, may issue in accordance with the **Magistrates' Court Act 1989** a search warrant in the prescribed form authorising an inspector named in the warrant and any assistants to enter the premises, or part of premises, specified in the warrant, for the purpose of searching for and seizing gaming or betting equipment or records referred to in sub-section (1).
- (3) A search warrant issued under this section ceases to have effect at the expiration of 1 month after its issue.

110. Offences relating to obstruction etc. of inspectors

- (1) A person must not—
 - (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector, or a police officer acting in aid of an inspector, when the inspector is exercising, or attempting to exercise his or her functions as an inspector; or

Casino Control Act 1991

Act No. 47/1991

s. 110

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- (b) fail to produce for inspection any gaming or betting equipment or records in the possession, or under the control, of the person when required so to do by an inspector in the exercise of his or her functions as an inspector; or
- (c) fail without reasonable excuse to attend before an inspector and answer questions or supply information when required so to do by the inspector in the exercise of his or her functions as an inspector; or
- (d) except with the permission of an inspector, take any gaming or betting equipment or records seized, impounded or retained under the authority of this Act; or
- (e) when directed by an inspector, in the exercise of his or her functions as an inspector, to destroy any chips considered by the inspector to be unsatisfactory for use, fail to comply with the direction; or
- (f) when directed by an inspector, in the exercise of his or her functions as an inspector, to cease to have available for use any gaming or betting equipment considered by the inspector to be unsatisfactory for use, fail to comply with the direction; or
- (g) provide to an inspector (whether in answer to a question asked by the inspector or otherwise) information which the person knows is false or misleading in a material particular; or
- (h) prevent, directly or indirectly, a person from attending before an inspector, producing to an inspector any gaming or betting equipment or records or answering any question of, or supplying any information to
- S. 110(1)(b) amended by No. 36/1994 s. 20(z)(i).**
- S. 110(1)(d) amended by No. 36/1994 s. 20(z)(ii).**
- S. 110(1)(f) amended by No. 36/1994 s. 20(z)(iii).**
- S. 110(1)(h) amended by No. 36/1994 s. 20(z)(iv).**

an inspector when that person is required to do so under this Act.

Penalty: 50 penalty units.

- (2) If an inspector requires a person in a casino to state his or her full name and residential address the person must not—
 - (a) fail to comply with the requirement; or
 - (b) in purported compliance with the requirement, state a name or address that is false.

Penalty: 20 penalty units.

- (3) An inspector is not authorised to require a person in a casino to state his or her full name or residential address unless the inspector—
 - (a) suspects on reasonable grounds that the person has committed an offence; and
 - (b) has informed the person, at the time of stating the requirement, that it is an offence to fail to comply with the requirement.

S. 111
repealed by
No. 37/1994
s. 229(j).

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PART 8—FEES, TAXATION ETC.

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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 Director 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
No. 93/1993
s. 22(1).

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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.

s. 112B

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- (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.

112B. Expenses of the Authority and Director

S. 112B(1)
repealed by
No. 37/1994
s. 229(k).

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- (2) An amount determined by the Minister in respect of each period prescribed under section 112A(1)(b) must be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) to the Director for or towards the expenses of the Director incurred in respect of his or her functions under this Act or the **Casino (Management Agreement) Act 1993**.

113. Casino tax

S. 113(1)
amended by
No. 93/1993
s. 24.

- (1) The casino operator must pay to the Director 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

- (1) The casino operator must pay to the Director 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.
- (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 amended by No. 93/1993 s. 25(1)(a)(b).

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).

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.
- (2) The players' proportion is—
 - (a) not less than 87 per centum; or
 - (b) if the Authority so determines in accordance with sub-section (3), a fixed percentage greater than 87 per centum.

S. 115 substituted by No. 93/1993 s. 26.

S. 115(2)(a) amended by No. 90/1998 s. 4(1)(a).

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- (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

S. 116(1)
amended by
No. 34/1993
s. 10(1).

- (1) Interest is payable by way of penalty on any amount of casino licence fee, premium payment, casino supervision and control charge, casino tax or casino community benefit levy that is not paid by the due date.
- (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.

S. 116(4)
amended by
No. 34/1993
s. 10(2).

- (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 or casino community benefit levy, as appropriate to the amount on which it is paid as interest.
- (5) The Authority may waive or refund payment of interest under this section, as the Authority thinks fit.

S. 117
repealed by
No. 34/1993
s. 11.

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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.

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.

S. 119
amended by
No. 34/1993
s. 12.

120. Offences relating to revenue

A person must not—

- (a) wilfully evade the payment of any fee, premium payment, charge, tax or levy payable by the person under this Act; or
- (b) furnish a return, or make a statement or report, to the Authority 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(a)
amended by
No. 34/1993
s. 13.

S. 120(b)
amended by
No. 34/1993
s. 13.

Penalty: 100 penalty units.

PART 9—CASINO INTERNAL CONTROLS**121. *Approved system of controls and procedures to be implemented***

(1) A casino operator must not conduct operations in the casino unless the Authority has approved in writing of a system of internal controls and administrative and accounting procedures for the casino.

(2) Any such approval may be amended from time to time, as the Authority thinks fit.

(2A) In approving a system or amending an approval under this section, the Authority must have regard to the recommendations, if any, of the Director.

(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;

S. 121(2A)
inserted by
No. 93/1993
s. 27.

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- (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; **S. 122(1)(d) amended by No. 36/1994 s. 20(za)(i).**
- (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)(e) amended by No. 36/1994 s. 20(za)(ii).**
- (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; **S. 122(1)(f) amended by No. 36/1994 s. 20(za)(iii).**
- (g) procedures and forms relating to transfers of money within a casino;
- (h) procedures for the transfer of money from the gaming tables and other places in a **S. 122(1)(h) amended by No. 36/1994 s. 20(za)(iv).**
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S. 122(1)(i)
amended by
No. 36/1994
s. 20(za)(v).

casino where games or approved betting competitions are conducted to other areas of a casino for counting;

- (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;
- (k) procedures and security for the transfer of money from a casino to a bank and from a bank 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;
 - (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; and
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- (t) procedures for the control of keys used or for use in operations in a casino.
 - (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.

123. Banking

- (1) A casino operator must—
 - (a) keep and maintain separate bank accounts, as approved by the Authority, at a bank in the State for use for all banking transactions arising under this Act in relation to the operator; and
 - (b) from time to time provide the Authority, as required, and in a form approved by the Authority, with a written authority addressed to the bank referred to in paragraph (a) authorising the bank to comply with any requirements of an inspector exercising the powers conferred by this section.

Penalty: 100 penalty units.

- (2) An inspector may, by notice in writing, require the manager or other principal officer of a bank 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.

- (4) An inspector may not exercise the powers conferred by this section without the prior written approval of the Authority.

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 Authority, 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.

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 Authority 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.

127. Audit

- (1) A casino operator must, as soon as practicable after the end of the financial year determined for the casino by the Authority, cause the books, accounts and financial statements of the operator in relation to the casino to be audited by a person approved by the Authority 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 Authority within 4 months after the end of the financial year to which the report, profit and loss account and balance sheet relate.

S. 127(2)
amended by
No. 93/1993
s. 28(a)(b).

Penalty: 50 penalty units.

128. Submission of reports

- (1) A casino operator must submit to the Authority reports relating to the operations of the casino.
- (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 Authority from time to time.

S. 128
substituted by
No. 34/1993
s. 14.

Penalty applying to this section: 50 penalty units.

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
- (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.
- (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

S. 128B
inserted by
No. 34/1993
s. 4.

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.
 - (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
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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
 - (b) provide that no permit is required for all or any part of that development or use of land; and

S. 128D(2)(c)
amended by
No. 90/1998
s. 4(1)(b).

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- (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
 - (b) before "Division 1" there were inserted "section 12(1) or".
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- (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)).

- (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

S. 128E(3)
amended by
Nos 126/1993
s. 264(Sch. 5
item 5.3),
36/1994
s. 15(2).

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)(ii)).

(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.

(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)).

S. 128G inserted by No. 34/1993 s. 4.

128G. Environment effects

The **Environment Effects Act 1978** does not apply to any works in the Melbourne Casino project.

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.
- (3) Without limiting sub-section (2)—

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- (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.

- (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)";
 - (d) after sub-section (11) there were **inserted**—
"(11A) The Authority must serve on any person in occupation of the land
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acquired written notice of the time and date on which the Authority is to take possession."

128K. Powers over Crown land

(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.

(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;
- (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**";

S. 128K
inserted by
No. 34/1993
s. 4.

S. 128K(2)
amended by
No. 46/1998
s. 7(Sch. 1).

- (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 declared road (within the meaning of the **Transport Act 1983**) 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.
- (7) The **Crown Land (Reserves) Act 1978** does not apply to—
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- (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
 - (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

S. 128L
inserted by
No. 34/1993
s. 4.

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;
 - (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.
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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 Sector Management and Employment Act 1998**;
 - (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 between which the dispute or question arose are bound by the determination.

S. 128O
inserted by
No. 34/1993
s. 4.

S. 128O(1)(b)
amended by
No. 46/1998
s. 7(Sch. 1).

S. 128P
inserted by
No. 34/1993
s. 4.

128P. Exemption from other laws

- (1) On the recommendation of the relevant Ministers, the Governor in Council may, by Order published in the Government Gazette, declare that, in relation to any act done with respect to the Melbourne Casino area or the temporary casino site or for the purposes of carrying out the Melbourne Casino project, any specified provision of an Act or subordinate instrument—
 - (a) does not have effect and must be taken never to have had effect; or
 - (b) has effect and must be taken always to have had effect as if varied as specified in the Order.
- (2) A recommendation must not be made under sub-section (1) unless the relevant Ministers are satisfied that the making of the Order is necessary or desirable for the purpose of the Melbourne Casino project.
- (3) The relevant Ministers may recommend to the Governor in Council that an Order under sub-section (1) be revoked in whole or in part if they consider that—
 - (a) because the permanent Melbourne Casino is in full operation, it is inappropriate for the whole or that part of the Order to continue to apply to the temporary Casino site; or
 - (b) because the stage of the Melbourne Casino project has been completed, it is inappropriate for the whole or that part of the Order to continue to apply.
- (4) On the recommendation of the relevant Ministers under sub-section (3), the Governor in Council, by Order published in the Government Gazette, may

revoke an Order under sub-section (1) in whole or in part.

- (5) The Minister must cause a copy of an Order under this section to be laid before each House of Parliament within 10 sitting days of that House after the publication of the Order in the Government Gazette.
- (6) This section does not apply to the **Planning and Environment Act 1987**, the **Building Act 1993**, the **Heritage Act 1995** or the **Environment Effects Act 1978**.
- (7) In this section "**relevant Ministers**" means the Minister administering this section and any other Minister administering—
- (a) an Act that is or would be affected by the Order; or
 - (b) an Act under which a subordinate instrument is made, if that subordinate instrument is or would be affected by the Order.

S. 128P(6)
amended by
No. 93/1995
s. 218(1)(Sch.
2 item 2.2).

128Q. Bodies may be required to act promptly

S. 128Q
inserted by
No. 34/1993
s. 4.

- (1) The Governor in Council, by Order published in the Government Gazette, may require a Department Head (within the meaning of the **Public Sector Management and Employment Act 1998**), public statutory authority or municipal council to carry out his or 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.

S. 128Q(1)
amended by
No. 46/1998
s. 7(Sch. 1).

Casino Control Act 1991
Act No. 47/1991

s. 128R

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- (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).

* * * * *

- (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

S. 128S
inserted by
No. 34/1993
s. 4.

128S. Supreme Court—Limitation of jurisdiction

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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PART 10—POWERS AND FUNCTIONS OF THE AUTHORITY

Pt 10
(Heading)
substituted by
No. 37/1994
s. 229(l).
Ss 129–139
repealed by
No. 37/1994
s. 229(m).

* * * * *

140. *Object of the Authority*

The object of the Authority is to maintain and administer systems for the licensing, supervision and control of casinos, for the purpose of—

- (a) ensuring that the management and operation of casinos remains free from criminal influence or exploitation; and
- (b) ensuring that gaming and betting in casinos is conducted honestly; and
- (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.

S. 140(b)
amended by
No. 36/1994
s. 20(zb).

S. 140(c)
substituted by
No. 16/2000
s. 4.

141. *Functions of the Authority*

- (1) The Authority has the following functions—
 - (a) such functions as are necessary or convenient to enable it to achieve its objects; and
 - (b) such other functions as are conferred or imposed on it by or under this or any other Act or law.

S. 141(2)(ab)
inserted by
No. 93/1993
s. 29.

S. 141(2)(b)
amended by
No. 34/1993
s. 17(2)(a).

S. 141(2)(c)
amended by
No. 34/1993
s. 17(2)(a).

- (2) Without limiting its other functions, the Authority—
- (a) must oversee the operation and regulation of casinos;
 - (ab) must consider any system of controls and administrative and accounting procedures proposed by the Director to ensure that the taxes, charges and levies payable under this Act are paid and must approve or reject the system;
 - (b) must advise the Minister concerning policy in relation to supervision and inspection of casinos;
 - (c) must do all things it is authorised or required to do under this Act.

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.

143. Authority may hold inquiries

- (1) For the purpose of the exercise of its functions, the Authority may hold inquiries in public or in private, being inquiries presided over by one or more members of the Authority.
 - (2) For the purposes of holding an inquiry, the Authority shall be deemed to be a board appointed
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by the Governor in Council and Division 5 of Part I (including section 21A) of the **Evidence Act 1958** applies accordingly.

- (3) A person may appear at an inquiry personally or by a duly qualified legal practitioner.

144. Delegation of functions

- (1) The Authority may delegate to an authorised person any of its functions except this power of delegation and except any function of the Authority under the following sections of this Act—
- 13 (Determination of applications)
 - 16 (Amendment of conditions of casino licence)
 - 17 (Authority to define casino premises)
 - 20 (Cancellation, suspension or variation of casino licence)
 - 22 (Appointment of manager if licence cancelled or suspended).
- (2) A delegate may sub-delegate to an authorised person any function delegated under this section if the delegate is authorised by the terms of the delegation to do so, other than this power of sub-delegation.
- (3) Sections 42 and 42A of the **Interpretation of Legislation Act 1984** apply in relation to sub-delegation in the same manner as they apply to delegation.

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Ss 145, 146
repealed by
No. 37/1994
s. 229(n).²

Casino Control Act 1991
Act No. 47/1991

s. 147

S. 147 amended by No. 34/1993 s. 15, repealed by No. 37/1994 s. 229(n). ³	*	*	*	*	*
S. 148 repealed by No. 37/1994 s. 229(n). ⁴	*	*	*	*	*
S. 149 amended by No. 93/1993 s. 30(a)(b), repealed by No. 36/1994 s. 16.	*	*	*	*	*

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 Authority, use or have attached to or exhibited at or on—
- (a) that person's place of business; or
 - (b) any other premises—

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—
- (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.

151. *Secrecy*

S. 151(1)
amended by
No. 34/1993
s. 16.

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

Penalty: 50 penalty units.

S. 151(2)
amended by
No. 17/1996
s. 32(1).

- (2) Subject to sub-section (5), a person other than a casino operator is not, except for the purposes of this Act, required⁵—
- (a) to produce in a court a document that has come into his or her possession or under his or her control; or
- (b) to divulge to a court any information that has come to his or her notice—

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

S. 151(2A)
inserted by
No. 17/1996
s. 32(2).

- (2A) A casino operator is not, except for the purposes of this Act, required to produce or divulge documents or information that the casino operator acquires from a prescribed person⁶.
- (3) A person may—
- (a) divulge specified information to such persons as the Minister directs if the Minister certifies that it is necessary in the public interest that the information should be so divulged; or

-
- (b) divulge information to a prescribed authority or prescribed person; or
- (c) divulge information to a person who is expressly or impliedly authorised by the person to whom the information relates to obtain it.
- (4) An authority or person to whom information is divulged under sub-section (3), and a person or employee under the control of that authority or person, is subject, in respect of that information, to the same rights, privileges, obligations and liabilities under this section as if that authority, person or employee were a person performing duties under this Act and had acquired the information in the performance of those duties.
- (4A) Nothing in this section or any other Act applies to prohibit or restrict the giving of statistical information with respect to gambling in Victoria to the Authority or the Minister or the publication of any such information⁷.
- (5) If—
- (a) the Minister certifies that it is necessary in the public interest that specified information should be divulged to a court; or
- (b) a person to whom information relates has expressly authorised it to be divulged to a court—
- a person may be required—
- (c) to produce in the court any document containing the information; or
- (d) to divulge the information to the court.
- (6) In this section—

S. 151(4A)
inserted by
No. 17/1996
s. 32(3).

s. 153

S. 151(6) def. of "prescribed person" inserted by No. 17/1996 s. 32(4).

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

"**prescribed person**", in sub-section (2A), means the Minister, the Authority or a person performing duties or exercising powers under this Act or the **Gaming Machine Control Act 1991**⁸;

"**produce**" includes permit access to.

152. Conflict of interest and duty

- (1) An authorised person must not be an employee, in any capacity, of a casino operator.
- (2) An authorised person who knowingly has, directly or indirectly, any business or financial association with or any business or financial interest in any matter in conjunction with a casino operator must forthwith—
 - (a) notify the Authority of the association or interest; and
 - (b) if directed to do so by the Authority, within a time specified by the Authority terminate the association or relinquish the interest.

S. 152(3)(4) repealed by No. 90/1998 s. 3(a).

* * * * *

S. 152(5) amended by No. 90/1998 s. 3(b).

- (5) A casino operator must not employ, or be significantly associated with, a person prohibited by sub-section (1) from being so employed or associated.

Penalty: 500 penalty units.

153. Personal liability of Director

Casino Control Act 1991
Act No. 47/1991

- | | |
|---|--|
| (1) Any matter or thing done by the Director does not subject the Director personally to any action, liability, claim or demand if the matter or thing was done in good faith for the purpose of executing this or any other Act. | S. 153(1)
amended by
Nos 34/1993
s. 17(2)(b),
37/1994
s. 229(o)(i)(ii). |
| (2) Any liability arising on or after 1 December 1992 that, but for sub-section (1), would attach to the Director attaches instead to the Crown. | S. 153(2)
amended by
No. 37/1994
s. 229(p). |

153A. Bribery

- | | |
|--|---|
| (1) In this section, " key official " means—
<ul style="list-style-type: none">(a) a member of the Authority;(b) a member of the staff of the Authority;(c) a consultant to the Authority;(d) the Director;(e) an inspector. | S. 153A
inserted by
No. 93/1993
s. 31. |
| (2) A key official who corruptly asks for, receives or obtains, or agrees to receive or obtain, any money, property or benefit of any kind for himself or herself, or for another person—
<ul style="list-style-type: none">(a) to forgo or neglect his or her duty, or influence him or her, in the exercise of his or her functions as a key official; or(b) on account of a thing already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the exercise of those functions; or(c) to use, or take advantage of, his or her position as a key official in order improperly to gain a benefit or advantage for, or | |
-

facilitate the commission of an offence by,
another person—

is guilty of an indictable offence and liable on
conviction to a penalty not exceeding 14 years
imprisonment.

- (3) A person who corruptly gives to, confers on, or
procures for, or promises or offers to give to,
confer on, or procure for, or attempts to procure
for, a key official, or for any other person, any
money, property or benefit of any kind—
- (a) for a key official to forgo or neglect his or
her duty, or to influence him or her in the
exercise of his or her functions as a key
official; or
 - (b) on account of anything already done, or
omitted to be done, by him or her in the
exercise of those functions; or
 - (c) for the key official to use or take advantage
of his or her position as a key official in
order improperly to gain a benefit or
advantage for, or facilitate the commission
of an offence by, the first mentioned
person—

is guilty of an indictable offence and liable on
conviction to a penalty not exceeding 14 years
imprisonment.

S. 153B
inserted by
No. 93/1993
s. 31,
amended by
No. 44/1995
s. 7(2)(b).

153B. *Forgery etc.*

A person must not—

- (a) forge or counterfeit chips, a chip purchase
voucher, a licence under this Act, an
inspector's form of identification 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, an inspector's form of identification or a special employee's form of identification; or

- (c) personate the holder of such a licence or form of identification; or
- (d) falsely represent himself or herself to be an inspector or a member of the Authority.

Penalty: 100 penalty units or imprisonment for 2 years or both.

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.

154. *Power to seize unauthorised gaming equipment*

- (1) A member of the police force may seize and take away or cause to be seized or taken away from a casino any gaming equipment that is not authorised under this Act to be in the casino.
- (2) The Magistrates' Court may order that any property that is seized or of which possession is taken from a casino under this Act is forfeited if the Court is satisfied that the property is gaming equipment that was not authorised to be in the casino.
- (3) An appeal lies to the County Court against an order of forfeiture under sub-section (1).
- (4) Any property forfeited under this section must be sold or otherwise disposed of in accordance with the directions of the Magistrates' Court.
- (5) The proceeds (if any) of the sale or disposal must be applied as if they were penalties.

155. *Appeals*

Casino Control Act 1991
Act No. 47/1991

S. 155(3)
amended by
No. 109/1994
s. 34(5)(a).

- (1) Except as otherwise provided in this Act, a decision of the Director under this Act is final and is not subject to appeal or review.
- (2) Except as otherwise provided in this section, a decision of the Authority under this Act is final and is not subject to appeal or review.
- (3) A person aggrieved by a decision of the Authority—
 - (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).

* * * * *

S. 155(6)
amended by
No. 109/1994
s. 34(5)(c).

- (5) Section 74 of the **County Court Act 1958** applies to an appeal under sub-section (3) with such modifications as are necessary.
- (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—
 - (a) an order affirming or setting aside the decision of the Authority;
 - (b) an order remitting the matter to the Authority to decide again in accordance with the directions of the Court of Appeal.

S. 155(6)(b)
amended by
No. 109/1994
s. 34(5)(c).

- (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.

157. *Destruction of finger prints etc.*

- (1) Any finger prints or palm prints obtained by the Authority under this Act and any copies of them must be destroyed by the Authority as soon as the Authority has no further use for them.
- (2) The Authority is to be considered to have no further use for them when—
 - (a) they were obtained in connection with an application for a licence and the application is refused; or
 - (b) the licence in connection with which they were obtained is cancelled or surrendered (but is to be considered to have further use for them whenever the licence is in force).
- (3) A person who in connection with an application for a licence has possession of finger prints or palm prints obtained by the Authority under this Act, or copies of them, must deliver them to the Authority, in accordance with the directions of the Authority, so as to enable the Authority to comply with sub-section (1).

Penalty: 20 penalty units.

158. *Records not kept in writing*

Casino Control Act 1991

Act No. 47/1991

- (1) This section applies to a record that—
 - (a) is not in writing; or
 - (b) is not written in the English language; or
 - (c) is not decipherable on sight.
- (2) A requirement under this Act to produce such a record is to be considered to be a requirement to produce (in addition to the record if it is in writing or instead of the record if it is not in writing) a statement written in the English language and decipherable on sight containing the whole of the information in the record.

159. *False or misleading information*

- (1) A person must not—
 - (a) in, or in relation to, an application for a licence;
 - (b) in purported compliance with the requirements of a notice under this Act;
 - (c) in answer to a question asked by an inspector in the exercise of his or her functions as an inspector; or
 - (d) in purporting to provide information that the person has been authorised to provide—
give information that is false or misleading in a material particular.

Penalty: 50 penalty units.

- (2) It is a defence to a prosecution of a person for an offence under sub-section (1) if it is proved that, at the time the information was given, the person believed, on reasonable grounds—
 - (a) in the case of false information—that the information was true; or

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- (b) in the case of misleading information—that the information was not misleading.

160. *Service of documents on Authority*

- (1) A document may be served on the Authority by sending it by post to the principal office of the Authority or leaving it at the office with a person authorised in writing by the Authority to accept service of documents on behalf of the Authority.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on the Authority in any other manner.

161. *Service of documents on other persons*

If by or under this Act a document is required or permitted to be served on a person other than the Authority, the document may be served—

- (a) by delivering it personally to the person to be served; or
- (b) by leaving it at that person's usual or last known place of residence with a person apparently over the age of 16 years and apparently residing there; or
- (c) by sending it by post addressed to the person to be served at that person's usual or last known place of residence; or
- (d) if a manner of service is prescribed by any other Act or law in relation to a person or class of person, it is served in that manner.

162. *Evidence*

- (1) In proceedings under this Act, an assertion—
- (a) that, at a specified time or during a specified period, a specified person was the Minister administering this or any other Act;

- (b) that, at a specified time or during a specified period, a specified person held, or is acting in, a specified office;
- (c) that a signature purporting to be the signature of a Minister, a member of the Authority, an inspector, a police officer or an authorised person is the signature it purports to be;
- (d) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a specified licence under this Act; or
- (e) that, at a specified time, a person attained a specified age or that, at a specified time or during a specified period, a specified person was under or over a specified age—

is evidence of the fact or facts asserted.

(2) In proceedings under this Act—

- (a) a document purporting to be a copy of, or extract from, a list of names current under section 76 (list of excluded persons) on a specified day is evidence that those names were included in the list of names current under that section on that day;
- (b) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of a direction, notice, order, requirement or decision of which it purports to be a copy;
- (c) a document purporting to be a copy of a licence under this Act is evidence of a licence of which it purports to be a copy; and

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- (d) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

163. *Offences by corporations*

- (1) If a corporation contravenes any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is to be taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision pursuant to sub-section (1) whether or not the corporation has been proceeded against or convicted under that provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act.

164. *Proceedings*

- (1) Proceedings for an offence against this Act (or the regulations) may only be brought by—
- (a) a member of the police force; or
 - (b) the Authority; or
 - (c) the Director; or
 - (d) a person authorised to do so, either generally or in a particular case, by the Authority or the Director.
- (2) In a proceeding for an offence against this Act it must be presumed, in the absence of evidence to the contrary, that the person bringing the proceeding was authorised to bring it.

165. *Forfeiture of offending articles*

Casino Control Act 1991

Act No. 47/1991

- (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*

- (1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Authority may direct a casino operator in writing to provide the Authority 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 Authority may make information obtained by the Authority under this section available to any law enforcement agency.

(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 National Crime Authority; 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.

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.

S. 167(1)(l)
amended by
No. 34/1993
s. 17(2)(c).

S. 167(1)(la)
inserted by
No. 36/1994
s. 19.

S. 167(1)(lb)
inserted by
No. 36/1994
s. 19.

- (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 Authority before a specified class of those contracts may take effect and the disclosure to the Authority 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.

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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 Director.
- (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.
- S. 167(2)(c) amended by No. 17/1996 s. 33.**
- S. 167(2)(d) inserted by No. 17/1996 s. 33.**
- S. 167(3) substituted by No. 90/1998 s. 4(2).**
- S. 167(4) substituted by No. 90/1998 s. 4(2).**

Casino Control Act 1991

Act No. 47/1991

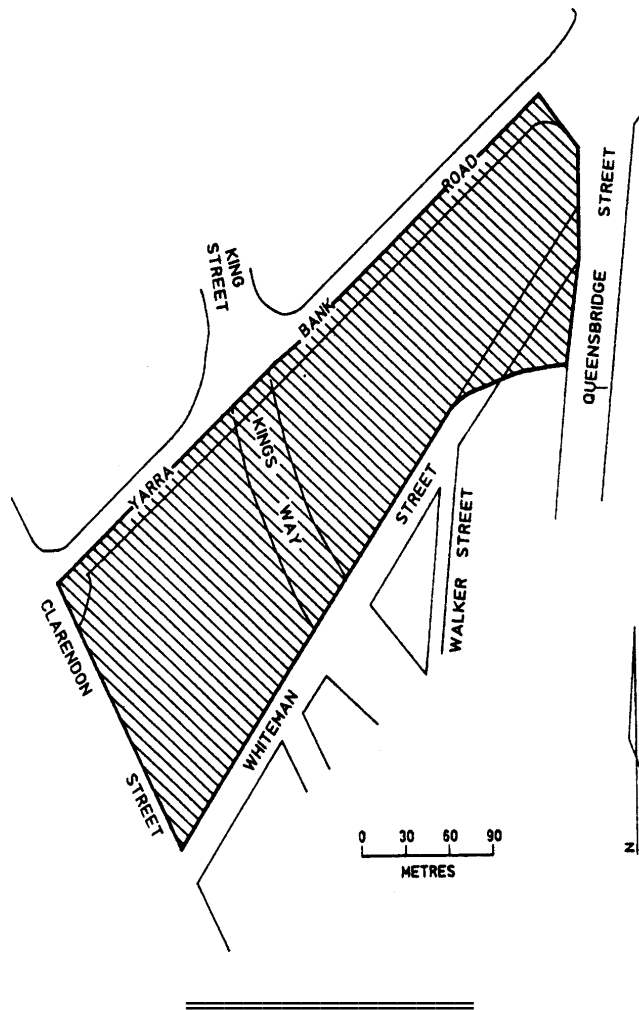
- (5) Any regulation made in contravention of subsection (4) shall be void and of no effect.
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Sch. 2
inserted by
No. 34/1993
s. 5.

SCHEDULE 2¹⁰

Part 9A Division 1

MELBOURNE CASINO SITE



NOTES

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.

Casino Control Act 1991
Act No. 47/1991

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

Casino Control Act 1991

Act No. 47/1991

Notes

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

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

Casino Control Act 1991

Act No. 47/1991

Assent Date: 2.7.96
Commencement Date: S. 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**

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

Casino Control Act 1991

Act No. 47/1991

Notes

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**

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 LEGAL/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 ineffective, 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 S. 151(2): Section 46(2) of the **Gaming Acts (Amendment) Act 1996**, No. 17/1996 reads as follows:

46. Transitional

(2) The **Casino Control Act 1991** as amended by section 32 of this Act applies—

Casino Control Act 1991

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- (a) to statistical information in respect of any period, whether before or after the commencement of Part 3; and
- (b) in relation to any documents and information acquired by a casino operator, whether acquired before or after the commencement of Part 3.

⁶ S. 151(2A): See note 5.

⁷ S. 151(4A): See note 5.

⁸ S. 151(6) def. of "prescribed person": See note 5.

⁹ Sch. 1: See note 1.

¹⁰ Sch. 2: See note 1.