

**Version No. 088**  
**Casino Control Act 1991**  
**No. 47 of 1991**

Version incorporating amendments as at  
10 November 2014

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**Version No. 088**  
**Casino Control Act 1991**  
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Version incorporating amendments as at  
10 November 2014

**The Parliament of Victoria enacts as follows:**

**PART 1—PRELIMINARY**

**1 Purposes**

The purposes of this Act are—

- (a) to establish a system for the licensing, supervision and control of casinos with the aims of—
  - (i) ensuring that the management and operation of casinos remains free from criminal influence or exploitation; and
  - (ii) ensuring that gaming in casinos is conducted honestly; and
  - (iii) promoting tourism, employment, and economic development generally in the State;
- (b) to provide for actions that may be taken by the Chief Commissioner of Police with the aim of ensuring that the casino complex remains free from criminal influence or exploitation.

S. 1  
substituted by  
No. 55/2005  
s. 6.



## 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 *alternative cash access facility* inserted by No. 32/2012 s. 31(1).

*alternative cash access facility* means a facility that—

- (a) enables a person to debit his or her funds without a person employed or engaged by the casino enabling the debit of those funds; and
- (b) issues a receipt or other authority requiring the casino to pay to that person cash representing the amount debited;

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

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

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

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

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

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

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

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

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

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

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

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

***cash facility*** means—

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

S. 3(1) def. of *cash facility* inserted by No. 38/2002 s. 3(1), amended by No. 32/2012 s. 31(2).

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

***casino complex*** means that part of the land shown in the colour grey on the plan lodged in the Central Plan Office of the Department of Sustainability and Environment and numbered LEGL./05–141 that is open to the public but excluding that part of the land shown coloured grey and hatched on Crown Allotment 58E that is a road running under the building on that land;

S. 3(1) def. of *casino complex* inserted by No. 55/2005 s. 7(a).

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Part 1—Preliminary

s. 3

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

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

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

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

*Commission* means Victorian Commission for Gambling and Liquor Regulation established under Part 2 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**;

S. 3(1) def. of *Commission* inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(k)), amended by No. 58/2011 s. 93(a).

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

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

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

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

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

\* \* \* \* \*

**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 or a written order under section 74 prohibiting a person from entering, or remaining in, a casino or the casino complex;

S. 3(1) def. of *exclusion order* amended by Nos 17/1996 s. 24(a), 38/2002 s. 3(2)(a), 55/2005 s. 7(b).

\* \* \* \* \*

S. 3(1) def. of *Executive Commissioner* inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(k)), repealed by No. 58/2011 s. 93(b).

**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).

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),  
substituted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 1(c)).

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

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

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

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

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

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

S. 3(1) def. of  
*interstate  
Chief  
Commis-  
sioner*  
inserted by  
No. 38/2002  
s. 3(2)(b),  
amended by  
No. 37/2014  
s. 10(Sch.  
item 12.1(b)).

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

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

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

promoter or otherwise calculated by reference to such play;

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

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

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

- (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), repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 1(j)).

***police officer*** has the same meaning as in the **Victoria Police Act 2013**;

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 12.1(a)).

***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 (except in section 74) having regard to the creation and maintenance of public confidence and trust in the credibility, integrity and stability of casino operations;

S. 3(1) def. of *public interest* or *interest of the public* amended by Nos 88/2000 s. 36, 55/2005 s. 7(c).

***record*** includes any book, account, document, paper or other source of information compiled, recorded or stored in written form,



or on microfilm, or by electronic process, or  
in any other matter or by any other means;

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

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

S. 3(1) def. of  
*Responsible Gambling  
Code of  
Conduct*  
inserted by  
No. 72/2007  
s. 52.

*Responsible Gambling Code of Conduct* has the  
same meaning as in the **Gambling  
Regulation Act 2003**;

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

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

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

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

*this Act* includes the regulations;

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

*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;

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

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

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

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

(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.

(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.

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

### **3A What is intoxication?**

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

S. 3A  
inserted by  
No. 72/2007  
s. 53.

Note to s. 3A  
amended by  
No. 58/2011  
s. 104(Sch.  
item 1).

**Note**

The Commission issues guidelines containing information about how to determine whether a person is in a state of intoxication. See section 3AB of the **Liquor Control Reform Act 1998**.

**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;

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

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

\* \* \* \* \*

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

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**PART 2—LICENSING OF CASINOS**

**6 Licensed casinos declared lawful**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **7 Ministerial directions as to requirements for casinos**

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

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

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

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

s. 8

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

(3) An amendment or purported amendment of a provision of regulations referred to in subsection (1), being a provision prescribing a matter referred to in subsection (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) Subsection (2) and regulations made under this section do not apply to the establishment of the Melbourne Casino on the temporary casino site referred to in Part 9A.

## 8 Application for casino licence

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

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

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

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

S. 8(3)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 4),  
substituted by  
No. 72/2007  
s. 54.

(3) The application must—  
(a) be accompanied by a Responsible Gambling Code of Conduct that the applicant intends to implement if the licence is granted; and  
(b) contain or be accompanied by any additional information the Commission requires.

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

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

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

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

## 9 Matters to be considered in determining applications

- (1) The Commission must not grant an application for a casino licence unless satisfied that the applicant, and each associate of the applicant (as defined in section 4), is a suitable person to be concerned in or associated with the management and operation of a casino.
- (2) In particular, the Commission 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;

S. 9(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 4).

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



s. 10

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

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

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

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

## 10 Investigation of application

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

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

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

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

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

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

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

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

**11 Commission may require further information etc.**

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

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

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

- (a) to provide, in accordance with directions in the notice, any information, verified by statutory declaration, that is relevant to the investigation of the application and is specified in the notice; and
- (b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them; and
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); and

s. 12

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

(d) to furnish to the Commission any authorities and consents that the Commission directs for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the person and his or her associates or relations from other persons.

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

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

## 12 Updating of application

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

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

Penalty: 50 penalty units.

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

(1A) If—

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

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

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

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

Penalty: 50 penalty units.

- (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 subsection (1) or (1A) to any further change in the information provided.

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

### 13 Determination of applications

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

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

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

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

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

\* \* \* \* \*

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

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

s. 13A

S. 13A  
inserted by  
No. 74/2010  
s. 22.

### 13A Licence not personal property

For the purposes of section 8(1)(k) of the Personal Property Securities Act 2009 of the Commonwealth, a licence is declared not to be personal property.

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

### 14 Authority may agree to exclusivity

- (1) On or after 1 December 1992, the Authority may, with the approval of the Minister, enter into an agreement with a person, in connection with the grant of a casino licence to the person, binding the Authority for a specified period not to grant another casino licence for a location within a 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.
- (2) The Authority cannot enter into any agreement under this section on or after the commencement of section 4 of the **Gaming Legislation (Amendment) Act 2002**.
- (3) Subsection (2) does not prevent the Authority or the Commission from amending or varying any agreement made under this section before the commencement referred to in that subsection after that commencement in accordance with the terms of the agreement.

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

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

### 15 Management agreement

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

- (1) The Commission must not grant a licence unless—
  - (a) an agreement in writing has been entered into on or after 1 December 1992 between the Minister for and on behalf of the State and the proposed casino operator identifying the casino to be the subject of the licence and containing any terms and conditions that the Minister thinks fit; and

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

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

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

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 Commission in writing to make the amendment; or

S. 16(2)(a)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 9).

(b) by the Commission by giving notice in writing of the proposed amendment to the casino operator.

S. 16(2)(b)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 9).

(3) The Commission must give the casino operator at least 14 days to make submissions to the Commission concerning any proposed amendment (whether proposed by the Commission or the licensee) and must consider the submissions made.

S. 16(3)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 9).

(4) The Commission must then decide whether to make the proposed amendment, either with or without changes from that originally proposed, and must notify the casino operator of its decision.

S. 16(4)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 9).

(5) Any amendment that the Commission decides upon takes effect when notice of the decision is given to the casino operator or on any later date that may be specified in the notice.

S. 16(5)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 9).

s. 17

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

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

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

S. 18  
amended by  
No. 73/2014  
s. 3 (ILA  
s. 39B(1)).

S. 18(2)  
inserted by  
No. 73/2014  
s. 3.

S. 18(3)  
inserted by  
No. 73/2014  
s. 3.

S. 18(4)  
inserted by  
No. 73/2014  
s. 3.

## 17 Commission to define casino premises

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

## 18 Duration of casino licence

- (1) 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.
- (2) Despite subsection (1), the Melbourne Casino Licence remains in force until 18 November 2050, unless it is sooner cancelled or surrendered under this Act.
- (3) The Commission must amend the Melbourne Casino Licence to reflect the operation of subsection (2) and issue the amended licence to the Melbourne Casino Operator.
- (4) Section 16 does not apply to the amendment of the Melbourne Casino Licence under subsection (3).

(5) In this section—

*Melbourne Casino Licence* has the same meaning as in the **Casino (Management Agreement) Act 1993**;

*Melbourne Casino Operator* has the same meaning as in the **Casino (Management Agreement) Act 1993**.

S. 18(5)  
inserted by  
No. 73/2014  
s. 3.

### 19 Mortgage etc. of casino licence

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

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

### 20 Cancellation, suspension or variation of casino licence

(1) In this section—

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

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

- (a) that the licence was improperly obtained in that, at the time the licence was granted, there were grounds for refusing it;
- (b) that the casino operator, a person in charge of the casino, an agent of the casino operator or a casino employee has contravened a provision of this Act or the **Gambling Regulation Act 2003** or a condition of the licence;

S. 20(1) def. of  
*grounds for  
disciplinary  
action*  
amended by  
Nos 17/1996  
s. 26(1),  
72/2007 s. 55,  
56/2010 s. 72,  
4/2014 s. 48.



- (ba) that the casino operator has contravened an agreement referred to in section 3.8A.15 or 3.8A.16 of the **Gambling Regulation Act 2003**;
- (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;
- (db) that there have been repeated breaches by the casino operator of the casino operator's Responsible Gambling Code of Conduct;
- (e) for specified reasons, it is considered to be no longer in the public interest that the licence should remain in force.

- (2) The Commission may serve on a casino operator a notice in writing affording the casino operator an opportunity to show cause within 14 days why disciplinary action should not be taken on grounds for disciplinary action specified in the notice.
- (3) The casino operator, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken and the Commission must consider any submissions so made.

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

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

Casino Control Act 1991  
No. 47 of 1991  
Part 2—Licensing of Casinos

s. 20

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- (4) The Commission may then take disciplinary action against the casino operator as the Commission sees fit and does so by giving written notice to the casino operator—
- (a) of the cancellation or suspension of the casino licence, the variation of the terms of the licence or the imposition of the fine; or
  - (b) in the form of a letter of censure; or
  - (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 subsection (6) is not complied with in the specified time, the Commission may by giving written notice to the casino operator, cancel, suspend or vary the terms of the casino licence or impose a fine not exceeding \$1 000 000 without affording the casino operator a further opportunity to be heard.
- (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.

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

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

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

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

s. 21

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

- (10) A member of the Commission who has participated in consideration of disciplinary action is not prevented by that reason alone from considering whether further disciplinary action should be taken.

## 21 Surrender of licence

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

- (1) A casino operator may surrender the casino licence by giving notice in writing to the Commission.

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

- (2) The surrender takes effect only if the Commission consents to the surrender.

## 22 Appointment of a manager if licence cancelled or suspended

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

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

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

- (2) In appointing a person to be a manager, the Commission must have regard to the suitability of the person.

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

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

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s. 22

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- (4) The appointment of a manager of a casino may be terminated at any time by the Commission and is terminated by the grant of another casino licence in respect of the casino. **S. 22(4) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 12).**
- (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—
- (a) is deemed to be the holder of a casino licence on the same terms as those on which the casino operator held the licence before its cancellation, suspension or surrender, subject to such modifications as the Commission determines; **S. 22(6)(a) amended by Nos 34/1993 s. 6(2), 114/2003 s. 12.1.2 (Sch. 5 item 12).**
  - (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 **S. 22(6)(b) amended by No. 93/1993 s. 7(1)(a).**
  - (c) must conduct, or cause to be conducted, casino operations in accordance with this Act; and
  - (d) has, in connection with the conduct of those operations, all the functions of the operator; and **S. 22(6)(d) amended by No. 93/1993 s. 7(1)(b).**
  - (e) may employ such staff as may be required to operate the casino. **S. 22(6)(e) inserted by No. 93/1993 s. 7(1)(b).**
- (7) The regulations may make provision for or with respect to the functions of a manager appointed under this section.
- (8) The following provisions have effect in respect of the net earnings of a casino while operations in the casino are being conducted by a manager under this section— **S. 22(8) inserted by No. 93/1993 s. 7(2).**
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No. 47 of 1991  
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**S. 22(8)(a)**  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 12).

- (a) subject to paragraph (b), no payment of net earnings is to be made to the former casino operator without the prior approval of the Commission;
- (b) the former casino operator is entitled to a fair rate of return out of net earnings (if any) on any property of the former casino operator retained by the manager;
- (c) the Commission may direct that all or any part of net earnings (other than that referred to in paragraph (b)) must be paid into the Consolidated Fund, with any balance to be paid to the former casino operator.

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

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**PART 3—SUPERVISION AND CONTROL OF CASINO OPERATORS**

**Division 1—Directions, investigations etc.**

**23 Directions to operator**

- (1) The Commission may give to a casino operator a written direction that relates to the conduct, supervision or control of operations in the casino and the operator must comply with the direction as soon as it takes effect.

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

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

S. 24(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 13).

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

S. 24(2)(b)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 13).

(2) The investigation may include (but is not limited to) an investigation of any or all of the following matters—

(a) the casino and operations in the casino;

(b) the casino operator or a person who, in the opinion of the Commission, is an associate of the casino operator;

S. 24(2)(c)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 13).

(c) a person or persons who in the opinion of the Commission could affect the exercise of functions in or in relation to the casino; or

S. 24(2)(d)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 13).

(d) a person or persons who, in the opinion of the Commission, could be in a position to exercise direct or indirect control over the casino operator, or an associate of the casino operator, in relation to functions in or in relation to the casino.

S. 24(3)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 13).

(3) The Commission may make a report to the Minister on the results of such an investigation if it thinks it desirable to do so and must make such a report if the investigation was made at the direction of the Minister.

S. 24(4)  
inserted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 14),  
amended by  
No. 58/2011  
s. 94.

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

**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 5 years, the Commission must investigate and form an opinion as to each of the following matters—

S. 25(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 15), substituted by No. 47/2005 s. 3(1).

- (a) whether or not the casino operator is a suitable person to continue to hold the casino licence;
- (b) whether or not the casino operator is complying with this Act, the **Casino (Management Agreement) Act 1993**, the **Gambling Regulation Act 2003** and the regulations made under any of those Acts;
- (c) in the case of the Melbourne Casino Operator, whether or not the casino operator is complying with—
  - (i) the transaction documents; and
  - (ii) any other agreements between the Melbourne Casino Operator and the State, or a body representing the State, that impose obligations on the casino operator in relation to gaming;
- (d) whether or not it is in the public interest that the casino licence should continue in force.

(1A) In subsection (1)—

***Melbourne Casino Operator*** has the same meaning as in the **Casino (Management Agreement) Act 1993**;

S. 25(1A) inserted by No. 47/2005 s. 3(2).

***transaction documents*** means Transaction Document as defined in the Agreement within the meaning of the **Casino (Management Agreement) Act 1993**.



s. 26

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

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

## 26 Operator to provide information

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

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

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

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

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

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

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

- (c) to attend before the Commission or an authorised person for examination in relation to any matters relevant to the operator or that association or to the casino, or to matters specified by the Commission, and to answer questions relating to those matters.

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

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**27 Failure to provide information punishable as contempt**

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

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

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

(2) If the Commission so certifies, the Supreme Court may inquire into the case and—

(a) order the person to comply with the requirements within a period specified by the Court; or

(b) if the Court is satisfied that the person failed, without reasonable excuse, to comply with the requirement—punish the person as if the person were in contempt of the Court and, if it thinks fit, also make an order under paragraph (a).

**28 Change in situation of casino operator**

(1) In this section—

*associate* has the same meaning as in section 4;

*major change* in the situation existing in relation to a casino operator means—

(a) any change in that situation which results in a person becoming an associate of the casino operator; or

(b) any other change in that situation which is of a class or description prescribed as major for the purposes of this section;

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

Penalty: 50 penalty units.

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

**s. 28AA**

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

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

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

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

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

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

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

**28AA Change in situation of associate**

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

Penalty: 20 penalty units.

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

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

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

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

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

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

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

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

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

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

**s. 28A**

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

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

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

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

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

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

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

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

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

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

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

(6) The Commission—

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

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

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

S. 28A(7)  
inserted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 21),  
amended by  
No. 58/2011  
s. 94.

## Division 2—Contracts

### 29 Definitions

(1) In this Division—

*contract* includes any kind of agreement or arrangement;

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

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

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



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

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

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

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

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

- (1C) The notice may specify that it applies to contracts generally or to the classes of contracts specified in the notice. S. 29(1C) inserted by No. 88/2000 s. 40(1).
- (2) The Commission must publish in its annual report all classes of matter and all classes of contract specified by the Commission under paragraph (c), (ca) or (d) of the definition of *controlled contract* in subsection (1) during the previous year. S. 29(2) inserted by No. 93/1993 s. 8(2), amended by Nos 36/1994 s. 5(3), 114/2003 s. 12.1.2 (Sch. 5 item 22(a)).

### 30 Requirements for controlled contracts

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

- (1) A casino operator must not enter into or be a party to, or to the variation of, a contract that is a controlled contract in relation to that operator unless—
- (a) the operator has given notice in writing to the Commission of the details of the proposed contract or variation at least 28 days (or any shorter period approved by the Commission in a particular case or in respect of a particular class of contract) before entering into or becoming a party to it; and
- (b) the Commission has not, within that period, given notice in writing to the operator that the Commission objects to the proposed contract or requires further time, the further period to be specified in the notice, to conduct its investigations.

S. 30(1)(a) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 23).

S. 30(1)(b) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 23).

Penalty: 100 penalty units.

- (1A) A function of the Commission under subsection (1) may be performed by any commissioner. S. 30(1A) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 24).

**s. 31**

S. 30(2)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 23).

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

Penalty: 100 penalty units.

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

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

Penalty: 100 penalty units.

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

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

**31 Notice to be given of certain contracts**

If—

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

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

- (b) any such contract is varied—

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

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

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

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

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

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

**33 Effect of termination**

If a contract is terminated in accordance with this Division—

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract; and
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination; and

s. 34

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

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

### **34 Offence—giving effect to terminated contract**

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

Penalty: 100 penalty units.

### **35 Parties to contracts to provide information**

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

## **Division 3—Injunctions**

### **36 Injunctions to prevent contraventions etc.**

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

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

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

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

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

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**PART 4—LICENSING OF CASINO EMPLOYEES**

**37 Definitions**

(1) In this Part—

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

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

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

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

*special employee* means a person who—

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

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

- (2) Nothing in this Part affects the operation of the **Private Security Act 2004**.

S. 37(2)  
amended by  
No. 33/2004  
s. 208(1).

### **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

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

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

(a) the prescribed fee; and

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

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

S. 39(1)(c)  
substituted by  
No. 104/2004  
s. 43.

(c) evidence that the applicant is employed, or has been offered employment, by a casino operator.

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

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

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

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

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

#### **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 Commission— **S. 40(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 30(a)).**
- (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 Commission may by notice in writing given to a person who has a special relationship with a casino— **S. 40(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 30(a)).**
- (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.

Casino Control Act 1991  
No. 47 of 1991  
Part 4—Licensing of Casino Employees

s. 40

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

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

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

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

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

Penalty: 100 penalty units.

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

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

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

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#### 41 Updating of application for licence

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

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

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

#### 42 Commission may require further information

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

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

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

s. 43

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

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

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

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

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

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

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

### 43 Applications to be investigated

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

(1) The Commission must investigate each application.

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

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

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

#### 44 Determination of applications

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

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

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

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

s. 45

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

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

#### 45 Conditions of licence

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

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

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

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

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

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

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

#### 45A Person licensed under Gambling Regulation Act 2003

S. 45A(1)  
amended by  
No. 104/2004  
s. 44(a)(b).

- (1) A person who holds a gaming industry employee's licence issued under the **Gambling Regulation Act 2003** may apply to the Commission under this section for a licence under this Part.
- (2) An application under subsection (1) must be accompanied by—
- (a) the prescribed fee; and

- (b) evidence that the applicant is or was employed by a venue operator, gaming operator or bingo centre operator to perform the functions of a gaming industry employee within the meaning of Chapter 9A of the **Gambling Regulation Act 2003**.
- (3) The Commission, if satisfied that the authority given to the applicant by a gaming industry employee's licence issued under the **Gambling Regulation Act 2003** is comparable to the authority conferred by a licence under this Part, may issue such a licence to the applicant.
- (4) A function of the Commission under this section may be performed by any commissioner.

S. 45A(2)(b) substituted by No. 104/2004 s. 44(c).

S. 45A(3) amended by No. 104/2004 s. 44(d)(e).

#### 45B Appeals

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

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



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

#### 46 Identification

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

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

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

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

S. 46(3)  
amended by  
No. 33/2004  
s. 208(2).

- (3) Identification worn by a special employee, who is a crowd controller within the meaning of the **Private Security Act 2004**, that complies with that Act is sufficient compliance with this section.

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

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

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#### 47 Provisional licences

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

#### 48 Duration of licence

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

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

s. 49

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

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

#### 49 Renewal of licence

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

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

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

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

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

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

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

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

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

(b) the determination of such an application; and

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

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

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

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

## 50 Variation of licence

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

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

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

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

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

## 51 Loss etc. of licence

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

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

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

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

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

## 52 Cancellation etc. of licence

(1) In this section—

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

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

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

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

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

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

### 53 Suspension of licence

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

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

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

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

S. 53(1)(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(1)(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).

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

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

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**54 Effect etc. of suspension**

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

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

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

**54A Return of licence on suspension or cancellation**

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

Penalty: 20 penalty units.

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

**55 Termination of employment on suspension or cancellation of licence**

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

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



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

Penalty: 100 penalty units.

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

**56 Casino operator to provide information relating to licensees**

- (1) A casino operator—

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

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

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

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

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

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

Penalty: 50 penalty units.

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

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

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

### **57 Change in situation of licensee**

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

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

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

s. 58

## 58 Training courses for employees

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

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

S. 58(2)  
amended by  
No. 47/2005  
s. 7.

- (2) Training courses provided for the purposes of this section must be conducted by the casino operator or, with the approval of the Commission, the nominee of the casino operator.

S. 58(2)(a)  
amended by  
Nos 93/1993  
s. 12, 114/2003  
s. 12.1.2  
(Sch. 5  
item 61),  
104/2004  
s. 46(a),  
repealed by  
No. 47/2005  
s. 7.

\* \* \* \* \*

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

\* \* \* \* \*

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

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

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

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

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

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

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

Penalty: 50 penalty units.

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

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

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

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

(1) Subject to subsection (1B), a licensee who is employed by a casino operator, regardless of when that employment commenced, and who performs any of the functions of a special employee in relation to gaming machines must complete—

S. 58A(1) substituted by No. 79/2006 s. 4.

(a) an appropriate approved training course within the period specified in subsection (1A); and

s. 58A

- (b) an approved refresher course within the period of 3 years following completion of an approved training course and every period of 3 years thereafter.

S. 58A(1A)  
inserted by  
No. 79/2006  
s. 4.

(1A) An approved training course must be completed—

- (a) in the case of a licensee who is in the employment of a casino operator immediately before the commencement of section 4(1) of the **Justice Legislation (Further Amendment) Act 2006**, within 12 months after the approval of that course by the Commission;
- (b) in the case of a licensee who is employed by a casino operator on or after the commencement of section 4(1) of the **Justice Legislation (Further Amendment) Act 2006**—
  - (i) within 6 months after the licensee commences to perform any of the functions of a special employee in relation to gaming machines; or
  - (ii) within 12 months after the approval of that course by the Commission—whichever period expires later.

S. 58A(1B)  
inserted by  
No. 79/2006  
s. 4.

(1B) Subsection (1)(a) does not apply to a licensee who has completed an approved training course—

- (a) after the commencement of section 4(1) of the **Justice Legislation (Further Amendment) Act 2006**; and
- (b) within the period of 3 years immediately before the commencement of employment with a casino operator.

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

Penalty: 20 penalty units.

- (3) The courses required by this section are in addition to those required by section 58.
- (4) In this section—

*approved refresher course* has the same meaning as in section 9A.1.18 of the **Gambling Regulation Act 2003**;

S. 58A(4)  
def. of  
*approved  
refresher  
course*  
amended by  
No. 104/2004  
s. 47.

*approved training course* has the same meaning as in section 9A.1.18 of the **Gambling Regulation Act 2003**.

S. 58A(4)  
def. of  
*approved  
training  
course*  
amended by  
No. 104/2004  
s. 47.

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**PART 5—CASINO OPERATIONS**

**59 Casino layout to be as approved by Commission**

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

(1) It is a condition of a casino licence that gaming or an approved betting competition is not to be conducted in the casino unless the facilities provided in relation to the conduct and monitoring of operations in the casino are in accordance with plans, diagrams and specifications that are for the time being approved by the Commission under this section.

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

(2) The Commission may approve plans, diagrams and specifications indicating the following—

- (a) the situation within the casino of gaming tables and gaming equipment, counting rooms, cages and other facilities provided for operations in the casino;
- (b) the manner in which a closed circuit television system operates within the casino, including details of the positions and field of coverage of the cameras and viewing screens and the height of the cameras above the gaming;
- (c) the position and description of a catwalk surveillance system for the direct visual monitoring of operations in the casino;
- (d) the communication facilities provided for persons monitoring operations in the casino, whether by means of the closed circuit television system or the catwalk surveillance system, or otherwise.

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

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

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

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

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

## 60 Approval of games and rules for games

(1) The Commission may approve the games that may be played in a casino (other than games to be played on a gaming machine) and the rules for those games.

S. 60(1)  
amended by  
Nos 93/1993  
s. 13(1),  
38/2002  
s. 6(1),  
substituted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 67),  
amended by  
No. 7/2006  
s. 17(1).

### Note

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

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

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

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



Casino Control Act 1991  
No. 47 of 1991  
Part 5—Casino Operations

s. 60

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

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

S. 60(1C)  
inserted by  
No. 93/1993  
s. 13(2),  
repealed by  
No. 37/1994  
s. 229(e), new  
s. 60(1C)  
inserted by  
No. 7/2006  
s. 17(2).

(1C) The Commission must publish notice that an approval has been given under this section on the Commission's website.

S. 60(2)  
substituted by  
No. 7/2006  
s. 17(3).

- (2) A casino operator must not permit a game to be conducted or played in a casino unless—
- (a) an approval under this section is in force for the game and the rules for the game; and
  - (b) the approved rules for the game are published on the casino operator's website and are available for inspection in the casino at the time the game is conducted or played; and
  - (c) the game is conducted or played in accordance with the approved rules for the game.

Penalty: 100 penalty units.

S. 60(3)  
substituted by  
No. 7/2006  
s. 17(3).

- (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) an approval under this section is in force for the game and the rules for the game; and

- 
- (b) the approved rules for the game are published on the casino operator's website and are available for inspection in the casino at the time the game is conducted or played; and
  - (c) the game is conducted or played in accordance with the approved rules for the game.

Penalty: 20 penalty units.

- (4) It is a defence to a prosecution for a contravention of subsection (3) if the accused establishes that the contravention was permitted by the casino operator. **S. 60(4) amended by No. 68/2009 s. 97(Sch. item 16).**
- (5) Subsections (2) and (3) do not apply to a game played on a gaming machine in a casino. **S. 60(5) inserted by No. 38/2002 s. 6(3).**

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

- (1) The Commission may give a direction in writing to a casino operator concerning any one or more of the following—
  - (a) the particular games that are or are not to be available to be played in the casino;
  - (b) the minimum number of any particular game that is to be available to be played in the casino;
  - (c) the maximum number of any particular game that is to be available to be played in the casino.
- (2) The Commission may amend any such direction by a further direction in writing to the casino operator. **S. 61(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 69).**  
**S. 61(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 69).**

- (3) It is a condition of a casino licence that the casino operator is to comply with any direction for the time being in force under this section.

## 62 Approval of gaming equipment

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

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

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

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

S. 62(2A)  
inserted by  
No. 93/1993  
s. 14,  
amended by  
No. 37/1994  
s. 229(f),  
substituted by  
No. 38/2002  
s. 7(1),  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
items 70(a),  
71).

- (2A) In approving gaming equipment under this section, the Commission may take into account the certificate of a person listed on the Roll under the **Gambling Regulation Act 2003**, being a person referred to in section 3.4.61(1)(c) of that Act.

- (3) The Regulations may specify standards with respect to the manufacture or supply of gaming equipment for use in a casino.
- (4) Despite the provisions of any other law, the possession of gaming equipment is lawful if—
- (a) the possession is for the purposes of an investigation under this section; or

- (b) the equipment is identifiable in a manner approved by the Commission and is in a casino with the approval of the Commission or the circumstances of its possession are such as have been approved by the Commission generally or in a particular case. S. 62(4)(b) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 70(a)(b)).
- (5) This section does not apply to gaming equipment that is a gaming machine. S. 62(5) inserted by No. 38/2002 s. 7(2).
- (6) A function of the Commission under this section may be performed by any commissioner. S. 62(6) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 72).

**62AA Gaming machines must be located indoors**

A casino operator must not allow a game to be played on a gaming machine in the casino that is not located wholly indoors.

S. 62AA inserted by No. 72/2007 s. 56, amended by No. 29/2011 s. 3(Sch. 1 item 7).

**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 **Gambling Regulation Act 2003**. S. 62A(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 73).
- (2) The number of gaming machines available for gaming at the Melbourne Casino must not exceed 2628. S. 62A(2) inserted by No. 16/2000 s. 3, amended by No. 73/2014 s. 4.

s. 62AB

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

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

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

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

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

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

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

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

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

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

Penalty: 100 penalty units.

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

**62AB Banning large denomination note acceptors and autoplay facilities**

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

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

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

### 62AC Spin rates

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

Penalty: 20 penalty units.

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

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

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

### 62B Linked jackpots unlawful without approval

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

Penalty: 100 penalty units.

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

### 63 Unsatisfactory gaming equipment

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

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

Penalty: 100 penalty units.

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

**s. 64**

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

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

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

## **64 Conduct of gaming**

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

- (a) gaming equipment must not be used for gaming in the casino unless—
- (i) the Commission has approved in writing of the use in the casino of that equipment or of the class or description of equipment concerned, whether or not subject to conditions; and
  - (ii) the equipment is used only in accordance with conditions to which the approval is subject;
- (b) all playing cards dealt in the course of gaming in the casino must be dealt from a card shoe or, if the Commission has approved, by notice published in the Government Gazette, of the use of another procedure or device for dealing cards, by that procedure or from that device;
- (c) chips for gaming in the casino must not be issued unless the chips are paid for in money to the value of the chips or by chip purchase voucher that, on payment of the amount shown on the voucher, was issued by or on behalf of the operator;

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

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

- (d) gaming wagers must not be placed in the casino otherwise than by means of chips unless the rules of the game require or provide for the placing of wagers in money;
- (e) all wagers won in the course of gaming or betting in the casino must be paid for in full without deduction of any commission or levy, other than a commission or levy provided for in the rules of the game or betting competition;
- (f) all wagers won in the course of gaming in the casino must be paid in chips, unless the rules of a game specifically permit payment by cash or cheque;
- (g) at the request of a patron of the casino, during the times the casino is open to the public for gaming—
  - (i) chip purchase vouchers issued by the casino operator must be exchanged for chips; and
  - (ii) chips must be exchanged for other chips; and
  - (iii) chips, or chip purchase vouchers, issued by the casino operator, must be redeemed (for a value equivalent to their value) for money or, at the option of the operator, for a cheque made payable to the patron and drawn on an authorised deposit-taking institution approved by the Commission;

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

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

\* \* \* \* \*

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



Casino Control Act 1991  
No. 47 of 1991  
Part 5—Casino Operations

s. 64

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

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

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

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

Penalty: 100 penalty units.

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

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

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

- (3) In subsection (2)—  
***commission based player*** means a person who participates in a premium player arrangement or a junket where the person and the casino operator satisfy the requirements of any relevant controls and procedures approved by the Commission under section 121 in respect of a premium player or a junket player (as the case may be).

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

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

## 65 Times of operation of casinos

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

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

Penalty: 50 penalty units.

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

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

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

## 66 Assistance to patrons

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

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

- (b) display prominently in the casino—
  - (i) the advice or information concerning those rules, the mode of payment of winning wagers and the odds of winning each wager; and
  - (ii) any other advice or information to the player—

as the Commission directs; and

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

Penalty: 25 penalty units.

- (1A) The notice must—

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

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

Penalty: 25 penalty units.

- (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.

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

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

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

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

### 67 Operation of security equipment etc.

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

Penalty: 50 penalty units.

### 68 Credit etc.

- (1) In this section—

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

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

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

- (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).

- (a) accept a wager made otherwise than by means of money or chips; or  
(b) lend money or any valuable thing; or  
(c) provide money or chips as part of a transaction involving a credit card or a debit card; or  
(d) extend any other form of credit; or

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

- 
- (e) except with the approval of the Commission, wholly or partly release or discharge a debt.
- (3) A casino operator may establish for a person a deposit account to which is to be credited the amount of any deposit to the account comprising—
- (a) money; or
  - (b) a cheque payable to the operator; or
  - (c) a traveller's cheque.
- (4) The operator may issue to a person who establishes a deposit account and debit to the account chip purchase vouchers or money, not exceeding in total value the amount standing to the credit of the account at the time of issue of the vouchers or money.
- (5) The operator may, in exchange for a cheque payable to the operator or a traveller's cheque, issue to a person chip purchase vouchers of a value equivalent to the amount of the cheque or traveller's cheque.
- (6) A cheque accepted by the operator may, by agreement with the operator, be redeemed in exchange for the equivalent in value to the amount of the cheque of any one or more of the following—
- (a) money;
  - (b) cheque payable to the operator;
  - (c) chip purchase vouchers;
  - (d) chips.
-

(7) The casino operator—

- (a) must, within the time specified by the Commission by notice in writing given to the operator for the purposes of this subsection, deposit a cheque with an authorised deposit-taking institution accepted by the operator under this section; and
- (b) must not agree to the redemption of such a cheque for the purpose of avoiding compliance with paragraph (a).

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

Penalty: 50 penalty units.

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

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

- (a) a premium player arrangement with the casino operator; or
- (b) a junket at the casino—

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

**69 Responsible Gambling Code of Conduct is a condition of licence**

It is a condition of a casino licence that the casino operator implement a Responsible Gambling Code of Conduct that has been approved by the Commission.

S. 69 amended by Nos 36/1994 s. 9, 17/1996 s. 29, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 84), new s. 69 inserted by No. 72/2007 s. 57.

## 70 Right of entry to a casino

- (1) Except as provided by this section and section 71, a person enters and remains in a casino only by the licence of the operator of the casino.
- (2) An inspector may enter, and remain in, a casino, or any part of a casino, in the performance of functions conferred or imposed on the inspector by this Act or the **Gambling Regulation Act 2003**.

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

## 71 Police powers of entry to a casino

- (1) For the purpose of the discharge of the duty of a police officer, any part of a casino to which the public has access is to be considered to be a public place.
- (2) A police officer may, on being authorised by the Commission or an inspector so to do, enter any part of a casino to which the public does not have access and may remain there for the purpose of discharging his or her duty as a police officer.
- (3) Such an authorisation may be given in a particular case or generally and may be given so as to operate on a specified occasion or throughout a specified period.
- (4) The Commission or an inspector giving such an authorisation to a police officer must inform the casino operator or the person for the time being in charge of the casino as soon as practicable.
- (5) Nothing in this section affects any power a police officer has by law to enter any part of a casino.
- (6) A function of the Commission under this section may be performed by any commissioner.

S. 71(2)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 86).

S. 71(4)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 86).

S. 71(6)  
inserted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 87).

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## 72 Exclusion orders

- (1) The Commission or a casino operator or the person for the time being in charge of a casino, may, by order given to a person orally or in writing, prohibit the person from entering or remaining in the casino. S. 72(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 88(a)).
- (1A) An oral order lapses after 14 days. S. 72(1A)  
inserted by  
No. 17/1996  
s. 30.
- (2) If a person is given an oral order and the person requires the order to be given in writing, the oral order is suspended while the order is put in writing (but only if the person remains available in the casino to be given the written order).
- (2A) The Commission or a casino operator may give a written order under this section to a person, on the voluntary application of the person, prohibiting the person from entering or remaining in a casino. S. 72(2A)  
inserted by  
No. 36/1994  
s. 10,  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 88(a)).
- (2B) An application under subsection (2A) must be in writing and signed by the applicant in the presence of a person authorised by the Commission to witness such an application. S. 72(2B)  
inserted by  
No. 36/1994  
s. 10,  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 88(b)).
- (3) As soon as practicable after a casino operator gives a written order under this section, the operator must cause a copy of the order to be given to the Commission. S. 72(3)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 88(c)).

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

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

### 73 Appeal to Commission

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

- (1) If a written order under section 72 prohibiting the person from entering or remaining in a casino is made by—
  - (a) a single commissioner; or
  - (b) a casino operator; or
  - (c) a person for the time being in charge of a casino—

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

- (2) An appeal must—
  - (a) be in writing; and
  - (b) specify the grounds on which it is made.
- (3) After consideration of an appeal, the Commission may, by order—
  - (a) reject the appeal and confirm the order; or
  - (b) allow the appeal (in whole or part) and substitute a new order or vary the order.
- (4) An order of the Commission on an appeal—
  - (a) must be notified in writing to the person; and
  - (b) must include the reasons for its decision to make the order.

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- (5) Nothing in this section prejudices the right of the Commission, a casino operator or a person in charge of a casino to make a further order in respect of that person for a reason considered sufficient by the Commission, casino operator or person in charge.
  - (6) An appeal against an order does not affect the operation of the decision or prevent the taking of action to implement the order.
  - (7) In the case of an appeal against an order made by a single commissioner, the Commission as constituted for the purposes of the appeal must not include that commissioner.

**74 Exclusion orders by Chief Commissioner of Police**

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

- (1) The Chief Commissioner of Police may, if he or she considers it necessary in the public interest, by written order given to a person, prohibit the person from entering or remaining in a casino or the casino complex.

S. 74(1) amended by No. 55/2005 s. 8(1)(a)(b).

- (1A) An order under subsection (1) made in respect of the casino complex must include a copy of the plan lodged in the Central Plan Office of the Department of Sustainability and Environment and numbered LEGL./05–141.

S. 74(1A) inserted by No. 55/2005 s. 8(2).

- (2) As soon as practicable after making an exclusion order, the Chief Commissioner of Police must—

- (a) give a copy of the order to the casino operator and the Commission and, if practicable, make available to the casino operator a photograph of the person who is the subject of the order; and

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

- (b) notify each interstate Chief Commissioner of the making of the order.

s. 74A

(3) For the avoidance of doubt, an exclusion order given under this section is not subject to appeal under section 73.

S. 74(4)  
inserted by  
No. 65/2013  
s. 24.

(4) The Chief Commissioner of Police must advise the Professional Boxing and Combat Sports Board (within the meaning of section 14 of the **Professional Boxing and Combat Sports Act 1985**) that an exclusion order has been made under this section if the person who is the subject of the order has a licence, or has applied for a licence or its renewal under Division 1 of Part II of the **Professional Boxing and Combat Sports Act 1985**.

S. 74A  
inserted by  
No. 3/2009  
s. 14.

#### 74A Procedure on application for review

- (1) This section applies if an application is made to a court for review of a decision by the Chief Commissioner under section 74 to make an exclusion order.
- (2) If the Chief Commissioner objects to the disclosure or production of protected information at the hearing of the application for review, the Chief Commissioner may apply before the hearing to the court to hear and determine the application for review—

S. 74A(2)(a)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 12.2(a)).

- (a) at a hearing at which evidence given by a police officer is given on the basis of a confidential affidavit that is not disclosed to one or more of the parties or any representative of those parties; or
- (b) at a hearing held in closed court in which the Chief Commissioner and each party to the proceeding has a right to make submissions; or

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- (c) at a hearing held without notice to, and without the presence of, one or more of the parties or any representative of those parties; or
- (d) by any combination of the methods set out in paragraphs (a), (b) and (c).
- (3) If the court is satisfied that it is not in the public interest to hear and determine the application for review by the method specified by the Chief Commissioner in the application under subsection (2), the court may hear and determine the application by any other method set out in subsection (2).
- (4) In deciding which method to hear and determine the application for review, the court must take into account—
- (a) the public interest in protecting the confidentiality of police investigative techniques and protected information in the possession of the police; and
  - (b) the extent to which the method of hearing and determining the application may disclose any intelligence information, or document or thing the disclosure of which—
    - (i) reveals the identity of the police officer who provided information on the basis of which the exclusion order was made or puts that officer's safety at risk; or
    - (ii) reveals the identity of a person who has provided a police officer with information on the basis of which the exclusion order was made, or puts that person's safety at risk; or

S. 74A(4)(b)(i) amended by No. 37/2014 s. 10(Sch. item 12.2(b)(i)).

S. 74A(4)(b)(ii) amended by No. 37/2014 s. 10(Sch. item 12.2(b)(ii)).

Casino Control Act 1991  
No. 47 of 1991  
Part 5—Casino Operations

s. 74A

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- S. 74A(4)(b)(iii)  
amended by  
No. 37/2014  
s. 10(Sch.  
item  
12.2(b)(ii)).
- (iii) reveals the identity of a person whose name appears in any evidence given or information provided to a police officer relating to an investigation, or puts that person's safety at risk; or
- S. 74A(4)  
(b)(iv)  
amended by  
No. 37/2014  
s. 10(Sch.  
item  
12.2(b)(ii)).
- (iv) reveals the identity of a person who is or has been the subject of an investigation by a police officer, or puts that person's safety at risk; or
- S. 74A(4)(b)(v)  
amended by  
No. 37/2014  
s. 10(Sch.  
item  
12.2(b)(ii)).
- (v) places at risk an ongoing investigation by a police officer; or
- S. 74A(4)  
(b)(vi)  
amended by  
No. 37/2014  
s. 10(Sch.  
item  
12.2(b)(iii)).
- (vi) risks the disclosure of any investigative method used by police officers; or
- (vii) is otherwise not in the public interest.
- S. 74A(5)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 12.2(c)).
- (5) If the court decides to hear and determine the application for review by the method set out in subsection (2)(a), the court may require the police officer to provide the court with any further confidential affidavits the court requires to determine the application.
- (6) In this section *protected information* means any intelligence information, document or thing the production or inspection of which—
- (a) is likely to reveal any matter referred to in subsection (4)(b)(i) to (iv); or

(b) is likely to place at risk an ongoing investigation by a police officer; or

S. 74A(6)(b) amended by No. 37/2014 s. 10(Sch. item 12.2(d)(i)).

(c) is likely to risk the disclosure of any investigative method used by police officers; or

S. 74A(6)(c) amended by No. 37/2014 s. 10(Sch. item 12.2(d)(ii)).

(d) is otherwise not in the public interest.

**74B Appointment of special counsel**

S. 74B inserted by No. 3/2009 s. 14.

- (1) If a court decides to hear and determine an application for review at a hearing referred to in section 74A(2)(c), the court may appoint a special counsel to represent the interests of a party to the proceeding at the hearing.
- (2) A special counsel must be a barrister within the meaning of the **Legal Profession Act 2004** who, in the opinion of the court, has the appropriate skills and ability to represent the interests of the party at the hearing.
- (3) At any time before the special counsel attends the hearing or obtains any confidential affidavit in relation to the application, the special counsel may communicate with the party whose interests he or she is representing, or any representative of that party, for the purpose of obtaining information from the party or representative in relation to the proceeding.
- (4) At any time after the special counsel commences to attend the hearing or obtains any confidential affidavit in relation to the application, the special counsel—

- (a) must not take instructions from the party whose interests he or she is representing, or from any representative of that party; and
- (b) may communicate to that party or a representative of that party any order made by the court at or in relation to the hearing; and
- (c) must not communicate any other information in relation to the hearing to that party or a representative of that party without leave of the court.

#### **75 Duration of exclusion orders**

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

Penalty: 20 penalty units.

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

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

## 76 List of excluded persons

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

S. 76(1)  
amended by  
Nos 36/1994  
s. 20(l),  
38/2002  
s. 12(1)(a),  
55/2005 s. 9.

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 under section 72 for the casino, or exclusion orders under section 74 for the casino or casino complex, or interstate exclusion orders, of which the operator is or was aware.

Penalty: 50 penalty units.

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

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

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

Penalty: 50 penalty units.

- (3) A person must not provide any part of a list prepared under subsection (1) to any person except—
- (a) the casino operator; or

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



s. 77

- (b) a casino employee; or
- (c) the Commission; or
- (d) an inspector; or
- (e) a person approved by the Commission for the purpose.

Penalty: 10 penalty units.

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

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

S. 77  
amended by  
No. 38/2002  
s. 12(3),  
substituted by  
No. 55/2005  
s. 10.

#### **77 Excluded person not to enter casino or casino complex**

- (1) A person the subject of an exclusion order under section 72 relating to a casino must not enter or remain in the casino.

Penalty: 20 penalty units.

- (2) A person the subject of an exclusion order under section 74 relating to a casino or the casino complex must not enter, or remain in, the casino or casino complex.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

#### **77A Proceedings against certain excluded persons**

Despite section 10.5.31 of the **Gambling Regulation Act 2003**, a proceeding for an offence against section 77(2) or (3) may only be brought by a police officer.

S. 77A  
inserted by  
No. 55/2005  
s. 11,  
amended by  
No. 37/2014  
s. 10(Sch.  
item 12.3).

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## 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 reasonably believes that a person the subject of an exclusion order under section 72 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 under section 72 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—

S. 78(2)  
amended by  
Nos 38/2002  
s. 12(4),  
55/2005  
s. 12(1)(a)–(c).

S. 78(4)  
amended by  
No. 33/2004  
s. 208(1).

S. 78(4)(a)  
amended by  
Nos 38/2002  
s. 12(4),  
55/2005  
s. 12(2).

but nothing in this section authorises a person to do anything in contravention of the **Private Security Act 2004**.

**s. 78AA**

S. 78AA  
inserted by  
No. 55/2005  
s. 13.

**78AA Notification requirements for exclusion orders made under section 74**

- (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.

S. 78AA(2)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 12.3).

- (2) A person to whom this section applies who reasonably believes that a person the subject of an exclusion order under section 74 or an interstate exclusion order is in the casino, must notify a police officer as soon as practicable.

Penalty: 20 penalty units.

S. 78AB  
inserted by  
No. 55/2005  
s. 13.

**78AB Power of Commission and inspectors to notify**

- (1) If the Commission or an inspector reasonably believes that a person the subject of an exclusion order under section 74 or an interstate exclusion order is in the casino, the Commission or inspector may notify a police officer.
- (2) A function of the Commission under this section may be performed by any commissioner.

S. 78AB(1)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 12.3).

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

**78A No advertising to excluded persons**

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

S. 78A(1)  
amended by  
No. 55/2005  
s. 14.

under section 72 or 74 or an interstate exclusion order.

Penalty: 50 penalty units.

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

**Examples**

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

**78B Forfeiture of winnings**

- (1) This section applies to a person who is—

(a) subject to an exclusion order; or

(b) subject to an interstate exclusion order.

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

S. 78B(1)(b)  
amended by  
No. 71/2008  
s. 33(a)(i).

\* \* \* \* \*

S. 78B(1)(c)  
repealed by  
No. 71/2008  
s. 33(a)(ii).

- (2) If a person to whom this section applies enters or remains in a casino in contravention of this Act, all winnings (including linked jackpots) paid or payable to the person in respect of gaming on gaming machines or playing any game approved under section 60 in the casino—

(a) are forfeited to the State; and

(b) must be paid to the Commission for payment into the Community Support Fund under the **Gambling Regulation Act 2003**.

- (3) If winnings referred to in subsection (2) comprise or include a non-monetary prize, the casino operator must pay the value of that prize to the Commission for payment into the Community Support Fund under the **Gambling Regulation Act 2003**.
- (4) In determining the value of a non-monetary prize for the purposes of subsection (3), any amount of GST payable in respect of the supply to which the prize relates is to be taken into account.
- (5) Any dispute between a person to whom this section applies and a casino operator as to the amount of winnings forfeited under this section must be investigated and determined by an inspector.

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

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

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

#### **80 Possession of certain things prohibited**

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

Penalty: 50 penalty units.

- (2) A person must not, in a casino or on premises of which a casino forms part, use or have in his or her possession—

- (a) chips that he or she knows are bogus or counterfeit chips; or

- (b) cards, dice or coins that he or she knows have been marked, loaded or tampered with; or
- (c) for the purpose of cheating or stealing, any equipment, device or thing that permits or facilitates cheating or stealing.

Penalty: 50 penalty units.

- (3) Subsection (2) does not prohibit the possession in a casino of any thing referred to in subsection (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

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

\* \* \* \* \*

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

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

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

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- (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.

**81AA Limiting withdrawals and advances from cash facilities**

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

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

**81AAA Limiting placement of automatic teller machines and alternative cash access facilities**

S. 81AAA  
inserted by  
No. 72/2007  
s. 58,  
substituted by  
No. 29/2009  
s. 81 (as  
amended by  
No. 32/2012  
s. 30).

- (1) In relation to a casino, a casino operator must not provide, or allow another person to provide on the casino operator's behalf, an automatic teller machine or an alternative cash access facility—
- (a) in the casino; or



**s. 81AAB**

(b) in an area that is less than 50 metres walking distance away from an entrance to the casino.

Penalty: 60 penalty units.

(2) Section 43 of the **Interpretation of Legislation Act 1984** does not apply to the measurement of any distance for the purposes of subsection (1).

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

**81AAB Payment of winnings and cashing of cheques**

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

Penalty: 50 penalty units.

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

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

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

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**81AAC Gambling or betting by intoxicated persons  
prohibited**

S. 81AAC  
inserted by  
No. 72/2007  
s. 59.

A casino operator must not knowingly allow a person who is in a state of intoxication to gamble or bet in the casino.

Penalty: 40 penalty units.

**Note**

Intoxication is defined in section 3A.

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s. 81A

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**PART 5A—APPROVED BETTING COMPETITIONS**

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

**81A Approval of betting competitions**

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

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

- (1) Subject to this Part, the Minister, after consultation with the Minister administering the **Gambling Regulation Act 2003**, may, by instrument, approve a betting competition on a particular event or contingency or class of events or contingencies as an approved betting competition for the purposes of this Act, subject to such conditions as the Minister determines.
- (2) The approval of a betting competition under this section must specify whether it is a competition with fixed odds or whether it is a competition conducted on a totalisator.
- (3) The Minister must not under this section approve a betting competition—
  - (a) on a horse race, harness race or greyhound race at a race meeting in Australia or New Zealand if the holder of the wagering licence or the wagering operator under the **Gambling Regulation Act 2003** is proposing to conduct wagering on that race; or
  - (b) that, in the opinion of the Minister, is offensive or contrary to the public interest; or
  - (c) that is played on a gaming machine; or
  - (d) that is a club keno game.

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

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**81B Events**

A betting competition may be approved in respect of—

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

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

**81C Notice of approved betting competition**

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

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

**81D Conditions of approval**

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

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

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

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

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

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

**s. 81F**

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

**81F Approval of totalisator**

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

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

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

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

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

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

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

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

**81H Casino operator to make betting rules**

- (1) Subject to this Act, the regulations and any condition of the casino licence, a casino operator must make betting rules in relation to—
  - (a) totalisators for approved betting competitions; and
  - (b) betting in approved betting competitions at fixed odds; and
  - (c) such other matters as are necessary for the proper carrying on of a business of conducting approved betting competitions.

- 
- (2) Rules under subsection (1) may, without limiting subsection (1)(c), include provisions relating to—
- (a) placing of bets, including minimum bets;
  - (b) odds;
  - (c) dividends or prizes, including minimum dividends or prizes, calculation of dividends or prizes, payment of dividends or prizes and unclaimed dividends or prizes;
  - (d) refunds;
  - (e) jackpots;
  - (f) determination of disputes;
  - (g) display of information.
- (3) Rules under subsection (1) must specify the day on which they are made and the day on which they come into operation, being a day at least 4 weeks after the day on which they are made or such earlier day (not being earlier than the day of making) approved in writing by the Commission.
- (4) The betting rules may confer a discretionary authority or impose a duty on a specified person or class of persons.
- (5) The casino operator must comply with the prescribed requirements relating to the making of betting rules.
- (6) The casino operator must give a copy of rules made under this section to the Commission forthwith after they are made.

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

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

**s. 81I**

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

(7) The Commission may at any time, by notice in writing given to the licensee, disallow a betting rule as from a day specified in the notice, being not earlier than 3 days after the notice is given to the licensee, if the Commission is satisfied that the rule is unfair to investors, unreasonable or contrary to the public interest.

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

(8) If, before a betting rule is made, the Commission consents in writing to the making of the rule in a specified form, the Commission must not disallow the rule within the period of 6 months after it is made.

(9) The betting rules, as in force when the bet is made, form part of the contract between the casino operator and the investor.

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

**81I Commissions—totalisators**

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

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

**81J Tax**

(1) In this section—

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

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

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

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

***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;

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

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

- (2) Subject to subsection (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—
- (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.

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

- (2A) The amount of tax payable by a casino operator under subsection (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).



**s. 81K**

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

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

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

**81K Recovery of amounts owing**

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

**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.

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

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- (2) If no person nominates the winning combination in a totalisator conducted by a casino operator on an approved betting competition, the operator may, unless otherwise directed by the Commission, transfer the money that would have been payable as dividends in that totalisator to be added to the money to form part of the money available for dividends in respect of a subsequent totalisator conducted by the operator on an approved betting competition.
- (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.

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

**81M Unclaimed refunds, dividends and prizes**

- (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 subsection (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.

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

Casino Control Act 1991  
No. 47 of 1991  
Part 5A—Approved Betting Competitions

s. 81N

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

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

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

Pt 6 (Heading and ss 82–92) amended by Nos 114/2003 s. 12.1.2 (Sch. 5 item 101), 24/2006 s. 6.1.2(Sch. 7 item 3), repealed by No. 71/2008 s. 33(b).

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**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.

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

**Division 3—Inspectors**

\* \* \* \* \*

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

Casino Control Act 1991  
No. 47 of 1991  
Part 7—Casino Regulation

s. 105

S. 103  
amended by  
No. 93/1993  
s. 20,  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 103).

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S. 104  
repealed by  
No. 37/1994  
s. 229(h),  
new s. 104  
inserted by  
No. 17/1996  
s. 31,  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 103).

\* \* \* \* \*

Pt 7 Div. 3  
(Heading)  
inserted by  
No. 37/1994  
s. 229(i),  
repealed by  
No. 44/1995  
s. 7(1).

\* \* \* \* \*

**105 Rights of inspector on casino premises**

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

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

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

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

(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 (in addition to any functions under the **Gambling Regulation Act 2003**)—

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

- (a) to supervise operations in a casino, and to inspect the gaming equipment used in a casino, for the purpose of ascertaining whether or not the casino operator is complying with the provisions of this Act, the conditions of the casino licence, and any directions issued by the Commission under this Act;
- (b) to supervise the handling and counting of money in a casino;
- (c) to assist in any other manner, where necessary, in the detection of offences committed against this Act in a casino;
- (d) to receive and investigate complaints, in accordance with section 10.5.11 of the **Gambling Regulation Act 2003**, from casino patrons relating to the conduct of gaming or betting in a casino;

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

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

Casino Control Act 1991  
 No. 47 of 1991  
 Part 7—Casino Regulation

**s. 106**

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

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

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

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

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

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

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

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

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Casino Control Act 1991  
No. 47 of 1991  
Part 7—Casino Regulation

**s. 111**

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



s. 112A

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**PART 8—FEES, TAXATION ETC.**

S. 112  
repealed by  
No. 93/1993  
s. 21.

\* \* \* \* \*

S. 112A  
inserted by  
No. 34/1993  
s. 9.

**112A Casino supervision and control charge**

S. 112A(1)  
amended by  
Nos 93/1993  
s. 22(1),  
114/2003  
s. 12.1.2  
(Sch. 5  
item 107).

- (1) The casino operator must pay to the Commission for payment into the Consolidated Fund—
- (a) on the grant of a casino licence, the premium payment determined by the Treasurer under subsection (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(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 subsection (1)(a).
- (4) The amount determined by the Treasurer under subsection (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 subsection (1)(a) and the Consolidated Fund is hereby to the necessary extent appropriated accordingly.

- (6) The premium payment payable under subsection (1)(a) and the casino supervision and control charge prescribed for the purposes of subsection (1)(b) are taxes.

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S. 112B  
inserted by  
No. 93/1993  
s. 23,  
amended by  
No. 37/1994  
s. 229(k),  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 108).

### 113 Casino tax

- (1) The casino operator must pay to the Commission for payment into the Consolidated Fund the prescribed casino tax in respect of each casino licence in respect of each of the first 3 years after the commencement of this section during which the casino operator holds a casino licence.
- (2) The regulations may require the casino tax to be determined by reference to a percentage of certain revenue arising from the operations of the casino or in such other manner as is specified in the regulations.
- (3) The regulations may specify the time within which tax must be paid.

S. 113(1)  
amended by  
Nos 93/1993  
s. 24, 114/2003  
s. 12.1.2  
(Sch. 5  
item 109).

### 114 Community benefit levy

- (1) The casino operator must pay to the Commission for payment into the Consolidated Fund the prescribed community benefit levy in respect of the casino licence at such times and in such manner as is prescribed and, if the regulations so prescribe, may pay the levy by instalments in accordance with the regulations.

S. 114  
amended by  
No. 93/1993  
s. 25(1)(a)(b).

S. 114(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 109).

s. 115

S. 114(2)  
inserted by  
No. 93/1993  
s. 25(2),  
amended by  
No. 36/1994  
s. 14.

- (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.

S. 114(3)  
inserted by  
No. 93/1993  
s. 25(2).

- (3) An account must be kept showing separately money paid into the Fund in respect of each casino licence.

S. 114A  
inserted by  
No. 89/2000  
s. 3,  
amended by  
Nos 48/2001  
s. 3(1)–(3),  
114/2003  
s. 12.1.2  
(Sch. 5  
item 110),  
92/2005 s. 11,  
22/2007 s. 14,  
repealed by  
No. 84/2009  
s. 3.

\* \* \* \* \*

S. 114B  
inserted by  
No. 89/2000  
s. 3,  
amended by  
No. 48/2001  
s. 3(4)(a),  
repealed by  
No. 84/2009  
s. 3.

\* \* \* \* \*

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

**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

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

(b) if the Commission so determines in  
accordance with subsection (3), a fixed  
percentage greater than 87 per centum.

S. 115(2)(b)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 111).

(3) A determination under subsection (2)—

(a) must be made by notice published in the  
Government Gazette; and

(b) must be expressed to have effect on and after  
a specified date.

#### 116 Interest on overdue amounts

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

S. 116(1)  
amended by  
Nos 34/1993  
s. 10(1),  
89/2000 s. 4,  
48/2001  
s. 3(4)(b),  
84/2009  
s. 4(a).

(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.

(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.

S. 116(4)  
amended by  
Nos 34/1993  
s. 10(2),  
89/2000 s. 4,  
48/2001  
s. 3(4)(b),  
84/2009  
s. 4(b).

**s. 118**

S. 116(5)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 112).

(5) The Commission may waive or refund payment of interest under this section, as the Commission thinks fit.

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

\* \* \* \* \*

**118 Recovery of amounts owing**

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

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

**119 Effect of suspension of licence**

If a casino licence has been suspended and a manager appointed under section 22, the casino supervision and control charge and casino tax are not payable in respect of the period during which the licence is suspended.

**120 Offences relating to revenue**

A person must not—

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

(a) wilfully evade the payment of any fee, premium payment, charge, tax or levy payable by the person under this Act; or

S. 120(b)  
amended by  
Nos 34/1993  
s. 13, 114/2003  
s. 12.1.2  
(Sch. 5  
item 113).

(b) furnish a return, or make a statement or report, to the Commission or an inspector in respect of any fee, premium payment, charge, tax or levy payable under this Act knowing that the return, statement or report is false or misleading in a material particular.

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 Commission has approved in writing of a system of internal controls and administrative and accounting procedures for the casino.

S. 121(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 114(a)).

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

S. 121(2)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 114(a)).

\* \* \* \* \*

S. 121(2A)  
inserted by  
No. 93/1993  
s. 27,  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 114(b)).

(3) An approval or amendment of an approval under this section takes effect when notice of it is given in writing to the casino operator concerned, or on a later date specified in the notice.

(4) The casino operator must ensure that the system approved for the time being under this section for the casino is implemented.

Penalty: 50 penalty units.

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## 122 Content of approved system

- (1) A system of internal controls and administrative and accounting procedures approved for the purposes of section 121 must include (but is not limited to) details of the following—
- (a) accounting procedures, including the standardisation of forms, and the definition of terms, to be used in operations in a casino;
  - (b) procedures, forms and, where appropriate, formulas for or with respect to—
    - (i) hold percentages and the calculation thereof;
    - (ii) revenue drop;
    - (iii) complementary services;
    - (iv) salary arrangements; and
    - (v) personnel practices;
  - (c) the system of organising personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in operations in a casino and identification of primary and secondary supervisory positions for areas of responsibility, which areas must not be so extensive as to be impractical for an individual to supervise effectively;
  - (d) procedures for the conduct and playing of games and approved betting competitions;
  - (e) procedures for the receipt, storage and disbursement of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions pertaining to casino operations;

S. 122(1)(c)  
amended by  
No. 7/2006  
s. 18.

S. 122(1)(d)  
amended by  
No. 36/1994  
s. 20(za)(i).

S. 122(1)(e)  
amended by  
No. 36/1994  
s. 20(za)(ii).

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- (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 casino where games or approved betting competitions are conducted to other areas of a casino for counting; S. 122(1)(h) amended by No. 36/1994 s. 20(za)(iv).
- (i) procedures and forms for the transfer of money or chips from and to a gaming or betting area; S. 122(1)(i) amended by No. 36/1994 s. 20(za)(v).
- (j) procedures and security for the counting and recording of revenue;
- (k) procedures and security for the transfer of money from a casino to an authorised deposit-taking institution and from an authorised deposit-taking institution to a casino; S. 122(1)(k) amended by No. 11/2001 s. 3(Sch. item 10.5).
- (l) procedures for the security, storage and recording of chips utilised in the gaming operations in a casino;
- (m) procedures and standards for the maintenance, security and storage of gaming and betting equipment; S. 122(1)(m) amended by No. 36/1994 s. 20(za)(vi).
- (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; S. 122(1)(n) amended by No. 36/1994 s. 20(za)(vii).
- (o) procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;
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- (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. 122(1)(s) amended by No. 88/2000 s. 48(a).  
(s) procedures governing the utilisation of security personnel within a casino;
- (t) procedures for the control of keys used or for use in operations in a casino;
- S. 122(1)(u) inserted by No. 88/2000 s. 48(b).  
(u) procedures and standards for assessing the suitability of suppliers of goods or services to the casino and the casino operator which may vary according to the nature of the goods or services or the nature of the suppliers of goods or services;
- S. 122(1)(v) inserted by No. 88/2000 s. 48(b), amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 115(a)).  
(v) procedures for maintaining records of the suppliers of goods and services;
- S. 122(1)(w) inserted by No. 114/2003 s. 12.1.2 (Sch. 5 item 115(b)).  
(w) procedures for the promotion and conduct of junkets or premium player arrangements.
- (2) For the purposes of an approval or amendment of an approval, controls and procedures may be described narratively or represented diagrammatically, or by a combination of both methods.

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## 123 Banking

(1) A casino operator must—

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

S. 123(1)(a)  
amended by  
Nos 11/2001  
s. 3(Sch.  
item 10.6(a)(i)  
(ii)), 114/2003  
s. 12.1.2  
(Sch. 5  
item 116).

S. 123(1)(b)  
amended by  
Nos 11/2001  
s. 3(Sch.  
item 10.6(b)),  
114/2003  
s. 12.1.2  
(Sch. 5  
item 116).

Penalty: 100 penalty units.

- (2) An inspector may, by notice in writing, require the manager or other principal officer of an authorised deposit-taking institution referred to in subsection (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.

S. 123(2)  
amended by  
No. 11/2001  
s. 3(Sch.  
item 10.7).

- (3) A person to whom a notice is given under subsection (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 Commission.

S. 123(4)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 116).

**s. 124**

S. 123(5)  
inserted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 117).

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

**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.

S. 125  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 118).

**125 Statement of accounts**

A casino operator must, as soon as practicable after the end of the financial year determined for the casino by the Commission, prepare financial statements and accounts, including:

- (a) trading accounts, where applicable, for the financial year; and
- (b) profit and loss accounts for the financial year; and
- (c) a balance-sheet as at the end of the financial year that gives a true and fair view of the financial operations of the operator in relation to the casino.

Penalty: 50 penalty units.

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## 126 Books etc. to be kept on casino premises

- (1) A casino operator must ensure that all documents relating to the operations of the casino are—
- (a) kept at the casino; and
  - (b) retained for not less than 7 years after the completion of the transactions to which they relate.

Penalty: 50 penalty units.

- (2) The Commission may by instrument in writing grant an exemption to a casino operator from all or specified requirements of this section in respect of all or specified, or specified classes of documents and may grant such an exemption subject to conditions.

S. 126(2)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 118).

## 127 Audit

- (1) A casino operator must, as soon as practicable after the end of the financial year determined for the casino by the Commission, cause the books, accounts and financial statements of the operator in relation to the casino to be audited by a person approved by the Commission to audit the accounting records of the operator.

S. 127(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 118).

- (2) The casino operator must cause the auditor's report and the profit and loss account and balance sheet of the operator in relation to the casino to be lodged with the Commission within 4 months after the end of the financial year to which the report, profit and loss account and balance sheet relate.

S. 127(2)  
amended by  
Nos 93/1993  
s. 28(a)(b),  
114/2003  
s. 12.1.2  
(Sch. 5  
item 118).

Penalty: 50 penalty units.

s. 128

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

## 128 Submission of reports

S. 128(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 118).

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

S. 128(2)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 118).

- (2) The reports are to be submitted at the times, and are to contain the information, that is specified by notice in writing given to the casino operator by the Commission from time to time.

Penalty applying to this section: 50 penalty units.

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**PART 9A—THE MELBOURNE CASINO**

Pt 9A  
(Heading and  
ss 128A–  
128S)  
inserted by  
No. 34/1993  
s. 4.

**Division 1—Introductory**

Pt 9A Div. 1  
(Heading)  
substituted by  
No. 93/1993  
s. 32.

**128A Definitions**

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

(1) In this Part<sup>1</sup>—

*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 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.

**128C Changes in Melbourne Casino area and site**

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

- (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 subsection (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 subsection (1) if the land is within the permissible locations for a casino prescribed for the purposes of section 7.
- (4) An Order under subsection (1) may revoke the approval of a plan and approve a new or amended plan for the purposes of this Division.
- (5) An Order under this section must be made on the Minister's recommendation after the Minister has received any appropriate plans of survey signed by the Surveyor-General.

#### **Division 2—Casino Development**

#### **128D Amendment of planning scheme**

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

- (1) In addition to any other power to prepare, adopt or approve amendments to planning schemes, the Minister administering the **Planning and Environment Act 1987** may—
  - (a) on the recommendation of the Minister administering this Act, prepare; and
  - (b) adopt and approve—

amendments to any planning scheme applying to any land in the Melbourne Casino area or the temporary casino site to facilitate the Melbourne Casino project.
- (2) Without limiting what an amendment may include, an amendment prepared under this section may—
  - (a) impose any conditions on the development and use of land for the purposes of the Melbourne Casino project that the Minister administering the **Planning and Environment Act 1987** may determine; and

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- (b) provide that no permit is required for all or any part of that development or use of land; and
- (c) specify the Minister administering the **Planning and Environment Act 1987** as the responsible authority for the administration or enforcement of any provision of a planning scheme applicable to the Melbourne Casino project; and
- (d) specify the Minister administering this Act as a referral authority for applications for planning permits in relation to land in the Melbourne Casino area or temporary casino site.
- (3) The **Planning and Environment Act 1987** (except for section 12(1), (a) and (e), (2) and (3) and Divisions 1 and 2 of Part 3, and section 39(1) to (6) and any regulations made for the purposes of those provisions) applies to the preparation, adoption and approval of an amendment under this section.
- (4) This section has effect despite anything in section 46 of the **Planning and Environment Act 1987** and that section does not apply to an amendment prepared, adopted or approved under this section.
- (5) Section 39(7) of the **Planning and Environment Act 1987** applies to an amendment prepared, adopted or approved under this section as if before "Division 1" there were inserted "section 12(1) or".
- (6) Section 39(8) of the **Planning and Environment Act 1987** applies to an amendment prepared or adopted under this section as if—

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

s. 128E

- (a) the words "Except for an application under this section" were deleted; and
  - (b) before "Division 1" there were inserted "section 12(1) or".
- (7) Nothing in this section prevents either House of Parliament exercising its power under section 38 of the **Planning and Environment Act 1987**.

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

**128E Administration of Building Act**

S. 128E(1)  
amended by  
Nos 126/1993  
s. 264(Sch. 5  
item 5.1),  
36/1994  
s. 15(1).

- (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(2)  
amended by  
No. 126/1993  
s. 264(Sch. 5  
item 5.2(a)).

- (2) The **Building Act 1993** and the regulations under that Act apply for the purposes of this section as if—

S. 128E(2)(a)  
amended by  
No. 126/1993  
s. 264(Sch. 5  
item 5.2(b)).

- (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)(b)  
amended by  
No. 126/1993  
s. 264(Sch. 5  
item 5.2(c)).

- (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.

(3) Section 151 of this Act applies to the Minister administering the **Building Act 1993** and to any other person or body in respect of whom an Order is made under this section and to any other person exercising any power or performing any duty under that Act or the regulations under that Act in relation to the Melbourne Casino area or the temporary casino site as if—

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

(a) after "this Act" (wherever occurring) there were **inserted** "or the **Building Act 1993**"; and

S. 128E(3)(a) amended by No. 126/1993 s. 264(Sch. 5 item 5.3).

(b) in subsection (1)—

(i) before "the performance of duties" there were **inserted** "the performance of official duties or"; and

(ii) after "those duties" there were **inserted** "under this Act or the **Building Act 1993**".

S. 128E(3)(b)(ii) amended by No. 126/1993 s. 264(Sch. 5 item 5.3).

## 128F Application of Heritage Act

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

(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(1) amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.1(a)(b)).

(2) On the making of an Order under subsection (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.

S. 128F(2) amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.1(a)(c)(i)(ii)).

s. 128G

(3) An Order under subsection (1) may be made subject to any conditions specified in the Order including—

S. 128F(3)(a) amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.1(a)).

(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 subsection (1).

(6) On the revocation of an Order made under subsection (1)—

S. 128F(6)(a) amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.1(a)(d)(i)).

(a) the **Heritage Act 1995** again applies to any place, building or land affected by the Order; and

S. 128F(6)(b) amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.1(d)(ii)).

(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. 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.

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**Division 3—Powers over land**

**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. 128H  
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.

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

- (3) Without limiting subsection (2)—
- (a) anything relating to that acquisition that has been done by or in relation to the acquiring authority must be taken to have been done by or in relation to the Minister;
  - (b) the acquisition must be taken to be an acquisition under this Division;
  - (c) in any instrument or document relating to the acquisition, a reference to the acquiring authority must be taken to be a reference to the Minister;
  - (d) the Minister must be taken to be substituted for the acquiring authority as a party to any proceeding relating to the acquisition;
  - (e) the Minister may continue and complete anything of a continuing nature done in relation to the acquisition (including any step taken under the **Subdivision Act 1988**).
- (4) If, as a result of an acquisition of an interest in land to which this section applies, the interest is vested in or has been registered in the name of the acquiring authority at the commencement of this section, the interest vests, by force of this section, in the Crown, subject to any interest, right, power or authority to which it was subject immediately before its vesting under this section.

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

**128J Application of Land Acquisition and Compensation Act**

- (1) Subject to this section, the **Land Acquisition and Compensation Act 1986** applies to this Division and for that purpose—
- (a) this Division is the special Act; and
  - (b) the Minister is the Authority.

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- (2) Sections 5(1), 13, 20 and 26(2) and (5) of the **Land Acquisition and Compensation Act 1986** do not apply to this Division.
- (3) Section 8(1) of the **Land Acquisition and Compensation Act 1986** applies to this Division as if for paragraph (e) there were **substituted**—
- "(e) state that section 5(1) does not apply to the interest; and".
- (4) An interest in land compulsorily acquired under this Division vests in the Crown under section 24 of the **Land Acquisition and Compensation Act 1986** despite anything to the contrary in that section.
- (5) Section 26 of the **Land Acquisition and Compensation Act 1986** applies to this Division as if—
- (a) in subsection (3) after "that subsection" there were **inserted** "or until the date when the authority is to take possession specified in a notice under subsection (11A) (as the case requires)";
- (b) in subsection (8) after "subsection (2)" there were **inserted** "or the date on which the authority is to take possession specified in a notice under subsection (11A) or";
- (c) in subsection (9) after "that subsection" there were **inserted** "or the date on which the authority is to take possession specified in a notice under subsection (11A) (as the case requires)";



s. 128K

(d) after subsection (11) there were **inserted**—

"(11A) The Authority must serve on any person in occupation of the land acquired written notice of the time and date on which the Authority is to take possession."

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

### **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) subsection (2) referred to a licence under this section instead of a licence under section 138;

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

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- (b) in subsection (3)(b)(ii) after "this Act" there were inserted "or Division 3 of Part 9A of the **Casino Control Act 1991**";
- (c) in subsection (5) for "section 138(2)" there were substituted "anything to the contrary in any Act";
- (d) after subsection (5) there were inserted—
- "(5A) A licence over a stratum of Crown land may be granted even though there is a freeway or an arterial road (within the meaning of the **Road Management Act 2004**) over the land if the person granting the licence is satisfied that the exercise of the licensee's rights under the licence would not interfere with the use of the road by the public and the stratum covered by the licence does not include the level at which the road is constructed.
- (5B) In addition to any conditions under subsection (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) subsection (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.

S. 128K(5)(d)  
amended by  
No. 12/2004  
s. 150.

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- (7) The **Crown Land (Reserves) Act 1978** does not apply to—
- (a) a development or use of Crown land under subsection (1); or
  - (b) a lease or licence over Crown land under subsection (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**.

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

**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 subsection (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 subsection (1)—
  - (a) the land over which the closed road ran ceases to be a road; and

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- (b) all rights, easements and privileges over that land existing or claimed either in the public or by any body or person as incident to any express or implied grant, or past or supposed dedication, or by user, operation of law or otherwise, cease; and
  - (c) the land is deemed to be unalienated land of the Crown.

**128M Revocation of reservations**

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

- (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;

s. 128N

- (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.

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

#### **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.

### **Division 4—General**

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

#### **128O Dispute resolution**

- (1) The Governor in Council may determine any dispute or question about anything done or proposed to be done under this Part or any other Act and that arises in relation to or may affect the Melbourne Casino project, if the dispute or question arises between any of the following—
- (a) a public statutory authority;
  - (b) a Department within the meaning of the **Public Administration Act 2004**;
  - (c) a municipal council.
- (2) A dispute or question can only be referred for determination under subsection (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.

S. 128O(1)(b)  
amended by  
Nos 46/1998  
s. 7(Sch. 1),  
108/2004  
s. 117(1)  
(Sch. 3  
item 25).

- (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. 128P inserted by No. 34/1993 s. 4, amended by No. 93/1995 s. 218(1) (Sch. 2 item 2.2), repealed by No. 38/2002 s. 16.

**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 Administration Act 2004**), public statutory authority or municipal council to carry out his her or its functions in relation to the Melbourne Casino project or the Melbourne Casino area within a time specified in the Order, and the person or body must comply with the requirement.
- (2) A requirement under subsection (1) cannot vary any time or time limit prescribed by or under an Act.

S. 128Q(1) amended by Nos 46/1998 s. 7(Sch. 1), 108/2004 s. 117(1) (Sch. 3 item 25).

**128R Registrar of Titles to make necessary amendments to records**

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

\* \* \* \* \*

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**

**128S Supreme Court—Limitation of jurisdiction**

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

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court—

- (a) reviewing matters of the kind described in section 39(7) and (8) of the **Planning and Environment Act 1987** (as modified by section 128D(5) and (6) of this Act); or
- (b) awarding compensation in respect of anything done under or arising out of section 128L or 128M.
-

**PART 10—POWERS AND FUNCTIONS OF THE  
COMMISSION**

Pt 10  
(Heading)  
substituted by  
No. 37/1994  
s. 229(l),  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 119).

\* \* \* \* \*

Ss 129–139  
repealed by  
No. 37/1994  
s. 229(m).

**140 Object of the Commission**

The object of the Commission under this Act is to maintain and administer systems for the licensing, supervision and control of casinos, for the purpose of—

S. 140  
(Heading)  
inserted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 120).

(a) ensuring that the management and operation of casinos remains free from criminal influence or exploitation; and

S. 140  
amended by  
Nos 114/2003  
s. 12.1.2  
(Sch. 5  
item 121),  
58/2011 s. 95.

(b) ensuring that gaming and betting in casinos is conducted honestly; and

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

(c) fostering responsible gambling in casinos in order to—

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

(i) minimise harm caused by problem gambling; and

(ii) accommodate those who gamble without harming themselves or others.



**s. 141**

**141 Functions of the Commission**

S. 141  
(Heading)  
inserted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 122).

S. 141(1)  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 123(a)).

\* \* \* \* \*

S. 141(2)  
amended by  
Nos 114/2003  
s. 12.1.2  
(Sch. 5  
item 123(b)(i)),  
58/2011 s. 96.

(2) Without limiting its other functions under this Act or any other Act, the Commission—

(a) must oversee the operation and regulation of casinos;

S. 141(2)(ab)  
inserted by  
No. 93/1993  
s. 29,  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 123  
(b)(ii)).

(ab) must consider any system of controls and administrative and accounting procedures of the Commission to ensure that the taxes, charges and levies payable under this Act are paid and must approve or reject the system;

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

(b) must advise the Minister concerning policy in relation to supervision and inspection of casinos;

S. 141(2)(c)  
amended by  
No. 34/1993  
s. 17(2)(a),  
substituted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 123(c)).

(c) must do all things it is authorised or required to do under this Act, including but not limited to—

(i) supervising directly the operation of casinos and the conduct of gaming and betting within them;

- (ii) ensuring that the handling and counting of money in casinos is supervised;
- (iii) detecting offences committed in or in relation to casinos;
- (iv) receiving and investigating complaints from casino customers concerning the conduct of gaming or betting in the casino;
- (v) investigating the antecedents of applicants for licences;
- (vi) checking casino records as required;
- (vii) inspecting, testing and approving gaming equipment and chips used in casinos;
- (viii) ensuring that the taxes, charges and levies payable under this Act are paid;
- (ix) preparing and giving to the Minister such reports concerning the operation of casinos and the conduct of gaming and betting in them as the Commission thinks fit or as the Minister may request;
- (x) investigating and reporting to the Minister on the matters referred to in section 25.

S. 141(2)(c)(ix)  
amended by  
No. 47/2005  
s. 4(a).

S. 141(2)(c)(x)  
inserted by  
No. 47/2005  
s. 4(b).

#### **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.

s. 142

(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.

S. 142(3) inserted by No. 38/2002 s. 17, amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 124).

(3) The Authority or the Commission cannot enter into any agreement under this section on or after the commencement of section 17 of the **Gaming Legislation (Amendment) Act 2002**.

S. 142(4) inserted by No. 38/2002 s. 17, amended by No. 47/2005 s. 5.

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

S. 143 amended by No. 88/2000 s. 49, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 125).

\* \* \* \* \*

S. 144 amended by No. 38/2002 s. 18, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 125).

\* \* \* \* \*

Casino Control Act 1991  
 No. 47 of 1991  
 Part 10—Powers and Functions of the Commission

s. 145

*	*	*	*	*	<p><b>S. 145</b>                  repealed by                  No. 37/1994                  s. 229(n),                  new s. 145                  inserted by                  No. 88/2000                  s. 50,                  amended by                  No. 38/2002                  s. 19,                  repealed by                  No. 114/2003                  s. 12.1.2                  (Sch. 5                  item 125).</p>
*	*	*	*	*	<p><b>S. 146</b>                  repealed by                  No. 37/1994                  s. 229(n),                  new s. 146                  inserted by                  No. 88/2000                  s. 50,                  repealed by                  No. 114/2003                  s. 12.1.2                  (Sch. 5                  item 125).</p>
*	*	*	*	*	<p><b>S. 147</b>                  amended by                  No. 34/1993                  s. 15,                  repealed by                  No. 37/1994                  s. 229(n).</p>
*	*	*	*	*	<p><b>S. 148</b>                  repealed by                  No. 37/1994                  s. 229(n).</p>
*	*	*	*	*	<p><b>S. 149</b>                  amended by                  No. 93/1993                  s. 30(a)(b),                  repealed by                  No. 36/1994                  s. 16.</p>

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**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.

S. 150A  
inserted by  
No. 29/1993  
s. 9.

**150A Use of name including word *casino***

S. 150A(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 126).

- (1) A person, not being a casino operator, must not except with the consent of the Commission, use or have attached to or exhibited at or on—

- (a) that person's place of business; or  
(b) any other premises—

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—

Casino Control Act 1991  
No. 47 of 1991  
Part 11—General

**s. 150A**

- (a) if the person is a natural person, not more than 2 penalty units;
- (b) if the person is a corporation, not more than 10 penalty units.

*	*	*	*	*	<b>S. 151</b> amended by Nos 34/1993 s. 16, 17/1996 s. 32, 88/2000 s. 51, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 127).
*	*	*	*	*	<b>S. 151A</b> inserted by No. 88/2000 s. 52, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 127).
*	*	*	*	*	<b>S. 152</b> amended by No. 90/1998 s. 3, repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 127).
*	*	*	*	*	<b>S. 153</b> amended by Nos 34/1993 s. 17(2)(b), 37/1994 s. 229(o)(p), repealed by No. 114/2003 s. 12.1.2 (Sch. 5 item 127).

s. 153B

S. 153A  
inserted by  
No. 93/1993  
s. 31,  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 127).

\* \* \* \* \*

S. 153B  
inserted by  
No. 93/1993  
s. 31,  
amended by  
No. 44/1995  
s. 7(2)(b),  
substituted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 128).

**153B Forgery and impersonation**

A person must not—

- (a) forge or counterfeit chips, a chip purchase voucher, a licence under this Act or a special employee's form of identification; or
- (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, a licence under this Act or a special employee's form of identification; or
- (c) impersonate the holder of such a licence or form of identification.

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

S. 153C  
inserted by  
No. 93/1993  
s. 31.

**153C Conduct in casino**

A casino operator must not permit any indecent, violent or quarrelsome conduct within the casino.

Penalty: 100 penalty units.

S. 154  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 129).

\* \* \* \* \*

## 155 Appeals

- (1) Except as otherwise provided in this Act, a decision of the Commission under this Act is final and is not subject to appeal or review. S. 155(1) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 130(a)).
- (2) Except as otherwise provided in this section, a decision of the Commission under this Act is final and is not subject to appeal or review. S. 155(2) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 130(b)).
- (3) A person aggrieved by a decision of the Commission—
- (a) to cancel or suspend, or to refuse to cancel or suspend, a casino licence; or
  - (b) to amend, or to refuse to amend, the conditions of a casino licence—
- may appeal to the Court of Appeal from the decision on a question of law with leave of the Court of Appeal.
- \* \* \* \* \*
- (5) Section 74 of the **County Court Act 1958** applies to an appeal under subsection (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 Commission;
- S. 155(4) repealed by No. 109/1994 s. 34(5)(b).
- S. 155(6) amended by No. 109/1994 s. 34(5)(c).
- S. 155(6) amended by No. 114/2003 s. 12.1.2 (Sch. 5 item 130(b)).



s. 156

S. 155(6)(b)  
amended by  
Nos 109/1994  
s. 34(5)(c),  
114/2003  
s. 12.1.2  
(Sch. 5  
item 130(b)).

(b) an order remitting the matter to the  
Commission to decide again in accordance  
with the directions of the Court of Appeal.

(7) A person aggrieved by a decision referred to in  
subsection (3) is to be taken to be a person  
affected by a decision of a tribunal within the  
meaning of sections 3 and 11 of the  
**Administrative Law Act 1978.**

**156 No right to compensation for cancellation etc.**

No right to compensation enforceable against the  
State arises in relation to the cancellation,  
suspension or variation of the terms of licence, or  
an amendment of the conditions of a licence,  
under this Act.

Ss 157, 158  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 131).

\* \* \* \* \*

S. 159  
amended by  
No. 88/2000  
s. 53,  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 131).

\* \* \* \* \*

Ss 160–164  
repealed by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 131).

\* \* \* \* \*

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### **165 Forfeiture of offending articles**

- (1) If a person commits an offence under this Act involving the unlawful use or possession of any gaming equipment or any other article or thing, the court before which the person is convicted may order the equipment, article or thing to be forfeited to the State.
- (2) An inspector or a police officer may, in a casino, seize and retain possession of any equipment, article or thing that he or she reasonably suspects is liable to forfeiture under this section.

### **166 Information gathering for law enforcement purposes**

- (1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Commission may direct a casino operator in writing to provide the Commission with information obtained by the operator concerning gaming in the casino.
- (2) Such direction may relate to particular information or to information generally and may relate to particular or general information concerning a specified person.
- (3) The direction must specify—
  - (a) the kind of information that the casino operator is required to provide; and
  - (b) the manner in which the information is to be provided.
- (4) It is a condition of a casino licence that the casino operator must comply with such a direction.
- (5) The Commission may make information obtained by the Commission under this section available to any law enforcement agency.

S. 166(1)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 132).

S. 166(5)  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 132).

(6) In this section—

S. 166(6)  
def. of  
*law  
enforcement  
agency*  
amended by  
Nos 52/2003  
s. 52(Sch. 1  
item 1),  
37/2014  
s. 10(Sch.  
item 12.4).

*law enforcement agency* means—

- (a) Victoria Police or the police force or police service of any other State or Territory; or
- (b) the Australian Federal Police; or
- (c) the Australian Crime Commission; or
- (d) the New South Wales Crime Commission; or
- (e) any other authority or person responsible for the enforcement of the laws of the Commonwealth or of this or any other State or of a Territory.

## 167 Regulations

(1) The Governor in Council may make regulations for or with respect to—

S. 167(1)(ba)  
inserted by  
No. 16/2000  
s. 5.

- (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;

- 
- (f) the submission of reports by casino operators;
- (g) regulating in the casino the activities of persons (other than licensees under Part 4) who are in the casino in the course of their employment or prohibiting any of those activities;
- (h) the testing of operations, or of proposed operations, in a casino;
- (i) the acquisition of gaming equipment for use in a casino;
- (j) the servicing of gaming equipment used in a casino;
- (k) the issue and storage of gaming equipment for use in a casino;
- (l) the form of contracts that, within the meaning of section 29, are controlled contracts, the approval of the Commission before a specified class of those contracts may take effect and the disclosure to the Commission of the existence of any such contracts;
- (la) any matter in relation to which betting rules may be made under this Act;
- (lb) requirements relating to betting rules;
- (m) any other matter or thing required or permitted to be prescribed or necessary to be prescribed to give effect to this Act.
- S. 167(1)(l)**  
amended by  
Nos 34/1993  
s. 17(2)(c),  
12.1.2(Sch. 5  
item 133(a)).
- S. 167(1)(la)**  
inserted by  
No. 36/1994  
s. 19.
- S. 167(1)(lb)**  
inserted by  
No. 36/1994  
s. 19.

S. 167(2)(c)  
amended by  
No. 17/1996  
s. 33.

S. 167(2)(d)  
inserted by  
No. 17/1996  
s. 33,  
amended by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 133(b)).

S. 167(3)  
substituted by  
No. 90/1998  
s. 4(2).

S. 167(4)  
substituted by  
No. 90/1998  
s. 4(2).

- 
- (2) Regulations made under this Act—
- (a) may impose a penalty not exceeding 20 penalty units for a breach of the regulations; and
  - (b) may be of general or of specially limited application; and
  - (c) may differ according to differences in time, place or circumstance, including regulations under Part 8; and
  - (d) may confer a discretionary authority or impose a duty on the Commission.
- (3) The Regulations are subject to disallowance by a House of the Parliament.
- (4) If a regulation made under this Act is disallowed by the Parliament or a House of the Parliament, no regulation which is the same in substance as the disallowed regulation may be made within 6 months after the date of the disallowance, unless—
- (a) if the regulation was disallowed by one House of the Parliament, that House approves the making of a regulation the same in substance as the disallowed regulation; or
  - (b) if the regulation was disallowed by both Houses of the Parliament, each House approves the making of a regulation the same in substance as the disallowed regulation.
- (5) Any regulation made in contravention of subsection (4) shall be void and of no effect.
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**168 Transitional provisions for the Gambling Regulation Act 2003**

Schedule 3 has effect.

S. 168  
inserted by  
No. 88/2000  
s. 54,  
substituted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 134).

**169 Transitional provisions—Racing and Gaming Acts (Police Powers) Act 2005**

S. 169  
inserted by  
No. 55/2005  
s. 15.

(1) In this section—

*commencement day* means the day on which the  
**Racing and Gaming Acts (Police Powers)  
Act 2005** comes into operation.

(2) An exclusion order made under section 74 and in force immediately before the commencement day continues, until it is revoked, to have the same application in respect of a person on and after that day as it had before that day.

**170 Transitional provisions—Casino Control (Amendment) Act 2005**

S. 170  
inserted by  
No. 47/2005  
s. 6.

(1) The first investigation under section 25 conducted after the commencement of the **Casino Control (Amendment) Act 2005** must be conducted not later than 5 years after the last investigation under that section as in force before the commencement of that Act.

(2) Section 25 as amended by the **Casino Control (Amendment) Act 2005** applies to every investigation and report conducted on or after the commencement of that Act, regardless of whether the period of investigation commenced before the commencement of that Act.

s. 171

S. 171  
inserted by  
No. 72/2007  
s. 60.

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**171 Transitional provisions—Gambling Legislation  
Amendment (Problem Gambling and Other  
Measures) Act 2007**

Schedule 4 has effect.

S. 172  
inserted by  
No. 58/2011  
s. 97.

**172 Transitional provisions—Victorian Commission for  
Gambling and Liquor Regulation Act 2011**

Schedule 5 has effect.

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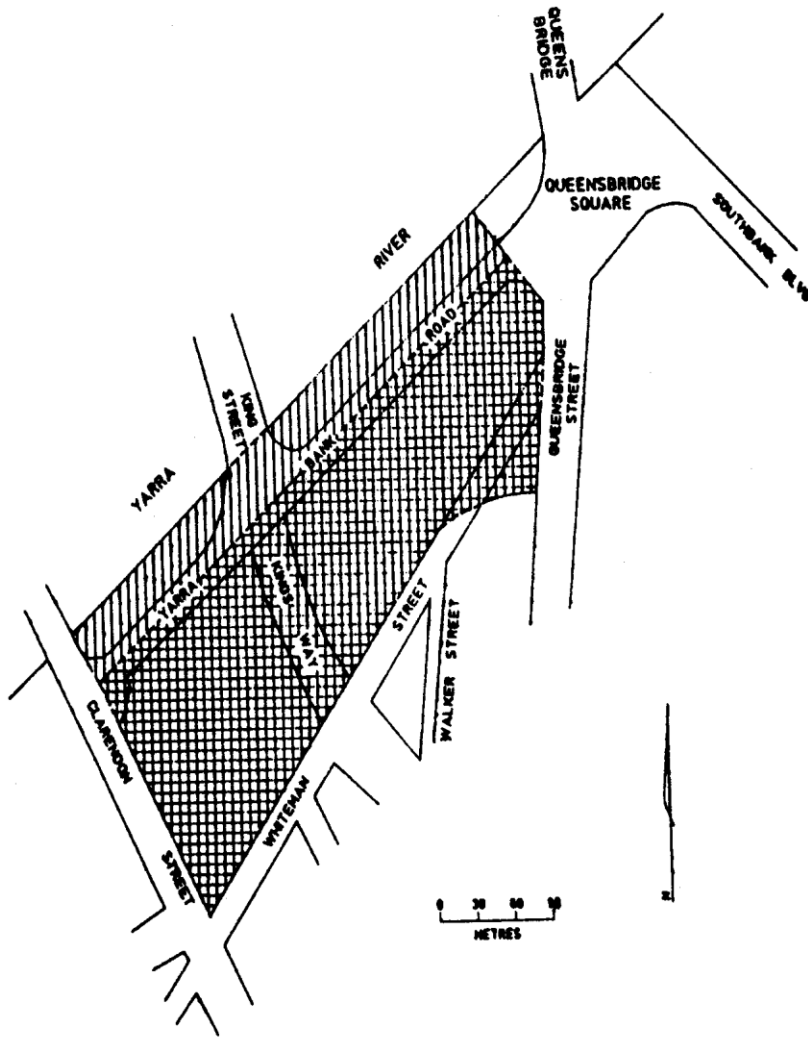
**SCHEDULES**

**SCHEDULE 1<sup>2</sup>**

Part 9A Division 1

Sch. 1  
inserted by  
No. 34/1993  
s. 5.

**MELBOURNE CASINO AREA**





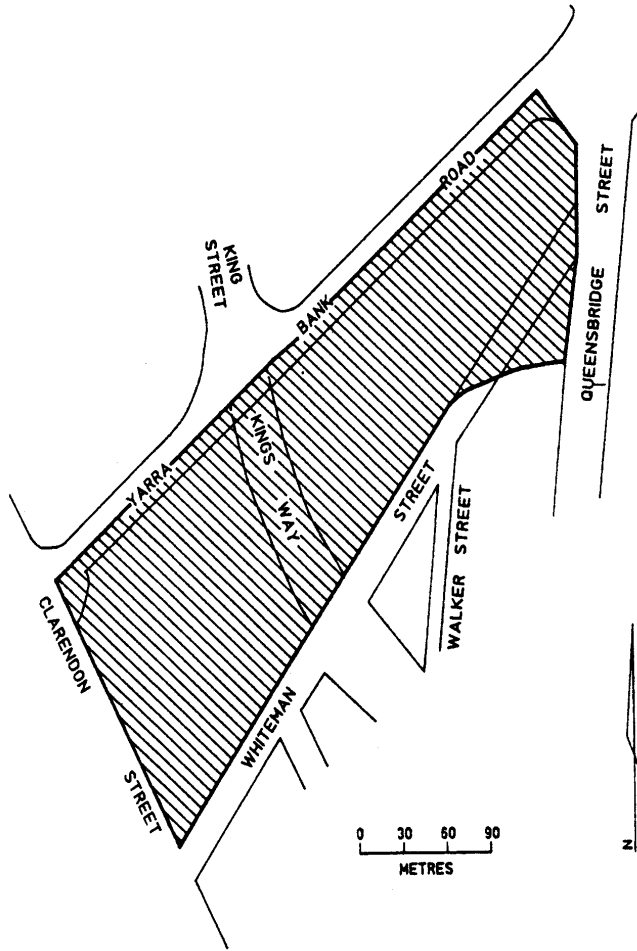
Sch. 2

Sch. 2  
inserted by  
No. 34/1993  
s. 5.

SCHEDULE 2<sup>3</sup>

Part 9A Division 1

MELBOURNE CASINO SITE



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**SCHEDULE 3**

Section 168

Sch. 3  
inserted by  
No. 114/2003  
s. 12.1.2  
(Sch. 5  
item 135).

**TRANSITIONALS—GAMBLING REGULATION ACT 2003**

**1 Definition**

In this Schedule, *commencement day* means the day on which section 12.1.2 of the **Gambling Regulation Act 2003** comes into operation.

**2 Licensing of casinos**

- (1) A notice given by the Authority under section 11(1) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 11(1).
- (2) Written particulars verified by statutory declaration given by an applicant to the Authority under section 12(1) prior to the commencement day are taken, on and after that day, to be written particulars given to the Commission under section 12(1).
- (3) Information required by the Authority under section 12(1A) prior to the commencement day is taken, on and after that day, to be information required by the Commission under section 12(1A).
- (4) A determination made or notification given by the Authority under section 13(1) immediately before the commencement day is taken, on and after that day, to be a determination made or notification given by the Commission under section 13(1).
- (5) A request made to or an amendment proposed by the Authority under section 16(2) before the commencement day is taken, on and after that day, to be a request made to or an amendment proposed by the Commission under section 16(2).

- (6) A notice given by the Authority under section 17(4) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 17(4).
- (7) A notice given by the Authority under section 20(2) or (4) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 20(2) or (4).

### **3 Supervision and control of casino operators**

- (1) A direction given by the Authority under section 23(1) immediately before the commencement day is taken, on and after that day, to be a direction given by the Commission under section 23(1).
- (2) A notice given by the Authority under section 26(1) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 26(1).
- (3) A notice given by the Authority under section 28A(3) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 28A(3).
- (4) A notice given by the Authority under section 28A(4A)(a) or (b) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 28A(4A)(a) or (b).
- (5) A notice given by the Authority under section 28A(4B) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 28A(4B).

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- (6) A notice given by the Authority under section 28A(5) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 28A(5).

#### **4 Controlled contracts**

- (1) A notice given by the Authority under section 29(1)(c) or (d) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 29(1)(c) or (d) (as the case requires).
- (2) A notice given by the Authority under section 29(1A) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 29(1A).
- (3) A notice given by the Authority under section 29(1B) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 29(1B).
- (4) A notice given by an operator to the Authority under section 30(1)(a) or (b) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by that operator to the Commission under section 30(1)(a) or (b) (as the case requires).
- (5) Notification given by the Authority under section 30(2) or (3) that was in force immediately before the commencement day is taken, on and after that day, to be notification given by the Commission under section 30(2) or (3).

- (6) A notice given by an operator to the Authority under section 31 that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by that operator to the Commission under section 31.
- (7) A notice served by the Authority under section 32(1) that was in force immediately before the commencement day is taken, on and after that day, to be a notice served by the Commission under section 32(1).

#### **5 Licensing of casino employees**

- (1) An application made to the Director under section 39 immediately before the commencement day is taken to be an application made to the Commission under section 39.
- (2) A notice given by the Director or the Authority under section 40(2) that was in force immediately before the commencement day is taken to be a notice given by the Commission under section 40(2).
- (3) A notice or direction given by the Director or the Authority under section 42 that was in force immediately before the commencement day is taken to be a notice given by the Commission under section 42.
- (4) In deciding an application under section 44, the Commission may take into account any investigation into that application by the Director before the commencement day.
- (5) An application made to the Director under section 45A immediately before the commencement day is taken to be an application made to the Commission under section 45A.

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- (6) A provisional licence under section 47 (as in force immediately before the commencement day) that was in force immediately before the commencement day is taken, on and after that day, to be a provisional licence under section 47 as amended by the **Gambling Regulation Act 2003** subject to any conditions to which the licence was subject immediately before that commencement.
  - (7) An exemption given by the Director under section 46(2) that was in force immediately before the commencement day is taken on and after that day to be an exemption given by the Commission under section 46(2).
  - (8) An application for a new licence made to the Director under section 49 that was made before the commencement date is taken, on and after that day, to be an application for a new licence made to the Commission under section 49.
  - (9) An application for variation of a licence made to the Director under section 50 that was made before the commencement date is taken, on and after that day, to be an application for variation made to the Commission under section 50.
  - (10) In determining whether to take any disciplinary action under section 52, the Commission may have regard to any inquiry undertaken by the Director, or any recommendation made by the Director, under that section before the commencement day.
  - (11) Suspension of a licence of a licensee by the Director by notice under section 53 that was made before the commencement date is taken, on and after that day, to be an application for suspension of a licence by the Commission under section 53.

Sch. 3

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- (12) A notification, approval of a form or specification of dates by the Authority or the Director under section 56 that was in force immediately before the commencement day is taken, on and after that day, to be a notification, approval or specification by the Commission under section 56.
  - (13) A specification of the Director under section 57 that was in force immediately before the commencement day is taken, on and after that day, to be a specification by the Commission under section 57.
  - (14) An approval of the Director under section 58 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 58.

Sch. 3 cl. 5(15)  
repealed by  
No. 79/2006  
s. 5.

\* \* \* \* \*

## 6 Casino Operations

- (1) An approval of the Director under section 59 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 59.
- (2) An approval of the Authority under section 60 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 60.
- (3) A direction given by the Authority under section 61(1) immediately before the commencement day is taken, on and after that day, to be a direction given by the Commission under section 61(1).

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- (4) An approval of the Director under section 62 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 62.
  - (5) A notice of the Authority published in the Government Gazette under section 62AB(4) before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 62AB(4).
  - (6) A notice of the Authority published in the Government Gazette under section 62AC(2) before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 62AC(2).
  - (7) An approval of the Authority under section 62B that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 62B.
  - (8) A direction of the Director under section 63(1) that was in force immediately before the commencement day is taken, on and after that day, to be a direction given by the Commission under section 63(1).
  - (9) An approval of the Director or Authority under section 64 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 64.
  - (10) A direction of the Authority under section 65 that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 65.
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- (11) A direction of the Director under section 66(1)(b) that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 66(1)(b).
- (12) An approval of the Authority under section 68(2)(e) that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 68(2)(e).
- (13) A notice given by the Authority under section 68(7) that was in force immediately before the commencement day is taken to be a notice given by the Commission under section 68(7).
- (14) An authorisation given by the Authority or Director under section 71(2) that was in force immediately before the commencement day is taken, on and after that day, to be an authorisation given by the Commission under section 71(2).
- (15) An order given by the Director under section 72 that was in force immediately before the commencement day is taken, on and after that day, to be an order given by the Commission under section 72.
- (16) An appeal to the Authority under section 73(1) that was made before the commencement day, but not yet decided under section 73(5), is taken to be an appeal to the Commission under section 73(1).
- (17) An authorisation given by the Authority under section 79A(2) that was in force immediately before the commencement day is taken, on and after that day, to be an authorisation given by the Commission under section 79A(2).

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- (18) A notice of the Authority published in the Government Gazette under section 81AAB(2) before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 81AAB(2).

### **7 Minors**

- (1) A notice of acceptable evidence given by the Authority under section 82 that was in force immediately before the commencement day is taken, on and after that day, to be a notice of acceptable evidence given by the Commission under section 82.
- (2) A direction of the Authority under section 89(1) that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 89(1).

### **8 Casino internal controls**

- (1) An approval of the Authority under section 121 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the Commission under section 121.
- (2) An approval or requirement of the Authority under section 123(1) that was in force immediately before the commencement day is taken, on and after that day, to be an approval or requirement (as the case requires) of the Commission under section 123(1).
- (3) A determination of a financial year by the Authority under section 125 or 127 that was in force immediately before the commencement day is taken, on and after that day, to be a determination of a financial year by the Commission under section 125 or 127 (as the case requires).

- (4) An exemption granted by the Authority under section 126(2) that was in force immediately before the commencement day is taken, on and after that day, to be an exemption granted by the Commission under section 126(2).
- (5) An approval of a person by the Authority under section 127 that was in force immediately before the commencement day is taken, on and after that day, to be an approval of the person by the Commission under section 127.
- (6) A notice given by the Authority under section 128(2) that was in force immediately before the commencement day is taken, on and after that day, to be a notice given by the Commission under section 128(2).

## **9 General**

- (1) Consent of the Authority under section 150A before the commencement day is taken, on and after that day, to be consent of the Commission under section 150A.
  - (2) A direction of the Authority under section 166(1) that was in force immediately before the commencement day is taken, on and after that day, to be a direction of the Commission under section 166(1).
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SCHEDULE 4

Section 171

Sch. 4  
inserted by  
No. 72/2007  
s. 61.

**TRANSITIONAL PROVISIONS—GAMBLING LEGISLATION  
AMENDMENT (PROBLEM GAMBLING AND OTHER  
MEASURES) ACT 2007**

**1 Definitions**

In this Schedule—

*Amending Act* means the **Gambling Legislation  
Amendment (Problem Gambling and  
Other Measures) Act 2007**;

*commencement day* means the day on which  
section 57 of the Amending Act comes into  
operation.

**2 Responsible Gambling Code of Conduct**

- (1) Subject to subclause (2), the licence condition set out in section 69 applies to a casino licence whether the licence was granted before, on or after the commencement day.
  - (2) If a casino licence was granted before the commencement day, the condition set out in section 69, as inserted by section 57 of the Amending Act, does not apply to the licence until the day that is 6 months after the commencement day.
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SCHEDULE 5

TRANSITIONAL PROVISIONS—VICTORIAN COMMISSION  
FOR GAMBLING AND LIQUOR REGULATION ACT 2011

1 Definitions

In this Schedule—

*commencement day* means the day on which section 98 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011** comes into operation;

*Executive Commissioner* means the Executive Commissioner of the former Commission appointed under section 10.1.9 of the **Gambling Regulation Act 2003** as in force immediately before the commencement day;

*former Commission* means the Victorian Commission for Gambling Regulation established by section 10.1.1 of the **Gambling Regulation Act 2003**, as in force immediately before the commencement day;

*new Commission* means Victorian Commission for Gambling and Liquor Regulation established under Part 2 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**.

2 Things commenced by the former Commission or Executive Commissioner before abolition of former Commission

- (1) This clause applies if immediately before the commencement day—
  - (a) the former Commission or the Executive Commissioner has commenced to do something required or permitted to be done under the Act; and

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- (b) the former Commission or Executive Commissioner has not completed doing that thing before that day.
- (2) On and after the commencement day, the new Commission may continue to do and complete that thing in accordance with the Act, as if the Act had not been amended by the **Victorian Commission for Gambling and Liquor Regulation Act 2011**.
- (3) For the purposes of this clause, anything done by the former Commission or Executive Commissioner before the commencement day in respect of that thing is, on and after that day, taken to have been done by the new Commission.
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## ENDNOTES

### 1. General Information

*Minister's second reading speech—*

*Legislative Assembly: 24 April 1991*

*Legislative Council: 4 June 1991*

The long title for the Bill for this Act was "A Bill to provide for the establishment of a system for the licensing, supervision and control of casinos and for other purposes."

The **Casino Control Act 1991** was assented to on 25 June 1991 and came into operation as follows:

Sections 7, 14, 15, 142, 151, 153, 167 on 25 June 1991: section 2(1); rest of Act (*except* section 94) on 9 October 1991: Government Gazette 9 October 1991 page 2762; section 94 on 27 May 1993: Government Gazette 27 May 1993 page 1330.

## 2. Table of Amendments

This Version incorporates amendments made to the **Casino Control Act 1991** by Acts and subordinate instruments.

### **Gaming Machine Control (Amendment) Act 1993, No. 29/1993**

*Assent Date:* 25.5.93  
*Commencement Date:* All of Act (*except* ss 6–9) on 25.5.93: s. 2(1); ss 6–9 at the beginning of the 28th day after the day on which this Act receives the Royal Assent—22.6.93: s. 2(2)  
*Current State:* All of Act in operation

### **Casino Control (Amendment) Act 1993, No. 34/1993**

*Assent Date:* 25.5.93  
*Commencement Date:* Pt 1 (ss 1–3) on 25.5.93: s. 2(1); ss 9, 17(1) on 25.6.91: s. 2(2); rest of Act on 25.5.93: Special Gazette (No. 30) 25.5.93 p. 1  
*Current State:* All of Act in operation

### **Casino Control (Further Amendment) Act 1993, No. 93/1993**

*Assent Date:* 16.11.93  
*Commencement Date:* Ss 1, 2, 6 on 16.11.93: s. 2(1); rest of Act on 16.11.93: Special Gazette (No. 82) 16.11.93 p. 1  
*Current State:* All of Act in operation

### **Casino (Management Agreement) Act 1993, No. 94/1993**

*Assent Date:* 16.11.93  
*Commencement Date:* 16.11.93  
*Current State:* All of Act in operation

### **Building Act 1993, No. 126/1993**

*Assent Date:* 14.12.93  
*Commencement Date:* S. 264(Sch. 5 items 5.1–5.3) on 1.7.94: Special Gazette (No. 42) 1.7.94 p. 1  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

### **Financial Management (Consequential Amendments) Act 1994, No. 31/1994**

*Assent Date:* 31.5.94  
*Commencement Date:* S. 4(Sch. 2 item 12) on 1.1.95: Government Gazette 28.7.94 p. 2055  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

### **Casino Control (Miscellaneous Amendments) Act 1994, No. 36/1994**

*Assent Date:* 31.5.94  
*Commencement Date:* Pt 1 (ss 1–3) on 31.5.94: s. 2(1); rest of Act (*except* ss 17–20) on 2.6.94: Government Gazette 2.6.94 p. 1339; ss 17–20 on 1.7.94: Government Gazette 16.6.94 p. 1576  
*Current State:* All of Act in operation



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**Gaming and Betting Act 1994, No. 37/1994**

*Assent Date:* 2.6.94  
*Commencement Date:* S. 229(a)–(g)(k)–(p) on 3.6.94: Special Gazette (No. 31) 2.6.94 p. 1; s. 229(h)–(j) on 3.6.95: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gaming and Betting (Amendment) Act 1994, No. 98/1994**

*Assent Date:* 13.12.94  
*Commencement Date:* S. 26 on 1.2.95: Special Gazette (No. 10) 1.2.95 p. 1  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Constitution (Court of Appeal) Act 1994, No. 109/1994**

*Assent Date:* 20.12.94  
*Commencement Date:* Pt 1 (ss 1, 2) on 20.12.94: s. 2(1); rest of Act on 7.6.95: Special Gazette (No. 41) 23.5.95 p. 1  
*Current State:* All of Act in operation

**Equal Opportunity Act 1995, No. 42/1995**

*Assent Date:* 14.6.95  
*Commencement Date:* S. 224 on 5.10.95: Government Gazette 28.9.95 p. 2731; Sch. 2 item 7 on 1.1.96: Government Gazette 21.12.95 p. 3571  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gaming Acts (Amendment) Act 1995, No. 44/1995**

*Assent Date:* 14.6.95  
*Commencement Date:* Ss 3–6, 7(2) on 14.6.95: s. 2(1); s. 7(1) on 3.6.95: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Heritage Act 1995, No. 93/1995**

*Assent Date:* 5.12.95  
*Commencement Date:* S. 218(1)(Sch. 2 items 2.1, 2.2) on 23.5.96: Government Gazette 23.5.96 p. 1248  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gaming Acts (Amendment) Act 1996, No. 17/1996**

*Assent Date:* 2.7.96  
*Commencement Date:* Ss 24–33 on 2.7.96: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Miscellaneous Acts (Further Omnibus Amendments) Act 1996, No. 73/1996**

*Assent Date:* 17.12.96  
*Commencement Date:* Ss 9, 10 on 17.12.96: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

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**Gaming No. 2 Act 1997, No. 16/1997**

*Assent Date:* 6.5.97  
*Commencement Date:* S. 115 on 31.3.98: s. 2(4)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998**

*Assent Date:* 26.5.98  
*Commencement Date:* S. 7(Sch. 1) on 1.7.98: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Transfer of Land (Single Register) Act 1998, No. 85/1998**

*Assent Date:* 17.11.98  
*Commencement Date:* S. 24(Sch. item 7) on 1.1.99: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gaming Acts (Further Amendment Act 1998, No. 90/1998**

*Assent Date:* 24.11.98  
*Commencement Date:* Ss 3, 4 on 24.11.98: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Interactive Gaming (Player Protection) Act 1999, No. 41/1999**

*Assent Date:* 8.6.99  
*Commencement Date:* S. 75 on 9.11.00: Government Gazette 9.11.00 p. 2667  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gambling Legislation (Responsible Gambling) Act 2000, No. 16/2000**

*Assent Date:* 9.5.00  
*Commencement Date:* Ss 3–5 on 10.5.00: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**National Taxation Reform (Further Consequential Provisions) Act 2000, No. 24/2000**

*Assent Date:* 16.5.00  
*Commencement Date:* S. 5 on 17.5.00: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gambling Legislation (Miscellaneous Amendments) Act 2000, No. 88/2000**

*Assent Date:* 5.12.00  
*Commencement Date:* Ss 39, 40, 43, 46–48, 51, 52, 54 on 1.2.01: Government Gazette 1.2.01 p. 129; ss 44, 45 on 1.3.01: Government Gazette 1.3.01 p. 303; ss 37, 41, 42, 53 on 26.4.01: Government Gazette 26.4.01 p. 744; ss 36, 38, 49, 50 on 28.8.01: Government Gazette 23.8.01 p. 1928  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

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**Gaming Acts (Gaming Machine Levy) Act 2000, No. 89/2000**

*Assent Date:* 5.12.00  
*Commencement Date:* 6.12.00: s. 2  
*Current State:* All of Act in operation

**Statute Law Amendment (Authorised Deposit-taking Institutions) Act 2001, No. 11/2001**

*Assent Date:* 8.5.01  
*Commencement Date:* S. 3(Sch. item 10) on 1.6.01: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**State Taxation Acts (Taxation Reform Implementation) Act 2001, No. 48/2001**

*Assent Date:* 27.6.01  
*Commencement Date:* S. 3 on 1.7.01: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gaming Legislation (Amendment) Act 2002, No. 38/2002**

*Assent Date:* 18.6.02  
*Commencement Date:* Ss 3(1)(2), 4, 5, 7(1)(3), 10–14, 16–19 on 19.6.02: s. 2(1); s. 9 on 1.7.02: s. 2(6); ss 3(3), 8, 15 on 1.1.03: s. 2(3); ss 6, 7(2) on 15.5.03: Government Gazette 15.5.03 p. 1121  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Australian Crime Commission (State Provisions) Act 2003, No. 52/2003**

*Assent Date:* 16.6.03  
*Commencement Date:* S. 52(Sch. 1 item 1) on 17.6.03: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gambling Regulation Act 2003, No. 114/2003**

*Assent Date:* 16.12.03  
*Commencement Date:* S. 12.1.2(Sch. 5 items 1–135) on 1.7.04: Government Gazette 1.7.04 p. 1843  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Road Management Act 2004, No. 12/2004**

*Assent Date:* 11.5.04  
*Commencement Date:* S. 150 on 1.7.04: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Private Security Act 2004, No. 33/2004**

*Assent Date:* 1.6.04  
*Commencement Date:* S. 208 on 1.7.05: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

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**Gambling Regulation (Further Amendment) Act 2004, No. 104/2004**

*Assent Date:* 21.12..04  
*Commencement Date:* S. 45 on 1.3.01: s. 2(3); s. 46 on 22.12.04: s. 2(1);  
ss 43, 44, 47 on 25.6.05: Government Gazette 23.6.05  
p. 1298  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Public Administration Act 2004, No. 108/2004**

*Assent Date:* 21.12.04  
*Commencement Date:* S. 117(1)(Sch. 3 item 25) on 5.4.05: Government  
Gazette 31.3.05 p. 602  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Casino Control (Amendment) Act 2005, No. 47/2005**

*Assent Date:* 24.8.05  
*Commencement Date:* Ss 3–7 on 25.8.05: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Racing and Gaming Acts (Police Powers) Act 2005, No. 55/2005**

*Assent Date:* 13.9.05  
*Commencement Date:* Ss 6–15 on 14.9.05: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Racing and Gambling Acts (Amendment) Act 2005, No. 92/2005**

*Assent Date:* 29.11.05  
*Commencement Date:* S. 11 on 30.11.05: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Gambling Regulation (Miscellaneous Amendments) Act 2006, No. 7/2006**

*Assent Date:* 4.4.06  
*Commencement Date:* Ss 17, 18 on 5.4.06: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Education and Training Reform Act 2006, No. 24/2006**

*Assent Date:* 16.5.06  
*Commencement Date:* S. 6.1.2(Sch. 7 item 3) on 1.7.07: Government Gazette  
28.6.07 p. 1304  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Justice Legislation (Further Amendment) Act 2006, No. 79/2006**

*Assent Date:* 10.10.06  
*Commencement Date:* Ss 4, 5 on 11.10.06: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

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**State Taxation and Gambling Legislation Amendment (Budget Measures) Act 2007, No. 22/2007**

*Assent Date:* 12.6.07  
*Commencement Date:* S. 14 on 1.7.07: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007, No. 72/2007**

*Assent Date:* 18.12.07  
*Commencement Date:* S. 56 on 31.1.08: Government Gazette 31.1.08 p. 196; ss 52–55, 57, 59–61 on 1.12.08: s. 2(3); s. 58 on 1.1.10: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act 2008, No. 71/2008**

*Assent Date:* 25.11.08  
*Commencement Date:* S. 33 on 1.6.09: Government Gazette 26.2.09 p. 444  
*Current State:* This information relates only to the provisions amending the **Casino Control Act 1991**

**Major Crime Legislation Amendment Act 2009, No. 3/2009**

*Assent Date:* 10.2.09  
*Commencement Date:* S. 14 on 11.2.09: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Gambling Regulation Amendment (Licensing) Act 2009, No. 29/2009** (as amended by No. 32/2012)

*Assent Date:* 23.6.09  
*Commencement Date:* S. 81 on 1.7.12: s. 2(6)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009**

*Assent Date:* 24.11.09  
*Commencement Date:* S. 97(Sch. item 16) on 1.1.10: Government Gazette 10.12.09 p. 3215  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Casino Legislation Amendment Act 2009, No. 84/2009**

*Assent Date:* 15.12.09  
*Commencement Date:* Ss 3, 4 on 1.7.12: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

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**Gambling Regulation Amendment (Licensing) Act 2010, No. 56/2010**

*Assent Date:* 14.9.10  
*Commencement Date:* S. 72 on 15.9.10: Special Gazette (No. 372) 14.9.10  
p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Personal Property Securities (Statute Law Revision and Implementation) Act 2010, No. 74/2010**

*Assent Date:* 19.10.10  
*Commencement Date:* S. 22 on 30.1.12: Special Gazette (No. 423) 21.12.11  
p. 3  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Statute Law Revision Act 2011, No. 29/2011**

*Assent Date:* 21.6.11  
*Commencement Date:* S. 3(Sch. 1 item 7) on 22.6.11: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Victorian Commission for Gambling and Liquor Regulation Act 2011,  
No. 58/2011**

*Assent Date:* 2.11.11  
*Commencement Date:* Ss 93–98, 104(Sch. item 1) on 6.2.12: Special Gazette  
(No. 423) 21.12.11 p. 4  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Gambling Legislation Amendment (Transition) Act 2012, No. 32/2012**

*Assent Date:* 13.6.12  
*Commencement Date:* S. 31 on 1.7.12: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Professional Boxing and Combat Sports Amendment Act 2013, No. 65/2013**

*Assent Date:* 6.11.13  
*Commencement Date:* S. 24 on 7.11.13: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

**Gambling Regulation Amendment (Pre-commitment) Act 2014, No. 4/2014**

*Assent Date:* 11.2.14  
*Commencement Date:* S. 48 on 30.3.14: Special Gazette (No. 94) 25.3.14 p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Casino Control Act 1991**

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**Endnotes**

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**Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014**

*Assent Date:* 3.6.14  
*Commencement Date:* S. 10(Sch. item 12) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Courts Legislation Miscellaneous Amendments Act 2014, No. 62/2014**

*Assent Date:* 9.9.14  
*Commencement Date:* S. 10 on 10.11.14: Special Gazette (No. 364) 14.10.14 p. 1  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

**Casino and Gambling Legislation Amendment Act 2014, No. 73/2014**

*Assent Date:* 21.10.14  
*Commencement Date:* Ss 3, 4 on 22.10.14: s. 2  
*Current State:* This information relates only to the provision/s amending the **Casino Control Act 1991**

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### 3. Explanatory Details

<sup>1</sup> S. 128A(1):

*Melbourne Casino area*

The dimensions of the Melbourne Casino area are set out in Plan No. LEGAL/93-2222 signed by the Surveyor-General on 4 October 1993. The dimensions of the site were varied by Orders of the Governor in Council as notified in the following Gazettes:

Government Gazette	10 February 1994	pp 398, 399
Government Gazette	27 October 1994	p. 2093
Government Gazette	4 May 1994	p. 1076
Government Gazette	9 November 1995	p. 3155
Government Gazette	1 February 1996	p. 271
Government Gazette	18 July 1996	p. 1874

*Melbourne Casino site*

The dimensions of the Melbourne Casino site are set out in Certified Plan CP112471A signed by the Surveyor-General on 12 November 1993.

*Temporary Casino site*

The temporary casino site was designated on Plan LEGL./93-223 signed by the Surveyor-General and approved by Order of the Governor in Council notice of which Order was gazetted on 16 November 1993. The site area was further varied by Order of the Governor in Council notice of which Order was gazetted on 10 February 1994, Government Gazette 10 February 1994 pages 398, 399.

<sup>2</sup> Sch. 1: See note 1.

<sup>3</sup> Sch. 2: See note 1.