



# Casino Control Act 1982

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## Queensland

# Casino Control Act 1982

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# Casino Control Act 1982

**An Act to provide for the regulation and control of the operation of casinos and for purposes connected therewith**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Casino Control Act 1982*.

### **2 Commencement**

- (1) This section and section 1 shall commence on the day on which this Act is assented to.
- (2) Except as provided in subsection (1), this Act shall commence on a day appointed by proclamation.

### **3 Object**

- (1) The object of this Act is to ensure that, on balance, the State and the community as a whole benefit from casino gambling.
- (2) The balance is achieved by allowing casino gambling subject to a system of regulation and control designed to protect players and the community through—
  - (a) ensuring the integrity and fairness of games; and
  - (b) ensuring the probity of those involved in the conduct of casino gambling; and
  - (c) minimising the potential for harm from casino gambling.

## **4 Definitions**

The dictionary in the schedule defines particular words used in this Act.

### **4A References to operation of casino etc.**

A reference in this Act to the operation of a casino, or to a similar expression, is a reference to casino operations in respect of the casino.

### **4B Declaration for Commonwealth Act**

A casino licence is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).

## **5 Exercise of power on conditions**

- (1) This section applies to the Minister, the chief executive or an inspector (an *authorised person*) when the authorised person has the power to allow someone else to do something.
- (2) The authorised person may allow the other person to do the thing on conditions the authorised person considers appropriate.

*Example—*

If a casino operator may sell liquor at a gaming table only if the chief executive approves the sale, the chief executive may approve the sale of liquor during certain hours and at certain gaming tables.

- (3) This section applies whether or not the section mentioning the authorised person's power states the power may be exercised on conditions.

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## Part 2 Administration

### 13 Protection from liability

- (1) This section applies to—
  - (a) an inspector; and
  - (b) a person acting under the direction of an inspector.
- (2) A person does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- (3) If subsection (2) prevents a civil liability attaching to a person, the liability attaches instead to the State.

### 14 Confidentiality of information

- (1) A person who is, or was, an inspector or an officer of the department must not disclose confidential information gained by the person in performing functions under this Act.  
Maximum penalty—200 penalty units or 2 years imprisonment.
- (2) However, the person may disclose confidential information if—
  - (a) the disclosure is for a purpose under this Act or a gaming Act; or
  - (b) the disclosure is otherwise required or permitted by law; or
  - (c) the chief executive approves the disclosure under this section.
- (3) The chief executive may approve a disclosure of confidential information to—
  - (a) an entity prescribed under a regulation; or
  - (b) an officer, employee or member of the entity; or
  - (c) a stated department, person or other entity.

- (4) Before giving an approval for subsection (3)(c), the chief executive must—
  - (a) give written notice of the proposed approval to each person whom the chief executive considers is likely to be affected adversely by the disclosure; and
  - (b) give the person the opportunity to make a submission about the proposed approval within the period, of at least 14 days, stated in the notice.
- (5) If confidential information is disclosed to an entity or person under an approval given by the chief executive, the entity or person, and any employee or other person under the control of the entity or person, are taken to be persons to whom subsection (1) applies and to have gained the information in performing functions under this Act.
- (6) In this section—

*confidential information* means information, other than information that is publicly available, about—

  - (a) a person’s personal affairs, business affairs or reputation, character, criminal history, current financial position or financial background; or
  - (b) a person making an application under this Act.

## **14A Approved evaluators**

The Governor in Council may, under a regulation, declare an entity to be an approved evaluator for evaluating gaming equipment.

## **15 Delegations**

- (1) The Minister may delegate the Minister’s powers under this Act to—
  - (a) the chief executive; or
  - (b) an appropriately qualified inspector or an appropriately qualified officer of the department.

(2) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified inspector or an appropriately qualified officer of the department.

(3) In this section—

*appropriately qualified* includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

a person's classification level in the public service

## 16 Approval of forms

The chief executive may approve forms under this Act.

## 17 Commissioner of police service to notify changes in criminal history

(1) This section applies if—

(a) the chief executive gives the commissioner of the police service the name of a relevant person for this section; and

(b) the commissioner reasonably suspects a person who is charged with an offence is the relevant person.

(2) The commissioner must notify the chief executive about the change in the person's criminal history.

(3) The notice must state the following—

(a) the person's name and address;

(b) the person's date of birth;

(c) the offence the person is charged with;

(d) particulars of the offence;

(e) the date of the charge.

(4) The chief executive may confirm the suspicions of the commissioner of the police service under subsection (1).

(5) In this section—

*relevant person* means—

- (a) a casino key employee; or
- (b) a casino employee; or
- (c) a casino operator who is an individual; or
- (d) an individual identified by the Minister as being associated or connected with the ownership, administration or management of the operations or business of a casino operator.

## **Part 3 Casino licences**

### **18 Grant of casino licences**

- (1) Notwithstanding any other Act or law—
  - (a) the Governor in Council may, on the recommendation of the Minister, grant casino licences; and
  - (b) the conduct and playing of games in a casino pursuant to a casino licence, in accordance with this Act and any other applicable Act and the agreement relating to the particular licence, is lawful; and
  - (c) the use of any gaming equipment or chips in the conduct and playing of games where such games are conducted and played in a casino pursuant to a casino licence is lawful.
- (2) The Governor in Council may grant a casino licence on conditions.

### **19 Agreement to precede grant of casino licence**

- (1) The Governor in Council shall grant a casino licence pursuant to the Governor in Council's power to do so under section 18 where—



- 
- (a) an agreement that satisfies the requirements of subsection (1A) has been entered into with the approval of the Governor in Council; and
  - (b) those terms and conditions contained in the agreement and the provisions of this Act and any provisions of the Act ratifying the agreement to be complied with up to the time of the grant of the casino licence have been complied with.
- (1A) For subsection (1)(a), the agreement must—
- (a) be entered into by the Minister, for and on behalf of the State, and any of the following persons—
    - (i) the casino licensee;
    - (ii) another person whom the Governor in Council considers to be an appropriate person to be a party to the agreement with a view to the issue of a casino licence to the casino licensee; and
  - (b) identify—
    - (i) the casino to be the subject of the licence; or
    - (ii) the area in which the casino to be the subject of the licence will be located; and
  - (c) contain the terms and conditions the Governor in Council thinks appropriate.
- (2) The agreement shall have no force or effect unless and until it is ratified by Parliament.

## **20 Suitability of casino licensee and other persons**

- (1) Prior to an agreement being entered into, the Minister shall cause to be undertaken such investigations as are necessary to satisfy the Governor in Council or shall require the casino licensee and all persons whether natural persons or not associated or connected or to be associated or connected, in the opinion of the Minister, with the ownership, administration or management of the operations or business of the casino licensee to satisfy the Governor in Council that

such casino licensee and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to the following matters appropriate to them respectively, that is to say—

- (a) that each person in question is of good repute, having regard to character, honesty and integrity;
- (b) that each person in question is of sound and stable financial background;
- (c) in the case of the casino licensee not being a natural person—that it has arranged or, as the circumstances require, has, in an appropriate case, a satisfactory ownership, trust or corporate structure;
- (d) that the casino licensee has or is able to obtain or, where constituted by more than 1 person, together have or are able to obtain—
  - (i) financial resources that are adequate to ensure the financial viability of the hotel-casino complex; and
  - (ii) the services of persons who have sufficient experience in the management and operation of a hotel-casino complex;
- (e) that the casino licensee has or, where constituted by more than 1 person, together have sufficient business ability to establish and maintain or to maintain, as the case may be, a successful hotel-casino complex;
- (f) that none of them has any business association with any person, body or association who or that, in the opinion of the Governor in Council after investigation made or caused to be made by the Minister, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources;
- (g) that each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Minister associated or connected or to be associated or connected with the ownership, administration or management of the operations or business of the casino

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licensee is a suitable person as or to be such director, partner, trustee, executive officer, secretary or other officer or person in the person's respective capacity;

- (h) such other matters with respect to which the Governor in Council determines the Governor in Council should be satisfied in the particular case.
- (2) Nothing contained in subsection (1) operates to require the Minister to cause investigations to be undertaken or to require the casino licensee or other persons referred to in that subsection to satisfy the Governor in Council with respect to any matter where such investigations have been undertaken or the casino licensee or any other person as aforesaid has satisfied the Governor in Council with respect to that matter pursuant to a requirement prior to the commencement of this Act.
- (3) If, for an investigation about a person under this section, the Minister asks the commissioner of the police service for a written report about the person's criminal history, the commissioner must give the report to the Minister.
- (4) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.

## **21 Hotel-casino complex owner or State as licensee**

- (1) A casino licence may be granted to a person only if the person is the owner of the freehold, or the lessee from the State, of the land used for the particular hotel-casino complex.
- (2) Save in the case of an assignment as referred to in section 32 and subject to that section, a ground for cancellation or suspension of the casino licence arises, and shall be taken to be a ground for cancellation or suspension arising pursuant to section 31(1), if the casino licensee ceases to be the owner or lessee as mentioned in subsection (1).
- (3) In this section—

*lessee*, from the State, includes a person who has entered into an agreement for the grant of a lease from the State.

## 22 Casino licence

- (1) A casino licence, in the approved form, must be issued and signed by the Minister.
- (2) The licence shall specify—
  - (a) the date of its issue; and
  - (b) the name of the casino licensee; and
  - (c) the real property or other accurate description, or the address, of the site of the hotel-casino complex; and
  - (d) the boundaries of the casino; and
  - (e) any conditions of the licence; and
  - (f) such other particulars as may be prescribed.
- (3) If a permitted variation occurs affecting the accuracy of the matters specified in the casino licence, the casino licensee must give the licence to the Minister for endorsement of the variation on the licence.

Maximum penalty—40 penalty units.

- (4) If the Minister is given a licence under subsection (3), the Minister must endorse the variation on the licence.
- (5) In this section—

*permitted variation*, of a matter specified in a casino licence, means—

- (a) a variation of the matter in accordance with the agreement referred to in section 19; or
- (b) for a matter mentioned in subsection (2)(d), if the agreement referred to in section 19 does not provide for variation of the matter—a variation of the matter with the Minister's agreement.

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## **23 Duration of casino licence**

A casino licence remains in force until it is cancelled or surrendered pursuant to this Act.

## **24 Lease of hotel-casino complex or of casino**

- (1) Subject to this Act, a casino licensee may, subject to the prior approval of the Governor in Council, lease to another person—
  - (a) the hotel-casino complex; or
  - (b) the casino.
- (2) An application to lease must be made, in the approved form, by the casino licensee to the Minister and must be accompanied by—
  - (a) a draft of the proposed lease; and
  - (b) full details of the proposed lessee; and
  - (c) other particulars prescribed under a regulation.
- (3) The Minister may require the casino licensee or the proposed lessee to supply such additional information or documents or other writings as the Minister considers necessary to enable the Minister to make a recommendation to the Governor in Council.

## **25 Casino management agreement**

- (1) Subject to this Act, a casino licensee or a lessee under a casino lease may, subject to the prior approval of the Governor in Council, enter into a casino management agreement with another person for the management by that other person of—
  - (a) the hotel-casino complex; or
  - (b) the casino.
- (2) An application to enter into an agreement must be made, in the approved form, by the casino licensee or the lessee under

the casino lease to the Minister and must be accompanied by—

- (a) a draft of the proposed agreement; and
  - (b) full details of the other party to the proposed agreement; and
  - (c) other particulars prescribed under a regulation.
- (3) The Minister may require the casino licensee, the lessee under the lease or the other party to the proposed agreement to supply such additional information or documents or other writings as the Minister considers necessary to enable the Minister to make a recommendation to the Governor in Council.

## **26 Suitability of lessee under a casino lease, casino operator under a casino management agreement and other persons**

- (1) Prior to any approval by the Governor in Council of a casino lease or a casino management agreement, the Minister shall cause to be undertaken such investigations as are necessary to satisfy the Governor in Council or shall require the proposed lessee under the lease or the proposed casino operator under the agreement and all persons whether natural persons or not associated or connected or to be associated or connected, in the opinion of the Minister, with the ownership, administration or management of the operations or business of the proposed lessee or proposed casino operator to satisfy the Governor in Council that the proposed lessee or proposed casino operator and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to those matters specified in section 20 with respect to a casino licensee and other persons referred to therein but subject to a reference to a hotel-casino complex being read as a reference to a casino in an applicable case and subject to such other adaptations as are necessary for the purpose of their application to such proposed lessee or proposed casino operator and other persons.

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- (2) Nothing contained in subsection (1) operates to require the Minister to cause investigations to be undertaken or to require a proposed lessee under a casino lease or a proposed casino operator under a casino management agreement or other persons referred to in that subsection to satisfy the Governor in Council with respect to any matter where such investigations have been undertaken or a proposed lessee or proposed casino operator or any other person as aforesaid has satisfied the Governor in Council with respect to that matter pursuant to a requirement prior to the commencement of this Act.

## **27 Minister to make recommendation**

The Minister, upon a consideration of the matters material to the application, shall make a recommendation to the Governor in Council with respect to—

- (a) the application by the casino licensee to lease to the proposed lessee the hotel-casino complex or the casino; or
- (b) the application by the casino licensee or lessee under a casino lease to enter into a casino management agreement with the other party proposed for the management by that other party of the hotel-casino complex or the casino;

as the case may be.

## **28 Determination by Governor in Council concerning approval**

- (1) The Governor in Council, upon a consideration of the recommendation of the Minister and such other matters with respect to the application as the Governor in Council thinks fit, may—
- (a) approve the application; or
  - (b) refuse the application; or

- (c) defer a determination pending the submission of further information.
- (2) Where further information is so submitted, it shall be considered by the Governor in Council together with any further recommendation the Minister may make, and upon such consideration, the Governor in Council may approve or refuse the application.
- (3) A determination by the Governor in Council to grant an application or to refuse an application is final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.

## **29 Variation of casino lease or casino management agreement**

- (1) If in any case the parties to a casino lease or casino management agreement desire to vary its provisions, they shall make application to the Minister setting out the variations proposed and such other particulars as may be prescribed or as may be required by the Minister.
- (2) The Minister shall make a recommendation to the Governor in Council with respect to the application.
- (3) The Governor in Council, upon a consideration of the recommendation of the Minister and such other matters with respect to the application as the Governor in Council thinks fit, may—
  - (a) approve the application; or
  - (b) refuse the application; or
  - (c) defer a determination pending the submission of further information;

and the provisions of section 28(2) and (3) shall apply to an application under this section in all respects as they apply to an application referred to in the said section 28.



- (4) The parties to the casino lease or casino management agreement may vary the casino lease or casino management agreement only where and to the extent the variation is approved by the Governor in Council.

## **29A Notice of particular change under casino management agreement**

- (1) This section applies if, under a casino management agreement, a person who is, or may be, the casino operator under the agreement may, from time to time—
- (a) stop being the casino operator; or
  - (b) become the casino operator.
- (2) At least 60 days before the person is to stop being or is to become the casino operator, the relevant person for the casino management agreement must give written notice of the proposed change to the chief executive.

Maximum penalty—40 penalty units.

- (3) In this section—

*relevant person* means—

- (a) for a casino management agreement entered into by a casino licensee, or a casino licensee and a lessee under a casino lease—the casino licensee; or
- (b) for another casino management agreement—the lessee under a casino lease who entered into the agreement.

## **30 Investigations concerning continued suitability of casino licensee etc.**

- (1) At any time and from time to time—
- (a) after an agreement has been entered into under section 19 and while the agreement, or the casino licence in relation to the agreement, is in force; or
  - (b) after approval by the Governor in Council of a casino lease or casino management agreement under section 28

and while the casino lease or casino management agreement is in force;

the Minister may cause to be undertaken such investigations as are necessary to satisfy the Governor in Council or may require the casino licensee, lessee under the casino lease or casino operator under the casino management agreement and all persons whether natural persons or not for the time being associated or connected or to be associated or connected, in the opinion of the Minister, with the ownership, administration or management of the operations or business of the licensee, lessee or operator to satisfy the Governor in Council that such licensee, lessee or operator and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to those matters, appropriate to them respectively, specified in section 20 subject, in the case of a lessee or operator and other associated or connected persons as aforesaid in relation to such lessee or operator, to a reference to a hotel-casino complex being read as a reference to a casino in an applicable case and to such other adaptations as are necessary for the purpose of the application of those matters to such lessee or operator and other persons.

- (2) Where the Governor in Council is not satisfied in accordance with subsection (1) following investigations undertaken and requirements made as specified in that subsection, a ground for cancellation or suspension of the casino licence thereby arises and shall be taken to be a ground for cancellation or suspension pursuant to section 31(1).
- (3) If, for an investigation about a person under this section, the Minister asks the commissioner of the police service for a written report about the person's criminal history, the commissioner must give the report to the Minister.
- (4) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.

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**31 Cancellation or suspension of casino licences and letters of censure**

- (1) A ground for cancellation or suspension of a casino licence arises if the casino licensee or, in the case of a casino lease, the lessee under such lease or, in the case of a casino management agreement, the casino operator under the agreement—
- (a) is convicted of any offence under this Act; or
  - (b) is convicted of an indictable offence punishable by imprisonment for 12 months or more irrespective of whether the offence is also punishable by a fine, in addition to or as an alternative to the punishment by imprisonment; or
  - (ba) contravenes a condition of the casino licence the person is required to comply with; or
  - (c) fails to comply with any term or condition of the agreement as referred to in section 19 pursuant to which the casino licence was granted, which term or condition is binding on the person; or
  - (d) or any director, partner, trustee, executive officer, secretary or other officer or person determined by the Minister associated or connected with the ownership, administration or management of the person's operations or business is not or ceases to be at any time whilst the casino licence is in force a suitable person to be so associated or connected as aforesaid having regard to those matters specified in section 20 or 26 applicable to the person; or
  - (e) fails to comply with a written direction given to the person by the Minister or chief executive under this Act and—
    - (i) the person is required under this Act to comply with the direction; and
    - (ii) the Minister believes the failure to comply with direction may jeopardise the integrity of the

operation of the casino or adversely affect the interests of the public; or

- (f) is required under this Act to give information to the Minister, the chief executive or an inspector and gives information that is, to the person's knowledge, false or incorrect; or
  - (g) fails to discharge financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy or is the subject of a winding up, either voluntarily or pursuant to court order, appointment of a liquidator, appointment of a receiver or receiver and manager or is placed under official management and an official manager appointed pursuant to the provisions of the Corporations Act or corresponding legislation of the Commonwealth or of any other State or of any Territory.
- (2) Where a ground for cancellation or suspension pursuant to subsection (1) arises and the Minister is of the opinion that the act or omission or other thing constituting the ground is of such a serious and fundamental nature that the integrity of the operation of the casino is jeopardised or the interest of the public is adversely affected, the Minister shall issue to—
- (a) the casino licensee; and
  - (b) in the case of a casino lease—the lessee thereunder; and
  - (c) in the case of a casino management agreement—the casino operator thereunder;
- a notice in writing requiring the person or each of them, as the case may be, to show cause why action should not be taken with respect to the casino licence or, as the case may be, the casino lease or casino management agreement pursuant to the provisions of this section.
- (3) The Minister shall issue a copy of the notice to any other person who, in the Minister's opinion, has an interest in the casino licence.

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- (4) The notice shall set out the grounds giving rise to its issue and shall stipulate a date, being not earlier than 21 days after such issue, on or before which cause is required to be shown.
  - (5) The notice must be in the approved form.
  - (6) Each person to whom the notice is issued may give answer thereto in writing to the Minister to show cause at any time not later than the date stipulated in the notice in that respect.
  - (7) Any person having an interest as referred to in subsection (3) may make such submissions to the Minister as the person thinks fit at any time not later than the stipulated date.
  - (8) The Minister shall consider the answers given in reply to the notice or notices to show cause and any submissions made pursuant to subsection (7) and—
    - (a) if in the Minister's opinion satisfactory answers are given or submissions made in reply to or in respect of the notice or notices—the Minister shall take no further action in relation to the notice or notices; or
    - (b) if in the Minister's opinion answers given or submissions made in reply to or in respect of the notice or notices are not satisfactory but action to cancel or suspend the casino licence or to terminate the casino lease or casino management agreement is not warranted—the Minister may issue a letter of censure to each of them the casino licensee, the lessee and the casino operator or to any of them censuring them or the person in respect of any matter connected with or giving rise to the notice to show cause; or
    - (c) if in the Minister's opinion answers given or submissions made in reply to or in respect of the notice or notices are not satisfactory and further action is warranted or if no answers are given and no submissions made—the Minister may—
      - (i) by notice in writing give to each of them the casino licensee, the lessee and the casino operator or to any of them any direction that the Minister considers appropriate to ensure that any matter

connected with or giving rise to the issue of the notice is rectified within a time specified in the notice; or

- (ii) recommend to the Governor in Council that the casino licence be cancelled or that it be suspended or that the casino lease or casino management agreement be terminated.
- (9) If a direction given by the Minister pursuant to subsection (8)(c)(i) is not complied with within the time specified in the notice, the Minister may recommend to the Governor in Council that the casino licence be cancelled or that it be suspended or that the casino lease or casino management agreement be terminated.
- (10) Where a ground for cancellation or suspension pursuant to subsection (1) arises but the Minister is of the opinion that the act or omission or other thing constituting the ground is not of such a serious and fundamental nature that the integrity of the operation of the casino is jeopardised or the interest of the public is adversely affected, the Minister may issue a letter of censure to each of them the casino licensee, the lessee and the casino operator as aforesaid or to any of them censuring them or the person in respect of any matter connected with or giving rise to the ground for cancellation or suspension.
- (11) Where the Minister makes a recommendation to the Governor in Council, the Minister shall submit therewith such notices to show cause and answers thereto, any submissions made in connection therewith and such other papers in the Minister's possession as are relevant to the recommendation.
- (12) The Governor in Council, after giving consideration to the recommendation of the Minister, other matters referred to in subsection (11) submitted to the Governor in Council and to the circumstances generally, may in the Governor in Council's absolute discretion—
- (a) take no action with respect to the casino licence or casino lease or casino management agreement if the Governor in Council considers action to be not warranted; or

- (b) cause a letter of censure to be issued to each of them the casino licensee, the lessee and the casino operator as aforesaid or to any of them by the Minister censuring them or the person concerning any matter in respect of which the Governor in Council considers it proper to do so; or
  - (c) by notice in writing give or cause to be given on the Governor in Council's behalf to each of them the casino licensee, the lessee and the casino operator or to any of them any direction that the Governor in Council considers appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within a time specified in the notice; or
  - (d) unless a receiver and manager has been appointed pursuant to section 32, appoint an administrator subject to such terms and conditions as the Governor in Council thinks fit for the purposes as referred to in subsection (14).
- (13) A letter of censure issued under this section shall become a permanent part of the records of the department about the casino licence or casino lease or casino management agreement and any person censured.
- (14) An administrator appointed by the Governor in Council pursuant to subsection (12)(d) shall—
- (a) assume full control of and responsibility for the business of the casino licensee in respect of the hotel-casino complex for the casino;
  - (b) conduct or cause to be conducted casino operations in accordance with this Act.
- (14A) The appointment as administrator shall be determined by the appointment of a receiver and manager or an assignment of the casino licence pursuant to section 32.
- (15) Notwithstanding any other provision of this Act, the Governor in Council, if the Governor in Council considers in the Governor in Council's absolute discretion that the circumstances are so extraordinary that it is imperative in the

public interest to do so, may cancel the casino licence or suspend it for such period as the Governor in Council thinks fit or direct the termination of the casino lease or casino management agreement.

- (16) A decision by the Governor in Council to cancel or suspend a casino licence—
  - (a) shall be effective on and from a date and time of day determined by the Governor in Council; and
  - (b) in the case of suspension of a casino licence—shall be for such period as the Governor in Council thinks fit; and
  - (c) shall be notified in writing by the Minister to the casino licensee and, where there is also a lessee or casino operator as aforesaid, to such lessee or casino operator.
- (17) Where a casino licence is suspended pursuant to this section, the Governor in Council, after first considering a recommendation by the Minister relating to the matter, may at any time cancel the balance of the period of suspension still to run or reduce the period of suspension still to run by a period stipulated by the Governor in Council.
- (18) A suspension of a casino licence shall, while it remains in force, have the same effect as a cancellation of such licence without prejudice to any penal or other liability actually incurred by the casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement or to the exercise of the powers of the Minister, the chief executive or any inspector under this Act.
- (19) The Governor in Council's direction referred to in subsection (15) shall be given in writing to the parties to the lease or agreement and shall specify a date on which the lease or agreement is terminated under this Act if not sooner terminated.
- (20) The lease or agreement, if not sooner terminated by the parties thereto, is terminated by force of this Act on the date specified in the direction in that behalf.



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- (21) The termination of the lease or agreement by force of this Act does not affect the rights and obligations of the parties thereto up to the time of such termination.
  - (22) No liability for breach of the lease or agreement attaches to any party thereto by reason only of its termination by force of this Act.
  - (23) A decision by the Governor in Council to cancel or suspend a casino licence or to direct the termination of a casino lease or casino management agreement is final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.
  - (24) This section applies despite the Corporations Act.

## **32 Mortgage and assignment of casino licence etc.**

- (1) A casino licensee shall not mortgage, charge or otherwise encumber—
  - (a) the casino licence; or
  - (b) the hotel-casino complex to which the casino licence relates; or
  - (c) the rights and benefits under the agreement in question as referred to in section 19;save with the prior consent of the Minister so to do to a person approved by the Minister (*the mortgagee*).
- (2) Where the mortgagee wishes to enforce the mortgagee's security under the mortgage, charge or other encumbrance pursuant to the mortgagee's rights thereunder—
  - (a) the casino licence and the rights, benefits and obligations under the relevant agreement shall be assigned only to a person approved by the Governor in Council; and
  - (b) any receiver and manager appointed shall be a person approved by the Governor in Council;

having regard to the provisions of subsection (5).

- (2A) For the purpose of giving effect to the provisions of subsection (5), the name of a proposed receiver and manager may be submitted to the Minister at any time.
- (3) As a condition precedent to the approval by the Governor in Council referred to in subsection (2)(a), the Governor in Council may require that a further agreement in writing be entered into between—
- (a) the Minister for and on behalf of the State and the proposed assignee; or
  - (b) the Minister for and on behalf of the State and some other person whom the Governor in Council considers to be the appropriate person to be a party to the agreement with a view to the assignment of the casino licence to the proposed assignee;

containing such terms and conditions with respect to the assignment and the proposed assignee as the Governor in Council thinks fit.

- (4) Any such further agreement shall have no force or effect unless and until it is ratified by Parliament.
- (5) Prior to any approval by the Governor in Council pursuant to subsection (2), the Minister shall cause to be undertaken such investigations as are necessary to satisfy the Governor in Council or shall require the proposed person and all persons whether natural persons or not associated or connected or to be associated or connected, in the opinion of the Minister, with the ownership, administration or management of the operations or business of the proposed person to satisfy the Governor in Council that such proposed person and such persons as aforesaid are suitable persons to be associated or connected with the management and operations of a hotel-casino complex or casino having regard to the matters appropriate to them respectively that are set out in section 20(1)(a) to (g), subject to such adaptations of those paragraphs as are necessary for the purpose of their application to such proposed person and other persons as aforesaid, and having regard to such other matters with

respect to which the Governor in Council determines the Governor in Council should be satisfied in the particular case.

- (5A) A reference in subsection (5) to a proposed person is a reference to a proposed assignee or a proposed receiver and manager, as the case requires.
- (6) Upon a casino licence being assigned, the assignee is the casino licensee in respect of the casino licence in question, and the Minister shall cause the licence to be amended to show the name of the assignee, the date of the assignment and such other particulars as may be prescribed, and the licence shall be made available to the Minister for the purpose of amendment accordingly.
- (7) A decision by the Governor in Council to approve or not to approve of a person pursuant to subsection (2) is final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.

### **33 Surrender of casino licence**

- (1) The Governor in Council, subject to this section, may accept the surrender of a casino licence.
- (2) Application for acceptance of surrender shall be made in writing by the casino licensee to the Minister and shall set out in detail the grounds on which it is made.
- (3) Upon a consideration of the application and the grounds on which it is made, the Minister shall make a recommendation to the Governor in Council to accept or not to accept the surrender.
- (4) The Governor in Council may decide to accept the surrender or not to accept it after taking into consideration the recommendation of the Minister, but the Governor in Council shall not accept the surrender unless the Governor in Council is satisfied that there are circumstances existing in which the continued operation of the casino is not in the best interest of the casino licensee or of the public.

## **Part 4                      Licensing of employees of casinos**

### **Division 1                Preliminary**

#### **34            Unlicensed persons not to be casino key employees or casino employees**

- (1) A person shall not work as or be a casino key employee or a casino employee unless—
- (a) in the case of a casino key employee—the person is the holder of a casino key employee licence and in the case of a casino employee the person is the holder of a casino employee licence; and
  - (b) the person is 18 years or more; and
  - (c) the person is employed in the type of work specified in the licence.

Maximum penalty—200 penalty units.

- (2) A person shall not employ or cause or suffer to be employed in a casino as a casino key employee or a casino employee any person—
- (a) who in the case of employment as a casino key employee is not the holder of a casino key employee licence and in the case of employment as a casino employee is not the holder of a casino employee licence; or
  - (b) who is under 18 years; or
  - (c) unless the person employs or causes or suffers to be employed that person in the type of work specified in the casino key employee licence or the casino employee licence of which that person is the holder.

Maximum penalty—200 penalty units.

- (3) A person shall not allocate or cause or suffer to be allocated to a casino key employee or a casino employee any type of work in a casino that is a type of work other than the type of work specified in the licence of that employee.

Maximum penalty—200 penalty units.

## **Division 2                      Obtaining casino key employee and casino employee licences**

### **35            Application for licence**

- (1) An application for a casino key employee licence or a casino employee licence must—
- (a) be in the approved form; and
  - (b) be accompanied by the fee prescribed under a regulation; and
  - (c) specify the type of licence applied for; and
  - (d) specify from the prescribed list the type of work proposed to be performed by the applicant as a licensee; and
  - (e) contain or be accompanied by the prescribed information and particulars with respect to the applicant; and
  - (f) be accompanied by such other records, reports, documents and writings relating to the applicant as may be prescribed; and
  - (g) be forwarded to or lodged with the chief executive; and
  - (h) be accompanied by a letter from a casino operator addressed to the chief executive stating that the operator intends to employ the applicant (subject, in an appropriate case, to the successful completion by the applicant of a training course in the type of work referred to in paragraph (d)) in the type of work referred

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to in paragraph (d) upon the applicant being granted a licence as applied for; and

- (i) be accompanied by a certificate in the approved form from the casino operator referred to in paragraph (h) that the applicant has successfully completed a training course approved pursuant to this Act or is otherwise qualified by experience (specified in the certificate) appropriate to the type of work referred to in paragraph (d).
- (1A) However, where such a training course has not been completed at the time of the making of the application and the successful completion of the training course is to be relied on by the applicant, the application may be supported by a certificate as aforesaid forwarded to the chief executive upon the successful completion of the training course provided the certificate is so forwarded within the time prescribed for the forwarding of a supporting certificate in the circumstances or, if a time is not prescribed, within a time approved by the chief executive.
- (2) It is a condition precedent to consideration of an application for a licence under this part that the applicant is agreeable to having the applicant's photograph and fingerprints taken.

### **35A Further information or documents to support application**

- (1) The chief executive may, by written notice given to the applicant, require the applicant to give the chief executive further information or a document about the application within the reasonable time stated in the notice.
- (2) The requirement must relate to information or a document that is necessary and reasonable to help the chief executive decide the application.

### **36 Requirement to apply for casino key employee licence in certain cases**

- (1) If the chief executive reasonably believes a person is a casino key employee for a casino operator and is not the holder of a

casino key employee licence, the chief executive must, by written notice given to the person, require the person to apply for a casino key employee licence within 7 days after receiving the notice.

- (1A) The person must comply with the requirement within 7 days after receiving the notice, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) The chief executive must cause a copy of the notice to be served on the casino operator in question.
- (3) Where the person required pursuant to subsection (1) to apply for a casino key employee licence fails to do so within the time stipulated in that subsection, the chief executive must cause a notification in writing of such failure to be served on the casino operator in question, and the casino operator shall on such notification being served on the casino operator terminate the association or employment of that person with the casino notwithstanding the provisions of any other Act or law or of any industrial award or agreement.

Maximum penalty—200 penalty units.

- (4) If the chief executive refuses to grant a casino key employee licence applied for under this section—
- (a) the applicant shall on receipt of notification of such refusal cease to be associated with or an employee of the casino in question; and
- (b) the casino operator shall on receipt of notification of such refusal terminate the association or employment of the applicant with the casino.

Maximum penalty—200 penalty units.

- (5) The casino operator shall not incur any liability whatsoever for or in connection with the termination by the operator, pursuant to this section, of the association or employment of the applicant with the casino.

### **37 Consideration of application**

- (1) Upon receipt of an application and compliance by the applicant with the provisions of this part in relation thereto, the chief executive shall—
  - (a) cause the photograph and fingerprints of the applicant to be taken; and
  - (b) initiate and have followed through such investigatory procedures as the chief executive considers necessary in relation to the applicant and the applicant's application; and
  - (c) consider the application and materials and matters accompanying it together with the results of investigations made in connection therewith and make an assessment of—
    - (i) the integrity, responsibility, personal background and financial stability of the applicant; and
    - (ii) the general reputation of the applicant having regard to character, honesty and integrity; and
    - (iii) the suitability of the applicant to perform the type of work proposed to be performed by the applicant as a licensee.
- (2) In a case to which section 35(1A) is applicable, the chief executive shall await the receipt of the supporting certificate within the required time before deciding the application.
- (3) If, for an investigation about the applicant under this section, the chief executive asks the commissioner of the police service for a written report about the applicant's criminal history, the commissioner must give the report to the chief executive.
- (4) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.



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### **38 Decision on application**

- (1) The chief executive must, after considering an application under this part, either grant or refuse to grant the application.
- (2) If the chief executive decides to grant the application, the chief executive must immediately—
  - (a) issue the casino key employee licence or casino employee licence to the applicant; and
  - (b) give written notice of its issue to the relevant casino operator.
- (3) If the chief executive decides to refuse to grant the application, the chief executive must—
  - (a) immediately give—
    - (i) an information notice for the decision to the applicant; and
    - (ii) written notice of the decision to the relevant casino operator; and
  - (b) as soon as practicable destroy the applicant's fingerprints taken under section 37(1)(a).

### **39 Conditions of licence**

- (1) The chief executive may issue a casino key employee licence or a casino employee licence on conditions the chief executive considers necessary or desirable in the public interest or for the proper operation of a casino.
- (2) If the chief executive decides to issue a casino key employee licence or a casino employee licence on conditions the chief executive must immediately—
  - (a) give the applicant an information notice for the decision; and
  - (b) give a copy of the notice to the relevant casino operator.

### **39A Form of licence**

- (1) A casino key employee licence and a casino employee licence must be in the approved form.
- (2) The approved form must provide for the inclusion of the following—
  - (a) the name of the casino key employee licensee or casino employee licensee;
  - (b) a recent photograph of the licensee;
  - (c) the date of issue of the licence;
  - (d) whether the licensee is a casino key employee or casino employee;
  - (e) the conditions of the licence;
  - (f) other particulars prescribed under a regulation.

### **39B Duration of licence**

A casino key employee licence or a casino employee licence shall remain in force until whichever of the following first happens—

- (a) the licensee dies;
- (b) it is cancelled by the chief executive or surrendered by the licensee;
- (c) the expiration of 12 months after the date the licensee ceases to be employed in a casino in the State.

### **39C Changing conditions of licence**

- (1) The chief executive may decide to change the conditions of a casino key employee licence or a casino employee licence if the chief executive considers it is necessary or desirable to make the change in the public interest or for the proper operation of a casino.
- (2) If the chief executive decides to change the conditions, the chief executive must immediately—

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- (a) give the holder of the licence—
    - (i) written notice of the changed conditions; and
    - (ii) an information notice for the decision; and
  - (b) if the chief executive believes the holder is an employee of a casino operator—give a copy of the information notice to the casino operator.
- (3) A change of conditions takes effect on—
- (a) the day the information notice is given to the holder; or
  - (b) if a later day is stated in the notice—the later day.
- (4) The power of the chief executive to change the conditions of a casino key employee licence or a casino employee licence includes the power to add conditions to the licence.

### **39D Recording change of conditions**

- (1) The holder of a casino key employee licence or a casino employee licence must return the licence to the chief executive within 7 days after receiving an information notice under section 39C(2)(a), unless the holder has a reasonable excuse.
- Maximum penalty—40 penalty units.
- (2) On receiving the licence, the chief executive must—
- (a) amend the licence to include the changed conditions and return it to the holder; or
  - (b) give the holder a replacement licence showing the changed conditions.
- (3) The amendment of the licence does not depend on it being amended or replaced under this section.

### **39E Replacement of licence**

- (1) The holder of a casino key employee licence or a casino employee licence may apply to the chief executive for a replacement licence if—

- (a) the licence has been damaged, destroyed or lost; or
  - (b) the holder has changed his or her name.
- (2) The application must be accompanied by the fee prescribed under a regulation.
- (3) The chief executive must consider the application and either grant or refuse to grant the application.
- (4) The chief executive may grant the application only if the chief executive is satisfied—
- (a) for an application to replace a licence that has been damaged, destroyed or lost—the licence has been damaged, destroyed or lost; or
  - (b) for an application to replace a licence because of a change of name—the holder of the licence has changed his or her name.
- (5) If the chief executive decides to grant the application, the chief executive must immediately give the applicant a replacement licence.
- (6) If the chief executive decides to refuse to grant the application, the chief executive must immediately—
- (a) give the applicant an information notice for the decision; and
  - (b) if the chief executive believes the holder of the licence is an employee of a casino operator—give a copy of the notice to the casino operator.

## **Division 3                      Obligations of casino operators and employees**

### **40            Notice when certain employees begin employment with casino operator**

Within 7 days after a casino key employee or casino employee begins employment with a casino operator, the operator must

notify the chief executive, in the approved form, about the employee beginning employment.

Maximum penalty—40 penalty units.

#### **41 Display of identification**

- (1) A casino key employee or casino employee shall at all times whilst on duty in the casino wear a form of identification as prescribed on the employee's person in such a manner as to be visible to other persons in the casino.

Maximum penalty—40 penalty units.

- (2) Subsection (1) is not applicable in the case of a person exempted by the chief executive from the obligation to comply therewith.
- (3) The chief executive may so exempt a person or class of person from such obligation.

### **Division 4 Investigation of casino key employee and casino employee licensees**

#### **43A Investigations about casino key employees or casino employees**

- (1) This section applies to a casino key employee or casino employee while the employee's licence remains in force.
- (2) The chief executive may investigate the employee, including by assessing—
  - (a) the employee's integrity, responsibility, personal background and financial stability; and
  - (b) the general reputation of the employee having regard to character, honesty and integrity; and
  - (c) the suitability of the employee to perform the duties of a casino key employee or casino employee.

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- (3) The chief executive may exercise the powers under subsection (2) only if—
  - (a) the chief executive believes the investigation is necessary because of changed circumstances of the particular employee; or
  - (b) the investigation is made under an audit program for casino key employees or casino employees.
- (4) The chief executive may, by written notice, ask a person to whom an investigation relates to give information or material the chief executive considers is necessary for the investigation.
- (5) The person must comply with the chief executive's notice unless the person has a reasonable excuse.

Maximum penalty—200 penalty units or 1 year's imprisonment.
- (6) It is a reasonable excuse for the person not to comply with the notice if complying with the request might tend to incriminate the person.
- (7) The person does not commit an offence against this section if the information sought by the chief executive is not in fact relevant to the investigation.
- (8) If, for an investigation about a casino key employee or casino employee under this section, the chief executive asks the commissioner of the police service for a written report about the employee's criminal history, the commissioner must give the report to the chief executive.
- (9) However, the report is required to contain only criminal history in the commissioner's possession or to which the commissioner has access.

#### **43B Minister may approve audit program to investigate casino key employees and casino employees**

- (1) The Minister may approve a program under which the chief executive may investigate casino key employees or casino

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employees, including assessing the issues mentioned in section 43A(2).

- (2) A person may be investigated and assessed under the audit program only once every 4 years.

## **Division 5                      Suspension and cancellation of casino key employee and casino employee licences, and other action by chief executive**

### **Subdivision 1                  Suspension and cancellation**

#### **44                      Grounds**

- (1) Each of the following is a ground for suspending or cancelling a casino key employee licence or a casino employee licence—
- (a) the holder of the licence—
    - (i) is not a suitable person to hold the licence; or
    - (ii) acts in a way that is inappropriate for casino operations; or
    - (iii) contravenes a provision of this Act, other than a provision a contravention of which is an offence against this Act; or
    - (iv) contravenes a condition of the licence;
  - (b) the holder of the licence has a conviction, other than a spent conviction, for—
    - (i) an offence against this Act or a gaming Act; or
    - (ii) an indictable offence;
  - (c) the licence was issued because of a materially false or misleading representation or document.
- (2) For forming a belief that the ground mentioned in subsection (1)(a)(i) exists, the chief executive may have

regard to the same matters the chief executive may make an assessment of under section 37(1)(c) in considering an application for a casino key employee licence or a casino employee licence.

- (3) For subsection (1)(a)(ii), the holder of a licence acts in a way that is inappropriate for casino operations if the holder does, or omits to do, an act that results in—
  - (a) the operation of the casino at which the holder is employed not being conducted under the approved control system for the casino; and
  - (b) the integrity of the operations of the casino being jeopardised.

- (4) In this section—

*spent conviction* means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

*Editor's note—*

*Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11  
(Revival of convictions)

## 45 Show cause notice

- (1) If the chief executive believes a ground exists to suspend or cancel a casino key employee licence or a casino employee licence, the chief executive must before taking action to suspend or cancel the licence give the holder of the licence a written notice (a *show cause notice*).
- (2) The show cause notice must state the following—
  - (a) the action the chief executive proposes taking under this subdivision (the *proposed action*);
  - (b) the grounds for the proposed action;



- (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is suspension of the licence—the proposed suspension period;
  - (e) that the holder of the licence may, within a stated period (the *show cause period*), make written representations to the chief executive to show why the proposed action should not be taken.
- (3) The show cause period must end at least 21 days after the holder of the licence is given the show cause notice.
- (4) Subsection (5) applies if the chief executive believes—
- (a) the holder of the licence is an employee of a casino operator; and
  - (b) the existence of the grounds for the proposed action is likely to adversely affect the conduct of the operations of the casino.
- (5) The chief executive must immediately give a copy of the show cause notice to the casino operator.
- (6) The casino operator may make written representations about the show cause notice to the chief executive in the show cause period.

#### **45A Consideration of representations**

The chief executive must consider all written representations (the *accepted representations*) made under section 45(2)(e) or (6).

#### **45B Immediate suspension**

- (1) The chief executive may suspend a casino key employee licence or a casino employee licence immediately if the chief executive believes—
- (a) a ground exists to suspend or cancel the licence; and
  - (b) it is necessary to suspend the licence immediately—

- (i) in the public interest; or
  - (ii) to ensure the integrity of the conduct of casino operations is not jeopardised.
- (2) The suspension—
  - (a) can be effected only by the chief executive giving the holder of the licence an information notice for the decision to suspend it, together with a show cause notice; and
  - (b) operates immediately the information notice is given to the holder; and
  - (c) continues to operate until the show cause notice is finally dealt with.
- (3) If the chief executive believes the holder of the licence is an employee of a casino operator, the chief executive must immediately give written notice of the suspension to the casino operator.

#### **45C Suspension and cancellation of licence after show cause process**

- (1) This section applies if—
  - (a) there are no accepted representations for a show cause notice; or
  - (b) after considering the accepted representations for a show cause notice, the chief executive—
    - (i) still believes a ground exists to suspend or cancel a casino key employee licence or a casino employee licence; and
    - (ii) believes suspension or cancellation of the licence is warranted.
- (2) This section also applies if a holder of a casino key employee licence or a casino employee licence contravenes a direction given to the holder under section 45F.
- (3) The chief executive may—

- (a) if the proposed action was to suspend the licence—suspend the licence for not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the licence—cancel the licence or suspend it for a period.
- (4) If the chief executive decides to take action under subsection (3), the chief executive must immediately—
- (a) give an information notice for the decision to the holder of the licence; and
  - (b) if the chief executive believes the holder is an employee of a casino operator—give written notice of the suspension or cancellation to the casino operator.
- (5) The decision takes effect on the later of the following—
- (a) the day the information notice is given to the holder of the licence;
  - (b) the day of effect stated in the information notice.
- (6) If the chief executive cancels the licence, the holder must give the licence to the chief executive within 14 days after the cancellation takes effect.

Maximum penalty for subsection (6)—40 penalty units.

## **Subdivision 2      Other action by chief executive**

### **45D      Ending show cause process without further action**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the chief executive no longer believes a ground exists to suspend or cancel a casino key employee licence or a casino employee licence.
- (2) The chief executive—
  - (a) must not take any further action about the show cause notice; and

- (b) must give each of the following a written notice stating that no further action is to be taken—
  - (i) the holder of the licence;
  - (ii) a casino operator to whom a copy of the show cause notice was given under section 45(5).

#### **45E Censuring holder of licence**

- (1) The chief executive may censure a holder of a casino key employee licence or a casino employee licence for a matter relating to a ground for suspension or cancellation if the chief executive—
  - (a) believes a ground exists to suspend or cancel the licence but does not believe that giving a show cause notice to the holder is warranted; or
  - (b) after considering the accepted representations for a show cause notice, still believes a ground exists to suspend or cancel the licence but does not believe suspension or cancellation of the licence is warranted.
- (2) The censure can be effected only by the chief executive giving the holder of the licence an information notice for the decision to censure the holder.
- (3) If the chief executive believes the holder of the licence is an employee of a casino operator, the chief executive must immediately give written notice of the censure to the casino operator.

#### **45F Direction to rectify matter after show cause process**

- (1) This section applies if, after considering the accepted representations for a show cause notice, the chief executive—
  - (a) still believes a ground exists to suspend or cancel a casino key employee licence or a casino employee licence; and
  - (b) believes a matter relating to the ground for suspension or cancellation is capable of being rectified and it is

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appropriate to give the holder of the licence an opportunity to rectify the matter.

- (2) The chief executive may direct the holder of the licence to rectify the matter.
- (3) If the chief executive decides to give the holder of a licence a direction under this section, the direction can be effected only by the chief executive giving the holder an information notice for the decision.
- (4) The information notice must state the period for rectifying the matter.
- (5) The period must be reasonable, having regard to the nature of the matter to be rectified.
- (6) If the chief executive gave a copy of the show cause notice to a casino operator under section 45(5), the chief executive must give written notice of the direction to the casino operator immediately after giving the information notice to the holder of the licence.

#### **45G Cancellation or reduction of period of suspension**

- (1) If the chief executive suspends a casino key employee licence or a casino employee licence, the chief executive may, for any remaining period of suspension and at any time the suspension is in force—
  - (a) cancel the period; or
  - (b) reduce the period by a stated period.
- (2) The chief executive may cancel or reduce the period only if the chief executive considers it is appropriate to take the action.
- (3) The chief executive must immediately give written notice of the decision to—
  - (a) the holder of the licence; and

- (b) if the chief executive believed the holder was an employee of a casino operator when the licence was suspended—the casino operator.
- (4) Subsection (1) does not apply to an immediate suspension.

## **Division 6                      Other matters about casino key employee and casino employee licensees**

### **46                      Surrender of casino key employee licence or casino employee licence**

The holder of a casino key employee licence or a casino employee licence may, by written notice to the chief executive, surrender the employee's licence.

### **47                      Termination of employment of employee and notification of termination of employment**

- (1) A casino operator must notify the chief executive in the approved form—
  - (a) that the operator has terminated the employment of a casino key employee or a casino employee; or
  - (b) that a casino key employee or a casino employee has terminated the employee's employment with the operator; or
  - (c) that a casino key employee or a casino employee has otherwise ceased to be the operator's employee;within 7 days of such termination of employment or cesser as employee, as the case may be.  
Maximum penalty—40 penalty units.
- (2) A casino operator shall terminate the employment of a casino key employee or a casino employee within 24 hours after receiving written notice from the chief executive of—

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- (a) the cancellation or suspension of the licence of the employee; or
  - (b) the employee otherwise ceasing to be the holder of the appropriate licence.

Maximum penalty—40 penalty units.

- (3) The provisions of subsection (2) are sufficient authority for the casino operator to terminate the employment of the employee in question, and the operator is so authorised to terminate such employment notwithstanding the provisions of any other Act or law or of any industrial award or agreement and no liability at law shall attach to the operator by reason of such termination.

#### **47A Destruction of fingerprints and palm prints of former licence holders**

If the casino key employee licence or casino employee licence held by a person ceases to be in force, the chief executive must, as soon as practicable, cause the fingerprints and palm prints of the person taken under section 37(1) for the person's application for the licence to be destroyed.

### **Division 7 Provisional licences**

#### **48 Provisional licences**

- (1) Pending a decision by the chief executive in respect of an application for a casino key employee licence or a casino employee licence, the chief executive may grant to the applicant a provisional casino key employee licence or a provisional casino employee licence if the chief executive considers that—
  - (a) a decision in relation to the licence applied for may not be made for some time; and
  - (b) the operation of the casino where it is proposed the applicant will be employed will be seriously prejudiced

- or disadvantaged by delay in the employment of the applicant; and
- (c) the issue of the provisional licence will not prejudice the integrity of the operation of the casino.
- (2) The chief executive may subject the grant of a provisional licence to such terms, conditions and restrictions as are considered by the chief executive to be necessary in the public interest.
- (3) If the chief executive grants a provisional licence, the chief executive must issue the licence in the approved form and sign it.
- (4) A provisional licence shall remain in force until—
- (a) the casino key employee licence or the casino employee licence, as the case may be, is issued or until the chief executive decides to refuse to grant the application for a casino key employee licence or a casino employee licence; or
- (b) it is surrendered by the holder; or
- (c) it is cancelled by the chief executive.
- (5) The chief executive in the chief executive's absolute discretion may cancel a provisional casino key employee licence or a provisional casino employee licence at any time, and the holder of the licence shall not have any right of action against the chief executive, the casino operator in question or any other person in respect of such cancellation or termination of employment as a consequence thereof.
- (6) During its currency and subject to the terms, conditions and restrictions imposed by the chief executive in respect of it, a provisional casino key employee licence or a provisional casino employee licence shall operate and have the same effect as if it were a casino key employee licence or a casino employee licence issued under this part.



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## Division 8                      Miscellaneous

### 49        Reference to employment

In this part, a reference to *employ* or *employment* includes a reference to engage or engagement under a contract for services.

## Part 5                              Fees, taxes and levies

### 50        Casino licence fee

- (1) A casino licence fee shall be paid to the chief executive each quarter in respect of a casino licence.
- (2) The fee shall be paid prior to the commencement of the quarter in question.
- (3) When a casino licence issues during a quarter, the licence fee—
  - (a) shall be paid on or before the date of its issue; and
  - (b) shall be calculated on a pro rata basis having regard to the period remaining in that quarter.
- (4) The amount of the licence fee shall be as prescribed from time to time.

### 51        Casino tax

- (1) A casino tax shall be paid to the chief executive each month in respect of a casino licence.
- (2) The casino tax shall be paid on or before the seventh day of the month next following the month in respect of which it is payable.
- (3) Subject to subsection (4), the amount of the casino tax is to be as follows, less the GST deduction for the month—

- (a) the total of—
    - (i) the percentage of the casino gross revenue for the month in question that applies under the associated agreement; and
    - (ii) the relevant percentage of the premium junket revenue for the month; or
  - (b) if the agreement provides that an amount is to be payable in specified circumstances and the circumstances have arisen—that amount.
- (4) If the Governor in Council considers that a percentage specified in the agreement should be varied, the Governor in Council may, by regulation, determine a higher or lower percentage for the purposes of subsection (3)(a).
- (4A) Subsections (4B) and (4C) apply if a regulation made under subsection (4) determines a higher percentage for subsection (3)(a) for an associated agreement for a casino licence.
- (4B) The regulation has effect despite—
- (a) the agreement; and
  - (b) the Act that ratifies the agreement.
- (4C) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of the regulation.
- (4D) Subsection (4C) does not prevent the payment of compensation by the State to the casino licensee, to the extent the State is expressly liable under the agreement or another agreement entered into by the State and the licensee, because of the operation of the regulation.
- (4E) A regulation made under subsection (4) may determine different percentages, for subsection (3)(a), to be applied to different categories of casino gross revenue or premium junket revenue for an associated agreement for a casino licence.

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- (5) A regulation determining a higher or lower percentage for the purposes of subsection (3)(a) takes effect—
- (a) if the regulation is notified on the first day of the month—on that day; or
  - (b) in any other case—on the first day of the next month.
- (6) For subsection (3)(a)—
- (a) if the casino gross revenue for a month is a negative amount, the amount worked out under subsection (3)(a)(i) is a negative amount; and
  - (b) if the premium junket revenue for a month is a negative amount, the amount worked out under subsection (3)(a)(ii) is a negative amount.

- (7) In this section—

***associated agreement***, for a casino licence, means the agreement mentioned in section 19 under which the casino licence issues.

***GST deduction***, for a month, means the lesser of the following amounts—

- (a) the global GST amount, calculated under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), division 126, for the month for the conduct of gaming under the casino licence;
- (b) the relevant amount mentioned in subsection (3)(a) or (b).

***relevant percentage***, for premium junket revenue, for a casino licence, means—

- (a) the percentage that applies under the associated agreement for premium junket revenue; or
- (b) if a percentage for premium junket revenue does not apply under the associated agreement—the percentage that applies under the associated agreement for casino gross revenue.

### **53 Adjustment of casino tax**

- (1) Subsection (2) applies in relation to a casino licence if the casino tax for a month (the *reference month*) is a negative amount (a *tax credit*).
- (2) In working out the casino tax payable for the next month (the *first adjustment month*), the tax credit for the reference month is, to the extent possible, to be set off against the casino tax that, apart from this section, would be payable for the first adjustment month.
- (3) Subsection (4) applies if—
  - (a) without applying subsection (2), the casino tax for the first adjustment month is a negative amount; or
  - (b) after applying subsection (2), part of the tax credit (the *tax credit balance*) for the reference month has not been set off against casino tax for the first adjustment month.
- (4) In working out the casino tax payable for the month (the *second adjustment month*) after the first adjustment month, the tax credit, or tax credit balance, for the reference month, is, to the extent possible, to be set off against the casino tax that, apart from this subsection, would be payable for the second adjustment month.
- (5) In relation to casino tax for a month that is a negative amount, the operation of this section extends only to the 2 months after the month.

### **54 Disposition of casino licence fees etc.**

Casino licence fees, casino taxes and application fees in respect of casino key employee licences and casino employee licences shall on their receipt be paid into and form part of the consolidated fund.

### **55 Penalty for late payment**

- (1) Penalty at the rate of 5% shall be charged and become due and payable forthwith on the amount of any casino licence fee or

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casino tax remaining unpaid after the date on which it becomes due and payable.

- (2) Additional penalty at the rate of 5% shall be charged and become due and payable on any part of any amount specified in subsection (1) (including penalty) that remains unpaid—
  - (a) upon the expiration of 1 month commencing on the date when the amount first became due and payable; and
  - (b) upon the expiration of each month commencing on the like date thereafter.
- (2A) However, additional penalty on that amount shall not be charged after the expiration of a period of 3 months commencing on the date when that amount first became due and payable.
- (3) Subject to subsection (4), penalty or additional penalty payable under this section shall be deemed to be casino tax.
- (4) The chief executive, for any reason that the chief executive thinks is sufficient, may remit any penalty or additional penalty (or a part of the penalty or additional penalty) payable under this section.
- (5) Any penalty or additional penalty shall on its receipt be paid into and form part of the consolidated fund.

## **56 Recovery of fees, taxes and levies**

All fees, taxes and levies due and payable in accordance with this part and remaining unpaid are debts due to the Crown and may be recovered by action as for a debt in any court of competent jurisdiction.

## **57 Liability for fees, taxes and levies**

- (1) The casino licensee is liable for all fees, taxes and levies due and payable in accordance with this part.
- (2) If the casino operator is a lessee under a casino lease, the operator and the casino licensee are jointly and severally

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liable for all fees, taxes and levies due and payable in accordance with this part.

- (3) If—
- (a) the casino operator is not the casino licensee or a lessee under a casino lease and there is no casino lease, the casino operator and the casino licensee; or
  - (b) the casino operator is not the casino licensee or a lessee under a casino lease and there is a casino lease, the casino operator, casino licensee and lessee under the lease;

are jointly and severally liable for all fees, taxes and levies payable in accordance with this part.

#### **57A Deferral or waiver of tax**

- (1) The *Gaming Machine Act 1991*, part 11A provides for the deferral or waiver of a casino tax.
- (2) This section expires on 31 December 2020.

## **Part 6 Casino operation**

### **58 Maintenance of facilities etc.**

A casino operator must—

- (a) maintain all facilities and amenities of a casino in such a condition as will ensure at all times the maximum comfort for patrons; and
- (b) ensure that the operation of the casino is conducted at all times in a proper and competent manner; and
- (c) 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.

Maximum penalty—

- (a) for paragraph (a)—100 penalty units; and
- (b) for paragraphs (b) and (c)—200 penalty units.

## **59 Casino layout**

- (1) A casino operator for a casino must ensure each gaming area in the casino can be observed clearly and without obstruction.

Maximum penalty—40 penalty units.

- (2) The casino operator must, before commencing casino operations, give the chief executive—
  - (a) a floor plan showing—
    - (i) the placement of gaming tables and gaming machines in areas to be used for gaming; and
    - (ii) other areas to be used for casino operations; and
  - (b) a diagram of the closed-circuit television system for the areas, indicating the following in relation to the floor plan—
    - (i) the camera positions;
    - (ii) the heights of the cameras from gaming tables;
    - (iii) the scope of coverage of the cameras.

Maximum penalty—40 penalty units.

## **60 Changes to casino layout**

- (1) This section applies if—
  - (a) a casino operator proposes to make a change, other than a temporary change, to—
    - (i) a gaming area or other area used for casino operations; or
    - (ii) the closed-circuit television system for either area; and

- (b) the proposed change affects the accuracy of a floor plan or diagram given to the chief executive under section 59(2).
- (2) At least 3 days before making the proposed change, the casino operator must give the chief executive an amended floor plan or diagram showing the change.
- Maximum penalty—40 penalty units.
- (3) In this section—
- temporary change* means a change to a closed-circuit television system that is—
- (a) for the purpose of assessing the suitability of a camera position in the system; and
  - (b) intended to apply for a period not longer than 14 days.

## **61 Hours of operation**

- (1) A casino operator shall operate a casino on the days and during the hours on those days approved for the time being by the chief executive.
- (2) The operator shall not operate a casino on any other day or at any other time.
- Maximum penalty—40 penalty units.
- (3) A casino operator shall submit for the approval of the chief executive a schedule of operating times indicating the days and hours on and during which, it is proposed, the casino shall operate.
- (4) The chief executive may approve the schedule of operating times as submitted or with such variations as the chief executive thinks fit.
- (5) If the casino operator proposes to vary the schedule of operating times the operator must give to the chief executive for the chief executive's approval details of the proposal showing the revised schedule of operating times.



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- (6) A casino operator must not effect any variation referred to in subsection (5) without the approval of the chief executive first had and obtained.

Maximum penalty—100 penalty units.

- (7) The chief executive, for any reason considered by the chief executive to be sufficient in the circumstances, may by notice in writing require a casino operator to vary the schedule of operating hours in respect of a casino on and from a date specified in the notice.
- (7A) The notice shall be accompanied by or contain therein the revised schedule of operating hours to operate on and from the date specified.
- (7B) On and from the date so specified, the revised schedule shall be the schedule of operating hours in respect of the casino in question.
- (8) A casino operator must not allow gaming in the casino at the following times—
- (a) on Christmas Day or Good Friday—between the hours of 3a.m. and midnight;
  - (b) on Anzac Day—between the hours of 3a.m. and 1p.m.

Maximum penalty—40 penalty units.

## **62 Gaming equipment and chips**

- (1) A casino operator must ensure that all gaming equipment in a casino is of a high standard of manufacture and is maintained in good order and condition.

Maximum penalty—100 penalty units.

- (2) A person must not possess, maintain or exhibit any gaming equipment on the premises of a hotel-casino complex except in the casino.

Maximum penalty—50 penalty units.

- (3) A person must not possess, maintain or exhibit any gaming equipment in a gaming area in a casino, or bring into or

remove from a gaming area in a casino any gaming equipment, unless the equipment—

- (a) has been approved by the chief executive; and
- (b) is necessary for the conduct of gaming; and
- (c) has permanently affixed thereto or permanently imprinted, impressed or engraved thereon an identification number or symbol authorised by the chief executive; and
- (d) is under the exclusive control of the casino operator or the operator's agents or employees; and
- (e) is brought into or removed from the gaming area at times authorised for that purpose by the chief executive or at other times when prior notice has been given to and written approval granted by an inspector.

Maximum penalty—40 penalty units.

- (4) The chief executive's approval of a gaming machine under subsection (3)(a) must include approval of—
  - (a) the machine game to be played on the machine; and
  - (b) the artwork for the machine game to be displayed as part of the machine.
- (5) The chief executive may approve the artwork for a game only if the chief executive is satisfied the artwork includes rules of the game.
- (6) A casino operator must ensure the number of gaming machines in the casino, or a particular part of the casino, does not exceed a limit fixed for the casino, or the part, by the Minister under subsection (7).

Maximum penalty—200 penalty units.

- (7) The Minister may, by written notice given to a casino operator, fix a limit on the number of gaming machines to be permitted in the casino or a particular part of the casino.
- (8) A casino operator must ensure a drop box or other receptacle (a *deposit receptacle*) used for the deposit of money, chips,

vouchers, slips or other papers at the casino (whether or not there is any thing in the deposit receptacle) is fitted with 2 approved security devices.

Maximum penalty—40 penalty units.

- (9) A casino operator must ensure a gaming table to which a deposit receptacle is attached is fitted with an approved security device that secures the deposit receptacle to the gaming table.

Maximum penalty—40 penalty units.

- (10) A casino operator must ensure a count room or storage area in which a deposit receptacle is being used in connection with the operation of the casino is fitted with 2 approved security devices.

Maximum penalty—40 penalty units.

- (11) A casino operator must ensure—
- (a) the method of activating one of the approved security devices mentioned in subsections (8) and (10) is under the exclusive control of the casino operator; and
  - (b) the method of activating the other approved security device is different from the method mentioned in paragraph (a) and is under the control of an inspector at the casino.

Maximum penalty—40 penalty units.

- (12) A casino operator must ensure the method of activating the approved security device mentioned in subsection (9) is under the exclusive control of the casino operator.

Maximum penalty—40 penalty units.

- (13) A casino operator must ensure each approved security device mentioned in subsection (8), (9) or (10) is not able to be inactivated by the method of inactivating any other approved security device at the casino.

Maximum penalty—40 penalty units.

- (14) A casino operator must ensure a deposit receptacle is not brought into or removed from the area of the casino used for the conduct and playing of games other than at a time and in a way approved by the chief executive.

Maximum penalty—200 penalty units.

- (15) A casino operator must ensure an approved security device used to secure a deposit receptacle is not activated or inactivated other than at a time, and in a place and way, approved by the chief executive.

Maximum penalty—200 penalty units.

- (16) A casino operator must ensure that chips used, or for use, in the casino are clearly and permanently impressed, engraved or imprinted with—

- (a) the name of the casino or a symbol identifying the casino; and
- (b) any other matters provided for under a regulation.

Maximum penalty—40 penalty units.

- (17) A casino operator must not purchase chips from a chips manufacturer other than a chips manufacturer approved by the chief executive.

Maximum penalty—200 penalty units.

- (18) A casino operator must ensure—

- (a) that chips used in a casino for gaming are of such physical characteristics as are approved by the chief executive; and
- (b) that chips used in a casino for gaming are in good condition.

Maximum penalty—

- (a) for paragraph (a)—200 penalty units; and
- (b) for paragraph (b)—40 penalty units.

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- (19) A casino operator must keep and at all times accurately maintain a written inventory of gaming equipment and chips used or for use in the casino.

Maximum penalty—200 penalty units.

- (20) A casino operator must not, without the chief executive's consent—

- (a) destroy gaming equipment or chips; or
- (b) permanently part with the physical possession of gaming equipment or chips.

Maximum penalty—200 penalty units.

- (21) A casino operator must not permit a person to repair or maintain gaming equipment unless the chief executive has approved of the person for the purpose of repairing gaming equipment.

Maximum penalty—40 penalty units.

- (22) In this section—

*approved security device* means a security device approved by the chief executive under section 62AA.

## **62AA Approval of security devices**

- (1) A casino operator may apply to the chief executive, in writing, for approval of a security device for the purpose of section 62.
- (2) If the chief executive is satisfied the security device is suitable for the purpose for which it is to be used under section 62, the chief executive may approve the security device.
- (3) The chief executive must give the casino operator written notice of the chief executive's decision to approve or not to approve a security device.
- (4) If the chief executive decides not to approve a security device, the chief executive must tell the casino operator—
  - (a) the reasons for the decision; and

- (b) the changes to the device that are necessary for the device to be approved.

## **62A Gaming equipment outside of casino**

- (1) A casino operator must not operate gaming equipment outside of a casino unless the casino operator has an approval under this section to operate the gaming equipment.

Maximum penalty—200 penalty units.

- (2) A casino operator does not commit an offence under section 62(2) in so far as the possession, maintenance or exhibition of gaming equipment is merely incidental to the equipment being operated under an approval given under this section.
- (3) The chief executive may approve the operation of gaming equipment outside of a casino only if the chief executive is satisfied the operation is for 1 or more of the following purposes—
  - (a) teaching adults the rules of a game;
  - (b) exhibiting gaming equipment;
  - (c) promoting a casino.
- (4) A casino operator must not use, or allow the use of, cash, chips or player account credits in the operation of gaming equipment under this section.

Maximum penalty—200 penalty units.

## **63 Casino games**

- (1) The Minister may make rules for the playing of games in casinos.
- (2) The games included in the rules may be conducted or played in a casino under a casino licence.
- (3) The Minister must notify the making of a rule in the gazette.
- (3A) A rule takes effect—

- (a) on the day the making of the rule is notified in the gazette; or
  - (b) if a later day is stated in the Minister's notice or the rule—on that day.
- (3B) A casino operator must make a copy of the rule available—
- (a) to patrons at the casino; and
  - (b) for public inspection on the casino's website on the internet.

Maximum penalty—40 penalty units.

- (3C) A casino licensee may make submissions to the Minister about a rule or proposed rule.
- (4) A casino operator must submit to the Minister for approval a statement of the maximum number of each of the games proposed to be played in the casino.
  - (5) The Minister may approve the maximum number of each of the games as submitted or determine and approve in any particular case a different maximum number.
  - (6) For each type of game, a casino operator must not conduct more than the maximum number of that type approved by the Minister.

Maximum penalty—40 penalty units.

- (7) Subject to subsection (8), the casino operator may, having regard to the apparent gaming requirements of casino patrons, at any time conduct a number of games less than the maximum number approved for the particular type of that game.
  - (8) The Minister may, by written notice given to the casino operator, direct that a minimum number of a particular type of game must be played.
- (8A) A casino operator must comply with a direction given to the operator under subsection (8).

Maximum penalty—200 penalty units.

- (9) The casino operator must ensure that each game conducted in the casino is conducted under the rules made under subsection (1) for the game.  
Maximum penalty—200 penalty units.
- (10) A casino key employee or a casino employee who is involved in the conduct of a game at a casino must ensure the game is conducted under the rules made under subsection (1) for the game.  
Maximum penalty—40 penalty units.
- (11) In this section—  
*game* does not include a machine game.

## 64 Help for patrons about rules of games

- (1) A casino operator must—
- (a) when asked by a casino patron for a copy of the rules for the playing of a game, give the patron a copy of the rules for the playing of the particular game to look at; and
  - (b) prominently display in the casino advice or information about gaming rules, wagers, payout odds for a wager, and other advice or information directed by the chief executive; and
  - (c) provide, for casino patrons, summaries of the rules in accordance with texts approved by the chief executive; and
  - (d) display at each gaming table or location for the playing of a game a sign showing the permissible minimum and maximum wagers for the game played at the table or location.

*Examples of ways in which summaries may be provided to a casino patron—*

- 1 brochures
- 2 videos
- 3 computer based learning programs



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Maximum penalty—40 penalty units.

- (2) A casino operator must ensure the permissible minimum wager displayed for a game at a table or location where gaming is taking place is not changed to a higher permissible minimum wager unless—
  - (a) a sign showing the new minimum, and the proposed time of change, is displayed at the table or location for at least 20 minutes before the time of the proposed change; or
  - (b) all players at the table or location agree to the change.

Maximum penalty—40 penalty units.

#### **64AA Claims for prizes for casino based keno games**

- (1) A claim for payment of a prize for a casino based keno game must be made within 5 years after the day on which the game was conducted.
- (2) In this section, a reference to a casino based keno game includes a reference to a casino based keno game conducted before the commencement.

#### **64A Wagers other than permissible minimum and maximum wagers**

- (1) A casino patron may make arrangements with a casino operator for the patron to make wagers that—
  - (a) are less than the permissible minimum wager for a table or location; or
  - (b) are more than the maximum wager for a table or location.
- (2) If a casino operator makes an arrangement mentioned in subsection (1), the operator must give to the patron a document (the *patron's document*) about the arrangement and tell the patron about using the document.

Maximum penalty—40 penalty units.

- (3) The patron's document must be in the approved form.
- (4) If a patron makes a wager less than the permissible minimum wager, or more than the permissible maximum wager, for a table or location, a casino employee at the table or location must not accept the wager unless—
  - (a) the wager is made under an arrangement mentioned in subsection (1); and
  - (b) the patron's document for the arrangement—
    - (i) is on the table, or at the location, in front of the patron; and
    - (ii) is clearly visible to the employee.

Maximum penalty for subsection (4)—20 penalty units.

## **65 Obligations of casino operator in relation to conduct of games**

- (1) In a game in which playing cards are used, a casino operator must ensure the cards are at all times dealt from an item of gaming equipment specifically designed for the purpose.

*Examples—*

- 1 a card shoe
- 2 an automatic card shuffling device

Maximum penalty—40 penalty units.

- (2) A casino operator must not issue or cause, permit or suffer to be issued any chips for gaming unless the chips are paid for—
  - (a) in cash to their value; or
  - (b) by chip purchase voucher issued by the casino on payment of the amount shown on the voucher.

Maximum penalty—200 penalty units.

- (3) A casino operator must ensure that all gaming wagers are placed by the use of chips, cash, player account credits, tickets or another way approved by the chief executive.

Maximum penalty—100 penalty units.

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- (4) A casino operator must ensure that all winning wagers are paid in full without any commission or levy other than a commission or levy provided for in the rules of a game.

Maximum penalty—100 penalty units.

- (5) A casino operator must ensure that all winning wagers are paid—
- (a) in chips; or
  - (b) by cash or cheque; or
  - (c) by depositing the payment to a person's player account; or
  - (d) by ticket; or
  - (e) in another way approved by the chief executive.

Maximum penalty—100 penalty units.

- (6) A casino operator must during the hours of operation of a casino, at the request of a casino patron—
- (a) exchange chip purchase vouchers or chips issued by the casino for chips or other chips, as the case may be, as requested of an equivalent total value; and
  - (b) redeem chips or chip purchase vouchers issued by the casino for cash of an amount equivalent to the value of the chips or chip purchase vouchers.

Maximum penalty—100 penalty units.

- (6A) However, the casino operator, if requested by the patron, may at the operator's discretion issue for the whole or any part of the amount to be paid in cash, in lieu of cash, a cheque made payable to the patron and drawn on a bank account approved by the chief executive for the purpose.
- (7) A casino operator must not employ, engage or use or cause, permit or suffer any of the operator's agents or employees or any other person to employ, engage or use any barker or shill to induce any person to enter a casino or play any game therein.

Maximum penalty—100 penalty units.

- (8) A deposit, charge or levy, not being a commission or levy provided for in the rules of a game, must not be charged, taken or made, directly or indirectly, by a casino operator, on, from, to or in respect of any person for the right to enter a casino or play any game therein.

Maximum penalty—100 penalty units.

- (8A) It is immaterial that any such deposit, charge or levy is or is claimed to be refundable.

- (9) A casino key employee, or casino employee, for a casino must not—

- (a) in the particular casino—gamble on a game or machine;  
or  
(b) accept or solicit a tip, gratuity, consideration or other benefit from a player or patron.

Maximum penalty—100 penalty units.

- (10) Subsection (9)(b) applies to an acceptance or solicitation involving the licensee's role in the casino even though it takes place outside of the casino.

## **65A Chief executive may approve gaming documents**

- (1) The chief executive may approve a casino operator giving or selling to a person a document (a gaming document)—
- (a) for making wagers on a game; or  
(b) for paying a winning wager; or  
(c) for use in a machine, whether to make wagers, to pay winning wagers or otherwise; or  
(d) to protect a player's wager on a round of play against loss.
- (2) If the chief executive has approved a gaming document for a purpose, the document may be used for the purpose despite section 65(3) or (5).

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**65B Repairers of gaming machines**

- (1) A person employed to repair gaming machines may play a gaming machine while repairing it.
- (2) Subsection (1) applies despite section 65(9).
- (3) To remove any doubt, it is declared that if the person causes a winning combination to appear on a gaming machine while repairing it, no amount is payable to the person despite the winning combination.
- (4) In this section—  
*repairing* a gaming machine includes adjusting, altering, carrying out maintenance and testing the machine.

**65C Liquor served at tables etc.**

A casino operator must not sell, give or distribute liquor to a person at a gaming table, or at another playing area within a casino, unless the chief executive has approved the sale, giving or distribution at the table or other area.

Maximum penalty—40 penalty units.

**66 Casino operator shall not accept credit wagers etc.**

- (1) A casino operator must not and an agent or employee of a casino operator must not, in connection with any gaming—
  - (a) accept a credit wager from any person; or
  - (b) make a loan to any person; or
  - (c) advance any thing of value to any person; or
  - (d) provide cash or chips to any person in respect of a credit card transaction; or
  - (e) extend credit in any form to any person; or
  - (f) release or discharge in whole or in part a debt owing by any person without first submitting the prescribed information and material to the Minister and the Minister approving such release or discharge.

Maximum penalty—200 penalty units.

- (1A) Subsection (1)(a) to (e) does not apply in relation to gaming by a nonresident of Queensland visiting a casino under a junket agreement.
- (2) Nothing contained in subsection (1) limits the operation of the provisions of section 68.

## **67 Player accounts**

- (1) A casino operator may establish for a person a player account into which moneys may be deposited by that person in advance of any gaming by the person.
- (2) The casino operator must not accept a cheque for deposit to the account unless it is—
  - (a) drawn on a bank by the person; and
  - (b) made payable to the casino operator; and
  - (c) dated but not postdated.

Maximum penalty—40 penalty units.

- (2A) Despite subsection (2), the casino operator may accept a cheque for deposit to the account if it is—
  - (a) a traveller's cheque; or
  - (b) a bank cheque drawn in favour of the person and endorsed to the casino operator; or
  - (c) a cheque drawn by—
    - (i) a casino licensee; or
    - (ii) the holder of a licence to operate a casino issued by another State or Territory under a law corresponding to this Act;in favour of the person and endorsed to the casino operator; or
  - (d) a cheque prescribed by regulation.

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- (2B) The casino operator must not accept a deposit into the player account by a credit card transaction.
- Maximum penalty—40 penalty units.
- (2C) Subsection (2B) does not apply to a deposit made by a nonresident of Queensland visiting a casino under a junket agreement.
- (3) A casino operator may issue to the person for whom the player account is established a chip purchase voucher or chip purchase vouchers of a value up to the amount for the time being standing to the person's credit in the account.
- (4) Also, a casino operator may—
- (a) pay to the person for whom the player account is established cash up to the amount in the account; or
  - (b) if requested by the person for whom the player account is established, issue for the whole or part of the amount in the account a cheque made payable to the person that is drawn on a bank account approved by the chief executive.
- (5) Nothing in this section prevents a casino operator allowing a person to use a debit card to deposit an amount in the person's player account.

**68 Exchange by casino operator of chip purchase voucher for cheque**

- (1) Subject to subsection (2), a casino operator may issue to a person for the purpose of gaming by the person and in exchange for a cheque from the person a chip purchase voucher or chip purchase vouchers of a value equal to the amount of the cheque.
- (2) A casino operator shall not accept for the purposes of subsection (1) a cheque, other than a traveller's cheque, unless it satisfies the requirements specified in section 67(2) in relation to that section.

Maximum penalty—40 penalty units.

## **69 Redemption of cheques**

Subject to section 71, a person who has deposited or lodged with a casino operator under section 67 or 68 a cheque that complies with the requirements referred to in section 67(2) in relation to that section may, with the agreement of the casino operator, redeem the cheque by presenting to the casino operator in exchange therefor—

- (a) cash; or
- (b) a cheque or cheques complying with requirements as aforesaid; or
- (c) a chip purchase voucher or chip purchase vouchers; or
- (d) chips; or
- (e) any 2 or more of the foregoing in combination;

to an amount or a value equivalent to the amount of the cheque so deposited or lodged as aforesaid.

## **70 Depositing of cheques**

All cheques received by a casino operator in respect of gaming that are not redeemed in accordance with section 69 shall be banked by the operator within the prescribed time.

Maximum penalty—40 penalty units.

## **71 No redemption to delay payment**

Where a person has deposited or lodged a cheque with a casino operator under section 67 or 68, the casino operator shall not agree to the redemption by that person of the cheque pursuant to section 69 for the purpose of avoiding or delaying beyond the prescribed time as referred to in section 70 the banking of the cheque to the appropriate account of the casino operator.

Maximum penalty—40 penalty units.



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## **71A Unclaimed winnings and prizes**

- (1) If a non-monetary prize for a game conducted in a casino is not collected within 3 months after the game is conducted, the casino operator may—
  - (a) dispose of the prize by public auction or tender or in some other way approved by the chief executive; and
  - (b) pay for the disposal from the proceeds of sale.
- (2) Also, the casino operator must deal with any amount remaining from the proceeds of sale as required by this section.

Maximum penalty—100 penalty units.

- (3) If an amount for winnings for a game conducted in a casino is not paid within 12 months after the game is conducted, the casino operator must, within 14 days after the end of the 12 months, deal with the amount as required by this section.

Maximum penalty—100 penalty units.

- (4) The casino operator must, for an amount mentioned in subsection (2) or (3)—
  - (a) if the casino operator knows who is entitled to receive the amount and the person has a current player account with the casino operator—pay the amount into the account; or
  - (b) if the casino operator knows who is entitled to receive the amount and the person's whereabouts, and the person does not have a current player account with the casino operator—pay the amount to the person; or
  - (c) if the casino operator knows who is entitled to receive the amount, but the casino operator does not know the person's whereabouts and the person does not have a current player account with the casino operator—pay the amount into the designated departmental account; or
  - (d) if the casino operator does not know who is entitled to receive the amount—pay the amount into the designated departmental account.

(5) In this section—

*designated departmental account* means an account at the department designated under a regulation as the account to which payments are to be made under subsection (4)(c) or (d).

## 72 Training courses for employees

(1) A casino operator must ensure training courses relating to the playing of games, the conduct of games and associated activities in connection with casino operations are provided in the way mentioned in subsection (2) for persons employed or to be employed by the operator in a casino as casino key employees or casino employees.

Maximum penalty—40 penalty units.

(2) For subsection (1), the training courses must be provided by the casino operator or, with the chief executive's approval, by the casino operator's nominee.

(3) The successful completion of a training course mentioned in subsection (1) is a prerequisite for—

- (a) the issue of a casino key employee licence or a casino employee licence; or
- (b) the approval of the chief executive to the making of an amendment (and such amendment being made) in a licence in respect of the type of work performed or to be performed by the licensee;

and for the employment of the licensee in the type of work specified in the licence, either in the first instance or pursuant to amendment, unless the licensee is qualified by experience, satisfactory to the chief executive, appropriate to the type of work to be performed by the person as licensee.

(4) A casino operator must not conduct gaming on a simulated basis for the purpose of training employees, testing gaming equipment and gaming procedures and demonstrating the conduct and playing of games unless—

- (a) the operator has obtained the prior approval of the chief executive; and
  - (b) no cash is used and no chips are used.
- Maximum penalty—100 penalty units.

## **72A Advertising casinos**

An advertisement about a casino must—

- (a) not be indecent or offensive; and
- (b) not be false, deceptive or misleading in a material particular; and
- (c) be based on fact.

## **72B Directions about advertising**

- (1) If the chief executive reasonably believes an advertisement about a casino does not comply with section 72A, the chief executive may direct the person who appears to be responsible for authorising the advertisement to take the appropriate steps—
  - (a) to stop using the advertisement; or
  - (b) to change the advertisement.
- (2) The direction must—
  - (a) be in writing; and
  - (b) state the grounds for the direction; and
  - (c) for a direction to change the advertisement—state how the advertisement is to be changed.
- (3) A person to whom a direction is given must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

## **Part 7                      Internal controls, administrative and accounting procedures and audit requirements**

### **73            Casino operations to be conducted under approved control system**

- (1) A casino operator must not operate a casino under a casino licence unless the operator has an approved control system for the casino.

Maximum penalty—200 penalty units.

- (2) If a casino operator has an approved control system for the casino, the operator must not contravene the approved control system in the operation of the casino.

Maximum penalty—200 penalty units.

- (3) A casino operator must not change the operator's approved control system other than under a direction or approval of the chief executive.

Maximum penalty—200 penalty units.

### **74            Control system submission**

- (1) A casino operator may make a submission (a *control system submission*) to the chief executive for approval of the operator's proposed control system.

- (2) A control system submission must—

- (a) be in writing; and
- (b) describe and explain the casino operator's proposed control system.

- (3) In particular, a control system submission must include information about—

- (a) the following things to be used in connection with the operation of the casino—

- 
- (i) accounting systems and procedures;
  - (ii) administrative systems and procedures;
  - (iii) computer software; and
- (b) the general procedures to be followed in connection with the operation of the casino; and
  - (c) the procedures and standards for the maintenance, security, storage and transportation of equipment to be used in connection with the operation of the casino; and
  - (d) the procedures for making bets and paying winning bets; and
  - (e) the procedures for using and maintaining security facilities.
- (4) However, a casino operator's control system submission need not include particular information mentioned in subsection (3) if the chief executive is satisfied, having regard to the nature of the operator's operations, that the information is not necessary for the chief executive's proper consideration of the submission under section 75A.
- (5) A control system submission may include information additional to the information mentioned in subsection (3).

## **75 Control system (change) submission**

A casino operator may make a written submission (a *control system (change) submission*) to the chief executive for approval to change the operator's approved control system.

### **75A Dealing with submissions**

- (1) This section applies to a control system submission or control system (change) submission made to the chief executive by a casino operator.
- (2) The chief executive must consider the submission and either approve, or refuse to approve, the casino operator's proposed

control system or the proposed change of the casino operator's approved control system.

- (3) In considering the submission, the chief executive may, by written notice given to the casino operator, require the operator to give the chief executive, within a reasonable period stated in the notice, further information that is necessary and reasonable to help the chief executive make a decision about the submission.
- (4) In considering whether to give an approval, the chief executive must have regard to—
  - (a) whether the submission satisfies the requirements under this part for the submission; and
  - (b) whether the casino operator's proposed control system, or approved control system as proposed to be changed, is capable of providing satisfactory and effective control over the operations of the casino.
- (5) The chief executive may refuse to give an approval if the casino operator fails to comply with a requirement under subsection (3) without a reasonable excuse.
- (6) If the chief executive approves the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the casino operator written notice of the decision.
- (7) If the chief executive refuses to approve the proposed control system, or proposed change of the approved control system, the chief executive must as soon as practicable give the casino operator a written notice that—
  - (a) states the decision and the reasons for the decision; and
  - (b) if the chief executive believes the submission can easily be changed to enable the chief executive to give an approval—
    - (i) explains how the submission can be changed; and
    - (ii) invites the casino operator to resubmit the submission after making the appropriate changes.

**75B Direction to change approved control system**

- (1) The chief executive may, by written notice given to a casino operator, direct the operator to change the operator's approved control system within the period, and in the way, stated in the notice.
- (2) The casino operator must comply with the direction.
- (3) If the casino operator does not comply with the direction, at the end of the period stated in the notice the operator's approved control system is taken to have been changed in the way stated in the notice.

**76 Keeping books, records and documents**

- (1) All books, records and documents relating to the operations of the hotel-casino complex or the casino, as the case may be, shall be kept by the casino operator on the hotel-casino complex premises.

Maximum penalty—40 penalty units.

- (2) The chief executive may by signed written notice—
  - (a) exempt the casino operator from compliance with subsection (1) either in respect of all books, records and documents or some of them as specified by the chief executive for reasons considered by the chief executive to be sufficient; or
  - (b) approve generally or in particular cases that books, records and documents otherwise kept on the premises as aforesaid may be removed temporarily to another place or other places.
- (3) The casino operator must keep a book, record or document mentioned in subsection (1) for 5 years after the end of the transaction to which the book, record or document relates.

Maximum penalty—200 penalty units.

- (4) Subsection (3) does not apply to a book, record or document if—

- (a) the information previously contained in the book, record or document is kept in another way under an approval of the chief executive; or
  - (b) the book, record or document has been destroyed under an approval of the chief executive.
- (5) Subsection (3) has effect subject to any other law about the retention or destruction of the book, record or document.

## **77 Keeping of bank accounts**

- (1) A casino operator must keep a bank account, or bank accounts, approved by the chief executive for use for all banking transactions about the operations of the hotel-casino complex or the casino.

Maximum penalty—40 penalty units.

- (2) The operator must not use an account approved under subsection (1) for other purposes.

Maximum penalty—40 penalty units.

## **78 Accounts to be kept**

A casino operator must—

- (a) keep such accounting records as correctly record and explain the transactions and financial position of the operations of the hotel-casino complex or the casino, as the case may be; and
- (b) keep the operator's accounting records in such a manner as will enable—
  - (i) true and fair financial statements and accounts to be prepared from time to time; and
  - (ii) the operator's financial statements and accounts to be conveniently and properly audited.

Maximum penalty—40 penalty units.



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**79 Financial statements and accounts**

A casino operator must prepare financial statements and accounts giving a true and fair view of the operator's financial operations in respect of the hotel-casino complex or the casino, as the case may be, which statements and accounts must include—

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

Maximum penalty—40 penalty units.

**80 Chief executive may approve financial year period**

It is competent for the chief executive in a particular case on application made to the chief executive to approve a date other than 30 June as the terminating date of a financial year.

**81 Submission of reports**

- (1) A casino operator must submit to the chief executive, at such times as are prescribed, reports relating to the operations of the hotel-casino complex or the casino, as the case may be.

Maximum penalty—40 penalty units.

- (1A) A report must be in the approved form.

- (2) Where in the opinion of the chief executive any such report is deficient in information required to be provided, the chief executive may instruct the casino operator to submit to the chief executive information to supply the deficiency within a reasonable period nominated by the chief executive.

- (3) The casino operator must submit the information within the nominated period.

Maximum penalty—40 penalty units.

## **82 Audit of operations**

- (1) As soon as practicable after the end of each financial year, a casino operator must have the operator's books, accounts and financial statements for the operation of the operator's hotel-casino complex or casino for the financial year audited by a person who—
  - (a) is a registered company auditor under the Corporations Act; and
  - (b) is approved by the chief executive to conduct the audit.Maximum penalty—200 penalty units.
- (2) The auditor must—
  - (a) complete the audit within 4 months after the end of the financial year; and
  - (b) immediately after completion of the audit, give a copy of the audit report to the chief executive and casino operator.Maximum penalty—40 penalty units.
- (3) Subsection (2)(a) does not apply to the auditor if, in the circumstances, it would be unreasonable to require the auditor to comply with the paragraph and the auditor completes the audit as soon as practicable.

## **83 Wider application of certain provisions of this part**

- (1) In this section, reference to *person other than the actual operator* is a reference to a casino licensee or a lessee under a casino lease or to each of them a casino licensee and a lessee under a casino lease, as the case requires, where there is a casino lease or a casino management agreement or both a casino lease and a casino management agreement.
- (2) The provisions of sections 76 to 82 apply to and impose obligations and liabilities on a person other than the actual operator in respect of all matters relating to the operations of the hotel-casino complex or the casino, as the case may be, according to the person's interest therein or association

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therewith to the same extent in all respects as they do in the case of the casino operator under a casino management agreement.

## **Part 8                      Agreements and other documents in connection with casino operation**

### **Division 1                      Approval and review of agreements**

#### **84                      Restriction on certain agreements etc.**

- (1) Casino leases referred to in section 24 and casino management agreements referred to in section 25 are not subject to the provisions of this section.
- (2) None of them—
  - (a) a casino licensee; or
  - (b) a lessee under a casino lease; or
  - (c) a casino operator under a casino management agreement;

shall, unless the approval in writing of the Minister is first had and obtained, enter into or be a party to any lease, contract, agreement or arrangement, written or unwritten, with any other person for such person to lease, let, lend or otherwise provide any thing or to furnish any service in return for—

- (d) any direct or indirect interest in or percentage or share of moneys gambled at the casino; or
- (e) any direct or indirect interest in or percentage or share of the revenues, profits or earnings from or of the casino.

Maximum penalty—40 penalty units.

- (3) If the Minister considers that it is desirable or appropriate to do so in any particular case, the Minister may, upon application made to the Minister in that behalf, approve in writing a lease, contract, agreement or arrangement referred to in subsection (2).

## **85 Review of agreements etc.**

- (1) Casino leases referred to in section 24 and casino management agreements referred to in section 25 are not subject to the provisions of this section.
- (2) Any of them—
- (a) a casino licensee; and
  - (b) a lessee under a casino lease; and
  - (c) a casino operator under a casino management agreement;

must, if directed by the Minister to do so, furnish to the Minister within the time stipulated by the Minister such information as the Minister thinks fit with respect to any lease, contract, agreement or arrangement (*the agreement*) written or unwritten, with any other person relating to the hotel-casino complex or the casino.

Maximum penalty—200 penalty units.

- (3) Without limiting the generality of subsection (2), matters concerning which the Minister may direct the furnishing of information include—
- (a) names of persons entering into the agreements; and
  - (b) description of any property, goods or other things or any services provided or to be provided; and
  - (c) value, type or nature of consideration; and
  - (d) operative period of the agreement.
- (4) Any of them a licensee, lessee or operator as referred to in subsection (2) must, if directed by the Minister to do so,

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furnish to the Minister within the time stipulated by the Minister a copy of the agreement if it is in writing.

Maximum penalty—200 penalty units.

- (5) If the Minister, upon a review of any information or documents furnished under this section, is of the opinion that the continuance of the agreement is not in the public interest or jeopardises the integrity of gaming having regard to its terms and such other factors as to the Minister appear relevant, the Minister may issue to the licensee, lessee or operator as referred to in subsection (2) who is the party to the agreement a notice in writing requiring the licensee, lessee or operator to show cause why the agreement should not be terminated.
- (6) The notice shall set out the grounds giving rise to its issue and shall stipulate a date, being not earlier than 21 days after such issue, on or before which cause is required to be shown.
- (7) Where the Minister issues a notice, the Minister shall issue a copy thereof to the other party to the agreement.
- (8) The licensee, lessee or operator to whom the notice is issued may give answer thereto in writing to the Minister to show cause at any time not later than the date stipulated in the notice in that respect.
- (9) The other party may make such submissions to the Minister as the other party thinks fit at any time not later than that stipulated date.
- (10) The Minister shall consider any answers given in reply to the notice to show cause and any submissions made by the other party and—
  - (a) if in the Minister's opinion satisfactory answers are given or submissions made in reply to or in respect of the notice—the Minister shall take no further action in relation to the notice; or
  - (b) if in the Minister's opinion answers given or submissions made in reply to or in respect of the notice are not satisfactory or if no answers are given and no

submissions made—the Minister may direct the termination of the contract.

- (11) The Minister's direction referred to in subsection (10)(b) shall be given in writing to the parties to the agreement and shall specify a date on which the agreement is terminated under this Act if not sooner terminated.
- (12) The agreement in question, if not sooner terminated by the parties to the agreement, is terminated by force of this Act on the date specified in the direction in that behalf.
- (13) The termination of the agreement by force of this Act does not affect the rights and obligations of the parties thereto up to the time of such termination.
- (14) No liability for breach of the agreement attaches to any party thereto by reason only of its termination by force of this Act.

## Division 2                      Junket agreements

### 85A      Definitions

In this division—

*group of participants* means a group of persons to which a junket agreement applies.

*junket agreement* means an agreement entered into by a casino operator, with the approval of the Minister under section 84, with another person (the *promoter*) under which—

- (a) the promoter arranges for a group of persons to visit the casino to participate in gaming; and
- (b) the casino operator pays the promoter a commission based on—
  - (i) the amount the persons gamble at the casino; or
  - (ii) the revenue of the casino derived from the persons.

*participant* means a person who is a member of a group of participants.

*promoter* see definition *junket agreement*.

*sole participant agreement* means a junket agreement under which the promoter is the only participant.

### **85B Groups of participants**

A group of participants may consist of 1 person.

### **85C Promoter and participant**

A promoter and a participant may be the one person.

### **85D Special junket agreements**

- (1) A junket agreement (being a junket agreement that is a sole participant agreement) is a special junket agreement only if—
  - (a) the participant is a nonresident of Queensland; and
  - (b) the amount agreed to be committed under the agreement by the participant for gaming at the casino is at least the amount prescribed under a regulation for this paragraph.
- (2) A junket agreement (being a junket agreement that is not a sole participant agreement) is a special junket agreement only if—
  - (a) each participant in the group of participants—
    - (i) is a nonresident of Queensland; or
    - (ii) is a person to whom a declaration under subsection (3) applies; and
  - (b) the amount agreed to be committed under the agreement by the participants in the group for gaming at the casino is at least the amount prescribed under a regulation for this paragraph.
- (3) The chief executive may, in relation to a junket agreement that is not a sole participant agreement, declare that a participant in the group of participants is a person whose place of residence is not relevant for the agreement.

- (4) However, the chief executive may make the declaration only if—
  - (a) each other participant in the group is a nonresident of Queensland; and
  - (b) it is reasonable to make the declaration, having regard to the nature of the participant's association with the other participants.

## **Part 9                      Investigation and enforcement**

### **Division 1                Inspectors**

#### **Subdivision 1        Appointment of inspectors**

##### **85E    Appointment and qualifications**

- (1) The chief executive may appoint a person as an inspector.
- (2) However, a person may be appointed as an inspector only if—
  - (a) the person is—
    - (i) a public service officer or employee; or
    - (ii) a person prescribed under a regulation; and
  - (b) the chief executive is satisfied the person is qualified for the appointment because—
    - (i) the person has the necessary expertise or experience; or
    - (ii) the chief executive considers the person has the ability to quickly acquire the necessary expertise; and
  - (c) the chief executive is satisfied the person is a suitable person to be an inspector, having regard to—



- (i) the person's character; and
- (ii) the person's current financial position and financial background; and
- (iii) any other matter the chief executive considers relevant to the person's suitability to be an inspector.

## **Subdivision 2 Other matters about inspectors**

### **85F Conditions and limit on powers**

- (1) An inspector holds office on any conditions stated in—
  - (a) the inspector's instrument of appointment; or
  - (b) a signed notice given to the inspector; or
  - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector's powers under this Act.
- (3) In this section—  
*signed notice* means a notice signed by the chief executive.

### **85G Issue of identity card**

- (1) The chief executive must issue an identity card to each inspector.
- (2) The identity card must—
  - (a) contain a recent photo of the inspector; and
  - (b) contain a copy of the inspector's signature; and
  - (c) identify the person as an inspector under this Act; and
  - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

### **85H Production or display of identity card**

- (1) In exercising a power under this Act in relation to a person, an inspector must—
  - (a) produce the inspector's identity card for the person's inspection before exercising the power; or
  - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person's inspection at the first reasonable opportunity.
- (3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector has entered a public place or the land around premises to ask its occupier for consent to enter the premises.

### **85I When inspector ceases to hold office**

- (1) An inspector ceases to hold office if any of the following happens—
  - (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the inspector ceases to hold office;
  - (c) the inspector's resignation under section 85J takes effect.
- (2) Subsection (1) does not limit the ways an inspector may cease to hold office.
- (3) In this section—

*condition of office* means a condition on which the inspector holds office.

### **85J Resignation**

An inspector may resign by signed notice given to the chief executive.

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## **85K Return of identity card**

A person who ceases to be an inspector must return the person's identity card to the chief executive immediately after ceasing to be an inspector unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

## **Subdivision 3 Audit program and report about criminal history**

### **85L Audit program**

- (1) The Minister may approve an audit program for investigating inspectors.
- (2) The chief executive may investigate an inspector under an approved audit program to help the chief executive decide whether the inspector is a suitable person to be an inspector, having regard to—
  - (a) the inspector's character; and
  - (b) the inspector's current financial position and financial background; and
  - (c) any other matter the chief executive considers relevant to the person's suitability to be an inspector.
- (3) However, the chief executive may investigate an inspector under subsection (2) only once every 2 years, unless the chief executive reasonably suspects the inspector is not a suitable person to be an inspector having regard to the matters mentioned in subsection (2).
- (4) The chief executive must ensure the investigation is conducted under the approved audit program.
- (5) In this section—

***approved audit program*** means an audit program approved by the Minister under subsection (1).

### **85M Report about criminal history**

- (1) To help decide whether a person is a suitable person to be an inspector or continue as an inspector, the chief executive may ask the commissioner of the police service for a written report about the person's criminal history.
- (2) If asked by the chief executive, the commissioner of the police service must give the chief executive a written report about the criminal history of the person.
- (3) The duty imposed on the commissioner of the police service applies only to information in the commissioner's possession or to which the commissioner has access.

## **Division 2                      Directions, powers of inspectors etc.**

### **86                      Directions as to operation of casino**

- (1) The Minister may, by notice in writing, give directions to a casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement in relation to the management, supervision or control of any aspect of the operation of a casino.
- (2) Each casino licensee, lessee or casino operator as aforesaid shall comply in all respects with a direction so given by the Minister.

Maximum penalty—100 penalty units.

- (3) If a person, convicted of an offence for failure to comply with a direction under subsection (2), persists in the failure to comply that constitutes the offence, the person shall be taken to commit a separate offence on each day on which the failure continues and the person may be prosecuted and are liable to a penalty of 10 penalty units for each offence.

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## **87 Inspectors may be and remain on casino premises**

Inspectors may at any time enter, be and remain on the premises of a casino for the purpose of—

- (a) viewing casino operations; and
- (b) viewing a video recording of casino operations; and
- (c) ascertaining whether the operation of the casino is being properly supervised and managed, and whether the provisions of this Act and the terms and conditions of the applicable agreement referred to in section 19 are being observed; and
- (d) in all other respects, exercising their powers and performing their duties under this Act.

## **87A Power to require name and address**

- (1) This section applies if—
  - (a) an inspector finds a person committing or attempting to commit an offence against this Act; or
  - (b) an inspector finds a person in circumstances that lead, or has information that leads, the inspector to reasonably suspect the person is committing, or has committed, an offence against this Act.
- (2) The inspector may require the person to state the person's name and residential address.
- (3) When making the requirement, the inspector must warn the person it is an offence to fail to state the person's name or residential address, unless the person has a reasonable excuse.
- (4) The inspector may also require the person to give evidence of the correctness of the stated name or residential address if—
  - (a) the inspector reasonably suspects the stated name or address to be false; and
  - (b) in the circumstances, it would be reasonable to expect the person to—

- (i) be in possession of evidence of the correctness of the stated name and address; or
  - (ii) otherwise be able to give the evidence.
- (5) A person of whom a requirement is made under subsection (2) or (4) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (6) A person does not commit an offence against subsection (5) if—
  - (a) the person was required by an inspector who suspected the person was committing or attempting to commit, or had committed, an offence against this Act, to state the person's name and residential address or to give evidence of the correctness of the stated name or residential address; and
  - (b) the person is not proved to have committed the offence.

## **88 Other powers of inspectors**

- (1) An inspector may do each of the following—
  - (a) require any person who has in the person's possession or under the person's control any gaming equipment or chips or any books, accounts, records or documents (which books, accounts, records or documents are hereafter in this division referred to as records) related to the operation of a casino or otherwise relevant to the administration of this Act to—
    - (i) produce for the inspector's inspection any such gaming equipment or chips or records; and
    - (ii) attend before the inspector at a time and place named and then and there to answer any questions or supply any information with respect to any gaming equipment or chips or any records referred to in this paragraph or any entry therein;

- (b) inspect any gaming equipment or chips or records referred to in paragraph (a) and take such notes or copies of or in relation to such records or extracts therefrom as the inspector deems necessary;
- (c) where the inspector deems it necessary so to do for the purpose of obtaining evidence for production in possible subsequent proceedings against any person for an offence committed against this Act or any other Act or law—impound or retain any gaming equipment or chips or records inspected by the inspector pursuant to paragraph (b), provided that the person entitled thereto in the case of records shall, in lieu thereof, be entitled within a reasonable time to a copy certified as correct by the inspector, and such certified copy shall be received in all courts as evidence of and as of equal validity to the original;
- (d) with the prior approval in writing of the Minister and subject to subsection (3), enter any premises or place in or at which the inspector believes on reasonable grounds any gaming equipment or chips or records as aforesaid is or are present in order to search for such equipment, chips or records;
- (e) in a casino or other premises or place search for and seize and retain any gaming equipment or chips or records as aforesaid that the inspector considers will afford evidence as to the commission of an offence against this Act or any other Act or law suspected by the inspector on reasonable grounds to have been committed;
- (f) require any casino licensee, lessee under a casino lease, casino operator under a casino management agreement, casino key employee, casino employee or any other person associated with the operation or management of a casino to attend before the inspector at a time and place named and then and there to answer any questions or supply any information with respect to the operation of a casino;

- (g) examine and test any gaming equipment or chips and order the destruction of gaming equipment of chips considered by the inspector to be unsatisfactory for use;
  - (h) receive and investigate complaints from casino patrons with respect to any aspect of the operation of a casino and advise such patrons the results of the investigations;
  - (i) call to the inspector's aid—
    - (i) another inspector where the inspector is obstructed or believes on reasonable grounds that the inspector will be obstructed in the exercise of powers or performance of duties; or
    - (ii) a person who the inspector thinks is competent to assist the inspector in the exercise of powers or performance of duties.
- (2) Any gaming equipment or chips or records impounded or retained pursuant to subsection (1)(c) or seized and retained pursuant to subsection (1)(e) may be detained for such period as the inspector thinks fit and, where any proceedings are commenced for the purpose of which the equipment, chips or records was or were retained, shall be detained until the final determination of those proceedings including any appeal in the matter of those proceedings.
- (3) Before an inspector enters any premises that are used or any part of premises that is used exclusively as a dwelling house, the inspector shall, save where the inspector has the permission of the occupier thereof to the inspector's entry, obtain from a justice a warrant to enter in the approved form.
- (3A) For the purposes of this subsection, premises used as a dwelling house do not include the curtilage of those premises.
- (3B) A justice who is satisfied upon the complaint of an inspector that there is reasonable cause to suspect that any gaming equipment or chips or records related to the operation of a casino or otherwise relevant to the administration of this Act is or are on premises or a part of premises used exclusively as a dwelling house and that—



- (a) in respect thereof an offence against this Act or any other Act or law has been, is being or is likely to be committed; or
- (b) it or they are likely to be or provide evidence for production in possible subsequent proceedings against any person for an offence committed against this Act or any other Act or law;

may issue a warrant, directed to the inspector, to enter the premises or part of premises specified in the warrant for the purpose of exercising therein the powers conferred upon an inspector under this Act.

- (3C) For 1 month from the date of its issue, a warrant shall be sufficient authority for the inspector and any person acting in aid of the inspector—
  - (a) to enter the premises or part of premises specified in the warrant; and
  - (b) to exercise therein the powers conferred upon an inspector under this Act.
- (4) For the purpose of gaining entry to any place that the inspector is authorised under this Act to enter, an inspector and all persons acting in aid of the inspector may use such force as is necessary.
- (5) A person who is acting in aid of an inspector under this Act shall have and may exercise all or any of the powers conferred upon an inspector under this Act.
- (6) Any requirement under this section may be made—
  - (a) verbally; or
  - (b) by writing addressed to the person to or on whom it is made and delivered to the person personally or sent by post to the person's address last known to the inspector.

## **88A Privilege against self incrimination**

An individual is not required under this Act to answer a question, or give information, that might tend to incriminate the individual.

## **89 Offences relating to inspectors**

A person must not—

- (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector or person acting in aid of an inspector who is exercising powers or performing functions or duties under this Act or attempting so to do; or
- (b) when required under this Act to produce for inspection any gaming equipment, chips or records referred to in this division, fail without lawful excuse to produce such gaming equipment, chips or records in accordance with such requirement; or
- (c) when required under this Act to attend before an inspector, fail without lawful excuse to so attend in accordance with such requirement; or
- (d) when required under this Act to answer any question or supply any information with respect to any gaming equipment, chips or records referred to in this division or with respect to any entry in any such records or with respect to the operation of a casino, give an answer or supply information that is false or misleading or, knowing or being in a position to know the answer or information required, fail to answer that question or supply that information; or
- (e) retake any gaming equipment, chips or records seized, impounded or retained under the authority of this Act; or
- (f) refuse or fail to destroy any gaming equipment or chips considered by an inspector to be unsatisfactory for use when ordered by the inspector so to do; or

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- (g) prevent, directly or indirectly, a person from attending before an inspector, producing to an inspector any gaming equipment, chips or records or answering any question of or supplying any information to an inspector when that person is required so to do under this Act.

Maximum penalty—40 penalty units.

## **90 Bank may be required to furnish particulars**

- (1) The manager or other principal officer of a bank in which a casino licensee, a lessee under a casino lease or a casino operator under a casino management agreement keeps and maintains an account in relation to the operation of a hotel-casino complex or a casino shall, when so required in writing by an inspector, furnish to the inspector a statement of account and any other particulars required by the inspector to be so furnished, including copies of cheques or records relevant to the account; and no liability shall be incurred by the bank or the manager or other principal officer thereof in respect of any breach of trust or otherwise by reason only of the furnishing of any statement or particulars or copies pursuant to this section.
- (2) An inspector may only make a written requirement under subsection (1) if the chief executive approved the inspector making the requirement.

## **91 Inquiry into operation of casinos**

- (1) The Minister may if the Minister thinks fit nominate and appoint in writing the chief executive or other officer of the department to hold an inquiry into the operation of a casino.
- (2) In the holding of the inquiry the chief executive or appointed officer shall have and may exercise all the powers, authorities, rights, privileges, protection and jurisdiction of a commission of inquiry under the *Commissions of Inquiry Act 1950*, save such as are by that Act reserved to a chairperson of a commission when that chairperson is a judge of the Supreme Court.

- (3) Nothing contained in this section affects any other powers that the chief executive has under this Act or, where the appointed officer is an inspector, that the appointed officer has as an inspector under this Act.

## **Part 9A                      Review of decisions by tribunal**

### **91A    Who may apply for review**

- (1) A person who is or was an applicant for, or a holder of, a casino key employee licence or a casino employee licence may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions of the chief executive—
- (a) a decision, under section 38(1), refusing to grant an application for the licence;
  - (b) a decision, under section 39, imposing a condition on the licence;
  - (c) a decision, under section 39C(1), changing a condition of the licence;
  - (d) a decision, under section 39E(3), refusing to grant an application to replace the licence;
  - (e) a decision, under section 45B, immediately suspending the licence;
  - (f) a decision, under section 45C, suspending or cancelling the licence;
  - (g) a decision, under section 45E, censuring the holder of the licence;
  - (h) a decision, under section 45F, directing the holder of the licence to rectify a matter.
- (2) Also, a person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—

- (a) a decision of a casino operator or a casino manager, under section 93A, to give the person an exclusion direction;
  - (b) a decision of a casino operator, under section 99, refusing to revoke an exclusion direction given to the person.
- (3) Also, a person receiving a direction in writing pursuant to section 92 prohibiting the person from entering or remaining in a casino may apply, within 3 months after the day the person receives the direction and as otherwise provided under the QCAT Act, to the tribunal for a review of the direction.

**91B Tribunal to decide review on evidence before the chief executive**

- (1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and
  - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.
- (2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
  - (b) decided in accordance with the same law that applied to the making of the original decision.
- (3) In this section—

*original decision* means the decision of the chief executive to which the proceeding for the review relates.

**91C Tribunal may give leave for review to be decided on new evidence in particular circumstances**

- (1) Despite section 91B, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied—
  - (a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and
  - (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- (2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.
- (3) In this section—

*new evidence* means evidence that was not before the chief executive when the decision was made.

**91D Appeals from tribunal only to Court of Appeal on a question of law**

- (1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision or direction mentioned in section 91A.
- (2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- (3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- (4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

*Note—*

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.

## **Part 10                    General**

### **Division 1                Matters about excluding people                                   from casinos**

#### **Subdivision 1        Provisions about self-exclusion**

##### **91N    Self-exclusion notice**

- (1) A person may give to a casino operator a notice in the approved form (a *self-exclusion notice*) asking the casino operator to prohibit the person from entering or remaining in the casino.
- (2) The notice must be accompanied by a recent photo of the person.
- (3) If a casino operator operates more than 1 casino, a self-exclusion notice may relate to a stated casino or all casinos operated by the casino operator.

##### **91O    Self-exclusion order**

- (1) If a person gives a casino operator a self-exclusion notice under section 91N, the casino operator must as soon as practicable give to the person—
  - (a) a notice in the approved form (a *self-exclusion order*) prohibiting the person from entering or remaining in the casino; and

- (b) details, including the name and address, of at least 1 entity that provides counselling services for problem gamblers.

Maximum penalty—50 penalty units.

- (2) A self-exclusion order has effect for the period—
  - (a) starting when it is given to the person; and
  - (b) ending on the earlier of the following—
    - (i) when a revocation notice for the order takes effect under section 91P(3);
    - (ii) the day that is 5 years after the day the order is given to the person.

### **91P Revoking self-exclusion order**

- (1) A person who is given a self-exclusion order may, by notice in the approved form (a *revocation notice*) given to the casino operator for the casino to which the order relates, revoke the order.
- (2) However, the person may revoke the order only—
  - (a) within 24 hours after the person receives it; or
  - (b) after 1 year after the person receives it.
- (3) A revocation notice takes effect—
  - (a) if the notice is given to the casino operator under subsection (2)(a)—when it is given to the operator; or
  - (b) otherwise—28 days after the day it is given to the operator.



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## **Subdivision 2      Exclusion instigated by other persons**

### **92      Entry to and exclusion of entry from casino—generally**

- (1) Save as is provided in this part, no person has a right against a casino operator to enter or remain in a casino, except by the licence of the casino operator.
- (2) A casino operator or casino manager may give a written direction to a person prohibiting the person from entering or remaining in the casino.
- (3) A direction under subsection (2) may be given to a person only if the casino operator or manager believes on reasonable grounds—
  - (a) the person has engaged in dishonest acts in relation to gaming; or
  - (b) the person has acted in a way affecting, or potentially affecting—
    - (i) the proper conduct or integrity of gaming; or
    - (ii) the safety or wellbeing of the person or other persons in the casino; or
  - (c) the person has engaged in unlawful conduct and, because of the conduct, the person's presence in the casino would not be in the interests of the casino operator or persons in the casino; or
  - (d) the safety of a dependant, or someone in the care, of the person, is at risk because of the person's presence in the casino.
- (4) If a casino operator operates more than 1 casino, a direction may relate to a stated casino, or all casinos, operated by the operator.

**93A Exclusion direction for problem gambler**

- (1) This section applies if a casino operator or a casino manager believes on reasonable grounds a person is a problem gambler.
- (2) The casino operator or casino manager may give the person a notice in the approved form (an *exclusion direction*) prohibiting the person from entering or remaining in the casino.
- (3) If a casino operator operates more than 1 casino, an exclusion direction may relate to a stated casino or all casinos operated by the casino operator.
- (4) If a casino operator or a casino manager decides to give a person an exclusion direction, the direction must be accompanied by an information notice for the decision.

**94 Commissioner of the police service may exclude entry**

- (1) The commissioner of the police service may, in writing, direct a casino operator to exclude a specified person from the casino, and the casino operator shall comply.
- (2) Where the commissioner of the police service gives a direction, the commissioner shall, where practicable—
  - (a) make available to the casino operator a photograph of the person to be excluded; and
  - (b) give notice of the direction to the person to be excluded.
- (3) The commissioner of the police service may notify an authority responsible for administering gaming legislation of another State or Territory of a direction under this section.

**96 Duration of direction under s 92 or 94**

- (1) A direction given under section 92 or 94 remains in force unless and until revoked by the casino operator or the commissioner of the police service as the case may be.
- (2) If a casino operator or the commissioner of the police service revokes a direction given to a person under section 92 or 94,

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the casino operator or commissioner must as soon as practicable give the person written notice of the revocation.

## **97 Duration of exclusion direction**

An exclusion direction has effect for the period—

- (a) starting when it is given to the person concerned; and
- (b) ending on the earlier of the following—
  - (i) if the decision to give the direction is set aside on a review of the decision by the tribunal—when the decision is set aside;
  - (ii) if a revocation notice for the direction takes effect under section 99(6)—when the notice takes effect;
  - (iii) if a decision, under section 99, refusing to revoke the direction is set aside on a review of the decision by the tribunal—when the decision is set aside;
  - (iv) the day that is 5 years after the day the direction is given to the person.

## **98 Application to revoke exclusion direction**

- (1) A person who is prohibited from entering or remaining in a casino under an exclusion direction may apply to the casino operator for the casino to which the direction relates for revocation of the direction.
- (2) The application may only be made at least 1 year after the day the person is given the direction.
- (3) The application must be—
  - (a) in the approved form; and
  - (b) supported by enough information to enable the casino operator to decide the application.
- (4) A person may apply under this section only once each year commencing on the anniversary of the day the person was given the direction.

## **99 Deciding application to revoke exclusion direction**

- (1) This section applies to an application under section 98 for revocation of an exclusion direction.
- (2) The casino operator must consider the application and, within 28 days after receiving it, decide to revoke or refuse to revoke the direction.
- (3) If the casino operator fails to decide the application within 28 days after its receipt, the failure is taken to be a decision by the operator to refuse to revoke the direction.
- (4) In considering the application, the casino operator may have regard to the information supporting the application and any information the operator considers relevant, including, for example, a report of a psychologist.
- (5) If the casino operator decides to revoke the direction, the operator must as soon as practicable give the applicant notice of the revocation in the approved form (a *revocation notice*).
- (6) A revocation notice takes effect when it is given to the applicant.
- (7) If the casino operator decides to refuse to revoke the direction, the operator must as soon as practicable give the applicant an information notice for the decision.

## **Subdivision 3 Other provisions**

### **100 Particular persons not to enter or remain in casino**

A person who is prohibited from entering or remaining in a casino under a self-exclusion order, an exclusion direction or a direction under section 92 or 94 must not enter or remain in the casino.

Maximum penalty—40 penalty units.

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## 100A Counselling

- (1) This section applies if a court finds a person (the *defendant*) guilty of, or accepts a person's plea of guilty for, an offence against section 100.
- (2) The court may, if satisfied the defendant is a problem gambler, postpone its decision on penalty on condition that the defendant agrees to attend counselling on a basis decided by the court.
- (3) The agreement—
  - (a) must provide for counselling of a kind that may, in the court's opinion, be beneficial in helping to overcome harmful behaviour related to gambling; and
  - (b) must provide for counselling over a period, of not more than 12 months, fixed by the court; and
  - (c) must allow the counsellor a discretion to disclose to the court information about the defendant's participation in the counselling if the counsellor believes the disclosure will help the court to exercise its powers and discretions in an appropriate way under this section; and
  - (d) must provide that the counsellor is to report to the court a failure by the defendant to attend counselling under the agreement.
- (4) To decide whether the defendant is a problem gambler and, if so, whether counselling of an appropriate kind is available, the court may have regard to any information the court considers relevant, including, for example, a report of a psychiatrist or a psychologist.
- (5) If the court postpones a decision on penalty under this section, the court must proceed to make a decision on penalty—
  - (a) as soon as practicable after the end of the period fixed for the counselling; or
  - (b) if, during the period fixed for the counselling, the defendant advises the court that he or she does not want to continue with the counselling—as soon as practicable after the court receives the advice; or

- (c) if, during the period fixed for the counselling, the counsellor reports to the court that the defendant has failed to attend counselling under the agreement or to participate satisfactorily in the counselling—as soon as practicable after the court receives the report.
- (6) In making its decision on penalty after a postponement under this section, the court—
- (a) must consider whether and, if so, to what extent, the defendant has made a genuine attempt to overcome harmful behaviour related to gambling; and
  - (b) may, for considering the matters mentioned in paragraph (a), have regard to the report of a counsellor appointed to counsel the defendant under an agreement under this section.

### **100B Obligation to prevent persons from entering or remaining in casino**

- (1) This section applies to a casino operator, or an employee or an agent of the casino operator, if the casino operator, employee or agent knows that a person is prohibited from entering or remaining in the casino under—
- (a) a self-exclusion order; or
  - (b) an exclusion direction; or
  - (c) a direction under section 92 or 94.
- (2) The casino operator, employee or agent must take reasonable steps to prevent the person from entering or remaining in the casino.
- Maximum penalty—
- (a) for a casino operator—250 penalty units; or
  - (b) for another person—40 penalty units.
- (3) It is lawful for the casino operator, employee or agent to use necessary and reasonable force to prevent the person from entering or remaining in the casino.

- (4) The force that may be used does not include force that is likely to cause bodily harm to the person.
- (5) Subsection (2) must not be construed as requiring a casino operator, an employee or an agent to use reasonable force to prevent a person from entering or remaining in the casino.
- (6) In this section—  
*bodily harm* means any bodily injury that interferes with health or comfort.

### **100C Register**

- (1) A casino operator must keep a register, in the approved form, of persons who are prohibited from entering or remaining in the casino under—
  - (a) a self-exclusion order; or
  - (b) an exclusion direction; or
  - (c) a direction under section 92 or 94.Maximum penalty—40 penalty units.
- (2) The casino operator must keep the register available for inspection by an inspector.

### **100D Report about prohibition under order or direction**

- (1) A regulation may require a casino operator to give a report to the chief executive about the prohibition of persons from entering or remaining in the casino under a self-exclusion order or an exclusion direction.
- (2) The report must be in the approved form.
- (3) The regulation may prescribe the times, and the way in which, the report is to be given to the chief executive.
- (4) The casino operator must comply with the regulation.  
Maximum penalty—40 penalty units.

### **100E Distributing promotional or advertising material about a casino**

A casino operator or casino manager, for a casino, must not distribute promotional or advertising material about the casino to persons who the operator or manager knows or ought reasonably to know are prohibited from entering or remaining in the casino under a self-exclusion order or exclusion direction.

Maximum penalty—40 penalty units.

### **101 Powers of inspectors etc. unaffected**

Nothing contained in sections 92 to 100B operates to prevent any inspector or any other person from exercising any power conferred on the inspector or other person by this or any other Act or law to enter, or to do any other act in relation to, a casino.

## **Division 2 Minors**

### **102 Provisions relating to minors in respect of casinos**

- (1) Persons under 18 years shall not be, and shall not be permitted to be, in a casino during the hours of operation of the casino on any day.
- (2) A person under 18 years who is found in a casino during the hours of operation of the casino on any day is guilty of an offence.

Maximum penalty—25 penalty units.

- (2A) To remove any doubt, it is declared that if a minor gambles in a casino and—
  - (a) wins—no amount is payable to the minor or anyone else on the minor's behalf; and



- (b) loses—the wagers remain the property of the casino operator and are not recoverable by the minor or anyone else on the minor’s behalf.
- (2B) If a minor has gambled on a gaming machine and wins a jackpot, the casino operator must promptly notify an inspector about the gaming and, with the inspector’s approval, return the amount of the jackpot to the jackpot pool for the machine as soon as is practicable.
- (3) A casino operator or employee or agent of a casino operator employed in or acting in connection with the casino—
  - (a) must not allow or suffer any person under 18 years to enter or remain in the casino at any time during the hours of operation of the casino on any day; and
  - (b) must remove or cause to be removed from the casino any person under 18 years who is found in the casino during the hours of operation of the casino on any day.

Maximum penalty—

- (a) for a casino operator—100 penalty units; or
  - (b) for an employee or agent of a casino operator—40 penalty units.
- (3A) An adult must not aid or enable a person under 18 years to enter or remain in a casino during the hours of operation of the casino.

Maximum penalty—20 penalty units.

- (3B) A casino operator or an employee or agent of a casino operator employed in or acting in connection with the casino must not allow a person under 18 years to gamble or attempt to gamble in the casino.

Maximum penalty—

- (a) for a casino operator—200 penalty units; or
- (b) for an employee or agent of a casino operator—40 penalty units.

- (3C) A casino operator or an employee or agent of a casino operator employed in or acting in connection with the casino who finds a person under 18 years gambling or attempting to gamble in the casino must immediately prevent the person from gambling or attempting to gamble.

Maximum penalty—

- (a) for a casino operator—200 penalty units; or
  - (b) for an employee or agent of a casino operator—40 penalty units.
- (3D) Subsection (3E) applies for the purpose of prosecuting a casino operator or an employee or agent of a casino operator for—
- (a) allowing a person under 18 years to attempt to gamble in a casino; or
  - (b) if the operator, employee or agent finds a person under 18 years attempting to gamble in a casino—not immediately preventing the person from attempting to gamble.
- (3E) For deciding whether a person under 18 years attempted to gamble in a casino, the Criminal Code, section 4, applies as if gambling by a person under 18 years in a casino were an offence committed by the person against this Act.
- (4) If a casino operator or employee or agent of a casino operator employed in or acting in connection with the casino suspects that any person attempting to enter or who is in the casino may be under 18 years, the operator, employee or agent may request that person to furnish the operator, employee or agent with a certificate in the approved form signed by that person, specifying the true age of that person.
- (4A) A person is guilty of an offence if the person, on being asked to give acceptable evidence of age—
- (a) does not give acceptable evidence and further attempts to enter the casino; or
  - (b) does not give acceptable evidence and does not immediately leave the casino voluntarily; or

- (c) gives acceptable evidence of age that is false or misleading in a material particular.

Maximum penalty—20 penalty units.

- (5) It is a defence in any proceedings for an offence under subsection (3), (3A), (3B) or (3C) to establish—
  - (a) that the defendant believed, on reasonable grounds, that the person in question was 18 years or more; or
  - (b) that at the time of the offence, the defendant had obtained from the person in question a certificate mentioned in subsection (4), or acceptable evidence of age, indicating that the person was 18 years or more.
- (6) In this section—

*acceptable evidence of age* means a document that is acceptable evidence of age under the *Liquor Act 1992*.

## **102A Minors employed by casino operator**

- (1) Section 102 does not apply to a minor employed by the casino operator for a purpose, and in circumstances, approved by the chief executive.
- (2) The chief executive may approve of a minor being in a casino as part of a training or work experience arrangement if the chief executive believes that it is part of the minor's duties to be in the casino.

*Example—*

If an electrician is employed by a casino operator to repair its gaming equipment, the electrician's minor apprentice may be approved by the chief executive to be in the casino on conditions, including, for example, only when the apprentice is with the electrician while the electrician or apprentice is repairing a machine.

## **102B Minors on heritage tour of a hotel-casino complex**

- (1) Section 102 does not apply to minors taking part in a guided heritage tour of a hotel-casino complex under an arrangement approved by the chief executive.

- (2) The chief executive may approve an arrangement for guided heritage tours of a hotel-casino complex only if the tours do not involve areas of the complex where gaming is taking place when a minor is taking part in the tour.

## Division 3                      Cheating

### 103      Cheating

Any person who in a casino—

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

obtains for himself or herself or another person or induces any person to deliver, give or credit to the person or another person any money, chips, benefit, advantage, valuable consideration or security (a **relevant benefit**) is guilty of an offence.

*Example of a fraudulent act—*

a person who, knowing chips are not the person's chips, claims them or takes possession of them

Maximum penalty—

- (a) if the relevant benefit obtained or induced is not more than \$50,000 in value—200 penalty units or 2 years imprisonment; or
- (b) if the relevant benefit obtained or induced is more than \$50,000 in value—500 penalty units or 5 years imprisonment.

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**104 Unlawful use of certain equipment etc.**

Any person who in a casino uses or has in the person's possession—

- (a) any chips that the person knows are bogus or counterfeit chips; or
- (b) any cards, dice or coins that the person 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;

is guilty of an offence.

Maximum penalty—200 penalty units or 2 years imprisonment.

**105 Detention of persons by casino operator etc. in relation to offences under sections 103 and 104**

(1) Any of them—

- (a) a casino operator;
- (b) an employee or agent of a casino operator;
- (c) an inspector;

may in a casino detain in a suitable place therein any person who is or whom the operator, employee, agent or inspector suspects on reasonable grounds to be contravening or attempting to contravene section 103 or 104, using such force as is reasonably necessary for that purpose, until the arrival of a police officer at the place of detention.

(2) The person so detaining shall take such steps as are necessary to ensure the summoning and arrival of a police officer with as little delay as possible.

## **Division 4                      Offences**

### **107      Offences relating to revenue**

Any person who wilfully—

- (a) evades the payment of any fee, tax or levy payable by the person under the provisions of this Act; or
- (b) furnishes to the chief executive or an inspector any return in respect of any fee, tax or levy payable under the provisions of this Act that is false in any material particular; or
- (c) makes any false statement or report to the chief executive or an inspector in respect of any fee, tax or levy payable under the provisions of this Act;

is guilty of an offence.

Maximum penalty—200 penalty units or 2 years imprisonment.

### **108      Offences relating to unauthorised games**

- (1) A person shall not conduct in a casino any game unless the game is permitted to be conducted in a casino pursuant to section 63.

Maximum penalty—100 penalty units or 1 year's imprisonment.

*Note—*

If a body corporate commits an offence against this provision, an executive officer of the body corporate may be taken, under section 123, to have also committed the offence.

- (2) Subsection (1) does not apply if the person is the casino operator for the casino and the game is—
  - (a) a machine game; or
  - (b) an agency related keno game.

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**109 Offences relating to cheating by casino operator etc.**

Any casino operator or employee or agent of a casino operator who in a casino conducts any game in such a manner as to win or attempt to win from any person to himself, herself or any other person any money, chips or other valuable thing by any fraud, unlawful device or ill-practice is guilty of an offence.

Maximum penalty—200 penalty units or 2 years imprisonment.

**110 Forgery and like offences**

A person who—

- (a) forges or counterfeits any chip purchase voucher, licence, identification card or other form of identification authorised to be issued under this Act; or
- (b) knowingly utters any such chip purchase voucher, licence, identification card or other form of identification so forged or counterfeited; or
- (c) personates any person named in any such licence, identification card or other form of identification; or
- (d) falsely represents himself or herself to be an inspector, or an officer of the department involved with the administration of this Act; or
- (e) connives at any such forging, counterfeiting, uttering, personating or representing as aforesaid; or
- (f) knowingly makes a false statement in any application made under this Act;

is guilty of an offence.

Maximum penalty—100 penalty units or 1 year's imprisonment.

**110A Offence about keeping particular benefit**

- (1) This section applies to a person who knows he or she has obtained a benefit—

- (a) by playing a game in a casino in contravention of the rules made under section 63(1); or
  - (b) because of an error or oversight in the conduct of a game.
- (2) The person must not dishonestly keep the benefit.  
Maximum penalty—200 penalty units.
- (3) Subsection (2) applies even if the benefit was originally obtained by the person without any dishonest intent.
- (4) In this section—  
*benefit* includes money, chips, advantage, valuable consideration and security.

## 111 Bribery of officers

- (1) An officer of the department who corruptly asks for, receives or obtains or agrees to receive or obtain any money, property or benefit of any kind for the officer or any other person—
- (a) to forego or neglect the officer's duty or influence the officer in the performance of the officer's duty under this Act; or
  - (b) on account of anything already done or omitted to be done or to be afterwards done or omitted to be done by the officer in the discharge of the officer's duty under this Act; or
  - (c) to use or take advantage of the officer's office improperly to gain a benefit or advantage for or facilitate the commission of an offence under this Act by another person;
- is guilty of an offence.  
Maximum penalty—200 penalty units or 2 years imprisonment.
- (2) Any person who corruptly gives, confers or procures or promises or offers to give or confer or procure or to attempt to procure to, on or for an officer of the department involved



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with the administration of this Act or any other person any money, property or benefit of any kind—

- (a) for the officer to forego or neglect the officer's duty or to influence the officer in the performance of the officer's duty under this Act; or
- (b) on account of anything already done or omitted to be done by the officer in the discharge of the officer's duty under this Act; or
- (c) for the officer to use or take advantage of the officer's office improperly to gain a benefit or advantage for or facilitate the commission of an offence under this Act by such first mentioned person or any other person;

is guilty of an offence.

Maximum penalty—200 penalty units or 2 years imprisonment.

## **112 Certain officers of the department not to gamble etc.**

- (1) If the chief executive of the department directs, an officer of the department (the *directed officer*) must not gamble in a casino except to the extent necessary for the officer to perform the officer's duties as an officer of the department.

Maximum penalty—40 penalty units.

- (1A) A directed officer must not—
- (a) accept or solicit employment from a licensee under this Act; or
  - (b) be an employee, in any capacity, of a licensee under this Act; or
  - (c) knowingly have, directly or indirectly, a business or financial association with, or a business or financial interest in something together with, a licensee under this Act.

Maximum penalty—40 penalty units.

- (1B) A person who was a directed officer must not, for 1 year after the person ceases to be a directed officer, without the chief executive's approval—
- (a) accept or solicit employment from a licensee under this Act; or
  - (b) be an employee, in any capacity, of a licensee under this Act; or
  - (c) knowingly have, directly or indirectly, a business or financial association with, or a business or financial interest in something together with, a licensee under this Act.

Maximum penalty—40 penalty units.

- (2) A licensee under this Act must not—
- (a) employ in any capacity or have as an employee a person who is a directed officer; or
  - (b) without the approval of the chief executive, employ in any capacity or have as an employee or business or financial associate a person who was a directed officer within a period of 1 year after that person ceased to be a directed officer.

Maximum penalty—40 penalty units.

- (3) A directed officer who knowingly has, directly or indirectly—
- (a) any business or financial association with; or
  - (b) any business or financial interest in any matter in conjunction with;

a person who becomes an applicant for a licence under this Act shall, immediately upon becoming aware that such person has become an applicant—

- (c) notify the chief executive of such association or interest; and
- (d) if directed by the chief executive, terminate the association or relinquish the interest within a time specified by the chief executive.

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Maximum penalty—40 penalty units.

(4) In this section—

*licensee under this Act* includes a lessee under a casino lease and a casino operator under a casino management agreement.

## **Division 5                      Miscellaneous**

### **113      Entry to casino by police officers**

- (1) A part of a casino to which the public has access is, while the public has access to it, a public place for the purpose of any law conferring powers on a police officer.
- (3) A police officer may, on being authorised so to do by an inspector on duty at a casino, enter any other area of the casino in the discharge of the police officer's duty, provided that this provision does not limit or prejudice the exercise by a police officer of any other power the police officer has pursuant to law to enter a casino or any part of it.
- (4) When an inspector gives an authorisation to a police officer in accordance with subsection (3), the police officer shall, where practicable, give notice of the authorisation to the person who is for the time being in charge of the operation of the casino.

### **116      Source of information or reports**

A prosecutor for the prosecution or a witness on behalf of the prosecution in a proceeding under this Act shall not be compelled—

- (a) to disclose the fact that the prosecutor or witness received information or the nature of such information or the name of a person who gave such information; or
- (b) where the prosecutor or witness is a police officer or an officer of the department—to produce a report or document made or received by the prosecutor or witness in his or her official capacity or containing confidential information or to make a statement in relation thereto.

### **117 Effect of casino licence**

- (1) The operation of a casino pursuant to a casino licence, in accordance with this Act and any other applicable Act and the agreement as referred to in section 19 relating to the particular licence does not, in itself, constitute a public or private nuisance.
- (2) Subject to subsection (3), nothing contained in section 18 operates to validate or render enforceable a contract related to gambling that would, apart from that section, be invalid or unenforceable.
- (3) A contract to which subsection (2) refers and to which the casino operator is a party is enforceable against the casino operator.

### **118 Protection of officers etc.**

No liability shall be incurred by any person referred to in section 105 who, acting pursuant thereto or acting in good faith and purporting to act pursuant thereto, detains any person or exercises any other power thereunder.

### **120 Proceedings for offences**

- (1) Subject to subsections (3), (4) and (5), offences against this Act may be prosecuted in a summary way under the *Justices Act 1886*.
- (2) A prosecution for an offence against this Act may be commenced within 1 year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant, whichever is the period later to expire.
- (3) Offences against sections 103, 109, 110 and 111 may be prosecuted in a summary way under the *Justices Act 1886* or upon indictment.
- (3A) A person against whom proceedings are taken summarily under this section for an offence against section 103 to which paragraph (b) of the penalty for that section would otherwise

apply is liable on conviction to a penalty of not more than 300 penalty units or 3 years imprisonment.

- (4) Where proceedings for an offence against section 103, 109, 110 or 111 are taken with a view to summary conviction of the defendant, the court, if it forms the opinion that the matter should not be determined summarily or if the defendant requires that the matter be dealt with upon indictment, shall abstain from determining the matter summarily and shall instead deal with the proceedings as proceedings with a view to the committal of the defendant for trial or sentence, as the case may be, and may exercise in respect of the defendant for the purpose of such proceedings all the powers conferred on it by law as though the proceedings were proceedings with a view to committal in the first instance.
- (5) Where the court abstains from determining a matter summarily pursuant to subsection (4), a plea of the defendant, if taken at the outset of the summary proceedings, shall be disregarded and, before committing the defendant for trial or for sentence, it shall address the defendant in accordance with the provisions of the *Justices Act 1886*, section 104.
- (6) A conviction upon indictment for an offence against section 103, 109, 110 or 111 shall be and have effect in law as a conviction for an indictable offence.

## **122 Attempt to commit offence**

- (1) A person shall not attempt to commit an offence against this Act.
- (2) A person convicted of the offence of attempting to commit an offence against this Act is liable to the same penalty as an offender convicted of the offence itself unless the person proves that the person desisted of the person's own motion from the further prosecution of the person's intention without its fulfilment being prevented by circumstances independent of the person's will, in which case the person is liable to one-half of the penalty to which the person would otherwise be liable.

- (3) The Criminal Code, section 4 applies with respect to an attempt to commit an offence against this Act.
- (4) A person may be convicted of attempting to commit an offence upon a complaint charging the person with that offence.

**123 Executive officer may be taken to have committed offence against s 108(1)**

- (1) If a body corporate commits an offence against section 108(1), each executive officer of the body corporate is taken to have also committed the offence if—
  - (a) the officer authorised or permitted the body corporate's conduct constituting the offence; or
  - (b) the officer was, directly or indirectly, knowingly concerned in the body corporate's conduct.
- (2) The executive officer may be proceeded against for, and convicted of, the offence against section 108(1) whether or not the body corporate has been proceeded against for, or convicted of, the offence.
- (3) This section does not affect either of the following—
  - (a) the liability of the body corporate for the offence against section 108(1);
  - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the body corporate, for the offence against section 108(1).
- (4) In this section—

*executive officer*, of a body corporate, means a person who is concerned with, or takes part in, the body corporate's management, whether or not the person is a director or the person's position is given the name of executive officer.

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## 124 Forfeiture

- (1) On the conviction of a person for an offence against this Act the court may order that any gaming equipment, chips, books, accounts, records or documents detained under section 88(2) and relating to or connected with the commission of the offence be forfeited to the State.
- (2) Where a person charged before a court for an offence against this Act is not convicted of any offence, the court may order to be forfeited to the State any bogus or counterfeit chips, any marked, loaded or tampered with cards, dice or coins and any device or thing that permits or facilitates cheating or stealing that were found in the possession or under the control of that person.
- (3) Anything forfeited to the State pursuant to this section shall be dealt with or disposed of in such manner as the Minister directs.
- (4) A forfeiture, dealing with or disposal of anything under this section does not confer upon any person a right to compensation.

## 125 Service of notices, documents etc.

- (1) Save where any other provision of this Act otherwise provides, any direction, order, requisition or notice in writing or any other document or writing (*a document*) required or authorised by this Act to be given to or served upon any person shall be taken to have been duly given or served if—
  - (a) it is served personally on the person to whom it is directed or on a person authorised by that person, either generally or in a particular case, to accept service of documents on the person's behalf; or
  - (b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives or serves it; or

- (c) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives or serves it; or
  - (d) where a manner of service is prescribed by any other Act or law in relation to a person or class of person—it is served in the manner so prescribed.
- (2) Where any document is given or served, the person who gives or serves it may attend before a justice and depose on oath and in writing endorsed on a copy of the document to the manner of service thereof showing therein the date of personal service, leaving, posting or service in other manner prescribed as aforesaid, as the case may be, of such document.
- (3) Every such deposition shall upon production in court be evidence of the matters contained therein and shall be sufficient proof of the giving or service of such document to or on the person to whom it is directed.

## **126 Evidentiary provisions**

In proceedings under this Act—

- (a) it shall not be necessary to prove the appointment of the Minister, the commissioner of the police service, any police officer, the chief executive, any inspector or any officer of the department; and
- (b) a signature purporting to be that of any person in any capacity referred to in paragraph (a) shall be taken to be the signature it purports to be until the contrary is proved; and
- (c) a document or writing purporting to be a copy of any direction, notice, requirement, order or requisition given or made under this Act or of any licence (including any provisional licence) granted or issued under this Act shall be evidence of the direction, notice, requirement, order, requisition or licence of which it purports to be a copy and, in the absence of evidence to the contrary, shall be conclusive such evidence; and



- (d) a document or writing purporting to be made by an inspector and to be a copy of or an extract from a register mentioned in section 100C shall be evidence of the particulars in the register of which it purports to be a copy or extract and, in the absence of evidence to the contrary, shall be conclusive such evidence; and
- (e) a certificate purporting to be signed by the chief executive certifying that at a specified time or during a specified period there was or was not in force under this Act a licence of a specified kind shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate; and
- (f) the authority of a person to accept service of documents on behalf of another shall be presumed in the absence of evidence to the contrary; and
- (g) the averment that any person is of a specified age or is under or over a specified age shall be sufficient evidence of the fact until the contrary is proved.

## **127 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be about the following—
  - (a) the types of work a casino key employee or casino employee may be licensed to perform and the compilation of lists in relation to the work;
  - (b) the casino tax mentioned in section 51;
  - (c) gaming machines and machine games;
  - (d) fees;
  - (e) tournaments for games;
  - (f) the naming of a game or wager;
  - (g) the permissible minimum and maximum wagers for a game;

- (h) the maximum denomination of currency that may be inserted in a note acceptor in a casino;
  - (i) procedures for claims by casino patrons relating to gaming transactions;
  - (j) requirements relating to junket agreements;
  - (k) training requirements for casino key employees and casino employees.
- (3) A regulation may impose a penalty of no more than 20 penalty units for contravention of a regulation.

## **Part 11                      Saving and transitional provisions**

### **Division 1                      Saving provision for Statute Law (Miscellaneous Provisions) Act (No. 2) 1992**

#### **128      Existing regulations**

A regulation in force under this Act immediately before the commencement of this section continues to have effect, after the commencement, as if it had been made under this Act, as in force immediately after the commencement.

### **Division 2                      Transitional provision for Casino Control Amendment Act 1996**

#### **129      Overpayments of casino tax**

- (1) This section applies if the amount paid by a person as casino tax for a month before the enactment of the *Casino Control*

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*Amendment Act 1996* is more than the amount payable, after the commencement of that Act, for the month.

- (2) The Minister may, in relation to the amount of the difference (the ***overpaid amount***) between the amounts mentioned in subsection (1), either—
  - (a) pay to the person an amount equal to the overpaid amount; or
  - (b) for amounts of casino tax payable by the person after the enactment of the *Casino Control Amendment Act 1996*, credit the person with an amount equal to the overpaid amount.

### **Division 3                      Transitional provisions for Gambling Legislation Amendment Act 2002**

#### **130      Definition for div 3**

In this division—

***commencement*** means the commencement of the provision in which the term is used.

#### **131      Unredeemed keno dollars**

- (1) This section applies to keno dollars that would have been capable of being used or redeemed under this Act before 23 June 1997 at a casino.
- (2) The keno dollars may be redeemed for cash with the casino operator only within 1 year after the commencement.
- (3) The casino operator must pay unredeemed keno dollars by cheque to the chief executive as soon as practicable after the keno dollars become unredeemed keno dollars.
- (4) In this section—

*unredeemed keno dollars* means keno dollars that are not redeemed for cash within 1 year after the commencement.

### **132 Dealing with existing applications**

- (1) This section applies to an application for a casino key employee licence or a casino employee licence made under section 35(1) and not decided before the commencement.
- (2) The application must be decided under this Act as in force immediately after the commencement.

### **133 Appeals**

- (1) Subsection (2) applies if—
  - (a) immediately before the commencement a person could have appealed against a direction, under section 92, of a casino operator or a casino manager; and
  - (b) the person has not appealed before the commencement.
- (2) Despite section 93(1), the person may appeal, and the Minister may hear and decide the appeal under this Act.

## **Division 4 Transitional provisions for Gambling Legislation Amendment Act 2004**

### **134 Definitions for div 4**

In this division—

*commencement* means the day this division commences.

*pre-amended Act* means this Act as in force before the commencement of the *Gambling Legislation Amendment Act 2004*, part 2.

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**137 Direction to rectify under pre-amended Act**

- (1) Subsection (2) applies to a direction to rectify a matter given to a casino key employee or a casino employee under the pre-amended Act, section 44E, if—
  - (a) the chief executive gave the direction to the employee after considering, under the pre-amended Act, the accepted representations for a show cause notice; and
  - (b) before the commencement—
    - (i) the period for rectifying the matter under that Act has not ended; or
    - (ii) the period for rectifying the matter under that Act has ended and action has not been taken under section 44F of that Act in relation to a failure to comply with the direction.
- (2) A failure to comply with the direction may be dealt with under the pre-amended Act as if the *Gambling Legislation Amendment Act 2004*, part 2, had not commenced.
- (3) Subsection (4) applies to a direction to rectify a matter given to a casino key employee or a casino employee under the pre-amended Act, section 44E, if—
  - (a) the chief executive gave the direction to the employee without a show cause notice; and
  - (b) before the commencement—
    - (i) the period for rectifying the matter under that Act has not ended; or
    - (ii) the period for rectifying the matter under that Act has ended and action has not been taken under that Act in relation to a failure to comply with the direction.
- (4) A failure to comply with the direction is taken to be a contravention of a provision of this Act, other than a provision a contravention of which is an offence against this Act.

### **139 Directions given under particular provision**

- (1) This section applies to a direction given under section 92(2) that—
  - (a) is in force immediately before the commencement; and
  - (b) was given to a person in relation to a ground stated in the pre-amended Act, section 92(3)(b)(ii).
- (2) Despite section 96(1), the direction remains in force for 5 years after the commencement unless it is earlier revoked under that subsection.

## **Division 5 Transitional provisions for Gambling Legislation Amendment Act 2005**

### **140 Definitions for div 5**

In this division—

*commencement* means the day the provision in which the term is used commences.

*post-amended Act* means this Act as in force immediately after the commencement.

### **141 Control systems**

- (1) This section applies to a system of internal controls and administrative and accounting procedures for a casino that was, immediately before the commencement, the system of controls and procedures for the operation of the casino approved by the chief executive under section 75 of this Act as in force before the commencement.
- (2) The system of internal controls and administrative and accounting procedures is taken to be the approved control system for the casino.

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## 142 Inspectors

A person who was an inspector immediately before the commencement is taken to be an inspector appointed under the post-amended Act, section 85E.

## 143 Audit program for inspectors

The audit program for an inspector under this Act immediately before the commencement is taken to be the approved audit program under the post-amended Act, section 85L.

## Division 6 Transitional provision for Gambling Legislation Amendment Act 2008

### 144 Approved security devices—s 62AA

- (1) This section applies to a lock mentioned in section 62 and in use under section 62 as in force immediately before the commencement of this section.
- (2) On the commencement, the lock is taken to be an approved security device for section 62.

## Division 7 Transitional provisions for Fuel Subsidy Repeal and Revenue and Other Legislation Amendment Act 2009

### 145 Definitions for div 7

In this division—

*amending Act* means the *Fuel Subsidy Repeal and Revenue and Other Legislation Amendment Act 2009*.

*commencement* means commencement of this section.

*previous*, for a provision of this Act, means the provision as in force before the commencement.

#### **146 Casino community benefit levy**

Despite the amendment of previous section 52 by the amending Act, a casino community benefit levy is payable in relation to a casino licence on or before 7 July 2009 under previous section 52 in relation to the total of the casino gross revenue and premium junket revenue for the casino for June 2009.

#### **147 Payment into community investment fund**

Despite section 51A(1), an amount is not payable into the community investment fund established under the *Gaming Machine Act 1991*, section 314(1) in relation to amounts received under section 51 by the chief executive by way of casino tax for June 2009.

### **Division 8 Transitional provisions for Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013**

#### **148 Continuation of offence under s 72(2)**

- (1) This section applies if a person is alleged to have committed an offence against section 72(2), as in force immediately before the commencement of this section.
- (2) Despite the Criminal Code, section 11, a proceeding for the offence may be started or continued, and the court may hear and decide the proceeding, as if section 72 had not been amended by the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013*.



## 149 Existing unclaimed winnings

- (1) This section applies if, immediately before the commencement of this section, an amount for winnings mentioned in previous section 71A(3) had not been paid and dealt with under previous section 71A.
- (2) Previous section 71A(3) continues to apply in relation to the amount.
- (3) In this section—  
*previous section 71A(3)* means section 71A(3) as in force immediately before the commencement of this section.

## Division 9 Transitional provision for Construction and Tourism (Red Tape Reduction) and Other Legislation Amendment Act 2014

### 150 Amalgamation of Casino Community Benefit Fund with gambling community benefit fund

- (1) Immediately before the commencement—
  - (a) any amount remaining in the former fund is transferred to the gambling community benefit fund to be dealt with under—
    - (i) if subsection (2) applies—subsections (3) and (4);  
or
    - (ii) otherwise—the *Gaming Machine Act 1991*, section 315; and
  - (b) a trust deed approved by the Governor in Council under repealed section 52(6) and in force immediately before the commencement is revoked.
- (2) Subsections (3) and (4) apply if, before the commencement—
  - (a) the trustees for a trust deed made recommendations to the Minister under repealed section 52(7) as to the

application of moneys appropriate to the trust deed, for the benefit of the community; and

- (b) the Minister had not caused moneys to be paid out of the former fund under repealed section 52(8) for the benefit of the community in accordance with the recommendations of the trustees.
- (3) The Minister may, on or after the commencement, cause the moneys to be paid out of the gambling community benefit fund for the benefit of the community in accordance with the recommendations of the trustees.
- (4) In this section—

*commencement* means the commencement of this section.

*former fund* means the Casino Community Benefit Fund under repealed section 52.

*gambling community benefit fund* means the gambling community benefit fund under the *Gaming Machine Act 1991*.

*Minister* means the Minister responsible, immediately before the commencement, for the administration of the former fund.

*repealed*, in relation to section 52, means the provision as in force immediately before the commencement.

## **Division 10                      Transitional provision for Queen's Wharf Brisbane Act 2016**

### **151      Application of amended provisions**

- (1) Section 19 as amended by the amending Act applies only to casino agreements entered into on and after the commencement.
- (2) Without limiting subsection (1), for interpreting section 19(1)(a)(i) and (ii) as it was in force before the commencement, the amendment of section 19 by the amending Act must be disregarded.
- (3) In this section—

*amending Act* means the *Queen's Wharf Brisbane Act 2016*.

## Schedule Dictionary

### section 4

***accepted representations*** see section 45A.

***agency related keno game***, for a casino operator, means an approved keno game that—

- (a) is played in the casino; and
- (b) in relation to which the casino operator is a keno agent within the meaning of the *Keno Act 1996*.

***approved control system*** means a control system approved by the chief executive, and includes an approved control system changed under a direction or approval of the chief executive.

***approved evaluator*** means an entity declared under a regulation to be an approved evaluator.

***approved form*** means a form approved by the chief executive.

***approved keno game*** see the *Keno Act 1996*, schedule 4.

***audit program***, for a casino key employee or casino employee, means a program approved under section 43B(1).

***casino*** means the areas of a hotel-casino complex—

- (a) the boundaries of which are identified in a casino licence; and
- (b) that may be used for casino operations.

***casino based keno game*** means a game designated under the rules as a game of keno.

***casino employee*** means any person employed or working in a casino whose duties or responsibilities relate to or are in support of the operation of such casino, but does not include—

- (a) a casino key employee; or

- (b) persons or persons of a class or category of persons prescribed as persons employed in casinos who are not required to be licensed as casino employees.

***casino gross revenue*** means the total of all sums, including cheques whether collected or not, actually received in any month by a casino operator from the conduct of gaming and agency related keno games, less the total of all sums paid out as winnings during that month in respect of gaming, but does not include premium junket revenue for the month.

For the purposes of this definition, any sum received for the issue of a chip for gaming is a sum received from the conduct of gaming.

***casino key employee*** means—

- (a) a person employed by, or working for, a casino in a managerial capacity or who is empowered to make decisions, involving the exercise of the person's discretion, that regulate the operation of a casino; or
- (b) any person associated with or employee of a casino who has the power to exercise a significant influence over or with respect to the operation of the casino; or
- (c) any person associated with or employee of a casino who, by reason of the person's remuneration or policy-making position or by reason of any other criteria prescribed under a regulation, holds or exercises or is able to exercise authority of such a nature or to such an extent in respect of the operation of the casino as to render it desirable in the public interest that the person be licensed as a casino key employee.

***casino lease*** means a written lease approved by the Governor in Council under which the casino licensee leases to the lessee the hotel-casino complex or the casino.

***casino licence*** means a licence granted by the Governor in Council on the recommendation of the Minister authorising the conduct and playing in a casino of such games as may in the particular case be authorised by the Minister.

***casino licensee*** means the holder for the time being of a casino licence, and includes a person referred to in this Act as

a casino licensee who, whilst not at the material time the holder of a casino licence, is a person to whom it is proposed to grant a casino licence under and in accordance with an agreement as referred to in section 19.

***casino management agreement*** means a written agreement approved by the Governor in Council under which the casino licensee or the lessee under a casino lease agrees with another party to the agreement for the management by that other party of the hotel-casino complex or the casino, as the case may be.

***casino manager***, for a casino, means—

- (a) a person designated as a shift manager for the casino by the casino operator; or
- (b) another person who—
  - (i) occupies a position equivalent, similar or more senior to the position of a person mentioned in paragraph (a); and
  - (ii) is concerned with, or takes part in, managing the operations of the casino.

***casino operations*** means the operation and conduct, in relation to a casino, of any of the following—

- (a) gaming;
- (b) money counting, surveillance, accounting, storage and other activities in connection with the operation and conduct of gaming.

***casino operator*** means—

- (a) if there is no casino lease or casino management agreement—the casino licensee; or
- (b) if there is a casino lease and no casino management agreement—the lessee under the casino lease; or
- (c) if there is a casino management agreement—
  - (i) for any period in which a person is, for the time being under the agreement, responsible for the management of the casino—that person; or
  - (ii) for another period—

- (A) if there is no casino lease, or there is a casino lease and the lessee under the lease has not entered into the agreement—the casino licensee who entered into the agreement; or
- (B) if there is a casino lease and the lessee under the lease has entered into the agreement—the lessee;

and includes a person referred to in this Act as a casino operator who—

- (d) in the case of paragraph (a)—whilst not at the material time a casino licensee, is a person to whom it is proposed to grant a casino licence under and in accordance with an agreement as referred to in section 19; and
- (e) in the case of paragraph (b)—is a lessee under a casino lease entered into prior to the grant of a casino licence to the casino licensee; and
- (f) in the case of paragraph (c)—is a person who has entered into a casino management agreement with the casino licensee or the lessee under a casino lease prior to the grant of a casino licence to the casino licensee, but does not include the person during any period after the grant of the licence in which the person is not responsible for the management of the casino.

***chips***—

- (a) means any tokens used or capable of being used in a casino in the conduct of gaming in the place of money and approved for the purpose by the chief executive; but
- (b) does not include a ticket.

***commencement***—

- (a) for part 11, division 3—see section 130; and
- (b) for part 11, division 4—see section 134; and
- (c) for part 11, division 5—see section 140.

***control system*** means a system of internal controls for the operation of a casino by a casino operator.

**control system (change) submission** see section 75(1).

**control system submission** see section 74(1).

**conviction** includes the acceptance of a plea of guilty or a finding of guilt by a court even though a conviction is not recorded.

**criminal history** of a person means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

- (a) despite section 6 of that Act, includes a conviction of the person to which the section applies; and
- (b) despite section 5 of that Act, includes a charge made against the person for an offence.

**directed officer** see section 112.

**exclusion direction** see section 93A(2).

**financial year** means the period of 12 months ending on 30 June in any year or, where the chief executive approves some other date as the terminating date of a financial year in a particular case, the period of 12 months ending on the date so approved, and includes, where the chief executive approves some other date as aforesaid, a period longer or shorter than 12 months but not exceeding 18 months ending on the date so approved for the purpose of giving effect to an alteration to the terminating date in the particular case.

**game** means a game that may be conducted or played in a casino under a casino licence or a machine game.

**gaming** or **gambling** means the playing in a casino of any game.

**gaming Act** means any of the following Acts—

- *Charitable and Non-Profit Gaming Act 1999*
- *Gaming Machine Act 1991*
- *Interactive Gambling (Player Protection) Act 1998*
- *Keno Act 1996*
- *Lotteries Act 1997*



- *Wagering Act 1998.*

***gaming area***, in a casino, means an area in the casino used for the conduct and playing of games.

***gaming equipment*** means any electronic, electrical or mechanical contrivance or machine or any other physical item (excluding chips) used or for use in a casino in connection with gaming.

***gaming machine*** means a device that is designed so that—

- (a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
- (b) it may be operated, wholly or partly—
  - (i) by the insertion of Australian currency or a chip into the device, or the acceptance of a ticket by the device; or
  - (ii) by the use of gaming machine credits; or
  - (iii) by the electronic transfer of gaming machine credits to the device; or
  - (iv) by the use of gaming machine credits held, stored or accredited by the device or elsewhere.

***gaming machine credit*** means a credit of Australian currency, or chips, registered by a gaming machine.

***group of participants***, for part 8, division 2, see section 85A.

***holder***, of a casino key employee licence or a casino employee licence, means the person to whom the licence is issued.

***hotel-casino complex*** means a complex within the area of which is located a hotel, a casino and other businesses or amenities.

***indictable offence*** includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, applies to the indictable offence.

***information notice*** means a written notice complying with the QCAT Act, section 157(2).

***inspector*** means a person who is appointed as an inspector.

***junket agreement*** see section 85A.

***machine game*** means a game that—

- (a) is designed to be played on a gaming machine and identifiable from all other games by differences in rules or programming; and
- (b) is approved under section 62(3)(a).

***note acceptor*** means a device that accepts currency in exchange for gaming machine credits.

***officer***, of the department, includes an employee of the department.

***participant***, for part 8, division 2, see section 85A.

***person*** includes any body corporate, association, firm, business or partnership as well as a natural person.

***player account*** means an account established under section 67.

***player account credit*** means an amount held in credit in a player account.

***post-amended Act***, for part 11, division 5, see section 140.

***pre-amended Act***, for part 11, division 4, see section 134.

***premium junket gaming*** means gaming involving persons who participate in the gaming under special junket agreements.

***premium junket revenue*** means the total of all amounts (including cheques, whether or not collected) actually received in any month by a casino operator from the conduct of premium junket gaming, less the total of all amounts paid out as winnings during the month for premium junket gaming.

***problem gambler*** means a person whose behaviour relating to gambling—

- (a) is characterised by difficulties in limiting the amount of money or time the person spends on gambling; and

- (b) leads to adverse consequences for the person, other persons or the community.

***promoter***, for part 8, division 2, see section 85A.

***proposed action*** see section 45(2)(a).

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

***quarter*** or ***quarter of the year*** means a period of 3 consecutive months commencing on 1 January, 1 April, 1 July or 1 October in any year.

***relevant casino operator***, for part 4, division 2, means—

- (a) for a person who is asked, under section 36(1), to apply for a casino key employee licence—the casino operator for whom the chief executive reasonably believes the person is a casino key employee; or
- (b) for another person—the casino operator who intends to employ the person as a casino key employee or a casino employee.

***revocation notice***—

- (a) for part 10, division 1, subdivision 1—see section 91P(1); and
- (b) for part 10, division 1, subdivision 2—see section 99(5).

***self-exclusion notice*** see section 91N(1).

***self-exclusion order*** see section 91O(1)(a).

***show cause notice*** see section 45(1).

***sole participant agreement***, for part 8, division 2, see section 85A.

***special junket agreement*** see section 85D.

***supervising inspector***, for a casino, means the inspector nominated by the chief executive as the supervising inspector for the casino.

***ticket*** means an item that—

Schedule

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- (a) displays a value in Australian currency; and
- (b) is designed to be used in the place of Australian currency for gaming on gaming equipment.

*tribunal* means QCAT.