

# CASINO CONTROL ACT 1992 No. 15

NEW SOUTH WALES



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**CASINO CONTROL ACT 1992 No. 15**

NEW SOUTH WALES



**Act No. 15, 1992**

An Act to provide for the establishment of one casino and the control of its operations; to constitute the Casino Control Authority; and for related purposes. [Assented to 7 May 1992]

**The Legislature of New South Wales enacts:****PART 1—PRELIMINARY****Short title**

1. This Act may be cited as the Casino Control Act 1992.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Definitions**

3. (1) In this Act:

“**Authority**” means the New South Wales Casino Control Authority constituted by this Act;

“**casino**” means premises, or part of premises, defined as a casino for the time being under section 19;

“**casino employee**” means an employee (whether or not of a casino operator) having functions in or in relation to a casino;

“**casino licence**” means a licence in force under Part 2 to operate a casino;

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

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

“**close associate**” has the meaning given by section 13;

“**Director**” means the Director of Casino Surveillance holding office as such under section 102;

“**employ**” includes engage under a contract for services;

“**exclusion order**” means a written order under section 79 prohibiting a person from entering, or remaining in, a casino;

“**game**” means a game of chance or a game that is partly a game of chance and partly a game requiring skill;

“**gaming**” means the playing of any game;

“**gaming equipment**” means any device or thing (including chips) used, or capable of being used, for or in connection with gaming;

“**inspector**” means a person appointed by the Director to be an inspector for the purposes of this Act;

**“key official”** means each of the following persons:

- (a) a member of the Authority;
- (b) the Director;
- (c) an inspector;
- (d) a member of the staff of the Authority, or a consultant to the Authority, designated by the Authority in writing to be a key official for the purposes of this Act;

**“operations”**, in relation to a casino, means:

- (a) the conduct of gaming in the casino;
- (b) the management and supervision of the conduct of gaming in the casino;
- (c) money counting in, and in relation to, the casino;
- (d) accounting procedures in, and in relation to, the casino;
- (e) the use of storage areas in the casino; and
- (f) other matters affecting, or arising out of, activities in the casino;

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

**“this Act”** includes the regulations.

(2) In this Act:

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

#### **Gaming in licensed casino declared lawful**

4. (1) Despite the provisions of any other Act or law, the conduct and playing of a game and the use of gaming equipment is lawful when the game is conducted and the gaming equipment is provided in a casino by or on behalf of the casino operator (that is, the holder of the licence for that casino under this Act).

(2) The Gaming and Betting Act 1912 and the Lotteries and Art Unions Act 1901 do not apply to the conduct and playing of a game and the use of gaming equipment when the game is conducted and the gaming equipment is provided in a casino by or on behalf of the casino operator, except to the extent (if any) that the regulations otherwise provide.



(3) This section does not operate to validate or render enforceable a contract relating to gaming that would, apart from this section, be invalid or unenforceable.

(4) Despite subsection (3), a contract to which that subsection refers and to which a casino operator is a party is enforceable against the casino operator.

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

#### **Directions by the Minister to protect integrity of casino gaming**

5. (1) The Minister may, after consultation with the Authority, give directions and furnish guidelines to the Authority as to how the Authority is to exercise any of its functions under this Act but only if the Minister is of the opinion that the direction or guideline:

- (a) is necessary or desirable to protect the integrity or apparent integrity of casino gaming; or
- (b) is otherwise in the public interest.

(2) Directions and guidelines under this section are not to relate to:

- (a) the determination of an application for any licence under this Act; or
- (b) any of the Authority's functions under section 23 (Disciplinary action against casino operator) or 59 (Disciplinary action against licensee).

(3) The Authority is in the exercise of its functions subject to the directions and guidelines given or furnished under this section.

(4) Directions and guidelines under this section must be in writing.

(5) When the Minister gives a direction or furnishes a guideline under this section, the Minister must:

- (a) as soon as practicable cause a copy of the instrument containing the direction or guideline to be published in the Gazette; and
- (b) cause a copy of that instrument to be laid before each House of Parliament within 15 sitting days of that House.

(6) This section does not apply to a direction under section 7, 9 or 10.

**PART 2—LICENSING OF CASINO****One casino only**

**6** Only one casino license may be in force under this Act at any particular time. A casino licence is to apply to one casino only.

**Ministerial directions as to requirements for casino**

**7. (1)** The Minister may from time to time give a direction in writing to the Authority as to any of the following matters:

- (a) the permissible location for a casino;
- (b) the required size and style of a casino;
- (c) the development required to take place in conjunction with the establishment of a casino, such as the development of a hotel or other complex of which a casino is to form part;
- (d) any other prescribed matter concerning the establishment of a casino.

**(2)** Before giving a direction on any matter to the Authority, the Minister is to call for a report on the matter from the Authority and is to consider the Authority's report.

**(3)** A direction as to the permissible location for a casino must not specify a particular site unless the site is vested in the Crown or the Crown has the exclusive right of occupation of the site.

**(4)** The Minister may vary or revoke a direction by a further direction in writing to the Authority.

**(5)** The Authority must exercise its functions under this Act in respect of the grant of a casino licence, the conduct of negotiations and the entering into of agreements in a manner that is consistent with the directions of the Minister under this section.

**Slot machines in casino**

**8. (1)** Before directing the Authority to invite expressions of interest under section 9, the Minister is to establish an inquiry into the likely effect of the availability of slot machines in a casino on the operations and viability of the registered club and hotel industries.

**(2)** The Minister may then give a direction in writing to the Authority as to whether or not and to what extent (if any) slot machines are to be available in a casino.

**(3)** The Minister may vary or revoke a direction by a further direction in writing to the Authority.

(4) The Authority must exercise its functions so as to give effect to a direction by the Minister under this section.

(5) In this section:

“slot machine” means any coin operated gaming equipment and includes a poker machine.

### **Authority may invite expressions of interest**

9. (1) At the direction of the Minister, the Authority is to publicly invite expressions of interest for the establishment and operation of a casino and may provide information concerning the requirements for the casino to any person who expresses interest.

(2) The same information is to be provided to the persons who express interest in a particular casino, so as not to advantage or disadvantage any interested person.

(3) The invitation must be in terms that are consistent with any applicable directions of the Minister under section 7.

(4) The invitation need not relate solely to the establishment and operation of a casino but may also relate to any other matter that the Authority considers relevant, such as the development of a hotel or other complex of which the casino is to form part.

(5) The Authority is entitled to charge a fee for the provision of information under this section and persons provided with information are to be charged the same fee.

(6) The Authority is not to invite expressions of interest except at the direction of the Minister but the fact that the Minister has directed that expressions of interest be invited does not necessarily mean that the Minister will direct the Authority to invite applications for a casino licence.

### **Application for casino licence**

10. (1) At the direction of the Minister, the Authority is to publicly invite applications for a casino licence and must not invite applications except at the direction of the Minister.

(2) The invitation must be in terms that are consistent with any applicable directions of the Minister under section 7.

(3) A person is not entitled to make an application for a casino licence unless and until the Authority invites applications and is only entitled to make an application that conforms with the terms of the Authority's invitation.

(4) Unless the Authority otherwise permits in a particular case, an application must comply with the following requirements:

- (a) it must be made in a form approved by the Authority;
- (b) it must be accompanied by such fee as may be determined by the Authority in respect of applications for the licence concerned;
- (c) it must contain or be accompanied by such information as the application form requires and such additional information as the Authority may request.

(5) An application must be verified by statutory declaration.

(6) The Authority may, at its discretion, refund the whole or any part of an application fee if the application is not successful.

#### **Matters to be considered in determining applications**

**11.** In considering an application for a casino licence, the Authority is to have regard to the following matters:

- (a) the requirements of section 12 (Suitability of applicant and close associates of applicant);
- (b) the standard and nature of the proposed casino, and the facilities to be provided in, or in conjunction with, the proposed casino;
- (c) the likely impact of the use of the premises concerned as a casino on tourism, employment and economic development generally in the place or region in which the premises are located;
- (d) the expertise of the applicant, having regard to the obligations of the holder of a casino licence under this Act;
- (e) such other matters as the Authority considers relevant.

#### **Suitability of applicant and close associates of applicant**

**12. (1)** The Authority must not grant an application for a casino licence unless satisfied that the applicant, and each close associate of the applicant, is a suitable person to be concerned in or associated with the management and operation of a casino.

(2) For that purpose the Authority is to consider whether:

- (a) each of those persons is of good repute, having regard to character, honesty and integrity; and
- (b) each of those persons is of sound and stable financial background; and
- (c) in the case of an applicant that is not a natural person, it has or has arranged a satisfactory ownership, trust or corporate structure; and

- (d) the applicant has or is able to obtain financial resources that are both suitable and adequate for ensuring the financial viability of the proposed casino; and
- (e) the applicant has or is able to obtain the services of persons who have sufficient experience in the management and operation of a casino; and
- (f) the applicant has sufficient business ability to establish and maintain a successful casino; and
- (g) any of those persons has any business association with any person, body or association who, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources; and
- (h) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the operations or business of the applicant or a close associate of the applicant is a suitable person to act in that capacity.

### **Meaning of “close associate”**

**13. (1)** For the purposes of this Act, a person is a **“close associate”** of an applicant for, or the holder of, a casino licence if the person:

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

**(2)** In this section:

**“relevant financial interest”** means:

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law or in equity or otherwise;

**“relevant position”** means the position of director, manager, and other executive positions and secretary, however those positions are designated;

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

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

### **Investigation of application**

**14. (1)** On receiving an application for a casino licence the Authority must carry out all such investigations and inquiries as it considers necessary to enable it to consider the application properly.

**(2)** In particular, the Authority:

- (a) may require any person it is investigating in relation to the person’s suitability to be concerned in or associated with the management or operation of a casino to consent to having his or her photograph, finger prints and palm prints taken; and
- (b) must refer to the Commissioner of Police details of the persons the Authority is investigating, copies of any photographs, finger prints and palm prints taken and any supporting information that the Authority considers appropriate for referral to the Commissioner.

**(3)** The Commissioner of Police and the Director are to inquire into and report to the Authority on such matters concerning the application as the Authority may request.

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

### **Authority may require further information etc.**

**15. (1)** The Authority may, by notice in writing, require a person who is an applicant for a casino licence or who, in the opinion of the Authority, has some association or connection with the applicant that is relevant to the application to do any one or more of the following things:

- (a) to provide, in accordance with directions in the notice, such information, verified by statutory declaration, as is relevant to the investigation of the application and is specified in the notice;
- (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them;

- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b);
- (d) to furnish to the Authority such authorities and consents as the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) from other persons concerning the person and his or her associates or relations.

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

(3) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

#### **Cost of investigations to be paid by applicant**

16. (1) The reasonable costs incurred by the Authority and the Director in investigating and inquiring into an application for a casino licence are payable to the Authority by the applicant, unless the Authority determines otherwise in a particular case.

(2) The Authority may require part or full payment in advance of the amount it estimates will be payable by the applicant and may refuse to deal with the application until the required payment is made.

(3) Investigation and inquiry costs may include travelling expenses within or outside the State.

(4) It is a condition of any licence granted to the applicant that any amount payable under this section by the applicant is paid.

#### **Updating of applications**

17. (1) If a change occurs in the information provided in or in connection with an application for a casino licence before the application is determined, the applicant must as soon as possible give the Authority written particulars of the change verified by statutory declaration.

Maximum penalty: 50 penalty units.

(2) Particulars of any change given by the applicant are then to be considered to have formed part of the original application for the purposes of the application of subsection (1) to any further change in the information provided.

(3) This section does not apply to a change in information if the Authority has notified the applicant in writing that the Authority does not require particulars of any change in the information concerned or does not require particulars of the type of change concerned.

**Determination of applications**

**18. (1)** The Authority is to determine an application by either granting a casino licence to the applicant or declining to grant a licence, and is to inform the applicant accordingly.

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

**(3)** The Authority is not required to give reasons for its decision on an application but may give reasons if it thinks fit.

**(4)** If a licence is granted, it is granted on the terms (including a term as to the period for which it is in force), subject to the conditions and for the location specified in the licence.

**Authority to define casino premises**

**19. (1)** The boundaries of a casino are to be defined initially by being specified in the casino licence and may be redefined by the Authority from time to time as the Authority thinks fit.

**(2)** A redefining of the boundaries of a casino may be done of the Authority's own motion or on the application of the licensee.

**(3)** The redefining of the boundaries of a casino takes effect when the Authority gives written notice of it to the casino operator or on such later date as the notice may specify.

**(4)** The boundaries of a casino must not extend beyond the boundaries of the location for which the casino licence was originally granted.

**Duration of casino licence**

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

**No proprietary right in casino licence**

**21.** A casino licence confers no right of property and is incapable of being assigned or mortgaged, charged or otherwise encumbered.

**Conditions of casino licence**

**22. (1)** The conditions of a casino licence (whether as originally imposed or as amended) may relate to any matter for which provision is made by this Act but must not be inconsistent with a provision of this Act.



(2) The conditions of a casino licence may be amended by being substituted, varied, revoked or added to.

(3) An amendment may be proposed:

- (a) by the licensee by requesting the Authority in writing to make the amendment; or
- (b) by the Authority by giving notice in writing of the proposed amendment to the licensee and giving the licensee at least 14 days to make submissions to the Authority concerning the proposed amendment.

(4) The Authority is to consider any submissions made by the licensee and is then to decide whether to make the proposed amendment, either with or without changes from that originally proposed.

(5) The Authority is to notify the licensee of its decision and any amendment that the Authority decides upon takes effect when notice of the decision is given to the licensee or on such later date as may be specified in the notice.

### **Disciplinary action against casino operator**

23. (1) In this section:

“**disciplinary action**” means any one or more of the following actions in relation to a casino licence:

- (a) the cancellation or suspension of the licence;
- (b) the imposition on the licensee of a pecuniary penalty of up to \$1,000,000;
- (c) the amendment of the terms or conditions of the licence (other than under section 22);
- (d) the issue of a letter of censure to the licensee;

“**grounds for disciplinary action**” means any one or more of the following grounds in respect of a casino licence:

- (a) that the licence was improperly obtained in that, at the time the licence was granted, there were grounds for declining to grant it;
- (b) that the casino operator, a person in charge of the casino, an agent of the casino operator or a casino employee has contravened a provision of this Act or a condition of the licence;
- (c) that the casino premises are, for specified reasons, no longer suitable for the conduct of casino operations;

(d) that the licensee is, for specified reasons, considered to be no longer a suitable person to give effect to the licence and this Act;

(e) that for specified reasons, it is considered to be no longer in the public interest that the licence should remain in force.

(2) The Authority may serve on the holder of a casino licence a notice in writing affording the licensee an opportunity to show cause within 14 days why disciplinary action should not be taken against the licensee on grounds for disciplinary action specified in the notice.

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

(4) The Authority may then decide that it is appropriate that certain disciplinary action be taken against the licensee and may either:

(a) take that disciplinary action by giving written notice of the action to the licensee; or

(b) as an alternative to taking that disciplinary action, take action under section 24.

(5) Disciplinary action may be taken against a person whether or not the person has been prosecuted, convicted or penalised for any contravention that is the grounds for the action.

(6) Disciplinary action takes effect when notice of it is given or on a later date specified in the notice.

(7) The Authority is not to take action under this section unless a member of the Authority who has special legal qualifications (as referred to in section 135) is present at the meeting of the Authority at which the decision to take the action is made.

### **Rectification order as alternative to disciplinary action**

24. (1) As an alternative to taking disciplinary action against a casino operator under section 23, the Authority may direct the operator in writing to take specified action within a specified time to rectify the matter which constitutes the grounds for disciplinary action concerned.

(2) If a casino operator fails to take the specified action within the specified time, the Authority may proceed to take the relevant disciplinary action by giving written notice of the action to the operator, and the action takes effect when the notice is given or on a later date specified in the notice.

**Effect of suspension of licence**

25. (1) While a casino licence is suspended, it is of no effect for the purposes of section 4 (Gaming in licensed casino declared lawful) but is to be considered to be in force for all other purposes.

(2) The Authority may, at any time, terminate or reduce a period of suspension of a casino licence.

**Recovery of pecuniary penalty**

26. (1) A pecuniary penalty that has been imposed on a casino operator under section 23 may be recovered by the Authority on behalf of the State in a court of competent jurisdiction as a debt due to the Crown.

(2) Proceedings to recover such a penalty may be instituted within 6 years after the occurrence of the matter which constituted the grounds for disciplinary action in respect of which the penalty was imposed.

**Surrender of licence**

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

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

**Appointment of a manager if licence suspended, cancelled or surrendered**

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

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

(3) The manager is to be appointed on such terms and conditions as the Authority thinks fit.

(4) The appointment of the manager may be terminated at any time by the Authority and is in any case terminated 90 days after appointment unless in a particular case the appointment is extended by the regulations.

(5) The manager:

- (a) is to be considered to be the holder of a casino licence (including for the purposes of section 6) granted on the same terms and subject to the same conditions as the suspended, cancelled or surrendered licence (as in force immediately before the suspension,

cancellation or surrender) with such modifications as the Authority may direct; and

- (b) is to assume full control of and responsibility for the business of the casino operator in respect of the casino; and
- (c) is to conduct or cause to be conducted casino operations in accordance with this Act; and
- (d) has, in connection with the conduct of those operations, all the functions of the operator.

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

(7) The following provisions have effect in respect of the net earnings of a casino while operations in the casino are being conducted by a manager under this section:

- (a) no payment of net earnings is to be made to the holder of the suspended, cancelled or surrendered licence (“**the former operator**”) without the prior approval of the Authority;
- (b) the former operator is entitled to a fair rate of return out of net earnings (if any) on any property of the former operator retained by the manager;
- (c) the Authority may in its discretion direct that all or any part of net earnings (other than that to which the former operator is entitled under paragraph (b)) is to be paid into the Consolidated Fund, with any balance to be paid to the former operator.

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

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

##### **Directions to operator**

**29. (1)** The Authority may give a casino operator a written direction that relates to the conduct, supervision or control of operations in the casino.

(2) It is a condition of a casino licence that the casino operator must comply with such a direction as soon as it takes effect.

(3) The direction takes effect when the direction is given to the casino operator or on a later date specified in the direction.

(4) The power conferred by this section includes a power to give a direction to a casino operator to adopt, vary, cease or refrain from any practice in respect of the conduct of casino operations.

(5) A direction under this section is not to be inconsistent with this Act or the conditions of the casino licence.

### **General investigations**

**30. (1)** The Authority is to investigate a casino from time to time and at any time that the Authority thinks it desirable or when directed to do so by the Minister.

(2) The investigation may relate to (but is not limited to) any of the following matters:

- (a) the casino and operations in the casino;
- (b) the casino operator or a person who, in the opinion of the Authority, is an associate of the casino operator;
- (c) a person or persons who in the opinion of the Authority could affect the exercise of functions in or in relation to the casino;
- (d) a person or persons who, in the opinion of the Authority, could be in a position to exercise direct or indirect control over the casino operator, or an associate of the casino operator, in relation to functions in or in relation to the casino.

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

(4) The Authority is to take whatever action under this Act it considers appropriate in the light of the results of an investigation.

### **Regular investigation of operator's suitability etc,**

**31. (1)** Not later than 3 years after the grant of a casino licence, and thereafter at intervals not exceeding 3 years, the Authority must investigate and form an opinion as to whether or not:

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

(2) The Authority is to report its findings and opinion to the Minister, giving reasons for its opinion, and is to take whatever action under this Act it considers appropriate in the light of its findings.

**Operator and associates may be required to provide information**

**32. (1)** The Authority may, by notice in writing, require a casino operator or a person who, in the opinion of the Authority, is directly or indirectly associated with the operator:

- (a) to provide the Authority or a key official, in accordance with directions in the notice, with such information relevant to the operator or that association or to the casino, or with such prescribed information, as is specified in the notice; or
- (b) to produce to the Authority or a key official, in accordance with directions in the notice, such records relevant to the operator or that association or to the casino, or to prescribed matters, as are specified in the notice and to permit examination of those records, the taking of extracts from them and the making of copies of them; or
- (c) to attend before the Authority or a key official for examination in relation to any matters relevant to the operator or that association or to the casino, or to prescribed matters, and to answer questions relating to those matters.

**(2)** A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

**(3)** If records are produced under this section, the Authority or key official to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from them and the making of copies of them.

**(4)** At any reasonable times during the period for which records are retained, the Authority or key official must permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Authority or key official.

**Failure to provide information etc. is an offence and punishable as contempt**

**33. (1)** A person who fails without reasonable excuse to comply with a requirement of a notice under section 32. is guilty of an offence.

Maximum penalty: 50 penalty units.

**(2)** A person is not excused from complying with a notice under section 32 on the ground that compliance might tend to incriminate the person.

**(3)** If the person claims in writing to the Authority, before complying with the notice, that compliance might tend to incriminate the person,

information provided in compliance with the notice is not admissible in criminal proceedings against the person except proceedings for the offence of providing false or misleading information in purported compliance with the notice.

(4) If the Authority is satisfied that a person has, without reasonable excuse, failed to comply with a requirement of a notice under section 32, the Authority may certify the failure to the Supreme Court.

(5) The Supreme Court may then inquire into the case and:

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

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

34. (1) If the Supreme Court is satisfied on the application of the Authority that a casino operator has engaged or is proposing to engage in conduct that constitutes or would constitute:

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

the Court may grant an injunction in such terms as the Court determines to be appropriate.

(2) If in the opinion of the Court it is desirable to do so, the Court may grant an interim injunction pending determination of the application.

(3) The Court may rescind or vary an injunction granted under this section.

(4) The power of the Court to grant an injunction restraining a person from engaging in conduct may be exercised:

- (a) whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind; and

- (b) whether or not the person has previously engaged in conduct of that kind; and
- (c) whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.

(5) The power of the Court to grant an injunction requiring a person to do an act or thing may be exercised:

- (a) whether or not it appears to the Court that the person intends to fail again, or to continue to fail, to do that act or thing; and
- (b) whether or not the person has previously failed to do that act or thing; and
- (c) whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person fails to do that act or thing.

(6) When the Authority makes an application to the Court for the grant of an injunction under this section, the Court is not to require the Authority or any other person, as a condition of granting an interim injunction, to give any undertakings as to damages.

### **Change in state of affairs of operator**

35. (1) In this section:

“**major change**” in the state of affairs existing in relation to a casino operator means:

- (a) any change in that state of affairs which results in a person becoming a close associate of the casino operator; or
- (b) any other change in that state of affairs which is of a class or description prescribed as major for the purposes of this section;

“**minor change**” in the state of affairs existing in relation to a casino operator means any change in that state of affairs that is prescribed as a minor change for the purposes of this section.

(2) It is a condition of a casino licence that the casino operator must:

- (a) ensure that a major change in the state of affairs existing in relation to the operator which is within the operator’s power to prevent does not occur except with the prior approval in writing of the Authority; and
- (b) notify the Authority in writing of the likelihood of any major change in the state of affairs existing in relation to the operator to which paragraph (a) does not apply as soon as practicable after the operator becomes aware of the likelihood of the change; and



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- (c) notify the Authority in writing of any major change in the state of affairs existing in relation to the operator to which paragraphs (a) and (b) do not apply within 3 days after becoming aware that the change has occurred; and
  - (d) notify the Authority in writing of any minor change in the state of affairs existing in relation to the operator within 14 days after becoming aware that the change has occurred.
- (3) If a major change for which the approval of the Authority is sought under this section involves a person becoming a close associate of a casino operator, the Authority is not to grant its approval unless satisfied that the person is a suitable person to be associated with the management of a casino.
- (4) Sections 14 and 15 apply to and in respect of an application for approval under this section in the same way that they apply to and in respect of an application for a licence.
- (5) If a major change is proposed or has occurred involving a person becoming a close associate of a casino operator and the approval of the Authority to the change is not required:
- (a) the Authority is to inquire into the change to determine whether it is satisfied that the person is a suitable person to be associated with the management of a casino; and
  - (b) if it is not so satisfied, is to take such action as it considers appropriate.

**Division 2—Contracts****Definitions**

36. In this Division:

**“contract”** includes any kind of agreement or arrangement;

**“controlled contract”** means a contract that relates wholly or partly to the supply of goods or services to a casino or to any other matter that is prescribed as a controlled matter for the purposes of this definition, but does not include:

- (a) a contract that relates solely to the construction of a casino or to the alteration of premises used or to be used as a casino; or
- (b) a contract of a class that is prescribed as exempt from this definition;

**“notifiable contract”** means a contract that would be a controlled contract but for the exceptions in paragraphs (a) and (b) of the definition of “controlled contract” in this section.

**Requirements for controlled contracts and notifiable contracts**

**37. (1)** A casino operator must not enter into or become a party to a controlled contract, or the variation of a controlled contract, relating to the casino unless:

- (a) the operator has notified the Authority of the details of the proposed contract or variation at least 14 days (or such shorter period as the Authority may approve in a particular case) before entering into or becoming a party to it; and
- (b) the Authority has not within that 14 days (or the shorter approved period) notified the operator that the Authority objects to the proposed contract.

(2) A casino operator must, within 14 days after the operator enters into or becomes a party to a notifiable contract, or the variation of a notifiable contract, relating to the casino, notify the Authority of that fact giving the prescribed details of the contract or variation.

(3) A notification for the purposes of this section must be in writing.

(4) It is a condition of a casino licence that the casino operator must comply with this section.

**Requirement may be extended to associates of casino operator**

**38. (1)** The Authority may, by notice in writing to a person who the Authority considers has some association or connection with a casino operator that is relevant to the operation or management of the casino, direct that section 37 is to apply to the person.

(2) Such a direction operates to apply section 37 to the person in the same way as it applies to the casino operator.

(3) If a person contravenes section 37 as so applying to the person, the person is guilty of an offence.

Maximum penalty: 100 penalty units.

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

**39. (1)** The Authority may serve on each party to a controlled contract a notice in writing affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the ground that it is not in the public interest for the contract to remain in force.

(2) The notice is to specify the reasons why it is considered that it is not in the public interest for the contract to remain in force.

(3) A party to the contract may, within the period specified in the notice, arrange with the Authority for the making of submissions as to why the contract should not be terminated.

(4) After considering any submissions so made, the Authority may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.

(5) If the contract is not terminated as required by the notice it is terminated by force of this section.

#### **Effect of termination**

40. If a contract is terminated in accordance with this Division

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract, as a result of the performance before that termination of any obligation imposed by the contract; and
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination; and
- (c) neither the Crown nor the Authority incurs any liability by reason of that termination.

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

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

Maximum penalty: 100 penalty units.

#### **Parties to contracts may be required to provide information**

42. Section 32 (Operator and associates may be required to provide information) applies in relation to a party to a controlled contract or notifiable contract in the same way as it applies in relation to a casino operator.

### **PART 4—LICENSING OF CASINO EMPLOYEES**

#### **Definitions**

43. (1) In this Part:

“**licence**” means a licence in force under this Part;

**“special employee”** means a person who:

- (a) is employed or working in a casino in a managerial capacity or who is authorised to make decisions, involving the exercise of his or her discretion, that regulate operations in a casino; or
- (b) is employed or working in a casino in any capacity relating to any of the following activities:
  - the conduct of gaming;
  - the movement of money or chips about the casino;
  - the exchange of money or chips to patrons in the casino;
  - the counting of money or chips in the casino;
  - the operation, maintenance, construction or repair of gaming equipment;
  - the supervision of any of the above activities;
  - casino security;
  - any other activity relating to operations in the casino that is prescribed for the purposes of this definition.

(2) The regulations may exempt persons employed or working in a casino in any specified capacity from being special employees.

### **Special employees to be licensed**

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

Maximum penalty: 50 penalty units.

(2) A licence authorises the holder of the licence to exercise in or in relation to a casino the functions specified in the licence subject to the functions being exercised in accordance with the provisions of this Act and the conditions of the licence.

**(3)** A casino operator must not:

- (a) employ or use the services of a person to exercise any function of a special employee in or in relation to the casino; or
- (b) allocate or permit or suffer to be allocated to a person the exercise of any function of a special employee in or in relation to the casino,

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

Maximum penalty: 100 penalty units.

**Special employees to display identification**

45. (1) The holder of a licence must at all times while exercising the functions of a special employee in a casino wear on his or her person so as to be clearly visible a form of identification approved by the Authority.

Maximum penalty: 20 penalty units.

(2) The Authority may exempt a person or a class of persons from the requirements of this section.

**Application for licence**

46. (1) An application for a licence is to be lodged with the Authority in a form approved by the Authority and must be accompanied by:

- (a) the fee determined by the Authority; and
- (b) such documents (if any) as may be specified by the Authority or as the form of application requires accompany the application; and
- (c) a certificate by the casino operator who employs or is proposing to employ the applicant as to the competence of the applicant to exercise the functions specified in the certificate.

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

(3) The Authority may require the applicant to consent to having his or her photograph, finger prints and palm prints taken and may refuse to consider the application if the applicant refuses to allow his or her photograph, finger prints or palm prints to be taken.

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

**Direction to apply for licence—persons who have special relationship with casino**

47. (1) For the purposes of this section, a person is to be considered to have a special relationship with a casino if:

- (a) the person is associated with the casino operator or is a casino employee, and in the opinion of the Authority has the power to exercise a significant influence over or with respect to operations in the casino; or
- (b) the person is associated with the casino operator or is a casino employee, and in the opinion of the Authority it is in the public interest that the person, by reason of his or her remuneration or his

or her authority in relation to operations in the casino, be licensed as a special employee; or

- (c) the person's employment (whether or not in the casino and whether or not by the casino operator) involves the exercise of functions that in the opinion of the Authority have the capacity to significantly affect, whether directly or indirectly, any operations in the casino.

(2) The Authority may give a direction in writing to a person who has a special relationship with a casino directing that the association or employment that constitutes the special relationship is to be regarded as the exercise by the person of the functions of a special employee.

(3) The direction is to require the person to apply for the necessary licence within a specified period of not less than 7 days.

(4) The association or employment specified in the direction is for the purposes of this Part to be regarded as the exercise by the person of the functions of a special employee as soon as

- (a) the period allowed by the direction for the making of an application for the appropriate licence expires with no application having been made; or  
 (b) (if the application is made within that period) the application is determined.

(5) If this section results in a person who has a special relationship with a casino contravening section 44 (Special employees to be licensed):

- (a) the Authority is to give written notice of that fact to the person and the casino operator or employer concerned; and  
 (b) the person and the casino operator or employer are each guilty of an offence if the association or employment that constitutes the contravention is not terminated within 24 hours (or such longer period as the Authority may allow) after that notice is given.

Maximum penalty: 100 penalty units.

(6) The termination of an association or employment in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement, and neither the Crown nor the Authority incurs any liability because of such a termination.

### **Updating of application for licence**

**48. (1)** If a change occurs in the information provided in or in connection with an application for a licence (including in any documents lodged with the application) before the application is granted or refused,

the applicant must forthwith give the Authority written particulars of the change, verified by statutory declaration.

Maximum penalty: 20 penalty units.

(2) When particulars of the change are given, those particulars are then to be considered to have formed part of the original application, for the purposes of the operation of subsection (1) in relation to any further change in the information provided.

(3) This section does not apply to a change in information if the Authority has notified the applicant in writing that the Authority does not require particulars of any change in the information concerned or does not require particulars of the type of change concerned.

#### **Authority may require further information**

49. (1) The Authority may, by notice in writing, require a person who is an applicant for a licence or who, in the opinion of the Authority, has some association or connection with the applicant that is relevant to the application to do any one or more of the following:

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

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

(3) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

#### **Applications to be referred to Director**

50. (1) The Authority is to refer each application for a licence to the Director for report and recommendation.

(2) The Director is to investigate and inquire into each application and report to the Authority recommending either that the application be granted or that it be refused.

(3) If the Director's recommendation is that an application be refused, the Authority is to notify the applicant in writing of that recommendation and allow the applicant at least 14 days to make submissions to the Authority as to why the application should not be refused.

### **Cost of investigations to be paid by applicant**

51. (1) The reasonable costs incurred by the Director in investigating and inquiring into an application for a licence are payable to the Authority by the applicant, unless the Authority determines otherwise in a particular case.

(2) The Authority may require part or full payment, in advance of the amount the Director estimates will be payable by the applicant and may refuse to deal with the application until the required payment is made.

(3) Investigation and inquiry costs may include travelling expenses within or outside the State.

(4) It is a condition of any licence granted to the applicant that any amount payable under this section by the applicant is paid.

### **Determination of applications**

52. (1) The Authority is to consider an application for a licence and is to take into account the report and recommendation of the Director and any submissions made by the applicant within the time allowed.

(2) The Authority is not to grant a licence unless satisfied that the applicant is a suitable person to exercise the functions that the proposed licence will authorise the person to exercise.

(3) For that purpose, the Authority is to make an assessment of

- (a) the integrity, responsibility, personal background and financial stability of the applicant; and
- (b) the general reputation of the applicant having regard to character, honesty and integrity; and
- (c) the suitability of the applicant to perform the type of work proposed to be performed by the applicant as a licensee.

(4) The Authority is to determine the application by either granting a licence to the applicant or declining to grant a licence, and is to notify the applicant in writing of its decision.



(5) The Authority is not required to give reasons for its decision but may give reasons if it thinks fit.

### **Conditions of licence**

**53. (1)** A licence is subject to any conditions imposed by the Authority and notified in writing to the licensee by the Authority on the grant of the licence or during its currency.

(2) A condition of a licence may be varied, substituted or revoked by the Authority by notice in writing to the licensee, whether or not on application made to the Authority by the licensee.

### **Provisional licences**

**54. (1)** The Authority may, pending determination of an application for a licence, grant to the applicant a provisional licence.

(2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Authority when granting the licence.

(3) A provisional licence may be cancelled by the Authority at any time and, unless sooner surrendered or cancelled, ceases to have effect on the determination of the provisional licensee's application for a licence.

(4) This Act applies to a provisional licence in the same way as it applies to a licence (to the extent that is consistent with this section).

### **Duration of licence**

**55.** A licence remains in force until whichever of the following happens first:

- (a) the licensee dies; or
- (b) the licence is cancelled; or
- (c) the employment which the licence authorises is terminated; or
- (d) the licensee, by notice in writing, surrenders the licence to the Authority; or
- (e) the expiration of 12 months after the grant of the licence.

### **Renewal of licence**

**56. (1)** A licensee may, not earlier than 1 month before the expiration of his or her current licence, apply to the Authority for a new licence, in which case:

- (a) the current licence continues in force until the application for the new licence is determined; and

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

(2) An application for a new licence is to be made in a form approved by the Authority and is not to be considered to have been made unless accompanied by the fee determined by the Authority.

(3) The provisions of this Act (except those relating to the form of an application and the grant of a provisional licence) apply to and in relation to:

- (a) an application under this section for a new licence; and
- (b) the determination of such an application; and
- (c) any licence granted as a result of such an application,

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

#### **Variation of licence**

57. (1) Application may be made to the Authority, accompanied by the fee determined by the Authority, for variation of the authority conferred by a licence.

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

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

#### **Loss etc. of licence**

58. If the Authority is satisfied that a licence has been lost, destroyed or damaged, the Authority may, on payment of the fee determined by the Authority, issue a replacement licence.

#### **Disciplinary action against licensee**

59. (1) In this section:

“disciplinary action” means any one or more of the following actions against a licensee:

- (a) the service of a written notice on the licensee censuring him or her for any action specified in the notice;
- (b) variation of the authority conferred by the licence (other than a variation under section 57);

- (c) suspension of the licence for a specified period;
- (d) cancellation of the licence;

**“grounds for disciplinary action”** means any of the following grounds in respect of a licence:

- (a) that the licence was improperly obtained in that, at the time the licence was granted, there were grounds for declining to grant it;
- (b) that the licensee has been convicted of an offence against this Act or, whether or not in New South Wales, of an offence punishable on conviction by imprisonment or penal servitude for 3 months or more (whether or not in addition to a fine);
- (c) that the licensee has contravened a condition of the licence;
- (d) that the licensee has failed to provide information that he or she is required by this Act to provide or has provided information knowing it to be false or misleading in a material particular;
- (e) that the licensee has become bankrupt, applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit;
- (f) that the Authority is, for any reason, of the opinion that the licensee is not a suitable person to be the holder of the licence.

(2) The Director may of his or her own motion, and must at the direction of the Authority, inquire into whether there are grounds for disciplinary action against a licensee and is to make a report to the Authority on the matter.

(3) If the Director recommends that disciplinary action be taken against the licensee:

- (a) the Authority is to give the licensee notice of the recommendation and at least 14 days to make submissions to the Authority on the matter; and
- (b) the Authority may by written direction to the licensee suspend the licensee’s licence for a maximum period of 90 days pending the Authority’s decision on the matter and may revoke any such suspension.

(4) The Authority is to consider the Director’s recommendation and any submissions made by the licensee within the time allowed and is to decide whether to take disciplinary action against the licensee.

(5) If the Authority decides that there are grounds for disciplinary action against a licensee, the Authority may take the action and does so

by giving notice in writing of the action to the licensee. Disciplinary action takes effect when the notice is given or on a later date specified in the notice.

(6) Disciplinary action may be taken against a person whether or not the person has been prosecuted, convicted or penalised for any offence that is the grounds for the action.

(7) The Authority is not to take action under this section unless a member of the Authority who has special legal qualifications (as referred to in section 135) is present at the meeting of the Authority at which the decision to take the action is made.

#### **Effect etc. of suspension**

60. (1) During any period of suspension of a licence, the licensee is to be regarded as not holding a licence except for the purposes of section 63 (Change in state of affairs of licensee).

(2) The Authority may, by notice in writing to the licensee at any time, terminate or reduce a period of suspension of a licence.

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

61. (1) If a casino operator is given written notice by the Authority that the licence of an associate or employee of the operator has been suspended or cancelled, or has otherwise ceased to be in force, it is a condition of the operator's casino licence that the operator must, within 24 hours after the notice is given:

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

(2) If the employer (other than the casino operator) of an employee is given written notice by the Authority that the employee's licence has been suspended or cancelled, the employer must, within 24 hours after the notice is given, terminate the employment that constitutes the exercise of the functions of a special employee or cause it to be terminated.

Maximum penalty: 100 penalty units.

(3) A termination of employment in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement, and neither the Crown nor the Authority incurs any liability because of such a termination.

**Information relating to licensees to be provided**

**62. (1)** It is a condition of a casino licence that the casino operator must:

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

**(2)** The Authority may, by notice in writing, require a licensee:

- (a) to provide, in accordance with directions in the notice, such information relevant to the holding of the licence as is specified in the notice; or
- (b) to produce, in accordance with directions in the notice, such records relevant to the holding of the licence as are specified in the notice and to permit examination of the records and the making of copies of the records.

**(3)** It is a condition of a licence that the licensee must comply with the requirements of a notice under this section.

**Change in state of affairs of licensee**

**63.** Whenever a prescribed change takes place in the state of affairs existing in relation to the holder of a licence, the holder of the licence must notify the Authority in writing of the prescribed particulars relating to the change within 14 days after it takes place.

Maximum penalty: 20 penalty units.

**Training courses for employees**

**64. (1)** It is a condition of a casino licence that the casino operator must provide for persons employed or to be employed as special employees in the casino training courses in relation to the playing of games, the conduct of games and associated activities in connection with casino operations.

- (2) Training courses provided for the purposes of this section must:
- (a) be conducted by the casino operator or, with the approval of the Authority, the nominee of the casino operator; and
  - (b) be of such content, format and duration as is approved by the Authority from time to time.

(3) A casino operator may 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, but only if

- (a) the operator has the approval of the Authority to do so; and
- (b) no money is used and no chips are used in place of money.

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

## **PART 5—CASINO OPERATIONS**

### **Casino layout to be as approved by Authority**

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

(2) The Authority may approve plans, diagrams and specifications indicating the following:

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

(3) The Authority may amend an approval under this section by giving not less than 14 days' written notice of the amendment to the casino operator or such lesser period of notice as the operator agrees to accept in a particular case.

**Approval of games and rules for games**

**66. (1)** The Authority may, by order published in the Gazette, approve the games that may be played in a casino and the rules for those games.

**(2)** It is a condition of a casino licence that the casino operator must not permit a game to be conducted or played in a casino unless:

- (a) there is an order in force under this section approving the game; and
- (b) the game is conducted or played in accordance with the rules of the game approved by such an order.

**(3)** A person must not conduct a game in a casino or permit a game conducted by him or her to be played in a casino, unless:

- (a) there is an order in force under this section approving the game; and
- (b) the game is conducted or played in accordance with the rules of the game approved by such an order.

Maximum penalty: 20 penalty units.

**Directions as to games to be available**

**67. (1)** The Authority may give a direction in writing to a casino operator concerning any one or more of the following:

- (a) the particular games that are or are not to be available to be played in the casino;
- (b) the minimum number of any particular game that is to be available to be played in the casino;
- (c) the maximum number of any particular game that is to be available to be played in the casino.

**(2)** The Authority may amend any such direction by a further direction in writing to the casino operator.

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

**(4)** Before giving or amending a direction under this section, the Authority is to give the casino operator a reasonable opportunity to make representations to the Authority on the proposed direction or amendment and is to consider any representations made by the casino operator.

**Approval of gaming equipment**

**68. (1)** The Authority may approve of gaming equipment for use in a casino and for that purpose may approve particular equipment or may approve equipment of a specified class or description, and may impose conditions on any such approval.

(2) An approval is to be in writing and may be revoked by the Authority by notice in writing to the casino operator.

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

(4) Regulations may be made for or with respect to the manufacture or supply of gaming equipment for use in a casino.

(5) Despite the provisions of any other law, the possession of gaming equipment is lawful if:

- (a) the possession is for the purposes of an investigation under this section; or
- (b) the equipment is identifiable in a manner approved by the Authority and it is in a casino with the approval of the Authority or the circumstances of its possession are such as have been approved by the Authority generally or in a particular case.

**Unsatisfactory gaming equipment**

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

(2) It is a condition of a casino licence that the casino operator must forthwith comply with such a direction.

**Conduct of gaming**

**70. (1)** It is a condition of a casino licence that the following provisions are complied with in the casino and the casino operator is to be considered to have contravened that condition if they are not complied with:

- (a) gaming equipment is not to be used for gaming in the casino unless there is an approval in force under section 68 for the use in the casino of that equipment or of the class or description of equipment



- concerned, and it is used in accordance with any conditions to which the approval is subject;
- (b) all playing cards dealt in the course of gaming in the casino are to be dealt from a card shoe or any other device approved by the Authority for the purpose;
  - (c) chips for gaming in the casino are not to be issued unless the chips are paid for in money to the value of the chips or by chip purchase voucher that, on payment of the amount shown on the voucher, was issued by or on behalf of the operator;
  - (d) gaming wagers are not to be placed in the casino otherwise than by means of chips unless the rules of the game require or provide for the placing of wagers in money;
  - (e) all wagers won in the course of gaming in the casino are to be paid in full without deduction of any commission or levy other than a commission or levy provided for in the rules of the game;
  - (f) all wagers won in the course of gaming in the casino are to be paid in chips unless the rules of a game specifically permit payment by cash or cheque;
  - (g) a person who is at or in the vicinity of the casino and is an agent of the casino operator or a casino employee must not induce patrons to enter the casino or take part in gaming in the casino;
  - (h) a person must not be required to pay any deposit, charge, commission or levy (whether directly or indirectly and whether or not it is claimed to be refundable) to enter the casino or, except as may be provided by the rules of a game or as may be approved by the Authority, to take part in gaming in the casino;
  - (i) during the times the casino is open to the public for gaming the requirements of subsection (2) are complied with in relation to the exchange and redemption of chips and chip purchase vouchers issued by the casino operator.
- (2) The requirements for the exchange and redemption of chips and chip purchase vouchers are as follows:
- (a) chip purchase vouchers are to be exchanged for chips at the request of the patron;
  - (b) chips are to be exchanged for other chips at the request of the patron;
  - (c) chips or chip purchase vouchers are to be redeemed for a cheque at the request of the patron (if the patron requests a cheque), or wholly or partly for money (with a cheque for any balance) if the patron so requests and the casino operator concurs;

- (d) a cheque in payment for redeemed chips or chip purchase vouchers must be made payable to the patron and drawn on a bank approved by the Authority;
- (e) any exchange or redemption of chips or chip purchase vouchers is to be for their full value without any deduction.

**Times of operation of casino**

**71. (1)** It is a condition of a casino licence that the casino is to be open to the public for gaming in accordance with this Act on such days and at such times as are for the time being directed by the Authority by order in writing served on the casino operator.

**(2)** It is a condition of a casino licence that the casino is to be closed to the public:

- (a) on days and at times that are not days or times specified in a direction for the time being in force under this section; and
- (b) on days or at times specified in such a direction as days on which, or times at which, the opening of the casino to the public is prohibited.

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

**Assistance to patrons**

**72. (1)** It is a condition of a casino licence that the casino operator must ensure that:

- (a) at the request of a casino patron, a copy of the rules of gaming in respect of any particular game (as approved for the time being under section 66) is made available for inspection by the patron; and
- (b) there is prominently displayed in the casino such advice or information concerning gaming rules, mode of payment of winning wagers, the odds of winning for each wager and such other advice or information to the player as may be directed by the Authority; and
- (c) at the request of a casino patron, a brochure summarising the rules of gaming in respect of a game played in the casino (in accordance with the text approved by the Authority) is provided to the patron; and

- (d) there is prominently displayed at each gaming table or location related to the playing of a game a sign indicating the permissible minimum and maximum wagers pertaining to the game played there; and
- (e) a minimum wager indicated in respect of a game at a table or location is not changed to a higher minimum unless a sign indicating the new minimum and the proposed time of change is displayed at the table or location at least 20 minutes before the change.

(2) The Authority may by instrument in writing exempt a casino operator from compliance with subsection (1) (d) and (e) in respect of any particular game played in the casino and may grant the exemption subject to conditions.

#### **Operation of security equipment etc.**

**73.** It is a condition of a casino licence that the casino operator must ensure that all casino installations, devices, 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.

#### **Credit prohibited**

**74. (1)** A casino operator must not, and an agent of the operator or a casino employee must not, in connection with any gaming in the casino:

- (a) accept a wager made otherwise than by means of money or chips; or
- (b) lend money, chips or any other valuable thing; or
- (c) provide money or chips as part of a transaction involving a credit card or a debit card; or
- (d) extend any other form of credit; or
- (e) except with the approval of the Authority, wholly or partly release or discharge a debt.

(2) It is a condition of a casino licence that the casino operator must not contravene subsection (1) and must not cause, permit, suffer or allow an agent of the operator or a casino employee to contravene that subsection.

(3) It is a condition of a casino licence that an automatic teller machine or any like device is not to be installed within the boundaries of the casino.

(4) This section does not limit the operation of section 75 (Cheques and deposit accounts).

**Cheques and deposit accounts**

**75. (1)** In this section:

“**cheque**” means a cheque (other than a traveller’s cheque) that:

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

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

- (a) money; or
- (b) a cheque payable to the operator; or
- (c) a traveller’s cheque.

**(3)** A casino operator may issue to a person who establishes a deposit account and debit to the account chip purchase vouchers, money or a cheque made payable to the person, not exceeding in total value the amount standing to the credit of the account at the time of issue of the vouchers, money or cheque.

**(4)** A casino operator may, in exchange for a cheque payable to the operator or a traveller’s cheque, issue to a person chip purchase vouchers of a value equivalent to the amount of the cheque or traveller’s cheque.

**(5)** A cheque accepted by a casino operator may, by agreement with the operator, be redeemed in exchange for the equivalent in value to the amount of the cheque of any one or more of the following:

- (a) money;
- (b) a cheque payable to the operator;
- (c) chip purchase vouchers;
- (d) chips.

**(6)** It is a condition of a casino licence that the casino operator:

- (a) must not accept a cheque from a person if a cheque previously accepted by the operator from the person has not been met on presentation (unless the amount of the cheque not met was subsequently paid to the operator); and
- (b) must bank a cheque accepted by the operator under this section within 1 working day after it is accepted; and
- (c) must not agree to the redemption of a cheque accepted by the operator for the purpose of avoiding compliance with paragraph (b).

(7) Section 16 (Action not to lie for contracts by way of gaming) of the Gaming and Betting Act 1912 does not apply to prevent an action being brought to recover money on a cheque or other instrument given in payment for chip purchase vouchers, or a credit to a deposit account, under this section.

### **Junkets and inducements**

**76. (1)** The regulations may make provision for or with respect to regulating or prohibiting:

- (a) the promotion and conduct of junkets involving a casino; or
- (b) the offering to persons individually of inducements to take part in gambling at a casino.

**(2)** In particular, the regulations may:

- (a) impose restrictions on who may organise or promote a junket or offer inducements; and
- (b) require the organiser or promoter of a junket, or a casino operator, to give the Authority advance notice of the junket and to furnish to the Authority detailed information concerning the conduct of and the arrangements for the conduct of any junket; and
- (c) require any contract or other agreement that relates to the conduct of a junket or the offer of an inducement to be in a form and contain provisions approved of by the Authority; and
- (d) require the organiser or promoter of a junket, or a casino operator, to give specified information concerning the conduct of the junket to participants in the junket.

**(3)** In this section:

**“junket”** means any arrangement for the promotion of gaming in a casino by groups of people (usually involving arrangements for the provision of transportation, accommodation, food, drink and entertainment for participants in the arrangements, some or all of which are paid for by the casino operator or are otherwise provided on a complimentary basis).

### **Right of entry to casino**

**77. (1)** A person enters and remains in a casino only by licence of the casino operator, except as provided by this section and section 78.

**(2)** An inspector may enter, and remain in, a casino, or any part of a casino, pursuant to the functions conferred or imposed on an inspector by this Act.

**Police powers of entry to casino**

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

**(2)** A police officer may, on being authorised by the Authority, the Director or an inspector to do so, enter any part of a casino to which the public does not have access and may remain there for the purpose of discharging his or her duty as a police officer.

**(3)** Such an authorisation may be given in a particular case or generally and may be given so as to operate on a specified occasion or throughout a specified period.

**(4)** The Authority, the Director or an inspector giving such an authorisation to a police officer is to inform the casino operator or the person for the time being in charge of the casino as soon as practicable.

**(5)** Nothing in this section or section 77 affects any power a police officer has by law to enter any part of a casino.

**Exclusion of persons from casino**

**79. (1)** The Director or the casino operator or the person for the time being in charge of the casino may, by order given to a person verbally or in writing, prohibit the person from entering or remaining in a casino.

**(2)** If a person is given such a verbal order and the person requires the order to be given in writing, the verbal order is suspended while the order is put in writing (but only if the person remains available in the casino to be given the written order).

**(3)** The Director or the casino operator may give a written order under this section to a person, on the person's voluntary application, prohibiting the person from entering or remaining in a casino. The application must be in writing and the person's signature on it must be witnessed in a manner determined by the Authority.

**(4)** It is a condition of a casino licence that the casino operator must, as soon as practicable after a written order is given to a person under this section by the operator or by the person for the time being in charge of the casino, cause notice of the order to be given to the Authority and to the Director.

**(5)** This section does not authorise the exclusion from a casino of any person acting in the person's capacity as an inspector or other authorised person, or as a police officer.

**Review of exclusion order**

**80. (1)** A person who is given an exclusion order may apply to the Authority within 28 days after the order is given for a review of the order unless the order was given at the direction of the Commissioner of Police.

(2) An application for review must be made in writing and must specify the grounds on which it is made.

(3) At the request of the Authority, the Director is to make such inquiries into the matter as the Director thinks fit and is to report the results of those inquiries to the Authority.

(4) If the exclusion order was given on the voluntary application of the person to whom it applies, the inquiries made by the Director are, if possible, to include inquiries made of the witness to the application.

(5) On consideration of the grounds specified in the application for review and the report of the Director, the Authority may overrule the exclusion order or allow it to stand and is to communicate its decision to the applicant in writing.

(6) If the decision of the Authority is to overrule the exclusion order, the decision operates to revoke the order but does not prejudice the right of a casino operator or person for the time being in charge of a casino, acting in good faith, to give a further exclusion order to the person affected.

(7) An application for review of an exclusion order does not stay or otherwise affect the operation of the order pending the Authority's decision on the application.

**Commissioner of Police may direct that person be excluded**

**81. (1)** The Commissioner of Police may direct a casino operator in writing to exclude a person from a casino by giving the person or causing the person to be given an exclusion order, and it is a condition of the casino licence that the operator must comply with the direction.

(2) The Commissioner may give such a direction in anticipation of the person entering a casino.

(3) Where practicable, the Commissioner of Police is to make available to the casino operator a photograph of the person who is the subject of the direction and is to give the person notice of the direction.

**Duration and revocation of exclusion orders**

**82. (1)** An exclusion order remains in force in respect of a person unless and until it is revoked by the person who gave the order.

(2) An exclusion order given by a person for the time being in charge of a casino may be revoked by any other person who is for the time being in charge of the casino or by the casino operator.

(3) An exclusion order given at the direction of the Commissioner of Police may not be revoked except with the written approval of the Commissioner.

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

Maximum penalty: 50 penalty units.

#### **List of excluded persons**

**83.** (1) It is a condition of a casino licence that the casino operator must, on each day that gaming is conducted in the casino, as soon as practicable after the time of day notified by the Director for the purposes of this subsection:

- (a) prepare a list of names bearing the date of that day; or
- (b) add the date of that day to an unchanged list of names applicable under this subsection on the last preceding day,

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

(2) It is a condition of a casino licence that the casino operator must:

- (a) on each day that gaming is conducted in the casino, as soon as practicable after the time of day notified by the Director for the purposes of this subsection, provide an inspector on duty in the casino with a copy of the list referred to in subsection (1) that bears the date of the day; and
- (b) notify an inspector on duty in the casino of the making, or the revocation, of an exclusion order of which the operator becomes aware during that day.

(3) A person must not provide any part of a list prepared under subsection (1) to any person except:

- (a) the casino operator;
- (b) a casino employee;
- (c) an inspector;
- (d) the Director;



- (e) the Authority;
- (f) the Commissioner of Police; or
- (g) a person approved by the Authority for the purpose.

Maximum penalty: 20 penalty units.

#### **Excluded person not to enter casino**

**84.** A person the subject of an exclusion order must not enter or remain in a casino to which the order relates.

Maximum penalty: 20 penalty units.

#### **Removal of excluded persons from casino**

**85. (1)** This section applies to the following persons in a casino:

- (a) the person for the time being in charge of the casino;
- (b) an agent of the casino operator;
- (c) a casino employee.

**(2)** A person to whom this section applies who knows that a person the subject of an exclusion order is in the casino, must remove the person from the casino or cause the person to be removed from the casino.

Maximum penalty: 20 penalty units.

**(3)** It is lawful for a person to whom this section applies, using no more force than is reasonable in the circumstances:

- (a) to prevent a person the subject of an exclusion order from entering the casino; and
- (b) to remove such a person from the casino or cause such a person to be removed from the casino.

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

**86. (1)** A key official must not gamble in a casino except to the extent that it may be necessary to do so in the exercise of his or her functions in the course of the administration of this Act.

**(2)** If a person is a special employee in a casino (as defined in Part 4), the person must not:

- (a) gamble in the casino; or
- (b) solicit or accept any gratuity, consideration or other benefit from a patron in the casino.

(3) If a key official ceases to be a key official, he or she must not gamble in a casino during the period of 12 months following the date on which he or she ceased to be a key official.

Maximum penalty: 20 penalty units.

### **Cheating**

87. (1) A person must not, in a casino:

- (a) by a fraudulent trick, device, sleight of hand or representation; or
- (b) by a fraudulent scheme or practice; or
- (c) by the fraudulent use of gaming equipment or any other thing; or
- (d) by the fraudulent use of an 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,

obtain for himself or herself or another person, or induce a person to deliver, give or credit to him or her or another person, any money, chips, benefit, advantage, valuable consideration or security.

Maximum penalty: 100 penalty units or imprisonment for 2 years, or both.

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

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

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

- (a) chips that he or she knows are bogus, counterfeit or stolen (within the meaning of sections 188, 189 and 189A of the Crimes Act 1900); or
- (b) cards, dice or coins that he or she knows have been marked, loaded or tampered with; or
- (c) for the purpose of cheating or stealing—any equipment, device or thing that permits or facilitates cheating or stealing.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

(4) Subsection (3) does not prohibit the possession in a casino of any thing referred to in subsection (3) (a) or (b) by a person in charge of the casino, an agent of the casino operator, a casino employee, an inspector or

a police officer, if that thing has been seized by any of those persons from another person for use as evidence in proceedings for an offence.

### **Detention of suspected person**

**88. (1)** An inspector who suspects on reasonable grounds that a person in a casino has contravened, is contravening or is attempting to contravene a provision of this or any other Act may detain the suspected person in a suitable place in or near the casino until the arrival at the place of detention of a police officer.

**(2)** Any other person who is:

- (a) for the time being in charge of a casino; or
- (b) an agent of the casino operator; or
- (c) a casino employee,

and who suspects on reasonable grounds that a person in the casino has contravened, is contravening or is attempting to contravene section 87 (Cheating) or a prescribed provision of this Act may detain the suspected person in a suitable place in or near the casino until the arrival at the place of detention of a police officer.

**(3)** A person may not be detained under this section unless:

- (a) no more force is used than is proper in the circumstances; and
- (b) the person detained is informed of the reasons for the detention; and
- (c) the person effecting the detention immediately notifies a police officer of the detention and the reasons for the detention; and
- (d) the person detained is detained for no longer than is reasonable to enable a police officer to attend.

### **Application of Liquor Act 1982**

**89. (1)** The Liquor Act 1982 does not apply to or in respect of a casino, except as provided by the regulations.

**(2)** The regulations may apply to the casino, with or without modification, specified provisions of the Liquor Act 1982 and a provision so applied has effect in accordance with the regulations.

**(3)** The Minister may by order published in the Gazette declare that the whole or a specified part of specified premises is to be considered to form part of a casino for the purposes of this section and this section then has effect accordingly in respect of those premises.

(4) Such an order is to apply only to premises that form part of or are in the immediate vicinity of the building or complex of which a casino forms part.

### **Application of certain provisions of Local Government Act 1919**

**90. (1)** For the purposes of Division 4BA (Places of public entertainment etc.) of Part 11 of the Local Government Act 1919:

- (a) a casino is to be considered to be a place of public entertainment; and
- (b) the conduct of operations in a casino is to be considered to be the conduct of a public entertainment.

(2) The Minister may by order published in the Gazette declare that the whole or a specified part of specified premises is to be considered to form part of a casino for the purposes of this section and this section then has effect accordingly in respect of those premises.

(3) Such an order is to apply only to premises that form part of or are in the immediate vicinity of the building or complex of which a casino forms part.

## **PART 6—MINORS**

### **Definitions**

**91.** In this Part:

“**acceptable proof of age**” for a person means:

- (a) documentary evidence that might reasonably be accepted as applying to the person and as proving that the person is at least 18 years of age; or
- (b) evidence that the regulations provide is acceptable evidence for the purposes of this Part that the person is at least 18 years of age;

“**minor**” means a person who is under the age of 18 years.

### **Part applies only during hours of operation of casino**

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

### **Minors not to enter casino**

**93.** A minor must not for any purpose enter or remain in a casino.  
Maximum penalty: 10 penalty units.

**Minors in casino—offences by casino operator**

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

Maximum penalty: 50 penalty units.

**(2)** If a minor is in a casino, the casino operator must forthwith remove the minor or cause the minor to be removed from the casino.

Maximum penalty: 50 penalty units.

**(3)** It is a defence to a prosecution for an offence under this section if it is proved that:

- (a) the minor was above the age of 14 years; and
- (b) before the minor entered the casino, or while the minor was in the casino, there was produced to the casino operator or to his or her agent or employee acceptable proof of age for the, minor.

**Entry of minors to be prevented**

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

Maximum penalty: 50 penalty units.

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

**Proof of age may be required**

**96. (1)** The person for the time being in charge of a casino, an agent of the casino operator, a casino employee, an inspector or a police officer may if he or she has reasonable cause to suspect that a person in the casino is a minor:

- (a) require that person to state his or her correct age, name and address; and
- (b) if it is suspected on reasonable grounds that the age, name or address given in response to the requirement is false — require the person to produce evidence of its correctness.

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

Maximum penalty: 10 penalty units.

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

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

#### **Minors using false evidence of age**

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

Maximum penalty: 10 penalty units.

#### **Notices to be displayed**

98. (1) It is a condition of a casino licence that the casino operator must ensure that, at all times when the casino is open to the public for gaming, notices are displayed in the casino with respect to the exclusion from the casino of persons under the age of 18 years.

(2) The number, form, size, position and matter to be displayed on such a notice are to be as required by written notice given to the operator by the Authority.

#### **Minors not to be detained**

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

#### **Evidence**

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

#### **Apprentices permitted entry to casino**

101. It is a defence to a prosecution under this Part if it is proved that the minor concerned was an apprentice (within the meaning of the Industrial and Commercial Training Act 1989) and that the minor's entry

into or presence in a casino on the occasion in question was for the purpose only of his or her receiving training or instruction as an apprentice.

## **PART 7—CASINO SURVEILLANCE**

### **Division 1—The Director of Casino Surveillance**

#### **Appointment of Director**

**102.** (1) The Governor may appoint a person to be the Director of Casino Surveillance.

(2) A person is not to be appointed as Director except on the recommendation of the Minister.

(3) Section 136 (Persons engaged in administration of Act to be of highest integrity) applies to the position of Director.

(4) The employment of the Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

#### **Acting Director**

**103.** (1) The Minister may, from time to time, appoint a person to act in the office of the Director during the illness or absence of the Director (or during a vacancy in the office of the Director) and the person, while so acting, has all the functions of the Director and is taken to be the Director.

(2) Section 136 (Persons engaged in administration of Act to be of highest integrity) applies to the position of acting Director.

(3) The Minister may, at any time, remove a person from office as acting Director.

(4) An acting Director is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

#### **Functions of Director**

**104.** (1) The Director has the following functions:

- (a) to appoint, supervise, direct and control inspectors under this Act;
- (b) to directly supervise and inspect the operations of a casino and the conduct of gaming in a casino;
- (c) to detect offences committed in or in relation to a casino and to prosecute offences under this Act;

- (d) to consider and report to the Authority on applications for licences under this Act and on the need for disciplinary action against licensees;
  - (e) to make recommendations to the Authority on the games that may be played in a casino and the rules of those games;
  - (f) to prepare and furnish to the Authority and the Minister such reports concerning the operations of casinos and the conduct of gaming in them as the Director thinks fit or as the Authority or the Minister may request;
  - (g) to report generally to the Authority and the Minister on the administration of this Act;
  - (h) to assist the Authority generally, as the Authority sees fit;
  - (i) to exercise such other functions as may be conferred or imposed on the Director by or under this or any other Act.
- (2) The Director has all the functions of an inspector and is to be considered to be an inspector.

(3) The Director may delegate to a key official any of the Director's functions under this Act, other than this power of delegation. A delegate may subdelegate to a key official any function so delegated if the delegate is authorised by the terms of the delegation to do so.

## **Division 2—Casino inspectors**

### **Meaning of “gaming equipment and records”**

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

### **Appointment and control etc. of inspectors**

**106. (1)** The Director may appoint persons to be inspectors for the purposes of this Act.

(2) The inspectors are, in the exercise of their functions as inspectors, subject to the direction and control of the Director.

(3) Section 136 (Persons engaged in administration of Act to be of highest integrity) applies to the position of inspector.

### **Identification of inspectors**

**107. (1)** An inspector is not authorised to exercise the functions of an inspector unless he or she is in possession of an identification card issued by the Authority.



(2) If an inspector proposing to exercise the functions of an inspector fails to produce on demand his or her identification card, the inspector is not authorised to exercise those functions in relation to the person making the demand.

### **Rights of inspectors on casino premises**

**108.** (1) An inspector may at any time enter and remain on the premises of a casino for the purpose of doing any one or more of the following things:

- (a) observing any of the operations of the casino;
- (b) ascertaining whether the operation of the casino is being properly conducted, supervised and managed;
- (c) ascertaining whether the provisions of this Act are being complied with;
- (d) in any other respect, exercising his or her functions under this Act.

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

### **Functions of inspectors**

**109.** Inspectors have the following functions:

- (a) to supervise operations in a casino, and to inspect the gaming equipment used in a casino, for the purpose of ascertaining whether or not the casino operator is complying with the provisions of this Act, the conditions of the casino licence and any directions given by the Authority under this Act;
- (b) to supervise the handling and counting of money in a casino;
- (c) to assist in any other manner, where necessary, in the detection of offences committed against this Act in a casino;
- (d) to receive and investigate complaints, in accordance with section 110, from casino patrons relating to the conduct of gaming in a casino;
- (e) to report to the Director regarding operations in a casino;
- (f) such other functions as may be conferred or imposed on inspectors by or under this or any other Act.

**Inspectors to investigate complaints**

**110. (1)** On receiving a complaint from a patron relating to the conduct of gaming in a casino, an inspector must forthwith investigate the complaint.

(2) The inspector must inform the casino operator of the substance of the complaint and give the operator a reasonable opportunity to make a response to it.

(3) If, as a result of the investigation, the inspector is satisfied that:

(a) the conduct of any game in a casino has contravened any condition of the casino licence, any rules of the game approved under section 66 (Approval of games and rules for games) or any direction given by the Authority under this Act; or

(b) there has been any other contravention of a provision of this Act, the inspector is to report the matter to the Director in writing.

(4) The inspector must give or send a copy of his or her report to the casino operator and must inform the complainant of the results of the investigation of the complaint and of any action taken or to be taken as a consequence of it.

**Powers of inspectors**

**111. (1)** An inspector may do any one or more of the following:

- (a) require any person in possession of, or having control of, any gaming equipment or records to produce the equipment or records for inspection and to answer questions or provide information relating to the equipment or records;
- (b) inspect any gaming equipment or records and take copies of, extracts from, or notes relating to, any records;
- (c) if the inspector considers it necessary to do so for the purpose of obtaining evidence of the commission of an offence—seize any gaming equipment or records;
- (d) with the prior approval in writing of the Director—enter any premises or place other than a casino in which the inspector suspects on reasonable grounds that there is gaming equipment or records if the inspector does so with the consent of the occupier or in accordance with a search warrant under section 112;
- (e) in a casino or a place entered under paragraph (d)—search for, seize and remove and retain any gaming equipment or records that the inspector considers will afford evidence of the commission of an offence reasonably suspected by the inspector;

- (f) by notice in writing require the operator, an employee, or any other person associated with operations in a casino or their management, to attend before the inspector at a specified time and place and answer questions, or provide information, with respect to operations in a casino;
- (g) examine and test any gaming equipment in a casino and order the person in charge of a casino to withdraw unsatisfactory gaming equipment from use in the casino or to destroy unsatisfactory chips;
- (h) call to his or her aid a police officer if he or she is obstructed, or believes on reasonable grounds that he or she will be obstructed, in the exercise of his or her functions.

(2) If an inspector seizes gaming equipment or records under this section, they may be retained by the inspector until the completion of any proceedings (including proceedings on appeal) in which they may be evidence but only if, in the case of records, the person from whom the records were seized is provided, within a reasonable time after the seizure, with a copy of the records certified by an inspector as a true copy.

(3) Subsection (2) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.

(4) A copy of records provided under subsection (2) is, as evidence, of equal validity to the records of which it is certified to be a copy.

(5) A person is not required by this section to answer a question that might incriminate the person.

(6) A police officer has, while acting in aid of an inspector, the functions of an inspector.

### **Search warrants**

**112.** (1) An inspector may apply to an authorised justice for the issue of a search warrant if the inspector believes on reasonable grounds that gaming equipment or records are on any premises and that:

- (a) in relation to those articles an offence under this Act has been, is being, or is likely to be, committed; or
- (b) that those articles may be evidence of an offence under this Act.

(2) An authorised justice to whom such an application is made may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant and any assistants to enter the premises, or part of premises, specified in the warrant, for the purpose of exercising the functions of an inspector.

(3) A search warrant issued under this section ceases to have effect no later than the expiration of the period of 1 month after its issue.

(4) Part 3 of the Search Warrants Act 1985 applies to a search warrant issued under this section.

(5) In this section:

“**authorised justice**” has the same meaning as in the Search Warrants Act 1985.

### **Offences relating to obstruction etc. of inspectors**

**113. (1)** A person must not:

- (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector, or a police officer acting in aid of an inspector, when the inspector is exercising or attempting to exercise his or her functions as an inspector; or
- (b) fail to produce for inspection any gaming equipment or records in the possession, or under the control, of the person when required so to do by an inspector in the exercise of his or her functions as an inspector; or
- (c) fail without reasonable excuse to attend before an inspector and answer questions or supply information when required so to do by the inspector in the exercise of his or her functions as an inspector; or
- (d) except with the permission of an inspector—take any gaming equipment or records seized, impounded or retained under the authority of this Act; or
- (e) when directed by an inspector, in the exercise of his or her functions as an inspector, to destroy any chips considered by the inspector to be unsatisfactory for use—fail to comply with the direction; or
- (f) when directed by an inspector, in the exercise of his or her functions as an inspector, to cease to have available for use any gaming equipment considered by the inspector to be unsatisfactory for use—fail to comply with the direction; or
- (g) provide to an inspector (whether in answer to a question asked by the inspector or otherwise) information which the person knows is false or misleading in a material particular; or
- (h) prevent, directly or indirectly, a person from attending before an inspector, producing to an inspector any gaming equipment or records or answering any question asked by or supplying any

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

Maximum penalty: 50 penalty units.

(2) If an inspector requires a person in a casino to state his or her full name and residential address the person must not:

- (a) fail to comply with the requirement; or
- (b) in purported compliance with the requirement, state a name or address that is false.

Penalty: 20 penalty units.

(3) An inspector is not authorised to require a person in a casino to state his or her full name or residential address unless the inspector:

- (a) suspects on reasonable grounds that the person is committing or has committed an offence; and
- (b) has informed the person, at the time of stating the requirement, that it is an offence to fail to comply with the requirement.

## **PART 8—CASINO DUTY AND COMMUNITY BENEFIT LEVY**

### **Casino duty**

**114.** (1) A casino duty is to be paid to the Authority in respect of each casino licence.

(2) The amount of the duty is to be:

- (a) as agreed from time to time by the Treasurer and the casino operator concerned; or
- (b) in the absence of agreement, as determined by the Treasurer from time to time.

(3) The duty is due and payable at the times and in the manner required by the agreement or Treasurer's determination.

(4) The duty paid to the Authority is to be paid into the Consolidated Fund.

### **Community benefit levy and fund**

**115.** (1) A casino community benefit levy is to be paid to the Authority in respect of each casino licence.

(2) The amount of the levy is to be:

- (a) as agreed from time to time by the Treasurer and the casino operator concerned; or

(b) in the absence of agreement, as determined by the Treasurer from time to time.

(3) The levy is due and payable at the times and in the manner required by the agreement or Treasurer's determination.

(4) The levies paid to the Authority are to be paid into a Casino Community Benefit Fund established in the Special Deposits Account in the Treasury and a separate account is to be kept for the levies paid in respect of each casino licence.

(5) The money derived from payment of those levies in respect of a casino licence is to be the subject of the creation and operation of a trust deed appointing trustees and containing provisions approved by the Minister relating to the expenditure of that money for the benefit of the community.

(6) The trustees of each trust deed may make recommendations to the Minister as to the application of money (appropriate to the trust deed concerned) for the benefit of the community and the Minister may pay money out of the Fund in accordance with any such recommendations.

### **Agreements and determinations**

**116.** (1) Any agreement or determination for the purposes of this Part must be in writing.

(2) The Treasurer is required to consult with the Minister before entering into an agreement or making a determination for the purposes of this Part.

(3) A determination under this Part takes effect when written notice of it is given to the casino operator concerned or on such later date as may be specified in the notice.

(4) The Treasurer enters into agreements under this Part on behalf of the State.

### **Examples of ways in which duty or levy can be fixed**

**117.** The following are examples of the ways in which an agreement or determination under this Part can fix the casino duty or casino community benefit levy to be paid:

- (a) by providing that the duty or levy is to be a specified amount;
- (b) by providing that the duty or levy is to be an amount calculated in a specified manner (such as, for example, as a percentage of the gross revenue of the casino from gaming);
- (c) by providing that the duty or levy is to be a specified "base" amount plus an amount calculated in a specified manner.

**Agreements and determinations to be tabled in Parliament**

**118.** The Treasurer is required to lay before each House of Parliament a copy of every agreement entered into and determination made by the Treasurer under this Part, within 14 sitting days of that House after the day on which the agreement is entered into or notice of the determination is given to the casino operator concerned.

**Interest on overdue amounts**

**119. (1)** Interest is payable by way of penalty on any amount of casino duty or casino community benefit levy that is not paid by the due date.

**(2)** Interest begins to run from the date that the amount concerned becomes due.

**(3)** The rate of interest is as determined by the Treasurer from time to time.

**(4)** Any interest paid under this section is to be considered to have been paid as casino duty or casino community benefit levy, as appropriate to the amount on which it is paid as interest.

**(5)** With the approval of the Treasurer given in a particular case, the Authority may waive or refund payment of interest under this section as the Authority thinks fit.

**Casino operator liable for duty etc,**

**120.** A casino operator is liable for payment of any duty, levy or interest payable under this Part in respect of the operator's casino licence and it is a condition of that licence that the operator must pay those amounts.

**Recovery of duty etc.**

**121.** Any duty, levy or interest payable under this Part may be recovered by the Authority in a court of competent jurisdiction as a debt due to the Crown.

**Effect of suspension of licence**

**122. (1)** The regulations may make provision for or with respect to the effect of the suspension of a casino licence on any liability of the licensee under this Part.

**(2)** Subject to the regulations, this Part applies in respect of a casino licence even if it is suspended, as if it had not been suspended.

**Offences relating to revenue**

**123.** A person must not:

- (a) wilfully evade the payment of any duty or levy payable by the person under this Part; or
- (b) furnish a return, or make a statement or report, to the Authority or an inspector in respect of any duty or levy payable under this Part knowing that the return, statement or report is false or misleading in a material particular.

Maximum penalty: 100 penalty units.

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

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

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

**(3)** An approval or amendment of an approval under this section takes effect when notice of it is given in writing to the casino operator concerned or on a later date specified in the notice.

**(4)** It is a condition of a casino licence that the casino operator must ensure that the system approved for the time being under this section for the casino is implemented.

**Content of approved system**

**125. (1)** A system of internal controls and administrative and accounting procedures approved for the purposes of section 124 is to include (but is not limited to) details of the following:

- (a) accounting controls and procedures, including the standardisation of forms, and the definition of terms, to be used in operations in the casino;
- (b) procedures, forms and, where appropriate, formulas for or with respect to the following:
  - (i) hold percentages and their calculation;
  - (ii) revenue drop;
  - (iii) expense and overhead schedules;



- (iv) complimentary services;
- (v) salary arrangements;
- (vi) personnel practices;
- (vii) junkets (as defined in section 76);
- (viii) cash equivalent transactions;
- (c) job descriptions and the system of organising personnel and chain of command authority so as to establish diversity of responsibility among employees engaged in operations in the casino and identification of primary and secondary supervisory positions for areas of responsibility, which areas must not be so extensive as to be impractical for an individual to supervise effectively;
- (d) procedures for the conduct and playing of games;
- (e) procedures and standards for the security of gaming machines and for the payment and recording of gaming machine' prizes;
- (f) procedures within a cashier's cage for the receipt, storage and disbursement of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions pertaining to gaming operations;
- (g) procedures for the collection and security of money at the gaming tables and other places in the casino where games are conducted;
- (h) procedures and forms for the transfer of chips to and from the gaming tables and other places in the casino where games are conducted and from and to a cashier's cage;
- (i) procedures for the transfer of money from the gaming tables and other places in the casino where games are conducted to other areas of the casino for counting;
- (j) procedures and forms for the transfer of money or chips from and to a gaming area;
- (k) procedures and security for the counting and recording of revenue;
- (l) procedures and security for the transfer of money from the casino to a bank and from a bank to the casino;
- (m) procedures for the security, storage and recording of chips utilised in the gaming operations in the casino;
- (n) procedures and standards for the maintenance, security and storage of gaming equipment;
- (o) procedures for the payment and recording of winnings associated with games where the winnings are paid by cash or cheque;
- (p) procedures for the issue of chip purchase vouchers and the recording of transactions in connection there with;

- (q) procedures for the cashing of cheques and recording of transactions by cheque;
- (r) procedures for the establishment and use of deposit accounts;
- (s) procedures for the use and maintenance of security and surveillance facilities, including catwalk systems and closed circuit television systems;
- (t) procedures governing the utilisation of security personnel within the casino;
- (u) procedures for the control of keys used or for use in operations in the casino.

(2) For the purposes of an approval or amendment of an approval, controls and procedures may be described narratively or represented diagrammatically, or by a combination of both methods.

### **Banking**

**126. (1)** It is a condition of a casino licence that the casino operator must:

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

(2) An inspector may, by notice in writing, require the manager or other principal officer of that bank to provide the inspector with a statement of such an account and such other particulars relating to the account as may be specified in the notice, and a person of whom such a requirement is made must comply with it.

Maximum penalty: 50 penalty units.

(3) An inspector may not exercise the powers conferred by this section without the prior written approval of the Director.

(4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

### **Accounts to be kept**

**127. (1)** It is a condition of a casino licence that the casino operator must keep such accounting records as correctly record and explain the transactions and financial position of the operations of the casino.

(2) The accounting records must be kept in such a manner as will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

### **Statement of accounts**

**128.** It is a condition of a casino licence that the casino operator must, as soon as practicable after the end of the financial year determined for the casino by the Authority, prepare financial statements and accounts, including:

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

that give a true and fair view of the financial operations of the operator in relation to the casino.

### **Books etc. to be kept on casino premises**

**129. (1)** It is a condition of a casino licence that the casino operator must ensure that all books, records and documents relating to the operations of the casino are:

- (a) kept at the casino; and
- (b) retained for not less than 7 years after the completion of the transactions to which they relate.

(2) The Authority may by instrument in writing grant an exemption to a casino operator from all or specified requirements of this section in respect of all or specified, or specified classes of, books, records or documents and may grant such an exemption subject to conditions.

### **Audit**

**130. (1)** It is a condition of a casino licence that the casino operator must, as soon as practicable after the end of the financial year determined for the casino by the Authority, cause the books, accounts and financial statements of the operator in relation to the casino to be audited by a person approved by the Authority to audit the accounting records of the operator.

(2) It is a condition of a casino licence that the casino operator must cause the auditor's report to be lodged with the Authority within 4 months after the end of the financial year to which the report relates.

**Submission of reports**

**131. (1)** It is a condition of a casino licence that the casino operator must submit to the Authority reports relating to the operations of the casino.

**(2)** The reports are to be submitted at such times, and are to contain such information, as is specified by order in writing given to the operator by the Authority from time to time.

**Part may be extended to associates of casino operator**

**132. (1)** The Authority may, by notice in writing to a person whom the Authority considers has some association or connection with a casino operator that is relevant to the operation or management of the casino, direct that this Part is to apply to the person.

**(2)** Such a direction operates to apply this Part to the person in the same way as it applies to a casino operator.

**PART 10—ADMINISTRATION****Constitution of the Authority**

**133. (1)** There is constituted by this Act a body corporate with the name of the New South Wales Casino Control Authority.

**(2)** The Authority is, for the purposes of any Act, a statutory body representing the Crown.

**(3)** The Authority is not subject to the direction or control of the Minister, except to the extent specifically provided for in sections 5, 7, 9 and 10.

**(4)** In any Act or instrument, the Authority may be referred to as the Casino Control Authority or the NSW Casino Control Authority.

**Members of the Authority**

**134. (1)** The Authority is to consist of 5 members, being:

- (a) the Chief Executive; and
- (b) 4 other members appointed by the Governor on the recommendation of the Minister.

**(2)** One of the members of the Authority (other than the Chief Executive) is to be appointed as Chairperson of the Authority, in and by the member's instrument of appointment or a subsequent instrument executed by the Governor.

(3) Schedule 1 has effect (Provisions relating to the members and procedure of the Authority).

### **Qualifications of members**

**135. (1)** Each of the persons recommended by the Minister for appointment as a member of the Authority (including the Chief Executive) must have such qualifications or experience in one or more of the following fields as the Minister considers necessary to enable the Authority to exercise its functions:

- (a) business management;
- (b) gaming;
- (c) law;
- (d) finance;
- (e) information technology.

(2) At least one of the members of the Authority (other than the Chief Executive) must be a person who has special legal qualifications, that is, a person who:

- (a) is or has been a Judge; or
- (b) is a barrister of not less than 5 years' standing; or
- (c) is a solicitor of not less than 7 years' standing; or
- (d) though not within paragraph (b) or (c), is a barrister or solicitor and for a continuous period of not less than 7 years has been either a barrister or solicitor.

### **Persons engaged in administration of Act to be of highest integrity**

**136. (1)** This section applies to the following positions:

- (a) member or deputy member of the Authority (including the Chief Executive and acting Chief Executive);
- (b) Director and acting Director;
- (c) inspector;
- (d) member of staff of the Authority;
- (e) consultant to the Authority.

(2) A person is not eligible to be appointed to a position to which this section applies unless the person possesses the highest standard of integrity.

(3) The question of whether a person possesses the highest standard of integrity is to be determined by the person responsible for the position concerned, namely:

- (a) the Authority in the case of the position of member of staff of the Authority or consultant to the Authority; and
- (b) the Director in the case of the position of inspector; and
- (c) the Minister in any other case.

(4) For the purpose of making such a determination, the person responsible for the position must cause to be carried out all such investigations and inquiries as the person considers proper and, in particular, must obtain and consider a report from the Commissioner of Police in relation to any person being considered.

(5) The Commissioner of Police is to furnish such a report at the request of the person responsible for the position and may for the purpose of the report require a person to whom the report relates to consent to having his or her photograph, finger prints and palm prints taken.

(6) If a person refuses or fails to comply with a request by the Commissioner, that person is not eligible to be appointed to a position to which this section applies while the refusal or failure continues.

(7) A person is not eligible to be appointed to a position to which this section applies if:

- (a) the person is, or was at any time during the previous 4 years, an employee of a person who is the holder of, or a close associate of the holder of, a casino licence or a party to a controlled contract (as defined in section 36) with the holder of a casino licence; or
- (b) the person has, or had at any time during the previous 4 years, directly or indirectly any business or financial association with, or any business or financial interest in any matter in conjunction with, a person who is the holder of, or a close associate of the holder of, a casino licence or a party to a controlled contract (as defined in section 36) with the holder of a casino licence.

(8) In subsection (7), “casino licence” includes any licence or other form of authorisation that authorises its holder to conduct casino style gaming in any place outside the State (including outside Australia).

(9) In the case of the position of inspector, ‘member of staff of the Authority or consultant to the Authority, the Authority may waive the operation of subsection (7) in a particular case.

### **Chief Executive**

**137. (1)** The Governor may, on the recommendation of the Minister, appoint a person to be the Chief Executive of the Authority.

(2) Section 136 (Persons engaged in administration of Act to be of highest integrity) applies to the appointment of the Chief Executive.

(3) The Chief Executive's employment is subject to Part 2A, but not Part 2, of the Public Sector Management Act 1988.

### **Chief Executive to manage the Authority**

**138.** The affairs of the Authority are to be managed and controlled by the Chief Executive in accordance with the directions of the Authority.

### **Acting Chief Executive**

**139. (1)** The Minister may, from time to time, appoint a person to act in the office of Chief Executive during the illness or absence of the Chief Executive (or during a vacancy in the office of Chief Executive) and the person, while so acting, has all the functions of the Chief Executive and is to be regarded as the Chief Executive.

(2) Section 136 (Persons engaged in administration of Act to be of highest integrity) applies to the position of acting Chief Executive.

(3) The Minister may, at any time, remove a person from office as acting Chief Executive.

(4) An acting Chief Executive is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

### **Objects of the Authority**

**140.** The objects of the Authority are to maintain and administer systems for the licensing, supervision and control of a casino, for the purpose of:

- (a) ensuring that the management and operation of the casino remains free from criminal influence or exploitation; and
- (b) ensuring that gaming in the casino is conducted honestly; and
- (c) promoting tourism, employment and economic development generally in the State; and
- (d) containing and controlling the potential of a casino to cause harm to the public interest and to individuals and families.

### **Functions of the Authority**

**141. (1)** The Authority has the following general functions:

- (a) such functions as are necessary or convenient to enable it to achieve its objects; and

(b) such other functions as are conferred or imposed on it by or under this or any other Act or law.

(2) Without limiting its general functions, the Authority has the following specific functions:

- (a) at the direction of the Minister, to invite expressions of interest for the establishment and operation of casinos and applications for casino licences and to consider and determine those applications;
- (b) to consider and determine applications for other licences under this Act;
- (c) to keep under constant review all matters connected with casinos and the activities of casino operators, persons associated with casino operators, and persons who are in a position to exercise direct or indirect control over the casino operators or persons associated with casino operators;
- (d) to review and report to the Minister on the efficiency and effectiveness with which the Director exercises the functions of Director under this Act;
- (e) to advise the Minister on matters relating to the administration of this Act;
- (f) to approve the games to be played in a casino and the rules under which such games are played;
- (g) to approve gaming equipment for use in a casino;
- (h) to approve the operating times of a casino;
- (i) to conduct and fund the conduct of research into matters concerning casinos.

(3) The Authority may, with the approval of the Minister, acquire and hold land or an interest in land on behalf of the Crown for the purpose of providing a suitable location and premises for the establishment and operation of a casino.

(4) In the exercise of its functions, the Authority is not required to observe the rules of natural justice (except to the extent that it is specifically required to do so by this Act).

#### **Authority may conduct negotiations and enter into agreements**

**142.** (1) With the approval of the Minister, the Authority may conduct negotiations and enter into agreements on behalf of the State for or in connection with the establishment and operation of a casino and any development of which a casino or proposed casino forms part.



(2) Such an agreement may contain only terms that are approved by the Minister and that are not inconsistent with this Act.

(3) Such an agreement may provide that all or specified obligations imposed by the agreement are to be considered to be conditions of the relevant casino licence and such a provision has effect accordingly.

(4) An assignment or encumbrance of the rights and obligations conferred or imposed by such an agreement is void unless the Minister consents to the assignment or encumbrance and any conditions subject to which the consent is given are complied with.

(5) The Minister may vary or revoke a condition referred to in subsection (4).

#### **Authority may hold inquiries**

**143. (1)** For the purpose of the exercise of its functions, the Authority may arrange for the holding of inquiries in public or in private presided over by a member of the Authority.

(2) Evidence may be taken on oath or affirmation at an inquiry, and for that purpose:

- (a) the member presiding at the inquiry may require a person appearing at the inquiry who wishes to give evidence to take an oath or to make an affirmation in a form approved by the member; and
- (b) a key official may administer an oath or affirmation to a person so appearing at the inquiry.

(3) The member presiding at an inquiry is not bound by the rules or practice of evidence and may inform himself or herself on any matter in such manner as the member considers appropriate.

(4) A reference in this section to an inquiry includes a reference to an inquiry held for the purpose of enabling a person to make submissions to the Authority and a reference to the giving of evidence includes a reference to the making of those submissions.

#### **Delegation of functions**

**144. (1)** The Authority may delegate to a key official any of its functions except this power of delegation and except any function of the Authority under the following sections of this Act:

18. (Determination of applications)
- 19 (Authority to define casino premises)
- 22 (Conditions of casino licence)
- 23 (Disciplinary action against casino operator)

28 (Appointment of manager if licence suspended, cancelled or surrendered)

59 (Disciplinary action against licensee).

(2) A delegate may subdelegate to a key official any function delegated under this section if the delegate is authorised by the terms of the delegation to do so.

**Staff etc.**

**145.** (1) The Authority may:

- (a) employ such staff as may be required to enable the Authority to exercise its functions and the Director to exercise his or her functions; and
- (b) arrange for the use of the services of any staff (by secondment or otherwise) or facilities of a government department, an administrative office or a public or local authority; and
- (c) arrange for one or more police officers to be made available to perform services for the Authority; and
- (d) engage such consultants as it requires to exercise its functions.

(2) In this Act, a reference to a member of the staff of the Authority is a reference to:

- (a) a person who is employed under subsection (1) (a); or
- (b) a person whose services are made use of under subsection (1) (b); or
- (c) a police officer who is performing services for the Authority under subsection (1) (c).

(3) Section 136 (Persons engaged in administration of Act to be of highest integrity) applies to the position of member of staff of the Authority and consultant to the Authority.

(4) Schedule 2 (Provisions concerning staff of the Authority) has effect.

**Key officials — restrictions on employment etc, with casino operator etc.**

**146.** (1) A key official must not be an employee, in any capacity, of a casino operator, a close associate of a casino operator, or a casino contractor.

Maximum penalty: 50 penalty units.

(2) A member of the Authority or the Director must not have any business or financial association with, or any business or financial interest in any matter in conjunction with, a casino operator, a close associate of a casino operator, or a casino contractor.

Maximum penalty: 50 penalty units.

(3) A key official (other than a member of the Authority or the Director) who has, directly or indirectly, any business or financial association with or any business or financial interest in any matter in conjunction with a casino operator, a close associate of a casino operator, or a casino contractor, must:

- (a) forthwith notify the Director of the association or interest; and
- (b) if directed to do so by the Director, terminate the association or relinquish the interest within the time specified by the Director.

Maximum penalty: 50 penalty units.

(4) A person who is a casino operator, a close associate of a casino operator, or a casino contractor, must not:

- (a) employ a key official in any capacity; or
- (b) have, directly or indirectly, any business or financial association with or any business or financial interest in any matter in conjunction with a key official, except with the approval of the Authority.

Maximum penalty: 50 penalty units.

(5) No such approval may be given in respect of any business or financial association with or any business or financial interest in any matter in conjunction with a member of the Authority or the Director.

(6) In this section:

“**casino contractor**” means a person who is a party to a controlled contract (as defined in section 36) with a casino operator or with a person who is the subject of a notice under section 38 (Requirement may be extended to associates of casino operator).

### **Restrictions on employment etc. of former key officials**

147. (1) A person who is a casino operator, a close associate of a casino operator, or a casino contractor, must not:

- (a) employ in any capacity another person who was a key official during the previous 4 years; or
- (b) have, directly or indirectly, any business or financial association with or any business or financial interest in any matter in

conjunction with another person who was a key official during the previous 4 years.

Maximum penalty: 50 penalty units.

- (2) Within 4 years after ceasing to be a key official, a person must not:
- (a) solicit or accept employment from, or be an employee of, a casino operator, a close associate of a casino operator, or a casino contractor; or
  - (b) have, directly or indirectly, any business or financial association with or any business or financial interest in any matter in conjunction with a casino operator, a close associate of a casino operator, or a casino contractor.

Maximum penalty: 50 penalty units.

(3) An exemption from the application to a former key official of a provision of subsection (1) or (2) in a particular case may be granted by the Authority but no such exemption may be granted in respect of a former member of the Authority or former Director.

(4) In this section:

“**casino contractor**” means a person who is a party to a controlled contract (as defined in section 36) with a casino operator or with a person who is the subject of a notice under section 38 (Requirement may be extended to associates of casino operator).

### **Secrecy**

**148. (1)** A person who acquires information in the exercise of functions under this Act must not, directly or indirectly, make a record of the information or divulge the information to another person, except in the exercise of functions under this Act.

Maximum penalty: 50 penalty units.

- (2) Despite subsection (1), information may be divulged:
- (a) to a particular person or persons, if the Authority certifies that it is necessary in the public interest that the information be divulged to the person or persons; or
  - (b) to a prescribed person or prescribed authority; or
  - (c) to a person who is expressly or impliedly authorised to obtain it by the person to whom the information relates.
- (3) A person cannot be required:
- (a) to produce in any court any document or other thing that has come into the person’s possession, custody or control by reason of, or in

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the course of, the exercise of the person's functions under this Act;  
or

(b) to divulge to any court any information that has come to the person's notice in the exercise of the person's functions under this Act.

(4) Despite subsection (3), a person may be required to produce a document or other thing in a court or to divulge information to a court if:

(a) the Authority certifies that it is necessary in the public interest to do so; or

(b) a person to whom the information relates (or to whom the information contained in the document or thing relates) has expressly authorised it to be divulged to or produced in the court.

(5) An authority or person to whom information is divulged under subsection (2), and a person or employee under the control of that authority or person, are, in respect of that information, subject to the same rights, privileges and duties under this section as they would be if that authority, person or employee were a person exercising functions under this Act and had acquired the information in the exercise of those functions.

(6) This section does not apply to the divulging of information to, or the production of any document or other thing to, any of the following:

- the New South Wales Crime Commission;
- the Independent Commission Against Corruption;
- the National Crime Authority;
- any other person or body prescribed for the purposes of this subsection.

(7) This section does not prevent a person being given access to a document in accordance with the Freedom of Information Act 1989, unless the document:

- (a) contains matter the disclosure of which could reasonably be expected to do any of the following:
- prejudice the investigation of any contravention or possible contravention of the law (including any revenue law) whether generally or in a particular case;
  - enable the existence or identity of any confidential source of information, in relation to the enforcement or administration of the law, to be ascertained;

- prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law); or
- (b) is a document the disclosure of which would disclose any of the following information:
- information concerning the business, commercial, professional or financial affairs of an applicant for a casino licence or a licence under Part 4;
  - information obtained in the course of an investigation of an application for such a licence;
  - information concerning the system of internal controls and administrative and accounting procedures for a casino.

(8) In this section:

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

“**produce**” includes permit access to.

### **Information gathering for law enforcement purposes**

**149. (1)** For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Authority may in writing direct a casino operator to provide the Authority with information obtained by the operator concerning:

- (a) operations in the casino and in any other premises (whether or not within the State) in the nature of a casino; and
- (b) any other activity that takes place in the casino or in those other premises.

(2) Such a direction may relate to particular information or to information generally and may relate to particular or general information concerning a specified person.

(3) The direction must specify:

- (a) the kind of information that the casino operator is required to provide; and
- (b) the manner in which the information is to be provided.

(4) It is a condition of a casino licence that the casino operator must comply with such a direction.

(5) The Authority may make information obtained by the Authority under this section available to any law enforcement agency and may do so despite section 148 (Secrecy).

(6) The Authority must not disclose to a casino operator that a request for information has been made to the Authority by a law enforcement agency or that information obtained under this section has been or will be furnished to a law enforcement agency.

(7) In this section:

“**law enforcement agency**” means:

- (a) the Police Service or the police force of another State or a Territory; or
- (b) the New South Wales Crime Commission; or
- (c) the Australian Federal Police; or
- (d) the National Crime Authority; or
- (e) any other authority or person responsible for the enforcement of the laws of the Commonwealth or of the State, another State or a Territory.

### **Bribery**

**150. (1)** A key official must not corruptly ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for himself or herself, or for another person:

- (a) to forgo or neglect his or her duty, or influence him or her, in the exercise of his or her functions as a key official;
- (b) on account of a thing already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the exercise of those functions; or
- (c) to use, or take advantage of, his or her position as a key official in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, another person.

Maximum penalty on summary conviction: 100 penalty units or imprisonment for 2 years, or both.

Maximum penalty on conviction on indictment: penal servitude for 14 years.

(2) A person must not corruptly give to, confer upon, or procure for, or promise or offer to give to, confer upon, or procure for, or attempt to procure for, a key official, or for any other person, any money, property or benefit of any kind:

- (a) for a key official to forgo or neglect his or her duty, or to influence him or her in the exercise of his or her functions as a key official;
- (b) on account of anything already done, or omitted to be done, by him or her in the exercise of those functions; or

- (c) for the key official to use or take advantage of his or her position as a key official in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, the person first referred to in this subsection.

Maximum penalty on summary conviction: 100 penalty units or imprisonment for 2 years, or both.

Maximum penalty on conviction on indictment: penal servitude for 14 years.

- (3) In this section:

“**key official**” includes any member of the staff of the Authority and any consultant to the Authority.

#### **Personal liability of members etc.**

**151.** Any matter or thing done by the Authority, the Minister, a key official or any person acting under the direction of the Authority does not subject the Minister, a key official or a person so acting personally to any action, liability, claim or demand if the matter or thing was done in good faith for the purpose of executing this or any other Act.

#### **Seal of Authority**

**152.** The seal of the Authority is to be kept by the Chief Executive and may be affixed to a document only:

- (a) in the presence of the Chief Executive or a member of the staff of the Authority authorised in that behalf by the Chief Executive; and
- (b) with an attestation by the signature of the Chief Executive or that member of staff of the fact of the affixing of the seal.

#### **Recovery of money due to Authority**

**153.** Any money due to the Authority may be recovered by the Authority as a debt in a court of competent jurisdiction.

#### **Matters to be included in Authority’s annual report**

**154.** The Authority is to include the following information in its annual report under the Annual Reports (Statutory Bodies) Act 1984:

- (a) details of any casino licence granted during the financial year to which the report relates (including details of the conditions subject to which the licence was granted);
- (b) the number of licences granted under Part 4 (Licensing of casino employees) during that year



- (c) details of any changes to the conditions of a licence made by the Authority during that year;
- (d) details of any disciplinary action taken by the Authority against a casino operator during that year;
- (e) a summary of any disciplinary action taken by the Authority during that year against persons licensed under Part 4;
- (f) details of any directions given by the Minister under section 5 (Directions by the Minister to protect integrity of casino gaming);
- (g) a summary of the outcome of any investigation or review carried out by the Authority during that year.

## **PART 11—GENERAL**

### **Appeals**

**155.** (1) Except as otherwise provided in this section, a decision of the Authority under this Act is final and is not subject to appeal or review.

(2) A person aggrieved by a decision of the Authority to cancel or suspend a casino licence or to amend the conditions of a casino licence may appeal from the decision to the Supreme Court on a question of law.

(3) The Supreme Court is to hear and determine the appeal and make such order as it thinks appropriate by reason of its decision, including, without limiting the Court's power to make such orders:

- (a) an order affirming or setting aside the decision of the Authority; and
- (b) an order remitting the matter to the Authority to decide again in accordance with the directions of the Court.

(4) Proceedings or an appeal in respect of a decision of the Authority do not operate to stay the decision appealed from unless the Supreme Court otherwise orders.

### **No right to compensation for cancellation etc.**

**156.** No right to compensation enforceable against the Crown arises in relation to the cancellation, suspension or variation of the terms or conditions of a licence granted under this Act, or an amendment of the conditions of such a licence under this Act.

### **Arrangements for supply of Police records**

**157.** (1) The Authority and the Commissioner of Police may enter into arrangements for the supply to the Authority and the Director of

information contained in the records of the Police Service, to assist in the effectual administration of this Act.

(2) Those arrangements are sufficient authority for the supply of that information.

### **Disclosure of spent convictions**

**158. (1)** Section 12 (Consequences of conviction becoming spent) of the Criminal Records Act 1991 does not apply in relation to an application for a casino licence or a licence under Part 4 (Licensing of casino employees).

(2) The Authority is to be considered to be a law enforcement agency for the purposes of section 13 (Unlawful disclosure of information concerning spent convictions) of the Criminal Records Act 1991.

### **Destruction of finger prints etc.**

**159. (1)** Any finger prints or palm prints obtained by the Authority under this Act and any copies of them must be destroyed by the Authority as soon as the Authority has no further use for them.

(2) The Authority is to be considered to have no further use for them when:

- (a) they were obtained in connection with an application for a licence under this Act and the application is refused; or
- (b) the licence in connection with which they were obtained is cancelled or surrendered (but is to be considered to have further use for them whenever the licence is in force).

(3) A person who in connection with an application for a licence under this Act has possession of finger prints or palm prints obtained by or on behalf of the Authority under this Act, or copies of them, must deliver them to the Authority, in accordance with the directions of the Authority, so as to enable the Authority to comply with subsection (1).

Maximum penalty: 20 penalty units.

### **Records not kept in writing**

**160. (1)** This section applies to a record that:

- (a) is not in writing; or
- (b) is not written in the English language; or
- (c) is not decipherable on sight.

(2) A requirement under this Act to produce a record is, in the case of a record to which this section applies, to be considered to be a requirement

to produce (in addition to the record if it is in writing or instead of the record if it is not in writing) a statement written in the English language and decipherable on sight containing the whole of the information in the record.

**False or misleading information**

**161.** (1) A person must not:

- (a) in, or in relation to, any application made under this Act; or
- (b) in purported compliance with a requirement of a notice under this Act; or
- (c) in purporting to provide information under this Act that the person has been authorised to provide,

give information that is false or misleading in a material particular.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

(2) It is a defence to a prosecution of a person for an offence under subsection (1) if it is proved that, at the time the information was given, the person believed, on reasonable grounds:

- (a) in the case of false information — that the information was true; or
- (b) in the case of misleading information — that the information was not misleading.

**Forgery etc.**

**162.** A person must not:

- (a) forge or counterfeit chips, a chip purchase voucher, a licence under this Act, an inspector's form of identification or a special employee's form of identification; or
- (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, licence under this Act, inspector's form of identification or special employee's form of identification; or
- (c) personate the holder of such a licence or form of identification; or
- (d) falsely represent himself or herself to be an inspector or other key official; or
- (e) connive at any such forging, counterfeiting, uttering, personating or representing.

Maximum penalty: 100 penalty units or imprisonment for 2 years, or both.

**Conduct in casino**

**163. (1)** A casino operator must not:

- (a) permit intoxication within the gaming area of the casino; or
- (b) permit any indecent, violent or quarrelsome conduct within the gaming area of the casino; or
- (c) permit an intoxicated person to gamble in the casino.

Maximum penalty: 100 penalty units.

**(2)** A member of the staff of a casino must not:

- (a) sell or supply liquor to an intoxicated person who is in the gaming area of the casino; or
- (b) permit an intoxicated person to gamble in the casino.

Maximum penalty: 20 penalty units.

**(3)** If a person within the gaming area of a casino is intoxicated, the casino operator is taken to have permitted intoxication within the gaming area unless it is proved that the casino operator took all reasonable steps to prevent intoxication within the gaming area.

**Service of documents on Authority**

**164. (1)** A document may be served on the Authority by sending it by post to the principal office of the Authority or leaving it at the office with a person authorised in writing by the Authority to accept service of documents on behalf of the Authority.

**(2)** Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on the Authority in any other manner.

**Service of documents on other persons**

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

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

**Evidence**

**166.** In proceedings under this Act:

- (a) a document purporting to be a copy of, or extract from, a list of names current under section 83 (List of excluded persons) on a specified day is evidence that those names were included in the list of names current under that section on that day; and
- (b) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of the direction, notice, order, requirement or decision of which it purports to be a copy; and
- (c) a certificate purporting to be signed by a member of the Authority and certifying that a particular person was or was not the holder of a particular licence under this Act on a particular day is evidence of the matter certified; and
- (d) a certificate purporting to be signed by a member of the Authority and certifying as to the reasonable costs incurred by the Authority or the Director in investigating and inquiring into an application for a licence is evidence of the matter certified; and
- (e) a certificate purporting to be signed by a member of the Authority and certifying that at a particular time particular conditions were the conditions of a particular licence under this Act is evidence of the matter certified; and
- (f) a document purporting to be a copy of a licence under this Act is evidence of the licence of which it purports to be a copy; and
- (g) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

**Offences by corporations**

**167. (1)** If a corporation contravenes any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is to be taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.

**(2)** A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or convicted under that provision.

**(3)** Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act,

**Prosecution for offences**

**168. (1)** Proceedings for an offence against this Act are to be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

(2) Despite subsection (1), an offence against section 150 (Bribery) is to be dealt with summarily before a Local Court only:

- (a) if the prosecutor proposes that it be so dealt with; and
- (b) while the Local Court is satisfied that it is proper for the offence to be so dealt with.

(3) In any other case, an offence against section 150 is to be dealt with as an indictable offence.

(4) Proceedings for an offence against this Act may be instituted only by:

- (a) the Director; or
- (b) the Director of Public Prosecutions or the Commissioner of Police or a person acting with the written authority of either of them, given generally or in relation to the particular case; or
- (c) any person acting with the written authority of the Authority given generally or in relation to the particular case.

(5) A person who claims to have the written authority of the Director of Public Prosecutions, the Commissioner of Police or the Authority to institute proceedings for an offence against this Act is presumed to have that authority unless the contrary is proved.

(6) This Act does not operate to exclude the prosecution of a person otherwise than under this Act, but a person is not, in relation to substantially the same acts or omissions, liable to be prosecuted both under this Act and under any other Act or any law.

**Forfeiture of offending articles**

**169. (1)** If a person commits an offence under this Act involving the unlawful use or possession of any gaming equipment or any other article or thing, the court before which the person is convicted may order the equipment, article or thing to be forfeited to the Crown.

(2) An inspector or a police officer may, in a casino, seize and retain possession of any equipment, article or thing that he or she reasonably suspects is liable to forfeiture under this section.

**Regulations**

**170.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, regulations may be made for or with respect to any matter specified in Schedule 3.

(3) A provision of a regulation may:

- (a) impose a penalty not exceeding 100 penalty units for a contravention of the provision; and
- (b) provide that a contravention of the provision by a casino operator is to be considered to be a contravention of the conditions of the operator's casino licence.

**Amendment of other Acts**

**171.** Each Act specified in Schedule 4 is amended as set out in that Schedule.

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**SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS AND  
PROCEDURE OF THE AUTHORITY**

(Sec. 134)

**PART I—MEMBERS****Definition of “appointed member”**

1. In this Schedule:

“**appointed member**” means a member of the Authority other than the Chief Executive.

**Appointed member may be appointed as a full-time or part-time member**

2. (1) The appointment of an appointed member may be on a full-time or part-time basis.

(2) A full-time appointed member must devote the whole of his or her time to the duties of the office of a full-time member of the Authority.

**Term of office**

3. (1) Subject to this Act, an appointed member holds office for such period (not exceeding 5 years) as is specified in the member’s instrument of appointment.

(2) The periods for which appointed members are appointed must be such that at any time at least 2 of the appointed members have no more than 3 years of a term of office remaining.

(3) An appointed member is eligible (if otherwise qualified) to be reappointed.

**Remuneration**

4. (1) A full-time appointed member is (subject to subclause (2)) entitled to be paid remuneration in accordance with the Statutory and Other Offices Remuneration Act 1975 and such travelling and subsistence allowances as the Minister may from time to time determine in respect of the member.

(2) A full-time appointed member who is a Judge is not, while receiving salary or allowance as a Judge, entitled to remuneration under this Act.

(3) A part-time appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

**Appointment of Judge as member not to affect tenure etc.**

5. (1) The appointment of a person who is the holder of a judicial office as a member or deputy member, or service by a person who is the holder of a judicial office as a member or deputy member, does not affect the person’s tenure of that judicial office or the person’s rank, title, status, precedence, salary, allowances or other rights or privileges as the holder of that judicial office.



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SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS AND  
PROCEDURE OF THE AUTHORITY—*continued*

(2) For all purposes, the person's service as a member or deputy member is to be taken to be service as the holder of that judicial office.

(3) In this clause, “**judicial office**” means an office of Judge.

**Deputies**

6. (1) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.

(2) Section 136 (Persons engaged in administration of Act to be of highest integrity) applies to the position of deputy of a member.

(3) In the absence of an appointed member, the member's deputy:

(a) may, if available, act in the place of the member, and

(b) while so acting, has all the functions of the member and is to be regarded as a member.

(4) The deputy of an appointed member who is also Chairperson does not have the member's functions as Chairperson.

(5) A person while acting in the place of an appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

**Vacancy in office of appointed member**

7. (1) The office of an appointed member becomes vacant if the member

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns the office by instrument in writing addressed to the Minister; or

(d) is removed from office by the Governor under this clause or under Part 8 of the Public Sector Management Act 1988; or

(e) in the case of a part-time appointed member, is absent from 4 consecutive meetings of the Authority of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Authority or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Authority for having been absent from those meetings; or

(f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit or

(g) becomes a mentally incapacitated person; or

*Casino Control Act 1992 No. 15*SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS AND  
PROCEDURE OF THE AUTHORITY— *continued*

- (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.
- (2) The Governor may remove an appointed member from office at any time.

**Filling of vacancy in office of appointed member**

8. If the office of an appointed member becomes vacant, a person may, subject to this Act, be appointed to fill the vacancy.

**Vacation of office by Chairperson**

- 9. (1) The office of Chairperson becomes vacant if the Chairperson:
  - (a) resigns the office by instrument in writing addressed to the Minister; or
  - (b) is removed from that office by the Governor under this clause; or
  - (c) ceases to be an appointed member.
- (2) The Governor may remove the Chairperson from office at any time.

**Disclosure of pecuniary interests**

- 10. (1) A member of the Authority:
  - (a) who has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Authority; and
  - (b) whose interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
 must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Authority.

(2) A disclosure by a member of the Authority at a meeting of the Authority that the member:

- (a) is a member, or is in the employment, of a specified company or other body; or
- (b) is a partner, or is in the employment, of a specified person; or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under this clause.

(3) Particulars of any disclosure made under this clause must be recorded by the members of the Authority in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the members of the Authority.

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SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS AND  
PROCEDURE OF THE AUTHORITY—*continued*

(4) After a member of the Authority has disclosed the nature of an interest in any matter, the member must not, unless the other members of the Authority otherwise determine:

- (a) be present during any deliberation of the Authority with respect to the matter; or
- (b) take part in any decision of the Authority with respect to the matter.

(5) For the purposes of the making of a determination by the members of the Authority under subclause (4), a member of the Authority who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:

- (a) be present during any deliberation of the other members of the Authority for the purpose of making the determination; or
- (b) take part in the making by the other members of the Authority of the determination.

(6) A contravention of this clause does not invalidate any decision of the Authority.

(7) A reference in this clause to a meeting of the Authority includes a reference to a meeting of a committee of the Authority.

**Effect of certain other Acts**

11. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of an appointed member.

(2) If by or under any Act provision is made:

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a part-time appointed member or from accepting and retaining any remuneration payable to the person under this Act as such a member.

(3) The office of a part-time appointed member is not, for the purposes of any Act, an office or place of profit under the Crown.

**Proof of certain matters not required**

12. In any legal proceedings, proof is not required (until evidence is given to the contrary) of

- (a) the constitution of the Authority; or
- (b) any resolution of the Authority; or
- (c) the appointment of, or holding of office by, any member of the Authority; or
- (d) the presence or nature of a quorum at any meeting of the Authority.

SCHEDULE 1 — PROVISIONS RELATING TO THE MEMBERS AND  
PROCEDURE OF THE AUTHORITY—*continued***PART 2—PROCEDURE****General procedure**

13. The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Authority.

**Quorum**

14. The quorum for a meeting of the Authority is 3 members.

**Presiding member**

15. (1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Authority.

(2) The person presiding at any meeting of the Authority has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**Voting**

16. (1) A decision supported by a majority of the votes cast at a meeting of the Authority at which a quorum is present is the decision of the Authority.

(2) Despite subclause (1) and clause 14 (Quorum), a decision to grant a casino licence requires the support of not fewer than 4 members of the Authority before it becomes a decision of the Authority.

**Transaction of business outside meetings or by telephone etc.**

17. (1) The Authority may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Authority for the time being, and a resolution in writing approved in writing by a majority of those members is to be regarded as a decision of the Authority.

(2) The Authority may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.

(3) For the purpose of:

(a) the approval of a resolution under subclause (1); or

(b) a meeting held in accordance with subclause (2),

the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Authority.

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**SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS AND  
PROCEDURE OF THE AUTHORITY—*continued***

(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Authority.

(5) Papers may be circulated among members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

**Committees of Authority**

18. (1) The Authority may appoint committees to enable it to exercise its functions.

(2) A committee need not include a member of the Authority.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be as determined by the Authority or (subject to any determination of the Authority) by the committee.

**Minutes**

19. The Authority must cause full and accurate minutes to be kept of the proceedings of each meeting of the Authority.

**First meeting**

20. The Minister may call the first meeting of the Authority in such manner as the Minister thinks fit.

**SCHEDULE 2—PROVISIONS CONCERNING STAFF OF THE  
AUTHORITY**

(Sec. 145)

**Authority may fix salary etc.**

1. The Authority may fix the salary, wages and other conditions of employment of the staff it employs under section 145 (1) (a), in so far as they are not fixed by or under any other law.

**Control and direction of staff**

2. The members of the staff of the Authority are under the control and direction of the Chief Executive of the Authority in their capacity as such members.

**Application of Public Sector Management Act 1988**

3. Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the members of the staff of the Authority and a member of the staff is not, as a member, subject to that Part (except in so far as may be relevant for the purposes of clause 6 (2)).

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SCHEDULE 2—PROVISIONS CONCERNING STAFF OF THE AUTHORITY—  
*continued*

**No appeals**

4. An appeal does not lie to the Government and Related Employees Appeals Tribunal concerning a promotional or disciplinary matter affecting a person employed under section 145 (1) (a).

**Industrial Relations Act 1991**

5. None of the following matters, and no matter, question or dispute relating to any of the following matters, is an industrial matter for the purposes of the Industrial Relations Act 1991:

- (a) the appointment of, or failure to appoint, a person to any position as a member of the staff of the Authority;
- (b) the removal, retirement, termination of employment or other cessation of office of a person in any such position;
- (c) any disciplinary proceedings or disciplinary action taken against a person employed under section 145 (1).

**Termination of arrangements**

6. (1) The Authority may terminate an arrangement under section 145 (1) (b) or (c) at any time, and no appeal or other proceedings may be brought, in respect of the termination, by or on behalf of the person concerned.

(2) After the termination of such an arrangement in respect of a former member of the staff of the Authority:

- (a) disciplinary proceedings or disciplinary action may, in accordance with the procedures applicable to his or her principal employment, be taken against the former member in connection with any act or omission committed while a member of that staff; and
- (b) any such act or omission shall, for the purposes of paragraph (a), be taken to have been committed by the former member in the course of or during his or her principal employment; and
- (c) no court or tribunal may make an order reinstating or having the effect of reinstating the former member as a member of the staff of the Authority.

**Police to retain rank etc.**

7. While performing services for the Authority, a police officer retains rank, seniority and remuneration as a police officer and may continue to act as a constable.

**Regulations**

8. The regulations may make provision for or with respect to the appointment, conditions of employment, discipline, code of conduct and termination of employment of staff of the Authority.

**SCHEDULE 3—MATTERS FOR REGULATIONS**

(Sec. 170)

**Gaming devices etc.**

1. The installations, devices and equipment to be provided in a casino for gaming and other purposes and the maintenance of the installations, devices and equipment.

**Security and safety equipment**

2. The installations, devices and equipment to be provided in a casino for security and safety purposes and the maintenance of the installations, devices and equipment.

**Amenities**

3. The facilities and amenities to be provided for patrons of, and inspectors on duty in, a casino and the maintenance of those amenities.

**Drop boxes etc.**

4. The provision and security of drop boxes and other places for the depositing of money.

**Movement of equipment**

5. The movement of gaming equipment to and from a casino.

**Advertising**

6. Advertising relating to a casino.

**Reports**

7. The submission of reports by a casino operator.

**Employees other than licensees**

8. Regulating in a casino the activities of persons (other than licensees under Part 4) who are in the casino in the course of their employment or prohibiting any of those activities.

**Testing of operations**

9. The testing of operations, or of proposed operations, in a casino.

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SCHEDULE 3—MATTERS FOR REGULATIONS—*continued***Gaming equipment**

10. (1) The manufacture or supply of gaming equipment for use in a casino.
- (2) The acquisition of gaming equipment for use in a casino.
- (3) The servicing of gaming equipment used in a casino.
- (4) The issue and storage of gaming equipment for use in a casino.

**Counselling**

11. Notices to be displayed in a casino with respect to the availability of counselling in respect of social problems that may arise in connection with gambling.

**Contracts for goods or services**

12. The form of contracts that, within the meaning of Division 2 of Part 3, are controlled contracts.

## SCHEDULE 4—AMENDMENT OF OTHER ACTS

(Sec. 171)

**Defamation Act 1974 No. 18**

Section 17N:

After section 17M, insert:

**Hearings under Casino Control Act 1992**

17N. There is a defence of absolute privilege for a publication to or by:

- (a) the Casino Control Authority; or
- (b) a member of that Authority as such a member,

for the purpose of the holding of an inquiry under section 143 of the Casino Control Act 1992.

**Ombudsman Act 1974 No. 68:**

Schedule 1 (**Excluded conduct of public authorities**):

At the end of the Schedule, insert:

23. Conduct of the Casino Control Authority or any other public authority when exercising functions under the Casino Control Act 1992.



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SCHEDULE 4—AMENDMENT OF OTHER ACTS—*continued***Public Finance and Audit Act 1983 No. 152**Schedule 2 (**Statutory bodies**):

Insert (in alphabetical order):

New South Wales Casino Control Authority

**Public Sector Management Act 1988 No. 33**(1) Schedule 3A (**Chief Executive Positions**):

At the beginning of Part 3 of the Schedule, insert:

Chief Executive of the Casino Control Authority

(2) Schedule 3B (**Senior Executive Positions**):

Insert in Part 2, in alphabetical order of public authorities:

Director of Casino Surveillance

**State Authorities Non-contributory Superannuation Act 1987 No. 212**Schedule 1 (**Employers**):

At the end of Part 1 of the Schedule, insert:

New South Wales Casino Control Authority

**State Authorities Superannuation Act 1987 No. 211**Schedule 1 (**Employers**):

At the end of Part 1 of the Schedule, insert:

New South Wales Casino Control Authority

**Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)**Schedule 3 (**Public offices**):

At the end of Part 2 of the Schedule, insert:

Full-time appointed member of the New South Wales Casino Control Authority.

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SCHEDULE 4—AMENDMENT OF OTHER ACTS—*continued*

**Superannuation Act 1916 No. 28**

Schedule 3 (**List of employers**):

At the end of Part 1 of the Schedule, insert:

New South Wales Casino Control Authority

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*[Minister's second reading speech made in—  
Legislative Assembly on 5 March 1992  
Legislative Council on 29 April 1992]*