

# Casino Control (Further Amendment) Bill

No.

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# LEGISLATIVE ASSEMBLY

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Read 1° 5 October 1993

*(Brought in by Mrs Wade and Mr Gude)*

## A BILL

to amend the **Casino Control Act 1991** and the **Gaming Machine Control Act 1991** and for other purposes.

### **Casino Control (Further Amendment) Act 1993**

The Parliament of Victoria enacts as follows:

#### **PART 1—PRELIMINARY**

##### **1. *Purpose***

5 The purpose of this Act is to make miscellaneous amendments to the **Casino Control Act 1991** and to amend the **Gaming Machine Control Act 1991** in its application to casinos.

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Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984**.)

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**2. Commencement**

- (1) Sections 1 and 6 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed. 5
- (3) If a provision referred to in sub-section (2) does not come into operation before 31 March 1994, it comes into operation on that day. 10

**3. Principal Act**

In this Act, the **Casino Control Act 1991** is called the Principal Act.

No. 47/1991  
as amended  
by Nos  
29/1993 and  
34/1993.

**PART 2—AMENDMENT OF THE CASINO CONTROL ACT 1991** 15

**4. Amendment of definitions**

- (1) In section 3 (1) of the Principal Act—
  - (a) after the definition of “Director” **insert—**
    - “**electronic monitoring system**” means any electronic or computer or communications system or device that is so designed that it may be used, or adapted, to send or receive data from gaming equipment in relation to the security, accounting or operation of gaming equipment;’; and 20
  - (b) after the definition of “game” **insert—**
    - “**Gaming Commission**” means the Victorian Gaming Commission established under the **Gaming Machine Control Act 1991**;’; and 25
  - (c) in the definition of “gaming equipment”, after “gaming” (where secondly occurring) **insert** “and includes— 30
    - (a) a gaming machine; and

(b) an electronic monitoring system; and

(c) a part of, or replacement part for, any such machine or system”; and

5 (d) after the definition of “gaming equipment” **insert—**

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

10 (a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and

15 (b) as a result of making a bet on the device, winnings may become payable—

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

(2) After section 3 (2) of the Principal Act **insert—**

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

### 5. *Amendment of section 6*

25 In section 6 (1) of the Principal Act, for “Despite the provisions of any other Act or any law” **substitute** “Subject to this Act and the **Gaming Machine Control Act 1991**”.

### 6. *Casino requirements*

After section 7 (3) of the Principal Act **insert—**

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

**7. Appointment of manager**

- (1) In section 22 (6) of the Principal Act—
  - (a) in paragraph (b), after “casino” (where secondly occurring) **insert** “and may retain for use in the casino any property of the casino operator”; and 5
  - (b) after paragraph (d) **insert**—
    - “; and
    - (e) may employ such staff as may be required to operate the casino.”.
- (2) After section 22 (7) of the Principal Act **insert**— 10
  - “(8) The following provisions have effect in respect of the net earnings of a casino while operations in the casino are being conducted by a manager under this section—
    - (a) subject to paragraph (b), no payment of net earnings is to be made to the former casino operator without the prior approval of the Authority; 15
    - (b) the former casino operator is entitled to a fair rate of return out of net earnings (if any) on any property of the former casino operator retained by the manager; 20
    - (c) the Authority may direct that all or any part of net earnings (other than that referred to in paragraph (b)) must be paid into the Consolidated Fund, with any balance to be paid to the former casino operator.”. 25

**8. Contracts**

- (1) In section 29 of the Principal Act, in the definition of “controlled contract” after paragraph (c) **insert**— 30
  - “; or
  - (d) any other class of contract specified by the Authority by notice in writing given to the casino operator as not being a controlled contract for the purposes of this definition.”. 35

(2) After section 29 (1) of the Principal Act **insert**—

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

(3) In section 31 (a) of the Principal Act—

(a) after “matter” (where first occurring) **insert** “or class of contract”; and

(b) after “matter” (where secondly occurring) **insert** “or a controlled contract”.

### **9. Substitution of section 30**

For section 30 of the Principal Act **substitute**—

#### **“30. Requirements for controlled contracts**

(1) A casino operator must not enter into or be a party to, or to the variation of, a contract that is a controlled contract in relation to that operator unless—

(a) the operator has given notice in writing to the Authority of the details of the proposed contract or variation at least 28 days (or any shorter period approved by the Authority in a particular case or in respect of a particular class of contract) before entering into or becoming a party to it; and

(b) the Authority has not, within that period, given notice in writing to the operator that the Authority objects to the proposed contract or requires further time, the further period to be specified in the notice, to conduct its investigations.

Penalty: 100 penalty units.

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

Penalty: 100 penalty units.

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

Penalty: 100 penalty units.

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

**10. Insertion of new section 45A**

After section 45 of the Principal Act **insert—**

**“45A. Person licensed under Gaming Machine Control Act**

(1) A person who holds a special employee’s licence or a technician’s licence issued under the **Gaming Machine Control Act 1991** may apply to the Director under this section for a special employee’s licence under this Act.

(2) An application under sub-section (1) must be accompanied by—

(a) the prescribed fee; and

(b) a certificate by the venue operator or gaming operator who employs or employed the applicant as to the competence of the applicant to



exercise the functions specified in the certificate.

- 5 (3) The Director, if satisfied that the authority given to the applicant by a special employee's licence or a technician's licence issued under the **Gaming Machine Control Act 1991** is comparable to the authority conferred by a special employee's licence under this Part, may issue such a licence to the applicant."
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### **11. Duration of special employee's licence**

- (1) In section 48 of the Principal Act, for paragraph (c) **substitute—**

15 "(c) the expiration of 3 years after the end of the month in which the licence was granted."

- (2) In section 49 (1) (b) of the Principal Act, before "anniversary" **insert** "third".

### **12. Training courses**

20 In section 58 of the Principal Act, for "Authority" (wherever occurring) **substitute** "Director".

### **13. Approval of games**

- (1) In section 60 (1) of the Principal Act, after "Authority" **insert** ", having regard to the recommendations, if any, of the Director,".

- (2) Before section 60 (2) of the Principal Act **insert—**

25 "(1c) The Authority must not approve under sub-section (1) a game designed to be played on a gaming machine unless the Authority has first consulted with the Gaming Commission."

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### **14. Approval of gaming equipment**

After section 62 (2) of the Principal Act **insert—**

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

**15. Insertion of new section 62A**

5

After section 62 of the Principal Act **insert**—

**“62A. Gaming machines in casinos**

Gaming machines intended for use in a casino must be obtained from manufacturers and suppliers listed on the Roll within the meaning of the **Gaming Machine Control Act 1991**.”

10

**16. Conduct of gaming**

In section 64 of the Principal Act—

(a) **omit** paragraph (h); and

15

(b) for paragraph (i) **substitute**—

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

**17. Information for patrons**

20

In section 66 (1) of the Principal Act, for “Authority” (wherever occurring) **substitute** “Director”.

**18. Functions of Director**

In section 101 of the Principal Act, after paragraph (j) **insert**—

25

“(k) to ensure that the taxes, charges and levies payable under this Act are paid;

(l) to appoint, supervise, direct and control inspectors;

(m) to make recommendations to the Authority concerning systems of internal controls and

30

administrative and accounting procedures for casinos;

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

### 19. *Appointment of inspectors*

10 In section 102 of the Principal Act, after sub-section (2) **insert**—

15 “(2A) The Director must require a person the Director is inquiring into in relation to the person’s suitability to be appointed an inspector to consent to having his or her photograph, finger prints and palm prints taken.

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

20 (2C) The Chief Commissioner of Police must inquire into and report to the Director on any matters that the Director requests.”.

### 20. *Director’s powers as inspector*

25 In section 103 of the Principal Act, after “Act” **insert** “and, in respect of gaming machines in casinos, all the powers of an inspector under the **Gaming Machine Control Act 1991**”.

### 21. *Casino licence fee*

Section 112 of the Principal Act is **repealed**.

### 22. *Casino supervision and control charge*

30 (1) In section 112A (1) of the Principal Act, after “pay” **insert** “to the Director for payment into the Consolidated Fund”.

(2) Section 112A (2) of the Principal Act is **repealed**.

**23. Insertion of new section 112B**

After section 112A of the Principal Act **insert—**

**“112B. Expenses of the Authority and Director**

- (1) An amount determined by the Minister in respect of each period prescribed under section 112A (1) (b) must be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) to the Authority for or towards the expenses of the Authority incurred in respect of its functions under this Act or the **Casino (Management Agreement) Act 1993.** 5 10
- (2) An amount determined by the Minister in respect of each period prescribed under section 112A (1) (b) must be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) to the Director for or towards the expenses of the Director incurred in respect of his or her functions under this Act or the **Casino (Management Agreement) Act 1993.”.** 15 20

**24. Casino tax**

In section 113 (1) of the Principal Act, after “pay” **insert** “to the Director for payment into the Consolidated Fund”. 25

**25. Community benefit levy**

- (1) In section 114 of the Principal Act—  
 (a) before “The” **insert** “(1)”; and 30  
 (b) after “pay” **insert** “to the Director for payment into the Consolidated Fund”.
- (2) After section 114 (1) of the Principal Act **insert—**

- 5 “(2) There shall be paid into the Hospitals and Charities Fund under the **Health Services Act 1988** all community benefit levies paid under this Part to be applied in the manner in which that Fund may be applied.
- (3) An account must be kept showing separately money paid into the Fund in respect of each casino licence.”.

10 **26. Substitution of section 115**

For section 115 of the Principal Act **substitute—**

**“115. Returns to gaming machine players**

- 15 (1) A casino operator must ensure that the pay-out table on gaming machines in the casino is set so as to return to players the players’ proportion of the total amounts wagered on gaming machines each year at the casino, after deduction of the sum of jackpot special prizes as approved for the time being under section 60 and payable during that year.
- 20 (2) The players’ proportion is—
- (a) not less than 87 per centum; or
  - (b) if the Authority so determines in accordance with sub-section (3), a fixed percentage greater than 87 per centum.
- 25 (3) A determination under sub-section (2)—
- (a) must be made by notice published in the Government Gazette; and
  - (b) must be expressed to have effect on and after a specified date.”.
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**27. Internal controls and procedures**

After section 121 (2) of the Principal Act **insert—**

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

**28. Functions of the Authority**

In section 141 (2) of the Principal Act, after paragraph (a) **insert—** 5

“(ab) must consider any system of controls and administrative and accounting procedures proposed by the Director to ensure that the taxes, charges and levies payable under this Act are paid and must approve or reject the system;”.

 10

**29. New offences**

After section 153 of the Principal Act **insert—**

**“153A. Bribery**

(1) In this section, **“key official”** means— 15

- (a) a member of the Authority;
- (b) a member of the staff of the Authority;
- (c) a consultant to the Authority;
- (d) the Director; 20
- (e) an inspector.

(2) A key official who corruptly asks for, receives or obtains, or agrees to receive or obtain, any money, property or benefit of any kind for himself or herself, or for another person— 25

- (a) to forgo or neglect his or her duty, or influence him or her, in the exercise of his or her functions as a key official; or 30
- (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

- 5 (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—

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

- 15 (3) A person who corruptly gives to, confers on, or procures for, or promises or offers to give to, confer on, or procure for, or attempts to procure for, a key official, or for any other person, any money, property or benefit of any kind—

20 (a) for a key official to forgo or neglect his or her duty, or to influence him or her in the exercise of his or her functions as a key official; or

25 (b) on account of anything already done, or omitted to be done, by him or her in the exercise of those functions; or

30 (c) for the key official to use or take advantage of his or her position as a key official in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, the first mentioned person—

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

**153B. Forgery etc.**

- (1) A person must not—

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- (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 5
  - (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, a licence under this Act, an inspector’s form of identification or a special employee’s form of identification; or 10
  - (c) personate the holder of such a licence or form of identification; or 15
  - (d) falsely represent himself or herself to be an inspector or a member of the Authority.
- Penalty: 100 penalty units or imprisonment for 2 years or both. 20

**153c. *Conduct in casino***

A casino operator must not permit any indecent, violent or quarrelsome conduct within the casino. 25

Penalty: 100 penalty units.”.

**30. *Statute law revision***

In Part 9A of the Principal Act, for “Division—Introductory” substitute “Division 1—Introductory”. 30



**PART 3—AMENDMENT OF THE GAMING MACHINE  
CONTROL ACT 1991**

**31. Amendment of section 32**

In section 32 (2) of the **Gaming Machine Control Act 1991**, after “68,” insert “69, 70, 72,”.

**32. Substitution of section 56**

For section 56 of the **Gaming Machine Control Act 1991** substitute—

**“56. Person licensed under Casino Control Act**

- (1) A person who holds a special employee’s licence issued under the **Casino Control Act 1991** may apply to the Director under this section for a special employee’s licence or a technician’s licence under this Act.
- (2) An applicant under sub-section (1) must be accompanied by—
  - (a) the prescribed fee; and
  - (b) a certificate by the casino operator who employs or employed the applicant as to the competence of the applicant to exercise the functions specified in the certificate.
- (3) The Director, if satisfied that the authority given to the applicant by a special employee’s licence issued under the **Casino Control Act 1991** is comparable to the authority conferred by a special employee’s licence or a technician’s licence under this Act, may issue such a licence to the applicant.”.

**33. *Repeal of section 61***

Section 61 of the **Gaming Machine Control Act 1991** is repealed.

**34. *Amendment of section 123***

In section 123 (1) of the **Gaming Machine Control Act 1991**—

5

(a) **omit** “casino operator”; and

(b) after “venue operator” **insert** “(other than a casino operator)”.