

Casino Control (Miscellaneous Amendments) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 27 April 1994

(Brought in by Mrs Wade and Mr Gude)

A BILL

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

Casino Control (Miscellaneous Amendments) Act 1994

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purpose*

The purpose of this Act is—

- (a) to enable a casino operator to conduct approved betting competitions in a casino; and
- (b) to make miscellaneous amendments to the **Casino Control Act 1991**.

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

2. Commencement

- (1) Part 1 comes 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 within the period of 3 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period. 10

No. 47/1991
as amended
by N s
29/1993,
34/1993,
93/1993,
94/1993 and
126/1993.

3. Principal Act

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

PART 2—MISCELLANEOUS AMENDMENTS 15

4. Definitions

In section 3 (1) of the Principal Act insert the following definitions—

- “**approved betting competition**” means a betting competition of a kind or class approved by the Minister under Part 5A; 20
- “**betting rules**” means rules made by the casino operator in accordance with this Act for approved betting competitions;
- “**junket**” means an arrangement whereby a person or a group of people is introduced to a casino operator by a junket organiser or promoter who receives a commission based on the turnover of play in the casino attributable to the persons introduced by the organiser or promoter or otherwise calculated by reference to such play; 25 30
- “**premium player arrangement**” means an arrangement whereby a casino operator agrees to

pay a patron of the casino a commission based on the patron's turnover of play in the casino;

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

10 “**ticket**” in relation to a totalisator, includes card, token or thing entitling or purporting to entitle any person to any interest in any dividend, division or distribution of any money by means of, or in connection with, or as the result of, the operator of a totalisator;

15 “**totalisator**” means a scheme of pari-mutuel betting, whether conducted by means of an instrument or contrivance known as a totalisator or otherwise.’.

5. *Controlled contracts*

(1) In section 29 (1) of the Principal Act, in the definition of “controlled contract” after paragraph (c) **insert—**

20 “(ca) a class of contract of a kind approved under sub-section (1A); or”.

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

25 “(1A) The Authority may, by notice in writing given to the casino operator, approve an agreement or arrangement with a specified person for the supply of specified goods or services as an agreement or arrangement that is not a contract to which this Division applies.”.

(3) In section 29 (2) of the Principal Act, after “(c)” **insert “, (ca)”**.

30 6. *Definition of special employee*

In section 37 (1) of the Principal Act, in the definition of “special employee” after paragraph (b) (iv) **insert—**

“**(iva)** the security and surveillance of the casino;”.

7. Training courses

In section 58 (3) (b) of the Principal Act, after “used”
insert “without the approval of the Director”.

8. Conduct of gaming and betting

In section 64 (b) of the Principal Act, after “shoe” 5
insert “or, if the Director has approved, by notice
 published in the Government Gazette, of the use of
 another procedure or device for dealing cards, by that
 procedure or from that device”.

9. Junkets 10

(1) In section 69 (1) of the Principal Act, for “involving
 casinos” **substitute** “or premium player
 arrangements”.

(2) In section 69 (2) of the Principal Act, after paragraph
 (d) **insert**— 15

“; and

(e) require the casino operator concerned to give the
 Authority advance notice of a premium player
 arrangement and to furnish to the Authority
 specified information concerning the conduct of 20
 the premium player arrangement.”.

(3) Section 69 (3) of the Principal Act is **repealed**.

10. Exclusion orders

After section 72 (2) of the Principal Act **insert**—

“(2A) The Director or a casino operator may give a 25
 written order under this section to a person, on
 the voluntary application of the person,
 prohibiting the person from entering or
 remaining in a casino.

(2B) An application under sub-section (2A) must be 30
 in writing and signed by the applicant in the
 presence of a person authorised by the Authority
 to witness such an application.”.

11. Appeal against exclusion order

After section 73 (3) of the Principal Act **insert**—

5 “(3A) If the exclusion order was given on the application of the person to whom it applies, the inquiries made by the Director are, if possible, to include inquiries made of the witness to the application.”.

12. Gambling and betting by certain persons prohibited

For section 79 (2) of the Principal Act **substitute**—

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

Penalty: 20 penalty units.

(2A) If a person—

15 (a) has a special relationship with a casino within the meaning of section 40 (1); and

(b) is required under section 40 (2) to apply for a licence and—

(i) the requirement has not been withdrawn in writing; or

20 (ii) the association or employment constituting the special relationship is not terminated—

the person must not gamble or bet in the casino.

Penalty: 20 penalty units.”.

25 **13. Insertion of new section 79A**

After section 79 of the Principal Act **insert**—

“79A. *Gratuities etc.*

30 (1) A special employee (as defined in Part 4) in a casino must not solicit or accept from a patron of the casino any gratuity, consideration or other benefit relating to the performance of his or her duties as a special employee.

Penalty: 20 penalty units.

- (2) Sub-section (1) does not apply to a person, or a class of persons, authorised by the Authority, by notice in writing to the casino operator, to accept gratuities.” 5

14. *Community benefit levy*

In section 114 (2) of the Principal Act, after “applied” (where secondly occurring) insert “and the Consolidated Fund is hereby to the necessary extent appropriated accordingly”. 10

15. *Building works*

- (1) In section 128E (1) of the Principal Act, for “site” (where first occurring) substitute “area”.
 (2) In section 128E (3) of the Principal Act, for “site” (where first occurring) substitute “area”. 15

16. *Substitution of section 149*

For section 149 of the Principal Act substitute—

“149. *Liquor Control Act—casino*

- (1) A casino is deemed to be premises licensed under section 47 (3) of the **Liquor Control Act 1987** as if— 20
- (a) the casino operator were the licensee; and
- (b) an extended hours permit were held by the licensee authorising the licensee to sell and dispose of liquor in the casino at all times during which the casino is open to the public for gaming; and 25
- (c) the licence were granted on 1 July in each year. 30

(2) The following provisions of the **Liquor Control Act 1987** do not apply to the casino—

- (a) Divisions 5, 6, 7, 8 and 9 of Part 3;
- (b) sections 106, 107, 108, 111 and 112;
- (c) sections 128, 131 (1) (c), 131 (2) (f) and 136.

(3) The regulations may vary the list of provisions referred to in sub-section (2).

149A. Liquor Control Act—restaurant

(1) If the Authority approves an area immediately adjacent to the casino for use as a restaurant to which this section applies, that area is deemed to be premises licensed under section 47 (3) of the **Liquor Control Act 1987** as if—

- (a) the casino operator or, if the Liquor Licensing Commission approves another person as the licensee, that other person, were the licensee; and
- (b) an extended hours permit were held by the licensee authorising the licensee to sell and dispose of liquor in that area at all times during which the casino is open to the public for gaming.

(2) The following provisions of the **Liquor Control Act 1987** do not apply to an area specified under sub-section (1)—

- (a) sections 111 and 112;
- (b) sections 120, 121 and 123.

(3) This section expires 12 months after section 16 of the **Casino Control (Miscellaneous Amendments) Act 1994** comes into operation.”.

PART 3—APPROVED BETTING COMPETITIONS

17. *Certain betting in casino to be lawful*

After section 6 (1) of the Principal Act **insert—**

“(1A) Despite the provisions of any other Act or law, a bet made in an approved betting competition and the use of a totalisator in such a competition are lawful when the competition is conducted in accordance with this Act.”. 5

18. *Insertion of new Part 5A*

After section 81 of the Principal Act **insert—** 10

‘PART 5A—APPROVED BETTING COMPETITIONS

81A. *Approval of betting competitions*

(1) Subject to this Part, the Minister, after consultation with the Minister administering the **Gaming and Betting Act 1994**, may, by instrument, approve a betting competition on a particular event or class of events as an approved betting competition for the purposes of this Act, subject to such conditions as the Minister determines. 15 20

(2) The approval of a betting competition under this section must specify whether it is a competition with fixed odds or whether it is a competition conducted on a totalisator. 25

(3) The Minister must not under this section approve a betting competition— 30
(a) on a horse race, harness race or greyhound race at a race meeting in Australia or New Zealand unless the Minister administering the

Gaming and Betting Act 1994

approves, having regard to whether the licensee under that Act is proposing to conduct wagering on that race; or

- (b) on an event which, in the opinion of the Minister, is offensive or contrary to the public interest; or
- (c) that is played on a gaming machine; or
- (d) that is a club keno game.

81B. Events

A betting competition may be approved in respect of—

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

81C. Notice of approved betting competition

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

81D. Conditions of approval

- (1) The approval of a betting competition is subject to such conditions (if any) as are specified in the instrument of approval as varied and in force for the time being.

- (2) The Minister, after consultation with the Minister administering the **Gaming and Betting Act 1994**, may by instrument vary or revoke any conditions to which the approval of a betting competition is subject and may, for any reasonable cause stated in writing by the Minister, withdraw the approval. 5

81E. *Only persons in casino may take part in betting competitions* 10

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

81F. *Approval of totalisator*

- (1) Before a casino operator uses a totalisator for the conduct of an approved betting competition, the totalisator must be approved by the Director. 15
- (2) The approval of the Director under sub-section (1) may be given subject to any conditions that the Director thinks fit and may for any reasonable cause stated by the Director in writing be withdrawn by the Director. 20
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81G. *Betting competition not to be conducted without betting rules*

A casino operator must not conduct an approved betting competition unless there are in force betting rules under this Part applying to that competition, or to competitions of that type. 30

81H. Casino operator to make betting rules

5 (1) Subject to this Act, the regulations and any condition of the casino licence, a casino operator must make betting rules in relation to—

(a) totalisators for approved betting competitions; and

(b) betting in approved betting competitions at fixed odds; and

10 (c) such other matters as are necessary for the proper carrying on of a business of conducting approved betting competitions.

15 (2) Rules under sub-section (1) may, without limiting sub-section (1) (c), include provisions relating to—

(a) placing of bets, including minimum bets;

(b) odds;

20 (c) dividends or prizes, including minimum dividends or prizes, calculation of dividends or prizes, payment of dividends or prizes and unclaimed dividends or prizes;

25 (d) refunds;

(e) jackpots;

(f) determination of disputes;

(g) display of information.

30 (3) Rules under sub-section (1) must specify the day on which they are made and the day on which they come into operation, being a day at least 4 weeks after the day on which they are made or such earlier day (not being earlier than the day of making) approved in writing by the Authority.

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- (4) The betting rules may confer a discretionary authority or impose a duty on a specified person or class of persons.
- (5) The casino operator must comply with the prescribed requirements relating to the making of betting rules. 5
- (6) The casino operator must give a copy of rules made under this section to the Authority forthwith after they are made.
- (7) The Authority may at any time, by notice in writing given to the licensee, disallow a betting rule as from a day specified in the notice, being not earlier than 3 days after the notice is given to the licensee, if the Authority is satisfied that the rule is unfair to investors, unreasonable or contrary to the public interest. 10
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- (8) If, before a betting rule is made, the Authority consents in writing to the making of the rule in a specified form, the Authority must not disallow the rule within the period of 6 months after it is made. 20
- (9) The betting rules, as in force when the bet is made, form part of the contract between the casino operator and the investor. 25

81i. Commissions—totalisators

- A casino operator may deduct or cause to be deducted, as commission out of the total amount invested in each totalisator conducted by the operator on an approved betting competition an amount not exceeding 20% of the amount so invested. 30
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81J. Tax

(1) In this section—

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

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

15 “**Management Agreement**” means the
 Management Agreement set out in
 Schedule 1 to the **Casino**
 (Management Agreement) Act
 1993.

20 (2) A casino operator must pay to the
 Treasurer, in respect of each month in
 which approved betting competitions are
 conducted in the casino, a tax equal to—

 (a) for the period until 30 June 1997,
 20%; and

 (b) on and from 1 July 1997, $2\frac{1}{4}\%$ —

25 of the gross betting revenue during each
 such month.

30 (3) Tax payable under sub-section (2) is
 payable within 7 days after the end of
 each month in which approved betting
 competitions are conducted.

35 (4) In addition to the tax payable under
 sub-section (2), the casino operator must
 pay to the Treasurer, in respect of each
 financial year commencing 1 July in
 which the gross betting revenue during
 that year exceeds the base amount,
 additional tax calculated in accordance

with clauses 22.3, 22.4, 22.6 and 22.7 of the Management Agreement, as if a reference to Gross Gaming Revenue were a reference to gross betting revenue.

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(5) Additional tax payable under sub-section (4) is payable within 7 days after the end of each financial year.

(6) If a casino operator does not pay an amount of tax payable under this section within the period in which it is so payable, the operator is liable to pay interest at the rate prescribed by the regulations on that amount from the date on which the payment was due until payment.

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

81K. *Recovery of amounts owing*

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An amount payable under this Part is a debt due to the State and may be recovered in a court of competent jurisdiction.

81L. *Dividends*

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(1) A casino operator, after the deduction of the operator's commission under section 81I, must pay by way of dividends all money invested in a totalisator conducted by the operator on an approved betting competition.

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(2) If, but for this section, a dividend would include a fraction of 10 cents—

(a) if the fraction is less than 5 cents, the casino operator is not required

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to include the fraction in the dividend; and

- (b) if the fraction is 5 cents or more, the operator is required to include 5 cents in the dividend.

81M. Unclaimed refunds, dividends and prizes

(1) On or before the last day of each month, the casino operator must pay to the Treasurer an amount equal to the sum of all refunds, dividends and prizes which have remained unclaimed for not less than 12 months on the first day of that month (less the expenses of the operator reasonably incurred in searching for the persons entitled to those refunds, dividends or prizes).

(2) If a claimant makes a demand against the Treasurer for money paid to the Treasurer under sub-section (1), the Treasurer, upon being satisfied that the claimant is the owner of the money demanded, must direct that it be paid to the claimant out of money available for the purpose.

81N. Casino (Management Agreement) Act does not apply

Except as otherwise provided by this Part, nothing in the **Casino (Management Agreement) Act 1993** applies to approved betting competitions under this Part.’

19. Regulations

In section 167 (1) of the Principal Act after paragraph (l) insert—

- “(la) any matter in relation to which betting rules may be made under this Act;
 (lb) requirements relating to betting rules;”.

20. Consequential amendments

- The Principal Act is amended as follows— 5
- (a) in section 3 (1), in the definition of “operations”, after “gaming” (wherever occurring) **insert** “and approved betting competitions”;
- (b) in section 6 (2), after “game” (wherever occurring) **insert** “or approved betting competition”; 10
- (c) in section 6 (3), after “gaming” (wherever occurring) **insert** “or betting”;
- (d) in section 37 (1), in the definition of “special employee”— 15
- (i) in paragraph (b) (i), after “gaming” **insert** “or approved betting competitions”; and
- (ii) in paragraph (b) (v), after “equipment” **insert** “or totalisators”;
- (e) in section 58 (1), after “games” (where secondly occurring) **insert** “and approved betting competitions”; 20
- (f) in section 58 (3)—
- (i) after “gaming” (where first occurring) **insert** “and approved betting competitions”; and 25
- (ii) after “games” **insert** “and the conduct of approved betting competitions”;
- (g) in section 59 (1), after “gaming” **insert** “or an approved betting competition”; 30
- (h) in section 64 (e)—
- (i) after “gaming” **insert** “or betting”; and
- (ii) after “game” **insert** “or betting competition”;

- (i) in section 64 (j)—
 - (i) after “game” **insert** “or betting competition”; and
 - (ii) after “gaming” **insert** “or betting”;
- 5 (j) in section 65 (1), after “gaming” **insert** “and betting”;
- (k) in section 68 (2), after “gaming” **insert** “or betting”;
- 10 (l) in section 76 (1), after “gaming” **insert** “or betting”;
- (m) in section 76 (2) (a), after “gaming” **insert** “and betting”;
- (n) in section 79 (1), after “gamble” **insert** “or bet”;
- 15 (o) in section 79 (3), after “gamble” **insert** “or bet”;
- (p) in section 101 (a), after “gaming” **insert** “and betting”;
- (q) in section 101 (e), after “gaming” **insert** “or betting”;
- 20 (r) in section 101 (n), after “gaming” **insert** “and betting”;
- (s) in section 106 (d), after “gaming” **insert** “or betting”;
- (t) in section 107 (1), after “gaming” **insert** “or betting”;
- 25 (u) in section 107 (3), after paragraph (a) **insert**—
“(ab) the conduct of an approved betting competition has contravened the betting rules; or”;
- 30 (v) in section 108 (1)—
 - (i) in paragraph (a), after “gaming” **insert** “or betting”; and
 - (ii) in paragraph (b), after “gaming” **insert** “or betting”; and
 - 35 (iii) in paragraph (c), after “gaming” **insert** “or betting”; and
 - (iv) in paragraph (d), after “gaming” **insert** “or betting”; and

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- (v) in paragraph (e), after “gaming” insert “or betting”; and
- (vi) in paragraph (g), after “gaming” (wherever occurring) insert “or betting”;
- (w) in section 108 (2), after “gaming” insert “or betting”; 5
- (x) in section 109 (1), after “gaming” insert “or betting”;
- (y) in section 109 (2), after “gaming” insert “or betting”; 10
- (z) in section 110 (1)—
 - (i) in paragraph (b), after “gaming” insert “or betting”; and
 - (ii) in paragraph (d), after “gaming” insert “or betting”; and 15
 - (iii) in paragraph (f), after “gaming” insert “or betting”; and
 - (iv) in paragraph (h), after “gaming” insert “or betting”;
- (za) in section 122 (1)— 20
 - (i) in paragraph (d), after “games” insert “and approved betting competitions”; and
 - (ii) in paragraph (e), for “gaming” substitute “casino”; and
 - (iii) in paragraph (f), after “games” insert “or approved betting competitions”; and 25
 - (iv) in paragraph (h), after “games” insert “or approved betting competitions”; and
 - (v) in paragraph (i), after “gaming” insert “or betting”; and 30
 - (vi) in paragraph (m), after “gaming” insert “and betting”; and
 - (vii) in paragraph (n), after “games” insert “or approved betting competitions”;
- (zb) in section 140 (b), after “gaming” insert “and betting”. 35