

Casino Control (Further Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 states that the purpose of the Act is to make miscellaneous amendments to the Casino Control Act and to amend the Gaming Machine Control Act in its application to casinos.

Clause 2 contains the commencement provisions.

Clause 3 defines the “Principal Act” to mean the **Casino Control Act 1991**.

Clause 4 amends the definition of “gaming equipment” in the Principal Act and includes definitions of “electronic monitoring system”, “Gaming Commission”, “gaming machine”, “jackpot”, “linked jackpot arrangement” and “linked jackpot equipment”.

Clause 5 amends section 6 (1) of the Principal Act so that, subject to the Casino Control Act and the Gaming Machine Control Act, the conduct and playing of a game and use of gaming equipment is lawful in a casino operated by the holder of a casino licence.

Clause 6 amends section 7 of the Principal Act to provide that the regulations made under section 7 do not apply to the temporary casino.

Clause 7 amends section 22 of the Principal Act to enable a manager of the casino appointed by the Victorian Casino Control Authority to use equipment of the casino operator and employ staff and to provide a fair rate of return to the operator on the equipment.

Clause 8 amends the Principal Act to give the Victorian Casino Control Authority greater flexibility to exempt certain contracts entered into by the casino operator (referred to as “controlled contracts”) from the requirement to obtain the Authority’s prior approval. The Authority must include any exemptions it has given in its annual report.

Clause 9 substitutes a new section 30 in the Principal Act. The casino operator must give written notice to the Authority of any controlled contract at least 28 days (or any shorter period approved by the Authority) before entering into a controlled contract. Only if the Authority does not give written notice to the operator within that period that it objects to the proposed contract or requires more time to investigate can the operator enter into the contract.

Clause 10 inserts a new section 45A into the Principal Act to enable a casino special employee’s licence to be issued to the holder of a special employee’s licence or a technician’s licence under the Gaming Machine Control Act.

Clause 11 enables a special employee’s licence to be issued for 3 years instead of 1 year as presently provided.

Clause 12 amends section 58 of the Principal Act to require the approval of the Director of Casino Surveillance for training courses for casino special employees.

Clause 13 amends section 60 of the Principal Act to require the Authority in approving games to be played in a casino to have regard to any recommendations of the Director of

Casino Surveillance. The Authority must not approve a game to be played on a gaming machine unless it has first consulted the Gaming Commission.

Clause 14 amends section 62 (2) of the Principal Act to require the Director to consult the Gaming Commission before approving a gaming machine or an electronic monitoring system.

Clause 15 inserts new sections 62A and 62B into the Principal Act. Section 62A requires gaming machines for use in the casino to be obtained from manufacturers and suppliers approved by the Gaming Commission. Section 62B prohibits the installation of a linked jackpot arrangement without the approval of the Authority.

Clause 16 amends section 64 of the Principal Act to omit paragraph (h) which is substantially the same as paragraph (g) (iii). Paragraph (i) is amended to provide that a casino employee or agent of the casino operator must not at the casino induce persons to enter the casino.

Clause 17 requires the approval of the Director of Casino Surveillance be obtained for information to be provided to patrons on the rules of the games to be played in a casino.

Clause 18 includes additional functions of the Director of Casino Surveillance.

Clause 19 amends section 102 of the Principal Act to require the Director to obtain a photograph, finger prints and palms prints of any person being considered for appointment as an inspector. A copy of the photograph and prints must be referred to the Chief Commissioner of Police for a report.

Clause 20 provides for the Director to have all the powers of an inspector under the Gaming Machine Control Act in respect of gaming machines in a casino.

Clause 21 repeals section 112 of the Principal Act which deals with a casino licence fee. This fee has been replaced by the casino supervision and control charge.

Clause 22 requires the casino operator to pay the casino supervision and control charge to the Director of Casino Surveillance for payment into the Consolidated Fund. Section 112A (2) is repealed.

Clause 23 inserts a new section 112B which re-enacts section 112A (2) providing for the payment of the expenses of the Victorian Casino Control Authority. New section 112B (2) enables the Minister to determine the amount to be paid for the expenses of the Director and inspectors. The casino supervision and control charge is intended to cover the costs of the Authority, Director and inspectors.

Clause 24 requires the casino operator to pay the casino taxes to the Director for payment to the Consolidated Fund.

Clause 25 amends section 114 of the Principal Act to require the community benefit levy to be paid by the casino operator to the Director for payment into the Consolidated Fund. The community benefit levies are to be paid into the Hospitals and Charities Fund directly rather than through an additional Community Benefit Fund as presently provided.

Clause 26 substitutes section 115 to provide for a minimum return to players of gaming machines. This provision is similar to section 135 of the Gaming Machine Control Act.

Clause 27 requires the Victorian Casino Control Authority to have regard to any recommendations of the Director of Casino Surveillance in approving a system of internal controls and procedures.

Clause 28 amends section 127 to require the audited profit and loss account and balance sheet of the casino operator in relation to the casino to be lodged with the Authority.

Clause 29 requires the Victorian Casino Control Authority to approve or reject any system of controls and accounting procedures proposed by the Director of Casino Surveillance to ensure that the taxes and charges payable under the Act are paid.

Clause 30 amends section 149 of the Principal Act concerning the application of the **Liquor Control Act 1987**.

Clause 31 inserts new sections 153A, 153B and 153C relating to offences under the Act. New section 153A provides that it is an offence to bribe a “key official” or for a “key official” to corruptly ask for a benefit. A “key official” is a member of the Authority, staff and consultants of the Authority, the Director and inspectors.

New section 153B provides that it is an offence to forge or counterfeit chips, a licence under the Act or inspectors’ or special employees’ identification, falsely represent himself or herself as an inspector or member of the Authority, etc.

New section 153C prohibits the casino operator from permitting any indecent, violent or quarrelsome conduct within the casino.

Clause 32 corrects a heading in the Principal Act.

Clause 33 amends section 32 (1A) of the Gaming Machine Control Act to allow a casino operator to dispose of gaming machines in a casino and amends section 32 (2) to exempt the casino operator from the application of sections 69 (approval of gaming machine types and games), 70 (withdrawal of approval), 71 (linked jackpots unlawful without approval) and 72 (identification of machines) of the Gaming Machine Control Act.

Clause 34 inserts a new section 56 into the Gaming Machine Control Act to enable the holder of a casino special employee’s licence to obtain a special employee’s licence or technician’s licence under the Gaming Machine Control Act.

Clause 35 repeals section 61 of the Gaming Machine Control Act which provides that the holder of a casino special employee’s licence is to be taken to be a licensed technician for the purposes of the Gaming Machine Control Act.

Clause 36 amends section 123 of the Gaming Machine Control Act to remove the power of inspectors under the Gaming Machine Control Act to enter the casino to observe gaming operations. This function will be performed by casino inspectors.

