



Western Australia

Casino Control Act 1984

**Incorporating the amendments proposed by
the *Casino Legislation Amendment (Burswood
Casino) Bill 2022 Pt. 2 (Bill No. 76-1)***

Western Australia

Casino Control Act 1984

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Western Australia

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Casino Control Act 1984

An Act to provide for the establishment of a casino in Western Australia, for licensing the operator of the casino and for the control of gaming operations therein and for matters incidental to or connected therewith.

Part I — Preliminary

1. Short title

This Act may be cited as the *Casino Control Act 1984* ¹.

2. Commencement

This Act shall come into operation on a day to be fixed by proclamation ¹.

3. Terms used

(1) In this Act, unless the contrary intention appears —

administrator means administrator appointed under section 21E(1) or (2);

authorised game means game declared by the Commission under section 22 to be an authorised game for the purposes of this Act;

books includes any register or other record of information and accounts or accounting records, however compiled, recorded or stored, and also any document;

casino means area in which games are conducted and played and in which money counting, surveillance, storage and other activities related to the conduct and playing of games are carried on, in accordance with a casino gaming licence granted under section 21;

casino complex, subject to any order made under section 21F(1b), means area —

(a) in which a casino and an hotel and other amenities or premises are established, or intended to be established, to an international standard; and

(b) which is the subject of a casino complex agreement, and includes any casino or hotel or other amenities or premises established in that area;

casino complex agreement means agreement entered into by the Minister with a public company under section 19(1);

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

(a) casino key employee; or

(b) person or member of a class of persons prescribed for the purpose of this paragraph;

casino gaming licence means casino gaming licence granted under section 21;

casino key employee means person —

- (a) employed or working in a licensed casino in a managerial capacity or empowered to make decisions, involving the exercise of his discretion, that regulate the operation of a licensed casino; or
- (b) who the Commission determines in the public interest by reason of his influence, remuneration or function, should be designated as such;

casino licensee means holder, or person deemed to be the holder, of a casino gaming licence;

Chief Casino Officer means the Chief Casino Officer appointed within the meaning of section 9(1);

Commission means the Gaming and Wagering Commission established under the *Gaming and Wagering Commission Act 1987*;

common gaming house has the meaning attributed by section 41 of the *Gaming and Wagering Commission Act 1987*;

game means —

- (a) game of chance or pretended game of chance; or
- (b) game or pretended game which includes a degree of chance,

whether or not combined with a skill or degree of skill and whether or not played manually or by means of —

- (c) any electrical, electronic or mechanical contrivance or machine that is constructed or adapted for use in a game or pretended game referred to in paragraph (a) or (b); or
- (d) any other instrument of gaming;

gaming operations, in relation to a casino, means —

- (a) the conduct and playing of games in the casino; or
- (b) the management, supervision or surveillance of the conduct and playing of games in the casino; or
- (c) money counting, accounting or advertising in relation to the conduct and playing of games in the casino; or
- (d) the use of storage areas in relation to the conduct and playing of games in the casino; or
- (e) any other activities incidental to or connected with —
 - (i) the conduct and playing of games; or

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- (ii) the provision of facilities or services in relation to the conduct and playing of games,

in the casino;

government inspector means a government inspector appointed for the purposes of section 9(1);

licensed casino means casino in respect of which a casino gaming licence is, or is deemed to be, in force;

mortgagee means person in whose favour a mortgage, charge or other encumbrance is created under section 21F(1);

public company means public company within the meaning of the *Corporations Act 2001* of the Commonwealth;

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

- (2) In this Act the terms **condition, conduct, gaming, gaming equipment, instruments of gaming, machine, possession, token** and **winnings** shall be given the respective meanings assigned to those terms in the *Gaming and Wagering Commission Act 1987*.
- (3) A reference in this Act to an officer of the Commission shall be deemed to include a reference to the Chief Casino Officer, any government inspector or other officer appointed pursuant to section 9, and any other authorised officer within the meaning of the *Gaming and Wagering Commission Act 1987*.
- (4) This Act and subsidiary legislation under this Act are, for the purposes of the *Gaming and Wagering Commission Act 1987*, a written law relating to gaming.

[Section 3 amended: No. 10 of 1985 s. 23; No. 29 of 1985 s. 8; No. 64 of 1985 s. 2; No. 44 of 1987 s. 11; No. 74 of 1987 s. 12; No. 57 of 1997 s. 28(1); No. 24 of 1998 s. 4; No. 10 of 2001 s. 220; No. 35 of 2003 s. 171(2) and (3).]

Part II — Administration

[4. Deleted: No. 24 of 1998 s. 5.]

[4A-8. Deleted: No. 74 of 1987 s. 14.]

9. Commission's staff for casinos

- (1) There shall be appointed under and subject to Part 3 of the *Public Sector Management Act 1994* a Chief Casino Officer and such government inspectors and other officers, either full time or part time, as, having regard to the staff and facilities otherwise available to the Commission, are necessary to provide the administrative and other services in relation to casinos required by a casino complex agreement, this Act, the *Gaming and Wagering Commission Act 1987* or any other Act.
- (2) In so far as such matters are not otherwise provided for under the *Gaming and Wagering Commission Act 1987* the Commission shall, subject to the approval of the Minister —
 - (a) employ temporary or casual employees; and
 - (b) engage under contracts for services professional or technical or other assistance,for the purposes, and to provide the services, referred to in subsection (1).
- (3) An officer of the Commission has and may exercise such powers, and shall perform such functions and duties, as are conferred or imposed on him by or under this Act or any other Act or a casino complex agreement.

[Section 9 inserted: No. 64 of 1985 s. 3; amended: No. 74 of 1987 s. 15; No. 32 of 1994 s. 3(2); No. 24 of 1998 s. 6(1); No. 35 of 2003 s. 171(3).]

10. ~~Protection from liability~~ **Protection from liability for Commission's officers and Crown**

- (1) An action in tort does not lie against a person ~~who is an officer of the Commission~~ for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act or any other written law relating to gaming ~~any other Act~~ or a casino complex agreement.

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- (2) If this section provides that an action does not lie against a person for doing anything, [the Commission and the Crown are also relieved of any liability that either of them](#) ~~the Crown is also relieved of any liability that it~~ might otherwise have for the doing of the thing by the person.
- (3) The protection given by this section applies even though the thing done in the performance or purported performance of a function under this Act or any other Act or a casino complex agreement may have been capable of being done whether or not, as the case requires —
- (a) this Act or any other Act had been enacted; or
 - (b) the casino complex agreement had been entered into.
- (4) In this section —
- (a) a reference to the doing of anything includes a reference to the omission to do anything; and
 - (b) a reference to the performance of a function includes a reference to the performance of a duty and the exercise of a power.

[Section 10 inserted: No. 24 of 1998 s. 7; amended: [Casino Legislation Amendment \(Burswood Casino\) Bill 2022 cl. 4.](#)]

11. Chief Casino Officer may delegate

- (1) The Chief Casino Officer may with the approval of the Commission, by instrument in writing, delegate to another officer of the Commission the exercise or performance of any of the powers, functions or duties of the Chief Casino Officer under this Act or any other Act or a casino complex agreement, other than —
- (a) this power of delegation; or
 - (b) a power or duty of the Commission delegated to the Chief Casino Officer under section 16 of the *Gaming and Wagering Commission Act 1987*.
- (2) A delegation may be general or as otherwise provided by the instrument of delegation.

[Section 11 inserted: No. 24 of 1998 s. 7; amended: No. 35 of 2003 s. 171(3).]

[12. Deleted: No. 24 of 1998 s. 8.]

13. Disclosure of certain information authorised

For the purposes of section 20(3) of the *Gaming and Wagering Commission Act 1987* —

- (a) the communication of information concerning the affairs of another person to another regulatory body established, in Australia or elsewhere, in relation to the administration or control of gaming or betting or for law enforcement purposes; or
- (b) the provision of statistical data relating to the operations of a casino, subject to the agreement of the casino licensee; or
- (c) compliance with a request by any person, in relation to the affairs of that person relating to gaming,

may, when authorised by the Chief Casino Officer or the Commission, be taken to be a function performed in connection with that Act.

[Section 13 inserted: No. 74 of 1987 s. 17; amended: No. 57 of 1997 s. 28(2); No. 24 of 1998 s. 9; No. 35 of 2003 s. 171(3).]

14. Funds available for administering this Act

- (1) The funds available for the administration of this Act consist of —
 - (a) moneys from time to time appropriated by Parliament; and
 - (aa) casino gaming licence fees paid under section 20; and
 - (b) all other moneys lawfully received by, made available to or payable to the Commission or to the Casino Control Committee as constituted prior to the coming into operation of section 4 of the *Gaming and Wagering Commission Act 1987*.
- (2) The funds referred to in subsection (1) shall be, as the case requires —
 - (a) credited to the account referred to in section 9(2)(a) of the *Gaming and Wagering Commission Act 1987*; or
 - (b) paid into and placed to the credit of the account referred to in section 9(2)(b) of that Act.

[Section 14 amended: No. 10 of 1985 s. 27; No. 74 of 1987 s. 18; No. 49 of 1996 s. 64; No. 24 of 1998 s. 10; No. 35 of 2003 s. 171(3).]

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15. Unclaimed winnings

- (1) If any winnings —
- (a) greater than the prescribed amount; or
 - (b) in a form other than money and with a value greater than the prescribed amount,

are payable from the conduct and playing of gaming operations at a licensed casino and are not claimed within 12 months after the right to be paid them first arises (*unclaimed winnings*), the casino licensee shall notify the Commission in writing, when directed by the Commission to do so, of —

- (c) details of the unclaimed winnings; and
 - (d) the name and address, if known, of the person entitled to be paid the unclaimed winnings (the *winner*); and
 - (e) details of any steps taken by the casino licensee to find and contact the winner.
- (2) On being notified of unclaimed winnings under subsection (1), the Commission may give directions to the casino licensee to take specified steps, or specified additional steps, to find and contact the winner.
- (3) If, on the expiry of 2 months —
- (a) after the Commission is notified under subsection (1); or
 - (b) if directions are given under subsection (2), after those directions are given,

the unclaimed winnings have not been claimed —

- (c) the right of the winner to be paid those winnings is extinguished; and
 - (d) subject to subsection (4), the unclaimed winnings shall be dealt with under section 109C of the *Gaming and Wagering Commission Act 1987*.
- (4) The Commission may give directions to the casino licensee as to the disposal of any unclaimed winnings where —
- (a) the right of the winner to be paid the winnings has been extinguished under subsection (3); and
 - (b) the winnings are in a form other than money,

and any proceeds of that disposal shall be taken to be unclaimed winnings to be dealt with under section 109C of the *Gaming and Wagering Commission Act 1987*.

(5) It is a condition of a casino gaming licence that the casino licensee complies with any direction given to the casino licensee under this section.

(6) In this section —

unclaimed winnings includes any stake hazarded or bet placed that is repayable with the unclaimed winnings.

[Section 15 inserted: No. 24 of 1998 s. 11(1); amended: No. 35 of 2003 s. 171(3).]

[16. Deleted: No. 74 of 1987 s. 19.]

[17. Deleted: No. 98 of 1985 s. 3.]

Part III — Casino complex agreement

[Heading amended: No. 10 of 1985 s. 28.]

18. Terms used

- (1) For the purposes of this Part, a person is a *close associate* of a public company with which the Minister has entered into, or is proposing to enter into, a casino complex agreement if the person —
- (a) holds any relevant financial interest in, or is entitled to exercise any relevant power with respect to, the public company, whether in the person's own right or on behalf of any other person, and by virtue of that interest or power is or will be able, in the opinion of the Commission, to exercise a significant influence over or with respect to the organization and conduct of the gaming operations of the licensed casino with which the casino complex agreement is concerned; or
 - (b) holds any relevant position, whether in the person's own right or on behalf of any other person, in the public company.
- (2) In this section —
- relevant financial interest* means —
- (a) any share in the capital of the public company; or
 - (b) any entitlement to receive any income derived from the public company;
- relevant position* means the position of director, manager or other executive position or secretary, however that position is 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.

[Section 18 inserted: No. 24 of 1998 s. 12.]

19. Minister may enter into agreement with respect to construction and establishment of casino complex

- (1) Subject to this section, the Minister acting for and on behalf of the State and its instrumentalities may enter into an agreement with a public company, whether acting on its own behalf or as a trustee or in any other capacity, with respect to the construction and establishment of a new casino complex in the State, and may in such an agreement undertake not to approve under section 21(3) during a period specified in that agreement of an application for a casino gaming licence made by a person other than a party to that agreement.
- (1a) The Commission shall, before the Minister enters into a casino complex agreement with a public company, carry out such investigations as it considers necessary or desirable for the purposes of that casino complex agreement and for the purposes of satisfying itself that the public company, and each close associate of the public company, is a suitable person to be concerned in or associated with the organization and conduct of the gaming operations of a licensed casino.
- (2) Without limiting the matters that may be investigated by the Commission under subsection (1a), investigations made under that subsection shall include such investigations as the Commission considers necessary or desirable to inform itself of —
 - (a) the reputation and financial status of the public company and each close associate of the public company, and the financial status or proposed financial status and the structure of any trust or proposed trust of which the public company, or a close associate of the public company, is or may become the promoter or founder or trustee; and
 - (b) the reputation, financial status, and capacity to be concerned in or associated with the organization and conduct of the gaming operations of a licensed casino, of —
 - (i) each natural person; and
 - (ii) each director or other member of the governing body of, and each principal officer of, a body corporate,
intended by the public company, or believed by the Commission, to be concerned in or associated with the organization and conduct of the gaming operations of

s. 19A

- the licensed casino with which the casino complex agreement is concerned; and
- (c) such other matters as may be prescribed.
- (2a) The public company and the natural persons, directors or other members of a governing body, and principal officers, referred to in subsection (2) shall provide the Commission with such information and books —
- (a) as the Commission requires for the purposes of an investigation carried out under that subsection; and
- (b) as they are able to provide.
- (2b) After having informed itself of the matters referred to in subsection (2), the Commission shall submit a report on those matters and on any other matters it considers relevant, together with its recommendations thereon, to the Minister.
- (3) A casino complex agreement is not enforceable by any party thereto unless and until it has been ratified by an Act, and no action or other proceedings may be brought in relation to a casino complex agreement until it has been so ratified.
- (4) A casino complex agreement shall not confer the right on any party thereto, or on a person referred to therein, to conduct games at the premises of the casino to which the casino complex agreement relates until a casino gaming licence is granted to that party and then only in accordance with the casino gaming licence.
- (5) A casino complex agreement may be amended or terminated in accordance with its provisions.

[Section 19 amended: No. 10 of 1985 s. 29; No. 74 of 1987 s. 20; No. 24 of 1998 s. 13.]

19A. Notice to be given of proposal to exercise power under s. 19B(1)

- (1) If the Minister is of the opinion that the power conferred on the Minister under section 19B(1) should be exercised in respect of a person, the Minister shall cause to be served on the person and on any other person who is considered by the Minister to be likely to be affected by the exercise of that power a notice in writing —
- (a) specifying the reasons for the Minister's opinion and that the Minister proposes to exercise the power; and

- (b) requiring each person served with the notice to show cause in writing within a period of 14 days after the date of that service why that power should not be exercised.
- (2) A person served with a notice under subsection (1) may, within the period referred to in that subsection, serve on the Minister submissions in writing showing cause why the power conferred on the Minister under section 19B(1) should not be exercised.
- (3) After receiving and considering any submissions served under subsection (2) within the period referred to in subsection (1) or, if no submission is so served, within a period of 21 days after having caused the relevant notice, or the later or last of the relevant notices, as the case requires, to be served under subsection (1), the Minister may exercise the power conferred on the Minister under section 19B(1).

[Section 19A inserted: No. 24 of 1998 s. 14.]

19B. Close associate of public company may be required to dispose of shares etc.

- (1) If the Minister determines, on the advice of the Commission, that a person that is a close associate of a public company —
 - (a) with which the Minister has entered into a casino complex agreement; or
 - (b) that is a casino licensee,is not, or is no longer, a suitable person to be concerned in or associated with the gaming operations of a licensed casino, the Minister may cause to be served on the person a notice in writing requiring the person to dispose of any shares, units or other interest, as specified in the notice and within the period so specified, by virtue of which the person is a close associate of the public company.
- (2) A person served with a notice under subsection (1) shall comply with the notice.
Penalty: \$30 000.
- (3) A report of a determination by the Minister under subsection (1) shall be included in the annual report submitted by the accountable authority of the Commission under Part 5 of the *Financial Management Act 2006*.

[Section 19B inserted: No. 24 of 1998 s. 14; amended: No. 77 of 2006 Sch. 1 cl. 20.]

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20. Casino gaming licence fees and taxes

- (1) A public company entering into a casino complex agreement with the Minister shall undertake in the casino complex agreement to pay, on becoming a casino licensee —
 - (a) to the Commission a casino gaming licence fee in an amount; and
 - (b) to the Treasurer a tax at a rate,specified in the casino complex agreement at times specified therein.
- (2) A casino complex agreement may provide —
 - (a) for the joint review by the Minister and any other party to the casino complex agreement at intervals specified in the casino complex agreement of the amount of the casino gaming licence fee, and of the rate of the tax, referred to in subsection (1); or
 - (b) in lieu of a review referred to in paragraph (a), for a variation in the amount or rate referred to in paragraph (a) in accordance with the casino complex agreement.

[Section 20 inserted: No. 10 of 1985 s. 30; amended: No. 74 of 1987 s. 20.]

20A. Late payment of licence fee or tax, penalty for

- (1) There shall be charged and become due and payable forthwith to —
 - (a) the Commission on the amount of any casino gaming licence fee; or
 - (b) the Treasurer on the amount of any tax,referred to in section 20 remaining unpaid after the day on which it becomes due and payable a daily penalty at the rate of 20% per annum.
- (2) The Commission may, for any reason it thinks sufficient, remit any penalty or part thereof payable on the amount of any casino gaming licence fee under this section.
- (3) The Treasurer may, for any reason he thinks sufficient, remit any penalty or part thereof payable on the amount of any tax under this section.

[Section 20A inserted: No. 10 of 1985 s. 30; amended: No. 74 of 1987 s. 20.]

20B. Recovery of, and liability for, licence fees, taxes and penalties

- (1) Casino gaming licence fees —
- (a) specified in a casino complex agreement; or
 - (b) imposed as a consequence of a review or variation to which section 20(2) refers,

and any penalty calculated pursuant to section 20A in respect of such a fee, shall be deemed to be payable to the Commission.

- (2) A casino tax —
- (a) at the rate specified in a casino complex agreement; or
 - (b) imposed as a consequence of a review or variation to which section 20(2) refers,

and any penalty calculated pursuant to section 20A in respect of such a tax, shall be payable to the Treasurer.

- (3) The casino licensee, or where the circumstances require an administrator appointed under section 21E, is liable for all casino gaming licence fees, taxes and penalties due and payable under this Act or the relevant casino complex agreement.

- (4) In any court of competent jurisdiction there may be recovered —
- (a) by the Commission, any casino gaming licence fee or penalty in respect of that fee; or
 - (b) by the Treasurer, any casino tax or penalty in respect of that tax,

which remains unpaid, as being a debt due.

- (5) Where an amount is payable under this section, but by reason of a failure to keep or to produce or furnish to the Commission or other proper person any books or things required under this Act, or to take or permit to be taken any other step which is required or permitted to be taken, or by reason of the books or things kept, produced or furnished being materially incomplete or inaccurate, the Commission or that other person is unable to ascertain the amount properly payable, the Commission may estimate the amount payable and (without prejudice to the recovery of the full amount payable or to the making of a further estimate under this subsection) the amount estimated shall be recoverable as an amount properly payable and not paid unless in any action relating thereto the person liable proves the

s. 20B

amount properly payable and that amount is less than the amount estimated.

- (6) For the purpose of any action in a court of competent jurisdiction to recover an amount under this section as a debt due a certificate signed by a member of the Commission stating the circumstances and provision under which the amount became payable and certifying the amount alleged or, where subsection (5) applies, estimated to be payable and that the amount has not been paid is evidence that the amount so specified is payable in accordance with this Act and has not been paid.

[Section 20B inserted: No. 10 of 1985 s. 30; amended: No. 29 of 1985 s. 10; No. 74 of 1987 s. 21.]

Part IV — Casino gaming licence

21. Applications for and grant of casino gaming licences

- (1) A public company which is a party to a casino complex agreement and wishes to obtain a casino gaming licence in respect of the relevant casino (in this section called the *applicant*) may lodge with the Commission its application for that casino gaming licence, together with —
 - (a) an application fee of \$5 000 or such other amount as is prescribed; and
 - (b) such information relating to —
 - (i) that application; and
 - (ii) the question whether or not the applicant has complied with the preliminary requirements, as is prescribed and as the Commission requires; and
 - (c) if the Commission so requires, the consent in writing of any person who is —
 - (i) believed by the Commission; or
 - (ii) known to the applicant, to be associated with the applicant in some way to the obtaining by the Commission of such information concerning the background of that person as the Commission requires.
- (2) On receiving an application made under subsection (1), the Commission shall —
 - (a) carry out such investigations as it considers necessary or desirable to inform itself whether or not the applicant has complied with the preliminary requirements; and
 - (b) submit a copy of that application, together with its opinion on whether or not the applicant has complied with the preliminary requirements, to the Minister.
- (3) On receiving a copy of an application and the opinion of the Commission submitted to him under subsection (2) or resubmitted to him under subsection (4)(b), the Minister shall —
 - (a) subject to an undertaking referred to in section 19(1) and if the applicant has complied with the preliminary requirements, approve of that application subject to such conditions as are set out in the casino complex agreement and to such additional conditions, if any, as are agreed between the Minister and the applicant; or

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- (b) if the applicant has not complied with the preliminary requirements but will in the opinion of the Minister be able to comply with them within such period as the Minister considers reasonable, defer consideration of that application for that period; or
- (c) if the applicant has not complied with the preliminary requirements and will not in the opinion of the Minister be able to comply with them within such period as the Minister considers reasonable, refuse to consider that application,

and shall advise the Commission accordingly.

- (4) On being advised by the Minister under subsection (3), the Commission shall —
 - (a) if the Minister approves of the application concerned, grant to the applicant the casino gaming licence concerned, subject to the same conditions as those to which that approval is subject, and specify those conditions in that casino gaming licence; or
 - (b) if the Minister defers consideration of the application concerned for a period, resubmit that application, together with its opinion on whether or not the applicant has complied with the preliminary requirements, to him at the conclusion of the period; or
 - (c) if the Minister refuses to approve of the application concerned, refuse to grant that application,

and shall advise the applicant accordingly.

- (4a) Subject to subsection (4b), the Commission may with the approval of the Minister by notice published in the *Gazette* —
 - (a) fix the area to which a casino gaming licence relates; or
 - (b) alter an area fixed under this subsection.
- (4b) The Commission shall not, without the consent of the relevant casino licensee, reduce under subsection (4a) the area to which a casino gaming licence relates.
- (4c) Without limiting subsection (4a), the area to which a casino gaming licence relates may be fixed or altered under that subsection for specified purposes relating to the conduct and playing of one or more specified authorised games in one or more specified areas of the relevant casino complex.

- (5) A casino gaming licence remains in force until it is suspended or revoked under section 21B(3) or 21C or surrendered under section 21D.
- (6) In this section —
- preliminary requirements* means those provisions of the relevant casino complex agreement with which the applicant is required by that casino complex agreement to comply before a casino gaming licence can be granted to the applicant in respect of the casino concerned;
- specified*, in relation to a notice under subsection (4a), means specified in the notice.

[Section 21 inserted: No. 10 of 1985 s. 31; amended: No. 29 of 1985 s. 11; No. 44 of 1987 s. 12; No. 74 of 1987 s. 22; No. 24 of 1998 s. 15.]

21A. Investigations etc., Commission's powers as to

- (1) The Commission, and any member or officer of the Commission as though he were an authorised officer concerned under the *Gaming and Wagering Commission Act 1987* with the supervision of permitted gaming and the enforcement of that Act, has and may exercise in relation to —
- (a) any party to, or any manager or other person, trust, premises or property the subject of, a casino complex agreement; and
 - (b) any thing that the Commission or that member or officer has reasonable cause to believe relates to, or may be likely to affect, a person or matter referred to in paragraph (a); and
 - (c) the organization, management, operation and use of a casino complex including the gaming operations and related accounting, audit and security procedures in, and amenities or facilities ancillary to, the casino comprised in the casino complex,

like powers to those conferred on the Commission or an authorised officer, as the case may be, under the *Gaming and Wagering Commission Act 1987* in relation to gaming or betting under that Act, and persons, premises or things relating to gaming or betting.

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- (2) Without prejudice to the generality of subsection (1), the Commission or a member, or an officer of the Commission, may in particular —
- (a) by notice in writing or, if the urgent or otherwise special nature of the circumstances makes it necessary, by notice given orally, require any casino key employee or casino employee, or any other person associated with operations in the casino complex or its management or who has in his possession or under his control any gaming equipment, instruments of gaming, or books related to the operation of a casino complex or otherwise relevant to the administration of this Act to —
 - (i) produce for inspection on behalf of the Commission any such gaming equipment, instruments of gaming or books; and
 - (ii) attend before the Commission, or that officer, at a specified time and place and then and there to answer any questions, or provide information, with respect to any such gaming equipment or instruments of gaming, any such books or any entries therein, or operations in or in relation to the casino complex or gaming;
- and
- (b) enter, and remain in, any part of a casino complex, scrutinize and inquire into any gaming or betting conducted there, and inspect, or require to be examined and tested on behalf of the Commission, any gaming equipment, instruments of gaming, or books, and take notes in relation thereto or copies of or extracts from any such books, require the withdrawal from use of unsatisfactory gaming equipment or the destruction of unsatisfactory instruments of gaming, and, where he deems it necessary, search for, seize and retain potential evidence for production in possible subsequent proceedings in accordance with section 31 of the *Gaming and Wagering Commission Act 1987*; and
 - (c) receive, investigate and deal with complaints from casino patrons with respect to any aspect of the operations of a casino, and advise any patron of the result of the complaint; and
 - (d) exercise any other prescribed function,

and a requirement made pursuant to this section shall for the purposes of the *Gaming and Wagering Commission Act 1987* be deemed to be a requirement of the Commission and shall be enforceable as though made in relation to permitted gaming.

- (3) Where a member of the Police Force or other person acts in aid of an officer authorised under subsection (2) and at the request of that officer, he is deemed whilst so acting also to have, and to be authorised to exercise, the powers conferred by subsection (2).
- (4) Where the Commission thinks fit, the Commission may report to the Minister and make recommendations as to any action that the Commission considers should be taken under section 21B.
- (5) Where it appears to the Minister that it is in the public interest that an inquiry be carried out into the affairs, or into particular affairs, of a casino or related matters the Minister may, in writing, direct the Commission to arrange the inquiry and a report on the findings of the inquiry.
- (6) Related matters that may be made the subject of an inquiry include —
 - (a) gaming or betting, whether in the casino or elsewhere; and
 - (b) suspected corruption; and
 - (c) the persons concerned in the management or operation of the casino complex, and their relationship with other persons, or a class of persons which includes other persons, who, in the opinion of the Minister, are associated with them or could affect or be in a position to exercise direct or indirect control over the carrying out of any function in, or in relation to, the casino; and
 - (d) whether or not it is in the public interest that a casino licence, or a casino complex agreement, remain in force.
- (7) A direction given under subsection (5) —
 - (a) shall specify the affairs or matters to be the subject of the inquiry; and
 - (b) may require the inquiry to be carried out by a person appointed by the Minister.
- (8) Where the Commission is directed under subsection (5) to arrange for an inquiry, the Commission shall cause to be published in the *Gazette* a notice —
 - (a) specifying the affairs or matters concerned; and

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- (b) stating the name of the person carrying out the inquiry.
- (9) For the purposes of an inquiry carried out at the direction of the Minister under subsection (5), the person carrying out the inquiry has the powers of a Royal Commission and the chairman of a Royal Commission, whether under the *Royal Commissions Act 1968* or otherwise, and the provisions of that Act have effect as if they were enacted in this Act with any necessary changes and in terms made applicable to the inquiry by that person.

[Section 21A inserted: No. 74 of 1987 s. 23; amended: No. 73 of 1994 s. 4; No. 24 of 1998 s. 16; No. 35 of 2003 s. 171(3).]

21B. Report etc. under s. 21A, Minister's powers on receiving

- (1) On receiving a report and recommendations made under section 21A(4) or as a result of an inquiry carried out pursuant to a direction given under section 21A(5), the Minister shall, if he is of the opinion that he should exercise any of the powers conferred on him by subsection (3) in respect of the licensed casino concerned, cause to be served on the casino licensee of that licensed casino and on any other person who is considered by the Minister to be likely to be affected by the exercise of that power a notice in writing —
 - (a) specifying the reasons for his opinion and which of those powers he proposes to exercise; and
 - (b) requiring that casino licensee and any other such person to show cause in writing within a period of 14 days after the date of that service why the power specified in that notice should not be exercised.
- (2) A person on whom a notice has been served under subsection (1) shall within the period of 14 days after the date of that service serve on the Minister a submission in writing showing cause why the power specified in that notice should not be exercised.
- (3) After receiving and considering each submission served on him under subsection (2) within the period referred to in that subsection or, if no submission is so served, within a period of 21 days after having caused the relevant notice, or the later or last of the relevant notices, as the case requires, to be served under subsection (1), the Minister may, subject to subsection (4) and if he considers it in the public interest to do so —
 - (aa) serve a letter of censure on the casino licensee concerned; or

- (a) with the prior approval of the Governor, suspend for such period as he thinks fit, or revoke, the casino gaming licence of the casino licensee concerned; or
 - (b) serve notice of termination on the parties to any agreement (other than a casino complex agreement) relating to the management or operation of the casino complex concerned or any part thereof, including the premises of the licensed casino concerned, to which agreement the casino licensee concerned is a party, whereupon that agreement is by force of this subsection terminated; or
 - (c) with the prior approval of the Governor, order the casino licensee concerned to pay a monetary penalty fixed by the Minister but not exceeding \$100 million. ~~\$100 000.~~
- (4) The Minister shall not exercise a power conferred on him by subsection (3) unless that power was specified in the relevant notice served under subsection (1).
- (5) The Minister may recover a penalty imposed under subsection (3)(c) in a court of competent jurisdiction as a debt due by the casino licensee concerned to the Crown.
- (6) A certificate signed by the Minister specifying the amount of a penalty imposed under subsection (3)(c) and that the amount has not been paid is evidence that the amount so specified is payable in accordance with this Act and has not been paid.

[Section 21B inserted: No. 10 of 1985 s. 31; amended: No. 74 of 1987 s. 24; No. 24 of 1998 s. 17; [Casino Legislation Amendment \(Burswood Casino\) Bill 2022 cl. 5.](#)]

21C. Termination of casino complex agreement, Minister may revoke licence on

When a casino complex agreement is terminated, the Minister may, with the prior approval of the Governor, revoke any casino gaming licence granted to a party to the casino complex agreement.

[Section 21C inserted: No. 10 of 1985 s. 31.]

21D. Casino gaming licence may be surrendered

- (1) A casino licensee may apply in writing to the Commission to surrender its casino gaming licence.
- (2) An application made under subsection (1) shall set out in detail the grounds on which it is made.

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- (3) After considering an application made under subsection (1) and the grounds on which it is made, the Commission may —
- (a) if it is satisfied that there are circumstances existing in which the continued operation of the licensed casino to which that application relates is neither in the best interests of the applicant nor in the public interest, grant that application; or
 - (b) refuse that application.

[Section 21D inserted: No. 10 of 1985 s. 31; amended: No. 74 of 1987 s. 25.]

21E. Suspension or revocation of licence, administrator may be appointed

- (1) Subject to this section, when a casino gaming licence held by a party to a casino complex agreement is —
- (a) under section 21B(3)(a) suspended for a period of not less than 90 days, the Minister shall within a period of 7 days of the day of receipt by him of a request from the specified person; or
 - (b) under section 21B(3)(a) or 21C revoked, the Minister shall within a period of 7 days of the day of that revocation,

appoint a person nominated by the specified person and approved by the Commission to be the administrator of the casino concerned.

- (2) Subject to this section, the Minister may on the recommendation of the Commission and shall if the specified person so requests terminate the appointment of an administrator appointed under this section and shall, if he does so and the specified person so requests, appoint on the recommendation of the Commission another person nominated by the specified person to be the administrator of the casino concerned in lieu of the administrator whose appointment is terminated.
- (3) An administrator shall operate the licensed casino concerned as the agent of the specified person or as otherwise provided in —
- (a) the relevant mortgage, charge or other encumbrance; or
 - (b) any other relevant agreement approved by the Minister.

- (4) An administrator shall while he holds office as such be deemed to be the holder of a casino gaming licence in respect of the premises of the casino concerned subject to —
- (a) the same conditions (with any necessary modifications) as those to which the casino gaming licence suspended or revoked under section 21B(3)(a) or 21C is or was subject; and
 - (b) any other conditions imposed by the Minister from time to time on the recommendation of the Commission.
- (5) The Commission may at the request of the specified person approve a person for the purpose of subsection (1) or (2) in advance of his appointment under that subsection.
- (6) Subject to subsection (3), an administrator —
- (a) may exercise any of the powers, and shall perform all the functions and duties, and has all the obligations, conferred or imposed on a casino licensee by or under this Act or any other Act and any relevant casino complex agreement; and
 - (b) has, subject to paragraph (a), all the powers necessary or desirable for the efficient operation of the licensed casino concerned; and
 - (c) ceases to hold office when —
 - (i) his appointment is terminated under subsection (2); or
 - (ii) in the case of the suspension of a casino gaming licence under section 21B(3)(a), that suspension ends.
- (7) In this section —
- specified person*** means —
- (a) a mortgagee or, if there is more than one mortgagee, the mortgagee having priority over the other mortgagee or mortgagees; or
 - (b) if there is at the relevant time no mortgagee, a person specified for the purposes of this definition in an agreement approved by the Minister; or
 - (c) if there is at the relevant time neither a mortgagee nor a person specified within the meaning of paragraph (b), the owner of the casino complex concerned.

[Section 21E inserted: No. 10 of 1985 s. 31; amended: No. 29 of 1985 s. 12; No. 74 of 1987 s. 25.]

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21F. Casino licensee's powers to mortgage, sell, assign etc. its licence, premises etc.

- (1) A casino licensee may create a mortgage, charge or other encumbrance over —
- (a) its casino gaming licence; or
 - (b) the whole or any part of the premises of the casino complex concerned, including the premises of the licensed casino to which its casino gaming licence relates; or
 - (c) its rights and benefits under the relevant casino complex agreement,

with the prior consent of, and in favour of a person approved by, the Minister on the recommendation of the Commission and not otherwise.

- (1a) A casino licensee shall not dispose of any part of the relevant casino complex to another person unless the other person is approved by the Minister on the recommendation of the Commission.
- (1b) The Minister may, on the disposition of part of a casino complex to a person approved under subsection (1a) —
- (a) release the relevant casino licensee from its obligations under the relevant casino complex agreement in respect of that part; and
 - (b) by order declare that —
 - (i) the relevant casino complex agreement does not apply to that part; and
 - (ii) that part ceases to form part of the casino complex,which order has effect according to its tenor.
- (1c) An order made under subsection (1b) is subsidiary legislation within the meaning of the *Interpretation Act 1984*.
- (2) A casino licensee shall not assign its casino gaming licence or any rights, benefits or obligations under the relevant casino complex agreement to another person unless the other person is approved by the Minister on the recommendation of the Commission.
- (3) An administrator shall not assign any rights, benefits or obligations under the relevant casino complex agreement, if any, to another person unless the other person is approved by the Minister on the recommendation of the Commission.

- (4) If a mortgagee wishes to enforce his security under a mortgage, charge or other encumbrance —
- (a) any receiver appointed thereunder shall be; and
 - (b) the casino gaming licence concerned and any rights, benefits or obligations under a casino complex agreement shall be assigned only to,
- a person approved by the Minister on the recommendation of the Commission.
- (5) The Minister may at the request of a mortgagee approve a receiver for the purpose of subsection (4)(a) in advance of his appointment under the relevant mortgage, charge or other encumbrance.
- (6) The Minister may refuse to approve a person (in this subsection called the *proposed assignee*) for the purpose of subsection (2), (3) or (4)(b) until —
- (a) the proposed assignee enters into an agreement with the Minister; and, additionally or alternatively,
 - (b) another person with whom the Minister considers that he should enter into an agreement in connection with the assignment of a casino gaming licence to the proposed assignee (in this subsection called the *proposed assignment*) enters into such an agreement with the Minister,
- containing such terms and conditions with respect to the proposed assignment and the proposed assignee as the Minister approves on the recommendation of the Commission.
- (7) A mortgage, charge or other encumbrance or any disposition or any assignment referred to in this section or any sale or lease made by the mortgagee or assignor or administrator shall be invalid unless approved beforehand by the Minister on the recommendation of the Commission.
- (8) In this section —
- dispose of* includes dispose of any estate or interest by sale, assignment, transfer, lease or licence;
- receiver* means receiver or receiver and manager, according to the nature of the appointment concerned.

[Section 21F inserted: No. 10 of 1985 s. 31; amended: No. 44 of 1987 s. 13; No. 74 of 1987 s. 25.]

Casino Control Act 1984

Part IVA Remediation of management and operation of Burswood Casino

Division 1 Preliminary

s. 21G

Part IVA — Remediation of management and operation of Burswood Casino

[Heading inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

Division 1 — Preliminary

[Heading inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21G. Purpose of Part

(1) The primary purpose of this Part is to provide a legislative framework for the remediation of the management and operation of the Burswood Casino outlined in the final report of the Perth Casino Royal Commission.

(2) The framework includes that —

(a) there be monitoring of and reporting on the remediation by an independent monitor; and

(b) the reporting inform the Commission's advice to the Minister, and the Minister's decision, as to whether any action should be taken under section 21B in relation to the Burswood Casino.

[Section 21G inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21H. Terms used

(1) In this Part —

Burswood Casino has the meaning given in the Burswood Island Agreement clause 2;

Burswood Casino licensee means the holder of the casino gaming licence for the Burswood Casino;

Burswood Island Agreement means Agreement as defined in the *Casino (Burswood Island) Agreement Act 1985* section 3;

CEO means the chief executive officer of the Department;

Department means the department of the Public Service assisting in the administration of this Part;

final report of the Perth Casino Royal Commission means the report of the Perth Casino Royal Commission dated 4 March 2022;

Independent Monitor means the person holding the office of Independent Monitor under section 21J;

management and operation of the Burswood Casino means the organisation, management, control and use of the Burswood Casino, including —

- (a) the organisation, management and control of gaming operations at the Burswood Casino; and
- (b) the organisation, management and control of operations (whether of the Burswood Casino licensee or not) that relate to gaming operations at the Burswood Casino;

member of the Independent Monitor's staff means a person whose services are made available under section 21ZG(1);

Perth Casino Royal Commission means the Royal Commission to inquire into and report on the affairs of the Crown Casino Perth and related matters established by commission dated 5 March 2021 and published in the *Gazette* on 12 March 2021;

relevant person, in relation to the Burswood Casino licensee, means —

- (a) a person responsible for the management and operation of the Burswood Casino; and
- (b) a person concerned in or associated with the management and operation of the Burswood Casino, including a casino key employee or casino employee; and
- (c) an Approved Company as defined in the Burswood Island Agreement clause 2; and
- (d) a close associate (as defined in section 18) of the Burswood Casino licensee; and
- (e) a related body corporate (as defined in the *Corporations Act 2001* (Commonwealth) section 9) of the Burswood Casino licensee or of a person referred to in paragraph (a), (b), (c) or (d);

remediation period has the meaning given in section 21I;

remediation plan means the plan for the remediation of the management and operation of the Burswood Casino approved by the Independent Monitor under section 21N and, where relevant, includes a stage of the plan so approved;

specified, in relation to an instrument, direction, notice or other document under this Part, means specified in that document.

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Part IVA Remediation of management and operation of Burswood Casino

Division 2 Independent Monitor

s. 21I

(2) In this Part, a reference to a claim of confidence or privilege in relation to information is a reference to a claim that —

(a) the information is subject to a duty of confidence or secrecy; or

(b) the information is the subject of legal professional privilege; or

(c) disclosure of the information might tend to incriminate the person making the claim or make them liable to a penalty.

[Section 21H inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21I. Remediation period

(1) The remediation period is —

(a) the 2-year period commencing on the day on which the Casino Legislation Amendment (Burswood Casino) Act 2022 section 6 comes into operation; or

(b) that period as extended under subsection (2).

(2) The Minister may extend the remediation period, whether or not it has expired and as many times as the Minister considers is necessary.

(3) Notice of extension of the remediation period must be —

(a) given to the Burswood Casino licensee; and

(b) published on the Department's website.

[Section 21I inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

Division 2 — Independent Monitor

[Heading inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21J. Appointment

(1) An office called the Independent Monitor is established.

(2) The Minister may appoint an individual to the office.

(3) The Independent Monitor holds office on the terms and conditions of appointment determined by the Minister.

- (4) The Independent Monitor is entitled to the remuneration determined by the Minister on the recommendation of the Public Sector Commissioner.
- (5) The Independent Monitor holds office for the term specified in the instrument of appointment and is eligible for reappointment.
- (6) The Independent Monitor may resign from office by notice in writing given to the Minister.

[Section 21J inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21K. Functions

- (1) The functions of the Independent Monitor are —
 - (a) to consult on and advise in relation to the content and preparation of a plan for the remediation of the management and operation of the Burswood Casino;
 - (b) to assess and approve a proposed remediation plan and amendments to the remediation plan;
 - (c) to monitor and report on progress in the preparation and approval of the remediation plan and amendments to it;
 - (d) to monitor and report on the suitability and efficacy of the remediation plan;
 - (e) to monitor and report on the implementation of the remediation plan;
 - (f) to monitor and report on the efficacy of the remediation of the management and operation of the Burswood Casino;
 - (g) the other functions of the Independent Monitor under this Part;
 - (h) any other function of the Independent Monitor specified in the Independent Monitor's instrument of appointment.
- (2) A function specified under subsection (1)(h) cannot be inconsistent with this Part.

[Section 21K inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

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Part IVA Remediation of management and operation of Burswood Casino

Division 3 Remediation plans

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21L. Powers

The Independent Monitor has all of the powers necessary to perform their functions.

[Section 21L inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21M. Delegation

(1) The Independent Monitor may delegate to a member of the Independent Monitor's staff any power or duty of the Independent Monitor under another provision of this Part.

(2) The delegation must be in writing signed by the Independent Monitor.

(3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.

(4) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of the Independent Monitor to perform a function through an officer or agent.

[Section 21M inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

Division 3 — Remediation plans

[Heading inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21N. Approval of remediation plan

(1) The Independent Monitor may approve a proposed remediation plan submitted to the Independent Monitor by the Burswood Casino licensee if satisfied that implementation of the plan is likely to achieve, or assist in achieving, the remediation of the management and operation of the Burswood Casino outlined in the final report of the Perth Casino Royal Commission.

(2) The remediation plan may be prepared and approved in stages.

(3) The Independent Monitor may approve amendments to the remediation plan that are submitted to the Independent Monitor by the Burswood Casino licensee if satisfied as described in subsection (1) in relation to the plan as it would be amended.

(4) Once approved, the Independent Monitor must give copies of the remediation plan and any amendments to the Minister and the Commission.

[Section 21N inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21O. Independent Monitor may give directions about remediation plan

(1) The Independent Monitor may give directions to the Burswood Casino licensee relating to the performance of the Independent Monitor's functions under section 21K(1)(a) and (b).

Note for this subsection:

Section 33(1) requires that the licensee comply with the direction.

(2) Without limiting subsection (1), the Independent Monitor may, in a direction, do 1 or more of the following —

(a) require the Burswood Casino licensee to submit to the Independent Monitor a proposed remediation plan or an amendment to the remediation plan;

(b) require that the plan or amendment cover specified matters, including in a specified way;

(c) require that the plan or amendment be submitted on or before a specified day.

[Section 21O inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21P. Reports by Independent Monitor

(1) During the remediation period the Independent Monitor must give an interim report to the Minister and the Commission —

(a) at least every 3 months; and

(b) as requested by the Minister.

(2) An interim report must, where relevant, cover —

(a) progress in the preparation and approval of the remediation plan; and

(b) the suitability and efficacy of the remediation plan; and

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Division 3 Remediation plans

s. 21Q

- (c) implementation of the remediation plan; and
 - (d) the efficacy of the remediation of the management and operation of the Burswood Casino; and
 - (e) the number and nature of directions given under section 21O or 21T; and
 - (f) the extent of cooperation with the Independent Monitor, in the performance of the Independent Monitor's functions, by the Burswood Casino licensee and any other relevant person; and
 - (g) any other related matter the Minister requests be covered by the report; and
 - (h) any other matter that the Independent Monitor considers relevant.
- (3) At the end of the remediation period the Independent Monitor must give a final report to the Minister and the Commission.
- (4) The final report must cover —
- (a) the suitability and efficacy of the remediation plan over the course of the remediation period; and
 - (b) implementation of the remediation plan; and
 - (c) the efficacy of the remediation of the management and operation of the Burswood Casino; and
 - (d) the number and nature of directions given under section 21O or 21T; and
 - (e) the extent of cooperation with the Independent Monitor, in the performance of the Independent Monitor's functions, by the Burswood Casino licensee and any other relevant person; and
 - (f) any other related matter the Minister requests be covered by the report; and
 - (g) any other matter that the Independent Monitor considers relevant.

[Section 21P inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21Q. Use of Independent Monitor's reports

- (1) On receiving a report of the Independent Monitor under section 21P, the Commission may, and must on receiving the final report, report to the Minister and make recommendations

as to any action that the Commission considers should be taken under section 21B.

(2) In making a report and recommendations to the Minister under subsection (1), the Commission is not limited to the matters covered by the Independent Monitor's report or bound by any opinion in it.

(3) A report and recommendations made under subsection (1) are, for the purposes of section 21B, taken to be a report and recommendations made under section 21A(4).

(4) Nothing in this section or Part prevents the Commission from using information in a report under section 21P for the performance of its other functions under this Act or any other written law relating to gaming.

[Section 21Q inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21R. Publishing Independent Monitor's reports

(1) The Minister may direct that a report of the Independent Monitor under section 21P be published on the Department's website.

(2) A report that includes information in respect of which there is a claim, in good faith, of confidence or privilege must not be published under this section unless the information is redacted.

[Section 21R inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

Division 4 — Monitoring powers

[Heading inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21S. Powers to obtain information

(1) In this section —

relevant information means information that, in the Independent Monitor's opinion, is or is likely to be relevant to the performance of the Independent Monitor's functions;

relevant record means a record that, in the Independent Monitor's opinion, is or is likely to include relevant information (however compiled, recorded or stored).

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(2) For the purposes of the performance of the Independent Monitor's functions, the Independent Monitor may require the Burswood Casino licensee or any other relevant person, by notice given to the person, to do 1 or more of the following —

(a) give the Independent Monitor a statement signed by the person or, if the person is a body corporate, by an officer of the body corporate, containing the specified relevant information;

(b) give to the Independent Monitor the specified relevant records;

(c) procure, and give to the Independent Monitor, a report prepared by an independent person on a specified matter relating to the management and operation of the Burswood Casino.

(3) A notice under subsection (2) must specify the time and manner for giving the information, records or report.

(4) A person given a notice under subsection (2) must comply with it.

[Section 21S inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21T. Independent Monitor may give directions about obtaining information

(1) If a person given a notice under section 21S(2) does not comply with the notice, the Independent Monitor may give the person a direction requiring them to comply with the notice within a specified time.

Note for this subsection:

Section 33(1) requires that the person comply with the direction.

(2) The Independent Monitor may give the direction despite any claim of confidence or privilege.

Note for this subsection:

See section 21W(1) in relation to legal professional privilege.

(3) The direction may modify a requirement in the notice, including by requiring that a record or report that includes information the subject of legal professional privilege be given with that information redacted.

(4) A direction may include a requirement that a person making a claim of legal professional privilege procure, and give to the Independent Monitor, independent legal advice as to the basis of the claim.

(5) Compliance with a requirement described in subsection (4) is not a waiver of any legal professional privilege that applies.

[Section 21T inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21U. Powers of and on entry

(1) For the purposes of the performance of the Independent Monitor's functions, the Independent Monitor may at any time enter a place that is part of the Burswood Casino.

(2) An entry may be made under subsection (1) with or without the consent of the person in charge or control of the place.

(3) On entering a place under this section the Independent Monitor may do any 1 or more of the following —

(a) inspect the place;

(b) generally make any investigation or inquiry that is relevant to the performance of the Independent Monitor's functions;

(c) require a person at the place to give information or answer a question that, in the opinion of the Independent Monitor, is or is likely to be relevant to the performance of the Independent Monitor's functions;

(d) require a person at the place to produce a record or other thing in the possession or under the control of the person that, in the opinion of the Independent Monitor, is or is likely to be relevant to the performance of the Independent Monitor's functions;

(e) examine any record or thing, including a record containing confidential information, that, in the opinion of the Independent Monitor, is or is likely to be relevant to the performance of the Independent Monitor's functions;

(f) make copies of records or any part of them and, for that purpose, take away and retain any of those records or any part of them for any time that may be reasonably necessary;

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(g) require the person apparently in charge or control of the place to provide the Independent Monitor with assistance and facilities reasonably necessary to enable the Independent Monitor to exercise their powers under this section.

(4) The powers under this section may be exercised by the Independent Monitor or by a member of the Independent Monitor's staff.

(5) The Independent Monitor or a member of the Independent Monitor's staff (the *monitor*) may, when entering a place under this section, be accompanied by 1 or more persons to assist the monitor if they consider the assistance is necessary.

(6) An assistant —

(a) may do the things at the place and in the manner that the monitor reasonably requires to assist the monitor to exercise their powers under this section; but

(b) must not do anything that the monitor does not have power to do.

(7) Anything lawfully done by an assistant is taken to have been done by the monitor.

[Section 21U inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21V. Attendance at board meetings

(1) The Independent Monitor may attend a meeting of the governing body (however described) of the Burswood Casino licensee or any other relevant person.

(2) The Independent Monitor may do so in person, remotely or by a nominated person attending (in person or remotely) on the Independent Monitor's behalf.

(3) The Independent Monitor, or nominated person, is, for the purposes of this section, entitled to all information made available to any member of the governing body.

(4) This section does not give the Independent Monitor or a nominated person a right to vote, and does not make them a member of the governing body.

[Section 21V inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21W. Compliance with requirements under s. 21S, 21T or 21U

- (1) Sections 21S, 21T and 21U do not prevent a person from refusing to give information or answer a question, or refusing to give or produce a thing, on the basis that it is or contains information the subject of legal professional privilege.
- (2) If information or an answer is given, or a thing is given or produced, in good faith in compliance with a requirement under section 21S, 21T or 21U(3) —
- (a) no civil or criminal liability is incurred as a result of the compliance; and
 - (b) the compliance is not to be regarded as a breach of any duty of confidence or secrecy; and
 - (c) the compliance is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

[Section 21W inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21X. Offences

- (1) A person must not, without reasonable excuse, proof of which is on the person, hinder or obstruct the Independent Monitor or another person in exercising, or assisting in the exercise of, the powers under section 21U.

Penalty for this subsection: a fine of \$50 000.

- (2) A person must not, without reasonable excuse, proof of which is on the person, fail to comply with a requirement under section 21U(3) to give information or answer a question or produce a thing.

Penalty for this subsection: a fine of \$50 000.

- (3) A person must not, without reasonable excuse, proof of which is on the person, fail to provide assistance or facilities as required under section 21U(3).

Penalty for this subsection: a fine of \$50 000.

- (4) Subsection (2) or (3) (as is relevant) does not apply unless, when the Independent Monitor, member of the Independent Monitor's staff or person assisting them makes the requirement, they inform the person that a failure to comply with the requirement may constitute an offence.

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(5) A person must not, in purporting to comply with a requirement under section 21S, 21T or 21U(3) to give information or answer a question, give information or an answer that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Penalty for this subsection: a fine of \$50 000.

(6) A person must not, in purporting to comply with a requirement under section 21S, 21T or 21U(3) to give or produce a thing, give or produce a thing that the person knows, or ought reasonably to know, is false or misleading in a material particular —

(a) without indicating that it is false or misleading and, to the extent the person can, how it is false or misleading; and

(b) if the person has or can reasonably obtain the correct information — without providing the correct information.

Penalty for this subsection: a fine of \$50 000.

(7) It is enough for a prosecution notice lodged against a person for an offence under subsection (5) or (6) to state —

(a) that the information, answer or thing was false or misleading to the person's knowledge without stating which; or

(b) that the person ought reasonably to have known that the information, answer or thing was false or misleading without stating which.

[Section 21X inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

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[Heading inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21Y. Protection of information

(1) A person must not, directly or indirectly, record, use or disclose information obtained because of a function the person has or had under this Part, except as permitted under subsection (2).

Penalty for this subsection: a fine of \$50 000.

- (2) The person may record, use or disclose the information —
- (a) for the purpose of performing a function under this Part;
or
 - (b) to the Minister or the Commission; or
 - (c) as required under this Act or another written law; or
 - (d) to a court or person or body acting judicially in the course of proceedings before the court, person or body;
or
 - (e) under an order of a court or person or body acting judicially; or
 - (f) for the purposes of investigating a suspected offence or the conduct of proceedings against a person for an offence.

[Section 21Y inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21Z. Information sharing

- (1) The Commission and its officers may record, use and disclose information that the Independent Monitor discloses to the Commission under section 21Y(2) for the purpose of performing a function under this Act or any other written law relating to gaming.
- (2) The Commission may disclose to the Independent Monitor information obtained because of a function a person has or had under this Act or any other written law relating to gaming.
- (3) Section 21Y applies, in relation to information disclosed under subsection (2), to the Independent Monitor as if the information had been obtained because of a function under this Part.
- (4) For the purposes of the *Gaming and Wagering Commission Act 1987* section 20(3), the disclosure of information under subsection (2) is taken to be a function performed in connection with that Act.
- (5) Once the Independent Monitor goes out of office because the performance of their functions is complete, the records of the Independent Monitor become the records of the Commission, and the Commission and its officers may record, use and disclose the information in those records for the purpose of

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performing a function under this Act or any other written law relating to gaming.

[Section 21Z inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21ZA. Cost recovery

(1) The CEO may, by notice, require the Burswood Casino licensee to pay to the CEO an amount determined by the CEO, being an amount that, together with all other amounts paid or payable under this section, does not exceed the reasonable costs and expenses relating to —

(a) the appointment of the Independent Monitor; and

(b) the performance of the Independent Monitor's functions under this Part.

(2) The CEO may give a notice under subsection (1) to the Burswood Casino licensee —

(a) during the remediation period — at intervals of between 3 and 6 months; and

(b) following the expiry of the remediation period — as required.

(3) A notice under subsection (1) must set out —

(a) the amount to be paid by the Burswood Casino licensee in respect of the period to which the notice relates; and

(b) how the amount was determined; and

(c) when and how the amount must be paid to the CEO.

(4) Without limiting subsection (1), the reasonable costs and expenses referred to include —

(a) remuneration of the Independent Monitor; and

(b) costs and expenses of the Department under section 21ZG; and

(c) costs and expenses of the Department in acquiring services, including consultancy and advice, for the purposes of the performance of the Independent Monitor's functions; and

- (d) costs and expenses of the Department in relation to the appointment of the Independent Monitor, including any incurred before the day on which the *Casino Legislation Amendment (Burswood Casino) Act 2022* section 6 comes into operation.

[Section 21ZA inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21ZB. Interest on unpaid amounts

- (1) If the Burswood Casino licensee does not pay an amount under section 21ZA in full by the due date, interest on the amount outstanding is payable at the prescribed rate.
- (2) The prescribed rate for an amount outstanding is the interest rate that is 3% higher than the cash rate target, as determined and published by the Reserve Bank of Australia, in effect on the 1st day on which the amount becomes outstanding.
- (3) Interest does not accrue on interest that is payable under subsection (1).

[Section 21ZB inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21ZC. Recovery of unpaid amounts

- (1) The CEO may recover an amount outstanding under section 21ZA, together with any interest payable under section 21ZB, from the Burswood Casino licensee, as a debt in a court of competent jurisdiction.
- (2) The CEO may, in a certificate signed by the CEO —
- (a) specify an amount as being outstanding under section 21ZA; and
- (b) specify an amount as being interest payable under section 21ZB; and
- (c) state that the specified amounts are unpaid.
- (3) In proceedings under subsection (1), a certificate is, without proof of the appointment of the CEO or of the authenticity of the signature, sufficient evidence of the matters specified or stated.

[Section 21ZC inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

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21ZD. Minister may direct Commission in relation to Burswood Casino and Royal Commission

- (1) The Minister may give directions in writing to the Commission about the performance of its functions in relation to the Burswood Casino, either generally or in relation to a particular matter, and the Commission must give effect to the direction.
- (2) A direction under subsection (1) must relate to the recommendations in the final report of the Perth Casino Royal Commission.
- (3) This section does not limit the Minister's power to direct the Commission, including in relation to the Burswood Casino, under the *Gaming and Wagering Commission Act 1987*.
- (4) The Minister must cause the text of a direction under subsection (1) to be laid before each House of Parliament within 12 sitting days of the House after the day on which the direction is given.
- (5) The text of a direction under subsection (1) must be included in the annual report submitted by the accountable authority of the Commission under the *Financial Management Act 2006* Part 5.

[Section 21ZD inserted: *Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.*]

21ZE. Notices and directions under this Part

- (1) A notice or direction given under this Part by the Independent Monitor or the CEO must be in writing signed by the Independent Monitor or CEO (as is relevant).
- (2) A notice or direction under this Part may be given by electronic means, and in that case, the requirement for a signature may be satisfied by an electronic signature.
- (3) A notice or direction given by electronic means is taken to have been given, unless there is indication of a malfunction in transmission, on the day on which the notice or direction is sent, if sent before 5 pm on a business day, otherwise on the next business day.

(4) In subsection (3) —

business day means a day other than a Saturday, Sunday or public holiday.

[Section 21ZE inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21ZF. Prohibition on Independent Monitor, staff and agents gaming at Burswood Casino

(1) The Independent Monitor must not participate in any game in the Burswood Casino.

Penalty for this subsection: a fine of \$20 000.

(2) A person who is a member of the Independent Monitor's staff or an agent of the Independent Monitor must not participate in any game in the Burswood Casino.

Penalty for this subsection: a fine of \$10 000.

(3) In subsection (2) —

agent, of the Independent Monitor, means a person acting on behalf of the Independent Monitor or under engagement for the purposes of the performance of the Independent Monitor's functions.

[Section 21ZF inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

21ZG. Use of Department's staff and facilities

(1) The Independent Monitor may by arrangement with the CEO, make use, either full-time or part-time, of the services of any officer or employee of the Department.

(2) The Independent Monitor may, by arrangement with the CEO, make use of any facilities of the Department.

(3) An arrangement under subsection (1) or (2) must be made on terms agreed to by the parties.

[Section 21ZG inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

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21ZH. ID cards for Independent Monitor and staff

(1) The Chief Casino Officer must give the Independent Monitor and each member of the Independent Monitor's staff a card (an **ID card**) that includes —

(a) a photograph of the person; and

(b) the person's name; and

(c) a statement that the person is the Independent Monitor or a member of the Independent Monitor's staff (as is relevant).

(2) A person (that is, the Independent Monitor or a member of the Independent Monitor's staff) must, when exercising or proposing to exercise a power under section 21U, produce their ID card if asked to do so, and, if unable to do so, must not exercise or continue to exercise the power.

(3) In proceedings under this Act, an ID card purporting to be issued by the Chief Casino Officer under this section is sufficient evidence that the holder of the card is the Independent Monitor or a member of the Independent Monitor's staff (as is relevant), unless there is evidence to the contrary.

[Section 21ZH inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 6.]

Part V — Control of casino

22. Authorised games, rules of games

- (1) Subject to this section, the Commission, by notice published in the *Gazette*, may —
 - (a) declare any game, except for a game played with poker machines, to be an authorised game for the purposes of this Act; and
 - (b) revoke a declaration made under this subsection.
- (1a) The Commission shall, before revoking a declaration made under subsection (1), cause to be served on the casino licensee concerned and on any other person considered by the Commission to be likely to be adversely affected by the proposed revocation a notice in writing —
 - (a) specifying the authorised game to which the proposed revocation relates and the reasons for the proposed revocation; and
 - (b) requiring the casino licensee concerned and any other person so considered to show cause in writing within a period of 7 days after the date of that service why the proposed revocation should not take place.
- (1b) A person on whom a notice has been served under subsection (1a) may within the period of 7 days after the date of that service serve on the Commission a submission in writing showing cause why the proposed revocation to which that notice relates should not take place.
- (1c) After receiving and considering each submission served on it under subsection (1b) within the period referred to in that subsection or, if no submission is so served, within a period of 10 days after having caused to be served under subsection (1a) the relevant notice, or the later or last of the relevant notices, as the case requires, the Commission may revoke, or decline to revoke, under subsection (1) the declaration concerned.
- (2) The Commission shall not declare a game to be an authorised game under subsection (1) unless the Commission has approved the rules under which it is to be played.
- (2a) Notwithstanding anything in this section, the Commission shall, on or before the day on which a casino gaming licence is granted to a party to a casino complex agreement —

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- (a) approve the rules under which every game specified for the purpose of this subsection in the casino complex agreement is to be played; and
 - (b) declare the game referred to in paragraph (a) to be an authorised game under subsection (1).
- (3) When a game is declared to be an authorised game under subsection (1), the rules of the game approved under subsection (2) become, for the purposes of this Act, the approved rules of the game, but the Commission may, at any time, give a casino licensee a direction to alter the approved rules of any game and, on the receipt by the casino licensee of that direction, the approved rules of that game shall be those as altered in accordance with that direction.
- (4) A reference in subsection (3) to the alteration of any rules includes a reference to the omission of any of those rules and the addition to those rules of further rules.
- (5) The Commission may, by notice in writing delivered to a casino licensee, require the casino licensee to publish copies of the approved rules for any authorised game, and the casino licensee shall, within such reasonable period as may be specified in that notice, comply with that requirement and give the Commission as many of those copies as may be specified in that notice.
- (6) A casino licensee, and any other person or body, corporate or unincorporate, organizing or managing gaming operations in a licensed casino, shall not permit a game to be conducted or played in the casino —
- (a) other than an authorised game; or
 - (b) if the game is not conducted and played in accordance with the approved rules of the game.

Penalty: \$5 000.

- (7) A person shall not in a casino —
- (a) conduct a game; or
 - (b) permit a game conducted by that person to be played by any other participant,

otherwise than in accordance with the approved rules of the game.

Penalty: \$2 500.

[Section 22 amended: No. 10 of 1985 s. 32; No. 74 of 1987 s. 26.]

23. Authorised games, miscellaneous provisions about

(1) Notwithstanding sections 41 and 42 of the *Gaming and Wagering Commission Act 1987* —

- (a) casino premises to which a relevant casino gaming licence relates shall where —
 - (i) that licence is not contravened; and
 - (ii) the games conducted or played are authorised games conducted and played in accordance with the approved rules; and
 - (iii) the games are organized, managed and conducted by the casino licensee, or the manager or operator referred to in a casino complex agreement to which the casino licensee is a party, or by persons acting as the employees or agents of the casino licensee or that manager or operator, and the relevant casino complex agreement is not contravened; and
 - (iv) this Act is not otherwise contravened by the licensee or that manager or operator,

be taken not to be premises open, kept or used as a common gaming house; and

- (b) on the casino premises the playing of an authorised game in accordance with the approved rules, or the use of any gaming equipment or instruments of gaming within the meaning of that Act (not being poker machines capable of manual operation) or the conduct of any lottery comprising or necessary to the conduct of an authorised game, shall be taken not to be prohibited and, except in so far as subsection (2) applies, is not unlawful.

(2) Subject to subsection (2a), where a person —

- (i) who is a member of the Commission or the Chief Casino Officer, a government inspector or other officer appointed under section 9(1); or
- (ia) who is a casino key employee or casino employee; or
- (ii) in respect of whom a prohibition or direction under section 26 is in force,

participates as a player in any game in the casino, the person commits an offence.

Penalty: \$1 000.

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- (2a) Subsection (2) does not apply to prohibit a person referred to in that subsection from participating as a player in any game in the casino if the person is required to do so in order to exercise or perform a power, function, or duty conferred or imposed on the person by or under this Act, any other Act, or a casino complex agreement.
- (2b) If a court convicts a person of an offence under subsection (2), the court shall, on the application of the prosecutor and in addition to any other penalty imposed under that subsection, order the forfeiture to the Crown of any winnings paid to the person as a result of the commission of the offence.
- (3) A licensed casino shall not be deemed to be a nuisance, public or private, by reason only that it is used as a casino.
- (4) A person shall not be entitled, except as against a casino licensee, to bring legal proceedings to recover —
- (a) money won at gaming in a licensed casino; or
 - (b) money on a cheque or other instrument given in payment of money so won; or
 - (c) a loan of money with which to play a game in a licensed casino,

that could not be brought if this Act had not been enacted.

[Section 23 amended: No. 10 of 1985 s. 33; No. 74 of 1987 s. 27; No. 57 of 1997 s. 28(3) and (4); No. 24 of 1998 s. 18; No. 35 of 2003 s. 171(3); No. 84 of 2004 s. 80.]

24. Gaming operations at casino, Commission may direct licensee as to

(1AA) In this section —

management and operation of a casino means the organisation, management, control and use of the casino, including —

(a) the organisation, management and control of gaming operations at the casino; and

(b) the organisation, management and control of operations (whether of the casino licensee or not) that relate to gaming operations at the casino.

- (1) Subject to regulations made under section 37, the Commission may give directions to a casino licensee about the management and operation of the casino. ~~with respect to the system of internal controls and administrative and accounting procedures that apply to the gaming operations of the casino licensee.~~

-
- (1a) A direction may be amended from time to time by the Commission as the Commission thinks fit.
- (1b) A direction or an amendment of a direction has effect when written notice of it is given to the casino licensee concerned or on a later date specified in the notice.
- (1c) Controls ~~The controls~~ and procedures referred to in directions, or in amendments of directions, may be described in words or represented diagrammatically, or by a combination of both methods.
- (2) Without limiting subsection (1), the Commission ~~The Commission~~ may give a direction to a casino licensee to adopt, vary, cease or refrain from any practice in respect of the conduct of the gaming operations of the casino licensee or the playing of any game in the licensed casino.
- (3) A casino licensee shall ensure that any direction given to the licensee under in accordance with this section is brought to the notice of, and is not contravened by the following persons —
- (a) a person responsible for the management and operation of the casino;
 - (b) any other person acting in relation to the management and operation of the casino as an employee, agent or otherwise on behalf of, or subject to the control of, the casino licensee.
- ~~and is not contravened by, any person who is responsible for the organization or management of gaming operations at the casino complex concerned or any other person or body, corporate or unincorporate, acting in relation to those gaming operations as an employee, agent or otherwise on behalf of, or subject to the control of, the casino licensee.~~
- (4) Where a direction given by the Commission so provides, any power of approval or other function specified in that direction may be exercised or carried out by a person or body to whom it has been delegated by the Commission pursuant to section 16 of the *Gaming and Wagering Commission Act 1987*, and for the purposes of that direction the giving of an approval or the imposition of a prohibition by such a delegate shall be as effective as if given or imposed by the Commission.

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- (5) It is a condition of a casino gaming licence that the casino licensee complies with any direction given to the casino licensee under this section.

[Section 24 amended: No. 10 of 1985 s. 34; No. 74 of 1987 s. 28; No. 24 of 1998 s. 19; No. 35 of 2003 s. 171(3); [Casino Legislation Amendment \(Burswood Casino\) Bill 2022 cl. 7.](#)]

25. Records of gaming operations etc.

- (1) Unless a casino complex agreement otherwise provides, all books relating to the accounts of the gaming operations and the management of the casino complex shall, subject to subsection (2), be kept at the casino complex in a place approved by the Commission and the Commission, on giving notice in writing, shall forthwith be afforded the access and facilities necessary and may exercise in respect of those books the powers conferred by sections 26 and 27 of the *Gaming and Wagering Commission Act 1987* in relation to its functions under this Act, any other Act or a casino complex agreement.
- (2) The Chief Casino Officer may by notice in writing —
- (a) exempt a casino licensee, or any other person affected by the requirements of subsection (1), from compliance with that subsection to such extent, or in respect of such books, as may be specified in that notice; or
 - (b) consent, generally or in a particular case, to books otherwise required to be kept in a place approved by the Commission being removed temporarily.
- (3) Subject to any other Act or law relating to the retention or destruction of those books, all books to which subsection (1) applies shall be retained in the possession or subject to the control of the casino licensee for a period of 7 years after the completion of the transactions to which they relate unless the Commission, by notice in writing, otherwise approves —
- (a) the retention of the books in an alternative form or manner; or
 - (b) the destruction of any books, the retention of which the Commission does not consider to be essential.

[Section 25 inserted: No. 74 of 1987 s. 29; amended: No. 24 of 1998 s. 20; No. 35 of 2003 s. 171(3).]

25A. Junkets and junket operators, regulations about

- (1) Regulations made under section 37 may make provision for or with respect to regulating or prohibiting —
 - (a) the conduct of junkets; and
 - (b) the offering to persons of inducements, whether in the form of rebates or commissions or otherwise, to conduct or participate in junkets.

- (2) Without limiting subsection (1), the regulations may —
 - (a) impose restrictions on who may conduct junkets or offer inducements; and
 - (b) require a person to be approved by the Commission before the person may conduct junkets; and
 - (c) require a person to provide information and documents to the Commission, including photographs, fingerprints and palm prints, for the purposes of being approved by the Commission to conduct junkets; and
 - (d) require the person who conducts a junket, or a casino licensee, to give advance notice of the junket to the Commission and to provide to the Commission detailed information concerning the conduct of, and the arrangements for the conduct of, the junket; and
 - (e) 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 by the Commission; and
 - (f) require the person who conducts a junket, or a casino licensee, 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 licensed casino by groups of persons, usually involving —

 - (a) payment by the casino licensee of a commission to the person who conducts the junket; and
 - (b) arrangements for the provision of transport, accommodation, food, drink and entertainment for the participants in the arrangements, some or all of which are paid for by the casino licensee or are otherwise provided on a complimentary basis.

[Section 25A inserted: No. 24 of 1998 s. 21.]

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26. Banning people from casinos

- (1) A person does not have a right against the owner or occupier of a licensed casino, or a casino licensee, to enter or remain in the licensed casino, except by the licence of that occupier, owner or casino licensee.
- (1a) A person authorised by the casino licensee for the purposes of this subsection may, either orally or in writing, prohibit a person from entering or remaining in the licensed casino.
- (1b) A prohibition made under subsection (1a) remains in force —
 - (a) for a period of 24 hours from the time at which it was so made; or
 - (b) until it is revoked by a person authorised within the meaning of that subsection,whichever is the sooner.
- (1c) While a prohibition made under subsection (1a) remains in force, a person authorised within the meaning of that subsection may with the use of reasonable force exclude or remove the person who is the subject of that prohibition from the licensed casino or have him so excluded or removed.
- (1d) A person who is the subject of a prohibition made under subsection (1a) shall not enter or remain in the licensed casino to which that prohibition relates while that prohibition remains in force.
Penalty: \$500.
- (2) The casino licensee concerned or some person acting under the licensee's authority or the Commissioner of Police may give to a person a direction in writing prohibiting the person from entering or remaining in the licensed casino.
- (3) A direction given under subsection (2) by the Commissioner of Police is of no effect until notice has been given in writing of that direction to the casino licensee concerned.
- (4) A direction given under subsection (2) by —
 - (a) the casino licensee concerned or a person acting under the licensee's authority remains in force until it is revoked —
 - (i) by that casino licensee; or

- (ii) by a determination of the Commission under section 26A(5), notification of which has been given in accordance with that subsection;
 - or
 - (b) the Commissioner of Police remains in force until it is revoked by him and that revocation is notified in writing to the casino licensee concerned.
- (5) While a direction given under subsection (2) remains in force, a person authorised by the casino licensee for the purposes of this subsection may with the use of reasonable force exclude or remove the person who is the subject of that direction from the licensed casino or have him so excluded or removed.
- (6) A person who is the subject of a direction given under subsection (2) shall not enter or remain in the licensed casino to which that direction relates while that direction remains in force.
Penalty: \$1 000.
- (7) The casino licensee of, a person concerned in the organization or management of the gaming operations in, the casino, shall not knowingly allow any person to enter or remain in the licensed casino contrary to a prohibition made under subsection (1a) or a direction given under subsection (2).
Penalty: \$5 000.
- (8) This section does not prevent any person from exercising any power conferred on him by this or any other Act to enter or remain in, or to do any other act in relation to, a licensed casino.

[Section 26 amended: No. 10 of 1985 s. 36; No. 74 of 1987 s. 30; No. 78 of 1995 s. 147; No. 24 of 1998 s. 22.]

26A. Ban under s. 26, review of

- (1) A person (the *applicant*) who is given a direction under section 26(2) by the casino licensee concerned or a person acting under the licensee's authority may apply to the Commission to review the direction.
- (2) A direction that is reviewed under this section remains in force during the period of the review.
- (3) An application made under subsection (1) shall be —
 - (a) in writing, setting out the grounds of the application; and
 - (b) accompanied by the prescribed fee, if any.

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- (4) The applicant shall provide to the Commission any further information that the Commission reasonably requires for a proper review of the direction concerned.
- (5) After considering the application, any further information provided by the applicant under subsection (4) and any other matter that, in the opinion of the Commission, is necessary for a proper review of the direction concerned, the Commission shall determine —
 - (a) to confirm the direction; or
 - (b) to revoke the direction,and shall give notification in writing of that determination to the applicant and casino licensee concerned.

[Section 26A inserted: No. 24 of 1998 s. 23.]

27. Children not permitted in casinos except in some cases

- (1) A casino licensee and any other person concerned in the organization or management of the gaming operations of the licensed casino concerned shall ensure that no person under the age of 18 years is permitted to enter or remain in that casino, unless subsection (4) applies.
Penalty: \$5 000.
- (1a) A casino licensee and any other person concerned in the organization or management of the gaming operations of the licensed casino concerned shall ensure that no person under the age of 18 years is permitted to participate in gaming in that casino.
Penalty: \$5 000.
- (2) It is a defence in any proceedings for an offence under subsection (1) or (1a) to establish that the accused had reasonable grounds for believing that the person alleged to be under the age of 18 years and entering or remaining in the licensed casino concerned, or participating in gaming in that casino, as the case requires, was over that age.
- (3) A person under the age of 18 years who is not a person to whom subsection (4) applies shall not enter or remain in a licensed casino.
Penalty: For a first offence, \$500; for a second or subsequent offence, \$1 000.

- (3a) A person under the age of 18 years shall not participate in gaming in a licensed casino.
Penalty: \$1 000.
- (3b) If a court convicts a person of an offence under subsection (3a), the court shall, on the application of the prosecutor and in addition to any other penalty imposed under that subsection, order the forfeiture to the Crown of any winnings paid to the person as a result of the commission of the offence.
- (4) This subsection applies to a person under the age of 18 years who enters or remains in the licensed casino concerned for the purposes only of —
- (a) employment in connection with the provision of amenities ancillary to the gaming therein; or
 - (b) obtaining a meal, if that person is accompanied by another person who is over the age of 18 years and is —
 - (i) the spouse or parent of; or
 - (ii) a person in *loco parentis* to; or
 - (iii) the guardian of,the person under the age of 18 years,

and the person under the age of 18 years does not participate in gaming in that licensed casino.

[Section 27 amended: No. 10 of 1985 s. 37; No. 44 of 1987 s. 14; No. 78 of 1995 s. 147; No. 24 of 1998 s. 24; No. 84 of 2004 s. 80 and 82.]

27A. Proof of age may be required

- (1) If an authorised person suspects on reasonable grounds that a person (who is not a person to whom section 27(4) applies) in a licensed casino is under the age of 18 years, the authorised person may require the person to state his or her age.
- (2) If the stated age appears to the authorised person to be false, the authorised person may require the person —
- (a) to produce evidence of his or her age; or
 - (b) if the person is unable or refuses to produce such evidence, to leave the licensed casino.
- (3) If a person fails to comply with a requirement under subsection (2)(b), an authorised person may with the use of reasonable force remove the person from the licensed casino.

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- (4) A person who —
- (a) in response to a requirement under subsection (2)(a), makes a statement, or produces a document or another form of evidence, that is false or misleading in any material respect; or
 - (b) fails, without reasonable excuse, to comply with a requirement under subsection (2)(b),

commits an offence.

Penalty: \$1 000.

- (5) In this section —
authorised person means —

- (a) the casino licensee concerned or a person acting under the licensee's authority; or
- (b) an officer of the Commission; or
- (c) a member of the Police Force.

[Section 27A inserted: No. 24 of 1998 s. 25.]

28. Entry powers to licensed casinos of police and others

- (1) A member of the Police Force acting in the course of police duty —
- (a) may, without warrant, enter into any part of a licensed casino to which the public has access; or
 - (b) being a police officer of or above the rank of inspector or who, not being of or above that rank, is so authorised by —
 - (i) another police officer of or above that rank; or
 - (ii) an officer of the Commission; or
 - (iii) a person ostensibly acting on behalf of the casino licensee,

may, without warrant, enter any part of a licensed casino to which the public does not have access,

and may remain there for the purpose of discharging that duty.

- (2) Subsection (1) does not prejudice the exercise by a member of the Police Force of any power conferred otherwise than by this Act to enter or remain on any premises, and for the purposes of any such power any part of a casino complex to which the public has, subject to section 26, access shall be deemed to be a public place.

- (3) A member or officer of the Commission or person authorised by the Commission for the purpose of this subsection may enter at any time and remain in any part of a licensed casino.
- (4) Where an officer of the Commission authorises a member of the Police Force to enter any part of a casino complex to which the public does not have access that officer shall as soon as is practicable inform the manager, or the person appearing to that officer to be in charge for the time being, of that part of the casino complex.

[Section 28 amended: No. 10 of 1985 s. 38; No. 74 of 1987 s. 31; No. 73 of 1994 s. 4.]

29. Casino gaming licence may contain conditions about casino staff

- (1) The conditions to which a casino gaming licence shall be subject may include provisions relating to the management and staffing of the gaming operations and the appointment, employment or duties of persons in relation to those operations, including provisions requiring the licensing, and as to the conduct of, casino key employees and casino employees.
- (2) The conditions referred to in subsection (1) may be specified in the casino gaming licence, but where they comprise, wholly or in part, the provisions of regulations made under this Act a reference to the relevant provisions shall be taken to be sufficient and the text shall not be required to be set out in full in that licence.
- (3) Regulations made under section 37 may require the licensing of, and make provision as to the conduct of, persons as casino key employees or casino employees.

[Section 29 amended: No. 24 of 1998 s. 26.]

s. 29A

Part VA — Controlled contracts

[Heading inserted: No. 24 of 1998 s. 27.]

29A. Terms used

In this Part —

contract includes any kind of agreement or arrangement;

controlled contract means a contract —

- (a) that relates wholly or partly to the supply of goods or services to a licensed casino or to any other matter that is prescribed as a controlled matter for the purposes of this definition; and
- (b) that provides for the payment, or receipt, by a party to the contract of an amount that exceeds, or amounts that together exceed, the amount that is determined from time to time by the Commission for the purposes of this definition and published by notice in the *Gazette*,

but does not include —

- (c) 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
- (d) a casino complex agreement; or
- (e) a lease; or
- (f) a contract of a class that is prescribed as exempt from this definition.

[Section 29A inserted: No. 24 of 1998 s. 27.]

29B. Prerequisites for controlled contracts

- (1) A casino licensee shall not enter into or become a party to a controlled contract, or the variation of a controlled contract, relating to the licensed casino concerned unless —
 - (a) the casino licensee has given to the Commission notice in writing of the details of the proposed contract or variation of contract (the **contract notice**); and
 - (b) the Commission has not objected to the proposed contract or variation of contract by notice in writing given to the casino licensee during the period for investigation that the Commission is allowed under this section.
- (2) The Commission is allowed 60 days for investigation after the contract notice is given to the Commission, but, subject to subsections (3) and (4), that period may be shortened or

extended in a particular case by the Commission by giving notice in writing to the casino licensee.

- (3) The period for investigation cannot be extended unless the Commission considers that the special circumstances of the case make the extension necessary or desirable and that the extension is in the public interest.
- (4) The period for investigation can be extended more than once but cannot in any case be extended to more than 6 months after the contract notice is given to the Commission.
- (5) A casino gaming licence is subject to the condition that the casino licensee complies with this section, but a failure to comply with this section does not affect the validity of any contract or variation of contract.
- (6) In subsection (3) —
special circumstances includes the complex nature of the inquiries that need to be made and the need to consult with other agencies.

[Section 29B inserted: No. 24 of 1998 s. 27.]

29C. Commission may require controlled contract to be terminated

- (1) The Commission may serve on each party to a controlled contract a notice in writing giving the party an opportunity to show cause in writing within a period of 14 days after the date of that service 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 shall specify the reasons why the Commission considers that it is not in the public interest for the contract to remain in force.
- (3) A person served with a notice under subsection (1) may, within the period referred to in that subsection, serve on the Commission submissions in writing showing cause why the contract should not be terminated.
- (4) After receiving and considering any submissions served under subsection (3) within the period referred to in subsection (1) or, if no submission is so served, within a period of 21 days after having served the later or last of the relevant notices, as the case requires, under subsection (1), the Commission may serve

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notice in writing on each party to the contract requiring the contract to be terminated within a period specified in the notice.

- (5) If the contract is not terminated within the period specified in the notice, it is terminated at the expiry of that period by force of this subsection.

[Section 29C inserted: No. 24 of 1998 s. 27.]

29D. Effect of termination under s. 29C

If a contract is terminated under section 29C —

- (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 Commission incurs any liability by reason of that termination.

[Section 29D inserted: No. 24 of 1998 s. 27.]

29E. Parties not to give further effect to terminated contract

A person who was a party to a contract terminated under section 29C shall not give any further effect to any part of the contract.

Penalty: \$10 000.

[Section 29E inserted: No. 24 of 1998 s. 27.]

Part VB — Infringement notices

[Heading inserted: No. 24 of 1998 s. 27.]

29F. Term used: authorised person

In this Part —

authorised person means a person appointed under section 29G to be an authorised person for the purposes of the section in which the term is used.

[Section 29F inserted: No. 24 of 1998 s. 27.]

29G. Authorised persons, appointment of

- (1) The Commission may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of this Part.
- (2) Subject to subsection (4), the Commission shall issue to each person who is authorised to serve infringement notices under section 29H a certificate stating that the person is so authorised, and the authorised person shall produce the certificate whenever required to do so by a person to whom he or she has given, or is about to give, an infringement notice.
- (3) A person who is authorised to serve infringement notices under section 29H is not eligible to be an authorised person for the purposes of any other section in this Part.
- (4) Subsection (2) does not apply to a member of the Police Force who is authorised to serve infringement notices under section 29H.

[Section 29G inserted: No. 24 of 1998 s. 27.]

29H. Serving infringement notices

- (1) An authorised person who has reason to believe that a person has committed a prescribed offence against this Act may, within 21 days after the alleged offence is believed to have been committed, serve an infringement notice on the alleged offender.
- (2) An infringement notice may be served personally or by registered post.

[Section 29H inserted: No. 24 of 1998 s. 27.]

s. 29I

29I. Form of infringement notice

- (1) An infringement notice shall be in the prescribed form and shall —
 - (a) contain a description of the alleged offence; and
 - (b) advise that, if the alleged offender does not wish to be prosecuted for the alleged offence in a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to an authorised person within a period of 28 days after the date of service of the notice; and
 - (c) advise the alleged offender as to who are authorised persons for the purposes of paragraph (b).
- (2) The amount specified in an infringement notice as the modified penalty for the offence referred to in the notice shall be the amount that was the prescribed modified penalty at the time the alleged offence is believed to have been committed.

[Section 29I inserted: No. 24 of 1998 s. 27; amended: No. 84 of 2004 s. 80.]

29J. Extension of time for payment of modified penalty

An authorised person may, in a particular case, extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed.

[Section 29J inserted: No. 24 of 1998 s. 27.]

29K. Withdrawal of infringement notices

- (1) An authorised person may, whether or not the modified penalty has been paid, withdraw an infringement notice by serving on the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.
- (2) If an infringement notice is withdrawn after the modified penalty has been paid, the amount of the penalty shall be refunded.
- (3) A notice under this section may be served personally or by registered post.

[Section 29K inserted: No. 24 of 1998 s. 27.]

29L. Benefit of payment of modified penalty

- (1) If the modified penalty specified in an infringement notice has been paid within 28 days or such further time as is allowed and the notice has not been withdrawn, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would be if the alleged offender had been convicted by a court of, and punished for, the alleged offence.
- (2) Payment of a modified penalty shall not be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

[Section 29L inserted: No. 24 of 1998 s. 27.]

29M. Application of modified penalties

Subject to section 29K(2), an amount paid as a modified penalty shall be paid to the Commission and dealt with as moneys received by the Commission under section 9(2) of the *Gaming and Wagering Commission Act 1987*.

[Section 29M inserted: No. 24 of 1998 s. 27; amended: No. 35 of 2003 s. 171(3).]

Part VI — General

30. Fraudulent etc. practices in casinos or gaming operations

- (1) For the purposes of subsection (2) and also of section 44 of the *Gaming and Wagering Commission Act 1987*, in a casino or in relation to gaming operations in a casino —
 - (a) where a person for himself or another obtains or gains tokens or credit for gaming or betting — that person shall be taken to have obtained a benefit; and
 - (b) where a person, in relation to the gaming or betting, makes any false representation, engages in any sleight of hand, uses any gaming equipment or any instrument or article of a type normally used in connection with gaming or appearing to be of a type normally used in gaming and does so fraudulently, or makes fraudulent use of any other thing — that person shall be taken to have employed fraudulent means.

- (2) Any casino licensee, or any casino key employee, casino employee or other person concerned in the organization or management of gaming operations in a casino, who in the casino conducts any game in such a manner as to win or attempt to win from any person for himself or for any other person any money, tokens, prize, benefit or other valuable thing by —
 - (a) any fraud; or
 - (b) any fraudulent means; or
 - (c) any machine, equipment or thing that permits or facilitates, or is intended to permit or facilitate, fraud, cheating or stealing; or
 - (d) any wrongful practice, trick or scheme,commits an offence.
Penalty: In the case of a person other than a body corporate, \$10 000, or imprisonment for 2 years, or both; and in the case of a body corporate, \$20 000.

- (3) Subject to subsection (4), a person who, in a casino, uses or has in possession —
 - (a) any token that the person knows is bogus or counterfeit; or
 - (b) any instrument of gaming that the person knows has been marked, loaded or tampered with; or

- (c) for the purpose of fraud, cheating or stealing, any machine, equipment or thing that permits or facilitates, or is intended to permit or facilitate, the fraud, cheating or stealing,

commits an offence.

Penalty: \$10 000, or imprisonment for 2 years, or both.

- (4) Subsection (3) does not apply to or in relation to the lawful use or possession of a thing by a person concerned in the organization or management of the gaming operations, an officer of the Commission, or a member of the Police Force where the thing in question —
 - (a) has been seized by any of those persons from another person for destruction or for potential use as evidence in proceedings for an offence; or
 - (b) is so used or possessed for the purposes of conducting an investigation into a suspected offence; or
 - (c) is so used or possessed, with the consent of the casino licensee, for instructional purposes.

[Section 30 inserted: No. 74 of 1987 s. 33; amended: No. 73 of 1994 s. 4; No. 35 of 2003 s. 171(3).]

31. Forging, personation etc. in casinos

A person who —

- (a) forges or counterfeits any token used in a casino; or
- (b) forges or counterfeits, or with intent to defraud alters or falsifies, any voucher, book or other document or form of identification in relation to gaming operations in a casino, or who knowingly utters the same; or
- (c) personates or falsely represents himself to be a person named in a form of identification used in relation to gaming operations in a casino, or to be a casino key employee, casino employee or other person concerned in the organization or management of those operations, or an officer of the Commission; or
- (d) connives at any such forgery, counterfeiting, alteration, falsification, uttering, personation or false representation,

commits an offence.

Penalty: \$5 000, or imprisonment for 1 year, or both.

[Section 31 inserted: No. 74 of 1987 s. 33.]

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32. Suspected offenders may be detained until police attend

- (1) Where —
- (a) a casino licensee or an employee or agent of the casino licensee authorised by the casino licensee so to act in connection with the gaming operations; or
 - (b) an officer of the Commission,

has reasonable cause to suspect that a person has contravened or is contravening a provision of this Act mentioned in the Table to this subsection, section 44 of the *Gaming and Wagering Commission Act 1987*, or a provision of *The Criminal Code*, in relation to gaming operations at the casino, or has attempted or is attempting such a contravention, he may cause that person to be detained in the casino complex in a suitable place, using such force as is reasonably necessary for the purpose, until the arrival of a member of the Police Force at the place of detention.

Table

section 22(7)	section 27(3a)
section 23(2)(ii)	section 27A(4)
section 26(1d)	section 30(3)
section 26(6)	section 31
section 27(3)	

- (2) A person so detaining any other person shall take such steps as are necessary to ensure the summoning and arrival of a member of the Police Force, with as little delay as practicable.
- (3) A member of the Police Force may detain, in the casino complex or elsewhere, for a reasonable time any person suspected of a contravention or attempted contravention to which subsection (1) applies, and, where he is satisfied that there are reasonable grounds for suspecting that an offence has been committed, may —
- (a) search that person and the possessions of that person; and
 - (b) seize anything found, as a result of the search or otherwise, that may afford evidence of the commission of an offence; and
 - (c) use such force as is reasonably necessary for the purpose of detention and search; and
 - (d) arrest the person without warrant.

[Section 32 inserted: No. 74 of 1987 s. 33; amended: No. 24 of 1998 s. 28; No. 35 of 2003 s. 171(3).]

33. Contravention of directions

(1) A person given a direction under this Act must comply with it.

Penalty for this subsection:

(a) for an individual, a fine of \$100 000;

(b) for a body corporate, a fine of \$250 000.

(2) If a direction under this Act is given to a casino licensee under section 24, a person to whom or which section 24(3) refers in relation to the direction must comply with the direction.

Penalty for this subsection:

(a) for an individual, a fine of \$100 000;

(b) for a body corporate, a fine of \$250 000.

(3) It is a defence to a charge of an offence under subsection (1) or (2) for the person charged to prove that they had a reasonable excuse for failing to comply with the direction.

[Section 33 inserted: Casino Legislation Amendment (Burswood Casino) Bill 2022 cl. 8.]

~~**33. Directions, contravention of**~~

~~Where~~

~~(a) the casino licensee; or~~

~~(b) a person to whom or which section 24(3) refers,~~

~~contravenes any direction (notwithstanding that the direction does not have legislative effect) made under this Act the person commits an offence.~~

~~Penalty: In the case of a person other than a body corporate, \$2 000; and in the case of a body corporate, \$5 000.~~

~~[Section 33 inserted: No. 74 of 1987 s. 34; amended: No. 24 of 1998 s. 29.]~~

[34, 35. Deleted: No. 74 of 1987 s. 35.]

36. Prosecutions, institution of, evidence in etc.

(1) Proceedings for an offence under this Act may be instituted by a member of the Police Force, the Chief Casino Officer or by a person authorised in writing by the Minister or the Commission to institute those proceedings in a particular case.

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- (1a) If proceedings for an offence under this Act are instituted by a member of the Police Force, the Commissioner of Police shall notify the Commission in writing of —
 - (a) the name of the person or persons against whom the proceedings have been instituted; and
 - (b) the offence or offences alleged in the proceedings; and
 - (c) the result of the proceedings.
- (2) An offence under this Act may be prosecuted at any time.
- (3) The conviction or acquittal of a person on a charge of an offence under this Act shall not prevent a further prosecution and conviction in respect of a continuation of that offence after the date on which he was convicted or acquitted.
- (4) In proceedings for an offence under this Act —
 - (a) it shall not be necessary to prove the appointment of the Minister, a member or an officer of the Commission or a member of the Police Force; and
 - (b) a signature purporting to be that of any person in a capacity referred to in paragraph (a) shall be taken to be the signature it purports to be until the contrary is proved; and
 - (c) a document or writing purporting to be a copy of any direction, notice, requirement, order or requisition given or made under this Act or of any licence granted or issued under this Act shall be evidence of the direction, notice, requirement, order, requisition or licence of which it purports to be a copy and, in the absence of evidence to the contrary, shall be conclusive evidence thereof; and
 - (d) a certificate signed by the Chief Casino Officer certifying that at a specified time or during a specified period there was or was not in force under this Act a licence of a specified kind shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate; and
 - (e) the authority of a person to accept service of documents on behalf of another shall be presumed in the absence of evidence to the contrary; and
 - (f) the averment that any person is of a specified age or is under or over a specified age shall be sufficient evidence of the fact until the contrary is proved; and

- (g) the averment that at a specified time, or during a specified period, specified premises were operated as a licensed casino shall be sufficient evidence of the fact until the contrary is proved.
- (5) In any proceedings under this Act or relating to gaming conducted under this Act, a certificate signed by the Chief Casino Officer certifying that at a specified time or during a specified period any specified declaration, direction, casino operating procedure, or rules of play for authorised games, or any extract therefrom, was —
- (a) in force under this Act; and
 - (b) had been made, given, imposed or brought into force by a specified person or in a specified manner,

shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters so specified as set out in the certificate.

[Section 36 inserted: No. 10 of 1985 s. 41; amended: No. 74 of 1987 s. 36; No. 73 of 1994 s. 4; No. 24 of 1998 s. 30; No. 84 of 2004 s. 80.]

37. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.
- (2) Regulations made under this section may without derogating from the generality of subsection (1) —
- (a) be so made in respect of all or any of the matters specified in Schedule 2;
 - (b) create offences and prescribe in respect of any such offence a penalty not exceeding \$2 000;
 - (c) be so made —
 - (i) so as to apply generally or in a specified class of case, or specified classes of cases, at all times, or at a specified time or specified times, or in a specified place or specified places; and
 - (ii) so as to require a matter affected by them to be in accordance with a specified standard or specified requirement or as approved by, or to the satisfaction of, a specified person or body, or class of person or body, and so as to authorise a

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specified person or body to exercise a discretionary authority; and

- (iii) so as to provide that in specified cases, or a specified class of case, or specified classes of cases, whether on specified conditions or unconditionally, persons or things may be exempted from their provisions either wholly or to such extent as is specified.

- (3) In subsection (2)(c) —
specified means specified in regulations made under this section.

[Schedule 1 deleted: No. 73 of 1994 s. 4.]

Schedule 2 — Matters in respect of which Governor may make regulations

[s. 37]

[Heading amended: No. 19 of 2010 s. 4.]

1. The qualifications, training and experience to be required of government inspectors.
2. The licensing of casino key employees and casino employees, and the conditions and fees applicable thereto.
- 2a. The disciplinary actions that the Commission may take in relation to a person licensed as a casino employee or a casino key employee, which may include —
 - (a) the service of a letter of censure on the employee; or
 - (b) the imposition of a fine not exceeding \$1 000; or
 - (c) the cancellation or suspension of the licence held by the employee,or any combination of those actions.
3. The hours during which authorised games may be played in licensed casinos or the determination of those hours by the Commission, the facilities to be provided therein, the equipment, including chips, to be provided for the playing of authorised games therein, the limits to be imposed on wagering therein, the handling of cash therein, the audit requirements to be observed, and the accounting methods to be used, by the holder of a casino gaming licence, the financial management of licensed casinos, the conditions under which patrons are to be admitted to or excluded from licensed casinos, the credit facilities to be extended to the patrons of licensed casinos and the general manner of operation thereof, including the degree of supervision and management required for the proper control of that operation.
4. Subject to this Act, the criteria to be applicable in relation to the consideration of any licence under this Act, including matters relating to substantial shareholders or holders of other interests, foreign participation and associated persons, and the control of the company or other body of persons concerned.

[Schedule 2 amended: No. 10 of 1985 s. 43; No. 24 of 1998 s. 31.]

Casino Control Act 1984

Notes

- ¹ This reprint is a compilation as at 16 December 2011 of the *Casino Control Act 1984* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Casino Control Act 1984</i>	34 of 1984	20 Jun 1984	1 Jul 1984 (see s. 2 and <i>Gazette</i> 29 Jun 1984 p. 1754)
<i>Acts Amendment and Validation (Casino Control) Act 1985 Pt. V</i> ²	10 of 1985	25 Mar 1985	19 Feb 1985 (see s. 2)
<i>Acts Amendment (Gaming and related provisions) Act 1985 Pt. VI</i>	29 of 1985	24 Apr 1985	1 Jun 1985 (see s. 2 and <i>Gazette</i> 31 May 1985 p. 1877)
<i>Casino Control Amendment Act 1985</i>	64 of 1985	5 Nov 1985	3 Dec 1985
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Casino Control) Act 1987 Pt. III</i>	44 of 1987	22 Sep 1987	13 Sep 1987 (see s. 2)
<i>Acts Amendment and Repeal (Gaming) Act 1987 Pt. III</i>	74 of 1987	26 Nov 1987	2 May 1988 (see s. 2 and <i>Gazette</i> 29 Apr 1988 p. 1292)
Reprint of the <i>Casino Control Act 1984</i> as at 18 Apr 1989 (includes amendments listed above)			
<i>Acts Amendment (Public Sector Management) Act 1994 s. 3(2)</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Sentencing (Consequential Provisions) Act 1995 s. 147</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 28</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Acts Amendment (Gaming) Act 1998 Pt. 2</i> ³	24 of 1998	30 Jun 1998	5 Aug 1998 (see s. 2 and <i>Gazette</i> 4 Aug 1998 p. 3981)
Reprint of the <i>Casino Control Act 1984</i> as at 30 Oct 1998 (includes amendments listed above)			
<i>Corporations (Consequential Amendments) Act 2001 s. 220</i>	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)

Short title	Number and year	Assent	Commencement
<i>Racing and Gambling Legislation Amendment and Repeal Act 2003</i> s. 171	35 of 2003	26 Jun 2003	30 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Jan 2004 p. 397)
Reprint 3: The Casino Control Act 1984 as at 2 Apr 2004 (includes amendments listed above)			
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80 and 82	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Financial Legislation Amendment and Repeal Act 2006</i> Sch. 1 cl. 20	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Standardisation of Formatting Act 2010</i> s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
Reprint 4: The Casino Control Act 1984 as at 16 Dec 2011 (includes amendments listed above)			
Casino Legislation Amendment (Burswood Casino) Bill 2022 Pt. 2		Current Bill No. 76-1	

² The *Acts Amendment and Validation (Casino Control) Act 1985* s. 44 reads as follows:

44. Validation

Notwithstanding that the Minister to whom the administration of the principal Act was during the period —

- (a) commencing with the coming into operation of the principal Act; and
- (b) ending immediately before the coming into operation of this Act,

committed by the Governor has, during that period, purported to negotiate an agreement under section 19 of the principal Act with a person or persons, not being a public company or public companies within the meaning of the *Companies (Western Australia) Code*, with respect to the construction and establishment of casino premises and other premises in the State, that negotiation shall be deemed to have been lawful and authorised by section 19 of the principal Act as it existed during that period.

³ The *Acts Amendment (Gaming) Act 1998* s. 6(2) and 11(2) are transitional provisions that are of no further effect.