

NORTHERN TERRITORY OF AUSTRALIA

GAMING CONTROL (LICENSING) REGULATIONS 1995

As in force at 1 January 2015

Table of provisions

| | | |
|----|--|----|
| 1 | Citation | 1 |
| 2 | Definitions | 1 |
| 3 | Only licensed persons to perform duties | 2 |
| 4 | Application for licence | 2 |
| 5 | Eligibility | 3 |
| 6 | Further information, &c., to be supplied | 4 |
| 7 | Grant or refusal of licence | 5 |
| 8 | Grant of provisional or full licence | 6 |
| 9 | Duration and renewal of licence | 7 |
| 10 | Loss, &c., of licence | 8 |
| 11 | Variation of licence | 8 |
| 12 | Re-application for licence | 9 |
| 13 | Review | 9 |
| 14 | Surrender of licence | 12 |
| 15 | Fees | 12 |
| 16 | False statement | 12 |
| 17 | General penalty | 12 |
| 18 | Savings and transitional | 12 |

Schedule Fees

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 2015

GAMING CONTROL (LICENSING) REGULATIONS 1995

Regulations under the *Gaming Control Act 1993*

1 Citation

These Regulations may be cited as the *Gaming Control (Licensing) Regulations 1995*.

2 Definitions

In these Regulations, unless the contrary intention appears:

duties means the duties performed in a casino (including the duties performed by a manager) in carrying out the operations of the casino that relate directly to the conduct of gaming or the operation of gaming machines, and includes duties performed:

- (a) as a croupier or as a supervisor in respect of the playing of games or the operation of gaming machines;
- (b) for the movement, exchange or counting of money or chips for the purpose of the playing of games or the operation of gaming machines;
- (c) for the security and surveillance in an area in the casino where gaming is conducted or gaming machines are operated; and
- (d) for the purpose of the administration of the casino (including accounting and internal auditing) that relates to the conduct of gaming or the operation of gaming machines.

full licence means a licence which is not a provisional licence.

licence means a key licence, a standard licence or a trainee licence (whether a full licence or a provisional licence) granted to a person under these Regulations to perform duties in a casino.

licensed person means a person to whom a licence has been granted.

provisional licence means a key licence, a standard licence or a trainee licence which is granted for a period not exceeding 12 months as specified on the licence.

3 Only licensed persons to perform duties

- (1) A Licensee shall not allow a person to perform duties in the casino the subject of the casino licence granted to the Licensee unless the person holds a licence authorising him or her to perform those duties.
- (2) A person shall not:
 - (a) perform duties in a casino unless he or she holds a licence to perform those duties; and
 - (b) perform duties in a casino other than in accordance with his or her licence.

4 Application for licence

- (1) A person who:
 - (a) intends to perform duties in a casino; and
 - (b) has attained the age of 18 years,may apply to the Director-General for a licence.
- (2) An application under subregulation (1) shall be in writing in an approved form and accompanied by:
 - (a) a certificate signed by or on behalf of a Licensee that the Licensee will engage the applicant, subject to the applicant being granted the relevant licence, to perform duties in the casino;
 - (b) the documents required by the Director-General to provide information supporting the applicant's eligibility for the grant of the licence, verified by a signed statutory declaration;
 - (c) a statement detailing the applicant's employment history;
 - (d) a certified copy of the applicant's birth certificate, passport, refugee certificate or naturalisation certificate and a certified copy of his or her marriage certificate or other evidence of a change of name since birth, if relevant;
 - (e) 3 recent passport photographs of the applicant;

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- (f) a written statement signed by a member of the Police Force verifying that the applicant has had his or her fingerprints and palm prints taken; and
 - (g) the written consents and authorities necessary to enable the Director-General to obtain a criminal history report in respect of the applicant and information concerning the financial background of the applicant for the purpose of determining the application.
- (3) Subject to subregulation (4), where, before a licence is granted or refused, there is a change in the information supplied by an applicant in support of his or her application for a licence, the applicant shall give written particulars of the change, verified by a signed statutory declaration, to the Director-General who shall, on receiving those particulars, consider those particulars to form part of the application.
- (4) Where, at any time before granting or refusing a licence, the Director-General is of the opinion that, for the purpose of determining an application for a licence, it will not be necessary for the applicant to give particulars of a change in respect of information supplied by the applicant in support of the application (having regard to the suitability of the applicant for the grant of the licence and the nature of the information concerned), the Director-General may give notice in writing to the applicant that the applicant is not required to give particulars of a change in respect of the information specified in the notice.

5 Eligibility

- (1) Subject to these Regulations, where a person applies to the Director-General for a licence, the Director-General shall investigate and inquire into the person's application and shall assess whether the applicant:
- (a) has attained the age of 18 years;
 - (b) is of good repute having regard to character, integrity, honesty and responsibility;
 - (c) has an adequate command of the English language for the purpose of performing the duties he or she proposes to perform;
 - (d) has a sound and stable financial background;
 - (e) has, subject to the *Criminal Records (Spent Convictions) Act 1992*, not been found guilty of an offence involving dishonesty since he or she attained the age of 18 years, an

offence against the Act or of an offence which is punishable on conviction by a maximum penalty of not less than 5 years imprisonment; and

- (f) is, by reason of his or her skills, qualifications, knowledge and experience, competent to perform the duties he or she proposes to perform.
- (3) Where the Director-General is of the opinion that an applicant has not supplied information required to accompany his or her application under regulation 4(2), he or she may request the applicant to provide the information and, having done so, shall not consider the application further until receipt of the information.

6 Further information, &c., to be supplied

- (1) The Director-General may inquire into matters, other than those specified in regulation 5, which he or she considers relevant to the determination of the application and he or she:
 - (a) shall give written notice to the applicant specifying the other matters he or she is inquiring into and the reasons for so doing; and
 - (b) may, for that purpose:
 - (i) request the applicant or another person who has an association with the applicant to supply further information or attend interviews; or
 - (ii) make inquiries of his or her own including inquiries in a State or other Territory of the Commonwealth or in a place outside the Commonwealth of Australia.
- (2) Where the Director-General gives notice to an applicant under subregulation (1)(a), he or she shall request the applicant to furnish written consents and authorities to enable the Director-General to inquire into the other matters.
- (3) Where a person does not comply with a request of the Director-General made under subregulation (1) or (2), the Director-General may decide he or she has sufficient grounds to refuse to grant the licence.
- (4) No action or proceeding, civil or criminal, shall lie against a person who the Director-General requests to supply information for the purposes of this regulation in respect of an act or thing done or omitted to be done in good faith for the purpose of supplying the information.

7 Grant or refusal of licence

- (1) The Director-General may, where he or she is satisfied under regulations 5 and 6, that an applicant for a licence satisfies the relevant criteria of eligibility and is a fit and proper person to be granted a licence to perform the duties he or she proposes to perform as a licensed person, grant the person a licence.
- (2) Where the licence the Director-General grants to a person will enable the person:
 - (a) to perform duties as a manager, the Director-General shall grant the person a key licence;
 - (b) to undertake a training programme in respect of the performance of duties, the Director-General shall grant the person a trainee licence; or
 - (c) to otherwise perform duties, the Director-General shall grant the person a standard licence.
- (3) A licence granted under subregulation (1):
 - (a) shall be a full licence or a provisional licence; and
 - (b) subject to these Regulations, may be made subject to such terms and conditions in relation to the duties to be performed by the licensed person and the manner in which the licensed person shall perform duties as the Director-General thinks fit and records on the licence.
- (4) Notwithstanding subregulation (3)(b), it is a condition of every licence that the licensed person in respect of the licence shall comply with and not contravene:
 - (a) the provisions of or under the Act; and
 - (b) a lawful direction or order given by a Gaming Inspector to the licensed person in respect of the carrying out of his or her duties in respect of the playing of an approved game.
- (5) Where the Director-General refuses to grant a licence to an applicant, he or she shall, as soon as practicable, notify the applicant of the decision.
- (6) A person who has been refused a licence may, not later than 14 days after receiving notification of the refusal, request the Director-General to supply his or her reasons for that decision and the Director-General shall, as soon as practicable after receiving the request, give written reasons for his or her decision to the

person.

- (7) A licence granted under this regulation remains in force until:
- (a) it expires;
 - (b) the licensed person no longer performs the duties to which the licence relates;
 - (c) the licensed person surrenders the licence to the Director-General; or
 - (d) the licence is cancelled.

8 Grant of provisional or full licence

- (1) Subject to these Regulations, where the Director-General grants a licence to an applicant who:
- (a) has been found guilty of an offence involving dishonesty before he or she attained the age of 18 years;
 - (b) has been found guilty of an offence involving the use, manufacture or sale of drugs;
 - (c) has been found guilty of an offence involving an assault;
 - (d) is a person whose licence was cancelled under regulation 13;
 - (e) is to be engaged by a Licensee to perform duties for a period not exceeding 12 months; or
 - (f) is granted a trainee licence,

the licence the Director-General grants to the applicant shall be a provisional licence, but in all other cases the licence the Director-General grants to the applicant shall be a full licence.

- (2) Subject to this regulation, a provisional licence remains in force for the period determined by the Director-General (not exceeding 12 months) and the date of expiration of the provisional licence shall be specified on the licence.
- (3) In determining the period a provisional licence to which subregulation (1)(a), (b) or (c) relates remains in force, the Director-General shall have regard to the nature of the offence committed, how recently the offence was committed, the severity of the penalty imposed in respect of the offence and any restitution made in respect of the offence.

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- (4) In determining the period a provisional licence to which subregulation (1)(d) relates remains in force, the Director-General shall have regard to the circumstances of, and the reasons for, the cancellation of the licence.
 - (5) The date of expiration of a provisional licence to which subregulation (1)(e) relates shall be the date of the expiration of the period of engagement.
 - (6) The date of expiration of a provisional licence to which subregulation (1)(f) relates shall be the date of the termination of the training programme.

9 Duration and renewal of licence

- (1) A licence takes effect from the date on which it is granted and, subject to these Regulations, continues in force:
 - (a) if it is a provisional licence, until and including the date specified on the licence; or
 - (b) if it is a full licence, for 5 years.
- (2) A provisional licence is not renewable but a person who has been granted a provisional licence may re-apply for a licence under these Regulations.
- (3) A licensed person who holds a full licence may, not less than one month before the licence expires, apply in the approved form to the Director-General for the renewal (or further renewal) of the licence.
- (4) The Director-General shall consider an application for the renewal of a licence and, where he or she is satisfied that the applicant has complied with the terms and conditions of the licence and is not otherwise prevented from having his or her licence renewed by a provision of or under the Act, shall renew the licence.
- (5) A renewal of a licence shall be on the same terms and conditions as applied to the original licence unless varied pursuant to regulation 11.
- (6) Where a licensed person makes an application for the renewal of a full licence, the full licence continues in force until the date of its expiration or until the application for renewal is determined, whichever is the later, but where an application is determined after its expiration and the full licence is renewed, that full licence is deemed to be renewed on 1 October of the year it expired and shall be dated accordingly.

10 Loss, &c., of licence

- (1) Where a licence is lost, destroyed or damaged, the licensed person shall apply to the Director-General for the issue of a replacement licence.
- (2) An application under subregulation (1) shall be:
 - (a) in writing in an approved form; and
 - (b) verified by a signed statutory declaration.
- (3) Where the Director-General is satisfied that a licence has been lost, destroyed or damaged to such an extent that replacement is necessary, he or she shall issue a replacement licence in the same form and on the same terms and conditions as the licence it replaces.

11 Variation of licence

- (1) A licensed person may apply to the Director-General to vary:
 - (a) a term or condition of his or her licence;
 - (b) the duties he or she performs under his or her licence; or
 - (c) the classification of the licence he or she holds.
- (2) An application under subregulation (1) shall:
 - (a) set out the variation required and the reasons supporting the variation; and
 - (b) to the extent the Director-General considers necessary (having regard to the nature of the variation and the information to be supplied in support of the application), be in accordance with regulation 4.
- (3) The Director-General shall consider an application made under subregulation (1) as soon as practicable and, for the purpose of determining the application, regulations 5, 6 and 7 shall apply to the extent necessary as if the application were an application for a licence under regulation 4.
- (4) Where the Director-General decides to vary the licence to which the application relates, he or she shall:
 - (a) amend the licence; or
 - (b) issue a new licence,

as he or she considers appropriate.

12 Re-application for licence

- (1) A person who was previously granted a licence which is no longer in force may re-apply to the Director-General for the grant of a licence pursuant to regulation 4.
- (2) A licensed person who holds a provisional licence may, not less than one month before the licence expires, re-apply to the Director-General for the grant of a licence pursuant to regulation 4.
- (3) Where a person re-applies for a licence before the expiration of 6 months after the expiry of a licence previously granted to him or her, the Director-General may, to the extent he or she considers necessary (having regard to the circumstances of the re-application and the nature of the information to be supplied), waive compliance with regulation 4.
- (4) Where a person referred to in subregulation (2) re-applies for the grant of a licence, the Director-General may:
 - (a) if he or she considers it fair on the grounds that the person applied for a licence not more than 12 months ago and, in his or her opinion, the person conducted himself or herself properly while the provisional licence has been in force, waive compliance with regulation 4(2)(a) to (g) inclusive and the payment of the fee under regulation 15 in respect of the re-application; or
 - (b) if he or she is of the opinion that the person is suitable in view of the person's conduct while the provisional licence has been in force, grant the person a full licence.
- (5) Subregulation (4)(b) has effect notwithstanding that the person re-applying for the grant of a licence is an applicant referred to in regulation 8(1)(a), (b), (c), (d) or (e).

13 Review

- (1) Where it is brought to the attention of the Director-General that:
 - (a) a licence was obtained by fraud or misrepresentation;
 - (b) a licensed person has been found guilty of an offence:
 - (i) against the Act;
 - (ii) involving dishonesty;

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- (iii) involving an assault;
 - (iv) involving the use, manufacture or sale of drugs; or
 - (v) punishable on conviction by a maximum penalty of not less than 3 months imprisonment;
- (c) a licensed person has contravened a term or condition of his or her licence;
 - (d) a licensed person failed to provide information that he or she is required to provide under these Regulations or provided information knowing it to be false or misleading;
 - (e) a licensed person has become bankrupt, applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit; or
 - (f) a licensed person may not be a fit and proper person to hold the licence he or she is holding,

the Director-General shall, as soon as practicable, conduct a review to investigate the matter.

- (2) Before commencing a review, the Director-General shall give written notice of the review, including the reason for the review and the time, date and place of the review, to the Licensee in respect of the casino where the licensed person performs duties and shall require that the Licensee arrange that the licensed person ceases performing duties until the determination of the review, and the Licensee shall comply with the notice.
- (3) Subject to this regulation, the procedure of a review shall be as determined by the Director-General, but in any case the Director-General:
 - (a) shall give a licensed person the subject of a review not less than 14 days notice in writing of the reason for conducting the review and the time, date and place where the licensed person may attend to make submissions, either personally or by a representative, or for which the licensed person may make written submissions;
 - (b) is not bound by the rules of evidence;
 - (c) shall act without regard to technicalities and legal form;
 - (d) may inform himself or herself on any relevant matter in such manner as he or she thinks fit;

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- (e) may require the production of any relevant documents and shall inspect such documents produced before him or her and may retain them for such reasonable period for the purposes of the review and make copies of them;
 - (f) may require a person, other than the licensed person, who has an association with the subject of the review to attend before him or her and to answer truthfully all questions put to that person; and
 - (g) may determine the review where the licensed person has failed to make submissions within the time allowed and he or she is satisfied that the licensed person had received notice to so do.
- (4) After conducting a review the Director-General may take the action he or she considers appropriate in the circumstances, being one or more of the following:
- (a) dismiss the matter the subject of the review;
 - (b) reprimand the licensed person;
 - (c) require the licensed person to attend for counselling or retraining;
 - (d) impose conditions on the licensed person's licence;
 - (e) vary a term or condition of the licensed person's licence, the duties authorised to be performed under the licensed person's licence or the classification of the licensed person's licence;
 - (f) suspend the licensed person's licence for a period not exceeding 6 months;
 - (g) cancel the licensed person's licence.
- (5) A person whose licence is cancelled, suspended, varied or made subject to conditions, as the case may be, shall, without delay, having received notice from the Director-General requiring the return of his or her licence, deliver or send the licence to the Director-General.
- (6) Subject to these Regulations, where a person's licence is cancelled under subregulation (4)(g), the person shall not re-apply for a licence under regulation 4 until the expiration of a period of 12 months after the date his or her licence is cancelled.

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- (7) A person shall comply with and not contravene a requirement under this regulation except that nothing in this regulation shall be construed so as to require a person to answer a question if the answer might tend to incriminate the person.

14 Surrender of licence

- (1) A licensed person may, at any time, surrender his or her licence by returning the licence, together with the approved form, to the Director-General.
- (2) Upon the Director-General receiving the licence and approved form referred to in subregulation (1), the licence is of no force and effect.

15 Fees

A person who applies to the Director-General for the grant, renewal, variation or replacement of his or her licence must pay to the Director-General the fee specified in the Schedule, in respect of the application and the Director-General shall not deal with the person's application until the person has paid the fee.

16 False statement

A person shall not knowingly make a false statement or supply false information for the purposes of the grant, renewal, variation or replacement of a licence or the conduct of a review under these Regulations.

17 General penalty

A person who contravenes or fails to comply with a provision of these Regulations is guilty of an offence.

Maximum penalty: 17 penalty units.

18 Savings and transitional

A casino operatives licence issued under the directions issued by the Treasurer to Diamond Leisure Pty. Ltd. on 2 February 1988 under section 13 of the *Casino Licensing and Control Act 1984*, or under the directions issued by the Treasurer to Ford Dynasty Pty. Ltd. on that date under that provision, (the directions being continued in force by section 82 of the Act) and in force immediately before the commencement of these Regulations:

- (a) shall continue in force to and including 30 September 1995;

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- (b) is deemed to be a licence granted under these Regulations subject to the same terms and conditions as were then applying to the licence; and
 - (c) may be cancelled, suspended, varied or otherwise dealt with under these Regulations as if granted under these Regulations.

Schedule Fees

regulation 15

Column 1

Column 2

Type of Application

Fee

| | |
|--|-------------------|
| For the grant of a key licence | 285 revenue units |
| For the grant of a standard licence | 115 revenue units |
| For the grant of a trainee licence | 115 revenue units |
| For the renewal of a key licence | 285 revenue units |
| For the renewal of a standard licence | 115 revenue units |
| For the replacement of a licence | 20 revenue units |
| For the variation of a licence: | |
| variation of a standard licence to a key licence | 170 revenue units |
| variation of a provisional licence to a key licence | 170 revenue units |
| any other variation of a licence | 20 revenue units |

ENDNOTES

1 KEY

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION

Gaming Control (Licensing) Regulations (SL No. 9, 1995)

| | |
|-----------|--------------|
| Notified | 5 April 1995 |
| Commenced | 5 April 1995 |

Amendments of Gaming Control (Licensing) Regulations (SL No. 10, 1998)

| | |
|-----------|--------------|
| Notified | 8 April 1998 |
| Commenced | 8 April 1998 |

Treasury Legislation Amendment (Revenue Units) Regulations 2006 (SL No. 33, 2006)

| | |
|-----------|-----------------|
| Notified | 18 October 2006 |
| Commenced | 18 October 2006 |

Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

| | |
|-----------|----------------------|
| Notified | 14 December 2009 |
| Commenced | 1 January 2010 (r 2) |

Penalties Amendment (Justice and Treasury Legislation) Act 2010 (Act No. 38, 2010)

| | |
|-------------|---|
| Assent date | 18 November 2010 |
| Commenced | 1 February 2011 (Gaz S6, 1 February 2011) |

Licensing (Repeals and Consequential Amendments) Act 2014 (Act No. 44, 2014)

| | |
|-------------|--|
| Assent date | 5 December 2014 |
| Commenced | 1 January 2015 (Gaz S130, 19 December 2014, p 2) |

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 5 and 18.

4 LIST OF AMENDMENTS

| | |
|------------|--|
| r 2 | amd No. 10, 1998, r 2 |
| rr 4 – 8 | amd Act No. 44, 2014, s 145 |
| r 9 | amd No. 10, 1998, r 3; Act No. 44, 2014, s 145 |
| rr 10 – 11 | amd Act No. 44, 2014, s 145 |
| r 12 | amd No. 10, 1998, r 4; Act No. 44, 2014, s 145 |
| rr 13 – 15 | amd Act No. 44, 2014, s 145 |
| r 17 | amd Act No. 38, 2010, s 3 |
| sch | sub No. 10, 1998, r 5 |
| | amd No. 33, 2006, r 5; No. 34, 2009, r 10 |