

NORTHERN TERRITORY OF AUSTRALIA  
CASINO LICENSING AND CONTROL AMENDMENT ACT 1989

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No. 56 of 1989

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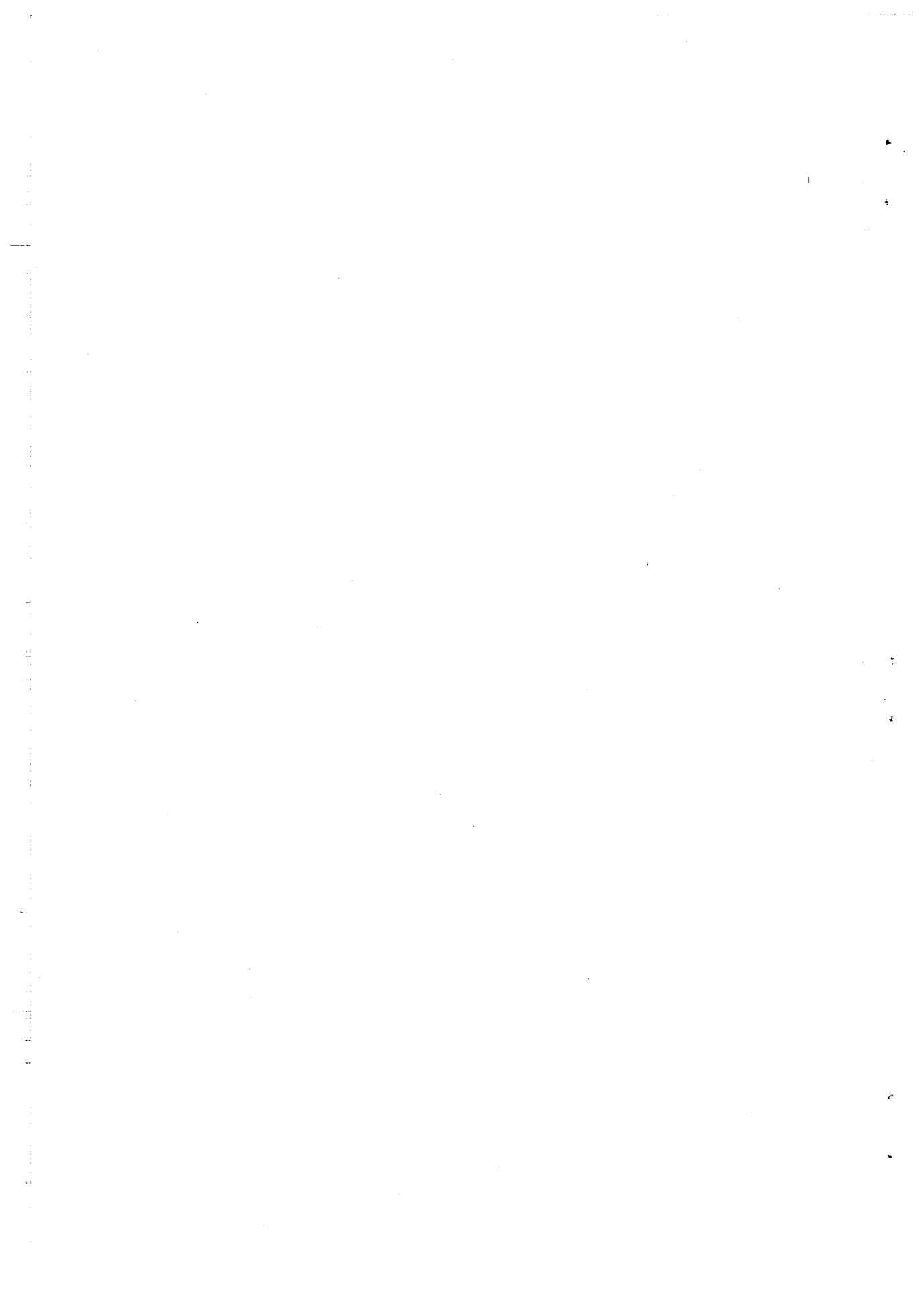
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# NORTHERN TERRITORY OF AUSTRALIA

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No. 56 of 1989

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## AN ACT

to amend the *Casino Licensing and Control Act*

[Assented to 2 October 1989]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Casino Licensing and Control Amendment Act 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Casino Licensing and Control Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 2 of the Principal Act is amended -

- (a) by inserting in the definition of "casino" after "licensee" the words ", and includes areas for money counting, surveillance, accounting, storage, and other activities related to the operation and functioning of the casino";
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- (b) by inserting after the definition of "casino" the following:

"'Commission' means the Racing, Gaming and Liquor Commission as constituted under section 5(4) of the *Racing, Gaming and Liquor Commission Act*;

"'Commission Inspector' means a person appointed as such pursuant to section 5C(1);"; and

- (c) by omitting the definition of "game" and substituting the following:

"'game' means a game, including a game of chance, authorized under this Act by the Minister as being a game that may be conducted or played in a casino;".

5. NEW SECTIONS

The Principal Act is amended by inserting in Part III before section 6 the following:

"5A. FUNCTIONS AND POWERS OF COMMISSION

- "(1) The functions of the Commission are -
- (a) to do all such things as it considers necessary or desirable for the proper regulation and control, in the interests of the public, of casinos;
  - (b) to investigate and make to the Minister such recommendations as it thinks fit with respect to the administration or operation of this Act;
  - (c) to undertake research and investigations into matters relating to casinos, including the financial security of the organizations and persons whose subsistence or livelihood is derived from or directly connected with casinos;
  - (d) to liaise with other casino control agencies, whether in Australia or elsewhere, in relation to the administration, operation, or control of casinos;
  - (e) to make recommendations to the Minister in relation to -
    - (i) the games that may be played in a casino; and
    - (ii) the rules under which those games may be played;

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- (f) to inquire into, and make recommendations to the Minister on, the suitability of a licensee, a proposed licensee, or a person to whom a casino licence is proposed to be transferred; and
- (g) to carry out such other functions as are conferred on it by or under this Act or any other law of the Territory.

"(2) The Commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

"5B. DELEGATION BY MINISTER

"(1) The Minister may, by instrument in writing, delegate to a person or the Commission any of the Minister's powers and functions under this Act, other than this power of delegation or the power to enter into an agreement pursuant to section 3.

"(2) A power or function delegated under this section shall, when exercised or performed by the delegate, be deemed to have been exercised or performed by the Minister.

"(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister.

"5C. COMMISSION INSPECTORS

"(1) The Commission may appoint such persons as it thinks fit to be Commission Inspectors for the purposes of this Act.

"(2) A Commission Inspector shall exercise such powers and perform such functions as may be given by or under this or any other Act, or as may be prescribed.

"(3) The Chairman of the Commission shall issue to each Commission Inspector an identity card containing a photograph and the signature of the inspector verified by the signature of the Chairman.

"(4) On the termination of an appointment under subsection (1), the person whose appointment has been terminated shall surrender the person's identity card to the Commission.

Penalty: \$500.

"(5) Every person exercising a power or performing a function of a Commission Inspector shall produce the identity card issued to that person under subsection (3) to any person who questions the right of the Commission Inspector to exercise the power or perform the function.

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"(6) The production by a Commission Inspector of an identity card issued under subsection (3) shall, until the contrary is proved, be sufficient authority to do any thing which the inspector is authorized by or under this Act to do.

"(7) A Commission Inspector may, while lawfully exercising a power or performing a function, be accompanied by any person (including a member of a professional body, a tradesman, or a person expert or experienced in a particular field of endeavour), and may, if the inspector reasonably believes it is necessary in the circumstances, request a suitable person to assist the inspector.

"(8) A person assisting a Commission Inspector pursuant to subsection (7) shall have and may exercise all the powers of a Commission Inspector as are reasonably necessary for the purpose."

6. PLAYING OF AUTHORIZED GAMES

Section 12 of the Principal Act is amended by omitting subsection (4) and substituting the following:

"(4) The *Lotteries and Gaming Act* does not apply to or in relation to the playing of an authorized game in a casino."

7. NEW SECTIONS

The Principal Act is amended by inserting after section 12 the following:

"12A. CHEATING

- "(1) A person shall not, in a casino -
- (a) by a fraudulent trick, device, sleight of hand, or representation;
  - (b) by a fraudulent scheme or practice;
  - (c) by the fraudulent use of gaming equipment or any other thing; or
  - (d) by the fraudulent use of an instrument or article of a type normally used in connection with gaming, or appearing to be of a type normally used in connection with gaming,

obtain for himself or herself or another person, or induce a person to deliver, give or credit to him or her or another person, any money, chips, benefit, advantage, valuable consideration, or security.

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

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"(2) A person shall not, in a casino, use or have in his or her possession -

- (a) chips that he or she knows are bogus or counterfeit chips;
- (b) cards, dice, or coins that he or she knows have been marked, loaded, or tampered with; or
- (c) for the purpose of cheating or stealing or obtaining a benefit or advantage not ordinarily available to a person in a casino - any equipment, device, or thing that permits or facilitates cheating or stealing or obtaining such a benefit or advantage.

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

"(3) In so far as subsection (2) prohibits the possession in a casino of any thing referred to in subsection (2)(a) or (b), the prohibition does not extend to the possession by a person in charge of a casino, an agent or employee of a casino, a Commission Inspector, or a member of the Police Force -

- (a) if that thing has been seized pursuant to this Act for use as evidence in proceedings for an offence; or
- (b) if that thing is being used for the purposes of instruction or comparison in identifying such things.

"12B. DETENTION OF SUSPECTED PERSON

"(1) Where -

- (a) the person for the time being in charge of a casino;
- (b) an employee authorized by the licensee of a casino to act pursuant to this section; or
- (c) a Commission Inspector,

suspects on reasonable grounds that a person in a casino is contravening, or attempting to contravene, a provision of this or any other Act the person in charge, employee or inspector may detain the suspected person in a suitable place in the casino until the arrival at the place of detention of a member of the Police Force.

"(2) The person so detaining 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 possible.

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"(3) Any member of the Police Force may in a casino detain in a suitable place for a reasonable time any person who has or who is suspected on reasonable grounds to have contravened or attempted to contravene a provision of this or any other Act.

"(4) A member of the Police Force, in so detaining a person, may -

- (a) search that person and the possessions of that person;
- (b) seize anything found as a result of the search 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.

"(5) Nothing in subsections (3) or (4) shall derogate from the provisions of the *Police Administration Act* relating to the detention of suspected persons.

"12C. CONSERVATION OF EVIDENCE

"(1) Where the person for the time being in charge of a casino, or an employee authorized under section 12B(1)(b), or a Commission Inspector, in the course of their duties, suspects on reasonable grounds that some instrument, article, equipment, device, or thing has been or may be used in connection with an offence in a casino, whether a person has been detained pursuant to section 12B or not, the person in charge, employee, or inspector may seize the instrument, article, equipment, device, or thing in order to prevent it being -

- (a) concealed, lost, or destroyed;
- (b) sold or otherwise disposed of; or
- (c) used in connection with an offence in the casino.

"(2) Where it appears that property specified in subsection (1) cannot be seized under that subsection without a search of a person, that person shall be detained under section 12B and the search carried out by a member of the Police Force pursuant to that section.

"(3) Property seized under subsection (1) shall be kept in a secure place and delivered up to a member of the Police Force with as little delay as possible.

"12D. BREACH OF RULES OF GAMES BY OPERATOR

"(1) Where, after a warning from a Commission Inspector, the operator of an authorized game at a table in a casino or of other authorized gaming equipment -



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- (a) allows, or fails to take such action as is necessary to prevent, a person playing the authorized game to continue breaching the authorized rules of the game; or
- (b) fails to follow the authorized rules of the game,

the Commission Inspector shall forthwith close down the authorized game at that table or, as the case may be, authorized gaming equipment.

"(2) A game closed down under subsection (1) shall remain closed for a period of 24 hours.

"(3) No person shall, during the period specified in subsection (2), start up another game similar to the authorized game closed down, notwithstanding the capacity of the casino to do so."

8. RIGHT OF ENTRY

Section 15 of the Principal Act is amended by inserting after subsection (6) the following:

"(6A) A direction under subsection (2) may be revoked at any time in a like manner to that of giving the direction."

9. REPEAL AND SUBSTITUTION

Section 17 of the Principal Act is repealed and the following substituted:

"17. COMMISSION INSPECTOR AND MEMBER OF POLICE FORCE MAY ENTER CASINO

"(1) A Commission Inspector may at any time enter, and remain in, a casino for the purpose of -

- (a) observing operations in the casino;
- (b) ascertaining whether the provisions of this Act and the agreement are being complied with; or
- (c) performing any other functions of a Commission Inspector.

"(2) For the purpose of the discharge of the duty of a member of the Police Force, any part of a casino to which the public has access is a public place.

"(3) A member of the Police Force may, on being authorized by a Commission Inspector, enter any part of a casino to which the public does not have access and may remain there for the purpose of discharging his or her duty as a member of the Police Force.

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"(4) Nothing in this section affects any power a member of the Police Force has by law to enter any part of a casino."

10. REPEAL AND SUBSTITUTION

Section 22 of the Principal Act is repealed and the following substituted:

"22. INSTITUTION OF PROCEEDINGS

"Proceedings for an offence against this Act may be instituted by the licensee of the casino in or in relation to which the offence is alleged to have been committed, a member of the Police Force, the Commission or, at the direction of the Commission, a Commission Inspector."

11. NEW SECTIONS

The Principal Act is amended by inserting after section 22 the following:

"22A. EVIDENCE IN PROCEEDINGS

"(1) In any proceedings in respect of an offence under this Act, a certificate purporting to be signed by the Chairman of the Commission to the effect that, on a date specified in the certificate -

- (a) premises were, or were not, licensed under this Act;
- (b) a person was, or was not, a licensee;
- (c) the Minister had, or had not, entered into an agreement with a person named in the certificate; or
- (d) a named person was, or was not, a Commission Inspector,

shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

"(2) Where a person observes an incident in a casino, the fact that the observation was made by means of a camera, television set, video display unit, or other electronic medium and not directly does not of itself render inadmissible any evidence that the person may give relating to the observation.

"22B. FORFEITURE

"(1) Where a person is found guilty of an offence against this Act, then, whether a conviction is entered or not or a penalty imposed or not, any instrument, article, equipment, device, or thing used in or in relation to the commission of the offence is forfeit to the Crown, and may

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be kept, sold, destroyed, or otherwise disposed of as the Minister thinks fit.

"(2) The forfeiture imposed under subsection (1) is in addition to, and not in substitution for, any other penalty imposed by a court in relation to the offence.

"22C. PROTECTION OF INSPECTORS, &c.

"(1) No action or proceeding, civil or criminal, shall lie against a Commission Inspector or person accompanying or assisting an inspector under section 5C(7) on account of anything done or omitted to be done for the purposes of this Act or done or omitted to be done in good faith and purporting to be for the purposes of this Act.

"(2) No action or proceeding, civil or criminal, shall lie against a licensee, the person for the time being in charge of a casino, or an employee authorized under section 12B(1)(b) who, acting pursuant to sections 12B or 12C or acting in good faith and purporting to act pursuant to either of those sections, detains a person or seizes any property from a person or exercises any other power under those sections."

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