

NORTHERN TERRITORY OF AUSTRALIA
CASINO LICENSING AND CONTROL ACT
No. 22 of 1984
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NORTHERN TERRITORY OF AUSTRALIA

No. 22 of 1984

AN ACT

Relating to the licensing and control of casinos

[Assented to 20 July 1984]

BE 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:

PART I - PRELIMINARY

1. SHORT TITLE

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

2. DEFINITIONS

In this Act, unless the contrary intention appears -

"agreement", in relation to a licence, means the agreement in pursuance of which the licence was granted;

"casino" means premises licensed under this Act for -

- (a) the playing of games; and
- (b) the operation of gaming machines for the purpose of gaming,

by persons present on the premises for that purpose at the invitation of the licensee;

"game" means a game of chance;

"licence" means a licence granted under section 4;

"licensee" means a person to whom a licence has been granted or assigned.

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PART II - AGREEMENT AND LICENCES

3. MINISTER MAY ENTER INTO AGREEMENT

(1) Notwithstanding any other law of the Territory, the Minister may negotiate and enter into an agreement with any person relating to the licensing and conduct of the business of -

- (a) a casino within 30 kilometres of the Post Office at Alice Springs; and
- (b) a casino within 30 kilometres of the Post Office at Darwin.

(2) The Minister shall, within 3 sitting days of the Legislative Assembly after he enters into an agreement under sub-section (1), cause to be tabled in the Assembly a copy of the agreement.

4. MINISTER MAY GRANT LICENCES

(1) At any time after the surrender under section 44 of the *Casino Licence and Control Act* of a licence granted under that Act and in force immediately before the commencement of this Act, the Minister may grant to any person, in accordance with an agreement entered into under section 3, a licence to conduct a casino for the playing of games and the operation of machines for the purpose of gaming on premises to which the agreement relates.

(2) Subject to this Act, a licence granted under sub-section (1) shall be subject to such terms and conditions as are specified in the agreement.

5. DURATION OF LICENCE

A licence granted under section 4 shall remain in force for the period specified in the agreement unless, before the expiration of that period, it is terminated in accordance with the agreement, the licensee surrenders it or the Minister, by notice in writing to the licensee, terminates it on the grounds that the licensee has -

- (a) failed to comply with a law of the Territory in relation to his conduct of the business of the casino;
- (b) failed to comply with a condition of the licence;
- (c) failed promptly to pay a fee or tax in relation to his conduct of the business of the casino payable under a law of the Territory or in accordance with a condition of the licence; or
- (d) failed to comply with a direction lawfully given by the Minister in pursuance of the agreement.

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PART III - CONTROL OF CASINOS

6. CONDUCT OF CASINO

Subject to this Act, nothing in a law of the Territory prevents a licensee, or a person employed by him, from conducting a casino in accordance with the terms and conditions to which the licence is subject and, to the extent that any such condition would, but for this section, be in conflict with a law of the Territory, that law shall be deemed to be of no effect.

7. ASSIGNMENT OF LICENCE

(1) Subject to sub-section (2), a licence may be assigned with the consent of the Minister.

(2) The Minister may, in his absolute discretion, consent or refuse to consent to the assignment of a licence.

8. SURRENDER OF LICENCE

Subject to his having paid all outstanding fees and taxes payable in relation to his conduct of the business of the casino, a licensee may surrender his licence by notice in writing to the Minister and it ceases to have effect on its being so surrendered.

9. FEES

(1) A licensee shall, on being granted a licence, pay to the Minister for the grant of a licence to him the fee, if any, specified in the agreement.

(2) A fee due under sub-section (1) and unpaid is a debt payable to the Territory.

10. TAXES

(1) Without limiting his liability to pay any other tax for which he is liable under a law of the Territory, a licensee shall pay to the Minister as a tax such amounts and at such times as are specified in or calculated in accordance with the agreement.

(2) An amount due under sub-section (1) as a tax may be recovered by the Minister in a court of competent jurisdiction as a debt payable to the Territory.

11. AUTHORIZED GAMES

(1) Subject to this section, the Minister may, by order, declare a game to be an authorized game for the purposes of this Act.

(2) The Minister shall not declare a game to be an authorized game under this section unless he has approved the rules under which it is to be played.

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(3) When a game becomes an authorized game under this section, the rules of the game approved under sub-section (2) become, for the purposes of this Act, the approved rules of the game, but the Minister may, at any time, by notice in writing, give a licensee a direction to alter the approved rules of any game and, on the receipt by the licensee of the direction, the approved rules of that game shall be deemed to be altered in accordance with the direction.

(4) A reference in sub-section (3) to the alteration of the rules of a game includes a reference to the omission of any of those rules and the addition to those rules of further rules.

(5) The Minister may, by notice in writing to a licensee, require the licensee to publish copies of the approved rules for an authorized game, and the licensee shall, within such reasonable period, if any, specified in the notice, comply with that requirement and give the Minister as many copies as he requires and specifies in the notice.

(6) A licensee shall ensure that an authorized game conducted in the casino is conducted in accordance with the approved rules for that game.

12. PLAYING OF AUTHORIZED GAMES

(1) Notwithstanding any other law of the Territory, it is lawful in a casino for -

- (a) the licensee and his employees and agents to organize or play an authorized game; and
- (b) a person, except a person in respect of whom a direction under section 15 is in force or who has not attained the age of 18 years, to play any such game.

(2) A casino shall not be deemed to be a nuisance, public or private, by reason only that it is used as a gaming house.

(3) The *Police Administration Act* does not apply to or in relation to implements or articles used or intended to be used in the playing of authorized games in a casino.

(4) The *Lotteries and Gaming Act* does not apply to or in relation to a casino or an act performed in a casino.

(5) A person shall not, except against a licensee, bring legal proceedings to recover -

- (a) money won at gaming in the casino;
- (b) money on a cheque or other instrument given in payment of money so won; or

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- (c) a loan of money with which to play a game in the casino,

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

13. DIRECTIONS

(1) The Minister may give directions to a licensee in relation to -

- (a) the manner of keeping the accounts of the licensee's casino operations;
- (b) the supervision and control of the licensee's casino operations by the persons appointed by the Minister for that purpose; or
- (c) the production from time to time to the Minister of information relating to the licensee's casino operations.

(2) The Minister may give a direction to a licensee to adopt, vary, cease or refrain from a practice in respect of the conduct of the licensee's casino operations or the playing of a game, or use or operation of a gaming machine, in the casino.

14. LIQUOR LICENCES

While a licence is in force, no person other than the licensee or an employee of the casino licensee shall hold a licence under the *Liquor Act*, in respect of the casino or any part of it.

15. RIGHT OF ENTRY

(1) No person has a right to enter or remain in a casino except with the express or tacit approval of the licensee.

(2) A direction in writing prohibiting a person from entering or remaining in a casino may be given to that person by the licensee or a person acting under his supervision or by the Commissioner within the meaning of the *Police Administration Act*.

(3) A direction given under sub-section (2) by the Commissioner is of no effect until notice in writing of the direction has been given to the licensee.

(4) Where a direction has been given under this section to a person, a licensee shall exclude or remove that person from the casino or have him so excluded or removed from the casino.

(5) A person shall not enter or remain in a casino contrary to a direction in writing given to him under sub-section (2).

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Penalty: \$500 or imprisonment for 3 months.

(6) A licensee or an employee or agent of the licensee acting in connection with the casino, shall not knowingly allow a person to enter or remain in the casino contrary to a direction given under sub-section (2).

Penalty: \$500 or imprisonment for 3 months.

(7) This section does not prevent a person from exercising a power conferred on him by this or any other law of the Territory to enter, or to do any other act in relation to, a casino.

16. PERSONS UNDER 18 YEARS GAMING

(1) A licensee shall ensure that no person under the age of 18 years is permitted to play a game or operate a gaming machine in his casino.

Penalty: \$500 or imprisonment for 3 months.

(2) It is a defence to a prosecution for an offence against sub-section (1) to show that the defendant had reasonable grounds for believing that the person alleged to be under the age of 18 years and playing the game or operating the gaming machine had attained the age of 18 years.

(3) A person under the age of 18 years shall not play a game or operate a gaming machine in a casino.

Penalty: For a first offence - \$200.

For a second or subsequent offence - \$500 or imprisonment for 3 months.

17. MEMBER OF POLICE FORCE MAY ENTER CASINO

A member of the Police Force of or above the rank of inspector, or a member authorized by him, may enter at any time any part of a casino.

PART IV - MISCELLANEOUS

18. LIABILITY OF DIRECTORS

Where a licensee which is a company is convicted of an offence against this Act, each person who, at the time of the commission of the offence, was a director of the company shall be guilty of the offence and punishable as if the offence had been committed by a person other than a body corporate, unless he proves that the offence was committed without his knowledge or that he took reasonable steps to prevent the commission of the offence.

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19. PENALTIES

The penalty for an offence against this Act for which a penalty is not provided by a provision of this Act, other than this section, is -

- (a) in the case of a natural person - \$2,000 or imprisonment for 12 months; or
- (b) in the case of a body corporate - \$5,000.

20. REGULATORY OFFENCES

An offence of contravening or failing to comply with section 15(5) or 16(3) is a regulatory offence.

21. PROSECUTION OF OFFENDERS

(1) An offence against this Act may be prosecuted at any time.

(2) The conviction or acquittal of a person on a complaint of an offence against 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.

22. CONSENT OF MINISTER FOR PROCEEDINGS

Proceedings for an offence against this Act shall not be instituted except with the consent in writing of the Minister.

23. RESTRAINT OF TRADE

An agreement entered into under section 3 shall not be held void or unenforceable to any extent by reason of the general law in relation to restraint of trade and, for the purposes of the *Trade Practices Act 1974* of the Commonwealth, the entering into or making of such an agreement is approved and the parties to it and any other person may give effect to it.

24. REGULATIONS

The Administrator may make regulations, not inconsistent with this Act, prescribing matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.