

Western Australia

Casino Control Regulations 1999

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Casino Control Regulations 1999

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Western Australia

Casino Control Act 1984

Casino Control Regulations 1999

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Casino Control Regulations 1999*¹.

2. Interpretation

(1) In these regulations, unless the contrary intention appears —

“**Act**” means the *Casino Control Act 1984*;

“**applicant**” means an applicant under regulation 5 for approval to conduct junkets as a junket operator or as a junket operator’s representative;

“**approval**” means an approval given under regulation 11;

“**conviction**” has the meaning given in subregulation (2);

“**junket**” has the same meaning as in section 25A of the Act;

“**junket operator**” means a person who conducts or proposes to conduct junkets;

“**junket operator’s representative**” means a person who conducts or proposes to conduct junkets as the authorised representative of an approved junket operator.

r. 2

- (2) In these regulations, a reference to a person's conviction of an offence is a reference to a conviction that is recorded against the person by a court of competent jurisdiction in Australia or in another country, except a conviction arising from a modified penalty procedure, or otherwise not imposed pursuant to any hearing or proceedings.

Part 2 — General

3. Unclaimed winnings

For the purposes of section 15(1)(a) and (b) of the Act, the prescribed amount is 99 cents.

4. Fee for review of direction not to enter or remain in casino

For the purposes of section 26A(3)(b) of the Act, the prescribed fee is \$115.

*[Regulation 4 amended in Gazette 2 Oct 2001 p. 5457;
26 Sep 2003 p. 4225; 14 Oct 2005 p. 4560.]*

4A. Exempt class of contract

- (1) For the purposes of paragraph (f) of the definition of “controlled contract” in section 29A of the Act, a contract that does not relate to the provision of gaming technical services is exempt from that definition.
- (2) In subregulation (1) —
“**gaming technical services**” means services related to the maintenance or repair of gaming equipment or gaming related computer information systems.

[Regulation 4A inserted in Gazette 7 Sep 2004 p. 3881.]

Part 3 — Junkets and junket operators

5. Applications for approval to conduct junkets (section 25A)

- (1) An individual who is at least 18 years of age may apply to the Commission for approval to conduct junkets —
 - (a) as a junket operator; or
 - (b) as a junket operator's representative.
- (2) The application must be in a form approved by the Commission, and must include particulars of the following —
 - (a) the applicant's name and gender;
 - (b) any other name or names that the applicant is using or is known by, or has used or been known by;
 - (c) the applicant's date and place of birth;
 - (d) the applicant's residential address;
 - (e) the applicant's employment history;
 - (f) the name of any company by which the applicant is employed or of which the applicant is a director;
 - (g) the applicant's financial standing;
 - (h) for approval as a junket operator's representative — the name and postal address of the junket operator;
 - (i) any convictions of the applicant for an offence;
 - (j) any other information required by the Commission that is relevant to determining whether the applicant is a person of good character and is or will be able to conduct the proposed junkets from a sound financial basis.
- (3) An application for approval to conduct junkets as the representative of a junket operator may be lodged with the Commission when the junket operator applies for approval to conduct junkets or at any later time.

6. Documents to be lodged with application

- (1) The application must be accompanied by the following —
 - (a) 4 coloured passport-size photographs of the applicant taken no earlier than 6 months before the application is lodged with the Commission;
 - (b) certified copies of any documents required by the Commission as evidence of the truth of the particulars set out in the application;
 - (c) an authority authorising the Commission and the Commissioner of Police to make inquiries in Australia or overseas (or both) about the applicant's character and financial standing;
 - (d) if the applicant is a resident of another country — a certificate by the police or other appropriate authority of the country stating whether or not the applicant has been convicted of a criminal offence in that country;
 - (e) a declaration by the applicant in accordance with regulation 7, attesting to the truth of the information given in the application and indemnifying the Commission against any loss arising from the applicant's conduct of the proposed junkets.
- (2) If the application is for approval to conduct junkets as a junket operator's representative, the application must also be accompanied by a copy of an agreement between the operator and the representative, in a form approved by the Commission, authorising the representative to carry out junkets on behalf of the operator and setting out any conditions to which the representative's authority is subject.
- (3) The Commission may accept an application without the certificate referred to in paragraph (1)(d) if the applicant is unable to provide a certificate for reasons beyond his or her control.

7. Declarations to be made with application

For the purposes of paragraph 6(1)(e), the declaration may be —

- (a) a statutory declaration made by virtue of section 106 of the *Evidence Act 1906*; or
- (b) if the applicant is a resident of another country — a declaration notarized according to the law of that country.

8. Interim approval to conduct one junket

If the Commission has no reason to believe that an applicant is not of good character or good financial standing, then, before deciding whether or not to approve the applicant under regulation 11, the Commission may permit the applicant to conduct one junket when the applicant travels to the State for the purpose of finalizing the application as mentioned in regulation 10.

9. Provisional approval to conduct junkets

- (1) The Commission may give an applicant provisional approval to conduct junkets as a junket operator or as a junket operator's representative if —
 - (a) the Commission has no reason to believe that an applicant is not of good character or good financial standing; and
 - (b) there is likely to be some delay before the Commission can make a final decision on the application.
- (2) The Commission may cancel a provisional approval at any time.
- (3) A provisional approval remains in force until —
 - (a) the Commission approves the applicant under regulation 11;
 - (b) the Commission decides not to approve the applicant under regulation 11;

- (c) the applicant surrenders the provisional approval by giving written notice to the Commission; or
- (d) the Commission cancels the provisional approval under subregulation (2),

whichever happens first.

10. Finalizing applications for approval as a junket operator

- (1) Before deciding whether or not to approve an applicant, the Commission may require the applicant to do any or all of the following —
 - (a) to attend an interview;
 - (b) if the applicant's declaration for the purposes of subregulation 6(1)(e) was notarized according to the law of the applicant's country of residence — to remake the declaration by virtue of section 106 of the *Evidence Act 1906*;
 - (c) to produce the applicant's passport and permit a copy of the passport to be made for the Commission;
 - (d) to permit the applicant's fingerprints or palm prints (or both) to be taken and recorded by a member of the Police Force;
 - (e) to give the Commission any further information it requires that is relevant to deciding whether or not to approve the applicant as a junket operator or a junket operator's representative.
- (2) If the Commission requires further information under subregulation (1)(e), the Commission does not have to consider the application, or consider it further, until the information has been given.
- (3) If the applicant's fingerprints or palm prints are taken and recorded, the Commission must ensure that all the prints are returned to the Commission and destroyed when any

investigations into the applicant's character and financial standing are completed or discontinued.

11. Approvals

- (1) The Commission may approve an applicant as a junket operator if it is satisfied that the applicant —
 - (a) is at least 18 years of age;
 - (b) is of good character; and
 - (c) is of good financial standing.
- (2) The Commission may approve an applicant as a junket operator's representative if —
 - (a) the applicant is at least 18 years of age;
 - (b) the applicant is of good character;
 - (c) the applicant is of good financial standing; and
 - (d) the junket operator holds an approval to conduct the proposed junkets.

12. Further information from approval holders

The Commission may, at any time, require the holder of an approval to give the Commission any additional information within the holder's knowledge or control that is relevant to determining whether the holder is of good character and of good financial standing.

13. Conditions of approvals

- (1) An approval is subject to the condition that the holder of the approval is to give to the Commission any information requested under regulation 12 that is within the holder's knowledge or control.
- (2) An approval is subject to the condition that, if the holder of the approval is convicted of an offence, the holder must, in writing, notify the Commission of the conviction within 14 days.

- (3) An approval is subject to any other conditions set out in the approval that the Commission thinks necessary to ensure the proper conduct of the proposed junkets by the holder of the approval.

14. Duration of approvals

- (1) An approval remains in force until —
- (a) the holder of the approval surrenders it by giving written notice of the surrender to the Commission;
 - (b) it is cancelled under regulation 15; or
 - (c) the holder dies,
- whichever happens first.
- (2) An approval is not in force during any period for which it is suspended under regulation 15.

15. Cancellation or suspension of approvals

- (1) The Commission may cancel or suspend an approval if —
- (a) the holder of the approval does not comply with a condition of the approval;
 - (b) the Commission has reasonable grounds for believing that the holder is not a person of good character or good financial standing; or
 - (c) information given to the Commission by the holder, whether before or after the approval was given, was false or misleading in a material particular.
- (2) If the Commission cancels or suspends a junket operator's approval, the approval of any representative of the junket operator is cancelled or suspended.

16. Notice of proposed junkets

- (1) A casino operator must give the Commission notice of the commencement of a junket at least 24 hours before the junket party arrives at the casino.
Penalty: \$1 000.
- (2) A notice must include details of the names and, where possible, the passport particulars of —
 - (a) the junket operator or junket operator's representative who is conducting the junket; and
 - (b) each other member of the junket party.
- (3) If the passport particulars are not available before the junket party leaves its country of departure, the particulars must be given to the Commission as soon as possible after the junket party's arrival.
- (4) The casino operator must not permit any member of the junket party to play a game at the casino before the operator has given the passport particulars of every member of the party to the Commission.
Penalty: \$1 000.
- (5) If a person joins the junket party after it arrives at the casino, the casino operator must immediately give the Commission the person's name and passport particulars.
Penalty: \$1 000.

17. Offences

- (1) A person must not conduct a junket as a junket operator unless the person holds an approval that authorises him or her to conduct the junket.
Penalty: \$1 000.
- (2) A person must not conduct a junket as a junket operator's representative unless the person holds an approval that authorises him or her to conduct the junket.

Penalty: \$1 000.

- (3) A person who is a casino licensee or casino operator, or the agent or employee of a casino licensee or casino operator, must not permit a junket operator or junket operator's representative to conduct a junket unless the junket operator holds an approval that authorises him or her to conduct the junket.

Penalty: \$1 000.

- (4) A person who is a casino licensee or casino operator, or the agent or employee of a casino licensee or casino operator, must not permit a junket operator's representative to conduct a junket unless the representative holds an approval that authorises him or her to conduct the junket.

Penalty: \$1 000.

- (5) If the holder of an approval is convicted of an offence, the holder must, in writing notify the Commissioner of the conviction within 14 days.

Penalty: \$1 000.

- (6) If a casino operator becomes aware that the holder of an approval has been, or may have been, convicted of an offence, the casino operator must inform the Commission to that effect as soon as practicable.

Penalty: \$1 000.

Part 4 — Infringement notices

18. Infringement notices

- (1) The offences created by a provision of the Act specified in column 2 of the Table set out in this regulation are prescribed for the purposes of section 29H of the Act.
- (2) For the purposes of section 29I(2) of the Act, the modified penalty for an offence set out in the second column of the Table is the amount set out in the fourth column of the Table directly opposite the offence.

Table

Item	Section	Matter to which section relates	Modified penalty \$
1.	22(6)	Failure to conduct games according to the approved rules	250
2.	23(2)	Prohibited players	100
3.	26(1d)	Entering or remaining in casino while under prohibition	50
4.	26(6)	Failure to comply with directions	100
5.	26(7)	Permitting prohibited persons to enter or remain in casino	250
6.	27(1)	Permitting minors to enter casino	250
7.	27(1a)	Permitting minors to participate in gaming	250
8.	27(3)	Unlawful entry to casino by minors	100
9.	27(3a)	Participation in gaming by minors	100
10.	27A(4)	Producing false evidence of age	100
11.	33	Failure of licensee to comply with directions — (a) if the licensee is an individual; (b) if the licensee is a body corporate.	200 500

19. Form of infringement notice and withdrawal notice

- (1) For the purposes of section 29I of the Act, the form of an infringement notice is Form 1 in Schedule 1.
- (2) For the purposes of section 29K of the Act, the form of a notice of withdrawal of an infringement notice is Form 2 in Schedule 1.

Schedule 1 — Prescribed forms

[r. 19]

Form 1

Western Australia

Casino Control Act 1984, s. 29I

INFRINGEMENT NOTICE

No:

Date of Service:

1.	<p>To: (surname) (other names)</p> <p>of Postcode</p> <p>It is alleged that at about a.m./p.m. on the day of, at</p> <p style="text-align: center;">(name of premises)</p> <p>you committed the offence described below and are liable for the modified penalty stated.</p> <p style="text-align: right;">..... *Police officer or Authorised officer for the Gaming and Wagering Commission of Western Australia</p>
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2.	Section	Description of offence	Modified penalty

3.	If for any reason you wish to have the matter determined in a court hearing you need not reply and may decline to pay the modified penalty, but in that case court proceedings may be taken against you and you may be liable both for costs and a fine for the offence.
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4.	You may pay the modified penalty within 28 days of the date of this notice, but if the modified penalty is not then paid you will be deemed to have declined to pay it and court proceedings may be taken.
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5.	<p>Payment may be made by completing item 6 and either —</p> <p>(a) posting this form and a cheque, money order or postal note for the amount of the modified penalty specified in item 2, to the Gaming and Wagering Commission, P.O. Box 6119, East Perth, W.A. 6892; or</p> <p>(b) delivering this form and paying the amount to the Gaming and Wagering Commission, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, W.A. 6000.</p>
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6.	<p>I,</p> <p style="text-align: center;">(name)</p> <p>of</p> <p style="text-align: center;">(number and street)</p> <p>.....</p> <p style="text-align: center;">(town or suburb) (postcode)</p> <p>agree to pay the modified penalty for the offence indicated in this form.</p> <p style="text-align: right;">.....</p> <p style="text-align: right;">(Signature of offender)</p>
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* Delete whichever is inapplicable

[Form 1 amended in Gazette 30 Jan 2004 p. 413.]

Form 2

Western Australia

Casino Control Act 1984, s. 29K

WITHDRAWAL OF INFRINGEMENT NOTICE

No:

Date of Service:

To: (name)
of (address)
Infringement notice No.: served on you on the day of, for the offence described below is hereby withdrawn.
..... Authorised officer for the Gaming and Wagering Commission of Western Australia

Section	Description of offence	Modified penalty

[Form 2 amended in Gazette 30 Jan 2004 p. 413.]

Notes

¹ This is a compilation of the *Casino Control Regulations 1999* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Casino Control Regulations 1999</i>	5 Feb 1999 p. 427-40	5 Feb 1999
<i>Casino Control Amendment Regulations 2001</i>	2 Oct 2001 p. 5457	2 Oct 2001 ² (see r. 2)
<i>Casino Control Amendment Regulations 2003</i>	26 Sep 2003 p. 4224-5	1 Jan 2004 (see r. 2)
<i>Racing and Gambling (Miscellaneous) Amendment Regulations 2004 Pt. 2</i>	30 Jan 2004 p. 413-18	30 Jan 2004 (see r. 2)
<i>Casino Control Amendment Regulations 2004</i>	7 Sep 2004 p. 3881	7 Sep 2004
Reprint 1: The Casino Control Regulations 1999 as at 21 Jan 2005 (includes amendments listed above)		
<i>Casino Control Amendment Regulations 2005</i>	14 Oct 2005 p. 4560	1 Jan 2006 (see r. 2)
<i>Casino Control Amendment Regulations 2007</i> r. 1 and 2	9 Oct 2007 p. 5350	9 Oct 2007 (see r. 2(a))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Casino Control Amendment Regulations 2007</i> r. 3 and 4 ³	9 Oct 2007 p. 5350	1 Jan 2008 (see r. 2(b))

² The commencement date of 1 Oct 2001 that was specified was before the date of gazettal.

³ On the date as at which this compilation was prepared, the *Casino Control Amendment Regulations 2007* r. 3 and 4 had not come into operation. They read as follows:

“

3. The regulations amended

The amendments in these regulations are to the *Casino Control Regulations 1999*.

4. Regulation 4 amended

Regulation 4 is amended by deleting “\$115.” and inserting instead —

“ \$125. ”.

”.