

WESTERN AUSTRALIA

ACTS AMENDMENT AND REPEAL (GAMING) ACT

No. 74 of 1987

AN ACT to amend the *Betting Control Act 1954*, the *Casino Control Act 1984*, the *Liquor Act 1970*, the *Lotteries (Control) Act 1954*, and the *Police Act 1892*, and to repeal the *Race Meetings (Two-up Gaming) Act 1985*, the *Soccer Football Pools Act 1984* and section 212 of *The Criminal Code*.

[Assented to 26 November 1987]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment and Repeal (Gaming) Act 1987*.

Commencement

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

PART II—*BETTING CONTROL ACT 1954***Principal Act**

3. In this Part, the *Betting Control Act 1954** is referred to as the principal Act.

[*Reprinted as approved 1 June 1979 and amended by Acts Nos. 29 and 34 of 1985 and No. 6 of 1987.]

Section 5 amended

4. Section 5 (3) of the principal Act is amended by deleting “Police Act, 1892” and substituting the following—

“ *Gaming Commission Act 1987* ”.

Section 20 amended

5. Section 20 (1) of the principal Act is amended by inserting after “authorisation” the following—

“ , or a person who is an authorized officer within the meaning of the *Gaming Commission Act 1987* may on producing the certificate evidencing his appointment under that Act ”.

Section 21 amended

6. Section 21 of the principal Act is amended, in paragraph (f), by inserting after “Commissioner,” , where it last appears, the following—

“ a person who is an authorized officer within the meaning of the *Gaming Commission Act 1987* on production by that person of the certificate evidencing his appointment under that Act, ”.

Section 23 amended

7. Section 23 (1) of the principal Act is amended—

(a) by deleting “or”, after paragraph (a);

(b) in paragraph (b), by deleting the full stop and substituting a semi-colon; and

(c) by adding the following—

“ or

(c) unless the bet constitutes permitted gaming within the meaning of the *Gaming Commission Act 1987*. ”.

Section 27 amended

8. Section 27 of the principal Act is amended—

(a) in paragraph (d), by deleting the full stop and substituting a semi-colon; and

(b) by adding the following—

“ or

(e) unless the betting constitutes permitted gaming within the meaning of the *Gaming Commission Act 1987*. ”.

Section 32 amended

9. Section 32 of the principal Act is amended by inserting after “Where” the following—

“ , in relation to a bet made under this Act, ”.

Section 34 amended

10. Section 34 of the principal Act is amended by deleting paragraphs (a) and (b) and substituting the paragraphs following—

- “ (a) the provisions of the *Gaming Commission Act 1987* or of regulations made under that Act or this Act, being provisions relating to the control of betting; and
- (b) the provisions of rules of racing or subsidiary legislation having effect—
- (i) under *The Western Australian Turf Club Act 1892*;
 - (ii) under the *Western Australian Trotting Association Act 1946*;
 - (iii) under Part V of the *Western Australian Greyhound Racing Association Act 1981*; or
 - (iv) where made by a racing club, under the *Associations Incorporation Act 1895*, the *Associations Incorporation Act 1987*, or any other written law,

being provisions relating to the regulation of racing or the control of betting, ”.

PART III—CASINO CONTROL ACT 1984**Principal Act**

11. In this Part, the *Casino Control Act 1984** is referred to as the principal Act.

[*Act No. 34 of 1984, as amended by Acts Nos. 10, 29, 64 and 98 of 1985.]

Section 3 amended

12. (1) Section 3 (1) of the principal Act is amended—

- (a) by deleting the definitions of the terms “clause”, “condition”, “deputy”, “member”, “paragraph”, “Schedule”, “section”, “subclause”, “subparagraph” and “subsection”;

- (b) by inserting in the appropriate alphabetical sequence the definition following—

“ the Commission” means the Gaming Commission of Western Australia established pursuant to the *Gaming Commission Act 1987*; ”;

- (c) in the respective definitions of the terms “authorized game” and “casino key employee”, by deleting “Committee” and substituting the following—

“ Commission ”; and

- (d) in the definition of the term “common gaming house”, by deleting “given by section 87 (1) of the Police Act 1892” and substituting the following—

“ attributed by section 41 of the *Gaming Commission Act 1987* ”.

- (2) Section 3 (2) of the principal Act is repealed and the following subsections substituted—

“ (2) In this Act the terms “condition”, “conduct”, “gaming”, “gaming equipment”, “instruments of gaming”, “machine”, “possession” or “token” shall be given the respective meanings assigned to those terms in the *Gaming 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 casino inspector or other officer appointed pursuant to section 9, and any authorized officer within the meaning of the *Gaming Commission Act 1987*.

(4) This Act and subsidiary legislation under this Act is, for the purposes of the *Gaming Commission Act 1987*, a written law relating to gaming. ”.

Section 4 amended

13. Section 4 of the principal Act is amended by repealing subsections (3), (4), (5), (6) and (7) and substituting the subsection following—

“ (3) On and after the coming into operation of section 4 of the *Gaming Commission Act 1987* the corporate identity of the Committee shall be taken to have merged with the Commission, the functions, powers, duties, rights and obligations of the Committee are thereafter vested in or imposed on the Commission

subject to section 112 (4) of that Act, the Committee shall be constituted by the members of the Commission, the implementation of this Act shall become a function of the Commission, and the Commission may exercise such powers, and shall perform such functions and duties, as may have been or are conferred on the Committee by or under this Act or any other Act or a casino complex agreement. ”.

Sections 4A to 8 repealed

14. Sections 4A, 5, 6, 7 and 8 of the principal Act are repealed.

Section 9 amended

15. (1) Section 9 (1) of the principal Act is amended by deleting the passage commencing “may be” to the end of the subsection and substituting the following—

“ , 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 Commission Act 1987* or any other Act. ”.

(2) Section 9 (2) of the principal Act is amended—

(a) by deleting “The Committee may, with” and substituting the following—

“ In so far as such matters are not otherwise provided for under the *Gaming Commission Act 1987* the Commission shall, subject to ”;

(b) by deleting “such” in both places where it appears; and

(c) by deleting “as the Committee considers necessary”.

(3) Section 9 (3) of the principal Act is amended—

(a) by deleting “Committee” and substituting the following—

“ Commission ”; and

(b) by deleting “and as are required to enable him to provide the services referred to in subsection (1) (b)”.

(4) Section 9 of the principal Act is further amended by repealing subsection (4) and subsection (5).

Section 10 repealed

16. Section 10 of the principal Act is repealed.

Section 13 repealed and a section substituted

17. Section 13 of the principal Act is repealed and the following section is substituted—

Secrecy

“ 13. For the purposes of section 20 (3) of the *Gaming 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, when required for the purposes of any investigation;
- (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 authorized by the Chief Casino Officer, be taken to be a function performed in connection with that Act. ”.

Section 14 amended

18. Section 14 of the principal Act is amended—

- (a) in subsection (1), by deleting “to the Committee”, wherever it occurs, and, in paragraph (b) only, substituting the following—

“ to the Commission or to the Committee as constituted prior to the coming into operation of section 4 of the *Gaming Commission Act 1987* ”;

- (b) in subsection (2), by deleting the passage commencing “at a bank” to the end of the subsection and substituting the following—

“ complying with section 9 (2) (a) of the *Gaming Commission Act 1987*. ”;

and

- (c) by repealing subsections (3) and (4).

Sections 15 and 16 repealed

19. Sections 15 and 16 of the principal Act are repealed.

Sections 19, 20 and 20A amended

20. Sections 19, 20 and 20A of the principal Act are respectively amended by deleting throughout "Committee", wherever it occurs, and substituting the following—

“ Commission ”.

Section 20B amended

21. Section 20B of the principal Act is amended—

(a) by repealing subsection (1) and substituting the subsection following—

“ (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. ”;

(b) by repealing subsection (2) and substituting the subsection following—

“ (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. ”;

(c) in subsection (3)—

(i) by inserting after “casino licensee” the following—

“ , or where the circumstances require an administrator appointed under section 21E, ”;

and

(ii) by deleting “Part” and substituting the following—

“ Act or the relevant casino complex agreement ”;

and

(d) by inserting after subsection (3) the subsections following—

“ (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 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 21 amended

22. Section 21 of the principal Act is amended by deleting “Committee” wherever it occurs and substituting the following—

“ Commission ”.

Section 21A repealed and a section substituted

23. Section 21A of the principal Act is repealed and the following section substituted—

Investigations and inquiries

“ 21A. (1) The Commission, and any member or officer of the Commission as though he were an authorized officer concerned under the *Gaming 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;
- (b) any thing that the Commission or that 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 organisation, 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 authorized officer, as the case may be, under the *Gaming Commission Act 1987* in relation to gaming or betting under that Act, and persons, premises or things relating to gaming or betting.

(2) Without prejudice to the generality of subsection (1), the Commission or a member, the Chief Casino Officer, or a casino inspector may in particular—

- (a) by notice in writing 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;
- (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 Commission Act 1987*;
- (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 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 authorized under subsection (2) and at the request of that officer, he is deemed whilst so acting also to have, and to be authorized 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.

(6) Related matters that may be made the subject of an inquiry include—

- (a) gaming or betting, whether in the casino or elsewhere;
- (b) suspected corruption;
- (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
- (b) stating the name of the person carrying out the inquiry.

(9) In relation to the carrying out of an inquiry under this section pursuant to a direction given under subsection (5)—

- (a) the person carrying out the inquiry has and may exercise like powers to those conferred on an inspector appointed under Part VII of the *Companies (Western Australia) Code* to carry out a special investigation; and
- (b) the provisions of sections 293, 295, 296, 297, 298, 307, 308 and 310 of that Code shall have effect for the purposes of this Act as if—
 - (i) a reference in that Code to “the Commission” were a reference to the Gaming Commission of Western Australia;
 - (ii) a reference to an “inspector” were a reference to the person appointed under this Act to carry out the inquiry;
 - (iii) a reference to an “investigation” were a reference to the inquiry;
 - (iv) a reference to “this Part” were a reference to this Act;
 - (v) the definitions provided for the purposes of that Code had effect for the purposes of this Act, subject to this paragraph; and
 - (vi) references to a “corporation” included a reference to the casino concerned, and references to “an officer of the corporation” included a reference to a person who is a casino key employee, casino employee or a person concerned with the operation of the casino complex or its management,

and those provisions had been re-enacted in this Act, with the necessary modifications required. ”.

Section 21B amended

24. Section 21B (1) of the principal Act is amended by deleting “section 21A (2)” and substituting the following—

“ section 21A (4) or as a result of an inquiry carried out pursuant to a direction given under section 21A (5) ”.

Sections 21D, 21E and 21F amended

25. Sections 21D, 21E and 21F of the principal Act are respectively amended by deleting throughout "Committee", wherever it occurs, and substituting the following—

“ Commission ”.

Section 22 amended

26. Section 22 of the principal Act is amended—

- (a) by deleting throughout "Committee", wherever it occurs, and substituting the following—

“ Commission ”; and

- (b) by repealing subsection (6) and substituting the subsections following—

“ (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 authorized 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 23 amended

27. Section 23 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the subsection following—

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

- (a) casino premises to which a relevant casino gaming licence relates shall where—

(i) that license is not contravened;

(ii) the games conducted or played are authorized games conducted and played in accordance with the approved rules;

(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 authorized 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 authorized game, shall be taken not to be prohibited and, except in so far as subsection (2) applies, is not unlawful. ”;

(b) in subsection (2)—

(i) by deleting—

“(2) It is lawful in a licensed casino for—

(a) the casino licensee, its employees and agents to organize or conduct any authorized game;

or

(b) any person, not being”

and substituting the following—

“ (2) Where ”;

(ii) in paragraph (b) (i), by inserting after “who is” the following—

“ or within the preceding 12 months has been ”; and

(iii) by deleting “to play an authorized game.” and substituting the following—

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

Penalty: \$1 000. ”; and

(c) in subsection (3), by deleting “common gaming house” and substituting the following—

“ casino ”.

Section 24 amended

28. Section 24 of the principal Act is amended—

(a) in subsections (1) and (2), by deleting “Committee”, wherever it occurs, and substituting the following—

“ Commission ”;

and

(b) by inserting after subsection (2) the subsections following—

“ (3) A casino licensee shall ensure that any direction given in accordance with this section is brought to the notice of, 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 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. ”.

Section 25 inserted

29. After section 24 of the principal Act, the following section is inserted—

Casino complex records

“ 25. (1) Unless a casino complex agreement otherwise provides, all books relating to the accounts of the casino 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 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 26 amended

30. Section 26 (7) of the principal Act is amended by deleting “(7) A person, being a casino licensee or any employee or agent of the casino licensee acting in connection with the licensed casino concerned” and substituting the following—

“ (7) The casino licensee of, or a person concerned in the organization or management of the gaming operations in, the casino ”.

Section 28 amended

31. Section 28 of the principal Act is amended—

- (a) by repealing subsections (1) and (2) and substituting the subsections following—

“ (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 authorized by—

- (i) another police officer of or above that rank;

- (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. ”;

- (b) in subsection (3), by deleting “Committee”, wherever it occurs, and substituting the following—

“ Commission ”; and

- (c) by inserting after subsection (3) the subsection following—

“ (4) Where an officer of the Commission authorizes 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. ”.

Sections 30, 31 and 32 repealed

32. Section 30, section 31 and section 32 of the principal Act are repealed.

New sections 30, 31 and 32 inserted

33. After section 29 of the principal Act the following sections are inserted—

Cheating, etc.

“ 30. (1) For the purposes of subsection (2) and also of section 44 of the *Gaming 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 organisation 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 to himself or for any other person any money, tokens, prize, benefit or other valuable thing by—

- (a) any fraud;
- (b) any fraudulent means;
- (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;
- (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;
- (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.

Forgery, etc.

31. A person who—

- (a) forges or counterfeits any token used in a casino;
- (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;
- (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.

Detention of offender

32. (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 section 30 or 31, section 44 of the *Gaming 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.

(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;
- (b) seize anything found, as a result of the search or otherwise, that may afford evidence of the commission of an offence;
- (c) use such force as is reasonably necessary for the purpose of detention and search; and
- (d) arrest the person without warrant. ”.

Section 33 repealed and a section substituted

34. Section 33 of the principal Act is repealed and the following section substituted—

Contravention by casino licensee, etc. of directions

“ 33. 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, \$1 000; and in the case of a body corporate, \$2 000. ”.

Sections 34 and 35 repealed

35. Section 34 and section 35 of the principal Act are repealed.

Section 36 amended

36. Section 36 of the principal Act is amended—

(a) in subsection (1) and subsection (4), by deleting “Committee” and substituting the following—

“ Commission ”;

(b) in subsection (4)—

(i) in paragraph (a), by deleting “police officer” and substituting the following—

“ member of the Police Force ”;

(ii) in paragraph (d), by deleting “purporting to be”; and

(iii) after paragraph (e), by inserting the following—

“ and ”;

and

(c) by inserting after subsection (4) the subsection following—

“ (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 authorized 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. ”.

PART IV—LIQUOR ACT 1970

Principal Act

37. In this Part, the *Liquor Act 1970** is referred to as the principal Act.

[*Reprinted as approved 30 October 1986 and amended by Acts Nos. 97 of 1986 and 34 of 1987.]

Section 7 amended

38. Section 7 of the principal Act is amended by deleting the definition of the term “Casino Control Committee” and substituting in its appropriate alphabetical sequence the definition following—

“ “Gaming Commission” means the Gaming Commission of Western Australia established pursuant to section 4 (1) of the *Gaming Commission Act 1987*; ”.

Section 25 amended

39. Section 25 of the principal Act is amended, in subsection (1) (b), and subsection (2) (b) (ii) and (iii), by deleting “Casino Control Committee”, wherever it occurs, and substituting the following—

“ Gaming Commission ”.

Section 50A amended

40. Section 50A of the principal Act is amended, in subsections (5) and (6), by deleting “Casino Control Committee”, wherever it occurs, and substituting the following—

“ Gaming Commission ”.

Section 126 amended

41. Section 126 of the principal Act is amended—

(a) in subsection (1), by deleting paragraph (f) and substituting the paragraph following—

“ (f) permits or suffers to be conducted on the licensed premises any gaming or betting which contravenes section 110 (1) of the *Gaming Commission Act 1987*; ”;

and

(b) by repealing subsections (2aa), (2b) and (2c).

PART V—LOTTERIES (CONTROL) ACT 1954**Principal Act**

42. In this Part, the *Lotteries (Control) Act 1954** is referred to as the principal Act.

[*Reprinted as approved 24 June 1986 and amended by Act No. 98 of 1985.]

Section 4 amended

43. (1) Section 4 (1) of the principal Act is amended—

(a) by deleting the definitions of the terms following—

“continuing lottery”, “foreign lottery”, “illegal lottery”, “lottery”, “paragraph”, “permit holder”, “section”, “subparagraph”, and “subsection”; and

(b) by inserting in the appropriate alphabetical sequence the definitions following—

“ “continuing lottery” means a lottery of the kind referred to in section 101 (2) of the *Gaming Commission Act 1987*;

“lottery” means a lottery within the meaning of that term as defined in section 3 of the *Gaming Commission Act 1987*, not being—

- (a) a permitted pool or a trade promotion lottery within the meaning of those respective terms as defined by that section; or
- (b) a game of lotto within the meaning of the *Lotto Act 1981*; ”.

(2) Section 4 (3) of the principal Act is repealed.

Section 6 amended

44. (1) Section 6 (1) of the principal Act is amended by deleting paragraph (b).

Parts IV and V repealed

45. The principal Act is amended by repealing Part IV and Part V, comprising the respective headings and sections 12 to 21.

Section 22 repealed

46. Section 22 of the principal Act is repealed.

Section 23 amended

47. (1) Section 23 (1) of the principal Act is amended—

- (a) in paragraph (a), by deleting the penalty provision and substituting the following—

“ or ”;

- (b) in paragraph (b)—

- (i) in subparagraph (iii), by deleting “lottery;” and substituting the following—

“ lottery. ”; and

- (ii) by deleting the penalty provision and substituting the following—

“ Penalty: \$5 000, or imprisonment for one year, or both. ”;

and

- (c) by deleting paragraphs (c) to (m).

(2) Section 23 (2) of the principal Act is repealed and the following subsection substituted—

“ (2) In subsection (1), “lottery” means a lottery conducted or to be conducted by the Commission. ”.

PART VI—POLICE ACT 1892

Principal Act

48. In this Part, the *Police Act 1892** is referred to as the principal Act.

[*Reprinted as approved 18 April 1983 and amended by Acts Nos. 21 and 30 of 1983, 22 and 23 of 1984, and 10, 19 and 29 of 1985.]

Section 61 amended

49. (1) Section 61 (1) of the principal Act is amended by deleting the passage commencing “any game or machine except” to the end of the subsection and substituting the following—

“ a game of the kind referred to in subsection (3), or any such machine, on Christmas Day or Good Friday, or on any other day except during the permitted hours referred to in subsection (2), commits an offence.

Penalty: \$1 000. ”.

(2) Section 61 (2) of the principal Act is amended—

(a) by deleting “and”, at the end of paragraph (a); and

(b) by deleting “Day.”, at the end of paragraph (b), and substituting the following—

“ Day; or

(c) such other hours as may be authorized pursuant to a gaming permit issued under the *Gaming Commission Act 1987*. ”.

Section 74 amended

50. Section 74 of the principal Act is amended by deleting “Division 4 or Division 5 of this Part of this Act” and substituting the following—

“ section 25 or 31 of the *Gaming Commission Act 1987* ”.

Section 84A amended

51. (1) Section 84A (1) of the principal Act is amended by deleting paragraph (g) and substituting the paragraph following—

“ (g) the *Gaming Commission Act 1987*; and ”.

(2) Section 84A (2) of the principal Act is repealed and the following subsection substituted—

“ (2) Section 84G and section 84H do not apply to or in relation to—

- (a) the Totalisator Agency Board established under the *Totalisator Agency Board Betting Act 1960*;
- (b) a licensed casino within the meaning of the *Casino Control Act 1984*; or
- (c) gaming, betting or a lottery conducted pursuant to, and which does not contravene, the *Gaming Commission Act 1987*. ”.

Section 84B amended

52. Section 84B of the principal Act is amended by inserting after “common gaming house” the following—

“ for the purposes of section 41 (3) and (6) of the *Gaming Commission Act 1987* ”.

Section 84C amended

53. (1) Section 84C (1) of the principal Act is amended—

(a) by inserting after “betting” the following—

“ (otherwise than by way of permitted gaming or a lottery authorized pursuant to, and which does not contravene, the *Gaming Commission Act 1987*) ”;

(b) by inserting after “received” the following—

“ (except by way of permitted gaming or a lottery as aforesaid) ”;

(c) by deleting “as aforesaid” where it first occurs; and

(d) by deleting the passage commencing “contingency as aforesaid” to the end of the subsection and substituting the following—

“ contingency. ”.

(2) Section 84C (2) of the principal Act is repealed.

Section 84D amended

54. Section 84D of the principal Act is amended by deleting “as aforesaid, shall be liable on conviction to a penalty of not more than two hundred and fifty dollars.” and substituting the following—

“ commits an offence.

Penalty: \$2 000. ”.

Section 84F amended

55. Section 84F of the principal Act is amended by inserting after “paid” the following—

“ in consequence of permitted gaming or a lottery authorized pursuant to, and which does not contravene, the *Gaming Commission Act 1987* or otherwise ”.

Section 84G amended

56. Section 84G of the principal Act is amended—

- (a) by deleting “or wagers”, wherever it occurs; and
- (b) by deleting “shall be liable on conviction to a penalty of not more than two hundred dollars.” and substituting the following—

“ commits an offence.

Penalty: \$2 000. ”.

Section 84H amended

57. (1) Section 84H (1) is amended—

- (a) by deleting “or wager”, wherever it occurs; and
- (b) in paragraph (c), by deleting “subscribed” and substituting the following—

“ subscribe ”.

(2) Section 84H (2) is amended by deleting “as defined in section 212 of The Criminal Code” and substituting the following—

“ within the meaning of that term as defined in section 3 of the *Gaming Commission Act 1987* ”.

Division 4 of Part VI repealed

58. Division 4 of Part VI of the principal Act, comprising the heading and sections 85 to 89, is repealed.

Division 5 of Part VI repealed

59. Division 5 of Part VI of the principal Act, comprising the heading and sections 89A and 89B, is repealed.

Division 6 of Part VI repealed

60. Division 6 of Part VI of the principal Act, comprising the heading and section 89C, is repealed.

PART VII—RACE MEETINGS (TWO-UP GAMING) ACT 1985

Act repealed

61. The *Race Meetings (Two-up Gaming) Act 1985** is repealed.

[*Act No. 20 of 1985.]

PART VIII—SOCCER FOOTBALL POOLS ACT 1984

Act repealed

62. The *Soccer Football Pools Act 1984** is repealed.

[*Act No. 21 of 1984 as amended by Act No. 98 of 1985.]

PART IX—THE CRIMINAL CODE

Principal Act

op. 11.12.87

63. In this Part, “the Code” means The Criminal Code set out in the Schedule to the *Criminal Code Act 1913** appearing in Appendix B to the *Criminal Code Act Compilation Act 1913*.

[*Reprinted as approved 13 December 1983 and amended by Acts Nos. 13, 52 and 121 of 1984, and 14, 74 and 119 of 1985.]

Section 212 repealed

64. Section 212 of the Code is repealed.
