

CASINO CONTROL ACT 1984.

(No. 34 of 1984)

ARRANGEMENT.

Section.

PART I.—PRELIMINARY.

1. Short title.
2. Commencement.
3. Interpretation.

PART II.—ADMINISTRATION.

4. Establishment and composition of Casino Control Committee.
5. Constitution and proceedings of Committee.
6. Remuneration and allowances of members and deputies.
7. Protection of members and deputies.
8. Disclosure of pecuniary interests.
9. Staff and advisers of Committee.
10. Use of staff and facilities of Departments and instrumentalities.
11. Position if Public Service officer seconded.
12. Superannuation.
13. Secrecy.
14. Funds of Committee.
15. Temporary investment of funds of Committee.
16. Annual estimates of receipts and payments.
17. Accounts and audit.
18. Annual report of Committee.

PART III.—CASINO AGREEMENT.

19. Minister may enter into agreement to construct and establish casino premises.
20. Licence fees and taxes.

PART IV.—CASINO GAMING LICENCE.

21. Procedure for dealing with application for casino gaming licence.

Section.

PART V.—CONTROL OF CASINO.

22. Authorized games.
23. Playing of authorized games.
24. Directions.
25. Liquor licences.
26. Right of entry.
27. Persons under the age of 18 years gaming.
28. Police officers and casino inspectors may enter licensed casino.
29. Conditions affecting the employment of staff in casino gaming operations.

PART VI.—GENERAL.

30. Production of documents.
31. Service of documents.
32. False documents.
33. Offences by casino licensees.
34. Liability of directors.
35. Penalties.
36. Prosecution of offenders.
37. Regulations.

SCHEDULE 1.

CONSTITUTION AND PROCEEDINGS OF CASINO
CONTROL COMMITTEE.

1. Extraordinary vacancies.
2. Meetings of Committee.
3. Delegation by Committee.
4. Leave of absence.
5. Committee to determine own procedures.

SCHEDULE 2.

MATTERS IN RESPECT OF WHICH GOVERNOR
MAY MAKE REGULATIONS.

CASINO CONTROL.

No. 34 of 1984.

AN ACT to provide for the establishment of a casino in Western Australia, for licensing the operator of the casino and for the control of gaming operations therein and for matters incidental to or connected therewith.

[Assented to 20 June 1984.]

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.

1. This Act may be cited as the *Casino Control Act 1984*. Short title.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Interpreta-
tion.

3. In this Act, unless the contrary intention appears—

“authorized game” means game declared by the Committee under section 22 to be an authorized game for the purposes of this Act;

“books” includes any register or other record of information and accounts or accounting records, however compiled, recorded or stored, and also any document;

“casino” means building or room in which games are conducted and played and in which money counting, surveillance, storage and other activities related to the conduct and playing of games are carried on;

“casino agreement” means agreement entered into by the Minister with a public company under section 19 (1);

“casino employee” means person employed or working in a licensed casino whose duties or responsibilities relate to or are in support of the licensed casino, but does not include—

(a) casino key employee; or

(b) person or member of a class of persons prescribed for the purpose of this paragraph;

“casino inspector” means casino inspector appointed under section 9;

“casino key employee” means person—

(a) employed or working in a licensed casino in a managerial capacity or empowered to make decisions, involving the exercise of his discretion, that regulate the operation of a licensed casino; or

(b) who the Committee determines in the public interest by reason of his influence, remuneration or function, should be designated as such;

“casino gaming licence” means casino gaming licence granted under section 21;

“casino licensee” means holder of a casino gaming licence;

“clause” means clause of the Schedule in which the term appears;

“condition” includes term and restriction;

“deputy” means deputy of a member of the Committee;

“game” means game of chance;

“licensed casino” means casino in respect of which a casino gaming licence is in force;

“member” means member of the Committee and includes deputy;

“paragraph” means paragraph of the section, subsection or definition in which the term appears;

“police officer” means person appointed—

(a) under Part II of the Police Act 1892 to be a member of the Police Force of Western Australia; or

(b) under section 35A of the Police Act 1892 to be a special constable;

“public company” means public company within the meaning of the *Companies (Western Australia) Code*;

“public interest” means public interest having regard to the creation and maintenance of public confidence and trust in the credibility, integrity and stability of licensed casino gaming operations;

“Schedule” means Schedule to this Act;

“section” means section of this Act;

“subclause” means subclause of the clause in which the term appears;

“subparagraph” means subparagraph of the paragraph in which the term appears;

“subsection” means subsection of the section in which the term appears;

“the Chief Casino Officer” means the Chief Casino Officer appointed under section 9;

“the Committee” means the Casino Control Committee established by section 4 (1);

PART II.—ADMINISTRATION.

Establishment and composition of Casino Control Committee.

4. (1) There is hereby established a committee to be known as the Casino Control Committee.

(2) The Committee is a body corporate with perpetual succession and a common seal and, subject to this Act, is capable of—

- (a) acquiring, holding and disposing of real and personal property;
- (b) suing and being sued; and
- (c) doing and suffering all that bodies corporate may do or suffer.

(3) The Committee shall consist of 4 persons of repute, experience and integrity appointed by the Governor, of whom one shall be appointed to be the chairman of the Committee.

(4) Subject to this Act, a member shall hold office for such period not exceeding 3 years as is specified in the instrument of his appointment, but is eligible for re-appointment.

(5) The Minister may from time to time appoint a person of repute, experience and integrity to be the deputy of a member and, subject to this Act, that appointment shall expire on the member ceasing to be a member.

(6) At any meeting of the Committee at which a member is not present, the deputy of the member may exercise all the powers and perform all the functions of the member.

(7) The Minister shall cause each appointment made under this section to be notified in the *Gazette*.

5. The provisions of Schedule 1 shall have effect with respect to the constitution and proceedings of the Committee.

Constitution and proceedings of Committee.

6. A member and his deputy shall each of them be paid such remuneration and travelling and other allowances as the Minister from time to time, after consultation with the Public Service Board, determines.

Remuneration and allowances of members and deputies.

7. A person who is or has been a member or deputy is not personally liable for any act done or omitted to be done in good faith by the Committee or by him acting as a member or deputy.

Protection of members and deputies.

8. (1) A member or deputy who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee.

Disclosure of pecuniary interests.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the relevant meeting of the Committee, and the member or deputy concerned shall not, unless the Minister or the Committee otherwise determines—

- (a) be present during any deliberation; or
- (b) take part in any decision,

of the Committee with respect to the matter to which the disclosure relates.

(3) For the purpose of the making of a determination by the Committee under subsection (2) in relation to a member or deputy who has made a disclosure under subsection (1), a member or deputy who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Committee for the purpose of making that determination; or
- (b) take part in the making of that determination by the Committee.

Staff and
advisers of
Committee.

9. (1) The Committee may—

- (a) appoint a Chief Casino Officer and such casino inspectors and other officers, either full time or part time;
- (b) employ such temporary or casual employees; and
- (c) engage under contracts for services such professional or technical or other assistance,

as the Committee considers necessary for the purposes of this Act.

(2) Subject to any relevant award under the Industrial Arbitration Act 1979, the Committee may, after consultation with the Public Service Board, determine the remuneration and other conditions of service of its officers and employees.

(3) The Public Service Act 1978 does not apply to or in relation to an officer or employee of the Committee.

10. The Committee may, by arrangement made between the Committee and the Minister concerned, and on such terms and conditions as may be mutually arranged with that Minister and with the Public Service Board, make use, either full time or part time, of—

Use of staff and facilities of Departments and instrumentalities.

- (a) the services of any officer or employee employed in the Public Service of the State or in a State instrumentality or otherwise in the service of the Crown in right of the State; or
- (b) any facilities of a Department of the Public Service of the State or of a State instrumentality.

11. If the Chief Casino Officer or any other officer of the Committee, immediately prior to his appointment as such, occupied an office under the Public Service Act 1978, he shall—

Position if Public Service officer seconded.

- (a) if he resigns his office or employment or if his term or office or employment expires by effluxion of time, other than by his attaining the age of 65 years, and he is not re-appointed, be entitled to be appointed to an office under that Act not lower in status than the office which he occupied immediately prior to his appointment as the Chief Casino Officer or other officer of the Committee; and

- (b) continue to retain his existing and accruing rights, including his rights under the Superannuation and Family Benefits Act 1938, as if his service as the Chief Casino Officer or other officer of the Committee were service as an officer under the Public Service Act 1978.

Super-
annuation.

12. (1) The Committee may request the Minister to whom the administration of the Superannuation and Family Benefits Act 1938 is committed to recommend that the Committee be included as a corporate body in the term "department" for the purposes of that Act, and the Treasurer may, on such recommendation and on the Committee complying with the requirements of that Act, approve of the Committee as, and the Committee shall thereupon be deemed to be, a "department" for the purposes of that Act.

(2) An officer or employee of the Committee is not obliged to become a contributor under the Superannuation and Family Benefits Act 1938.

Secrecy.

13. (1) A person to whom this section applies shall not, either directly or indirectly, except in the performance of a function or duty under or in connection with this Act or any other Act—

- (a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person acquired by him by reason of his office or employment under or for the purposes of this Act; or
- (b) produce to any person any books relating to the affairs of another person furnished for the purposes of this Act.

Penalty: \$2 500.

(2) This section applies to every person who is or has been a member or deputy or an officer or employee of the Committee or is rendering or has rendered services to the Committee under section 9 or 10.

14. (1) The funds available to the Committee for the administration of this Act consist of— Funds of
Committee.

- (a) moneys from time to time appropriated by Parliament; and
- (b) all other moneys lawfully received by, made available to or payable to the Committee.

(2) The funds referred to in subsection (1) shall be paid into and placed to the credit of an account at a bank within the State approved by the Treasurer to be known as the Casino Control Committee Account, and all expenditure incurred by the Committee shall be drawn from that Account.

(3) There shall be paid from the moneys from time to time placed to the credit of the Account—

- (a) the remuneration and travelling and other allowances payable to members and deputies and to officers and employees of the Committee;
- (b) the cost of administering this Act;
- (c) all other expenditure lawfully incurred by the Committee; and
- (d) the payments required by subsection (4) to be paid into the Consolidated Revenue Fund.

(4) The Committee shall, whenever required by the Treasurer so to do, deduct from the funds paid into the Account under subsection (2) the expenditure referred to in paragraphs (a), (b) and (c) of subsection (3) and cause any surplus moneys to be paid into the Consolidated Revenue Fund.

Temporary
investment
of funds of
Committee.

15. The Committee may, with the approval of the Treasurer, temporarily invest moneys standing to the credit of the Account in such manner and in such categories of investment as are approved by the Treasurer until those moneys are required for the purposes of the Committee under this Act.

Annual
estimates of
receipts and
payments.

16. (1) The Committee shall cause annual estimates of its receipts and payments under this Act to be—

- (a) prepared under such headings and in such manner and form as the Treasurer may from time to time approve or require; and
- (b) submitted to the Minister.

(2) The Minister shall, if he approves annual estimates submitted to him under subsection (1), cause those estimates to be submitted to the Treasurer not later than a date specified by the Treasurer.

Accounts and
audit.

17. (1) The Committee shall—

- (a) cause to be kept proper accounts and records of its transactions and affairs under such heads and in such manner and form as the Treasurer may from time to time require; and
- (b) do all things necessary to ensure that—
 - (i) all payments by the Committee are correctly made and properly authorized; and
 - (ii) adequate control is maintained over the assets of, or in the custody of, the Committee and over the incurring of liabilities by the Committee.

(2) The Committee shall cause to be prepared in respect of each financial year ending on 30 June—

(a) a full, true and fair—

(i) balance sheet of its assets and liabilities; and

(ii) income and expenditure statement;

and

(b) such full, true and fair statements other than those referred to in paragraph (a) as the Treasurer from time to time directs,

in such form as the Treasurer may approve, so that the balance sheet and statements shall set out the financial results of the operations of the Committee for the year, and shall submit that balance sheet and those statements to the Auditor General for audit.

(3) On receiving the balance sheet and statements submitted to him under subsection (2), the Auditor General shall examine and audit the accounts and records of the financial transactions of the Committee and shall—

(a) forthwith draw the attention of the Minister to any irregularity disclosed by that audit that is, in the opinion of the Auditor General, of sufficient importance to justify him so doing; and

(b) report to the Minister on—

(i) whether or not in his opinion the balance sheet and statements submitted under subsection (2) are based on proper accounts and records;

(ii) whether or not in his opinion the balance sheet and statements submitted under subsection (2) are properly drawn up in accordance

with the relevant generally accepted accounting standards so as to present a true and fair view of the financial transactions of the Committee for the period under review and the financial position at the end of that period;

- (iii) whether or not in his opinion the controls exercised by the Committee are adequate to provide reasonable assurance that the receipt, expenditure and investment of moneys and the acquisition and disposal of assets have been in accordance with this Act; and
- (iv) such other matters arising out of the balance sheet and statements submitted under subsection (2) as the Auditor General considers should be reported.

(4) The Auditor General has for the purposes of this Act all the powers conferred on him by the Audit Act 1904.

Annual
report of
Committee.

18. (1) The Committee shall as soon as is practicable after 1 July in each year prepare and furnish to the Minister a report on its operations and proceedings for the financial year ending on 30 June last preceding.

(2) The Minister shall cause the report furnished under subsection (1), together with copies of the relevant balance sheet and statements of the Committee and of the report of the Auditor General thereon, to be laid before each House of Parliament as soon as is practicable in each year after the receipt by him of that report and those copies.

PART III.—CASINO AGREEMENT.

Minister may
enter into
agreement
to construct
and establish
casino
premises.

19. (1) The Minister may negotiate and enter into an agreement with a public company with respect to the construction and establishment of casino premises in the State.

(2) A casino agreement shall contain a provision that a casino gaming licence in respect of the premises will not be issued unless the premises to which the casino agreement relates—

- (a) are completed; and
- (b) are accompanied by or incorporate substantial hotel development and other amenities to international standards,

to the satisfaction of the Minister.

(3) A casino agreement is not enforceable by either party thereto unless and until it has been ratified by an Act, and no action or other proceedings may be brought in relation to a casino agreement until it has been so ratified.

(4) A casino agreement shall not confer the right to operate gaming machines or to conduct gaming at the casino premises—

- (a) on any party to, or on a person referred to in, the casino agreement; or
- (b) otherwise than in accordance with a casino gaming licence.

20. (1) A public company entering into a casino agreement with the Minister shall undertake, by the terms of the casino agreement, to pay to the State—

Licence fees
and taxes.

- (a) a licence fee to be determined; and
- (b) a tax at a rate to be determined,

at times to be determined.

(2) A casino agreement may provide for the review by the Minister at stated intervals of the amount of the licence fee, and the rate of the tax, referred to in subsection (1).

PART IV.—CASINO GAMING LICENCE.

Procedure
for dealing
with
application
for casino
gaming
licence.

21. (1) A public company which is a party to a casino agreement and wishes to obtain a casino gaming licence in respect of any part of the premises to which the casino agreement relates (in this section called "the applicant") may lodge with the Committee its application for that casino gaming licence, together with—

- (a) the prescribed application fee;
- (b) such information relating to the applicant as is prescribed; and
- (c) where the Committee so requires, the consent in writing of any person, being a person believed by the Committee or known to the applicant to be associated with it in some way, to the obtaining by the Committee of such information concerning the background of that person as the Committee requires.

(2) On receiving an application the Committee shall carry out such investigations as it considers necessary or desirable to inform itself of—

- (a) the financial status of the applicant;
- (b) the reputation, financial status and capacity to organize and conduct the gaming operations of a licensed casino of every natural person intended by the applicant to organize and conduct the gaming operations of the licensed casino; and
- (c) such other matters as are prescribed.

(3) The applicant shall provide the Committee with such information and books—

- (a) as the Committee requires for the purposes of an investigation carried out under subsection (2); and
- (b) as the applicant is able to provide.

(4) After having informed itself of the matters referred to in subsection (2), the Committee shall submit a copy of the application concerned, together with its recommendation thereon, to the Minister.

(5) On receiving an application for a casino gaming licence, together with the recommendation of the Committee thereon, submitted to him under subsection (4) or resubmitted to him under subsection (6) (b), the Minister may—

- (a) approve of that application subject to such conditions as he thinks fit to impose;
- (b) defer consideration of the application for such period as he thinks fit to specify; or
- (c) refuse to approve of that application,

and shall advise the Committee accordingly.

(6) On being advised by the Minister under subsection (5), the Committee shall—

- (a) if the Minister approves of the application concerned, grant to the applicant the casino gaming licence concerned, subject to such conditions as the Minister thinks fit to impose and as are specified in that casino gaming licence;
- (b) if the Minister defers consideration of the application concerned for a period specified by him, resubmit that application, together with its recommendation thereon, to him at the conclusion of that period; or
- (c) if the Minister refuses to approve of the application concerned, refuse to grant that application,

and shall advise the applicant accordingly.

(7) Subject to this Act, a casino gaming licence granted under subsection (6) shall be valid for such period as is prescribed.

PART V.—CONTROL OF CASINO.

Authorized
games.

22. (1) Subject to this section, the Committee, by notice published in the *Gazette*, may—

- (a) declare any game to be an authorized game for the purposes of this Act; and
- (b) revoke a declaration made under this subsection.

(2) The Committee shall not declare a game to be an authorized game under subsection (1) unless the Committee has approved the rules under which it is to be played.

(3) When a game is declared to be an authorized game under subsection (1), the rules of the game approved under subsection (2) become, for the purposes of this Act, the approved rules of the game, but the committee may, at any time, give a casino licensee a direction to alter the approved rules of any game and, on the receipt by the casino licensee of that direction, the approved rules of that game shall be those as altered in accordance with that direction.

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

(5) The Committee may, by notice in writing delivered to a casino licensee, require the casino licensee to publish copies of the approved rules for any authorized game, and the casino licensee shall, within such reasonable period as may be specified in that notice, comply with that requirement and give the Committee as many of those copies as may be specified in that notice.

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

23. (1) Notwithstanding the provisions of Part VI of the Police Act 1892, of section 212 of The Criminal Code or of the Lotteries (Control) Act 1954, where—

Playing of
authorized
games.

- (a) the playing of any game;
- (b) the operation of any instrument of gaming;
or
- (c) the conduct of any lottery,

comprises, or is necessary to the conduct of, an authorized game for the purposes of this Act on any casino premises to which a relevant casino gaming licence relates it shall be a defence to any prosecution for an offence under those provisions to show that the authorized game was lawful pursuant to this Act.

(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 a person—
 - (i) who is the Chief Casino Officer or a casino inspector; or
 - (ii) in respect of whom a direction under section 26 (2) is in force,

to play any authorized game.

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

(4) A person shall not be entitled, except as against a casino licensee, to bring legal proceedings to recover—

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

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

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

Directions.

24. (1) The Minister may give directions to a casino licensee with respect—

- (a) subject to regulations made under section 37, to the manner of keeping the accounts of the casino gaming operations of the casino licensee;
- (b) to the supervision and control of the casino gaming operations of the casino licensee by persons appointed by the Minister for that purpose; and
- (c) to the production from time to time to the Minister of information relating to the casino gaming operations of the casino licensee.

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

Liquor licences.

25. While a casino gaming licence is in force, a person other than the casino licensee or an employee of the casino licensee shall not hold a licence under the Liquor Act 1970 in respect of any part of the premises that contains the licensed casino.

Right of entry.

26. (1) A person does not have a right against the owner or occupier of a licensed casino, or a casino licensee, to enter or remain in the licensed casino, except by the licence of that occupier, owner or casino licensee.

(2) The casino licensee concerned or some person acting under his authority or the Commissioner of Police may give to a person a direction in writing prohibiting the person from entering or remaining in the licensed casino.

(3) A direction given under subsection (2) by the Commissioner of Police is of no effect until notice has been given in writing of that direction to the casino licensee concerned.

(4) A direction given under subsection (2) by—

(a) the casino licensee concerned or some person acting under his supervision remains in force until it is revoked by that casino licensee or person; or

(b) the Commissioner of Police remains in force until it is revoked by him and that revocation is notified in writing to the casino licensee concerned.

(5) When a direction has been given to any person under subsection (2), a casino licensee may exclude or remove that person from the casino or have him so excluded or removed.

(6) A person shall not enter or remain in a licensed casino contrary to a direction in writing given to him under subsection (2) by the casino licensee or some person acting under his authority or by the Commissioner of Police.

Penalty: \$500 or imprisonment for 3 months.

(7) A person, being a casino licensee or any employee or agent of the casino licensee acting in connection with the casino concerned, shall not knowingly allow any person to enter or remain in the licensed casino contrary to a direction given under subsection (2).

Penalty: \$500 or imprisonment for 3 months.

(8) This section does not prevent any person from exercising any power conferred on him by this or any other Act to enter, or to do any other act in relation to, a licensed casino.

Persons
under the
age of 18
years
gaming.

27. (1) A casino licensee shall ensure that no person under the age of 18 years is permitted to play any game in the licensed casino.

Penalty: \$500 or imprisonment for 3 months.

(2) It is a defence in any proceedings for an offence under subsection (1) to establish that the defendant had reasonable grounds for believing that the person alleged to be under the age of 18 years and playing the game alleged was over that age.

(3) A person under the age of 18 years shall not play any game in a licensed casino.

Penalty: For a first offence, \$200; for a second or subsequent offence, \$500 or imprisonment for 3 months.

Police
officers and
casino
inspectors
may enter
licensed
casino.

28. (1) A police officer may, if he is of or above the rank of inspector or, not being of or above that rank, is authorized by another police officer of or above that rank, enter at any time any part of a licensed casino.

(2) Subsection (1) does not prejudice the exercise by a police officer of any other power to enter a licensed casino or any part of it.

(3) A casino inspector may enter at any time any part of a licensed casino.

Conditions
affecting the
employment
of staff in
casino
gaming
operations.

29. (1) The conditions to which a casino gaming licence shall be subject may include provisions relating to the management and staffing of the casino gaming operations and the appointment, employment or duties of persons in relation to those operations, including provisions requiring the licensing, and as to the conduct of, casino key employees and casino employees.

(2) The conditions referred to in subsection (1) may be specified in the casino gaming licence, but where they comprise, wholly or in part, the provisions of regulations made under this Act a reference

to the relevant provisions shall be taken to be sufficient and the text shall not be required to be set out in full in that licence.

(3) Regulations made under section 37 may require the licensing of, and make provision as to the conduct of, persons as casino key employees or casino employees.

PART VI—GENERAL.

30. (1) If the Minister has reason to believe that a person is capable of furnishing information or producing books relating to matters that are relevant to the exercise by the Minister of his powers or the exercise of the powers of the Committee under this Act, he may, by notice in writing served on that person, require that person to furnish or produce to him, or to a person specified in the notice acting on his behalf, within the time and in the manner specified in the notice, that information or those books.

Production
of docu-
ments.

(2) Without limiting the generality of subsection (1), the power of the Minister under that subsection to require a person to furnish information includes the power—

- (a) to require a company to furnish the names and addresses of persons registered as the holders of shares in the company;
- (b) to require a person who is registered as the holder of shares in a company to furnish to the Minister such information in the possession of the person as the Minister may specify in relation to the beneficial ownership of those shares or in relation to any trust, agreement, arrangement, understanding or practice affecting those shares or any right attaching to those shares; and
- (c) to require that the information be furnished in writing signed by the person, or a competent officer of the company concerned.

(3) A person who—

- (a) refuses or fails to comply with a requirement under this section to the extent that he is capable of complying with it; or
- (b) in purported compliance with such a requirement, knowingly furnishes information that is false or misleading,

commits an offence.

(4) A person is not excused from furnishing information or producing books when required to do so under this section on the ground that the information or books might tend to incriminate him, but his answer to any question asked in the notice of the requirement, or his furnishing of any other information under that notice, is not admissible in evidence against him in any criminal proceedings, other than criminal proceedings under this Act.

Service of documents.

31. For the purposes of this Act, a document may be given to, or served on, a company or a shareholder in a company by sending the document to the company or that shareholder in any manner authorized by the *Companies (Western Australia) Code* for the service of documents on a company or shareholder.

False documents.

32. A person who knowingly—

- (a) furnishes false or misleading information;
- (b) fails to furnish the information required;
- or
- (c) makes any material omission,

in or in relation to any application or books made or produced under or for the purposes of this Act commits an offence.

33. A casino licensee which contravenes, or fails to comply with, a provision of this Act or any direction or notice under this Act commits an offence.

Offences by
casino
licensees.

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

Liability of
directors.

35. The penalty for an offence under this Act for which a penalty is not provided by a provision of this Act, other than this section, is—

Penalties.

(a) in the case of a person other than a body corporate, a fine of \$1 000 or imprisonment for 12 months; or

(b) in the case of a body corporate, a fine of \$2 000.

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

Prosecution
of offenders.

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

37. (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.

Regulations.

(2) Regulations made under this section may without derogating from the generality of subsection (1)—

- (a) be so made in respect of all or any of the matters specified in Schedule 2;
- (b) create offences and prescribe in respect of any such offence a penalty not exceeding \$2 000;
- (c) be so made—
 - (i) so as to apply generally or in a specified class of case, or specified classes of cases, at all times, or at a specified time or specified times, or in a specified place or specified places;
 - (ii) so as to require a matter affected by them to be in accordance with a specified standard or specified requirement or as approved by, or to the satisfaction of, a specified person or body, or class of person or body, and so as to authorize a specified person or body to exercise a discretionary authority; and
 - (iii) so as to provide that in specified cases, or a specified class of case, or specified classes of cases, whether on specified conditions or unconditionally, persons or things may be exempted from their provisions either wholly or to such extent as is specified.

(3) In subsection (2) (c)—

“specified” means specified in regulations made under this section.

SCHEDULE 1.

(Section 5)

CONSTITUTION AND PROCEEDINGS OF CASINO
CONTROL COMMITTEE.

1. (1) A member may resign his office by notice in writing delivered to the Minister. Extra-ordinary vacancies.

(2) A member may be removed from office at any time by the Governor—

(a) for—

- (i) mental or physical disability;
- (ii) incompetence;
- (iii) neglect of duty; or
- (iv) misconduct,

impairing the performance of his functions and proved to the satisfaction of the Governor;

(b) if he is an insolvent under administration within the meaning of the *Companies (Western Australia) Code*;

(c) if he is absent without leave of the Committee from 3 consecutive meetings of the Committee of which he has had notice.

(3) If a member dies or resigns or is removed from office, his office becomes vacant.

2. (1) The chairman of the Committee shall convene the first meeting of the Committee and thereafter, subject to subclause (2), meetings of the Committee shall be held at such times and places as the Committee determines. Meetings of Committee.

(2) The chairman of the Committee may at any time convene a special meeting.

(3) The chairman of the Committee or, in his absence, his deputy or, in the absence of both that chairman and his deputy, a person appointed by the other members shall preside at a meeting of the Committee.

(4) At any meeting of the Committee—

- (a) 3 members constitute a quorum;

- (b) each member present is entitled to a deliberative vote; and
- (c) if the votes cast on a question are equally divided, the question shall be deemed lost.

(5) The Committee shall cause accurate minutes to be kept of the proceedings of its meetings.

Delegation by Committee.

3. (1) The Committee may by resolution delegate to a member, the Chief Casino Officer or a casino inspector or other officer of the Committee (in this clause called "the delegate"), either generally or as otherwise provided by the instrument of delegation, all or any of its powers or duties under this Act, except this power of delegation.

(2) The delegate may exercise or perform a power or duty delegated under subclause (1) in accordance with the instrument of delegation and, when so exercised or performed, that power or duty shall, for the purposes of this Act, be deemed to have been exercised or performed by the Committee.

(3) Where a power is delegated that involves the exercise of a discretion which would be dependent upon an opinion or state of mind and that discretion is vested in the Committee, the discretion may be exercised by the delegate, pursuant to his own opinion or state of mind, unless the power so to do is limited by the terms of the instrument of delegation or authorization.

(4) A delegation under subclause (1) is revocable at will and does not prevent the exercise of a power or the performance of a duty by the Committee.

Leave of absence.

4. The Committee may grant leave of absence to a member on such conditions as the Committee thinks fit.

Committee to determine own procedures.

5. Subject to this Act, the Committee shall determine its own procedures.

SCHEDULE 2.

(Section 37)

MATTERS IN RESPECT OF WHICH GOVERNOR MAY MAKE REGULATIONS.

1. The qualifications, training and experience to be required of casino inspectors.
2. The licensing of casino key employees and casino employees, and the conditions and fees applicable thereto.

3. The hours during which authorized games may be played in licensed casinos, the facilities to be provided therein, the equipment, including chips, to be provided for the playing of authorized games therein, the limits to be imposed on wagering therein, the handling of cash therein, the audit requirements to be observed, and the accounting methods to be used, by the holder of a casino gaming licence, the financial management of licensed casinos, the conditions under which patrons are to be admitted to or excluded from licensed casinos, the credit facilities to be extended to the patrons of licensed casinos and the general manner of operation thereof, including the degree of supervision and management required for the proper control of that operation.

4. Subject to this Act, the criteria to be applicable in relation to the consideration of any licence under this Act, including matters relating to substantial shareholders, foreign participation and associated persons, and the control of the company concerned.
