

Casino Control Amendment Bill

Government Bill

As reported from the Government Administration
Committee

Commentary

Recommendation

The Government Administration Committee has examined the Casino Control Amendment Bill and recommends that it be passed with the amendments shown.

Background to the Casino Control Amendment Bill

The Gaming Law Reform Bill (the bill) was referred to the Internal Affairs and Local Government Committee on 8 December 1998. The bill is an omnibus bill amending two different Acts. Part 1 is concerned with casinos and provides for amendments to the Casino Control Act 1990. Part 2 is concerned with gaming machines and provides for amendments to the Gaming and Lotteries Act 1977. The Internal Affairs and Local Government Committee heard submissions on the bill and considered it at length. The committee reported the bill back to the House on 16 June 1999 and recommended a number of amendments to it. On 29 February 2000, the order of the day for consideration of the report was discharged and the bill was referred to this committee.

Decision to divide the Gaming Law Reform Bill

We have divided the Gaming Law Reform Bill. The bill addresses three major issues: casino licensing, provided for in Part 1; the regulation of casino licences, also provided for in Part 1; and the regulation of gaming machines, provided for in Part 2. We are reporting to the House on those provisions of Part 1 of the Gaming Law Reform Bill that relate to the regulation of casinos. We will retain for further consideration those provisions in Part 1 that relate to casino licensing, together with Part 2 of the bill.

The provisions we are reporting to the House now comprise the Casino Control Amendment Bill. They were contained in clauses 4, 11 to 16B and 18 to 24 of the Gaming Law Reform Bill.

Some of us were concerned that clause 10 of the Gaming Law Reform Bill was not included in the Casino Control Amendment Bill. Clause 10, as amended, would allow the Casino Control Authority to initiate changes to casino licences. At present, licence conditions can be varied only if the licence holder applies to the Casino Control Authority for a variation. Clause 10 also broadens the scope of consultation procedures if a change is proposed and provides that any changes made must relate to the achievement of the object of the Casino Control Act and the efficient and effective administration of the Act. However, the committee agreed to exclude clause 10.

We have chosen to divide the Gaming Law Reform Bill in the manner shown for the following three reasons:

- The provisions in the Casino Control Amendment Bill concern regulatory provisions applying to those casinos that are currently operating. We consider these provisions important in terms of clarifying and amending the current requirements placed on casino licensees and the Casino Control Authority.
- We consider that the provisions of Part 1 of the Gaming Law Reform Bill, relating to the issuing of casino licences, need to be further examined in the Government's review of gaming policy. This review is currently underway and is due to be completed so that any resulting legislation can be passed by July 2002. At present, a moratorium on the issuing of casino licences is in place, provided for under the Casino Control (Moratorium) Amendment Act 1997. The moratorium lapses on 16 October 2000 but the Government is seeking to extend it with the introduction of the Casino Control (Moratorium Extension) Amendment Bill. If the Casino Control (Moratorium Extension) Amendment Bill is passed it will render the

licensing provisions less urgent, as no further licence applications will be considered while the moratorium is in place.

- We are extremely concerned at the rapid growth in numbers of gaming machines and the potential social and economic impacts of this growth. Accordingly, we will be giving Part 2 of the Gaming Law Reform Bill, which deals with gaming machines, further consideration.

Recommendation to omit clause 11A(1)

We recommend omitting clause 11A(1) as it relates to casino licensing. Clause 11A(2) should be retained as it relates to the regulation of casino licenses.

Appendix A

Committee process

The Gaming Law Reform Bill was referred to the committee on 29 February 2000. No submissions were called for. Consideration of the bill took three hours and 45 minutes.

We received advice from the Department of Internal Affairs.

Committee membership

Dianne Yates (Chairperson)

Grant Gillon (Deputy Chairperson)

Arthur Anae

Tim Barnett

Hon David Carter

Luamanuvao Winnie Laban

Lindsay Tisch

Anne Tolley

Key to symbols used in reprinted bill

As reported from a select committee

Struck out (unanimous)

Subject to this Act,	Text struck out unanimously
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New (unanimous)

Subject to this Act,	Text inserted unanimously
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<i>(Subject to this Act,)</i>	Words struck out unanimously
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<u>Subject to this Act,</u>	Words inserted unanimously
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As further reported from a select committee

Struck out

Subject to this Act,	Text struck out
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Denotes clauses retained by Government Administration Committee as Gaming Law Reform Bill.

Note: This bill has been reformatted in accordance with the resolution of the House of 22 December 1999.



Hon Mark Burton

Casino Control Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Casino Control Amendment Act **2000**.
- (2) In this Act, the Casino Control Act 1990 is called “the principal Act”.

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1A Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Struck out (unanimous)

4 Meaning of “associated person”

Section 3 of the principal Act is amended by adding the following subsections:

“3

“(3) If the Authority believes on reasonable grounds that a particular person may be an associated person, the Authority may ask the person, and the relevant casino licence holder, to provide information to the Authority to assist it to determine whether or not the person is an associated person. 5

“(4) If the person or casino licence holder does not provide, within one month, information that satisfies the Authority that the person is not an associated person, the Authority may treat the person as an associated person. 10

“(5) The Authority must develop guidelines, consistent with this section, on who is or is not an associated person. The guidelines may be amended from time to time, and both the guidelines and any amendments to them must be notified in the *Gazette* and a copy must be provided to each casino licence holder.” 15

New (unanimous)

4 New section 3 substituted 20

The principal Act is amended by repealing section 3, and substituting the following section:

“3 **Meaning of associated person and significant influence in casino**

“(1) In this Act, **associated person**, in relation to the holder of, or an applicant for, a casino licence means a person who has a significant influence in a casino. 25

“(2) In this section and in **sections 48, 48A, and 48B, significant influence in a casino** means an influence that the Authority considers to be (for the purposes of this Act) a significant ownership interest in, or significant interest in the management or operation of, the casino business of a casino licence 30

New (unanimous)

holder or in the proposed casino business of a casino licence applicant.

- “(3) Without limiting what the Authority may consider constitutes a significant influence, a person is deemed to have a significant influence in a casino if he or she— 5
- “(a) is a director of the Board of the casino licence holder or applicant; and for this purpose, **director** includes a person described in any of paragraphs (a), (b), (c), or (d) of section 126(1) of the Companies Act 1993; or
- “(b) is employed by the casino licence holder or applicant, in relation to its casino business, as the chief executive or as a senior manager; or 10
- “(c) owns, directly or indirectly, shares in the casino licence holder or applicant that give the person control of 20% or more of the voting rights of shareholders of any class in the casino licence holder or applicant. 15
- “(4) If the Authority believes on reasonable grounds that a particular person may have a significant influence in a casino, the Authority may ask the person and the relevant casino licence holder or applicant to provide information to the Authority to assist it to determine whether or not the person has that influence. 20
- “(5) If the person or casino licence holder or applicant does not provide, within 1 month or such further time as the Authority allows, information that satisfies the Authority that the person does not have a significant influence in the casino, the Authority may determine that, on and from a particular date, the person is an associated person. 25
- “(6) A determination under **subsection (5)** that a person is an associated person on and from a particular date does not prevent the Authority finding that a person was in fact an associated person before that date, and **section 48(3)** may apply accordingly.” 30

11 New sections 48 to 48B substituted

The principal Act is amended by repealing section 48, and substituting the following sections:

Struck out (unanimous)

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| “48 Change of associated person, etc, must receive prior approval of Authority | 5 |
| “(1) The Authority must give approval before— | |
| “(a) any person becomes an associated person; or | |
| “(b) any associated person accepts a new relevant position; or | |
| “(c) any associated person acquires a new or greater influence over, or with respect to, the management or operation of the casino than the person had on the last occasion when the Authority approved that person under this section. | 10 |
| “(2) If the Authority has not given approval as required by this section, any contract, arrangement, or transaction is void to the extent that it has the effect of— | 15 |
| “(a) making a person an associated person; or | |
| “(b) giving an associated person a new relevant position; or | |
| “(c) giving an associated person a new or greater influence. | 20 |
| “48A Authority may grant retrospective approval | |
| “(1) Despite section 48 , on application by the holder of a casino licence, the Authority may grant a retrospective approval for a person to be an associated person, or for an associated person to hold a new relevant position or exert a new or greater influence. | 25 |
| “(2) The Authority may not consider an application for a retrospective approval unless the Authority is satisfied that the failure to apply for prior approval was inadvertent or otherwise excusable. | 30 |
| “(3) A retrospective approval may be subject to any conditions that the Authority believes desirable to promote the objects of this Act, having regard to the interests of the licensee, the vendor (if any), and any other affected parties. | |

Struck out (unanimous)

- “(4) The conditions of a retrospective approval may include, without limitation, conditions—
- “(a) requiring that a specified person not occupy a particular relevant position, or exercise particular relevant powers: 5
 - “(b) requiring the disposal of a specified relevant financial interest within a specified time and in a specified manner.
- “(5) If a holder of a casino licence has applied for a retrospective approval in respect of a contact, arrangement, or transaction, then **section 48(2)** does not apply as long as the licence holder has not received notice that the Authority has declined the application, or has declined to consider the application. 10
- “48B **Process and grounds for approval of change of associated person, etc** 15
- “(1) An application for approval under **section 48 or section 48A** must be made in writing by the holder of a casino licence.
- “(2) On receipt of an application, the Authority must cause to be undertaken whatever investigations it considers necessary to enable it to make its decision. 20
- “(3) The Authority must give approval if it is satisfied, having regard to the suitability requirements, that,—
- “(a) in the case of an approval for a person to be an associated person, the person is a suitable person to be an associated person; and 25
 - “(b) in the case of an approval for an associated person to accept or hold a new relevant position, the person is a suitable person to hold that position; and
 - “(c) in the case of an approval for an associated person to exert a new or greater influence over, or with respect to, the management or operation of the casino, the person is a suitable person to exert that new or greater influence.” 30

New (unanimous)

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|---|----|
| “48 Approvals necessary in respect of associated persons | |
| “(1) A person may not become an associated person without the prior approval of the Authority. | |
| “(2) An associated person may not increase his or her significant influence in a casino, or change the basis of that influence, without the prior approval of the Authority. | 5 |
| “(3) If the Authority has not approved a person as required by this section, any contract, arrangement, or transaction is void to the extent that it has the effect of making the person an associated person, increasing his or her significant influence, or changing the basis of that influence, as the case may be. | 10 |
| “(4) Without limiting the ways in which an associated person may increase his or her significant influence in a casino, a person’s influence may be increased by— | |
| “(a) increasing the influence of the person as a director, as a result of a decrease in the total number of directors on the board of the casino licence holder or applicant; or | 15 |
| “(b) appointing the associated person to a more senior position, or giving the associated person more responsibility as an employee; or | 20 |
| “(c) increasing the proportion of shareholder voting rights held by the associated person. | |
| “(5) It makes no difference, for the purpose of this section, whether a person acquires a significant interest, or increases or changes the basis of his or her significant influence, in a casino as the result of the actions of the person, or as a result of the actions of one or more other persons, or as a result of a combination of both. | 25 |
|
“48A Retrospective approvals relating to associated persons | |
| “(1) Despite section 48 , the Authority may, on application to it, grant retrospective approval for a person to be an associated person, or for an associated person to increase or change the basis of his or her significant influence in a casino. | 30 |
| “(2) The Authority may not consider an application for retrospective approval unless the Authority is satisfied that the failure | 35 |

New (unanimous)

- to apply for prior approval was inadvertent or otherwise excusable.
- “(3) If an application for retrospective approval is made to the Authority, the operation of **section 48(3)** is suspended in respect of the person in respect of whom the application is made until the earlier of— 5
- “(a) the date on which the person receives notice from the Authority that the Authority has declined the application, or has declined to consider the application; or
- “(b) the date on which the person receives notice from the Authority that the Authority has approved the application; or 10
- “(c) in the case of a temporary retrospective approval, the expiry of the approval.
- “48B **Process and grounds for approvals relating to associated persons** 15
- “(1) An application for approval under **section 48** or **section 48A** must be made in writing to the Authority.
- “(2) On receipt of an application, the Authority must cause to be undertaken whatever investigations it considers necessary to enable it to make its decision. 20
- “(3) The Authority may approve a person under **section 48** or **section 48A** if it is satisfied, having regard to the suitability requirements, that the person is suitable to be an associated person, or to increase his or her significant influence in the casino, or to change the basis of his or her significant influence in the manner proposed, as the case may require. 25
- “(4) The Authority may grant a temporary retrospective approval under **section 48A**, without first determining whether or not the person is a suitable person, if the approval is for the purpose of— 30
- “(a) avoiding the operation of **section 48(3)**; and
- “(b) giving time to unwind any contracts, arrangements, or transactions, or make any other arrangements.
- “(5) An approval given under **subsection (4)**— 35
- “(a) must state that it is a temporary approval; and

New (unanimous)

- “(b) must give an expiry date for the approval; and
 “(c) may include any conditions that the Authority considers appropriate or necessary for achieving the object of this Act and for safeguarding the integrity of the system of approvals for associated persons.”

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11A No appeals against decision of Authority

Struck out

- (1) Section 49 of the principal Act is amended by omitting from paragraph (a) the expression “section 31”, and substituting the term “**section 31A**”.

- (2) Section 49 of the principal Act is amended by omitting from paragraph (k) the words “subsection (1) or subsection (2) of section 48 of this Act”, and substituting the expression “**section 48 or section 48A**”.

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12 Certain casino employees to be approved

Section 52 of the principal Act is amended by adding the following subsections: 15

- “(4) People who are employed solely (*as waiting or restaurant staff at a casino*) to serve food or drink, either in any restaurant attached to the casino or in a gaming area of the casino, are not required to hold certificates of approval issued under this Part. 20
- “(5) **Subsection (4)** applies despite subsections (1) and (3), but subject to any regulations made in accordance with subsection (2).”

13 Consideration of application

25

Section 55(1) of the principal Act is amended by repealing paragraph (c), and substituting the following paragraph:

- “(c) any other relevant matters raised in the Police report submitted to the Secretary under section 54.”

14 Authorised games

- (1) Section 63(1) of the principal Act is amended by omitting the words “by notice in the *Gazette*,”.
- (2) Section 63 of the principal Act is amended by adding the following subsections: 5
- “(3) The Authority must publish a notice in the *Gazette* that—
- “(a) names the game or games for which rules have been prescribed or amended; and
- “(b) gives the date on which the rules come into force; and 10
- “(c) describes where, in addition to each casino, the rules may be viewed.
- “(4) Rules, or amendments to rules, may not come into force until after the date on which the notice is published in the *Gazette*.”

Struck out (unanimous)**15 15. Entry to and exclusion of entry from casino**

Section 67(2) of the principal Act is amended by omitting the expression “1982”, and substituting the expression “1980”. 15

16 Regulation of admission to casino

Section 68(3) of the principal Act is amended by omitting the expression “1982”, and substituting the expression “1980”.

17 New Part 4A inserted 20

The principal Act is amended by inserting, after Part IV, the following Part:

**“Part 4A
“Problem gamblers**

“75A Object of Part 25

The object of this Part is to ensure that access to casinos by problem gamblers is restricted.

“75B Definition of problem gambler

In this Part, and in any regulations made under **section 75E**, the term **problem gambler** means a person who is identified 30 using a procedure prescribed in regulations made under **section 75E** as being a person whose gambling is causing harm or distress to the person or to the person’s family

Struck out (unanimous)

- “75C Casino operators to identify, ban, and remove problem gamblers**
- “(1) Every licensed casino operator must, by notice in writing to the Authority, adopt a procedure prescribed in regulations made under **section 75E** for identifying problem gamblers. 5
- “(2) A licensed casino operator must prohibit every identified problem gambler from entering the casino within a specified period of up to 3 years by issuing the person with a banning order in accordance with regulations made under **section 75E**.
- “(3) A licensed casino operator must remove from the premises 10 any person whom it has reasonable grounds to believe may be a problem gambler, and may require the person, as a condition of re-entry, to participate in a procedure prescribed in regulations made under **section 75E** for identifying problem gamblers.
- “75D Offence to be in casino in breach of banning order or condition of re-entry** 15
- A person commits an offence if he or she enters a casino—
- “(a) in breach of a banning order issued under **section 75C(2)**;
or
- “(b) in breach of a condition on re-entry imposed under 20 **section 75C(3)**.
- “75E Regulations relating to problem gamblers**
- “(1) The Governor-General may from time to time, by Order in Council, make regulations for any or all of the following purposes: 25
- “(a) prescribing one or more procedures to enable licensed casino operators to identify problem gamblers. Any such regulations must—
- “(i) specify the grounds on which a person may be identified as a problem gambler; and 30
- “(ii) set out the steps to be taken to identify a person as a problem gambler; and
- “(iii) prescribe the people who are authorised to perform specific functions in relation to identifying problem gamblers, or prescribe the qualifications 35 of such people; and

Struck out (unanimous)

- “(iv) set out the rights, including rights of appeal against specified decisions, of any person subject to the procedure:
- “(b) prescribing a banning procedure for prohibiting identified problem gamblers from entering a casino. Any such regulations must set out the rights of appeal of any person subject to the procedure: 5
- “(c) prescribing procedures relating to the removal of people whom a licensed casino operator has reasonable grounds to believe may be a problem gambler: 10
- “(d) ensuring that access to casinos by identified problem gamblers is restricted.
- “(2) Without limiting **subsection (1)**, regulations made under this section may—
- “(a) authorise licensed casino operators to confirm to other licensed casino operators whether or not a particular person has been banned from the casino, and if so, for what period; and 15
- “(b) authorise the Authority, in relation to the identification, banning, or removal from a casino, of problem gamblers, to— 20
- “(i) require licensed casino operators to provide statistical information about problem gamblers identified, banned, or removed from the casino; and 25
- “(ii) prescribe forms to be used by licensed casino operators.”

New (unanimous)**15 New section 67 substituted**

The principal Act is amended by repealing section 67, and substituting the following section: 30

“67 Application of Trespass Act 1980

- “(1) For the avoidance of doubt, the following applies in relation to persons entering a casino:

New (unanimous)

- “(a) a person who enters and remains in a casino does so with the implied permission of the occupier:
- “(b) the **occupier** is the person in lawful possession of the casino premises, or any employee or agent of that person: 5
- “(c) an occupier may at any time withdraw the implied permission to enter and remain in a casino:
- “(d) an occupier may withdraw the implied permission for any lawful reason (such as that the person belongs to a class of person excluded from the casino by regulations made under section 68, or that the person is creating a disturbance): 10
- “(e) if permission to enter and remain in a casino is withdrawn from a person, that person is a trespasser in the casino: 15
- “(f) the Trespass Act 1980, which includes provisions creating various offences relating to trespassers, applies.
- “(2) Nothing in this section affects the law relating to trespass.”

16 Regulation of admission to casino

- (1) Section 68 of the principal Act is amended by inserting, after subsection (2), the following subsection: 20
- “(2A) Regulations made under this section may prescribe how a person is identified as belonging to an excluded class of person (for instance, ‘problem gamblers’), and any such regulations must include provisions under which a person identified as belonging to a particular class may seek reconsideration of that identification.” 25
- (2) Section 68(3) of the principal Act is amended by omitting the expression “1982”, and substituting the expression “1980”.

16A New sections 69 and 69A substituted 30

- (1) The principal Act is amended by repealing section 69, and substituting the following sections:

“69 Information for customers

- “(1) Every casino operator must display at each gaming table or location related to the playing of a game a notice advising 35

New (unanimous)

customers, in respect of the game played at the table or location, of the following matters:

“(a) that copies of the rules of the game are available for inspection on request:

“(b) the permissible minimum and maximum wagers: 5

“(c) how winning wagers will be paid:

“(d) the odds of winning for each wager, unless impracticable:

“(e) any other advice or information as directed by the Authority. 10

“(2) If a person in a casino asks to inspect a copy of the rules of any game, the casino operator must make a copy available without delay.

“69A Host responsibility

“(1) Every casino operator must prepare and implement a host responsibility programme and make a copy of it available on request. 15

“(2) Every host responsibility programme must address, without limitation, how the casino proposes to minimise risks to players relating to problem gambling. 20

“(3) Every host responsibility programme must be submitted for approval to the Authority and comes into operation on the date approved by the Authority.

“(4) A casino operator may propose to the Authority, and the Authority may propose to a casino operator, that the casino operator’s host responsibility programme be amended; and after discussion between both parties, the Authority may approve the amendment, which is included in the host responsibility programme on the date of approval. 25

“(5) Every casino operator must report to the Authority, on or before 30 June in each year, on the operation and implementation of its host responsibility programme.” 30

16B New section 72A inserted

The principal Act is amended by inserting, after section 72, the following section: 35

New (unanimous)

“72A Gaming equipment to be kept on premises

- “(1) All of a licenced casino operator’s gaming equipment must be kept by the casino operator on the casino premises.
- “(2) The Authority, on application by the casino operator,—
- “(a) may exempt a casino operator from compliance with **subsection (1)** in relation to specified gaming equipment; 5
and
- “(b) may permit the casino operator to temporarily remove specified gaming equipment from the casino premises.
- “(3) The Authority may impose conditions on any exemption or permission under **subsection (2)**, such as conditions relating to security or period of removal.” 10

18 Grounds for imposing penalty on holder of casino licence

- (1) Section 90 of the principal Act is amended by omitting the words “cancellation or suspension of a casino licence”, and substituting the words “imposing a penalty under section 91 on a holder of a casino licence”. 15
- (2) Section 90(e) of the principal Act is amended by repealing subparagraphs (ii) and (iii), and substituting the following subparagraphs: 20
- “(ii) fails to comply with any of the provisions of (*sections 69, 71, 72, or 75C(1)*) sections 69, 69A, 71, 72, or 72A; or
- “(iii) fails to comply with any direction given to the holder in writing by the Authority under section 70; or 25
- “(iv) fails to pay any (*money*) monetary penalty under section 91 within 10 working days of the expiry of any period within which an appeal may be lodged against a decision relating to the imposition of the money penalty:”. 30

19 Imposition of penalties

- (1) Section 91 of the principal Act is amended by repealing subsection (1), and substituting the following subsection: 35

- “(1) A member of the police or an inspector may at any time, in respect of any casino licence, apply to the Authority in accordance with this section for an order imposing a penalty on a casino licensee.”
- (2) Section 91(3) of the principal Act is amended by omitting the words “the suspension or cancellation of a casino licence”, and substituting the words “imposing a penalty”. 5
- (3) Section 91 of the principal Act is amended by repealing subsections (6) to (8), and substituting the following subsections:
- “(6) If the Authority is satisfied, at the conclusion of proceedings, that any ground in section 90 is established, the Authority may discharge the application, or may make an order imposing 1 or more of the penalties in **subsection (7)**. 10
- “(7) The penalties that may be imposed are,—
- “(a) in respect of any ground specified in section 90, an order— 15
- “(i) varying or revoking any condition of the licence, or imposing any new condition:
- “(ii) suspending the licence:
- “(iii) cancelling the licence: 20
- “(b) in respect of any ground specified in paragraph (c), (e), or (f) of section 90, imposing a (*money*) monetary penalty of up to \$100,000, which may be imposed in addition, or as an alternative, to any penalty imposed under **paragraph (a)**. 25
- “(8) The Authority may impose a (*money*) monetary penalty only in accordance with a policy made under **section 91A** that was in force when the ground giving rise to the penalty first arose.
- “(8A) The casino licence holder must pay any (*money*) monetary penalty to the Authority, which must deposit the money into any account under the Public Finance Act 1989 specified by the Minister of Finance.” 30

20 **New section 91A inserted**

The principal Act is amended by inserting, after section 91, the following section: 35

“91A Authority to make policy on imposition of monetary penalties

- “(1) The Authority must make and set out the policy to be applied when imposing a (*money*) monetary penalty under **section 91(6)**. The policy must, without limitation,— 5
- “(a) identify the range of penalty that may be imposed in respect of particular grounds; and
- “(b) identify the matters to be taken into account when determining the amount of (*money*) monetary penalty to be imposed in any particular case, including such matters as the seriousness of the case, whether prior warnings have been given, and whether a penalty has previously been imposed on the licence holder on the same ground. 10
- “(2) The Authority may from time to time amend a policy under this section. 15
- “(3) The Authority must publish a notice in the *Gazette* that—
- “(a) states that the Authority has set out a policy (or an amendment to a policy) relating to the imposition of (*money*) monetary penalties; and
- “(b) gives the date on which the policy comes into force, which must be a date after the date on which the notice is published in the *Gazette*. 20
- “(4) The Authority must provide every casino licence holder with a copy of every policy, and every amendment, on or before the date on which notice is published in the *Gazette*.” 25

21 Appeals to High Court or District Court against decisions of Authority

- (1) Section 95 of the principal Act is amended by repealing subsections (1) to (3), and substituting the following subsections:
- “(1) A casino licence holder may appeal to the appropriate court against— 30
- “(a) a direction under section 74(9)(b) to terminate an agreement between it and another licence holder; and
- “(b) an order under **section 91(6)**.
- “(2) In this section, **appropriate court** means— 35
- “(a) a District Court, in the case of an appeal against—
- “(i) An order varying or revoking any condition of a licence, or adding any new condition; or
- “(ii) An order imposing a (*money*) monetary penalty; and 40

- “(b) the High Court, in the case of an appeal against—
- “(i) A direction under section 74(9)(b) to terminate an agreement; or
- “(ii) An order suspending or cancelling a licence; or
- “(iii) An order suspending or cancelling a licence and imposing a (*money*) monetary penalty. 5
- “(3) An appeal must be by way of written notice lodged at the appropriate court within 10 days of receiving notice of the direction or order.”
- (2) Section 95(6) of the principal Act is amended by inserting, 10
before the first word, the words “In the case of an appeal to the High Court against an order under section 91,”.
- (3) Section 95 of the principal Act is amended by omitting from subsections (7) to (10), and from subsections (12) to (14), the words “High Court” in each place where they appear, and 15
substituting in each case the words “appropriate court”.
- 22 New section 96 substituted**
- The principal Act is amended by repealing section 96, and substituting the following section:
- “96 **Further appeal to High Court** 20
- “(1) Any party to an appeal to the District Court under section 95 who is dissatisfied with the determination of the District Court on any point of law may, with the leave of the District Court or (if that leave is declined) with special leave of the High Court, appeal to the High Court against that determination. 25
- “(2) Subsections (2) to (4), (6), and (7) of section 97 apply to an appeal under this section as if references in those subsections to the High Court were references to a District Court, and as if references to the Court of Appeal were references to the High Court.” 30
- 23 Further appeal to Court of Appeal**
- Section 97(1) of the principal Act is amended by inserting, after the words “to an appeal”, the words “to the High Court”.

New (unanimous)

23A Unlawfully conducting authorised games

Section 101 of the principal Act is amended by omitting the word “as”.

23B Provisions relating to minors in casino

Section 105 of the principal Act is amended by repealing subsections (2) to (4), and substituting the following subsections: 5

- “(2) A licenced casino operator commits an offence, and is liable to a fine not exceeding \$4,000, if the operator allows any person who is under the age of 20 years to enter or remain in the gaming area of the casino. 10
- “(3) It is a defence to a charge under **subsection (2)** if the casino operator satisfies the court that—
- “(a) the offence was committed without the knowledge of the defendant; and 15
- “(b) the defendant had in place procedures to minimise, as far as is reasonably practicable, the opportunities for people under the age of 20 years to enter or remain in the gaming area of a casino.
- “(4) An employee or agent of a casino operator commits an offence, and is liable to a fine not exceeding \$1,000, if he or she allows any person who is under the age of 20 years to enter or remain in the gaming area of the casino. 20
- “(5) It is a defence to a charge under **subsection (4)** if the employee or agent— 25
- “(a) proves that he or she believed on reasonable grounds that the person to whom the charge relates was aged 20 years or over; or
- “(b) satisfies the court that, as soon as the defendant became aware of the situation, he or she took reasonable steps to ensure that the under-age person was removed from the casino.” 30

24 New section 105A inserted

The principal Act is amended by inserting, after section 105, the following section: 35

“105A Offence for minors to gamble in casino

“(1) Every person commits an offence and is liable to a fine not exceeding \$500 who, being under the age of 20 years, places a wager on any game in the gaming area of a casino.

“(2) If a person who is under the age of 20 years wins any money as a result of placing a wager on a game in the gaming area of a casino, the casino (*premises licence holder*) operator may refuse to pay out the winnings to the person, and the money is forfeited to the licence holder. 5

“(3) If a person is convicted under **subsection (1)**, the court may, in addition to any penalty imposed under that subsection, order the return to the casino (*premises licence holder*) operator of the value of any winnings that may have been paid to the person as a result of placing a wager in the gaming area of the casino. 10 15

Struck out (unanimous)

“(4) The holder of a casino operator’s licence must notify the Authority if it receives any money that is forfeited under **subsection (2)**, or returned under **subsection (3)**, and must dispose of the money in accordance with the directions of the Authority.” 20

New (unanimous)

“(4) The casino operator must notify the Authority if the operator receives any money that is forfeited under **subsection (2)**, or returned under **subsection (3)**, and must dispose of the money in accordance with procedures approved by the Authority.”

Legislative history

14 September 2000

Divided from Gaming Law Reform Bill (Bill 250–2)
by the Government Administration Committee (Bill
250–3A)
