

(Reprint No. 2)

SOUTH AUSTRALIA

CASINO ACT, 1983

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 16 September 1993.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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CASINO ACT, 1983

being

Casino Act, 1983, No. 23 of 1983 [Assented to 26 May 1983]¹

as amended by

Casino Act Amendment Act, 1983, No. 32 of 1983 [Assented to 16 June 1983]²

Casino (Gaming Machines) Amendment Act 1992 No. 40 of 1993 [Assented to 1 June 1992]³

An Act to provide for the establishment and operation of a casino under strict statutory controls; and for related purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I PRELIMINARY

Short title

1. This Act may be cited as the *Casino Act, 1983*.

Commencement

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

Arrangement of Act

3. This Act is arranged as follows:

PART I—PRELIMINARY
PART II—THE CASINO SUPERVISORY AUTHORITY
DIVISION I—ESTABLISHMENT OF THE AUTHORITY
DIVISION II—FUNCTIONS OF THE AUTHORITY
DIVISION III—POWERS AND PROCEDURE OF THE AUTHORITY
UPON AN INQUIRY
PART III—LICENSING OF A CASINO

¹Came into operation 18 August 1983: *Gaz.* 18 August 1983, p. 418.

²Came into operation 25 August 1983: *Gaz.* 25 August 1983, p. 481.

³Came into operation 16 September 1993: *Gaz.* 16 September 1993, p. 1140.

Note: 1. Asterisks indicate repeal or deletion of text.

2. For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

PART IV—OPERATION OF CASINO
DIVISION I—GENERAL PROVISIONS AS TO OPERATION
DIVISION II—SUPERVISION AND MANAGEMENT
DIVISION III—ANNUAL REPORT
PART V—MISCELLANEOUS

Interpretation

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

“the Authority” means the Casino Supervisory Authority:

“authorized game” means a game of chance authorized under the terms and conditions of a licence to be played in a licensed casino:

“the Commission” means the Lotteries Commission of South Australia:

“gambling” means the playing of any game for monetary or other stakes and includes the making or accepting of a wager:

“gambling chips” means chips or tokens used or capable of being used as gambling stakes or prizes:

“licence” means a licence under this Act:

“licensed casino” means the casino in respect of which a licence is in force under this Act:

“the Minister” means the Minister to whom the administration of this Act is committed by the Governor and includes a Minister for the time being exercising powers of that Minister whether in pursuance of a delegation or otherwise:

* * * * *

“the Secretary” means the person for the time being holding or acting in the office of the Secretary to the Authority:

“the Superintendent” means the Superintendent of Licensed Premises or an Assistant Superintendent of Licensed Premises.

PART II

THE CASINO SUPERVISORY AUTHORITY

DIVISION I—ESTABLISHMENT OF THE AUTHORITY

Establishment of the Authority

5. There shall be an authority entitled the "Casino Supervisory Authority".

Constitution of the Authority

6. (1) The Authority shall be constituted of the following members:

(a) a legal practitioner of at least ten years standing or a person who has held judicial office as a member of a superior court of this State, any other State or Territory of the Commonwealth or the Commonwealth (who shall be the Chairman of the Authority);

(b) a person with qualifications and experience in accounting;

and

(c) one other person.

(2) The members of the Authority shall be appointed by the Governor.

(3) Subject to subsection (4), the Governor may appoint a suitable person to be a deputy of a member of the Authority and a person so appointed may, in the absence of the member of whom he has been appointed a deputy, act in the place of that member.

(4) A person appointed to be a deputy of the Chairman must have the qualification stated in subsection (1)(a) and a person appointed to be a deputy of the member appointed under subsection (1)(b) must have the qualification stated in that provision.

Validity of acts of Authority and immunity of its members

7. (1) An act or proceeding of the Authority shall not be invalid by reason only of a vacancy in the membership of the Authority.

(2) No liability shall attach to the Authority or a member of the Authority for an act or omission by the Authority or the member, in good faith, and in the exercise of powers or functions, or in the discharge of duties, under this Act.

Allowances and expenses

8. A member of the Authority shall be entitled to such allowances and expenses as may be determined by the Governor.

The Secretary

9. (1) There shall be a Secretary to the Authority.

(2) The Secretary shall be appointed, and shall hold office, subject to and in accordance with the *Public Service Act, 1967-1981*.

(3) The office of the Secretary may be held in conjunction with any other office in the Public Service of the State.

DIVISION II—FUNCTIONS OF THE AUTHORITY

Functions of the Authority

10. The functions of the Authority are as follows:

(a) to determine the terms and conditions of the licence to be issued under this Act;

- (b) to supervise the operation of the licensed casino;
- and
- (c) such other functions as are assigned to the Authority by or under this Act or any other Act.

DIVISION III—POWERS AND PROCEDURE OF THE AUTHORITY UPON AN INQUIRY

Powers and procedure of the Authority upon an inquiry

11. (1) For the purposes of an inquiry under this Act, the Authority may—
- (a) by summons signed on behalf of the Authority by the Secretary, require the attendance before the Authority of any person;
 - (b) by summons signed on behalf of the Authority by the Secretary, require the production of any books, papers or documents;
 - (c) inspect any books, papers or documents produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any of them, or of any of their contents;
 - (d) require any person to make oath or affirmation that he will truly answer all questions put to him by the Authority relating to any matter being inquired into by the Authority;
- or
- (e) require any person appearing before the Authority, including the person whose conduct is subject to an inquiry (whether he has been summoned to appear or not), to answer any relevant questions put to him by any member of the Authority, or by any other person appearing before the Authority.
- (2) If a person—
- (a) who has been served with a summons to attend before the Authority, fails without reasonable excuse (proof of which shall lie upon him) to attend in obedience to the summons;
 - (b) who has been served with a summons to produce any books, papers or documents, fails without reasonable excuse (proof of which shall lie upon him) to comply with the summons;
 - (c) misbehaves himself before the Authority, wilfully insults the Authority or any member thereof, or interrupts the proceedings of the Authority;
- or
- (d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the Authority,

he shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars or imprisonment for twelve months.

(3) A person shall not be excused from answering a question, or from producing books, papers or documents, under this section—

- (a) on the ground that the answer to the question or the contents of the books, papers or documents would tend to incriminate him;

or

- (b) on the ground of legal professional privilege,

but if he objects to answering a question on the ground that the answer would tend to incriminate him the answer shall not be admissible against him in criminal proceedings (except in proceedings for perjury) or if he objects to answering a question on the ground of legal professional privilege the answer shall not be admissible in civil or criminal proceedings against the person who would, but for this subsection, have the benefit of the legal professional privilege.

(4) The Authority may, if requested to do so by a person who has been required to answer a question by the Authority or who has produced books, papers or documents to the Authority, by order prohibit the publication in any newspaper or by radio or television of the name of that person, any answer given by him in proceedings before the Authority or the contents of any book, paper or document produced by him to the Authority and a person who fails to comply with the order shall be guilty of an offence.

Penalty: Ten thousand dollars.

(5) In the course of any proceedings, the Authority may—

(a) receive in evidence any transcript of evidence in proceedings before a court or tribunal and draw any conclusions of fact therefrom that it considers proper;

or

(b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court or tribunal that may be relevant to the proceedings.

PART III
LICENSING OF A CASINO

Inquiry to be held by the Authority

12. (1) The Authority shall, at the request of the Minister, hold a public inquiry for the purpose of determining—

- (a) the premises in respect of which a licence should be issued;
- and
- (b) the terms and conditions on which the licence should be issued.

(2) The Secretary shall cause notice of an inquiry under subsection (1) to be published in a newspaper circulating throughout the State and the notice shall contain an invitation to all interested persons to make written submissions to the Authority, on or before a closing date fixed in the notice, on the subject of the inquiry.

(3) Any person who makes a written submission under subsection (2) must be given a reasonable opportunity to appear personally or by counsel before the Authority and be heard upon his submission.

(4) The Superintendent and the Commission shall be entitled to appear personally or by counsel at an inquiry under this section and they may call such evidence and make such representations to the Authority as they think fit.

(5) Upon completing an inquiry under this section, the Authority shall submit its determination to the Minister.

Grant of licence

13. (1) At the conclusion of an inquiry under this Part, the Governor may grant a licence to the Commission.

(2) The premises in respect of which the licence is to be granted shall be as determined by the Authority.

(3) Subject to subsection (4), the terms and conditions of the licence shall be as recommended by the Authority.

(4) The Governor may add to, or vary, the terms and conditions as recommended by the Authority where it is, in his opinion, necessary to do so in the public interest.

Variation of conditions of licence

14. (1) The Superintendent or the Commission may at any time submit to the Authority a proposal for variation or revocation of a term or condition of the licence, or an addition to the terms and conditions of the licence.

(2) The Authority shall hold an inquiry into the proposal and, at the conclusion of the inquiry, shall submit a recommendation to the Minister for adoption of the proposal, with or without modification, or for rejection of the proposal.

(3) The Superintendent and the Commission may appear personally or by counsel at an inquiry conducted under this section and they may call such evidence and make such representations to the Authority as they think fit.

(4) Where the Authority recommends adoption of the proposal (with or without modification), the Governor may, by notice published in the *Gazette*, alter the terms and conditions of the licence accordingly.

Not to be more than one licence in force under this Act

15. (1) There shall not be more than one licence in force under this Act.
- (2) The licence is not transferable.

PART IV

OPERATION OF CASINO

DIVISION I—GENERAL PROVISIONS AS TO OPERATION

Activities in pursuance of licence to be legal

16. (1) Notwithstanding any other law of the State, but subject to this Act—

(a) it shall be lawful for the Commission to establish and operate a casino in accordance with this Act and with the terms and conditions of its licence;

and

(b) it shall be lawful for a person to participate in an authorized game conducted on the premises of the licensed casino.

(2) The Commission shall appoint a suitable person who is approved of by the Authority to establish and operate the casino on its behalf and that person shall establish and operate the casino in accordance with this Act and with the terms and conditions of the licence.

(3) The operation of a licensed casino in accordance with the terms and conditions of the licence does not, in itself, constitute a public or private nuisance.

(4) Subject to subsection (5), this section does not operate to validate or render enforceable a contract related to gambling that would, apart from this section, be invalid or unenforceable.

(5) A contract to which subsection (4) applies and to which the person who is operating the casino on behalf of the Commission is a party shall be enforceable against that person.

Gambling chips not to be sold on credit

17. Where a person (other than the person who is operating the casino) purchases gambling chips to use in an authorized game he must, before the chips are delivered to him, pay for them in full by bank-note or coin.

Provision as to age

18. (1) No person under the age of eighteen years shall be admitted to the licensed casino.

(2) The Authority shall determine procedures to be observed in order to ensure against admission of persons to the casino in contravention of subsection (1).

(3) The person who is operating the casino on behalf of the Commission shall diligently observe and carry out procedures determined by the Authority under subsection (2).

(4) A person under the age of eighteen years who enters the licensed casino shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

Exclusion of certain persons from casino

19. (1) The Minister may, on the recommendation of the Commissioner of Police or the Superintendent, make an order prohibiting a person named in the order from entering the licensed casino.

(2) A person against whom an order is made under subsection (1) may, within thirty days after service of the order upon him, appeal against the order to the Authority.

(3) The Authority may, upon an appeal under subsection (2), confirm or revoke the order.

(4) A person against whom an order is in force under this section shall not contravene the order.

Penalty: Ten thousand dollars.

(5) The Minister may at any time revoke an order under this section.

Accounts and audit

20. (1) The Commission—

(a) shall cause proper accounts to be kept of gross gambling revenue and net gambling revenue for each month in relation to the licensed casino;

and

(b) shall ensure that the accounts are kept and preserved in accordance with all written directions given to it by the Minister.

(2) The Minister may at any time, and shall, at least once in each year, cause the accounts kept under subsection (1) to be audited by the Auditor-General.

(3) In this section—

“gross gambling revenue”, in relation to a month, means the gross amount received by the person who is operating the casino in respect of gambling during the month (including amounts paid to him during the month for the purchase or use of gambling chips):

“net gambling revenue”, in relation to a month, means the gross gambling revenue for the month less the value of prizes paid or awarded during the month.

(4) In computing the value of prizes paid or awarded during a month for the purposes of subsection (3)—

(a) the amount paid out in redemption of gambling chips shall be taken into account (whether the chips were purchased or won in that month or a previous month);

and

(b) the value of gambling chips purchased or won during the month shall not be taken into account unless they were redeemed during the month.

(5) The Commission shall pay monies paid to it in respect of the operation of the casino as follows:

(a) an amount that is not less than one per centum of the net gambling revenue of the casino must be paid to the Housing Improvement Fund;

(b) the balance of those monies, if any, must be paid into General Revenue.

DIVISION II—SUPERVISION AND MANAGEMENT

Responsibility of Superintendent

21. The Superintendent is responsible to the Authority to ensure that the operations of the licensed casino are subject to constant scrutiny.

Power of inspection

22. (1) An authorized person may at any time enter and remain on the premises of the licensed casino for the purpose of ascertaining whether the operation of the casino is being properly supervised and managed, and whether the provisions of this Act and the terms and conditions of the licence are being observed.

(2) An authorized person shall be entitled to have access at any time to any articles, or to any accounts or other documents, related to the operation of the licensed casino or otherwise relevant to the administration of this Act.

(3) A person who has in his possession or control any articles or any accounts or other documents related to the operation of the licensed casino or otherwise relevant to the administration of this Act shall, at the request of an authorized person, produce those articles, or those accounts or other documents, for the inspection of the authorized person.

(4) A person shall not—

(a) obstruct or hinder an authorized person in the exercise of powers conferred by this section;

or

(b) refuse or fail to comply with a request under subsection (3).

Penalty: Twenty-five thousand dollars.

(5) If an authorized person becomes aware of a failure to comply with the provisions of this Act or with the terms and conditions of the licence or if, in his opinion, the operation of the casino is not being properly supervised or managed he shall report the matter to the Superintendent.

(6) In this section—

“authorized person” means—

(a) the Superintendent or a person authorized in writing by the Superintendent to exercise the powers conferred by this section;

or

(b) a member of the Police Force.

Directions

23. (1) The Authority may, by notice in writing served on the Commission, give directions in relation to the management, supervision and control of any aspect of the operation of the licensed casino.

(2) The Commission shall ensure that all directions given under this section are diligently carried out and observed.

DIVISION III—ANNUAL REPORT**Annual report**

24. (1) The Authority shall, on or before the thirty-first day of October in each year, prepare and present to the Minister a report on the operation of the licensed casino during the preceding financial year.

(2) A report under this section must include—

(a) copies of the audited accounts prepared and audited under this Act in respect of the relevant financial year;

and

(b) a statement of the circumstances of any contravention of, or failure to comply with, the provisions of this Act or the terms and conditions of the licence.

(3) The Minister shall cause copies of the report to be laid before both Houses of Parliament.

PART V
MISCELLANEOUS

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Summary disposal of offences

26. Proceedings for an offence against this Act shall be disposed of summarily.

Regulations

27. (1) The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

(2) A regulation may impose a penalty not exceeding two thousand dollars for contravention of, or failure to comply with, a provision of the regulation.

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last reprint)

- Section 4: definition of "authorized game" amended by 40, 1992, s. 3(a)
Section 10: definition of "poker machine" repealed by 40, 1992, s. 3(b)
Section 25: amended by 40, 1992, s. 4
amended by 32, 1983, s. 3; repealed by 40, 1992, s. 5