

SOUTH AUSTRALIA

**CASINO ACT 1983**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 July 1995.*

*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.*

## SUMMARY OF PROVISIONS

### PART 1 PRELIMINARY

1. Short title
2. Commencement
3. Arrangement of Act
4. Interpretation

### PART 3 LICENSING OF A CASINO

12. Inquiry to be held by the Authority
13. Grant of licence
14. Variation of conditions of the licence
15. Not to be more than one licence in force under this Act

### PART 4 OPERATION OF CASINO

#### DIVISION 1—GENERAL PROVISIONS AS TO OPERATION

16. Activities in pursuance of licence to be legal
17. Gambling chips not to be sold on credit
18. Provision as to age
19. Exclusion of certain persons from casino
20. Accounts and audit

#### DIVISION 2—SUPERVISION AND MANAGEMENT

21. Responsibility of Commissioner
22. Power of inspection
23. Directions

#### DIVISION 3—ANNUAL REPORT

24. Annual report

### PART 5 MISCELLANEOUS

26. Summary disposal of offences
27. Regulations

### APPENDIX LEGISLATIVE HISTORY

# CASINO ACT 1983

being

Casino Act 1983 No. 23 of 1983 [Assented to 26 May 1983]<sup>1</sup>

as amended by

Casino Act Amendment Act 1983 No. 32 of 1983 [Assented to 16 June 1983]<sup>2</sup>

Casino (Gaming Machines) Amendment Act 1992 No. 40 of 1992 [Assented to 1 June 1992]<sup>3</sup>

Statutes Amendment (Gaming Supervision) Act 1995 No. 13 of 1995 [Assented to 23 March 1995]<sup>4</sup>

<sup>1</sup> Came into operation 18 August 1983: *Gaz.* 18 August 1983, p. 418.

<sup>2</sup> Came into operation 25 August 1983: *Gaz.* 25 August 1983, p. 481.

<sup>3</sup> Came into operation 16 September 1993: *Gaz.* 16 September 1993, p. 1140.

<sup>4</sup> Came into operation 1 July 1995: *Gaz.* 29 June 1995, p. 2972.

**NOTE:**

· *Asterisks indicate repeal or deletion of text.*

· *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.*

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

The Parliament of South Australia enacts as follows:

**PART 1  
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 1—PRELIMINARY

PART 2—THE CASINO SUPERVISORY AUTHORITY

DIVISION 1—ESTABLISHMENT OF THE AUTHORITY

DIVISION 2—FUNCTIONS OF THE AUTHORITY

DIVISION 3—POWERS AND PROCEDURE OF THE AUTHORITY UPON AN  
INQUIRY

PART 3—LICENSING OF A CASINO

PART 4—OPERATION OF CASINO

DIVISION 1—GENERAL PROVISIONS AS TO OPERATION

DIVISION 2—SUPERVISION AND MANAGEMENT

DIVISION 3—ANNUAL REPORT

PART 5—MISCELLANEOUS

**Interpretation**

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

"**the Authority**" means the Gaming Supervisory Authority established under the *Gaming Supervisory Authority Act 1995*;

"**authorised game**" means a game of chance authorised under the terms and conditions of a licence to be played in a licensed casino;

"**the Commission**" means the Lotteries Commission of South Australia;

"**Commissioner**" means the Liquor Licensing Commissioner;

"**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;

**Casino Act 1983**

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"**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.

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**PART 3  
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 Commissioner 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 the licence**

**14.** (1) The Authority may, on the application of the Minister, the Commissioner or the Commission, or on its own initiative, hold an inquiry into a proposal for the variation or revocation of a term or condition of the licence, or for an addition to the terms and conditions of the licence.

(2) At the conclusion of the inquiry, the Authority must submit a recommendation to the Minister for adoption of the proposal with or without modification, or for rejection of the proposal.

(3) The Commissioner and the Commission may appear personally or by counsel at an inquiry under this section and may call evidence and make representations to the Authority.

**Casino Act 1983**

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(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 4  
OPERATION OF CASINO**

**DIVISION 1—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 authorised 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 authorised 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 Commissioner, 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.

**Casino Act 1983**

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(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 2—SUPERVISION AND MANAGEMENT**

**Responsibility of Commissioner**

**21.** The Commissioner 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 authorised 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 authorised 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 authorised person, produce those articles, or those accounts or other documents, for the inspection of the authorised person.

(4) A person shall not—

(a) obstruct or hinder an authorised 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 authorised 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 Commissioner.

(6) In this section—

"authorised person" means—

(a) the Commissioner or a person authorised in writing by the Commissioner 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 3—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.

**Casino Act 1983**

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- (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 5  
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.

Casino Act 1983

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APPENDIX

LEGISLATIVE HISTORY

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

<b>Section 4:</b>	definition of "authorised game" amended by 40, 1992, s. 3(a) <b>definition of "the Authority" substituted by 13, 1995, s 4(a)</b> <b>definition of "Commissioner" inserted by 13, 1995, s. 4(b)</b> definition of "poker machine" repealed by 40, 1992, s. 3(b) <b>definition of "the Superintendent" repealed by 13, 1995, s. 4(c)</b>
	<b>Part 2 comprising ss. 5 - 11 and headings</b> amended by 40, 1992, s. 4; <b>repealed by 13, 1995, s. 5</b>
<b>Section 12(4):</b>	<b>amended by 13, 1995, s. 6</b>
<b>Section 14(1) - (3):</b>	<b>substituted by 13, 1995, s. 7</b>
<b>Section 19(1):</b>	<b>amended by 13, 1995, s. 8</b>
<b>Section 21:</b>	<b>amended by 13, 1995, s. 9</b>
<b>Section 22(5) and (6):</b>	<b>amended by 13, 1995, s. 10</b>
Section 25:	amended by 32, 1983, s. 3; repealed by 40, 1992, s. 5