

**House of Assembly—No 131**

As laid on the table and read a first time, 1 May 2024

South Australia

**Casino (Penalties) Amendment Bill 2024**

A BILL FOR

An Act to amend the *Casino Act 1997* and to make related amendments to the *Gambling Administration Act 2019*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Amendment of *Casino Act 1997*

- 3 Amendment of section 3—Interpretation
- 4 Amendment of section 14—Other transactions under which outsiders may acquire control or influence
- 5 Amendment of section 14B—Approval of designated persons
- 6 Amendment of section 20—Applications
- 7 Amendment of section 23—Investigative powers
- 8 Amendment of section 28—Interpretation
- 9 Amendment of section 32—Offences in relation to special employees
- 10 Amendment of section 35—Special employees and designated persons not to accept gratuities
- 11 Amendment of section 41—Interference with approved systems, equipment etc
- 12 Amendment of section 43—Exclusion of children
- 13 Amendment of section 44—Licensee's power to bar
- 14 Amendment of section 45—Commissioner's power to bar
- 15 Amendment of section 45A—Commissioner of Police's power to bar
- 16 Amendment of section 48—Accounts and audit
- 17 Amendment of section 50—Duty of auditor
- 18 Amendment of section 52—Evasion and underpayment of casino duty
- 19 Amendment of section 52AA—Investigatory powers relating to casino duty
- 20 Amendment of section 72—Regulations

### Schedule 1—Related amendments and transitional provisions

#### Part 1—Related amendment of *Gambling Administration Act 2019*

- 1 Amendment of section 8—General power to obtain information
- 2 Amendment of section 10—Commissioner may give directions
- 3 Amendment of section 16—Offence of breach of mandatory provisions of codes
- 4 Amendment of section 36—Cause for disciplinary action
- 5 Amendment of section 37—Compliance notice
- 6 Amendment of section 38—Default notice
- 7 Amendment of section 39—Disciplinary action
- 8 Substitution of section 42
  - 42 Other proceedings to be taken into account
- 9 Amendment of section 63—False or misleading statements

#### Part 2—Transitional provisions

- 10 Transitional provisions
-

**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Casino (Penalties) Amendment Act 2024*.

### **2—Commencement**

5 This Act comes into operation on a day to be fixed by proclamation.

## **Part 2—Amendment of *Casino Act 1997***

### **3—Amendment of section 3—Interpretation**

(1) Section 3(1)—after the definition of *Court* insert:

*designated person* means—

- 10 (a) a director of the licensee; or  
(b) an executive officer of the licensee; or  
(c) a person who is employed or working in an executive capacity who exercises discretion, influence or control in respect of business operations under the casino licence; or  
15 (d) a person, or a person of a class, designated by the Commissioner for the purpose;

(2) Section 3(1), definition of *staff member*—delete "see section 28." and substitute:  
means any of the following:

- 20 (a) an employee of the licensee (including a designated person or a special employee);  
(b) a person employed or engaged (either by the licensee or someone else) to work at the casino premises.

### **4—Amendment of section 14—Other transactions under which outsiders may acquire control or influence**

25 Section 14(2), penalty provision—delete "\$60 000" and substitute:  
\$500 000

### **5—Amendment of section 14B—Approval of designated persons**

- (1) Section 14B(1), penalty provision—delete "\$20 000" and substitute:  
\$250 000  
30 (2) Section 14B(2), penalty provision—delete "\$5 000" and substitute:  
\$50 000  
(3) Section 14B(6), penalty provision—delete "\$10 000" and substitute:  
\$75 000

(4) Section 14B(12), definition of *designated person*—delete the definition

#### **6—Amendment of section 20—Applications**

Section 20(3), penalty provision—delete "\$10 000" and substitute:  
\$75 000

#### **7—Amendment of section 23—Investigative powers**

Section 23(3), penalty provision—delete "\$10 000" and substitute:  
\$100 000

#### **8—Amendment of section 28—Interpretation**

(1) Section 28, definition of *designated person*—delete the definition

10 (2) Section 28, definition of *staff member*—delete the definition

#### **9—Amendment of section 32—Offences in relation to special employees**

(1) Section 32(1), penalty provision—delete "\$20 000" and substitute:  
\$250 000

15 (2) Section 32(2), penalty provision—delete "\$20 000" and substitute:  
\$250 000

#### **10—Amendment of section 35—Special employees and designated persons not to accept gratuities**

Section 35(1), penalty provision—delete the penalty provision and substitute:  
Maximum penalty:

20 (a) in the case of a designated person—\$250 000;

(b) in the case of a special employee—\$20 000.

#### **11—Amendment of section 41—Interference with approved systems, equipment etc**

(1) Section 41(1), penalty provision—delete "\$50 000" and substitute:  
25 \$500 000

(2) Section 41(2), penalty provision—delete "\$50 000" and substitute:  
\$500 000

(3) Section 41(3), penalty provision—delete "\$50 000" and substitute:  
\$500 000

30 (4) Section 41(4), penalty provision—delete "\$5 000" and substitute:  
\$50 000

#### **12—Amendment of section 43—Exclusion of children**

(1) Section 43(3), penalty provision—delete the penalty provision and substitute:  
Maximum penalty:

- (a) in the case of the licensee—\$500 000;
- (b) in the case of a staff member—\$10 000.

(2) Section 43(3), expiation fee—delete the expiation fee and substitute:

Expiation fee:

- (a) in the case of the licensee—\$5 000;
- (b) in the case of a staff member—\$1 200.

(3) Section 43(4a), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of the licensee—\$500 000;
- (b) in any other case—\$10 000.

(4) Section 43(4a), expiation fee—delete the expiation fee and substitute:

Expiation fee:

- (a) in the case of the licensee—\$5 000;
- (b) in any other case—\$1 200.

(5) Section 43(6), penalty provision—delete "\$2 500" and substitute:

\$7 500

(6) Section 43(6), expiation fee—delete "\$210" and substitute:

\$425

### **13—Amendment of section 44—Licensee's power to bar**

(1) Section 44(6), penalty provision—delete "\$2 500" and substitute:

\$7 500

(2) Section 44(6), expiation fee—delete "\$210" and substitute:

\$425

(3) Section 44(7), penalty provision—delete "\$10 000" and substitute:

\$500 000

(4) Section 44(7), expiation fee—delete "\$1 200" and substitute:

\$5 000

### **14—Amendment of section 45—Commissioner's power to bar**

(1) Section 45(5), penalty provision—delete "\$2 500" and substitute:

\$7 500

(2) Section 45(5), expiation fee—delete "\$210" and substitute:

\$425

(3) Section 45(6), penalty provision—delete "\$10 000" and substitute:

\$500 000

- (4) Section 45(6), expiation fee—delete "\$1 200" and substitute:  
\$5 000

**15—Amendment of section 45A—Commissioner of Police's power to bar**

- (1) Section 45A(5), penalty provision—delete "\$2 500" and substitute:  
\$7 500

- (2) Section 45A(5), expiation fee—delete "\$210" and substitute:  
\$425

- (3) Section 45A(6), penalty provision—delete "\$10 000" and substitute:  
\$500 000

- (4) Section 45A(6), expiation fee—delete "\$1 200" and substitute:  
\$5 000

**16—Amendment of section 48—Accounts and audit**

Section 48(1), penalty provision—delete "\$50 000" and substitute:  
\$500 000

**17—Amendment of section 50—Duty of auditor**

Section 50(1), penalty provision—delete "\$10 000" and substitute:  
\$250 000

**18—Amendment of section 52—Evasion and underpayment of casino duty**

Section 52(1), penalty provision—delete "\$100 000" and substitute:  
\$50 million

**19—Amendment of section 52AA—Investigatory powers relating to casino duty**

Section 52AA(5), penalty provision—delete "\$10 000" and substitute:  
\$1 million

**20—Amendment of section 72—Regulations**

Section 72(2)—delete "\$2 000" and substitute:  
\$15 000

**Schedule 1—Related amendments and transitional provisions**

**Part 1—Related amendment of *Gambling Administration Act 2019***

**1—Amendment of section 8—General power to obtain information**

Section 8(2), penalty provision—delete the penalty provision and substitute:  
Maximum penalty:

- (a) in the case of the holder of the casino licence—\$250 000;
- (b) in any other case—\$10 000.

**2—Amendment of section 10—Commissioner may give directions**

Section 10(3), penalty provision, (b)—delete "\$100 000" and substitute:

5                                   \$500 000

**3—Amendment of section 16—Offence of breach of mandatory provisions of codes**

(1) Section 16(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- 10                           (a) in the case of the holder of the casino licence or a person involved in an activity to which the *Casino Act 1997* applies—
  - (i) for a category A offence—\$75 000;
  - (ii) for a category B offence—\$50 000;
  - (iii) for a category C offence—\$35 000;
  - 15                           (iv) for a category D offence—\$20 000;
- (b) in any other case—
  - (i) for a category A offence—\$20 000;
  - (ii) for a category B offence—\$10 000;
  - (iii) for a category C offence—\$5 000;
  - 20                           (iv) for a category D offence—\$2 500.

(2) Section 16(1), expiation fee—delete the expiation fee and substitute:

Expiation fee:

- 25                           (a) in the case of the holder of the casino licence or a person involved in an activity to which the *Casino Act 1997* applies—
  - (i) for a category A expiable offence—\$5 000;
  - (ii) for a category B expiable offence—\$2 500;
  - (iii) for a category C expiable offence—\$1 200;
  - (iv) for a category D expiable offence—\$425;
- 30                           (b) in any other case—
  - (i) for a category A expiable offence—\$1 200;
  - (ii) for a category B expiable offence—\$315;
  - (iii) for a category C expiable offence—\$210;
  - (iv) for a category D expiable offence—\$160.

#### 4—Amendment of section 36—Cause for disciplinary action

(1) Section 36(1)(k)—delete paragraph (k) and substitute:

(k) in the case of the holder of the casino licence—

- (i) an event occurs, or circumstances come to light, that show the licensee to be an unsuitable person to hold the licence; or
- (ii) an event occurs, or circumstances come to light, that show the licensee, a close associate of the licensee or a designated person has engaged in serious misconduct; or
- (iii) a court or tribunal in this State, the Commonwealth or a State or Territory of the Commonwealth has imposed a penalty (whether civil or criminal) on the licensee, a close associate of the licensee or a designated person; or

(2) Section 36—after subsection (3) insert:

(4) In this section—

*close associate* and *designated person* have the same respective meanings as in the *Casino Act 1997*;

*serious misconduct* means a contravention of a provision of this Act, the *Casino Act 1997* or a condition of the casino licence by the holder of the casino licence, a close associate of the licensee or a designated person, which in the opinion of the Commissioner—

- (a) severely affects the integrity of the casino operations or the integrity of gambling in the casino; or
- (b) severely undermines a measure intended to safeguard the community against harm from casino gambling; or
- (c) has caused or could cause significant financial gain to a person not legally entitled to it or significant financial loss to a person legally entitled to it; or
- (d) has occurred as a result of wilful intent or reckless disregard for regulatory compliance; or
- (e) has arisen from or in connection with a systemic failure or multiple failures in the management or operation of the casino.

#### 5—Amendment of section 37—Compliance notice

Section 37(2), penalty provision, (b)—delete "\$100 000" and substitute:

\$1 million

#### 6—Amendment of section 38—Default notice

Section 38(b)—delete "\$10 000" and substitute:

\$1 million



## 7—Amendment of section 39—Disciplinary action

(1) Section 39(2)(b)(ii)—delete "\$100 000" and substitute:  
\$75 million

(2) Section 39(6), penalty provision, (b)—delete "\$100 000" and substitute:  
\$2.5 million

## 8—Substitution of section 42

Section 42—delete the section and substitute:

### 42—Other proceedings to be taken into account

The Commissioner may take disciplinary action under this Part—

(a) in the case of the holder of the casino licence—

(i) whether or not civil or criminal proceedings have been, or are to be, taken in a court or tribunal in this State, the Commonwealth or a State or Territory of the Commonwealth in relation to the matters the subject of the disciplinary action; and

(ii) whether or not a penalty (whether civil or criminal) has already been imposed as a result of those proceedings in relation to those matters; or

(b) in any other case—whether or not criminal proceedings have been, or are to be, taken in relation to the matters the subject of the disciplinary action and even though a penalty may have been already imposed by the Commissioner,

however, the Commissioner must, in imposing a penalty under this Part, take into account any penalty (whether civil or criminal) that has already been imposed in such proceedings.

## 9—Amendment of section 63—False or misleading statements

Section 63, penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in the case of the holder of the casino licence—\$500 000 or imprisonment for 2 years;

(b) in any other case—\$10 000 or imprisonment for 2 years.

## Part 2—Transitional provisions

### 10—Transitional provisions

(1) If, before the relevant day, the Commissioner has given a notice to the casino licensee under section 39(1) of the *Gambling Administration Act 2019*, the Commissioner may, on or after the relevant day, take disciplinary action under section 39(2) of that Act as amended by this Act (including, to avoid doubt, imposing a fine not exceeding that applying under section 39(2)(b)(ii) as amended by this Act).

- 5 (2) The Commissioner may, on or after the relevant day, determine that there is proper cause for disciplinary action against the holder of the casino licence in respect of conduct that occurred (or is alleged to have occurred) before the relevant day that would have amounted to proper cause for disciplinary action under section 36(1) of the *Gambling Administration Act 2019* as amended by this Act.
- (3) The Commissioner may, on or after the relevant day—
- 10 (a) give a notice to the casino licensee under section 39(1) of the *Gambling Administration Act 2019* in respect of conduct that occurred (or is alleged to have occurred) before the relevant day whether or not the conduct (or alleged conduct) would have amounted to proper cause for disciplinary action under section 36(1) of that Act at the time the conduct occurred (or is alleged to have occurred); and
- 15 (b) take disciplinary action in respect of such conduct under section 39(2) of the *Gambling Administration Act 2019* as amended by this Act (including, to avoid doubt, imposing a fine not exceeding that applying under section 39(2)(b)(ii) as amended by this Act).
- (4) The Commissioner may, on or after the relevant day—
- 20 (a) give a default notice to the casino licensee under section 38 of the *Gambling Administration Act 2019* in respect of conduct occurring (or alleged to have occurred) before the relevant day whether or not the conduct (or alleged conduct) would have amounted to proper cause for disciplinary action under section 36(1) of that Act at the time the conduct occurred (or is alleged to have occurred); and
- 25 (b) specify in the default notice that disciplinary action in respect of that conduct may be avoided by payment of a specified sum not exceeding the amount in section 38(b) of the *Gambling Administration Act 2019* as amended by this Act.
- (5) In this clause—
- relevant day*** means the day on which this clause comes into operation.