

South Australia

# Statutes Amendment (Investigation and Regulation of Gambling Licensees) Act 2007

An Act to amend the *Authorised Betting Operations Act 2000* and the *Casino Act 1997*.

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

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Statutes Amendment (Investigation and Regulation of Gambling Licensees) Act 2007*.

### **2—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Authorised Betting Operations Act 2000***

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

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

*designated person*—see section 20;

### **4—Amendment of section 21—Applications**

- (1) Section 21(1)(d)—delete "director or executive officer of the licensee" and substitute:

designated person in relation to the licensee

- (2) Section 21(2)(c)(iii)—delete "director or executive officer of the licensee" and substitute:

designated person in relation to the licensee

### **5—Amendment of section 22—Determination of applications**

Section 22(4)—delete subsection (4) and substitute:

- (4) The Authority must not approve a person to become a designated person in relation to the licensee unless satisfied that the person is a suitable person to become a designated person in relation to the licensee.

### **6—Amendment of section 25—Costs of investigation**

- (1) Section 25(1)—delete subsection (1) and substitute:

- (1) If the Authority carries out an investigation under this Part, the Authority must require—

- (a) in the case of an investigation in connection with an application—the applicant; or  
(b) in the case of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates—the licensee,

to meet the cost of the investigation.

- (2) Section 25(2)—after "applicant" insert:  
or licensee
- (3) Section 25(3)—after "made" insert:  
by an applicant
- (4) Section 25(4)—after "applicant" insert:  
or licensee
- (5) Section 25(6)—delete "director or executive officer of the licensee" and substitute:  
designated person in relation to the licensee

## **7—Substitution of section 26**

Section 26—delete the section and substitute:

### **26—Results of investigation**

If the Authority carries out an investigation under this Part, the Authority must notify the following persons of the results of the investigation:

- (a) the Minister;
- (b) in the case of an investigation in connection with an application—the applicant;
- (c) in the case of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates—the licensee.

## **8—Insertion of Part 2 Division 10**

Part 2—after Division 9 insert:

### **Division 10—Recovery of administration costs**

#### **33A—Commissioner to recover administration costs**

- (1) The Commissioner must, not less than 1 month before the commencement of each financial year, notify the licensee in writing of the amount fixed by the Minister as the recoverable administration costs for that financial year.
- (2) If, during the course of the financial year, the Minister varies the amount fixed as the recoverable administration costs for the financial year, the Commissioner must notify the licensee in writing of the variation, specifying the amount fixed as the revised recoverable administration costs for that financial year.
- (3) Subject to subsection (4), the licensee must, in each month of the financial year, pay to the Commissioner one-twelfth of the amount of the recoverable administration costs for that financial year.

- (4) If a notice is given to the licensee under subsection (2), the licensee must, in each month of the financial year following that notice, pay to the Commissioner an amount equal to the revised recoverable administration costs specified in the notice less the total of the payments that have fallen due under this section in the financial year, divided by the number of payments yet to fall due under this section in the financial year.
- (5) If the whole or a part of an amount payable by the licensee is not paid to the Commissioner as required, the amount unpaid may be recovered from the licensee as a debt due to the State.
- (6) In proceedings for recovery of an amount unpaid, the Commissioner's certificate is to be regarded as conclusive evidence of the recoverable administration costs or revised recoverable administration costs for the period specified in the certificate.
- (7) In this section—  
*administration costs* means the costs of administering this Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

## **Part 3—Amendment of *Casino Act 1997***

### **9—Amendment of section 22—Investigations**

Section 22—delete subsection (2) and substitute:

- (2) The Authority must keep under review the continued suitability of the licensee and the licensee's close associates, and carry out the investigations it considers necessary for that purpose.
- (3) The Authority may obtain from the Commissioner of Police such reports on persons as it considers necessary for the purposes of investigations and must, for the purposes of an investigation into an application under this Part, obtain from the Commissioner of Police a report on anyone whose suitability to be concerned in or associated with the management and operation of the casino is to be assessed by the Authority.

### **10—Amendment of section 24—Results of investigation**

Section 24(1)—delete subsection (1) and substitute:

- (1) If the Authority carries out an investigation under this Part, the Authority must notify the following persons of the results of the investigation:
  - (a) the Minister;
  - (b) in the case of an investigation in connection with an application—the applicant;

- (c) in the case of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates—the licensee.

## **11—Amendment of section 25—Costs of investigation**

- (1) Section 25(1)—delete subsection (1) and substitute:
  - (1) If the Authority carries out an investigation under this Part, the Authority must require—
    - (a) in the case of an investigation in connection with an application—the applicant; or
    - (b) in the case of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates—the licensee,to meet the cost of the investigation.
- (2) Section 25(2)—after "applicant" insert:
  - or licensee
- (3) Section 25(3)—after "made" insert:
  - by an applicant
- (4) Section 25(4)—after "applicant" insert:
  - or licensee

## **12—Insertion of Part 5 Division 3**

Part 5—after Division 2 insert:

### **Division 3—Recovery of administration costs**

#### **52A—Commissioner to recover administration costs**

- (1) The Commissioner must, not less than 1 month before the commencement of each financial year, notify the licensee in writing of the amount fixed by the Minister as the recoverable administration costs for that financial year.
- (2) If, during the course of the financial year, the Minister varies the amount fixed as the recoverable administration costs for the financial year, the Commissioner must notify the licensee in writing of the variation, specifying the amount fixed as the revised recoverable administration costs for that financial year.
- (3) Subject to subsection (4), the licensee must, in each month of the financial year, pay to the Commissioner one-twelfth of the amount of the recoverable administration costs for that financial year.

- (4) If a notice is given to the licensee under subsection (2), the licensee must, in each month of the financial year following that notice, pay to the Commissioner an amount equal to the revised recoverable administration costs specified in the notice less the total of the payments that have fallen due under this section in the financial year, divided by the number of payments yet to fall due under this section in the financial year.
- (5) If the whole or a part of an amount payable by the licensee is not paid to the Commissioner as required, the amount unpaid may be recovered from the licensee as a debt due to the State.
- (6) In proceedings for recovery of an amount unpaid, the Commissioner's certificate is to be regarded as conclusive evidence of the recoverable administration costs or revised recoverable administration costs for the period specified in the certificate.
- (7) In this section—  
*administration costs* means the costs of administering this Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

## Schedule 1—Transitional provisions

### 1—Authorised Betting Operations Act—Recovery of administration costs incurred in 2007/2008

Section 33A of the *Authorised Betting Operations Act 2000* (as inserted by this Act) is to apply to the financial year 1 July 2007 to 30 June 2008 subject to the following modifications:

- (a) a reference to the financial year is to be read as a reference to the period commencing on the day on which this Act comes into operation and ending on 30 June 2008;
- (b) subsection (1) is to be read as though it required the notice to be provided not less than 1 month after the commencement of this Act;
- (c) subsection (3) is to be read as though it required the licensee, in each month of the financial year, to pay to the Commissioner an amount equal to the recoverable administration costs for the financial year divided by the number of months in the financial year following the notice under subsection (1).

### 2—Casino Act—Recovery of administration costs incurred in 2007/2008

Section 52A of the *Casino Act 1997* (as inserted by this Act) is to apply to the financial year 1 July 2007 to 30 June 2008 subject to the following modifications:

- (a) a reference to the financial year is to be read as a reference to the period commencing on the day on which this Act comes into operation and ending on 30 June 2008;
- (b) subsection (1) is to be read as though it required the notice to be provided not less than 1 month after the commencement of this Act;

- (c) subsection (3) is to be read as though it required the licensee, in each month of the financial year, to pay to the Commissioner an amount equal to the recoverable administration costs for the financial year divided by the number of months in the financial year following the notice under subsection (1).