



STATUTES AMENDMENT (GAMING SUPERVISION) ACT 1995

No. 13 of 1995

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ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 13 of 1995

An Act to amend the Casino Act 1983, the Gaming Machines Act 1992 and the Liquor Licensing Act 1985.

[Assented to 23 March 1995]

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Statutes Amendment (Gaming Supervision) Act 1995*.

Commencement

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

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

**PART 2
AMENDMENT OF THE CASINO ACT 1983**

Amendment of s. 4—Interpretation

4. Section 4 of the principal Act is amended—

(a) by striking out the definition of "the Authority" and substituting the following definition:

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

(b) by inserting after the definition of "the Commission" the following definition:

"Commissioner" means the Liquor Licensing Commissioner;;

(c) by striking out the definition of "the Superintendent".

Repeal of Part II

5. Part II of the principal Act is repealed.

Amendment of s. 12—Inquiry to be held by the Authority

6. Section 12 of the principal Act is amended by striking out from subsection (4) "Superintendent" and substituting "Commissioner".

Variation of conditions of the licence

7. Section 14 of the principal Act is amended by striking out subsections (1), (2) and (3) and substituting the following subsections:

(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.

Amendment of s. 19—Exclusion of certain persons from casino

8. Section 19 of the principal Act is amended by striking out from subsection (1) "Superintendent" and substituting "Commissioner".

Amendment of s. 21—Responsibility of Commissioner

9. Section 21 of the principal Act is amended by striking out "Superintendent" and substituting "Commissioner".

Amendment of s. 22—Power of inspection

10. Section 22 of the principal Act is amended by striking out from subsections (5) and (6) "Superintendent" wherever it occurs and substituting, in each case, "Commissioner".

PART 3

AMENDMENT OF GAMING MACHINES ACT 1992

Amendment of s. 3—Interpretation

11. Section 3 of the principal Act is amended—

(a) by striking out the definition of "the Authority" in subsection (1) and substituting the following definition:

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

(b) by inserting after the definition of "the Commissioner" in subsection (1) the following definition:

"the Court" means the Licensing Court of South Australia;.

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Substitution of s. 5

12. Section 5 of the principal Act is repealed and the following section is substituted:

Commissioner responsible to Authority for scrutiny of operations under all licences

5. The Commissioner is responsible to the Authority for the constant scrutiny of the operations under all licences (of all classes) under this Act.

Repeal of ss. 11, 12 and 13

13. Sections 11, 12 and 13 of the principal Act are repealed and the following section is substituted:

Authority may give directions to licensees

11. (1) The Authority may, by notice in writing to the holder of a licence, give directions in relation to the carrying out of the undertaking under the licence.

(2) A licensee must diligently observe and carry out a direction given under this section.

Penalty: (a) in the case of an offence committed by the holder of the gaming machine monitor licence—Division 2 fine or Division 4 imprisonment;

(b) in any other case—Division 3 fine or Division 5 imprisonment.

(3) A direction given under this Act to a licensee by the Commissioner is subject to a direction given by the Authority.

Amendment of s. 69—Right of appeal

14. Section 69 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and substituting the following subsections:

(1) A person who is the subject of an order or decision (but not a direction) made or given by the Commissioner under this Act may appeal to the Court against that order or decision.

(2) A person who is the subject of a direction given by the Commissioner under this Act (except when acting as an authorised officer) may appeal to the Authority against that direction.;

(b) by striking out from subsection (3) "the Authority" and substituting "the Court or the Authority, as the case may be,";

(c) by inserting in subsection (5) before "Authority" wherever it occurs "Court or";

(d) by inserting in subsection (7) "Court or" before "Authority".

Amendment of s. 70—Operation of decisions pending appeal

15. Section 70 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

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(2) The operation of a decision, order or direction against which an appeal has been instituted may, on application by the appellant, be suspended—

- (a) in the case of an appeal to the Court against an order or decision of the Commissioner—by the Commissioner or the Court;
- (b) in the case of an appeal to the Authority against a direction of the Commissioner—by the Commissioner or the Authority,

pending determination of the appeal.

**PART 4
AMENDMENT OF THE LIQUOR LICENSING ACT 1985**

Insertion of s. 12A

16. The following section is inserted after section 12 of the principal Act:

Jurisdiction of Court

12A. The Court has the jurisdiction conferred on it by this Act or any other Act.

Amendment of heading

17. The heading to Division III of Part II is amended by inserting "UNDER THIS ACT" after "RESPONSIBILITIES".

Amendment of s. 19—Proceedings before the Court

18. Section 19 of the principal Act is amended by striking out "In proceedings under this Act," and substituting "In proceedings before the Court (whether under this Act or any other Act)".

Amendment of s. 23—Appeal from orders and decisions of the Court

19. Section 23 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

- (2) No appeal lies against an order or decision of the Court made on—
 - (a) a review of a decision of the Commissioner under this Act; or
 - (b) an appeal against an order or decision of the Commissioner under the *Gaming Machines Act 1992*.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor