

Casino Legislation Amendment (Burswood Casino) Bill 2022

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Western Australia

LEGISLATIVE ASSEMBLY

**Casino Legislation Amendment (Burswood
Casino) Bill 2022**

A Bill for

An Act to amend —

- **the *Casino Control Act 1984*; and**
- **the *Gaming and Wagering Commission Act 1987*.**

The Parliament of Western Australia enacts as follows:

1

Part 1 — Preliminary

2

1. Short title

3

This is the *Casino Legislation Amendment (Burswood Casino) Act 2022*.

4

5

2. Commencement

6

This Act comes into operation as follows —

7

(a) Part 1 — on the day on which this Act receives the Royal Assent;

8

9

(b) the rest of the Act — on the day after that day.

1 **Part 2 — *Casino Control Act 1984* amended**

2 **3. Act amended**

3 This Part amends the *Casino Control Act 1984*.

4 **4. Section 10 amended**

5 (1) In section 10(1):

6 (a) delete “who is an officer of the Commission”;

7 (b) delete “any other Act” and insert:

8

9 any other written law relating to gaming

10

11 (2) In section 10(2) delete “the Crown is also relieved of any
12 liability that it” and insert:

13

14 the Commission and the Crown are also relieved of any liability
15 that either of them

16

17 Note: The heading to amended section 10 is to read:

18 **Protection from liability**

19 **5. Section 21B amended**

20 In section 21B(3)(c) delete “\$100 000.” and insert:

21

22 \$100 million.

23

1 **6. Part IVA inserted**

2 After section 21F insert:

3

4 **Part IVA — Remediation of management and**
5 **operation of Burswood Casino**

6 **Division 1 — Preliminary**

7 **21G. Purpose of Part**

- 8 (1) The primary purpose of this Part is to provide a
9 legislative framework for the remediation of the
10 management and operation of the Burswood Casino
11 outlined in the final report of the Perth Casino Royal
12 Commission.
- 13 (2) The framework includes that —
- 14 (a) there be monitoring of and reporting on the
15 remediation by an independent monitor; and
- 16 (b) the reporting inform the Commission's advice
17 to the Minister, and the Minister's decision, as
18 to whether any action should be taken under
19 section 21B in relation to the Burswood Casino.

20 **21H. Terms used**

- 21 (1) In this Part —
- 22 ***Burswood Casino*** has the meaning given in the
23 Burswood Island Agreement clause 2;
- 24 ***Burswood Casino licensee*** means the holder of the
25 casino gaming licence for the Burswood Casino;
- 26 ***Burswood Island Agreement*** means Agreement as
27 defined in the *Casino (Burswood Island) Agreement*
28 *Act 1985* section 3;

- 1 **CEO** means the chief executive officer of the
2 Department;
- 3 **Department** means the department of the Public
4 Service assisting in the administration of this Part;
- 5 **final report of the Perth Casino Royal Commission**
6 means the report of the Perth Casino Royal
7 Commission dated 4 March 2022;
- 8 **Independent Monitor** means the person holding the
9 office of Independent Monitor under section 21J;
- 10 **management and operation of the Burswood Casino**
11 means the organisation, management, control and use
12 of the Burswood Casino, including —
- 13 (a) the organisation, management and control of
14 gaming operations at the Burswood Casino; and
- 15 (b) the organisation, management and control of
16 operations (whether of the Burswood Casino
17 licensee or not) that relate to gaming operations
18 at the Burswood Casino;
- 19 **member of the Independent Monitor's staff** means a
20 person whose services are made available under
21 section 21ZG(1);
- 22 **Perth Casino Royal Commission** means the Royal
23 Commission to inquire into and report on the affairs of
24 the Crown Casino Perth and related matters established
25 by commission dated 5 March 2021 and published in
26 the *Gazette* on 12 March 2021;
- 27 **relevant person**, in relation to the Burswood Casino
28 licensee, means —
- 29 (a) a person responsible for the management and
30 operation of the Burswood Casino; and
- 31 (b) a person concerned in or associated with the
32 management and operation of the Burswood

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- 1 Casino, including a casino key employee or
2 casino employee; and
- 3 (c) an Approved Company as defined in the
4 Burswood Island Agreement clause 2; and
- 5 (d) a close associate (as defined in section 18) of
6 the Burswood Casino licensee; and
- 7 (e) a related body corporate (as defined in the
8 *Corporations Act 2001* (Commonwealth)
9 section 9) of the Burswood Casino licensee or
10 of a person referred to in paragraph (a), (b), (c)
11 or (d);

12 ***remediation period*** has the meaning given in
13 section 21I;

14 ***remediation plan*** means the plan for the remediation of
15 the management and operation of the Burswood Casino
16 approved by the Independent Monitor under
17 section 21N and, where relevant, includes a stage of the
18 plan so approved;

19 ***specified***, in relation to an instrument, direction, notice
20 or other document under this Part, means specified in
21 that document.

- 22 (2) In this Part, a reference to a claim of confidence or
23 privilege in relation to information is a reference to a
24 claim that —
- 25 (a) the information is subject to a duty of
26 confidence or secrecy; or
- 27 (b) the information is the subject of legal
28 professional privilege; or
- 29 (c) disclosure of the information might tend to
30 incriminate the person making the claim or
31 make them liable to a penalty.

1 **21I. Remediation period**

- 2 (1) The remediation period is —
- 3 (a) the 2-year period commencing on the day on
- 4 which the *Casino Legislation Amendment*
- 5 *(Burswood Casino) Act 2022* section 6 comes
- 6 into operation; or
- 7 (b) that period as extended under subsection (2).
- 8 (2) The Minister may extend the remediation period,
- 9 whether or not it has expired and as many times as the
- 10 Minister considers is necessary.
- 11 (3) Notice of extension of the remediation period must
- 12 be —
- 13 (a) given to the Burswood Casino licensee; and
- 14 (b) published on the Department’s website.

15 **Division 2 — Independent Monitor**

16 **21J. Appointment**

- 17 (1) An office called the Independent Monitor is
- 18 established.
- 19 (2) The Minister may appoint an individual to the office.
- 20 (3) The Independent Monitor holds office on the terms and
- 21 conditions of appointment determined by the Minister.
- 22 (4) The Independent Monitor is entitled to the
- 23 remuneration determined by the Minister on the
- 24 recommendation of the Public Sector Commissioner.
- 25 (5) The Independent Monitor holds office for the term
- 26 specified in the instrument of appointment and is
- 27 eligible for reappointment.
- 28 (6) The Independent Monitor may resign from office by
- 29 notice in writing given to the Minister.

1 **21K. Functions**

- 2 (1) The functions of the Independent Monitor are —
- 3 (a) to consult on and advise in relation to the
- 4 content and preparation of a plan for the
- 5 remediation of the management and operation
- 6 of the Burswood Casino;
- 7 (b) to assess and approve a proposed remediation
- 8 plan and amendments to the remediation plan;
- 9 (c) to monitor and report on progress in the
- 10 preparation and approval of the remediation
- 11 plan and amendments to it;
- 12 (d) to monitor and report on the suitability and
- 13 efficacy of the remediation plan;
- 14 (e) to monitor and report on the implementation of
- 15 the remediation plan;
- 16 (f) to monitor and report on the efficacy of the
- 17 remediation of the management and operation
- 18 of the Burswood Casino;
- 19 (g) the other functions of the Independent Monitor
- 20 under this Part;
- 21 (h) any other function of the Independent Monitor
- 22 specified in the Independent Monitor's
- 23 instrument of appointment.
- 24 (2) A function specified under subsection (1)(h) cannot be
- 25 inconsistent with this Part.

26 **21L. Powers**

27 The Independent Monitor has all of the powers

28 necessary to perform their functions.

1 **21M. Delegation**

- 2 (1) The Independent Monitor may delegate to a member of
3 the Independent Monitor’s staff any power or duty of
4 the Independent Monitor under another provision of
5 this Part.
- 6 (2) The delegation must be in writing signed by the
7 Independent Monitor.
- 8 (3) A person to whom a power or duty is delegated under
9 this section cannot delegate that power or duty.
- 10 (4) A person exercising or performing a power or duty that
11 has been delegated to the person under this section is
12 taken to do so in accordance with the terms of the
13 delegation unless the contrary is shown.
- 14 (5) Nothing in this section limits the ability of the
15 Independent Monitor to perform a function through an
16 officer or agent.

17 **Division 3 — Remediation plans**

18 **21N. Approval of remediation plan**

- 19 (1) The Independent Monitor may approve a proposed
20 remediation plan submitted to the Independent Monitor
21 by the Burswood Casino licensee if satisfied that
22 implementation of the plan is likely to achieve, or
23 assist in achieving, the remediation of the management
24 and operation of the Burswood Casino outlined in the
25 final report of the Perth Casino Royal Commission.
- 26 (2) The remediation plan may be prepared and approved in
27 stages.
- 28 (3) The Independent Monitor may approve amendments to
29 the remediation plan that are submitted to the
30 Independent Monitor by the Burswood Casino licensee

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1 if satisfied as described in subsection (1) in relation to
2 the plan as it would be amended.

3 (4) Once approved, the Independent Monitor must give
4 copies of the remediation plan and any amendments to
5 the Minister and the Commission.

6 **21O. Independent Monitor may give directions about**
7 **remediation plan**

8 (1) The Independent Monitor may give directions to the
9 Burswood Casino licensee relating to the performance
10 of the Independent Monitor's functions under
11 section 21K(1)(a) and (b).

12 Note for this subsection:

13 Section 33(1) requires that the licensee comply with the
14 direction.

15 (2) Without limiting subsection (1), the Independent
16 Monitor may, in a direction, do 1 or more of the
17 following —

18 (a) require the Burswood Casino licensee to submit
19 to the Independent Monitor a proposed
20 remediation plan or an amendment to the
21 remediation plan;

22 (b) require that the plan or amendment cover
23 specified matters, including in a specified way;

24 (c) require that the plan or amendment be
25 submitted on or before a specified day.

26 **21P. Reports by Independent Monitor**

27 (1) During the remediation period the Independent
28 Monitor must give an interim report to the Minister and
29 the Commission —

30 (a) at least every 3 months; and

31 (b) as requested by the Minister.

- 1 (2) An interim report must, where relevant, cover —
- 2 (a) progress in the preparation and approval of the
- 3 remediation plan; and
- 4 (b) the suitability and efficacy of the remediation
- 5 plan; and
- 6 (c) implementation of the remediation plan; and
- 7 (d) the efficacy of the remediation of the
- 8 management and operation of the Burswood
- 9 Casino; and
- 10 (e) the number and nature of directions given under
- 11 section 21O or 21T; and
- 12 (f) the extent of cooperation with the Independent
- 13 Monitor, in the performance of the Independent
- 14 Monitor's functions, by the Burswood Casino
- 15 licensee and any other relevant person; and
- 16 (g) any other related matter the Minister requests
- 17 be covered by the report; and
- 18 (h) any other matter that the Independent Monitor
- 19 considers relevant.
- 20 (3) At the end of the remediation period the Independent
- 21 Monitor must give a final report to the Minister and the
- 22 Commission.
- 23 (4) The final report must cover —
- 24 (a) the suitability and efficacy of the remediation
- 25 plan over the course of the remediation period;
- 26 and
- 27 (b) implementation of the remediation plan; and
- 28 (c) the efficacy of the remediation of the
- 29 management and operation of the Burswood
- 30 Casino; and
- 31 (d) the number and nature of directions given under
- 32 section 21O or 21T; and

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- 1 (e) the extent of cooperation with the Independent
2 Monitor, in the performance of the Independent
3 Monitor's functions, by the Burswood Casino
4 licensee and any other relevant person; and
5 (f) any other related matter the Minister requests
6 be covered by the report; and
7 (g) any other matter that the Independent Monitor
8 considers relevant.

9 **21Q. Use of Independent Monitor's reports**

- 10 (1) On receiving a report of the Independent Monitor
11 under section 21P, the Commission may, and must on
12 receiving the final report, report to the Minister and
13 make recommendations as to any action that the
14 Commission considers should be taken under
15 section 21B.
16 (2) In making a report and recommendations to the
17 Minister under subsection (1), the Commission is not
18 limited to the matters covered by the Independent
19 Monitor's report or bound by any opinion in it.
20 (3) A report and recommendations made under
21 subsection (1) are, for the purposes of section 21B,
22 taken to be a report and recommendations made under
23 section 21A(4).
24 (4) Nothing in this section or Part prevents the
25 Commission from using information in a report under
26 section 21P for the performance of its other functions
27 under this Act or any other written law relating to
28 gaming.

29 **21R. Publishing Independent Monitor's reports**

- 30 (1) The Minister may direct that a report of the
31 Independent Monitor under section 21P be published
32 on the Department's website.

- 1 (2) A report that includes information in respect of which
2 there is a claim, in good faith, of confidence or
3 privilege must not be published under this section
4 unless the information is redacted.

5 **Division 4 — Monitoring powers**

6 **21S. Powers to obtain information**

- 7 (1) In this section —
8 *relevant information* means information that, in the
9 Independent Monitor's opinion, is or is likely to be
10 relevant to the performance of the Independent
11 Monitor's functions;
12 *relevant record* means a record that, in the Independent
13 Monitor's opinion, is or is likely to include relevant
14 information (however compiled, recorded or stored).
- 15 (2) For the purposes of the performance of the Independent
16 Monitor's functions, the Independent Monitor may
17 require the Burswood Casino licensee or any other
18 relevant person, by notice given to the person, to do 1
19 or more of the following —
- 20 (a) give the Independent Monitor a statement
21 signed by the person or, if the person is a body
22 corporate, by an officer of the body corporate,
23 containing the specified relevant information;
- 24 (b) give to the Independent Monitor the specified
25 relevant records;
- 26 (c) procure, and give to the Independent Monitor, a
27 report prepared by an independent person on a
28 specified matter relating to the management
29 and operation of the Burswood Casino.
- 30 (3) A notice under subsection (2) must specify the time
31 and manner for giving the information, records or
32 report.

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- 1 (4) A person given a notice under subsection (2) must
2 comply with it.

3 **21T. Independent Monitor may give directions about**
4 **obtaining information**

- 5 (1) If a person given a notice under section 21S(2) does
6 not comply with the notice, the Independent Monitor
7 may give the person a direction requiring them to
8 comply with the notice within a specified time.

9 Note for this subsection:

10 Section 33(1) requires that the person comply with the
11 direction.

- 12 (2) The Independent Monitor may give the direction
13 despite any claim of confidence or privilege.

14 Note for this subsection:

15 See section 21W(1) in relation to legal professional
16 privilege.

- 17 (3) The direction may modify a requirement in the notice,
18 including by requiring that a record or report that
19 includes information the subject of legal professional
20 privilege be given with that information redacted.

- 21 (4) A direction may include a requirement that a person
22 making a claim of legal professional privilege procure,
23 and give to the Independent Monitor, independent legal
24 advice as to the basis of the claim.

- 25 (5) Compliance with a requirement described in
26 subsection (4) is not a waiver of any legal professional
27 privilege that applies.

28 **21U. Powers of and on entry**

- 29 (1) For the purposes of the performance of the Independent
30 Monitor's functions, the Independent Monitor may at

- 1 any time enter a place that is part of the Burswood
2 Casino.
- 3 (2) An entry may be made under subsection (1) with or
4 without the consent of the person in charge or control
5 of the place.
- 6 (3) On entering a place under this section the Independent
7 Monitor may do any 1 or more of the following —
- 8 (a) inspect the place;
- 9 (b) generally make any investigation or inquiry that
10 is relevant to the performance of the
11 Independent Monitor's functions;
- 12 (c) require a person at the place to give information
13 or answer a question that, in the opinion of the
14 Independent Monitor, is or is likely to be
15 relevant to the performance of the Independent
16 Monitor's functions;
- 17 (d) require a person at the place to produce a record
18 or other thing in the possession or under the
19 control of the person that, in the opinion of the
20 Independent Monitor, is or is likely to be
21 relevant to the performance of the Independent
22 Monitor's functions;
- 23 (e) examine any record or thing, including a record
24 containing confidential information, that, in the
25 opinion of the Independent Monitor, is or is
26 likely to be relevant to the performance of the
27 Independent Monitor's functions;
- 28 (f) make copies of records or any part of them and,
29 for that purpose, take away and retain any of
30 those records or any part of them for any time
31 that may be reasonably necessary;
- 32 (g) require the person apparently in charge or
33 control of the place to provide the Independent
34 Monitor with assistance and facilities

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- 1 reasonably necessary to enable the Independent
2 Monitor to exercise their powers under this
3 section.
- 4 (4) The powers under this section may be exercised by the
5 Independent Monitor or by a member of the
6 Independent Monitor's staff.
- 7 (5) The Independent Monitor or a member of the
8 Independent Monitor's staff (the *monitor*) may, when
9 entering a place under this section, be accompanied by
10 1 or more persons to assist the monitor if they consider
11 the assistance is necessary.
- 12 (6) An assistant —
- 13 (a) may do the things at the place and in the
14 manner that the monitor reasonably requires to
15 assist the monitor to exercise their powers
16 under this section; but
- 17 (b) must not do anything that the monitor does not
18 have power to do.
- 19 (7) Anything lawfully done by an assistant is taken to have
20 been done by the monitor.

21 **21V. Attendance at board meetings**

- 22 (1) The Independent Monitor may attend a meeting of the
23 governing body (however described) of the Burswood
24 Casino licensee or any other relevant person.
- 25 (2) The Independent Monitor may do so in person,
26 remotely or by a nominated person attending (in person
27 or remotely) on the Independent Monitor's behalf.
- 28 (3) The Independent Monitor, or nominated person, is, for
29 the purposes of this section, entitled to all information
30 made available to any member of the governing body.

1 (4) This section does not give the Independent Monitor or
2 a nominated person a right to vote, and does not make
3 them a member of the governing body.

4 **21W. Compliance with requirements under s. 21S, 21T**
5 **or 21U**

6 (1) Sections 21S, 21T and 21U do not prevent a person
7 from refusing to give information or answer a question,
8 or refusing to give or produce a thing, on the basis that
9 it is or contains information the subject of legal
10 professional privilege.

11 (2) If information or an answer is given, or a thing is given
12 or produced, in good faith in compliance with a
13 requirement under section 21S, 21T or 21U(3) —

- 14 (a) no civil or criminal liability is incurred as a
15 result of the compliance; and
16 (b) the compliance is not to be regarded as a breach
17 of any duty of confidence or secrecy; and
18 (c) the compliance is not to be regarded as a breach
19 of professional ethics or standards or as
20 unprofessional conduct.

21 **21X. Offences**

22 (1) A person must not, without reasonable excuse, proof of
23 which is on the person, hinder or obstruct the
24 Independent Monitor or another person in exercising,
25 or assisting in the exercise of, the powers under
26 section 21U.

27 Penalty for this subsection: a fine of \$50 000.

28 (2) A person must not, without reasonable excuse, proof of
29 which is on the person, fail to comply with a

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- 1 requirement under section 21U(3) to give information
2 or answer a question or produce a thing.
3 Penalty for this subsection: a fine of \$50 000.
- 4 (3) A person must not, without reasonable excuse, proof of
5 which is on the person, fail to provide assistance or
6 facilities as required under section 21U(3).
7 Penalty for this subsection: a fine of \$50 000.
- 8 (4) Subsection (2) or (3) (as is relevant) does not apply
9 unless, when the Independent Monitor, member of the
10 Independent Monitor's staff or person assisting them
11 makes the requirement, they inform the person that a
12 failure to comply with the requirement may constitute
13 an offence.
- 14 (5) A person must not, in purporting to comply with a
15 requirement under section 21S, 21T or 21U(3) to give
16 information or answer a question, give information or
17 an answer that the person knows, or ought reasonably
18 to know, is false or misleading in a material particular.
19 Penalty for this subsection: a fine of \$50 000.
- 20 (6) A person must not, in purporting to comply with a
21 requirement under section 21S, 21T or 21U(3) to give
22 or produce a thing, give or produce a thing that the
23 person knows, or ought reasonably to know, is false or
24 misleading in a material particular —
- 25 (a) without indicating that it is false or misleading
26 and, to the extent the person can, how it is false
27 or misleading; and
- 28 (b) if the person has or can reasonably obtain the
29 correct information — without providing the
30 correct information.
31 Penalty for this subsection: a fine of \$50 000.

- 1 (7) It is enough for a prosecution notice lodged against a
2 person for an offence under subsection (5) or (6) to
3 state —
4 (a) that the information, answer or thing was false
5 or misleading to the person's knowledge
6 without stating which; or
7 (b) that the person ought reasonably to have known
8 that the information, answer or thing was false
9 or misleading without stating which.

10 **Division 5 — Miscellaneous**

11 **21Y. Protection of information**

- 12 (1) A person must not, directly or indirectly, record, use or
13 disclose information obtained because of a function the
14 person has or had under this Part, except as permitted
15 under subsection (2).

16 Penalty for this subsection: a fine of \$50 000.

- 17 (2) The person may record, use or disclose the
18 information —
19 (a) for the purpose of performing a function under
20 this Part; or
21 (b) to the Minister or the Commission; or
22 (c) as required under this Act or another written
23 law; or
24 (d) to a court or person or body acting judicially in
25 the course of proceedings before the court,
26 person or body; or
27 (e) under an order of a court or person or body
28 acting judicially; or
29 (f) for the purposes of investigating a suspected
30 offence or the conduct of proceedings against a
31 person for an offence.

- 1 **21Z. Information sharing**
- 2 (1) The Commission and its officers may record, use and
3 disclose information that the Independent Monitor
4 discloses to the Commission under section 21Y(2) for
5 the purpose of performing a function under this Act or
6 any other written law relating to gaming.
- 7 (2) The Commission may disclose to the Independent
8 Monitor information obtained because of a function a
9 person has or had under this Act or any other written
10 law relating to gaming.
- 11 (3) Section 21Y applies, in relation to information
12 disclosed under subsection (2), to the Independent
13 Monitor as if the information had been obtained
14 because of a function under this Part.
- 15 (4) For the purposes of the *Gaming and Wagering*
16 *Commission Act 1987* section 20(3), the disclosure of
17 information under subsection (2) is taken to be a
18 function performed in connection with that Act.
- 19 (5) Once the Independent Monitor goes out of office
20 because the performance of their functions is complete,
21 the records of the Independent Monitor become the
22 records of the Commission, and the Commission and
23 its officers may record, use and disclose the
24 information in those records for the purpose of
25 performing a function under this Act or any other
26 written law relating to gaming.
- 27 **21ZA. Cost recovery**
- 28 (1) The CEO may, by notice, require the Burswood Casino
29 licensee to pay to the CEO an amount determined by
30 the CEO, being an amount that, together with all other

- 1 amounts paid or payable under this section, does not
2 exceed the reasonable costs and expenses relating to —
- 3 (a) the appointment of the Independent Monitor;
4 and
 - 5 (b) the performance of the Independent Monitor’s
6 functions under this Part.
- 7 (2) The CEO may give a notice under subsection (1) to the
8 Burswood Casino licensee —
- 9 (a) during the remediation period — at intervals of
10 between 3 and 6 months; and
 - 11 (b) following the expiry of the remediation
12 period — as required.
- 13 (3) A notice under subsection (1) must set out —
- 14 (a) the amount to be paid by the Burswood Casino
15 licensee in respect of the period to which the
16 notice relates; and
 - 17 (b) how the amount was determined; and
 - 18 (c) when and how the amount must be paid to the
19 CEO.
- 20 (4) Without limiting subsection (1), the reasonable costs
21 and expenses referred to include —
- 22 (a) remuneration of the Independent Monitor; and
 - 23 (b) costs and expenses of the Department under
24 section 21ZG; and
 - 25 (c) costs and expenses of the Department in
26 acquiring services, including consultancy and
27 advice, for the purposes of the performance of
28 the Independent Monitor’s functions; and
 - 29 (d) costs and expenses of the Department in
30 relation to the appointment of the Independent
31 Monitor, including any incurred before the day
32 on which the *Casino Legislation Amendment*

1 **21ZD. Minister may direct Commission in relation to**
2 **Burswood Casino and Royal Commission**

- 3 (1) The Minister may give directions in writing to the
4 Commission about the performance of its functions in
5 relation to the Burswood Casino, either generally or in
6 relation to a particular matter, and the Commission
7 must give effect to the direction.
- 8 (2) A direction under subsection (1) must relate to the
9 recommendations in the final report of the Perth Casino
10 Royal Commission.
- 11 (3) This section does not limit the Minister's power to
12 direct the Commission, including in relation to the
13 Burswood Casino, under the *Gaming and Wagering*
14 *Commission Act 1987*.
- 15 (4) The Minister must cause the text of a direction under
16 subsection (1) to be laid before each House of
17 Parliament within 12 sitting days of the House after
18 the day on which the direction is given.
- 19 (5) The text of a direction under subsection (1) must be
20 included in the annual report submitted by the
21 accountable authority of the Commission under the
22 *Financial Management Act 2006* Part 5.

23 **21ZE. Notices and directions under this Part**

- 24 (1) A notice or direction given under this Part by the
25 Independent Monitor or the CEO must be in writing
26 signed by the Independent Monitor or CEO (as is
27 relevant).
- 28 (2) A notice or direction under this Part may be given by
29 electronic means, and in that case, the requirement for
30 a signature may be satisfied by an electronic signature.

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1 (3) A notice or direction given by electronic means is
2 taken to have been given, unless there is indication of a
3 malfunction in transmission, on the day on which the
4 notice or direction is sent, if sent before 5 pm on a
5 business day, otherwise on the next business day.

6 (4) In subsection (3) —
7 *business day* means a day other than a Saturday,
8 Sunday or public holiday.

9 **21ZF. Prohibition on Independent Monitor, staff and**
10 **agents gaming at Burswood Casino**

11 (1) The Independent Monitor must not participate in any
12 game in the Burswood Casino.

13 Penalty for this subsection: a fine of \$20 000.

14 (2) A person who is a member of the Independent
15 Monitor's staff or an agent of the Independent Monitor
16 must not participate in any game in the Burswood
17 Casino.

18 Penalty for this subsection: a fine of \$10 000.

19 (3) In subsection (2) —
20 *agent*, of the Independent Monitor, means a person
21 acting on behalf of the Independent Monitor or under
22 engagement for the purposes of the performance of the
23 Independent Monitor's functions.

24 **21ZG. Use of Department's staff and facilities**

25 (1) The Independent Monitor may by arrangement with the
26 CEO, make use, either full-time or part-time, of the
27 services of any officer or employee of the Department.

28 (2) The Independent Monitor may, by arrangement with
29 the CEO, make use of any facilities of the Department.

- 1 (3) An arrangement under subsection (1) or (2) must be
2 made on terms agreed to by the parties.

3 **21ZH. ID cards for Independent Monitor and staff**

- 4 (1) The Chief Casino Officer must give the Independent
5 Monitor and each member of the Independent
6 Monitor's staff a card (an *ID card*) that includes —
7 (a) a photograph of the person; and
8 (b) the person's name; and
9 (c) a statement that the person is the Independent
10 Monitor or a member of the Independent
11 Monitor's staff (as is relevant).
- 12 (2) A person (that is, the Independent Monitor or a
13 member of the Independent Monitor's staff) must,
14 when exercising or proposing to exercise a power
15 under section 21U, produce their ID card if asked to do
16 so, and, if unable to do so, must not exercise or
17 continue to exercise the power.
- 18 (3) In proceedings under this Act, an ID card purporting to
19 be issued by the Chief Casino Officer under this
20 section is sufficient evidence that the holder of the card
21 is the Independent Monitor or a member of the
22 Independent Monitor's staff (as is relevant), unless
23 there is evidence to the contrary.
24

25 **7. Section 24 amended**

- 26 (1) Before section 24(1) insert:
27

- 28 (1AA) In this section —
29 *management and operation of a casino* means the
30 organisation, management, control and use of the
31 casino, including —

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- 1 (a) the organisation, management and control of
2 gaming operations at the casino; and
- 3 (b) the organisation, management and control of
4 operations (whether of the casino licensee or
5 not) that relate to gaming operations at the
6 casino.
- 7
- 8 (2) In section 24(1) delete “with respect to the system of internal
9 controls and administrative and accounting procedures that
10 apply to the gaming operations of the casino licensee.” and
11 insert:
12
- 13 about the management and operation of the casino.
14
- 15 (3) In section 24(1c) delete “The controls” and insert:
16
- 17 Controls
18
- 19 (4) In section 24(2) delete “The Commission” and insert:
20
- 21 Without limiting subsection (1), the Commission
22
- 23 (5) In section 24(3):
24 (a) delete “in accordance with” and insert:
25
- 26 to the licensee under
27

- 1 (b) delete the passage that begins with “and is not
2 contravened” and continues to the end of the subsection
3 and insert:
4

5 and is not contravened by the following persons —

- 6 (a) a person responsible for the management and
7 operation of the casino;
8 (b) any other person acting in relation to the
9 management and operation of the casino as an
10 employee, agent or otherwise on behalf of, or
11 subject to the control of, the casino licensee.
12

13 **8. Section 33 replaced**

14 Delete section 33 and insert:
15

16 **33. Contravention of directions**

- 17 (1) A person given a direction under this Act must comply
18 with it.

19 Penalty for this subsection:

- 20 (a) for an individual, a fine of \$100 000;
21 (b) for a body corporate, a fine of \$250 000.

- 22 (2) If a direction under this Act is given to a casino
23 licensee under section 24, a person to whom or which
24 section 24(3) refers in relation to the direction must
25 comply with the direction.

26 Penalty for this subsection:

- 27 (a) for an individual, a fine of \$100 000;
28 (b) for a body corporate, a fine of \$250 000.

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- 1 (3) It is a defence to a charge of an offence under
2 subsection (1) or (2) for the person charged to prove
3 that they had a reasonable excuse for failing to comply
4 with the direction.
5

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- 1 (2) In section 12(2) delete “subsection (1)(b)” and insert:
2
3 subsection (1)
4
- 5 (3) After section 12(2) insert:
6
- 7 (2A) The members of the Commission must select one of
8 their number to be the deputy chairperson.
- 9 (2B) If the chairperson is unable to act because of absence
10 or incapacity, or the office of chairperson is vacant, the
11 deputy chairperson must act in the chairperson’s place.
12
- 13 (4) Delete section 12(4)(a).
- 14 (5) In section 12(5) delete “any deputy of the” and insert:
15
16 the deputy
17
- 18 (6) After section 12(5) insert:
19
- 20 (5A) Subject to this Act, the chairperson holds office for the
21 period, not exceeding 5 years, specified in their
22 instrument of appointment, and is eligible for
23 reappointment.
24
- 25 (7) In section 12(6) delete “other than the ex officio member shall
26 hold” and insert:
27
28 appointed under subsection (1)(b) holds
29

- 1 (8) In section 12(7) delete “an appointed member” and insert:
2
- 3 a member appointed under subsection (1)(b)
4
- 5 (9) In section 12(8)(a) after “both a member” insert:
6
- 7 appointed under subsection (1)(b)
8
- 9 (10) Delete section 12(10) and insert:
10
- 11 (10) An act or omission of a person acting in place of
12 another under this section cannot be questioned on the
13 ground that the occasion for acting had not arisen or
14 had ceased.
15
- 16 (11) In section 12(11)(d) delete “being an appointed member,”.
17 (12) After section 12(13) insert:
18
- 19 (14) Until a person is appointed to the office of chairperson
20 under subsection (1), as amended by the *Casino*
21 *Legislation Amendment (Burswood Casino) Act 2022*
22 section 11, the chief executive officer of the
23 Department is, ex officio, the chairperson of the
24 Commission.
25

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