

2 Section thirty-three of the Principal Act is amended—

Contractors.

(a) by omitting the word “or” occurring after paragraph (cb) of subsection (3) of that section and by inserting after paragraph (d) of that subsection the following paragraphs:—

“(e) for or in relation to the appointment of a person as a collector under the *Tobacco Act 1972* or the remuneration of a person so appointed; or

“(f) for or in relation to the making of a loan by—

(i) the Superannuation Fund Board; or

(ii) the Retirement Benefits Fund Investment Trust,

if the loan is made upon the like conditions and at the same rate of interest as would be applicable if the loan were made to any other private person.”; and

(b) by inserting after paragraph (f) of the definition of “State instrumentality” in subsection (6) of that section the following paragraphs:—

“(fa) the Superannuation Fund Board;

“(fb) the Retirement Benefits Fund Investment Trust;”.

NORTHERN CASINO.

No. 67 of 1972.

AN ACT to assist the establishment of a tourist hotel of international standard in the Northern Division of the State and to allow gaming therein.

[17 January 1973.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Northern Casino Act 1972*.

Short title.

Interpre-
tation.**2** In this Act, unless the contrary intention appears—

“agreement” means the agreement set forth in the schedule;

“casino” means that portion of the premises to which a casino licence then in force relates;

“casino licence” means a licence issued under section four;

“game” means an unlawful game within the meaning of section one hundred and five of the *Racing and Gaming Act 1952*;

“licensee” means the licensee of the premises under the *Licensing Act 1932*;

“poker machine” means any machine, instrument, or device kept, used, or operated, or intended or designed for use or operation, or capable of being used or operated for the purpose of gaming and the use or operation of which depends upon the insertion in the machine, instrument, or device of any coin or token;

“promoter” means *Four Seasons International Casino Proprietary Limited*, a company incorporated under the *Companies Act 1962*, and includes a person to whom a casino licence has been—

(a) assigned pursuant to subsection (1); or

(b) deemed to be renewed under subsection (3),

of section fifteen;

“the premises” means the premises of the hotel mentioned in subsection (1) of section five as licensed under the *Licensing Act 1932*.

Ratification
of the
agreement.**3** Subject to this Act, the agreement is approved and ratified on the part of the State.Casino
licence.**4**—(1) The Governor may issue in writing under his hand—

(a) subject to section five, one original casino licence; and

(b) in respect of the same casino as the original licence, other casino licences as provided in sections six and fifteen.

(2) A casino licence shall—

(a) specify to what portion of the premises it relates;

(b) specify what games have been authorized by the Governor pursuant to section nine;

(c) authorize the conduct and playing of such games in the casino; and

(d) be subject to compliance by the promoter with such directions as the Treasurer may give pursuant to section fourteen.

Issue of
original
casino
licence.**5**—(1) If on the completion of the work referred to in clause 3 of the agreement the hotel so built is licensed as an hotel under the *Licensing Act 1932*, the promoter is entitled, subject to approval by the Governor as to all the matters set out in clause 8 of the agreement and payment of the fee referred to in section seven to receive from the Governor the original casino licence for that hotel.

(2) The original casino licence shall commence on the first day of a month and expire on the thirtieth day of June next following.

6 So long as the promoter complies with this Act and the agreement and with the terms of its casino licence, that licence is renewable by the promoter annually on the first day of July in each year. Renewal of casino licence.

7 A fee of two thousand five hundred dollars is payable by the promoter to the Treasurer on the issue and renewal of a casino licence and on the first day of each subsequent month during a casino licence's currency. Licence fee.

8—(1) The Governor may suspend, withdraw or refuse to renew a casino licence if— Withdrawal or refusal of casino licence.

(a) the promoter—

- (i) refuses or fails to comply with any direction given by the Treasurer under section fourteen;
- (ii) commits a breach of this Act or the agreement which in the opinion of the Governor is serious or fundamental;
- (iii) not being incorporated under the *Companies Act* 1962 or similar legislation, in this State or elsewhere, ceases to be incorporated or is subject to legal proceedings to bring about such cessation; or
- (iv) being so incorporated, is the subject of a resolution or petition for winding up, unless such winding up be for the purposes of amalgamation or reconstruction;

(b) the Governor is of opinion that the promoter is unfit to carry on the business of a casino; or

(c) any director of the promoter is, in the opinion of the Governor, unfit to be concerned with the business of a casino, and has not resigned as such a director within seven days of being required by the Governor so to do.

(2) The suspension of a casino licence under this section has during its currency the effect of suspending the operation of—

- (a) paragraph (c) of subsection (2) of section four;
- (b) section ten; and
- (c) subsections (1) and (4), but not subsection (5), of section eleven.

9—(1) For the purposes of paragraph (b) of subsection (2) of section four, the Governor may by order-in-council authorize any game, not being a game played with a poker machine, specifying it by name and by reference to a document issued under subsection (5) of this section in respect thereof. Licensed games.

(2) An order made under subsection (1) of this section shall be deemed to be a regulation for the purposes of section forty-seven of the *Acts Interpretation Act* 1931.

(3) If the promoter desires to have played in its casino any game not authorized by its current casino licence it shall submit an application to the Treasurer to that effect together with proposed rules for the playing thereof.

(4) If an order is made under subsection (1) of this section on an application under subsection (3) the game so authorized shall be deemed to be specified in the promoter's current casino licence.

(5) In respect of games to be authorized by an order under subsection (1) of this section, the Treasurer may authorize and require the promoter to issue printed rules for the conduct and playing of each such game and the promoter shall comply and give the Treasurer as many copies as he may require.

(6) A game shall be deemed not to be authorized as mentioned in subsection (5) of this section if no such rules as therein mentioned have been issued and are in force in respect of it.

Taxation.

10 Within seven days after the expiration of each month for which it has a casino licence the promoter shall pay to the Treasurer by way of tax on gross profit such sum as shall be calculated in the manner and at the rate set out in the second schedule to the agreement.

**Effect of
casino
licence.**

11—(1) Notwithstanding anything contained in the *Racing and Gaming Act 1952*, it shall be lawful in the casino for—

- (a) the holder of a casino licence, his servants or agents to organize or play; and
- (b) any person not excluded therefrom under this Act to play,

any game authorized by the licence.

(2) No action may be brought, except against the holder of a casino licence, to recover—

- (a) money won at gaming;
- (b) upon a cheque or other instrument given in payment of money so won; or
- (c) a loan of money with which to game,

that could not be brought if this Act had not been enacted.

(3) Nothing in subsection (5) of section ninety-seven of the *Licensing Act 1932* prevents the playing in the casino of a game played in accordance with a casino licence and the provisions of this Act, but nothing else in this Act affects the operation of that Act in respect of the premises and persons thereon.

(4) While a casino licence is in force, the premises shall not be deemed to be a nuisance, public or private, merely because they are used for a gaming house.

(5) Section nine of the *Police Offences Act 1935* does not apply to implementations or articles used or intended to be used in the casino pursuant to a casino licence then in force.

**Control of
premises.**

12—(1) While a casino licence is in force in respect of the premises, no person may be the licensee thereof unless he is a servant of the promoter charged with the management of the premises as a whole.

(2) While a casino licence is in force, the licensee may exclude or remove or have excluded or removed from the casino any person.

(3) Except as provided in sections fourteen and seventeen, no person has a right as against the promoter or the licensee to enter the casino, except by special contract.

(4) The licensee shall not suffer or permit any person under the age of twenty-one years to play at any game (including a game not unlawful within the meaning of section one hundred and five of the *Racing and Gaming Act 1952*) in the casino.

13—(1) The Commissioner of Police may, while a casino licence is in force, in writing order the licensee to exclude any specified person from the casino and the licensee shall comply. Power of the Commissioner of Police.

(2) Where the Commissioner of Police makes an order under this section he shall, where practicable, give notice of the order to the person thereby affected.

14—(1) The Treasurer, on the recommendation of the Under-Treasurer, may give the promoter a direction, to operate during the currency of a casino licence, including any renewal thereof, with respect to— Powers of the Treasurer.

- (a) the manner in which accounts of the promoter's casino operations shall be kept;
- (b) the supervision and control of the casino operations of the promoter by persons appointed by the Treasurer from time to time for that purpose; and
- (c) production from time to time of such information in relation to the conduct of the promoter's casino operations as the Treasurer thinks fit.

(2) The Treasurer, on the recommendation of the Under-Treasurer, may give the promoter a direction, to operate during the currency of a casino licence, to vary or cease any practice in respect of the conduct of the casino operations or the playing of any game in the casino.

(3) The Treasurer, on the recommendation of the Under-Treasurer, may give the promoter a direction in respect of any rules approved by the Treasurer as required by clause eight of the agreement or as may be required by subsection (3) of section nine.

(4) At any time during the currency of a casino licence, the Treasurer, on the recommendation of the Under-Treasurer, may give the promoter a direction to omit, add to, or vary any rules which—

- (a) have been approved by the Treasurer under clause eight of the agreement; or
- (b) have been authorized by the Treasurer under subsection (5) of section nine,

and, from the time of the receipt by the promoter of such a direction, the rules, subject to the omission, addition, or variation shall be deemed to be the rules approved or authorized (as the case requires) by the Treasurer.

(5) Directions under this section are binding on the promoter and its employees.

Assignment
and transfer
of casino
licence.

15—(1) A casino licence may be assigned with the consent of the Governor.

(2) Where the proposed assignee is a subsidiary or parent of the promoter or a company with which it is amalgamated the Governor's consent under subsection (1) of this section shall not be unreasonably withheld.

(3) Where a casino licence is withdrawn or not renewed under section eight or is surrendered or not renewed by the promoter, the Governor may grant a casino licence to the owner or occupier of the hotel mentioned in subsection (1) of section five, which licence shall be deemed to be a renewal of the original casino licence.

Offences.

16—(1) Any one of the promoters, its directors, the licensee, and its servants and agents employed or engaged in or in connection with the casino who—

(a) wilfully contravenes this Act or the provisions of a casino licence is liable to a penalty of two thousand dollars;

or

(b) contravenes this Act or the provisions of a casino licence otherwise than wilfully is liable to a penalty of one hundred dollars.

(2) A person who, knowing that an order is in force against him under section thirteen, enters upon or remains in the casino is liable to a penalty of five hundred dollars.

(3) A person under the age of twenty-one years shall not play at any game (including a game not unlawful within the meaning of section one hundred and five of the *Racing and Gaming Act 1952*) in the casino.

Penalty: For a first offence, twenty dollars; for a subsequent offence, one hundred dollars.

(4) A complaint of an offence under paragraph (a) of subsection (1) of this section may be laid only by an officer of police of or above the rank of inspector.

(5) It is a defence to any person charged in respect of a contravention of subsection (4) of section twelve that he or the person for whom he is responsible had reasonable grounds for believing that the person alleged to be under the age of twenty-one years and playing at the game alleged was over that age.

Powers of
police
officers.

17 A police officer as defined by the *Police Regulation Act 1898*, whether or not he is an inspector under the *Licensing Act 1932*, may, if authorized by a superintendent of police, enter at any time any part of the casino.

Regulations.

18—(1) The Governor may make regulations for the purposes of this Act and in particular for regulating applications for a casino licence and its renewal.

(2) The power to make regulations under this section extends to providing that—

(a) where a dispute has arisen in respect of a wager made between the promoter and a player of a game in the casino or between players of such games—

(i) the dispute may be referred to arbitration; or

- (ii) a court of competent jurisdiction in respect of the amount involved may decide the dispute, no enactment or rule of law or practice to the contrary withstanding,
as the player, where the dispute is with the promoter, or any player, where the dispute is between players, may choose;
- (b) a decision made on a reference under sub-paragraph (i) of paragraph (a) of this subsection shall be final and binding on the parties and shall not be reviewed or quashed by any court; and
- (c) if in a dispute between players one player has initiated proceedings as provided in that sub-paragraph and another has initiated proceedings in a court, a judge in chambers may determine summarily which proceedings shall be stayed.

“ THE SCHEDULE.

(Section 2.)

AN AGREEMENT made the Twenty third day of November One thousand Nine hundred and Seventy two BETWEEN THE HONOURABLE ERIC ELLIOTT REECE being and as the Treasurer for the time being of the State of Tasmania (hereinafter called “the Treasurer” which expression shall include his successors in office) of the first part FOUR SEASONS INTERNATIONAL CASINO PTY. LTD. a Company incorporated in the State of Tasmania and having its registered office at No. 9 Victoria Street, Hobart in that State (hereinafter called “the Promoter”) of the second part STOCKS & HOLDINGS (TASMANIA) PTY. LTD. a Company incorporated in the State of Tasmania and having its registered office at No. 10 Victoria Street aforesaid of the third part and FOUR SEASONS LTD. a Company incorporated in the State of Tasmania and having its registered office at No. 9 Victoria Street aforesaid and STOCKS & HOLDINGS LTD. a Company incorporated in the State of New South Wales and having its registered office at No. 181 Castlereagh Street, Sydney in that State of the fourth part WHEREAS:—

- (a) The Promotor is jointly owned by Four Seasons Ltd. and Stocks & Holdings Ltd. and Stocks & Holdings (Tasmania) Pty. Ltd. is a subsidiary of Stocks & Holdings Ltd.
- (b) Stocks & Holdings (Tasmania) Pty. Ltd. is to obtain a lease for a term of fifty years from the Launceston Corporation of the lands more particularly described in the First Schedule hereto (hereinafter called “the premises”) with an option to purchase the same and to enter into a sub-lease of the premises in favour of the Promoter.
- (c) Certain preliminary plans have been prepared to erect upon the premises a tourist hotel of international standard.
- (d) The Promoter is desirous (inter alia) of conducting a casino upon portion of the premises.
- (e) The Promoter has sought permission to conduct certain games which might otherwise be unlawful by virtue of the provisions of Section 105 of the Racing and Gaming Act 1952 or other statutory provisions or rules of law.
- (f) Subject to the approval of Parliament and upon the conditions approved by Parliament the Governor will grant a casino licence to the Promoter to permit the playing on the premises of such games (other than games played with poker machines) as may be authorised by the Governor pursuant to legislation which may be passed by Parliament.

- (g) Four Seasons Ltd. and Stocks and Holdings Ltd. have agreed to guarantee the due performance and compliance by the Promoter and Stocks & Holdings Ltd. has agreed to guarantee the due performance and compliance by Stocks & Holdings (Tasmania) Pty. Ltd. of and with their respective agreements and obligations on each of their parts to be performed and observed under this agreement the Act and any casino licence issued pursuant to the Act.

NOW IT IS HEREBY AGREED as follows:—

1. This Agreement shall come into effect when the same shall be ratified and approved by Parliament but the same shall be wholly conditional upon such ratification and approval by Parliament either in its present form or with such variations and amendments as the parties hereto shall assent to in writing and in default of such ratification (and if necessary such assent) the same shall be wholly void and of no effect whatsoever.
2. In this Agreement unless the context otherwise requires:—
 - “Parliament” means the Parliament of the State of Tasmania.
 - “Games” includes games which would but for this Agreement and the ratification and approval thereof by Parliament be contrary to any statutory or other rule of law relative to games of chance and wagering transactions but not games involving the use of any poker machines.
 - “Poker Machines” means any machine instrument or device kept, used or operated, or intended or designed for use or operation, or capable of being used or operated for the purpose of gaming and the use or operation of which depends upon the insertion in the machine, instrument or device of any coin or token.
 - “The Act” means the Act of Parliament ratifying or approving this Agreement.
 - “Northern Division” shall have the same meaning as that expression bears in the Acts Interpretation Act 1931.
3. Within twelve months after this Agreement shall come into effect or such further time as the Governor may approve Stocks & Holdings (Tasmania) Pty. Ltd. will execute an Agreement (hereinafter called “The development agreement”) with a person firm or company approved by the Governor which shall provide for the development by that Company of the premises by such means and in such manner and upon such terms as the Governor may in his discretion approve but without limiting the generality of the foregoing the development agreement shall provide:—
 - (a) for the construction of a tourist hotel of international standard including approximately 150 bedrooms but capable of extension to 200 bedrooms and a casino such hotel to be constructed in accordance with plans and specifications approved by the Governor.
 - (b) satisfactory terms or arrangements for the purpose of ensuring as far as practicable that the proposed development will be completed within a specified time and at a cost within the capacity of Stocks & Holdings (Tasmania) Pty. Ltd. to finance on a reasonably economic basis.
 - (c) that Stocks & Holdings Ltd. will guarantee the due performance by Stocks & Holdings (Tasmania) Pty. Ltd. of all covenants agreements and obligations on its part to be observed or performed pursuant thereto.
4. Subject to compliance by the Promoter with Clause 8 hereof on the completion of the works under the development agreement and subject to the execution of the sub-lease of the premises in favour of the Promoter and the hotel so built being licensed as a hotel and on the payment of the fee provided by Clause 6 hereof the Promoter shall be entitled to receive from the Governor the original casino licence (hereinafter called “the licence”) for the premises authorising the conduct and playing on such part of the premises as may be specified in the licence of such games but not games played with poker machines as may be authorised by the Governor.
5. So long as the Promoter shall comply with the terms of this Agreement the Act and the licence the licence shall be renewable by the Promoter annually on the First day of July in each year.

6. The Promoter shall pay to the Treasurer a fee of \$2,500.00 on the issue and renewal of the licence and on the first day of each subsequent month during the currency of the licence.
7. The Governor may withdraw or refuse to renew the licence if:—
 - (a) the Promoter—
 - (i) commits any breach of the provisions of this Agreement or of the Act which in the opinion of the Governor is serious or fundamental
 - (ii) ceases to be incorporated or is subject to legal proceedings to bring about such cessation or
 - (iii) is the subject of a resolution or petition for winding up unless such winding up be for the purposes of amalgamation or reconstruction.
 - (b) the Governor is of the opinion that the Promoter is unfit to carry on the business of a casino or
 - (c) any director of the Promoter is in the opinion of the Governor unfit to be concerned with the business of a casino and has not resigned as such a director within seven days of being required by the Governor so to do.
8. Before the Governor shall grant a licence pursuant to this Agreement the Promoter shall submit to and obtain the approval of the Treasurer and will at all times during the currency of the licence comply with the directions of the Treasurer as to:—
 - (a) Written rules relating to any matter connected with the conduct of the casino which, in the opinion of the Treasurer, are in the public interest, and to—
 - (i) the playing of such games; and
 - (ii) the conditions subject to which games may be played, as it is proposed to play in the casino, the playing of which is authorised by the Governor.
 - (b) The manner in which accounts of the Promoter's casino operations shall be kept.
 - (c) Proposals for and the extent of supervision and control of the casino operations of the Promoter by persons appointed by the Treasurer from time to time for that purpose.
 - (d) Production from time to time of such information in relation to the conduct of the Promoter's casino operations as the Treasurer shall think fit.
9. If at any time the Promoter desires to extend its casino operations to any games otherwise unlawful not previously authorised by the Governor it shall submit an application to the Treasurer to such effect together with proposed rules for the operation thereof. No such games shall be permitted unless and until rules therefor have been approved by the Governor.
10. Within seven days after the expiration of each month for which it holds the licence the Promoter shall pay to the Treasurer by way of tax on gross profit such sum as shall be calculated in the manner and at the rates set out in the Second Schedule hereto or in such other manner and at such other rates as Parliament may determine at the expiration of two years after the date of the issue of the licence and at the expiration of every three years thereafter.
11. The Promoter shall not assign the benefit or the obligations under this Agreement but the licence may be assigned with the consent of the Governor which shall not be unreasonably withheld where the proposed assignee is a subsidiary or parent of the Promoter or a company with which it is amalgamated.
12. The Promoter shall at all times observe the laws of the State of Tasmania (subject always to the Act and to the provisions of this Agreement and any licence granted or in force hereunder) and in particular shall comply with the Licensing Act 1932 or any amendment thereof or Statute passed in substitution therefor which may (subject as aforesaid) be applicable to its casino operations or the premises.
13. So long as any licence issued hereunder remains in force no casino licence shall be granted for a period of fifteen (15) years commencing on the date of grant of the original casino licence to the Promoter to any other person firm Company or Corporation to legalise the playing

in the Northern Division of Tasmania of any game authorised under this Agreement or any game the playing of which would be unlawful by reason of the provisions of the Racing and Gaming Act 1952 or any other statutory provisions or rule of law.

14. In consideration of the Treasurer entering into this Agreement Four Seasons Ltd. and Stocks & Holdings Ltd. do hereby jointly and severally guarantee the due performance and compliance by the Promoter of and with all covenants agreements and obligations on its part to be performed and observed under this Agreement the Act and any casino licence issued pursuant to the Act.
15. The proper law of the Contract contained in this Agreement shall be deemed to be the law of the State of Tasmania and the formal and essential validity and the construction, interpretation and effect of this Agreement shall in all respects be determined by the law of the said State.

FIRST SCHEDULE

ALL THAT piece of land situate at Launceston in Tasmania known as the Cataract Quarry Site containing 4 acres 1 rood or thereabouts.

SECOND SCHEDULE

GROSS PROFIT FOR MONTH	RATE OF TAX APPLICABLE TO GROSS PROFIT FOR EACH DAY DURING THAT MONTH
\$	%
Less than \$25,000	5
\$25,000 to \$125,000	5% plus .25% for every \$1,000 by which the gross profit* exceeds \$25,000
More than \$125,000	30

* Adjusted to nearest \$1,000

For the purposes of this Agreement the expression "gross profit" shall mean the total amount wagered less only amounts paid out in winnings and "month" shall mean calendar month.

IN WITNESS whereof the parties hereto have executed this Agreement the day and year first above written.

SIGNED by THE HONOURABLE ERIC } Eric Reece
ELLIOTT REECE in the presence of:—
C. W. Hallam

THE COMMON SEAL of FOUR SEASONS } (L.S.)
INTERNATIONAL CASINO PTY. LTD. was
hereunto affixed by authority of the Directors
in the presence of:—
John F. Jacob DIRECTOR
J. A. Cotterell SECRETARY

THE COMMON SEAL of STOCKS & HOLD- } (L.S.)
INGS (TASMANIA) PTY. LTD. was hereunto
affixed by authority of the Board of Directors
in the presence of:—
E. Graff DIRECTOR
J. S. Milner DIRECTOR
E. Dillon SECRETARY

THE COMMON SEAL of FOUR SEASONS } (L.S.)
LTD. was hereunto affixed by authority of the
Directors in the presence of:—
John F. Jacob DIRECTOR
J. A. Cotterell SECRETARY

THE COMMON SEAL of STOCKS & HOLD-
INGS LTD. was hereunto affixed by authority
of the Board of Directors in the presence of:—

(L.S.)

E. Graff DIRECTOR
J. S. Milner DIRECTOR
E. Dillon SECRETARY

LONG SERVICE LEAVE.

No. 68 of 1972.

AN ACT to amend the *Long Service Leave Act 1956*. [17 January 1973.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1**—(1) This Act may be cited as the *Long Service Leave Act 1972*. Short title and citation.
(2) The *Long Service Leave Act 1956*, as subsequently amended, is in this Act referred to as the Principal Act.

- 2** Section two of the Principal Act is amended— Interpretation.
- (a) by omitting from subsection (1) the definition of “Chief Inspector”; and
- (b) by inserting in that subsection after the definition of “ordinary pay” the following definition:—
“ ‘Secretary’ means the Secretary for Labour;”.