



Christmas Island Gambling (Clubs) Ordinance 1978

Ordinance No. 8, 1978

made under the

Christmas Island Act 1958

Compilation No. 2

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Christmas Island Gambling (Clubs) Ordinance 1978* that shows the text of the law as amended and in force on 31 August 2017 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Ordinance relating to the licencing of gambling in clubs

Part I—Preliminary

1 Short title

This Ordinance may be cited as the *Christmas Island Gambling (Clubs) Ordinance 1978*.

2 Interpretation

- (1) In this Ordinance, unless the contrary intention appears:

club means an association that is, or is taken to be, incorporated under the *Associations Incorporation Act 2015* (WA) (CI).

Court means the District Court of Western Australia.

gambling implement means anything used in or for the purpose of conducting or playing games of chance.

game of chance means a game the outcome of which is determined wholly or principally by chance and in respect of the outcome of which money is wagered.

licence means a licence granted under subsection 5(1).

licensed premises means the premises described in a licence.

member, in relation to a club, means a member or group of members of that club.

secretary, in relation to a club, means the person for the time being holding or performing the duties of secretary of the club and includes any other person responsible for the management of the club.

- (2) In this Ordinance, a reference, however expressed, to permission to use licensed premises of a club for the conduct of games of chance shall be read as a reference to permission in accordance with section 13.

Part II—Licence

3 Application for licence

- (1) An application for the grant of a licence to a club:
 - (a) shall be in writing and shall be signed by the secretary of the club;
 - (b) shall be lodged with the Administrator not less than 30 days before the date desired for the commencement of the licence;
 - (c) shall state the following particulars:
 - (i) the name and address of the club;
 - (ii) the objects and purposes of the club;
 - (iii) the times at which it is proposed to permit the conduct of games of chance;
 - (iv) the games of chance proposed to be conducted on the premises of the club;
 - (v) that the committee of the club has authorized the secretary to apply for a licence under this Ordinance; and
 - (vi) the date desired for the commencement of the licence; and
 - (d) shall be accompanied by:
 - (i) a copy of the rules of the club as an association for the purposes of the *Associations Incorporation Act 2015* (WA) (CI);
 - (ii) a copy of the rules of the club relating to the conduct of the games of chance referred to in subparagraph (c)(iv); and
 - (iii) a plan of the premises of the club indicating the room or the area in which it is proposed to permit games of chance to be conducted.
- (2) The Administrator may require the secretary of a club to supply such other information as is reasonable in the circumstances in relation to an application for the grant of a licence made in accordance with subsection (1).

4 Notification of application for licence

- (1) Where an application has been made in accordance with section 3 and the Administrator is satisfied that:
 - (a) a licence has not previously been granted in respect of the premises described in the application; or
 - (b) it is desirable in the circumstances that notice of the application be published,he shall, before granting a licence, cause notice of the application to be published in the *Gazette* not less than 14 days before the date of proposed commencement of the licence referred to in the application.
- (2) A notice referred to in subsection (1) shall:
 - (a) state the particulars referred to in paragraph 3(1)(c); and

- (b) invite all interested persons to make submissions in writing to the Administrator in relation to the application within 10 days of the date of publication of the notice.

5 Licence

- (1) Subject to this section, the Administrator may, upon application by a club in accordance with section 3, grant a licence to that club to permit members of the club to use the premises described in the licence for the conduct of games of chance specified in the licence at the times specified in the licence.
- (2) The Administrator shall not grant a licence to a club in respect of the premises described in an application by that club in accordance with section 3 unless:
 - (a) he is satisfied that the use of those premises for the conduct of games of chance:
 - (i) is not contrary to the objects and purposes of the club; and
 - (ii) is not prohibited by the rules of the club referred to in subparagraph 3(1)(d)(i);
 - (b) he has approved the rules of the club for the conduct of such of the games of chance as he intends to specify in the licence;
 - (c) he is satisfied that the premises to which the application relates are suitable for the conduct of the games of chance referred to in paragraph (b);
 - (d) he has considered, in relation to the application, all written submissions received within the period referred to in paragraph 4(2)(b); and
 - (e) the prescribed fee for the grant of the licence has been paid.
- (3) A licence granted by the Administrator under this section:
 - (a) is subject to such conditions as are specified in the licence;
 - (b) comes into force on a date specified in the licence; and
 - (c) remains in force, subject to this section, until the date specified in the licence.
- (4) A licence shall not be granted under this section for a period exceeding 12 months.
- (5) A licence may, upon application being made to the Administrator and payment of the prescribed fee not more than 1 month before the expiration of the licence, be renewed by the Administrator for a period not exceeding 12 months commencing from the time the licence would have expired had it not been renewed.
- (6) A licence shall be in accordance with Form 1 in the Schedule.
- (7) The Administrator shall cause to be kept a register showing particulars of licences in force from time to time.

Section 6

6 Rules for the conduct of games of chance

The rules of a club relating to the conduct of any game of chance shall not be approved by the Administrator unless those rules:

- (a) state the maximum amount of money that may be wagered by a person at any one time on such a game of chance;
- (b) forbid any credit or other allowance being extended to a person participating in a game of chance;
- (c) provide that any money wagered on a game of chance shall be placed on the gaming table at the time that the wager is made and accepted;
- (d) state the procedure in accordance with which a member of the club may be granted permission to use licensed premises of the club for the conduct of games of chance;
- (e) require that a member of the club, permitted to use licensed premises of the club for the conduct of games of chance, shall keep written records of those games of chance conducted by him on those premises; and
- (f) set out the form that the records referred to in paragraph (e) shall take and the manner in which those records shall be kept.

7 Amendment of rules

Where the Administrator has approved the rules of a club for the conduct of any game of chance, an amendment of those rules or the substitution of new rules shall not come into operation until the Administrator has approved of that amendment or those new rules.

8 Notification of Administrator's decision on application for licence

- (1) Where the Administrator has made a decision:
 - (a) to grant a licence to a club;
 - (b) to grant a licence to a club subject to specified conditions; or
 - (c) to refuse to grant a licence to a club,he shall cause written notice of his decision to be given:
 - (d) to the club that applied for the licence; and
 - (e) to all interested persons who made written submissions in accordance with paragraph 4(2)(b).
- (2) A notice under subsection (1) shall specify the reasons for the decision to which it relates.

9 Display of licence

Where a club has been granted a licence, the secretary shall ensure that the licence or a copy of the licence is displayed in a prominent position on the licensed premises.

10 Duplicate licence

If the Administrator is satisfied that a licence has been lost or destroyed, he may, on receipt of the prescribed fee, issue a duplicate licence, which shall be of the same force as the licence which has been lost or destroyed.

11 Cancellation or suspension of licence

- (1) The Administrator may, by notice in writing given to a club which has been granted a licence, cancel that licence if:
 - (a) there has been a contravention of, or a failure to comply with, a condition to which the licence is subject;
 - (b) the club has failed to comply with section 15 or 17; or
 - (c) the club has been convicted of an offence against this Ordinance.
- (2) The Administrator may, by notice in writing given to a club to which a licence has been granted, suspend that licence if he has reasonable grounds to suspect that:
 - (a) there has been a contravention of, or a failure to comply with, a condition to which the licence is subject; or
 - (b) the club has failed to comply with section 15 or 17,unless in relation to that contravention or failure he has previously exercised his power under this subsection.
- (3) The suspension of a licence under subsection (2), unless sooner revoked, ceases:
 - (a) if proceedings for an offence in respect of the licence are instituted against the club within 28 days after the suspension—on the completion of those proceedings; or
 - (b) in any other case—on the expiration of 28 days after the suspension.
- (4) A notice referred to in subsection (1) or (2) shall specify the reasons for the cancellation or suspension.

12 Appeal

- (1) Where the Administrator has made a decision:
 - (a) to grant a licence to a club;
 - (b) to grant a licence to a club subject to specified conditions;
 - (c) to refuse to grant a licence to a club; or
 - (d) to cancel or suspend a licence granted to a club,and he has given notice of that decision to a person or the club in accordance with subsection 8(1), 11(1) or 11(2), as the case requires,
 - (e) the person, in relation to a decision referred to in paragraph (a) or (b); or
 - (f) the club, in relation to a decision referred to in paragraph (b), (c) or (d),may, within 28 days after receipt of the notice, or within such longer period as the Court directs, make application to the Court for the Court to review the decision of the Administrator.

Section 12

- (2) The Administrator shall be the respondent in proceedings instituted under subsection (1).
- (3) A copy of an application under subsection (1) shall be served on the Administrator within 7 days after the making of that application.
- (4) The Court, upon hearing and determining an application under subsection (1) to review a decision of the Administrator, shall:
 - (a) confirm the decision;
 - (b) revoke the decision; or
 - (c) substitute another decision,and make such other order as justice requires.
- (5) A decision by the Court under subsection (4) has the same force and effect as a decision of the Administrator.
- (6) A decision or order of the Court in proceedings under this section is final and conclusive.

Part III—Control of Gambling

13 Club may permit members to conduct games of chance

A club to which a licence has been granted may from time to time permit members of the club to use, in accordance with the licence, licensed premises of the club for the conduct of games of chance specified in the licence.

14 Payment to club by member permitted to conduct games of chance

- (1) A member of a club permitted to use licensed premises of the club for the conduct of games of chance shall, within 24 hours after the end of each week, pay to the club an amount equal to 2.5 per cent of the daily net winnings derived by that member from games of chance conducted on those premises during that week.
- (2) Games of chance conducted on licensed premises of the club within 6 hours after midnight on a Sunday shall, for the purposes of this section, be deemed to have been conducted during the week that ended at that midnight.
- (3) A member who fails to pay an amount to a club in accordance with subsection (1) shall not, until he has paid that amount, conduct a game of chance on licensed premises of that club.

- (4) In this section:

daily net winnings means the total value of bets accepted on games of chance conducted by a member on a day less the total value of losses incurred by that member on those games on that day.

week means the period of 7 days ending at midnight on a Sunday.

15 Moneys received by club to be paid to Administrator

A club shall pay all moneys received under subsection 14(1) to the Administrator not later than the end of the next day of business of the offices of the government of the Territory after the day on which those moneys are so received.

16 Administrator to pay moneys into Consolidated Revenue Fund

The Administrator shall pay all moneys received under section 15 into the Consolidated Revenue Fund.

17 Accounts

A club shall:

Section 18

- (a) keep full and separate accounts of all moneys received under subsection 14(1) and all moneys paid to the Administrator under section 15;
- (b) keep those accounts so that they may be conveniently and properly audited by a person approved by the Administrator; and
- (c) balance those accounts at the end of each month.

18 Records of games of chance

A member of a club permitted to use licensed premises of the club for the conduct of games of chance shall, in accordance with the requirements of the rules of the club relating to the conduct of those games of chance, keep written records of all games of chance conducted by him on those premises.

Penalty: \$100.

19 Game of chance not to be conducted or played other than on licensed premises or contrary to licence

A person shall not conduct or play a game of chance on the premises of a club:

- (a) other than on licensed premises of the club; or
- (b) otherwise than in accordance with a licence granted to the club in respect of those premises.

Penalty: \$100.

20 Game of chance not to be conducted contrary to rules or without permission

A person shall not conduct a game of chance on licensed premises of a club:

- (a) in contravention of the rules of the club relating to the conduct of that game of chance; or
- (b) unless he has been permitted to use those premises for the conduct of that game of chance.

Penalty: \$150.

21 Club to ensure game of chance not conducted in contravention of Ordinance

A club shall ensure that a game of chance is not conducted on the premises of the club in contravention of this Ordinance.

Penalty: \$200.

22 Young persons prohibited from games of chance in clubs

A person under 18 years of age shall not:

- (a) participate in a game of chance conducted on licensed premises of a club;
- or

- (b) enter or remain on those premises at a time when a game of chance is in progress.

Penalty: \$25.

23 False information

A person shall not knowingly make a statement or entry in any application, document, book, account or writing made or kept for the purposes of this Ordinance, being a statement or entry that is false or misleading in any material particular.

Penalty: \$100.

24 Entry, inspection and seizure by police

- (1) A police officer may at any time enter and inspect the premises of a club to ensure that a game of chance is not being conducted or played on those premises in contravention of this Ordinance.
- (2) A police officer may:
 - (a) require a member of the committee of a club, the person for the time being in charge of the premises of the club or a member permitted to use licensed premises of the club for the conduct of games of chance to produce:
 - (i) any document, book, account or writing relating to games of chance conducted on licensed premises of the club; and
 - (ii) any gambling implement used on those premises;
 - (b) inspect any of those documents, books, accounts, writings or gambling implements;
 - (c) make copies of, or take extracts from, any of those documents, books, accounts or writings; and
 - (d) seize and retain any document, book, account, writing or gambling implement used in relation to a game of chance which he has reasonable grounds for believing has been conducted or played in contravention of this Ordinance.
- (3) Any document, book, account, writing or gambling implement seized and retained under paragraph (2)(d) shall be returned:
 - (a) if proceedings for an offence against this Ordinance are instituted within 28 days after such seizure—on completion of those proceedings unless otherwise ordered by the Court; or
 - (b) in any other case—on the expiration of 28 days after such seizure.

25 Obstruction of police officer

A person shall not, without reasonable excuse:

- (a) obstruct or delay a police officer acting in pursuance of section 24; or

Section 26

- (b) fail to make available any document, book, account, writing or any gambling implement lawfully required to be produced under paragraph 24(2)(a).

Penalty: \$50.

26 Ascertainment of name, address or age of person suspected of contravening Ordinance

- (1) A police officer acting in pursuance of section 24, who has reasonable grounds to suspect a person of having contravened this Ordinance, may require that person:
 - (a) to give his name and residential address; and
 - (b) to give his age where the police officer believes on reasonable grounds that the person is under the age of 18 years.
- (2) A person who is required under subsection (1) to give his name, residential address or age shall not:
 - (a) refuse to give his name, residential address or age; or
 - (b) give a false name, residential address or age.

Penalty: \$25.

- (3) A police officer acting in pursuance of subsection (1) may, without warrant, arrest a person who:
 - (a) refuses to give his name, residential address or age; or
 - (b) gives a name, residential address or age which the police officer believes on reasonable grounds to be false.

Part IV—Miscellaneous**27 Notice to a club**

A notice to be given to a club under subsection 8(1), 11(1) or 11(2) shall be deemed to be given to the club if:

- (a) it is given personally to the secretary of the club; or
- (b) it is left with a member of the committee of the club for delivery to the secretary.

29 Regulations

The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and, in particular, for prescribing penalties, not exceeding a fine of \$100, for a breach of those regulations.

Schedule

Form 1 **Licence**

(subsection 5(6))

TERRITORY OF CHRISTMAS ISLAND

Christmas Island Gambling (Clubs) Ordinance 1978

In pursuance of section 5 of the *Christmas Island Gambling (Clubs) Ordinance 1978*, I, _____, the Administrator of the Territory of Christmas Island, by this licence authorize* _____ to permit members of the club to use the premises described in Schedule 1 for the conduct of the games of chance specified in Schedule 2 at the times specified in Schedule 3 subject to the conditions specified in Schedule 4.

Schedule 1

Description of premises

Schedule 2

Games of chance

Schedule 3

Hours

Schedule 4

Conditions of licence

This licence comes into force on _____ and continues in force, unless
sooner cancelled or suspended, until _____ 20 .

Dated this _____ day of _____, 20 .

Administrator

* Insert name of club.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
8, 1978	26 Oct 1978	26 Oct 1978	
2, 1992	30 June 1992	1 July 1992 (s 2)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Christmas Island Legislation Amendment (2017 Measures No. 1) Ordinance 2017	30 Aug 2017 (F2017L01107)	Sch 1 (items 3–11): 31 Aug 2017 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part I	
s 1	am F2017L01107
s 2	am No 2, 1992; F2017L01107
Part II	
s 3	am No 2, 1992; F2017L01107
s 12	am F2017L01107
Part IV	
s 28	rep F2017L01107
Schedule	
Form 1	
Form 1	am F2017L01107
Form 2	rep F2017L01107
