



New South Wales

Casino Control Amendment Act 1997 No 137

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Casino Control Amendment Act 1997 No 137

Act No 137, 1997

An Act to amend the *Casino Control Act 1992* in relation to the term of casino employees' licences, the recovery of the cost of certain investigations and inquiries, and the ambit of certain exclusion orders; and for other purposes. [Assented to 17 December 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Casino Control Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Casino Control Act 1992 No 15

The *Casino Control Act 1992* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 8 Gaming machines in casino

Omit “slot machines” wherever occurring in section 8 (1) and (2).
Insert instead “gaming machines”.

[2] Section 8 (5), definition of “slot machine”

Omit the definition. Insert instead:

gaming machine means a device that is designed:

- (a) for the playing of a game of chance or a game that is partly a game of chance and partly a game requiring skill, and
- (b) for paying out money or tokens or for registering a right to an amount of money or money’s worth to be paid.

[3] Section 35A

Insert after section 35:

35A Cost of investigations into certain major changes

- (1) This section applies to a major change referred to in section 35 that is proposed or has occurred and that involves a person becoming a close associate of a casino operator.
- (2) The reasonable costs incurred by the Authority and the Director in:
 - (a) investigating and inquiring into an application for an approval under section 35 in relation to a major change to which this section applies, or
 - (b) inquiring into a major change to which this section applies, where such an approval is not required,are payable to the Authority, unless the Authority determines otherwise in a particular case.

- (3) The costs are so payable:
 - (a) by the casino operator, except in so far as paragraph (b) applies, or
 - (b) by the person who would become or has become a close associate of the casino operator, to the extent that the Authority is of the opinion that the casino operator is not responsible for the major change.
- (4) The costs may include travelling expenses within or outside the State.
- (5) In the case of an application for approval under section 35, the Authority may require part or full payment in advance of the amount of costs it estimates will be payable to the Authority by the applicant and may refuse to deal with the application until the required payment is made.
- (6) It is a condition of a casino licence that any amount payable under this section by the holder of the licence is paid.

[4] Section 55 Duration of licence

Omit “12 months” from section 55 (e). Insert instead “3 years”.

[5] Section 81 Commissioner of Police may direct that person be excluded from casino and casino precinct

Insert after section 81 (3):

- (4) The regulations may declare that the whole or a specified part of specified premises is to be considered to form part of a casino for the purposes of this section and this section then has effect accordingly in respect of the premises. The premises are referred to in this section as the “casino precinct”.

- (5) Such a declaration is to apply only to premises that both:
 - (a) form part of or are in the immediate vicinity of the building or complex of which the casino forms part, and
 - (b) are under the control or management of the casino operator.
- (6) A direction may be given under this section in relation to all or any of the premises comprised in the casino.
- (7) If a direction is given under this section in relation to the whole or any part of the casino precinct, a reference in sections 79, 82, 83, 84 and 85 (and in any ancillary provisions) to a casino includes a reference to so much of the casino precinct as is the subject of the direction, but only in connection with an exclusion order made or to be made in conformity with the direction.
- (8) In this section, *premises* includes any place, vehicle or vessel.

[6] Schedule 1 Provisions relating to the members and procedure of the Authority

Insert at the end of clause 6 (Deputies):

- (6) A person may, but need not, be appointed to the position of deputy of a member for a period specified in the person's instrument of appointment.
- (7) The position of deputy of a member becomes vacant if the deputy:
 - (a) dies, or
 - (b) if appointed for a period, completes a term in the position and is not reappointed, or
 - (c) resigns the position by instrument in writing addressed to the Minister, or
 - (d) is removed from the position by revocation of the appointment under this clause, or

- (e) becomes bankrupt, applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (f) becomes a mentally incapacitated person, or
- (g) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.

[7] Schedule 4 Savings and transitional provisions

Insert at the end of clause 1 (1):

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[8] Schedule 4

Insert at the end of the Schedule:

Part 4 Casino Control Amendment Act 1997

4 Licences of casino employees

Section 55 (e) as amended by the *Casino Control Amendment Act 1997* extends to a licence in force under Part 4 of this Act immediately before the commencement of the amendment.

[Minister's second reading speech made in—
Legislative Assembly on 14 November 1997 a.m.
Legislative Council on 4 December 1997]