



New South Wales

Casino Legislation Amendment Act 2022 No 36

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Act No 36, 2022

An Act to amend the *Casino Control Act 1992* and the *Gaming and Liquor Administration Act 2007* to implement recommendations of the Casino Inquiry Report by the Hon P A Bergin SC, including establishing the New South Wales Independent Casino Commission as a new independent regulator; to extinguish compensation triggers for casino operators in relation to regulatory action taken by Parliament, the Government and the Commission; and for related purposes. [Assented to 19 August 2022]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Casino Legislation Amendment Act 2022*.

2 Commencement

This Act commences as follows—

- (a) for Schedule 1[60], to the extent it inserts section 71A, and [62]—the earlier of the following—
 - (i) a day appointed by proclamation,
 - (ii) the day that is 2 years after the date of assent to this Act, or
- (b) otherwise—5 September 2022.

Schedule 1 Amendment of Casino Control Act 1992 No 15

[1] Section 3 Definitions

Omit section 3(1), definitions of *Authority*, *close associate* and *junket*.

Insert in alphabetical order—

AUSTRAC means the Australian Transaction Reports and Analysis Centre.

Authority has the same meaning as in the *Gaming and Liquor Administration Act 2007*.

cash—

- (a) means money in coins or notes, and
- (b) does not include cheques, money orders or electronic funds transfer or debt transactions.

close associate—see section 3A.

gaming and liquor legislation has the same meaning as in the *Gaming and Liquor Administration Act 2007*.

gaming machine has the same meaning as in the *Gaming Machines Act 2001*.

NICC means the NSW Independent Casino Commission established under section 133.

premium player arrangement means an arrangement in which a casino operator offers to pay a patron of the casino a commission—

- (a) based on the patron's turnover of play in the casino, or
- (b) calculated by reference to the patron's turnover of play in the casino.

related body corporate has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

[2] Section 3(3)

Omit the subsection.

[3] Section 3A

Insert after section 3—

3A Meaning of "close associate"

- (1) In this Act, a *close associate*, of a casino operator or an applicant for a casino licence, means—
 - (a) a related body corporate of the casino operator or applicant, or
 - (b) a person who holds an interest of 10% or more of the share capital in—
 - (i) the casino operator or applicant, or
 - (ii) a related body corporate of the casino operator or applicant, or
 - (c) a director or officer of—
 - (i) the casino operator, or
 - (ii) a related body corporate of the casino operator or applicant, or
 - (iii) a person who holds an interest of 10% or more of the share capital in—
 - (A) the casino operator or applicant, or
 - (B) a related body corporate of the casino operator or applicant, or
 - (d) a person who—

- (i) holds or will hold a relevant financial interest, or is or will be entitled to exercise relevant power, whether in the person's own right or on behalf of another person, in the casino operator's or applicant's business that is or will be carried on under the authority of the licence, and
 - (ii) because of that interest or power is or will be able, in the NICC's opinion, to exercise a significant influence over or in relation to the management or operation of the business, or
 - (e) a person who holds or will hold a relevant position, whether in the person's own right or on behalf of another person, in the casino operator's or applicant's business that is or will be carried on under the authority of the licence.
- (2) For this section, a financial institution is not a close associate by reason only of having a relevant financial interest in relation to a business.

- (3) In this section—

officer, of a related body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

relevant financial interest, in relation to a business, means—

- (a) a share in the capital of the business, or
- (b) an entitlement to receive income derived from the business or to receive another financial benefit or financial advantage from the carrying on of the business, whether the entitlement arises at law, in equity or otherwise, or
- (c) an entitlement to receive rent, profit or other income in connection with the use or occupation of premises on which the business of the casino is carried on.

relevant position means—

- (a) the position of director, manager or secretary, or
- (b) another position, however designated, if it is an executive position.

relevant power means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

- (a) to participate in a directorial, managerial or executive decision, or
- (b) to elect or appoint a person to a relevant position.

[4] Section 4A Primary objects of Act

Insert after section 4A(1)(a)—

- (a1) ensuring that each casino operator prevents money laundering and terrorism financing activities within the operations of the casino, and

[5] Section 4A(1)

Insert after section 4(1)(b)—

- (b1) minimising harm to individuals and families from activities associated with gambling in casinos, and

[6] Section 4B

Insert after section 4A—

4B Obligations in relation to assessment of suitability

- (1) This section applies if, under this Act, the NICC is required to be satisfied of, or form an opinion about, the suitability of an applicant for a licence, a casino operator, a close associate, a special employee or another person (all *relevant persons*)—
 - (a) to be concerned in or associated with the management or operation of a casino, or
 - (b) to give effect to a casino licence and this Act.
- (2) The onus is on the relevant person to—
 - (a) give the NICC clear and convincing evidence of the relevant person's suitability in relation to the assessment to be made by the NICC, and
 - (b) make a full and frank disclosure of any information relevant to the assessment, including any information requested by the NICC in relation to the assessment.

[7] Sections 5 and 5A

Omit the sections.

[8] Section 6

Omit the section. Insert instead—

6 Restriction on number of casino licences

- (1) A maximum of 2 casino licences may be in force under this Act at a particular time.
- (2) If 2 casino licences are in force at a particular time, 1 of the licences must be a restricted gaming licence granted to operate the Barangaroo restricted gaming facility.
- (3) A casino licence may apply to 1 casino only.

[9] Section 8 Gaming machines in casino

Omit section 8(5).

[10] Section 14 Investigation of applications

Omit “or restricted gaming licence” wherever occurring in section 14(1) and (4).

[11] Section 15 Authority may require further information etc

Omit “or restricted gaming licence” from section 15(1).

[12] Section 16 Cost of investigations to be paid by applicant

Omit “or restricted gaming licence” from section 16(1).

[13] Section 17 Updating of applications

Omit “or restricted gaming licence” from section 17(1).

[14] Section 17(1)

Omit “50” from the penalty. Insert instead “500”.

[15] Section 22 Conditions of casino licence

Omit section 22(2A).

[16] Section 22(3)(a) and (b), (4) and (5)

Omit “licensee”. Insert instead “casino operator”.

[17] Section 22A Restrictions on gaming in Barangaroo restricted gaming facility

Insert at the end of the note under the heading—

The conduct or playing of any game in the Barangaroo restricted gaming facility was not lawful before 15 November 2019.

[18] Section 22A(1)–(3)

Omit the subsections. Insert instead—

- (1) The installation or use of gaming machines is not lawful in the Barangaroo restricted gaming facility other than gaming machines described in subsection (4).

[19] Section 22A(4)

Omit “However, a poker machine does not include”.

Insert instead “For subsection (1), a gaming machine must be”.

[20] Section 22C

Insert after section 22B—

22C Casino operators to cooperate with NICC

- (1) A casino operator must, in the management and operation of the casino, cooperate with the NICC in relation to the NICC exercising its functions under this Act.
Maximum penalty—500 penalty units.
- (2) Without limiting subsection (1), cooperation with the NICC includes—
 - (a) the full and frank disclosure by the casino operator of any information requested under this Act by the NICC, and
 - (b) a requirement for the casino operator to give the NICC written notice of any breach, or likely breach, of any of the following by the casino operator or a close associate of the casino operator—
 - (i) this Act,
 - (ii) the casino operator’s casino licence,
 - (iii) an agreement between the Crown and a casino operator, and
 - (c) a requirement for the casino operator to give the NICC written notice of any material breach, or likely material breach, of an Act of NSW or the Commonwealth that regulates casino operations, including provisions dealing with anti-money laundering or counter-terrorism financing, by—
 - (i) the casino operator, or
 - (ii) a holding company of the casino operator, or
 - (iii) any related bodies corporate of the casino operator that operate a casino in another jurisdiction.
- (3) For subsection (2)(b) and (c), the written notice must be given as soon as practicable, but not later than 5 days after, the casino operator becomes aware of—
 - (a) the breach or likely breach, or

(b) the material breach or likely material breach.

[21] Section 23 Disciplinary action against casino operator

Omit “licensee” wherever occurring. Insert instead “casino operator”.

[22] Section 23(1), definition of “disciplinary action”

Omit “\$1,000,000” from paragraph (b).

Insert instead “\$100 million”.

[23] Section 23(1),

Insert after paragraph (c)—

(c1) a requirement that a casino operator, or a close associate of a casino operator, give an undertaking (an *enforceable undertaking*) to do or refrain from doing something,

[24] Section 23(2)

Omit “holder of a casino licence”. Insert instead “casino operator”.

[25] Section 26A

Insert after section 26—

26A Enforceable undertakings

- (1) This section applies if a casino operator, or a close associate of a casino operator, has given an enforceable undertaking.
- (2) The enforceable undertaking may be varied or withdrawn—
 - (a) at the request of the person who gave the undertaking, and
 - (b) with the consent of the NICC.
- (3) The NICC may publish the enforceable undertaking, in the way the NICC considers appropriate, unless the NICC considers—
 - (a) the undertaking includes matters that are commercial in confidence, or
 - (b) publication of the undertaking would be not be in the public interest, or
 - (c) the undertaking includes personal information that cannot be easily redacted or the redaction of the information would make the publication of the undertaking meaningless.
- (4) If the NICC is satisfied that the person who gave the enforceable undertaking has, without reasonable excuse, failed to comply with the undertaking, the NICC may certify the failure to the Supreme Court.
- (5) The Supreme Court may then inquire into the case and—
 - (a) order the person to comply with the enforceable undertaking within a period specified by the Court, or
 - (b) if the Court is satisfied the person failed, without reasonable excuse, to comply with the enforceable undertaking—punish the person as if the person were in contempt of the Court and, if the Court thinks fit, also make an order under paragraph (a).

[26] Part 3, heading

Insert “and close associates” after “casino operators”.

[27] Section 31 Review of casino licence and operator suitability

Insert after section 31(1)—

- (1A) A review is to be carried out—
 - (a) by way of an inquiry held under section 143, and
 - (b) into each casino operator concurrently.
- (1B) The reasonable costs incurred in relation to a review are to be paid by the casino operators, with each casino operator to pay the proportion of the costs decided by the NICC, having regard to the effort involved in investigating each operator and the findings of the review.
- (1C) The NICC may require a casino operator to pay an amount towards the reasonable costs of the review before the review starts and during the period in which the review is held.
- (1D) If the amount paid by a casino operator under subsection (1C) is more than the amount calculated under subsection (1B) at the end of the review to be payable by the operator, the NICC must refund the excess amount to the operator.

[28] Section 33 Failure to provide information etc is an offence and punishable as contempt

Omit the penalty from section 33(1). Insert instead—

Maximum penalty—

- (a) for an individual—100 penalty units, or
- (b) for a corporation—1,000 penalty units.

[29] Section 34 Injunctions to prevent contraventions etc

Omit “casino operator” from section 34(1). Insert instead “relevant person”.

[30] Section 34(7)

Insert after section 34(6)—

- (7) In this section—
relevant person means the following—
 - (a) a casino operator,
 - (b) a close associate of a casino operator,
 - (c) another person who is the subject of a provision of this Act or a condition of a casino licence, including a person who is proposing to become a close associate of a casino operator.

[31] Section 35 Change in state of affairs of operator

Omit section 35(2)(a). Insert instead—

- (a) ensure a major change in the state of affairs existing in relation to the casino operator that is within the operator’s power to prevent does not occur other than with the prior written approval of the NICC, and

[32] Section 35(2A)

Insert after section 35(2)—

- (2A) For subsection (2)(a), if the major change in the state of affairs can be prevented by a holding company of the casino operator, the major change is taken to be within the operator’s power to prevent.

[33] Section 35(4)

Omit “and 15”. Insert instead “, 15, 17 and 18”.

[34] Section 35A Costs of investigations into certain major changes

Omit “and that involves a person becoming a close associate of a casino operator” from section 35A(1).

[35] Section 35A(4)

Omit the subsection. Insert instead—

- (4) The costs may include—
 - (a) travel, whether within or outside the State, and
 - (b) expenses involved in engaging external legal, financial or other expert advice or assistance.

[36] Section 36 Definitions

Insert after the definition of *controlled contract*, paragraph (a)—

- (a1) a contract for the engagement of a compliance auditor for a casino, or

[37] Section 37 Requirements for controlled contracts

Insert at the end of section 37(1)—

Maximum penalty—500 penalty units.

[38] Section 37(3)–(5)

Omit the subsections. Insert instead—

- (3) The purpose of an investigation under this section is to assess the suitability of all parties proposing to enter into the controlled contract, or the variation of a controlled contract, with the casino operator, including whether there are any financial, criminal or other issues of concern with any of the parties.
- (4) The investigation must be completed within 12 weeks after the contract notice was given to the NICC.
- (5) A casino operator must, if the casino operator becomes aware of a change in a party to a controlled contract with the casino operator that would or may affect the suitability of the party, advise the NICC by written notice of the change.
Maximum penalty—500 penalty units.

[39] Sections 37A and 37B

Insert after section 37—

37A Interim approval of controlled contract

- (1) While the NICC is considering a contract notice given by a casino operator in relation to approval to enter into or become a party to a controlled contract, or the variation of a controlled contract, the NICC may issue the casino operator with an interim approval of the controlled contract or variation.
- (2) An interim approval—
 - (a) stays in force until a decision about the contract notice has been finally decided, unless earlier revoked by the NICC under section 37B(2), and

- (b) is not to be taken as an indication the casino operator will give approval for the casino operator to enter into or become a party to a controlled contract, or the variation of the controlled contract.

37B Revocation of interim approval of controlled contract

- (1) This section applies if, after the NICC issues a casino operator with an interim approval of a controlled contract or a variation of a controlled contract, the NICC—
 - (a) objects to the proposed contract or variation, and
 - (b) proposes to revoke the interim approval.
- (2) The NICC may, by written notice given to each of the parties to the proposed contract or variation—
 - (a) advise the parties that the NICC proposes to revoke the interim approval, and
 - (b) invite the parties to provide written submissions to the NICC within the period specified in the notice, not less than 14 days after the day the notice is given to the parties, about why the interim approval should not be revoked.
- (3) After considering any written submissions made under subsection (2)(b), the NICC must decide—
 - (a) to revoke the interim approval, or
 - (b) not to revoke the interim approval.
- (4) As soon as practicable after making its decision under subsection (3), the NICC must give written notice of the decision to each of the parties to the proposed contract or variation.
- (5) If the NICC's decision is to revoke the interim approval, the notice may include a requirement that—
 - (a) the casino operator must not enter into, or otherwise become a party to, the proposed contract or proposed variation to the contract, or
 - (b) for an existing contract—the contract be terminated within a specified period.

[40] Section 38 Requirement may be extended to associates of casino operator

Omit the penalty from section 38(3). Insert instead—

Maximum penalty—

- (a) for an individual—100 penalty units, or
- (b) for a corporation—1,000 penalty units.

[41] Section 41 Offence—giving effect to terminated contract

Omit “100” from the penalty. Insert instead “1,000”.

[42] Part 3, Division 3

Insert after section 42—

Division 3 Close associates

42A Requirement for approval of close associate

- (1) A person must not be a close associate of a casino operator unless—

- (a) the NICC has given approval for the person to become a close associate, and
- (b) if the person holds a relevant position—the person holds a certificate of competency under section 64 for the functions that the close associate exercises.

Maximum penalty—

- (a) for an individual—100 penalty units, or
 - (b) for a corporation—1,000 penalty units.
- (2) Subsection (1) does not apply to a person to the extent the person—
- (a) holds an exemption granted by the NICC, by written notice given to the person, from the requirement to obtain an approval under this Division, or
 - (b) held an exemption mentioned in paragraph (a) before it was revoked and it is not more than 28 days since the exemption was revoked,
 - (c) is a close associate under an interim approval, or
 - (d) was a close associate under an interim approval before it was revoked and it is not more than 28 days since the interim approval was revoked.
- (3) For subsection (2)(a)—
- (a) in deciding whether or not to grant an exemption, the NICC must have regard to the matters prescribed by the regulations, and
 - (b) an exemption may be granted subject to any conditions the NICC considers appropriate.
- (4) In this section—
relevant position has the same meaning as in section 3A(3).

42B Application for approval of close associate

- (1) An application for approval of a close associate must be made to the NICC.
- (2) The application must—
 - (a) be made in a form approved by the NICC, and
 - (b) be accompanied by the fee decided by the NICC for the application, and
 - (c) contain or be accompanied by any information—
 - (i) required by the approved form, or
 - (ii) otherwise requested by the NICC.
- (3) The application must be verified by statutory declaration.
- (4) Sections 14, 15, 17 and 18 apply, with any necessary changes, to an application for approval of a close associate under this Division as if it were an application for a licence.

42C Interim approval of close associate

- (1) While the NICC is considering an application by a person for approval to become a close associate of a casino operator, the NICC may issue the person with an interim approval as a close associate for the following purposes—
 - (a) to enable the person to start employment with the casino operator,
 - (b) to enable commercial negotiations to start or continue.
- (2) The NICC may, at any time and for any reason, revoke an interim approval.

- (3) An interim approval—
 - (a) stays in force until a decision about the application for approval of a close associate has been finally decided, unless earlier revoked by the NICC under subsection (2), and
 - (b) is not to be taken as an indication the person will be given approval to become a close associate of the casino operator.

42D Decision about application for approval of close associate

- (1) The NICC must consider an application and decide to—
 - (a) grant the application and issue an approval (a *close associate approval*) to the person, with or without conditions or
 - (b) refuse the application.
- (2) In deciding the application the NICC, must consider—
 - (a) whether the NICC is satisfied the person is a suitable person to be concerned in or associated with the management and operation of a casino, and
 - (b) any other matters the NICC considers relevant.
- (3) For subsection (2)(a), the NICC must consider whether—
 - (a) the person is of good repute, having regard to character, honesty and integrity, and
 - (b) the person is of sound and stable financial background, and
 - (c) the person has any business association with a person, body or association that, in the NICC’s opinion—
 - (i) is not of good repute, having regard to character, honesty and integrity, or
 - (ii) has undesirable or unsatisfactory financial sources, and
 - (d) each director, partner, trustee, executive officer and secretary, and any other officer or person decided by the NICC to be associated or connected with the ownership, administration or management of the operations or business of the person, is a suitable person to act in that capacity.

42E Conditions of close associate approvals

- (1) A close associate approval is subject to any conditions imposed by the NICC—
 - (a) at the time the close associate approval is issued, or
 - (b) at a later time and notified by the NICC to the close associate who holds the approval by written notice.
- (2) The NICC may, by written notice given to a close associate who holds a close associate approval, vary, substitute or revoke a condition of the approval—
 - (a) on the NICC’s own initiative, or
 - (b) on application by the close associate.

42F Substantial changes in state of affairs of associates

- (1) A close associate of a casino operator must, as soon as practicable after a substantial change occurs in the close associate’s state of affairs, give the NICC written notice about the change.

- (2) After receiving a notice under subsection (1), the NICC may, by written notice given to the close associate, require the close associate to do any of the following—
 - (a) give the NICC further information about the substantial change,
 - (b) take, or refrain from taking, specified action in relation to the substantial change within the time specified in the notice.
- (3) The close associate must comply with the notice.
Maximum penalty—
 - (a) for an individual—100 penalty units, or
 - (b) for a corporation—1,000 penalty units.
- (4) In this section—
substantial change, in the state of affairs existing in relation to a close associate of a casino operator, means any change in the state of affairs that is of a class or description prescribed as substantial for the purposes of this section.

42G Cost of investigations or inquiries

- (1) This section applies to an investigation or inquiry conducted under this Division to determine the suitability of a person to become or remain a close associate of a casino operator.
- (2) The reasonable costs incurred by the NICC in conducting the investigation or inquiry are payable by the person to the NICC.
- (3) The costs may include—
 - (a) travel, whether within or outside the State, and
 - (b) expenses involved in engaging external legal, financial or other expert advice or assistance.
- (4) The NICC may require part or full payment in advance of the amount of costs it estimates will be payable by the person and may refuse to deal with the application until the required payment is made.

42H Disciplinary action against close associate

- (1) The NICC may take disciplinary action under section 23 against a close associate as if the person were a casino operator.
- (2) For subsection (1), sections 23–27 apply, with the following changes, to taking disciplinary action against the close associate as if the person were a licensee—
 - (a) the reference in section 23(1), definition of *disciplinary action*, paragraph (b), to “\$100 million” were a reference to “\$100 million for a corporation and \$1,000,000 for an individual”, and
 - (b) any other necessary changes.

42I Duration of close associate approval

- A close associate approval continues until the earlier of the following occurs—
- (a) the approval is revoked by the NICC,
 - (b) the holder of the approval or the casino operator advises the NICC the person is no longer a close associate of the casino operator.

42J Notice to show cause

- (1) This section applies if the NICC reasonably believes there may be grounds for revoking a close associate approval.
- (2) The NICC may, by written notice (a *show cause notice*) given to the close associate, invite the close associate to show cause why the close associate's approval should not be revoked.
- (3) The show cause notice must state—
 - (a) the grounds the NICC reasonably believes may exist for revoking the close associate approval, and
 - (b) that the close associate may make submissions to the NICC, in the way specified in the show cause notice, about why the close associate approval should not be revoked, and
 - (c) the period, not less than 21 days, in which the close associate may make the submissions.
- (4) The close associate may, in accordance with the show cause notice, make submissions to the NICC.
- (5) After considering any submissions made by the close associate in accordance with the show cause notice, the NICC must decide to—
 - (a) revoke the close associate approval, or
 - (b) continue the close associate approval.

42K Requirement for exempt close associate to notify NICC of change in circumstances

- (1) It is a condition of an exemption granted under this Division to a close associate of a casino operator that the close associate must, by written notice given to the NICC, notify the NICC of the following—
 - (a) a change in the close associate's circumstances which may affect the close associate's control or influence over the casino operations, or
 - (b) another change in the close associate's circumstances that may affect the close associate's eligibility for the exemption, including a change prescribed by the regulations.
- (2) A notice under subsection (1) must be given to the NICC as soon as practicable, but not later than 5 days, after the close associate becomes aware of the change in the close associate's circumstances.

42L Revocation of exemption of close associate

- (1) This section applies if, after the NICC grants a close associate of a casino operator an exemption under this Division, the NICC proposes, after having regard to the matters prescribed by the regulations, to revoke the exemption.
- (2) The NICC may, by written notice given to the casino operator and close associate—
 - (a) advise the casino operator and close associate that the NICC proposes to revoke the exemption, and
 - (b) invite the casino operator and close associate to provide written submissions to the NICC within the period specified in the notice, not less than 14 days after the day the notice is given to the operator and associate, about why the exemption should not be revoked.

- (3) After considering any written submissions made under subsection (2)(b), the NICC must decide—
 - (a) to revoke the exemption, or
 - (b) not to revoke the exemption.
- (4) As soon as practicable after making its decision under subsection (3), the NICC must give written notice of the decision to the casino operator and close associate.

[43] Section 44 Special employees to be licensed and hold certificate of competency

Omit “100” from the penalty in section 44(3). Insert instead “1,000”.

[44] Section 44(4)

Insert after section 44(3)—

- (4) Despite subsections (1)–(3), a special employee is not required to hold a licence if the employee holds a close associate approval.

[45] Section 47 Direction to apply for licence—persons who have special relationship with casino

Omit the penalty from section 47(5). Insert instead—

Maximum penalty—

- (a) for the casino operator—1,000 penalty units, or
- (b) otherwise—100 penalty units.

[46] Section 59 Disciplinary action against licensee

Omit section 59(1), definitions of *disciplinary action* and *grounds for disciplinary action*.

Insert instead—

disciplinary action means—

- (a) for a licensee—
 - (i) the service of a written notice on the licensee censuring the licensee for action specified in the notice, or
 - (ii) suspension of the licensee’s licence for a specified period, or
 - (iii) cancellation of the licensee’s licence and a prohibition on being granted a licence for a specified period, or
- (b) for a former licensee—
 - (a) the service of a written notice on the former licensee censuring the former licensee for action specified in the notice, or
 - (b) a prohibition on being granted a licence for a specified period.

grounds for disciplinary action means any of the following grounds—

- (a) for a licensee—
 - (i) the licensee’s licence was improperly obtained because, at the time the licence was granted, there were grounds for refusing to grant it, or
 - (ii) the licensee has been convicted of an offence against this Act, or
 - (iii) the licensee has been convicted of an offence, whether or not in New South Wales, punishable on conviction by imprisonment for 3 months or more, whether or not in addition to a fine, or
 - (iv) the licensee has contravened a condition of the licence, or

- (v) the licensee has failed to provide information the licensee is required by this Act to provide or has provided information knowing it to be false or misleading in a material particular, or
 - (vi) the licensee has become bankrupt, applied to take the benefit of a law relating to bankrupt or insolvent debtors, has compounded with the licensee's creditors or made an assignment of the licensee's remuneration for the creditors' benefit, or
 - (vii) in the NICC's opinion the licensee is otherwise not a suitable person to be the holder of the licence,
- (b) for a former licensee—
- (i) the licence was improperly obtained because at the time the licence was granted there were grounds for refusing to grant it, or
 - (ii) the former licensee was, while a licensee, convicted of an offence against this Act, or
 - (iii) the former licensee was, while a licensee, convicted of an offence, whether or not in New South Wales, punishable on conviction by imprisonment for 3 months or more, whether or not in addition to a fine, or
 - (iv) the former licensee, while a licensee, contravened a condition of the licence, or
 - (v) the former licensee, while a licensee, failed to provide information the former licensee was required by this Act to provide or provided information knowing it to be false or misleading in a material particular, or
 - (vi) the former licensee, while a licensee, became bankrupt, applied to take the benefit of a law relating to bankrupt or insolvent debtors, compounded with the former licensee's creditors or made an assignment of the former licensee's remuneration for the creditors' benefit.

former licensee means a person who held but not longer holds a licence.

[47] Section 59(2), (3), (4), (5) and (8)

Insert "or former licensee" after "licensee" wherever occurring.

[48] Section 62 Information relating to licensees to be provided

Omit "14 days" from section 62(1)(c). Insert instead "48 hours".

[49] Section 64 Training courses and certificates of competency for employees

Insert "**and certain close associates**" after "**employees**" in the heading.

[50] Section 64(1)

Insert "and certain close associates" after "employees".

[51] Section 64(2) and (4)

Insert "or close associate" after "employee".

[52] Section 64(2)(a)

Omit "and in responsible practices for the conduct of gaming, being training provided by the casino operator, or".

Insert instead—

and the following training provided by the casino operator—

- (i) responsible practices for the conduct of gaming,
- (ii) prevention of money laundering and terrorism financing activities within the operations of the casino, or

[53] Section 64(2)(b)

Omit “in responsible practices for the conduct of gaming.”.

Insert instead—

in the following—

- (i) responsible practices for the conduct of gaming,
- (ii) prevention of money laundering and terrorism financing activities within the operations of the casino.

[54] Section 64(3)

Omit. Insert instead—

- (3) A casino operator must not issue a certificate of competency unless the training or qualifications on the basis of which the certificate is to be issued—
 - (a) has been approved by the NICC, or
 - (b) complies with any standards or requirements set by the NICC from time to time.

[55] Section 65 Approval of facilities and equipment for monitoring and surveillance

Omit “Authority.” from section 65(b). Insert instead—

NICC, and

- (c) any footage recorded by means of closed-circuit television in conducting monitoring and surveillance of operations in the casino must be kept for—
 - (i) the period provided in the casino’s internal controls, or
 - (ii) otherwise—for at least 3 months after the day the footage is recorded.

[56] Section 70 Conduct of gaming

Omit section 70(1)(c). Insert instead—

- (c) chips for gaming in the casino are not to be issued unless the chips are paid for—
 - (i) in money to the value of the chips, or
 - (ii) by chip purchase voucher that, on payment of the amount shown on the voucher, was issued by or on behalf of the casino operator, or
 - (iii) in reward points or by another similar promotional method, or
 - (iv) in another way required by or provided for in the game rules,

[57] Section 70(1AA)–(1AD)

Insert after section 70(1)—

- (1AA) A casino operator must not allow the issue of chips for gaming in the casino other than—
 - (a) between a casino employee and a patron, and

(b) at a gaming table or in a casino cage.

Maximum penalty—1,000 penalty units.

(1AB) A casino employee must not issue chips for gaming in the casino other than at a gaming table or in a casino cage.

Maximum penalty—100 penalty units.

(1AC) Subclauses (1AA) and (1AB) do not apply to chips issued for use—

(a) in a tournament, or

(b) for training purposes.

(1AD) The regulations may provide for matters relating to the issue of chips in casino cages.

[58] Section 70(1A)

Omit “or junket”.

[59] Section 70A Advertising in relation to gaming machines

Omit the definition of *gaming machine* from section 70A(5).

[60] Sections 71 and 71A

Insert after section 70A—

71 Visibility of gaming machines and gaming-related signs

(1) A casino operator must ensure that the following are not visible outside the boundary of the casino—

(a) gaming machines,

(b) gaming-related signs.

Maximum penalty—500 penalty units.

(2) Subsection (1) does not apply to—

(a) signs that promote responsible gambling, or

(b) advertising that is excluded from the operation of this section by the regulations.

71A Player cards

It is a condition of a casino licence that all gaming conducted at the casino must be by use of a player card, issued to each patron, that complies with—

(a) the requirements prescribed by the regulations, and

(b) any other requirements set out in the casino operator’s system of internal controls.

[61] Section 72A Provision of problem gambling counselling services

Omit “100” from the penalty in section 72A(1). Insert instead “1,000”.

[62] Section 73A

Insert after section 73—

73A Restrictions on use of cash

(1) A casino operator must not accept more than \$1,000 cash from a customer in a day for wagering purposes.

Maximum penalty—1,000 penalty units.

- (2) In this section—
wagering purposes includes the following—
- (a) placing wagers,
 - (b) buying chips,
 - (c) making another purchase that may be used for wagering purposes.

[63] Section 74 Credit prohibited

Omit “or a debit card (other than a debit card transaction with a person who is a participant in a premium player arrangement or junket” from section 74(1)(c).

[64] Section 74(1)(c1)

Insert after section 74(1)(c)—

- (c1) provide money or chips as part of a transaction involving a debit card unless the transaction complies with the requirements prescribed by the regulations, or

[65] Section 74(5)

Omit the subsection. Insert instead—

- (5) Despite subsection (1), a casino operator, or an agent of the operator or a casino employee, may, for a person who is not ordinarily resident in Australia, extend a form of credit to the person to enable the person to participate in a premium player arrangement.

[66] Section 76, heading

Omit the heading. Insert instead—

76 Inducements

[67] Section 76(1)(a)

Omit the paragraph.

[68] Section 76(2)(a)

Omit “organise or promote a junket or”.

[69] Section 76(2)(b) and (d)

Omit the paragraphs.

[70] Section 76(2)(c)

Omit “the conduct of a junket or”.

[71] Section 76(3)

Omit the subsection.

[72] Sections 76A and 76B

Insert after section 76—

76A Promotional prizes

- (1) A casino operator—

- (a) must not offer or present a promotional prize in the form of cash, or
- (b) must not permit a patron of the casino to exchange a promotional prize for cash, or
- (c) must not permit bonus or reward points accumulated under a player reward scheme to be redeemed for cash, or
- (d) must not offer or provide, or cause or permit to be offered or provided, a promotional prize, including a free giveaway, that is indecent or offensive,
- (e) must provide each participant in the player reward scheme information about problem gambling counselling services available to patrons of the casino under section 72A.

Maximum penalty—1,000 penalty units.

- (2) Subsection (1) does not apply in relation to prizes prescribed by the regulations for this section.
- (3) If a casino operator conducts a player reward scheme, the casino operator must, in accordance with the regulations—
 - (a) advise the participants in the scheme of the availability of player activity statements that relate to the placing of wagers under the scheme, and
 - (b) give each participant a player activity statement.

Maximum penalty—1,000 penalty units.

- (4) In this section—

player reward scheme means a system—

- (a) used in connection with the placing of wagers in the casino, and
- (b) in which a person can accumulate bonus or reward points from the placing of wagers.

promotional prize means a prize or reward, including bonus points, offered by the casino operator to the patrons of the casino in connection with—

- (a) a player reward scheme, or
- (b) another marketing or promotional activity that involves placing wagers.

76B Prohibition on junkets and inducements

- (1) It is a condition of a licence that the casino operator must not—
 - (a) promote or conduct junkets, or
 - (b) pay a commission, or another financial or non-financial benefit to a person not playing at the casino by reference to another person's turnover of play or another gambling metric.
- (2) In this section—

junket means an arrangement involving a person, or a group of persons, introduced to a casino operator by a promoter who receives a commission—

 - (a) based on the turnover of play in the casino attributable to the person or group of persons introduced by the promoter, or
 - (b) otherwise calculated by reference to play in the casino.

[73] Section 77 Right of entry to casino

Omit section 77(2). Insert instead—

- (2) An inspector may enter, and remain in or on, a casino or a part of a casino to exercise functions conferred or imposed on the inspector by—
- (a) this Act, or
 - (b) the NICC, or
 - (c) other liquor and gaming legislation, or
 - (d) another Act.

[74] Section 79 Exclusion of persons from casino

Insert after section 79(3)—

- (4) If a person is given an exclusion order, including an exclusion order on the person's voluntary application or at the direction of the Commissioner of Police, it is a condition of a casino licence that the casino operator must—
- (a) if the exclusion order was given by the casino operator or the person for the time being in charge of the casino, give notice of the order to the other casino operator as soon as practicable after the exclusion order is given, and
 - (b) cancel a player card of the person subject to the exclusion order, and
 - (c) ensure a player card is not issued to the person subject to the exclusion order unless written permission for the issue of the card to the person is given by—
 - (i) the NICC, or
 - (ii) Commissioner of Police.

[75] Section 82 Duration and revocation of exclusion orders

Omit "50" from the penalty in section 82(4). Insert instead "500".

[76] Section 84A

Insert after section 84—

84A Casino operator to take all reasonable steps to prevent excluded person entering casino

A casino operator must take all reasonable steps to prevent a person the subject of an exclusion order for the casino from entering the casino.

Maximum penalty—500 penalty units.

[77] Section 85 Removal of excluded person from casino

Omit the penalty from section 85(2). Insert instead—

Maximum penalty—

- (a) for the person for the time being in charge of the casino—500 penalty units, and
- (b) for an agent of the casino operator—500 penalty units, and
- (c) for a casino employee—20 penalty units.

[78] Section 86A Wagering by minors and excluded persons prohibited

Omit "50" from the penalty in section 86A(3). Insert instead "500".

[79] Section 90 Unclaimed winnings

Omit "50" from the penalty in section 90(1). Insert instead "500".

[80] Section 94 Minors in casino—offences by casino operator

Omit “50” wherever occurring in section 94(1), (2) and (2A). Insert instead “1,000”.

[81] Section 95 Entry of minors to be prevented

Omit the penalty in section 95(1). Insert instead—

Maximum penalty—

- (a) for a casino operator—1,000 penalty units, or
- (b) for a casino employee—50 penalty units.

[82] Section 115A Casino supervisory levy

Omit “to the Secretary” from section 115A(1).

[83] Section 115A(4)

Omit the subsection.

[84] Section 115AB

Insert after section 115A—

115AB Casino Supervisory Fund

- (1) A Casino Supervisory Fund is to be established in the Special Deposits Account.
- (2) Money in the account is under the control and management of the NICC.
- (3) The following amounts must be paid into the Fund—
 - (a) all money received under section 115A as a casino supervisory levy,
 - (b) the proceeds of the investment of money in the Fund.
- (4) Money must be paid from the Fund—
 - (a) to enable the NICC to exercise its functions, or
 - (b) to the Secretary if—
 - (i) the amount paid into the Fund is more than the budget of the NICC, and
 - (ii) the NICC and Secretary have not otherwise agreed the amount is to be allocated to the NICC for payment under paragraph (a).

[85] Section 115C

Insert after section 115B—

115C Calculating duty and levies

- (1) In calculating duty and levies payable under this Part that are based on the revenue of a casino, casino revenue includes all revenue from the face value of wagers placed, including wagers placed by means of complimentary chip purchase vouchers or reward points.
- (2) For subsection (1), casino revenue does not include the face value of chips issued for use—
 - (a) in a tournament, or
 - (b) for training purposes.

[86] Section 122 Effect of suspension of licence

Omit “licensee” from section 122(1). Insert “casino operator”.

[87] Section 124 Approved system of controls and procedures to be implemented

Insert after section 124(1)—

- (1A) Without limiting subsection (1), the system of internal controls for the casino must include requirements for the casino operator to address—
- (a) risks associated with money laundering and terrorism financing, including—
 - (i) monitoring patrons’ accounts for criminal activity, and
 - (ii) performing due diligence on patrons, and
 - (iii) obtaining declarations from patrons about the source of the patrons’ funds if the amount used by the patrons for gaming at the casino is more than the amount specified for this provision in the system of internal controls, and
 - (b) matters relating to responsible gambling.

[88] Section 124(4)

Omit “200” from the penalty in section 124(4). Insert instead “2,000”.

[89] Section 125

Insert after section 124—

125 Access to casino operator’s systems

- (1) It is a condition of a casino licence that the casino operator must—
- (a) give the NICC complete and full access to the casino operator’s systems that—
 - (i) monitor the conduct of gaming, including all revenue, turnover and profits, and
 - (ii) monitor the operation and performance of gaming machines, electronic table games or table games, and
 - (iii) monitor the conduct of rebate programs, and
 - (iv) facilitate the calculation and collection of taxes or duties liable to be paid in relation to gaming at the casino, and
 - (b) give the NICC access to the systems under paragraph (a) in a way that allows the NICC to access the information in the systems—
 - (i) in real-time or in as close to real-time as is practicable, and
 - (ii) independently of the casino operator.
- (2) The NICC may give a casino operator a direction in relation to a technical specification or another condition for the purpose of enabling the NICC to access the casino operator’s systems under subsection (1).

[90] Section 126 Access to bank accounts

Insert after section 126(1)(a)—

- (a1) maintain a single account, approved by the NICC, at an authorised deposit-taking institution in New South Wales, for all banking transactions by patrons, and

[91] Section 130A

Insert after section 130—

130A Reporting to AUSTRAC

- (1) This section applies if a casino operator submits a suspicious matter report to AUSTRAC under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth.
- (2) The casino operator must, at the same time as submitting the suspicious matter report, give a copy of the report to the NICC.
Maximum penalty—500 penalty units.

[92] Section 131A

Insert after section 131—

131A Compliance auditor

- (1) A casino operator must engage a person who has been approved by the NICC under subsection (2) as a compliance auditor for the casino.
Maximum penalty—1,000 penalty units.
- (2) The NICC may approve a person as a compliance auditor for a casino only if the NICC is satisfied the person is—
 - (a) independent of the casino operator, and
 - (b) appropriately qualified to exercise the functions of a compliance auditor under this Act.
- (3) A compliance auditor must—
 - (a) report annually to the NICC on the casino operator's compliance with the casino operator's obligations under the following—
 - (i) this Act,
 - (ii) any other Act of this State or the Commonwealth that regulates casino operations, including in relation to anti-money laundering and counter-terrorism financing,
 - (iii) the casino operator's casino licence, and
 - (b) give written notice, at the same time, to the casino operator and the NICC if the compliance auditor forms one of the following beliefs in the course of performing the auditor's duties—
 - (i) activity within the casino operations may put the achievement of any of the objects of this Act at risk,
 - (ii) a contravention of this Act, or another Act of this State or the Commonwealth that regulates casino operations or otherwise applies to the casino operator, has occurred or may occur,
 - (iii) other obligations prescribed by the regulations have been or may be contravened,
 - (iv) any other matter directed by the NICC.

Maximum penalty—

 - (a) for an individual—50 penalty units, or
 - (b) for a corporation—100 penalty units.

[93] Part 9A

Insert after section 132—

Part 9A NSW Independent Casino Commission

Division 1 Constitution and management of NICC

133 Constitution of NICC

The NSW Independent Casino Commission is constituted.

134 Status of NICC

The NICC is a NSW Government agency.

Note— See the *Interpretation Act 1987*, section 13A, which provides that a NSW Government agency has the status, privileges and immunities of the Crown.

135 Ministerial control

The NICC is, in the exercise of its functions, subject to the control and direction of the Minister other than in relation to the following—

- (a) the contents of advice, or a report or recommendation, given to the Minister,
- (b) decisions in relation to—
 - (i) the granting of a casino licence, or
 - (ii) imposing, varying or revoking conditions of a casino licence, or
 - (iii) taking disciplinary action under this Act, or
 - (iv) the granting, variation or revocation of another approval given under gaming or liquor legislation.

Division 2 Functions of NICC

136 NICC's functions

- (1) The NICC has the functions conferred or imposed on it by—
 - (a) this Act, or
 - (a) other gaming and liquor legislation, or
 - (b) any other legislation.
- (2) To avoid doubt, the NICC may, from time to time, exercise its functions in conjunction with the Authority, including by conducting joint inquiries.
- (3) The NICC may employ staff to assist the NICC to exercise its functions.
- (4) Also, the NICC may—
 - (a) arrange for police officers to be made available to perform services for the NICC, and
 - (b) arrange for the use of the services of any staff or facilities of a Public Service agency or a public or local authority, and
 - (c) engage consultants to exercise its functions.

137 Delegation of NICC's functions

- (1) The NICC may delegate to an authorised person or body the exercise of any of its functions, other than this power of delegation.
- (2) In this section—

authorised person or body means—

 - (a) a Commissioner, or

- (b) a designated Public Service employee or other Public Service employee, or
- (c) a committee of the NICC, or
- (d) a person who is a member of a class prescribed by the regulations.

137A Advisory committee about harm minimisation measures

- (1) The NICC must establish a committee to provide advice to the NICC about gambling harm minimisation measures in relation to casinos.
- (2) The committee is to have no more than 5 members.
- (3) The members of the committee are to—
 - (a) have skills or experience appropriate to providing the advice mentioned in subsection (1), and
Example of “experience”— lived experience of gambling harm
 - (b) be appointed by the Chief Commissioner.
- (4) The procedures for the Committee are to be decided by the NICC, including a requirement that the Committee meet as requested by the NICC.

138 Other committees

- (1) The NICC may establish other committees to assist it in connection with the exercise of any of its functions.
- (2) A committee need not include a Commissioner.
- (3) The procedure for the calling of meetings of a committee and for the conduct of business at the meetings is to be decided by—
 - (a) the NICC, or
 - (b) subject to any decision of the NICC, the committee.

Division 3 Membership of NICC

139 Membership and appointment

- (1) The NICC consists of—
 - (a) the following Commissioners appointed by the Governor on the recommendation of the Minister—
 - (i) a Chief Commissioner,
 - (ii) at least 2, but no more than 4, other Commissioners, and
 - (b) any Assistant Commissioners appointed by the Minister under Division 4.
- (2) The persons recommended by the Minister for appointment as Commissioners under subsection (1)(a) must be chosen from the recommended Commissioners list.
- (3) In recommending persons for appointment as Commissioners under subsection (1)(a), the Minister must ensure the NICC, as a whole, has expertise and experience in—
 - (a) financial crime regulation or financial crime law enforcement, and
 - (b) accounting or corporate governance.

- (4) A person must not be appointed as a Commissioner, including an Assistant Commissioner, if the person has, within the previous 7 years, been employed by or worked in another capacity for a casino operator.

Example of persons who have worked in another capacity for a casino operator—

- a consultant to a casino operator
- a lawyer who has acted for a casino operator

- (5) Schedule 1 has effect in relation to the members and procedures of the NICC.

139A Selection panel for appointment of Commissioners

- (1) When a vacancy in the office of Commissioner occurs, the Minister must establish a selection panel to prepare and give to the Minister a list (a *recommended Commissioners list*) that includes—
- (a) persons recommended for appointment to the vacant office, and
 - (b) recommendations about the terms of office for persons included on the recommended Commissioners list.
- (2) The selection panel must ensure the number of persons included in the recommended Commissioners list given to the Minister is more than the number of persons required to fill the vacancy.
- (3) The selection panel must not include a person in the recommended Commissioners list unless—
- (a) for persons recommended for appointment as Chief Commissioner—
the person is—
 - (i) a Judge or former Judge, or
 - (ii) a lawyer of at least 7 years' standing, or
 - (b) for persons recommended for appointment as other Commissioners—
the person has expertise or experience in—
 - (i) regulation of financial crime, or
 - (ii) law enforcement relating to financial crime, or
 - (iii) accounting or corporate governance.

Division 4 Assistant Commissioners

139B Appointment of Assistant Commissioners

- (1) The Minister may, by written instrument, appoint additional temporary Commissioners (*Assistant Commissioners*) to the NICC.
- (2) The functions of an Assistant Commissioner are any or all of the following, as stated in the Assistant Commissioner's instrument of appointment—
- (a) to assist the NICC in the exercise of its functions generally,
 - (b) to assist a specific investigation or inquiry,
 - (c) to exercise any other functions under this Act.

Division 5 Police records etc

139C Arrangements for supply of Police records

- (1) The Chief Commissioner and the Commissioner of Police may enter into arrangements for the supply to the NICC of information contained in the

records of the NSW Police Force to assist in the effectual administration of the gaming and liquor legislation.

- (2) Those arrangements are sufficient authority for the supply of that information.

139D Disclosure of spent convictions

The NICC is taken to be a law enforcement agency for the *Criminal Records Act 1991*, section 13.

Division 6 Annual report

139E Annual reports

The NICC's annual report for a financial year must include the following—

- (a) the NICC's financial report,
- (b) the opinion of the auditor about the financial report,
- (c) a response from the NICC to any issue the auditor raises in a report as being a significant issue,
- (d) a detailed budget for the financial year and an outline budget for the following financial year,
- (e) a report of the NICC's operations prepared in accordance with this Act and the regulations, and
- (f) details of any casino licence granted during the financial year, including details of the conditions subject to which the licence was granted,
- (g) the number of licences granted under Part 4 during the financial year,
- (h) details of any changes to the conditions of a licence under this Act made by the NICC during the financial year,
- (i) details of any disciplinary action taken by the NICC against a casino operator during the financial year,
- (j) a summary of any disciplinary action taken by the NICC during the financial year against persons licensed under Part 4,
- (k) a summary of the outcome of any investigation or inquiry carried out by the NICC under this Act during the financial year,
- (l) a summary of measures taken by the NICC and casino operators to prevent or reduce harm from gambling in casinos,
- (m) any other matters prescribed by the regulations.

139EA Preparation of report of operations

The NICC must, within the period of 4 months after the end of each financial year, prepare a report of its operations for the financial year.

139F Nature of report of operations

- (1) The report of the operations referred to in section 139E must include particulars in relation to the following matters—
- (a) the charter,
 - (b) aims and objectives,
 - (c) access,
 - (d) management and structure,
 - (e) summary review of operations,

- (f) legal change.
- (3) The report of the operations must be prepared in the way and include the additional information, if any, prescribed by the regulations.

139G Letter of submission

The report of the operations must include a letter of submission to the Minister—

- (a) stating that the report is being submitted to the Minister for presentation to Parliament, and
- (b) specifying the provisions under which the report has been prepared, and
- (c) if the report is being submitted late—stating the length of and reasons for any extension of time under section 139L, and
- (d) if the report is being submitted late and no application has been made under section 139L to cover that lateness—stating the reasons for the lateness and for the failure to make the application, and
- (e) signed by the Chief Commissioner.

139H Submission of annual report to appropriate Minister

The NICC must, not later than 4 months after the end of the financial year, submit its annual report in relation to that financial year to the Minister.

139I Presentation of annual report to Parliament

- (1) The Minister must, within 1 month after the receipt of the annual report, cause the report to be laid before both Houses of Parliament.
- (2) If a report is late in being laid before a House of Parliament, the Minister must make or table a statement in that House as to the extent of, and the reasons for, that lateness.
- (3) If a House of Parliament is not sitting when the Minister seeks to comply with subsection (1) or (2), the Minister must present copies of the annual report or statement to the Clerk of the House of Parliament.
- (3) An annual report or statement presented to the Clerk of a House of Parliament must—
 - (a) on presentation and for all purposes, be deemed to have been laid before the House of Parliament, and
 - (b) be printed by authority of the Clerk of the House, and
 - (c) for all purposes be deemed to be a document published by order or under the authority of the House, and
 - (d) be recorded, on the first sitting day of the House after receipt of the annual report or statement by the Clerk—
 - (i) for the Legislative Council—in the Minutes of the Proceedings of the Legislative Council, or
 - (ii) for the Legislative Assembly—in the Votes and Proceedings of the Legislative Assembly.

139J Public availability of annual reports

The NICC must, as soon as practicable after its annual report has been laid or is deemed to have been laid before both Houses of Parliament in accordance with section 139I, publish a copy of the report on its website.

139L Application for extension of time

- (1) The NICC may, at any time within the period of 3 months after the end of the financial year, apply to the Minister for an extension of the period within which it is required to comply with section 139E or 139G.
- (2) An application under subsection (1) must include detailed reasons and other relevant information in support of the application.
- (3) The Minister may extend a period within which the NICC is required to comply with section 139E or 139G or any requirement of either of the sections.
- (4) If the Minister extends the period or any requirement, the NICC must comply with section 139E or 139G or the requirement, within the extended period.
- (5) If the Minister extends a period within which the NICC must comply with section 139E or 139G, or a requirement of either of the sections, the NICC must include, in the annual report in relation to which the extension is granted, particulars of the extension

Division 7 Miscellaneous

139M Seal

The seal of the NICC is to be kept by the Chief Commissioner and may be affixed to a document only—

- (a) in the presence of the Chief Commissioner or a member of the staff of the NICC authorised by the Chief Commissioner, and
- (b) with an attestation by the signature of the Chief Commissioner or a member of staff referred to in paragraph (a) of the fact of the affixing of the seal.

[94] Section 140 Objects of Authority under this Act

Insert after section 140(a)—

- (a1) ensuring that the casino operator prevents money laundering and terrorism financing activities within the operations of the casino, and

[95] Section 142 Authority may conduct negotiations and enter into agreements

Insert after section 142(2)—

- (2A) An agreement is invalid to the extent it includes provisions that—
 - (a) prevent the NICC from exercising the functions mentioned in section 135(a) and (b), or
 - (b) otherwise restrict, or impose additional obligations on, the NICC in exercising the functions.

[96] Section 143 Authority may hold inquiries

Insert after section 143(5)—

- (6) The NICC may publish, in the way the NICC considers appropriate, the results of an inquiry held under this section—
 - (a) for an inquiry held in public—in full, or
 - (b) for an inquiry held in private or partly in private—in full or in part, as the NICC considers appropriate in the circumstances.
- (7) In this section—

results of an inquiry includes reports, exhibits, evidence and submissions produced or received as part of the inquiry.

[97] Section 149 Information gathering for law enforcement purposes

Insert after section 149(7), definition of *law enforcement agency*, paragraph (d1)—

- (d2) the Australian Securities and Investment Commission, or
- (d3) AUSTRAC, or
- (d4) the Australian Taxation Office, or
- (d5) the Authority under the *Gaming and Liquor Administration Act 2007*, or

[98] Section 154 Matters to be included in Authority's annual report

Omit the section.

[99] Section 156

Omit the section. Insert instead—

156 No compensation payable

- (1) No compensation is payable by or on behalf of the Crown by reason, or on the occurrence, of regulatory action that has an effect on the following—
 - (a) a casino licence or casino operator,
 - (b) a relevant person,
 - (c) another matter connected to the management or operation of a casino.
- (2) This section has effect despite—
 - (a) another provision of this Act, or
 - (b) any other Act or law, or
 - (c) any other instrument, including an agreement to which the Crown and a casino operator are parties.
- (3) In this section—

compensation includes—

 - (a) damages, and
 - (b) another form of monetary compensation, and
 - (c) any other amount, whether described as compensation or not, payable under an instrument, including an agreement to which the Crown and a casino operator are parties, and
 - (d) liability to make payments under an instrument, including an agreement, to which the Crown and a casino operator are parties on occurrence of events specified in the instrument.

Crown—

- (a) means the Crown within the meaning of the *Crown Proceedings Act 1988*, and
- (b) includes an officer, employee or agent of the Crown.

regulatory action means the following—

- (a) the introduction of a bill for, or the enactment or operation of, any of the following Acts—
 - (i) the *Casino Legislation Amendment Act 2022*,

- (ii) another Act that amends this Act or the *Gaming and Liquor Administration Act 2007*,
 - (iii) another Act that provides for or deals with the operation or regulation of casinos,
- (b) the recommendation to make, or the making of, regulations under any of the following Acts—
- (i) this Act,
 - (ii) the *Gaming and Liquor Administration Act 2007*,
 - (iii) another Act that provides for or deals with the operation or regulation of casinos, or
- (c) the exercise of statutory functions under any of the following Acts, including the exercise of regulatory or supervisory powers under instruments approved or created under the Acts—
- (i) this Act,
 - (ii) the *Gaming and Liquor Administration Act 2007*,
 - (iii) another Act that provides for or deals with the operation or regulation of casinos.

relevant person means—

- (a) a close associate, or former close associate, of a casino operator, or
- (b) a casino employee or former casino employee, or
- (c) another person who is or was concerned in, or otherwise connected to, the management or operation of a casino.

[100] Section 163 Conduct in casino

Omit “100” from the penalty in section 163(1). Insert instead “1,000”.

[101] Sections 167 and 167A

Omit section 167. Insert instead—

167 Liability of directors etc for offences by corporation—offences attracting executive liability

- (1) A person commits an offence against this section if—
- (a) a corporation commits an executive liability offence, and
 - (b) the person is—
 - (i) a director of the corporation, or
 - (ii) an individual who is concerned in the management of the corporation or who is otherwise in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and
 - (c) the person—
 - (i) knows or ought reasonably to know the executive liability offence, or an offence of the same type, would be or is being committed, and
 - (ii) fails to take all reasonable steps to prevent or stop the commission of that offence.

Maximum penalty—The maximum penalty for the executive liability offence if committed by an individual.

- (2) The prosecution bears the legal burden of proving the elements of the offence against this section.
- (3) The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.
- (4) This section—
 - (a) does not affect the liability of the corporation for the executive liability offence, and
 - (b) applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.
- (5) This section does not affect the application of any other law relating to the criminal liability of persons, whether or not directors or other managers of the corporation, who are—
 - (a) accessories to the commission of the executive liability offence, or
 - (b) otherwise concerned in, or party to, the commission of the executive liability offence.
- (6) In this section—

director has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

executive liability offence means an offence against a provision of gaming and liquor legislation that is committed by a corporation.

reasonable steps, in relation to the commission of an executive liability offence, includes action of the following kinds that is reasonable in all the circumstances—

 - (a) action towards—
 - (i) assessing the corporation’s compliance with the provision creating the executive liability offence, and
 - (ii) ensuring the corporation arranged regular professional assessments of its compliance with the provision,
 - (b) action towards ensuring the corporation’s employees, agents and contractors are given information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,
 - (c) action towards ensuring that any of the following relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances—
 - (i) the plant, equipment and other resources,
 - (ii) the structures, work systems and other processes,
 - (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.

167A Liability of directors etc for offences by corporation—accessory to the commission of the offences

- (1) A person commits an offence against this section if—
 - (a) a corporation commits a corporate offence, and
 - (b) the person is—
 - (i) a director of the corporation, or

- (ii) an individual who is concerned in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and
- (c) the person—
 - (i) aids, abets, counsels or procures the commission of the corporate offence, or
 - (ii) induces, whether by threats or promises or otherwise, the commission of the corporate offence, or
 - (iii) conspires with others to effect the commission of the corporate offence, or
 - (iv) is in any other way, whether by act or omission, knowingly involved in, or party to, the commission of the corporate offence.

Maximum penalty—The maximum penalty for the corporate offence if committed by an individual.

- (2) The prosecution bears the legal burden of proving the elements of the offence against this section.
- (3) The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.
- (4) This section—
 - (a) does not affect the liability of the corporation for the corporate offence, and
 - (b) applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.
- (5) This section does not affect the application of any other law relating to the criminal liability of persons, whether or not directors or other managers of the corporation, who are involved in, or party to, the commission of the corporate offence.
- (6) In this section—
corporate offence means an offence against this Act or the regulations that is capable of being committed by a corporation.

[102] Section 168 Prosecution for offences

Insert after section 168(3)—

- (3A) Proceedings for an offence against this Act must be commenced not later than 3 years after the date on which evidence of the alleged offence first came to the attention of the NICC or an inspector.

[103] Section 169A Remedial orders

Omit “20” from the penalty in section 169A(2). Insert instead “200”.

[104] Section 169B

Insert after section 169A—

169B Review of Act

- (1) The Minister must review this Act from time to time to determine whether—

- (a) the policy objectives of the Act remain valid, particularly the object of containing and controlling the potential of casinos to cause harm to the public interest and to individuals and families, and
Note— see section 4A(1)(c)
 - (b) the terms of the Act remain appropriate for achieving the objectives, including whether the amount of the responsible gambling levy is sufficient to ensure the requirements of the Responsible Gambling Fund trust deed can be carried out.
- (2) A review under subsection (1) must be undertaken—
- (a) for the first review—as soon as practicable after the period of 2 years from the date of assent to the *Casino Legislation Amendment Act 2022*, or
 - (b) for subsequent reviews—at intervals of not more than 5 years.
- (3) A report on the outcome of a review under subsection (1) must be tabled in each House of Parliament—
- (a) for the first review—within 12 months after the period of 2 years from the date of assent to the *Casino Legislation Amendment Act 2022*, or
 - (b) for subsequent reviews—within 12 months after each subsequent period of 5 years.

[105] Section 170 Regulations

Omit section 170(3)(a). Insert instead—

- (a) impose a penalty of not more than the following for a contravention of the provision—
 - (i) for a contravention of the provision by a casino operator—1,000 penalty units,
 - (ii) otherwise—100 penalty units, and

[106] Section 170A

Insert after section 170—

170A Implementation of Independent Review of The Star Pty Ltd by Adam Bell SC

- (1) The Minister must, within 9 months after the independent review report is delivered, prepare a report about—
 - (a) what has been done to implement the recommendations of the report, and
 - (b) what steps the Minister and the NICC will take to implement any outstanding recommendations.
- (2) A report under subsection (1) must be tabled in each House of Parliament within 12 months after independent review report is delivered.
- (3) In this section—
independent review report means the final report of the Independent Review of The Star Pty Ltd by Adam Bell SC under this Act.

[107] Schedule 1

Insert before Schedule 3—

Schedule 1 Constitution and procedure of NICC

Section 139(5)

Part 1 General

1 Definition

In this Schedule—

Commissioner includes an Assistant Commissioner.

Part 2 Constitution

2 Terms of office of Commissioners

- (1) A Commissioner, other than an Assistant Commissioner, holds office for the period, not more than 4 years, stated in the Commissioner's instrument of appointment.
- (2) An Assistant Commissioner holds office for the period, not more than 2 years, stated in the Commissioner's instrument of appointment.
- (2) A Commissioner is eligible, if otherwise qualified, for re-appointment but not for more than 2 consecutive terms.

3 Part-time appointments

- (1) The Chief Commissioner holds office on a full-time basis.
- (2) A Commissioner, other than the Chief Commissioner, may hold office on a full-time or part-time basis.

4 Remuneration

- (1) A Commissioner is entitled to be paid—
 - (a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and
 - (b) allowances, decided by the Minister, to reimburse the Commissioner for expenses the Commissioner may incur.
Example of expenses that may be incurred— travel or accommodation
- (2) A Commissioner who is a Judge is not, while receiving salary or allowance as a Judge, entitled to remuneration under this Act.

5 Appointment of Judge as Commissioner not to affect tenure

- (1) The appointment of a person who is the holder of a judicial office as a Commissioner or the deputy of a Commissioner, or service by a person who is the holder of a judicial office as a Commissioner or the deputy of a Commissioner, does not affect—
 - (a) the person's tenure of the judicial office, or
 - (b) the person's rank, title, status, precedence, salary, allowances or other rights or privileges as the holder of the judicial office.
- (2) For all purposes the person's service as a Commissioner or the deputy of a Commissioner is taken to be service as the holder of the judicial office.
- (3) In this clause—
judicial office means an office of Judge.

6 Deputies

- (1) The Minister may, from time to time—
 - (a) appoint an appropriately qualified person to be the deputy of the Commissioner, and
 - (b) revoke the appointment of a person as the Commissioner's deputy.
- (2) In the absence of a Commissioner, the Commissioner's deputy may, if available, act in the place of the Commissioner.
- (3) While acting in the place of a Commissioner, a person has all the functions of the Commissioner and is taken to be a Commissioner.
- (4) For the purposes of this clause, a vacancy in the office of a Commissioner is taken to be an absence of the Commissioner.
- (5) In this clause—

appropriately qualified, for a person to be appointed to be the deputy of the Commissioner, means a person who would be qualified for appointment to the office the Commissioner holds.

7 Vacancy in office of Commissioner

- (1) The office of a Commissioner becomes vacant if the Commissioner—
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) for a Commissioner other than an Assistant Commissioner—is removed from office by the Governor under this clause, or
 - (d) for an Assistant Commissioner—is removed from office by the Minister under this clause, or
 - (e) is absent from 3 consecutive meetings of the NICC of which reasonable notice has been given to the Commissioner personally or by post, except on leave granted by the Minister or unless the Commissioner is excused by the Minister for having been absent from the meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the Commissioner's creditors or makes an assignment of the Commissioner's remuneration for the creditors' benefit, or
 - (g) becomes a mentally incapacitated person, or
 - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Governor may remove a Commissioner, other than an Assistant Commissioner, from office at any time.
- (3) The Minister may remove an Assistant Commissioner from office at any time.

8 Filling of vacancy in office of Commissioner

If the office of a Commissioner, other than an Assistant Commissioner, becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Note— See Part 9A, Division 3 for how a vacancy in the office of Commissioner is to be filled.

9 Disclosure of pecuniary interests

- (1) This clause applies if—
 - (a) a Commissioner has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the NICC, and
 - (b) the interest appears to raise a conflict with the proper performance of the Commissioner's duties in relation to the consideration of the matter.
- (2) The Commissioner must, as soon as possible after the relevant facts have come to the Commissioner's knowledge, disclose the nature of the interest at a meeting of the NICC.
- (3) A disclosure by a Commissioner at a meeting of the NICC of any of the following is a sufficient disclosure of the nature of the interest in any matter relating to the company or other body or to the person that may arise after the date of the disclosure and that is required to be disclosed under subclause (2)—
 - (a) the Commissioner is a member, or is in the employment, of a specified company or other body,
 - (b) the Commissioner is a partner, or is in the employment, of a specified person,
 - (c) the Commissioner has some other specified interest relating to a specified company or other body or to a specified person.
- (4) Particulars of a disclosure made under this clause must be recorded by the NICC in a book kept for the purpose and that book must be open at all reasonable hours for inspection by a person on payment of the fee decided by the NICC.
- (5) After a Commissioner has disclosed the nature of an interest in a matter, the Commissioner must not, unless the Minister or the NICC otherwise decides—
 - (a) be present during any deliberation of the NICC in relation to the matter, or
 - (b) take part in a decision of the NICC in relation to the matter.
- (6) For the purposes of the making of a decision by the NICC under subclause (5), a Commissioner who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—
 - (a) be present during any deliberation of the NICC for the purpose of making the decision, or
 - (b) take part in the making by the NICC of the decision.
- (7) A contravention of this clause does not invalidate a decision of the NICC.
- (8) This clause applies to a member of a committee of the NICC and the committee in the same way as it applies to a Commissioner and the NICC.

10 Government Sector Employment Act 2013 does not apply to Commissioners

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a Commissioner.

11 Effect of certain other Acts

- (1) This clause applies if by or under any Act provision is made—
 - (a) requiring a person who is the holder of a stated office to devote the whole of the person's time to the duties of the office, or

- (b) prohibiting the person from engaging in employment outside the duties of the office.
- (2) The provision does not operate to disqualify the person from—
 - (a) holding the office and also the office of a Commissioner, or
 - (b) accepting and retaining remuneration payable to the person under this Act as a Commissioner.

12 Personal liability

A matter or thing done or omitted to be done by any of the following does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this Act, subject a Commissioner or a person acting under the direction of the NICC personally to any action, liability, claim or demand—

- (a) the NICC,
- (b) a Commissioner,
- (c) a person acting under the direction of the NICC.

Part 3 Procedure

13 General procedure

The procedure for the calling of meetings of the NICC and for the conduct of business at those meetings is, subject to this Act and the regulations, to be decided by the NICC.

14 Quorum

The quorum for a meeting of the NICC is a majority of the Commissioners for the time being.

15 Presiding member

- (1) The Chief Commissioner or, in the absence of the Chief Commissioner, a person elected by the Commissioners who are present at a meeting of the NICC, is to preside at a meeting of the NICC.
- (2) The presiding Commissioner has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

16 Voting

A decision supported by a majority of the votes cast at a meeting of the NICC at which a quorum is present is the decision of the NICC.

17 Transaction of business outside meetings or by telephone etc

- (1) The NICC may, if it thinks fit, transact any of its business by the circulation of papers among all the Commissioners for the time being, and a resolution in writing approved in writing by a majority of those Commissioners is taken to be a decision of the NICC made at a meeting of the NICC.
- (2) The NICC may, if it thinks fit, transact any of its business at a meeting at which Commissioners, or some Commissioners, participate by telephone or other electronic means, but only if any Commissioner who speaks on a matter before the meeting can be heard by the other Commissioners.

- (3) For the purposes of the approval of a resolution under subclause (2) or a meeting held under subclause (2), the Chief Commissioner and each other Commissioner have the same voting rights as they have at an ordinary meeting of the NICC.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the NICC.
- (5) Papers may be circulated among the Commissioners for the purposes of subclause (1) by electronic means.

18 First meeting

The Chief Commissioner may call the first meeting of the NICC in the way the Chief Commissioner thinks appropriate.

Part 4 Miscellaneous

19 Proof of certain matters not required

In legal proceedings, proof is not required, until evidence is given to the contrary, of—

- (a) the constitution of the NICC, or
- (b) a resolution of the NICC, or
- (c) the appointment of, or holding of office by, a Commissioner of the NICC, or
- (d) the presence or nature of a quorum at a meeting of the NICC.

[108] Schedule 4 Savings and transitional provisions

Insert after Part 11—

Part 12 Provisions consequent on enactment of Casino Legislation Amendment Act 2022

40 Definition

In this Part—

Amendment Act means the *Casino Legislation Amendment Act 2022*.

41 New penalties to apply

- (1) This clause applies if, after the commencement of the Amendment Act, Schedule 1[21], the NICC decides to take disciplinary action in relation to a casino licence, whether the grounds for the disciplinary action occurred before or after the commencement.
- (2) The NICC may take disciplinary action under section 23(1) of this Act, as amended by the Amendment Act.
- (3) This clause does not apply to disciplinary action taken against a close associate of a casino operator if the grounds for disciplinary action occurred before the commencement.

42 First Commissioners of the NICC

- (1) Despite Part 9A, the Minister, may by written instrument, appoint a person who was a member of the Authority immediately before the commencement

of this clause as the Chief Commissioner or another Commissioner of the NICC.

- (2) A person appointed under subclause (1) as the Chief Commissioner or another Commissioner holds office—
 - (a) for the remainder of the term of office that applied to the person's appointment as a member of the Authority, unless the appointment is sooner revoked under this Act, and
 - (b) subject to the other terms of the person's appointment as a member of the Authority.

43 No compensation payable for regulatory action taken before commencement

- (1) This clause applies if, before the commencement of the Amendment Act, Schedule 1[96], regulatory action was taken against a casino operator.
- (2) Section 156, as in force on and from the commencement, applies in relation to the regulatory action as if it had been taken after the commencement.
- (3) In this clause—
regulatory action has the same meaning as in section 156(3).

44 Existing approvals

- (1) This clause applies if—
 - (a) immediately before the commencement of the Amendment Act, an approval granted by the Authority, including an approval of a close associate or a controlled contract, was in force, and
 - (b) after the commencement an approval of that type may be granted by the NICC.
- (2) From the commencement, the approval continues, subject to the same terms and conditions, as if had been granted the NICC.

[109] Whole Act, other than ss 3, definitions of “Authority” and “Barangaroo restricted gaming facility”, 136(2) and 149(7), definition of “law enforcement agency”, paragraph (d5), as inserted by this Act

Omit “Authority” and “Authority’s” wherever occurring.

Insert instead “NICC” and “NICC’s”.

Schedule 2 Amendment of Casino Control Regulation 2019

[1] Part 2A

Insert after clause 8—

Part 2A Close associates

8A Exemption from requirement to hold approval under Act, Part 3, Division 3

For section 42A(3)(a) of the Act, the NICC must have regard to the degree of control or influence the close associate is or will be able to, in the NICC's opinion, exercise over the casino operator's business.

[2] Clause 12 Contracts exempt from provisions of Act

Omit “, “which relate to the supply or servicing of gaming equipment under section 68(1) of the Act,” from the clause.

[3] Clause 14 Casino operator's involvement with junkets

Omit the clause.

[4] Clause 15 Gambling inducements

Omit “50” from the penalty. Insert instead “500”.

[5] Clause 16 Display of information concerning chances of winning prizes on gaming machines

Omit “50” from the penalty in clause 16(1). Insert instead “500”.

[6] Clause 18 Provision of approved player information brochures

Omit “50” from the penalty in clause 18(1). Insert instead “500”.

[7] Clause 19 Provision of player information in languages other than English

Omit “50” from the penalty in clause 19(2). Insert instead “500”.

[8] Clause 20 Dangers of gambling—notice to be displayed on gaming machines

Omit “50” from the penalty in clause 20(1). Insert instead “500”.

[9] Clause 21 Gambling counselling services—notice to be displayed

Omit “50” from the penalty in clause 21(1). Insert instead “500”.

[10] Clause 22 Signage to be displayed on ATMs and cash-back terminals

Omit “50” from the penalty in clause 22(1). Insert instead “500”.

[11] Clause 22A

Insert after clause 22—

22A Debit cards—Act, s 74

For section 74(1)(c1), the requirement is that the transaction must be with a person who is a participant in a premium player arrangement.

[12] Clause 23 Payment of prize money by cheque

Omit “50” from the penalty in clause 23. Insert instead “500”.

[13] Clause 25 Requirements relating to prize winning cheques

Omit “50” from the penalty. Insert instead “500”.

[14] Clause 25A

Insert after clause 25—

25A Player cards

For section 71A(a) of the Act, the requirements for a player card are—

- (a) the card must be issued in accordance with customer identification procedures that comply with AUSTRAC’s anti-money laundering and counter-terrorism financing requirements,
- (b) the card must be capable of recording the following data—
 - (i) the patron’s buy-in and buy-out times and amounts,
 - (ii) the periods during which the patron played at the casino,
 - (iii) the patron’s turnover during each period the patron played at the casino,
 - (iv) the patron’s losses and wins,
 - (v) the types of games played by the patron during the period the patron played at the casino,
 - (vi) any other information the NICC reasonably requires, by written notice given to the casino operator, for the purposes of—
 - (A) carrying out investigations of the casino operations, and
 - (B) ensuring the casino operator is complying with the operator’s obligations in relation to responsible service of gambling or monitoring or preventing criminal activity.

[15] Clause 26 Requirement to keep copy of player activity statement

Omit “50” from the penalty. Insert instead “500”.

[16] Clause 27 Prohibitions on gambling-related advertising

Omit the penalty, wherever occurring, in clause 27(1) and (2).

Insert instead—

Maximum penalty—

- (a) for a casino operator—1,000 penalty units, or
- (b) otherwise—100 penalty units.

[17] Clause 27(5)

Omit “100” from the penalty. Insert instead “1,000”.

[18] Clause 29 Prohibition on gambling-related signs

Omit “100” from the penalty in clause 29(1) and (2) wherever occurring.

Insert instead “1,000”.

[19] Clause 30 Provision of problem gambling counselling services

Omit “50” from the penalty in clause 30(4). Insert instead “500”.

[20] Clause 31 Provision of gambling contact cards

Omit “50” from the penalty in clause 31(1). Insert instead “500”.

[21] Clause 51 Casino supervisory levy

Omit clause 51(1)(a). Insert instead—

- (a) for the 2022–23 financial year—\$19,000,000, and

[22] Clause 51(2)(b)

Omit the paragraph. Insert instead—

- (b) for the 2022–23 financial year—on a pro-rata basis for the part of the financial year—
 - (i) starting when the *Casino Legislation Amendment Act 2022* commences, and
 - (ii) ending on 30 June 2023, and
- (c) for each following financial year—by way of 12 equal instalments, with each instalment being paid before the end of each month in the financial year, and
- (d) in equal proportions by each casino operator.

[23] Clause 51(4)

Omit.

[24] Schedule 1 Description of major change in state of affairs of a casino operator

Omit clause 4.

[25] Schedule 3 Change in state of affairs of licensee

Insert “or terminated” after “suspended” in column 1, item 2.

[26] Schedule 3, column 2, item 2

Insert “or termination” after “suspension” wherever occurring.

[27] Schedule 4 Notices in controlled contract

Omit “100 penalty units”, wherever occurring, from Notice 1 and Notice 2.

Insert instead “1,000 penalty units”.

[28] Schedule 8 Penalty notice offences

Omit “\$1,100” in clause 1, table, column 2, entry for offence under section 72A(1) of the Act.

Insert instead “\$11,000”.

[29] Schedule 8

Omit “\$550” from clause 1, table, column 2, entry for offence under section 84(1) of the Act.

Insert instead “\$5,500”.

[30] Schedule 8

Omit “\$550” from clause 1, table, column 2, entry for offence under section 94(1), (2) or (2A) of the Act.

Insert instead “\$11,000”.

[31] Schedule 8

Omit “\$550” from clause 1, table, column 2, entry for offence under section 124(4) of the Act.

Insert instead “\$22,000”.

[32] Schedule 8

Omit “\$550” from clause 1, table, column 2, entries for offences under clauses 16(1), 18(1), 19(2), 20(1), 21(1), 22(1), 23, 25, 26, 30(4) and 31(1) of the regulation.

Insert instead “\$5,500”.

[33] Schedule 8

Omit clause 1, table, entry for offence under clause 27(1), (2) or (5) of the regulation.

Insert instead—

Clause 27(1) or (2)—

(a) for a casino operator	\$11,000
(b) otherwise	\$1,100
Clause 27(5)	\$1,100

[34] Schedule 8

Omit “\$660” from clause 1, table, column 2, entry for offence under clause 29(1) or (2) of the regulation.

Insert instead “\$6,600”.

Schedule 3 Amendment of other legislation

3.1 Gaming and Liquor Administration Act 2007 No 91

[1] Section 2A Objects of Act

Omit “Authority is” from section 2A(b). Insert instead “Authority and NICC are”.

[2] Section 2A(e)

Omit the paragraph. Insert instead—

- (e) to promote public confidence in—
 - (i) the Authority’s decision-making and in the conduct of its members and staff, and
 - (ii) the NICC’s decision-making and in the conduct of its Commissioners and staff.

[3] Section 3 Definitions

Insert in appropriate order in section 3(1), definition of *key official*—

- (a1) a member of the NICC,
- (d2) a member of the staff of the NICC,
- (e1) a consultant to the NICC,

[4] Section 3(1)

Insert in alphabetical order—

NICC means the New South Wales Independent Casino Commission established under the *Casino Control Act 1992*.

[5] Section 5 Meaning of “close associate”

Insert after section 5(4)—

- (5) This section does not apply to the *Casino Control Act 1992* and the regulations made under that Act.

[6] Section 6 Constitution of Authority

Omit section 6(4).

[7] Section 7

Omit the section. Insert instead—

7 Members of Authority

- (1) The Authority consists of—
 - (a) the following members appointed by the Governor on the recommendation of the Minister—
 - (i) a Chairperson,
 - (ii) a Deputy Chairperson,
 - (iii) other members, and
 - (b) any assistant members appointed by the Minister under section 8A.
- (2) The persons recommended by the Minister for appointment as members under subsection (1)(a) must be chosen from the recommended members list.

- (3) Schedule 1 has effect in relation to the members and procedures of the Authority.

[8] Section 8

Insert after section 7—

8 Selection panel for appointment of members

- (1) When a vacancy in the office of a member of the Authority occurs, the Minister must establish a selection panel to prepare and give the Minister a list (a *recommended members list*) that includes—
- (a) persons recommended for appointment to the vacant office, and
 - (b) recommendations about the terms of office for persons included on the recommended members list.
- (2) The selection panel must ensure the number of persons included in the recommended members list given to the Minister is more than the number of persons required to fill the vacancy.
- (3) The selection panel must not include a person in the recommended members list unless—
- (a) for at least one member—the person is—
 - (i) a Judge or former Judge, or
 - (ii) a lawyer of at least 7 years' standing with experience in administrative law, or
 - (b) for persons recommended for appointment as other members—the person has expertise or experience in—
 - (i) regulation of financial crime, or
 - (ii) law enforcement relating to financial crime, or
 - (iii) accounting or corporate governance.

8A Appointment of assistant members

- (1) The Minister may, by written instrument, appoint additional temporary members (*assistant members*) to the Authority.
- (2) The functions of an assistant member are any or all of the following, as stated in the assistant member's instrument of appointment—
- (a) to assist the Authority in the exercise of its functions generally,
 - (b) to assist a specific investigation or inquiry,
 - (c) to exercise any other functions under this Act.

[9] Section 9 General functions of Authority

Omit section 9(2). Insert instead—

- (2) The Authority may employ staff to assist the Authority to exercise its functions.

[10] Section 14 Persons engaged in administration of gaming and liquor legislation to be of highest integrity

Insert after section 14(1)(a)—

- (a1) Commissioner of the NICC,

[11] Section 14(1)

Insert after section 14(1)(c)—

- (d) consultant to the NICC designated by the NICC in writing for the purposes of this section.

[12] Section 14(3)(a)

Insert “or a Commissioner of the NICC” after “Authority” in section 14(3)(a).

[13] Section 14(3)

Insert after section 14(3)(b)—

- (b1) the NICC—for the position of consultant to the NICC, or

[14] Section 14

Insert after section 14(12)—

- (12A) For a position of consultant to the NICC, the NICC may waive the operation of subsection (10) in a particular case.

[15] Section 16 Restrictions relating to key officials and former key officials

Insert in appropriate order in section 16(4), definition of *appropriate authority*—

- (a1) for a member of staff of the NICC—the NICC, or
- (b1) for a consultant to the NICC or former consultant to the NICC—the NICC, or

[16] Section 17 Secrecy

Insert “, NICC” after “Authority” in section 17(2)(a).

[17] Section 17(2)

Insert before section 17(2)(a)—

- (a1) to the community at large if the Authority, NICC or Secretary certifies it is in the public interest the information be divulged to the community at large; or

[18] Section 17(5)(a)

Insert “or NICC” after “Authority”.

[19] Section 21 Requirement to provide information and records

Insert “, NICC” after “Authority” wherever occurring in section 21(1).

[20] Section 28 Assistance to be given to inspectors

Insert “or NICC” after “Authority” in section 28(2).

[21] Section 30 Power of inspectors and police officers to require answers

Insert “or NICC” after “Authority” in section 30(2).

[22] Section 32 Additional functions

Omit section 32(d). Insert instead—

- (d) to detect, or assist in detecting, offences committed in a casino,

[23] Section 32(f)

Omit “Authority”. Insert instead “NICC”.

[24] Section 33 Inspectors to investigate casino-related complaints

Omit “Authority” wherever occurring in section 33(3). Insert instead “NICC”.

[25] Part 4A

Insert after section 35—

Part 4A Casino, Liquor and Gaming Coordination Committee

35A Establishment of Committee

The Casino, Liquor and Gaming Coordination Committee is established.

35B Membership of Committee

- (1) The Casino, Liquor and Gaming Coordination Committee consists of the following members—
 - (a) the Chief Executive Officer of Hospitality and Racing,
 - (b) the Chief Commissioner of the NSW Independent Casino Commission under the *Casino Control Act 1992*,
 - (c) the Chairperson of the Authority,
 - (d) the NSW Police Commissioner or a person nominated by the Police Commissioner,
 - (e) the NSW Crime Commissioner or a person nominated by the Crime Commissioner,
 - (f) the Director of the Office of Responsible Gambling or a person nominated by the Director,
 - (g) persons nominated by law enforcement agencies.
- (2) The member of the Casino, Liquor and Gaming Coordination Committee mentioned in subsection (1)(a) is the chairperson of the Committee.
- (3) In this section—

law enforcement agency means an agency that is—

 - (a) a law enforcement agency within the meaning of the *Casino Control Act 1992*, section 149(7), and
 - (b) invited by the chairperson of the Casino, Liquor and Gaming Coordination Committee to nominate members of the Committee.

35C Functions of Committee

The functions of the Committee are—

- (a) to provide strategic advice to the NSW Independent Casino Commission and the Authority, and
- (b) to ensure the effective exercise of functions and powers by regulators and law enforcement agencies in regulating the casino, liquor and gaming industries, and
- (c) to facilitate the efficient sharing of information and collaboration between regulators, law enforcement agencies and the Department.

- [26] Section 36 False or misleading statements**
Insert “, NICC” after “Authority” in section 36(2).
- [27] Section 36B Procedure for dealing with matters under gaming and liquor legislation to be informal**
Insert “, NICC” after “Authority” wherever occurring in section 36B(1), (2) and (3).
- [28] Section 36C Notice of certain decisions required to be published on relevant website**
Insert “, NICC” after “Authority” wherever occurring in section 36C(1)(a).
- [29] Section 37 Protection from personal liability**
Insert after section 37(a)—
(a1) a Commissioner or member of the staff of the NICC, or
- [30] Section 37A Submissions to Authority by Secretary**
Insert “or NICC” after “Authority” wherever occurring in section 37A.
- [31] Section 38B Payment of fees under gaming and liquor legislation**
Omit section 38B(1). Insert instead—
(1) A fee required to be paid under the gaming and liquor legislation, including a fee charged or determined by the Authority, is payable—
(a) for a fee required to be paid under the *Casino Control Act 1992* or the regulations under that Act to a person specified in that Act or the regulations—to the specified person, or
(b) otherwise—to the Secretary.
- [32] Section 38B(2)**
Omit “Subsection (1)”. Insert instead “Subsection (1)(b)”.
- [33] Section 42 Service of documents on Authority**
Insert “or NICC” after “Authority” wherever occurring in section 42(1) and (2).
- [34] Section 42(1)(c)**
Insert “or NICC’s” after “Authority’s”.
- [35] Section 43 Service of notices**
Insert “or NICC” after “Authority” wherever occurring in section 43(2)(a) and (b).
- [36] Schedule 1 Provisions relating to the members and procedure of the Authority**
Omit “5” from clause 3(1). Insert instead “4”.
- [37] Schedule 1 Provisions relating to the members and procedure of the Authority**
Omit “Section 7(5)” in the authorising provision. Insert instead “Section 7(3)”.
- [38] Schedule 1, clause 3(3)**
Insert “but may not be a member for more than 2 consecutive terms” after “reappointed”.
- [39] Schedule 1, clause 4**
Omit the clause. Insert instead—

4 Remuneration

- (1) An appointed member is entitled to be paid—
 - (a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and
 - (b) allowances, decided by the Minister, to reimburse the appointed member for expenses the member may incur.
Example of expenses that may be incurred— travel or accommodation
- (2) An appointed member who is a Judge is not, while receiving salary or allowance as a Judge, entitled to remuneration under this Act.

3.2 Government Information (Public Access) Act 2009 No 52

Schedule 2 Excluded information of particular agencies

Insert in alphabetical order in Schedule 2, clause 2—

- the NSW Independent Casino Commission—audit, investigative, reporting and prosecuting functions
- the NSW Independent Liquor and Gaming Authority—audit, investigative, reporting and prosecuting functions

3.3 Ombudsman Act 1974 No 68

Schedule 1 Excluded conduct of public authorities

Omit item 24.

3.4 Privacy and Personal Information Protection Act 1998 No 133

[1] Section 3 Definitions

Insert after paragraph (f) in the definition of *law enforcement agency* in section 3(1)—

- (f1) the Independent Gaming and Liquor Authority under the *Gaming and Liquor Administration Act 2007*,
- (g) the NSW Independent Casino Commission under the *Casino Control Act 1992*,

[2] Section 27

Omit the section. Insert instead—

27 Specific exemptions for certain law enforcement agencies

- (1) Despite any other provision of this Act, the following are not required to comply with the information privacy principles—
 - (a) the Independent Commission Against Corruption,
 - (b) the Inspector of the Independent Commission Against Corruption and the staff of the Inspector,
 - (c) the Independent Gaming and Liquor Authority under the *Gaming and Liquor Administration Act 2007*,
 - (d) the Law Enforcement Conduct Commission,
 - (e) the Inspector of the Law Enforcement Conduct Commission and the staff of the Inspector,
 - (f) the New South Wales Crime Commission,

(g) the NSW Independent Casino Commission,

(h) the NSW Police Force.

- (2) However, the information protection principles do apply to a public sector agency mentioned in subsection (1) in connection with the exercise of the agency's administrative and educative functions.

[3] Section 27(1) and (2)

Insert “, NSW Independent Casino Commission” before “and the NSW Crime Commission” wherever occurring in section 27(1) and (2).

3.5 Statutory and Other Offices Remuneration Act 1975 No 4 of 1976

[1] Schedule 3 Public Offices

Omit “Full-time appointed” from Part 2. Insert instead “Appointed”.

[2] Schedule 3, Part 2

Insert at the end of the Part—

Chief Commissioner of the NSW Independent Casino Commission

Commissioner of the NSW Independent Casino Commission

[Second reading speech made in—

Legislative Assembly on 9 August 2022

Legislative Council on 11 August 2022]