



# Gaming Machines Amendment (RCG Courses and Certification) Regulation 2011

under the

Gaming Machines Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

GEORGE SOURIS, MP  
Minister for Tourism, Major Events, Hospitality and Racing  
and Minister for the Arts

## Explanatory note

The objects of this Regulation are:

- (a) to enable the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services to approve training courses for the responsible conduct of gambling, and
- (b) to provide for the certification of the successful completion of such approved courses and the inspection of certifications, and
- (c) to make other related amendments.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 47 and 210 (the general regulation-making power).

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Clause 1      Gaming Machines Amendment (RCG Courses and Certification)  
                 Regulation 2011

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**Gaming Machines Amendment (RCG Courses and Certification) Regulation 2011**

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Gaming Machines Act 2001

**1 Name of Regulation**

This Regulation is the *Gaming Machines Amendment (RCG Courses and Certification) Regulation 2011*.

**2 Commencement**

This Regulation commences on 22 August 2011 and is required to be published on the NSW legislation website.

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## Schedule 1      Amendment of Gaming Machines Regulation 2010

[1]    **Part 3, Division 4, heading**

Omit the heading. Insert instead:

**Division 4      Miscellaneous harm minimisation measures**

[2]    **Part 3**

Insert before clause 59:

**Division 5      Responsible conduct of gambling (RCG)  
training**

**58A    Definitions**

(1)    In this Division:

*approved RCG training course* means a course of training with respect to the responsible conduct of gambling that is approved by the Director-General under this Division in relation to an approved training provider, and includes any course of training that was an approved training course under clause 59 immediately before 22 August 2011.

*approved training provider* means a training provider that is approved by the Director-General under this Division to provide training courses with respect to the responsible conduct of gambling, and includes a training provider who was an approved training provider under clause 60 immediately before 22 August 2011.

*existing RCG certificate* means a certificate granted before 22 August 2011 that was a recognised RCG certificate within the meaning of clause 60 immediately before that day, and includes a replacement certificate issued by an approved training provider under this Division on or after that day.

*interim RCG certificate* means a certificate granted to a person by an approved training provider, on behalf of the Director-General, following the person's successful completion of an approved RCG training course for use by the person in obtaining a recognised competency card.

*recognised competency card*—see clause 58B.

*recognised RCG certification* means any of the following:

- (a)    a recognised competency card, or

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- (b) an interim RCG certificate, or
  - (c) an existing RCG certificate.
- (2) For the purposes of this Division, a recognised RCG certification is *current* if it has not yet expired.

### 58B Issue of recognised competency cards

- (1) A *recognised competency card* is a card issued by or on behalf of the Director-General to a person that:
- (a) certifies (based on an interim RCG certificate granted to the person within the period of 5 years before the card is issued) that the person has successfully completed an approved RCG training course with respect to the responsible conduct of gambling, and
  - (b) provides for its expiry on the 5th anniversary of:
    - (i) if the card only certifies the completion of an approved RCG training course on the basis of an interim RCG certificate—the date on which the certificate was granted, or
    - (ii) if the card certifies the completion of both an approved RCG training course and approved RSA training course on the basis of interim RCG and RSA certificates—the date on which the certificates were granted or, if the dates on which the certificates were granted differ, the earliest of the dates, and
  - (c) contains such other information (including photographic or other information about the identity of the person) as the Director-General may require at the time the card is issued.
- (2) Without limiting subclause (1) (c), a recognised competency card does not cease to be a recognised competency card for the purposes of this Division only because it also certifies that the person to whom the card is issued has successfully completed an approved RSA training course.
- (3) The Director-General may, on payment of a fee of \$30, issue a replacement recognised competency card to a person if the Director-General is satisfied that the original card:
- (a) has been lost, stolen or damaged, and
  - (b) is still current.
- (4) A person is not liable to pay a fee of more than \$30 for the replacement of a recognised competency card even if the card

also certifies the successful completion of an approved RSA training course.

- (5) In this clause:  
*approved RSA training course* and *interim RSA certificate* have the same meanings as they have in Division 1 of Part 5 of the *Liquor Regulation 2008*.

**58C Issue of replacement existing RCG certificates**

- (1) An authorised training provider may issue a replacement existing RCG certificate if satisfied that the original certificate:
- (a) has been lost, stolen or damaged, and
  - (b) is still current.
- (2) A replacement existing RCG certificate must specify the original date on which it was granted, along with the date on which it was re-issued as a replacement.

**58D Expiry of recognised RCG certifications**

- (1) A recognised competency card or interim RCG certificate expires at the end of the day specified in the card or certificate as its expiry date.
- (2) All existing RCG certificates expire at the end of the day (if any) specified by the Director-General, by order published in the Gazette before that day, as the expiry date for such certificates.
- (3) If the successful completion of an approved RCG training course was previously certified by a recognised RCG certification that has expired, a new recognised competency card or interim RCG certificate may be issued or granted certifying the same completion of the course only in such circumstances as the Director-General may direct from time to time.

**58E Inspection of cards and certificates**

- (1) A police officer or inspector may require any of the following persons to produce their recognised competency card or interim RCG certificate to the officer or inspector for inspection:
- (a) a hotelier who keeps gaming machines,
  - (b) the secretary of a registered club that keeps gaming machines,
  - (c) a person employed by a hotelier or registered club whose duties are concerned in the conduct of activities involving approved gaming machines in the hotel or on the premises of the club.

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- (2) A person must not, without reasonable excuse, refuse to comply with a requirement of a police officer or inspector under subclause (1).

Maximum penalty: 5 penalty units.

**[3] Clause 59 Training of hoteliers, club secretaries and employees associated with gaming machine activities**

Omit “has satisfactorily completed the approved training course” wherever occurring in clause 59 (1)–(4).

Insert instead “holds a recognised RCG certification”.

**[4] Clause 59 (4)**

Omit “Maximum penalty: 50 penalty units.”. Insert instead:

Maximum penalty:

- (a) in the case where the person whose duties are concerned holds an expired recognised RCG certification—25 penalty units, or
- (b) in any other case—50 penalty units.

**[5] Clause 59 (5) and (6)**

Omit the subclauses.

**[6] Clause 60**

Omit the clause. Insert instead:

**60 Approval of training providers**

- (1) A registered training organisation may apply to the Director-General for an approval to conduct training courses with respect to the responsible conduct of gambling.
- (2) An application under subclause (1) must be accompanied by a fee of \$995.
- (3) The Director-General may, after considering an application for approval:
- (a) grant the application, or
- (b) refuse the application.
- (4) The Director-General may impose conditions on an approval.
- (5) In addition to any conditions imposed by the Director-General on an approval, it is a condition of an approval that any person

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conducting the approved RCG training course under the approval must:

- (a) hold a Certificate IV in Training and Assessment awarded by a registered training organisation, or have such other qualification as the Director-General considers to be equivalent, and
  - (b) have at least 3 years experience as the holder of a managerial or supervisory position in a hotel or registered club (being a position with duties in relation to the conduct of gaming machine activities), or have such other experience as the Director-General considers to be equivalent.
- (6) An approval under this clause is also subject to the following conditions:
- (a) the approved training provider must issue each person who successfully completes an approved RCG training course conducted by the training provider with an interim RCG certificate that has been provided by the Director-General to the training provider,
  - (b) the approved training provider must pay the Director-General:
    - (i) a fee of \$30 for each interim RCG certificate issued by it on behalf of the Director-General, and
    - (ii) a fee of \$15 for each replacement existing RCG certificate issued by it on behalf of the Director-General in respect of a lost, stolen or damaged certificate,
  - (c) the approved training provider must collect the following information on behalf of the Director-General in relation to any person who is undertaking (or who has completed) an approved RCG training course conducted by or on behalf of the provider:
    - (i) the full name of the person,
    - (ii) the date and country of birth of the person,
    - (iii) the residential address of the person,
    - (iv) such other information as the Director-General may require from time to time to assist in ascertaining whether or not the person has successfully completed the course.

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- (7) If the Director-General grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.
- (8) If the Director-General refuses an application for approval, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.
- (9) The Director-General may vary any condition imposed by the Director-General (or previously by the Authority) on an approval, or suspend or cancel such an approval, but only after giving the holder of the approval an opportunity to make submissions.
- (10) However, an opportunity to make submissions is not required to be given if the registered training organisation concerned no longer employs or engages a person who has the qualifications and experience referred to in subclause (5).
- (11) A variation of the conditions of, or the suspension or cancellation of, an approval under this clause:
  - (a) must be by notice in writing, and
  - (b) must be served on the person to whom the approval relates, and
  - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.
- (12) An approval under this clause does not have effect while it is suspended.
- (13) An approval under this clause may be renewed on application to the Director-General and payment of a fee of \$550.
- (14) Unless it is sooner cancelled or is renewed, an approval under this clause ceases to have effect on 30 June following the date on which it is granted or renewed.
- (15) In this clause:

***registered training organisation*** means an NVR registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**[7] Clause 61 Hoteliers and clubs to keep register of existing RCG certificates for staff**

Omit “the recognised RCG certificate for each” from clause 61 (1) (a).

Insert instead “any current existing RCG certificate for a”.



**[8] Clause 161 Penalty notice offences**

Insert at the end of clause 161:

- (2) If the reference to a provision in Column 1 of Schedule 3 is qualified by words that restrict its operation to specified kinds of offences or circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

**[9] Schedule 3 Penalty notice offences**

Omit the matter relating to clause 59 (2)–(4) of the *Gaming Machines Regulation 2010*.

Insert instead:

Clause 58E (2)	\$55
Clause 59 (2) and (3)	\$550
Clause 59 (4):	
(a) in the case where the person whose duties are concerned holds an expired recognised RCG certification, or	\$550
(b) in any other case.	\$1,100