



New South Wales

Gaming Machines Amendment (Centralised Monitoring System) Regulation 2016

under the

Gaming Machines Act 2001

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

TROY GRANT, MP
Minister for Racing

Explanatory note

The objects of this Regulation are:

- (a) to allow a hotelier or registered club to whom CMS information is divulged to provide that CMS information to a third party for the purpose of conducting data analysis, and
- (b) to require a CMS licensee to inform the Minister in respect of certain changes in the circumstances of the CMS licensee or a close associate of the CMS licensee, and
- (c) to prescribe the maximum penalty that may be imposed as disciplinary action against a CMS licensee, and
- (d) to make a minor amendment consequent on the enactment of the *Gaming Machines Amendment (Centralised Monitoring System) Act 2015*.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 139, 172 (1) (definition of *disciplinary action*) and 210 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (Centralised Monitoring System) Regulation 2016*.

2 Commencement

This Regulation commences 11 March 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Gaming Machines Regulation 2010

[1] Clause 116 Use and control of CMS information

Insert at the end of the clause:

- (2) In accordance with section 139 (3) of the Act, CMS information divulged to a hotelier or registered club may be:
 - (a) used by the hotelier or registered club for internal business decision making, or
 - (b) divulged to a third party for the purpose of performing data analysis.

[2] Clause 126A

Insert after clause 126:

126A CMS licensee to inform Minister of changed circumstances

In addition to the requirement to notify the Minister of a change referred to in clause 126, if a change of a kind specified in the Table to this clause occurs in the circumstances that existed in relation to a CMS licensee at the time the CMS licensee was granted a CMS licence, the CMS licensee must notify the Minister in writing, not later than 14 days after the change occurs, of the particulars relating to the change that are specified in the Table in respect of that kind of change.

Table

Kinds of change	Particulars to be notified
Any change in a direct or indirect financial interest held by the CMS licensee or a close associate of the CMS licensee in any business or enterprise (including the acquisition or disposal of such an interest).	Particulars of the interest both before and after the change.
Any other business or enterprise commencing to have the same registered office as the CMS licensee.	Particulars of the name of the other business or enterprise and the activities in which it engages.
The CMS licensee commencing to carry on any other business or enterprise or the appointment of a person to carry on any other business or enterprise on the CMS licensee's behalf.	Particulars of the activities in which the business or enterprise engages, particulars of the place at which the business or enterprise carries on the activities and particulars of the name of the business or enterprise and the name of any person appointed to carry on the business or enterprise.
The commencement, settlement, discontinuance or final determination of civil or criminal proceedings to which the CMS licensee, a close associate of the CMS licensee or a key employee is a party.	Particulars of the nature of the proceedings, the date of the commencement, settlement, discontinuance or final determination, the terms of the settlement (unless the terms of the settlement are prohibited from being disclosed) or result of the determination and, in the case of civil proceedings, the name and address of each other party to the proceedings.

Kinds of change	Particulars to be notified
The obtaining of any judgment against the CMS licensee or a close associate of the CMS licensee, the creation of any charge over property of the CMS licensee or close associate or the CMS licensee, or the repossession of any property of the CMS licensee or close associate of the CMS licensee.	Particulars of the terms of the judgement or charge, the reasons for and circumstances of the repossession and a description of the property affected.
The amendment of a tax assessment relating to the CMS licensee under a law of the Commonwealth.	Particulars of the amendment.
Any change in the key employees employed by or on behalf of the CMS licensee.	Particulars of the name and address of the person who becomes or ceases to be a key employee and the date on which the person becomes or ceases to be a key employee.
Any change in the close associates of the CMS licensee.	Particulars of the name and address of any person who commences or ceases to be a close associate of the CMS licensee, the date of the change and the nature of the relationship between the close associate and the CMS licensee.
Each increase of more than \$500,000 in the debts of the CMS licensee or a close associate of the CMS licensee.	Particulars of to whom the debt is owed, the amount of the debt as increased, the amount of the increase and the reason for the increase.
Any failure by the CMS licensee or a close associate of the CMS licensee to make due payments under a loan or other financing arrangement.	Particulars of the loan or financing arrangement, the amount due and unpaid and the reason for the failure to pay.
The commencement of the winding up of a business or enterprise of the CMS licensee or a close associate of the CMS licensee or the placement of such a business or enterprise under administration.	Particulars of the business or enterprise and the date on which the winding up or administration commenced.
The CMS licensee or a close associate of the CMS licensee entering into a compromise or scheme of arrangement with the CMS licensee's or close associate's creditors.	Particulars of the date on which the compromise or scheme of arrangement was entered into and the terms of the compromise or scheme.
The appointment of a manager or receiver for a business or enterprise of the CMS licensee or a close associate of the CMS licensee.	Particulars of the date and the terms of the appointment.

[3] Clause 132A

Insert after clause 132:

132A Imposition of monetary penalty on CMS licensees

For the purposes of paragraph (b1) of the definition of *disciplinary action* in section 172 (1) of the Act, the maximum amount of a monetary penalty that may be imposed on a CMS licensee by the Minister is \$250,000 and, in the case of a continuing contravention, a further penalty of \$50,000 for each day the contravention continues.