



New South Wales

Casino Control Amendment (Miscellaneous) Regulation 2022

under the

Casino Control Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

KEVIN ANDERSON, MP
Minister for Hospitality and Racing

Explanatory note

The object of this Regulation is to amend the *Casino Control Regulation 2019* to—

- (a) make amendments consequent on the enactment of the *Casino Legislation Amendment Act 2022*, including to replace certain references to the “Authority” with references to the “NICC”, being the NSW Independent Casino Commission established under the *Casino Control Act 1992* (*the Act*), and
- (b) prescribe certain matters as substantial changes in the state of affairs of close associates of a casino operator, and
- (c) impose requirements on casino operators regarding the availability of player activity statements, and
- (d) prescribe the persons or authorities to whom the list of excluded persons required to be prepared by casino operators under the Act may be provided, and
- (e) extend the appointment of the manager appointed under the Act, section 28 as the manager of the casino operated by the The Star Pty Limited (ACN 060 510 410), and
- (f) provide that a person ceasing to be a close associate of a casino operator is a minor change in the casino operator’s state of affairs, and
- (g) prescribe penalty notice offences and the amounts payable under certain penalty notices, and
- (h) provide for matters of a savings and transitional nature, and
- (i) provide for other minor, consequential and ancillary matters.

Casino Control Amendment (Miscellaneous) Regulation 2022

under the

Casino Control Act 1992

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Miscellaneous) Regulation 2022*.

2 Commencement

This Regulation commences as follows—

- (a) for Schedule 1[17]—on the commencement of the *Casino Legislation Amendment Act 2022*, Schedule 1[62],
- (b) otherwise—on the day the Regulation is published on the NSW legislation website.

Schedule 1 Amendment of Casino Control Regulation 2019

[1] Clauses 9, 11(1)(a), 12(h)(i) and (iv), 26, 39, 44(2)(c), 51(2)(a) and Schedule 7, Part 1, item 2(a)

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

Insert instead “NICC” and “NICC’s”.

[2] Clause 8B

Insert after clause 8A—

8B Substantial changes in state of affairs of associates—the Act, s 42F

- (1) For the Act, section 42F(4), definition of *substantial change*, the following changes in a close associate’s state of affairs are prescribed as substantial—
 - (a) the refusal by a relevant regulator of an application made by the close associate for a licence or other authorisation,
 - (b) the suspension or cancellation by a relevant regulator of a licence or other authorisation held by the close associate,
 - (c) the taking of disciplinary action by a relevant regulator in relation to the close associate,
 - (d) the commencement, discontinuation, settlement or finalisation of civil proceedings in relation to the close associate, other than matters commenced in the Fair Work Commission,
 - (e) the commencement, discontinuation or finalisation of criminal proceedings in relation to the close associate,
 - (f) the commencement, discontinuation or finalisation of an inquiry, investigation, examination or similar process, in relation to the close associate, by a law enforcement agency within the meaning of the Act, section 149,
 - (g) any other change that may affect whether the close associate is a suitable person to be concerned in or associated with the management and operation of a casino, having regard to the matters specified in the Act, section 42D(3).
- (2) In this clause—

relevant regulator means the following—

 - (a) the NICC,
 - (b) the Authority,
 - (c) a casino, gaming, wagering or liquor regulator in another jurisdiction, including a jurisdiction outside of Australia.

[3] Clause 25B

Insert after clause 25A—

25B Availability of player activity statements—the Act, s 76A

- (1) If requested by a participant in a player reward scheme, the casino operator conducting the scheme must make the participant’s player activity statement available to the participant, free of charge, on a monthly basis.
- (2) The casino operator must ensure participants in the player reward scheme are advised that player activity statements are available in accordance with subclause (1)—

- (a) on first becoming participants in the scheme, and
- (b) in all promotional material relating to the scheme.

[4] Clause 45A

Insert after clause 45—

45A Provision of list of excluded persons—the Act, s 83

For the Act, section 83(3)(i), the following persons or authorities are prescribed—

- (a) a law enforcement agency within the meaning of the Act, section 149,
- (b) a casino regulator in another State or a Territory.

[5] Clause 48A

Insert after clause 48—

48A Appointment of a manager if licence suspended, cancelled or surrendered—the Act, s 28

For the Act, section 28(4), the appointment of Nicholas Weeks as the manager of the casino operated by the The Star Pty Limited (ACN 060 510 410) at 80 Pymont Street, Pymont is extended until the end of 19 January 2024.

[6] Part 7, heading

Insert before clause 52—

Part 7 Savings and transitional provisions

[7] Clause 54

Insert after clause 53—

54 Casino Legislation Amendment Act 2022—the Act, Sch 4, cl 1

- (1) A function exercised by the Authority before 5 September 2022 is taken to have been exercised by the NICC if it is a function that, after that date, may instead be exercised by the NICC.
- (2) Without limiting subclause (1), a relevant agreement entered into by the Authority before 5 September 2022 is taken to have been entered into by the NICC on behalf of the State.
- (3) The amendment made by the amending Act, Schedule 1[109] does not apply to a provision of the Act, Schedule 4 that commenced before 5 September 2022.
- (4) A reference to the Authority in a controlled contract entered into by a casino operator before the commencement of this clause is taken to be a reference to the NICC.
- (5) In this clause—

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

relevant agreement means an agreement entered into by the Authority on behalf of the State under the Act, section 142.

Note— 5 September 2022 is the commencement date of the amending Act, other than Schedule 1[60], to the extent it inserts section 71A, and [62].

- [8] Schedule 1 Description of major change in state of affairs of a casino operator**
Omit clause 2.
- [9] Schedule 2 Description of minor change in state of affairs of a casino operator**
Insert after clause 2—
- 2A** A person’s ceasing to be a close associate of the casino operator.
- [10] Schedule 4 Notices in controlled contracts**
Omit “Independent Liquor and Gaming Authority (*the Authority*)” wherever occurring.
Insert instead “NSW Independent Casino Commission (*NICC*)”.
- [11] Schedule 4**
Omit “Authority” wherever occurring, other than as amended by this Schedule, item [10].
Insert instead “NICC”.
- [12] Schedule 6 Applied provisions of Liquor Act 2007 as modified**
Insert in alphabetical order in section 4(1)—
NICC means the New South Wales Independent Casino Commission established under the *Casino Control Act 1992*.
- [13] Schedule 6, sections 6(2)(c) and (d), 10, 11(1)(a), 27(3), 40, 42–47, 52–55, 60, 61, 66–69, 76(2) and (3), 78, 82–85, 92–95, 119, 121, 124(3)(c), 139(1) and (3)(l) and (n), 140–143 and 152(1)(n)**
Omit “Authority” and “Authority’s” wherever occurring.
Insert instead “NICC” and “NICC’s”.
- [14] Schedule 6, sections 139(3)(e) and 152(1)(p)**
Insert “the NICC,” before “the Authority” wherever occurring.
- [15] Schedule 6, section 157(1A), note**
Omit the note.
- [16] Schedule 8 Penalty notice offences**
Insert in appropriate order in clause 1, table, under the heading **Offences under the Act**—
- | | |
|-----------------------|----------|
| Section 22C(1) | \$5,500 |
| Section 33(1)— | |
| (a) for an individual | \$1,100 |
| (b) for a corporation | \$11,000 |
| Section 37(1) | \$5,500 |
| Section 42A(1)— | |
| (a) for an individual | \$1,100 |
| (b) for a corporation | \$11,000 |
| Section 44(3) | \$11,000 |
| Section 47(5)— | |

(a) for a casino operator	\$11,000
(b) otherwise	\$1,100
Section 70(1AA)	\$11,000
Section 70(1AB)	\$1,100
Section 71(1)	\$5,500
Section 76A(1) or (3)	\$11,000
Section 82(4)	\$5,500
Section 84A	\$5,500
Section 86A(3)	\$5,500
Section 90(1)	\$5,500
Section 95(1)—	
(a) for a casino operator	\$11,000
(b) for a casino employee	\$550
Section 130A(2)	\$5,500
Section 131A(1)	\$11,000
Section 131A(3)—	
(a) for an individual	\$550
(b) for a corporation	\$1,100
Section 163(1)	\$11,000
Section 163(2)	\$220

[17] Schedule 8, clause 1, table

Insert in appropriate order under the heading **Offences under the Act**—

Section 73A(1)	\$11,000
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[18] Schedule 8, clause 1, table

Omit “\$5,500” from the matter relating to section 84(1), column 2. Insert instead “\$550”.

[19] Schedule 8, clause 1, table

Omit the matter relating to section 85(2). Insert instead—

Section 85(2)	
(a) for the person for the time being in charge of the casino	\$5,500
(b) for an agent of the casino operator	\$5,500
(c) for a casino employee	\$220

[20] Schedule 8, clause 1, table

Insert in appropriate order under the heading **Offences under the Regulation**—

Clause 15	\$5,500
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[21] Schedule 8, clause 1, table

Omit "\$1,100" from the matter relating to clause 27(5), column 2. Insert instead "\$11,000".

[22] Schedule 8, clause 1, table

Omit "\$6,600" from the matter relating to clause 29(1) or (2), column 2.

Insert instead "\$11,000".