

[Act 1999 No 49]



New South Wales

## **Gambling Legislation Amendment (Responsible Gambling) Bill 1999**

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.\*

### **Overview of Bill**

The object of this Bill is to amend the *Liquor Act 1982*, the *Registered Clubs Act 1976* and several other Acts that govern the conduct of lawful gaming and wagering so as to further provide for the responsible conduct of gambling in licensed premises, registered clubs and other places, and to minimise the harm associated with the misuse and abuse of gambling activities (such as harm arising from the financial and social impact of excessive gambling on individuals and families).

Among other measures, the Bill:

- (a) provides that the responsible conduct of gambling at licensed premises and clubs are objectives of the *Liquor Act 1982* and the *Registered Clubs Act 1976*, and

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\* Amended in committee—see table at end of volume.

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- (b) provides for the approval of poker machines and amusement devices that are operated by cards instead of cash and enables the making of regulations with respect to the use of such cards, and
- (c) enables the making of regulations imposing further controls over the provision of credit for gambling, and advertising, promotions, signs and notices associated with gambling, and
- (d) further restricts minors from organising or participating in gambling activities, and
- (e) promotes arrangements by which people who misuse and abuse gambling activities can exclude themselves from hotels or registered clubs, and
- (f) allows court-ordered participation in gambling counselling for people who breach an order excluding them from a casino, and
- (g) enables a court to require corrective advertising to be published, or training in the responsible conduct of gambling activities to be undertaken, as a penalty for breach of regulations dealing with advertising relating to gambling activities.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Clause 3** is a formal provision giving effect to the amendments to the *Casino Control Act 1992*, the *Liquor Act 1982*, the *Lotteries and Art Unions Act 1901*, the *Public Lotteries Act 1996*, the *Racing Administration Act 1998*, the *Registered Clubs Act 1976* and the *Totalizator Act 1997* set out in Schedules 1–7.

## Schedules

**Schedule 1** makes amendments to the *Casino Control Act 1992*.

Schedule 1 [1] allows a court to require a person who has breached an order excluding the person from a casino, and who the court, after taking into account any evidence it considers proper, is satisfied has a problem arising from the misuse and abuse of gambling activities, to undergo counselling directed at reducing the harm arising from the person's gambling.

Schedule 1 [2]–[4] recognise changes in the names of the “casino community benefit levy” and the “Casino Community Benefit Fund” to the “community benefit levy” and the “Community Benefit Fund”, respectively. Schedule 1 [6] is a savings

provision making it clear that the changes do not alter the status of the levy or Fund.

Schedule 1 [5] inserts proposed section 169A. The proposed section enables a court to order a casino operator who has committed an offence prescribed by the regulations to publish an advertisement correcting false, misleading or deceptive advertising about gaming in the casino or to order the casino operator (or an employee of the casino operator, or, if the casino operator is a corporation, a director or manager of the corporation) to undertake a course of training about responsible practices in the conduct of the casino.

**Schedule 2** makes amendments to the *Liquor Act 1982*.

Schedule 2 [2] includes as objects of the Act minimising the harm associated with gambling by persons who misuse or abuse gambling activities and fostering the responsible conduct of gambling activities. Schedule 2 [1] makes a consequential amendment to section 2A.

Schedule 2 [3] inserts proposed section 17B. The proposed section enables the Licensing Court, in imposing a penalty or making any decision concerning licensed premises, to require a licensee to publish an advertisement correcting false, misleading or deceptive advertising about gambling at the premises or to require the licensee, a manager or other person involved in the conduct of gambling activities at the premises to undertake a course of training that will promote responsible practices in the conduct of gambling at the premises.

Schedule 2 [7] enables regulations to be made with respect to the following:

- the adoption of responsible practices in relation to gambling activities that may lawfully be conducted at licensed premises,
- restricting or prohibiting activities or inducements that could encourage persons who misuse or abuse gambling activities to gamble at licensed premises,
- the standards to be observed for the purpose of preventing the misuse or abuse of gambling activities at licensed premises,
- requiring licensees or other persons to undergo courses of training that will promote responsible practices in gambling,
- specifying information to be provided and signs to be displayed about the gambling activities at licensed premises, and about the availability of gambling counselling,
- requiring facilities for withdrawing money, such as automatic teller machines and EFTPOS terminals, to be located in places that are separate from places in which gambling activities are conducted at licensed premises,

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- the provision of anonymity at the request of a gambler who has won a major prize at licensed premises.

Schedule 2 [4] makes an amendment consequential to these proposed amendments. Schedule 2 [5] requires a licensee, as a condition of the licence, to comply with reasonable directions given by the Director of Liquor and Gaming with respect to minimising the harm caused by misuse and abuse of gambling activities.

Schedule 2 [6] provides that a formal complaint may be made against a licensee or manager of licensed premises who has engaged in conduct likely to encourage the misuse and abuse of gambling activities.

Schedule 2 [8] inserts two new sections dealing with gambling on credit. Proposed sections 126A and 126B make it an offence for a licensee, any employee of a licensee or any other responsible person:

- to extend a cash advance or any other form of credit to a person for the purpose of enabling that person to gamble, or
- to misdescribe or misrepresent a credit transaction providing a cash advance for gambling as payment for goods or services lawfully provided on the licensed premises.

Schedule 2 [9] inserts proposed section 150B. The section authorises use of reasonable force to prevent a person who misuses and abuses gambling activities from entering licensed premises, or to remove the gambler from the premises, if the gambler is a participant in a self-exclusion arrangement and also exempts the licensee and any employee from liability for any act done or omitted in good faith in excluding the person.

Schedule 2 [10] inserts proposed section 158A. The section enables the Liquor Administration Board to declare an amusement device operated by a card as an approved amusement device for the purposes of the Act, and enables regulations to be made with respect to such cards. Schedule 2 [11] makes a consequential amendment to section 165.

**Schedule 3** makes amendments to the *Lotteries and Art Unions Act 1901*.

Schedule 3 [1]–[5] prevent minors from applying for a permit to conduct a game of chance, a lottery or an art union.

Schedule 3 [6] inserts proposed section 22D. The proposed section enables a court that finds a person guilty of a prescribed offence to suspend or revoke a permit or take other prescribed action in addition or as an alternative to any penalty it may impose for the offence.

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Schedule 3 [7] enables regulations to be made with respect to the following:

- restricting or prohibiting promotions or other activities (including advertising) relating to lottery activities,
- prescribing information and signs to be displayed at venues where games of chance are to be conducted.

**Schedule 4** makes amendments to the *Public Lotteries Act 1996*.

Schedule 4 [1] prevents a minor from applying for a licence to conduct a public lottery. Schedule 4 [2] requires a notice stating that minors are prohibited from entering public lotteries to be displayed at each place where lottery entries are accepted, and Schedule 4 [5] increases the maximum penalty that may be imposed on a minor who enters a lottery from 2 to 5 penalty units.

Schedule 4 [3] enables a court that finds a person guilty of an offence under section 39 of the Act (Advertising of public lotteries) to make an order:

- requiring the person to publish an advertisement correcting any false, misleading or deceptive advertising, or
- requiring the person (or an employee of the person or, if the person is a corporation, a director or manager of the corporation) to undertake a specified course of training that will promote responsible practices in the conduct of public lotteries.

Schedule 4 [4] inserts proposed section 42A. The proposed section makes it an offence for a person to advertise that for financial reward the person will provide information relating to a particular method of entering a lottery, or making a particular entry in a lottery, that it is claimed may increase the chances of winning a prize in a lottery.

Schedule 4 [6] enables regulations to be made with respect to the following:

- the adoption of responsible practices in the conduct of public lotteries,
- the standards to be observed for the purposes of preventing the misuse and abuse of gambling activities,
- the prohibition of the offering of specified inducements that may encourage the misuse and abuse of gambling activities,
- the information to be provided and signs to be displayed with respect to the conduct of public lotteries.

**Schedule 5** makes amendments to the *Racing Administration Act 1998*.

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Schedule 5 [1] inserts proposed section 35A. The proposed section enables a court that finds a person guilty of a prescribed offence to make an order requiring the person to publish an advertisement correcting any false, deceptive or misleading betting information or to make an order requiring the person (or an employee of the person or, if the person is a corporation, a director or manager of the corporation) to undertake a course of training that will promote responsible practices in the conduct of betting activities.

Schedule 5 [2] enables regulations to be made with respect to the following:

- the adoption of responsible practices in the conduct of betting under the Act,
- restricting or prohibiting promotions or other activities (including advertising) that could encourage the misuse and abuse of gambling activities,
- the standards to be observed for the purpose of preventing the misuse and abuse of gambling activities,
- the notices to be displayed with respect to the availability of gambling counselling.

**Schedule 6** makes amendments to the *Registered Clubs Act 1976*.

Schedule 6 [2] includes as objects of the Act minimising the harm associated with gambling by persons who misuse and abuse gambling activities and fostering the responsible conduct of gambling activities. Schedule 6 [1] and [3] make amendments consequential to these proposed amendments.

Schedule 6 [4] requires a club, as a condition of the registration of the club, to comply with reasonable directions given by the Director of Liquor and Gaming with respect to minimising any harm arising from gambling activities conducted at the club.

Schedule 6 [5] provides that a formal complaint may be made against a club that has engaged in conduct likely to encourage the misuse and abuse of gambling activities.

Schedule 6 [6] enables regulations to be made with respect to the following:

- the adoption of responsible practices in gambling at clubs,
- restricting or prohibiting activities or inducements that could encourage the misuse and abuse of gambling activities,
- the standards to be observed for the purpose of preventing the misuse and abuse of gambling activities,
- requiring the secretary of a club or other persons to undergo a course of training that will promote responsible practices in gambling,

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- prohibiting specified inducements that may encourage the misuse and abuse of gambling activities,
- specifying information to be provided and signs to be displayed about gambling at a club, and about the availability of gambling counselling,
- requiring facilities for withdrawing money, such as automatic teller machines and EFTPOS terminals, to be located in places that are separate from places in which gambling activities are conducted,
- the provision of anonymity at the request of a gambler who has won a major prize at a registered club.

Schedule 6 [7] inserts two new sections dealing with gambling on credit. Proposed sections 54C and 54D make it an offence for a club or any employee of a club:

- to extend a cash advance or any other form of credit to a person for the purpose of enabling that person to gamble, or
- to misdescribe or misrepresent a credit transaction providing a cash advance for gambling as payment for goods or services lawfully provided on the premises of the club.

Schedule 6 [8] inserts proposed section 65B. The proposed section enables a court that finds a person guilty of a prescribed offence to make an order requiring the person to publish an advertisement correcting any false, deceptive or misleading betting information or to make an order requiring the person (or an employee of the person or, if the person is a corporation, a director or manager of the corporation) to undertake a course of training that will promote responsible gambling practices.

Schedule 6 [9] inserts proposed section 77BA. The section enables the Liquor Administration Board to declare a device operated by a card as an approved poker machine for the purposes of the Act, and enables regulations to be made with respect to such cards.

Schedule 6 [10] authorises use of reasonable force to prevent a person who misuses or abuses gambling activities from entering a club, or to remove the gambler from the club, if the gambler is a participant in a self-exclusion arrangement and also exempts the secretary of the club, a director and any employee for any act done or omitted in good faith in excluding the person.

**Schedule 7** makes amendments to the *Totalizator Act 1997*.

Schedule 7 [1] inserts proposed section 103A. The proposed section enables a court that finds a person guilty of a prescribed offence to make an order requiring the person to publish an advertisement correcting any false, misleading or deceptive betting information or to make an order requiring the person (or an employee of the person or, if the person is a corporation, a director or manager of the corporation)

to undertake a course of training that will promote responsible practices in the conduct of betting activities.

Schedule 7 [2] enables regulations to be made with respect to the following:

- the adoption of responsible practices in the conduct of totalizators, totalizator betting and approved betting,
- the standards to be observed for the purpose of preventing the misuse and abuse of gambling activities,
- prohibiting specified inducements that may encourage the misuse and abuse of gambling activities,
- the notices to be displayed with respect to the availability of gambling counselling.