



New South Wales

# Return of Proceeds of Crime (Gambling Companies) Bill 2024

## Explanatory note

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

## Overview of Bill

The objects of this Bill are—

- (a) to make it an offence for a gambling business to allow use of its gambling services to be paid for with stolen money or to fail to report that use, and
- (b) to require a court to make orders to compensate a person whose money was stolen and used to access gambling services.

## Outline of provisions

### Part 1 Preliminary

**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 on the date of assent to the proposed Act.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** defines *stolen money* for the proposed Act.

### Part 2 Suspicious gambling

**Clause 5** makes it an offence for a gambling business to provide gambling services to a person if the business reasonably suspects the person will pay for the services with stolen money.

**Clause 6** makes it an offence for a gambling business to not report to the Commissioner of Police use of its gambling services the business reasonably suspects were paid for with stolen money.

### **Part 3 Compensation orders**

**Clause 7** requires a court to make an order to compensate a person whose money was stolen and used to access gambling services.

### **Part 4 Miscellaneous**

**Clause 8** provides for jurisdictional issues in relation to proceedings commenced or regulations made under the proposed Act.

**Clause 9** enables the Governor to make regulations for the proposed Act.

### **Schedule 1 Savings, transitional and other provisions**

**Schedule 1** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.



New South Wales

# Return of Proceeds of Crime (Gambling Companies) Bill 2024

## Contents

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	Page
<b>Part 1 Preliminary</b>	
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Meaning of "stolen money"	2
<b>Part 2 Suspicious gambling</b>	
5 Duty to refuse use of gambling services	3
6 Duty to report to the Commissioner of Police	3
<b>Part 3 Compensation orders</b>	
7 Compensation orders in relation to suspicious gambling	4
<b>Part 4 Miscellaneous</b>	
8 Nature of proceedings for offences	5
9 Regulations	5
<b>Schedule 1 Savings, transitional and other provisions</b>	<b>6</b>

*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Return of Proceeds of Crime (Gambling Companies) Bill 2024**

No. , 2024

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### **A Bill for**

An Act to require a gambling company to report to the Commissioner of Police if it has reason to suspect a person is paying for gambling services with money obtained illegally; to enable the Supreme Court to make a compensation order if a gambling company has provided gambling services to a person who it suspects has paid for a gambling service using money obtained illegally; and for related purposes.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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The Legislature of New South Wales enacts— 1

## Part 1 Preliminary 2

### 1 Name of Act 3

This Act is the *Return of Proceeds of Crime (Gambling Companies) Act 2024*. 4

### 2 Commencement 5

This Act commences on the date of assent to this Act. 6

### 3 Definitions 7

In this Act— 8

**gambling business** means a person that provides gambling services, including the following— 9  
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- (a) a betting service provider, 11
- (b) a licensee who conducts a lottery, 12
- (c) the operator of a casino, 13
- (d) the operator of a registered club, 14
- (e) persons that offer like services. 15

**stolen money**—see section 4. 16

**Note**— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act. 17  
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### 4 Meaning of "stolen money" 19

(1) For this Act, stolen money is money obtained directly by an act that is an offence under the *Crimes Act 1900*, whether or not the act is committed in NSW, including the following— 20  
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- (a) blackmail, 23
- (b) embezzlement, 24
- (c) fraud, 25
- (d) larceny, 26
- (e) robbery. 27

(2) Stolen money does not include money obtained indirectly. 28

**Example**— money obtained from the sale of stolen goods 29

<b>Part 2</b>	<b>Suspicious gambling</b>	1
<b>5</b>	<b>Duty to refuse use of gambling services</b>	2
	A gambling business must not provide gambling services to a person if the business has reasonable grounds to suspect the person will pay for the services with stolen money.	3 4 5
	Maximum penalty—\$10 million.	6
<b>6</b>	<b>Duty to report to the Commissioner of Police</b>	7
	A gambling business must report to the Commissioner of Police use of its gambling services if it has reasonable grounds to suspect the services were paid for with stolen money.	8 9 10
	Maximum penalty—\$10 million.	11

<b>Part 3</b>	<b>Compensation orders</b>	1
<b>7</b>	<b>Compensation orders in relation to suspicious gambling</b>	2
(1)	This section applies if—	3
(a)	a court is conducting proceedings for an offence in relation to stolen money, and	4 5
(b)	the court determines a person (the <i>injured person</i> ) has suffered loss as a result of the offence, and	6 7
(c)	the court determines that some or all of the stolen money has been used to pay for gambling services provided by a gambling business.	8 9
(2)	The court must make an order (a <i>compensation order</i> ) requiring the gambling business to compensate the injured person.	10 11
(3)	The court must determine whether a person is an injured person on the balance of probabilities.	12 13
(4)	A court may make a compensation order even if no proceedings are commenced under Part 2.	14 15
(5)	A compensation order must—	16
(a)	compensate the injured person in whole or in part, or	17
(b)	reduce the loss suffered by the injured person.	18

<b>Part 4</b>	<b>Miscellaneous</b>	1
<b>8</b>	<b>Nature of proceedings for offences</b>	2
(1)	Proceedings for an offence under this Act or the regulations may be dealt with—	3
(a)	summarily before a Local Court, or	4
(b)	summarily before the Supreme Court in its summary jurisdiction.	5
(2)	If proceedings are brought in a Local Court, the maximum monetary penalty that the Local Court may impose for the offence is \$11,000, despite a higher maximum monetary penalty provided in relation to the offence.	6 7 8
<b>9</b>	<b>Regulations</b>	9
	The Governor may make regulations about the following—	10
(a)	a matter that is required or permitted to be prescribed by this Act,	11
(b)	a matter that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	12 13



**Schedule 1 Savings, transitional and other provisions** 1

**Part 1 General** 2

**1 Regulations** 3

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—
  - (a) a provision of this Act, or 6
  - (b) a provision amending this Act. 7
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement. 8 9
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement. 10 11
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—
  - (a) for a provision of this Act—the date of assent to this Act, or 14
  - (b) for a provision amending this Act—the date of assent to the amending Act. 15
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
  - (a) affect the rights of a person existing before the publication in a way prejudicial to the person, or 18 19
  - (b) impose liabilities on a person for anything done or omitted to be done before the publication. 20 21
- (6) In this section—  
*person* does not include the State or an authority of the State. 22 23

**Part 2 Provisions consequent on enactment of this Act** 24

**2 Application of Act to stolen money** 25

This Act does not apply to stolen money obtained by an act occurring before the commencement of this Act. 26 27