

Casino Control Amendment Act 2018 No 8

[2018-8]



New South Wales

Status Information

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Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

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Casino Control Amendment Act 2018 No 8



New South Wales

An Act to amend the *Casino Control Act 1992* to make further provision for the regulation and oversight of operations at the casino and the Barangaroo restricted gaming facility; and for other purposes.

1 Name of Act

This Act is the *Casino Control Amendment Act 2018*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of *Casino Control Act 1992 No 15*

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

junket—see section 76.

private gaming area means an area in a casino that is approved by the Authority as a private gaming area.

Responsible Gambling Fund means the Fund established under section 115.

[2] Section 31

Omit the section. Insert instead:

31 Review of casino licence and operator suitability

(1) The Authority must, at intervals not exceeding 5 years, review a casino licence by investigating and forming an opinion as to whether or not:

- (a) the casino operator is a suitable person to continue to give effect to the casino licence and this Act, and

- (b) it is in the public interest that the casino licence should continue in force.
- (2) The Authority is to report its findings and opinion on a review under this section to the Minister, giving reasons for its opinion, and is to take any action under this Act that it considers appropriate in light of its findings.
- (3) The regulations may postpone or extend the intervals between reviews required under this section.

Note—

See Part 11 of Schedule 4 for the transitional arrangements for reviews under this section following the substitution of this section by the *Casino Control Amendment Act 2018* (including the arrangements for the first review under this section of the restricted gaming licence).

[3] Section 36 Definitions

Insert “, not being a contract or a contract of a class that is prescribed by the regulations as exempt from this definition” after “section 68 (1)” in paragraph (a) of the definition of ***controlled contract***.

[4] Section 45 Special employees to display identification

Omit “approved by the Authority” from section 45 (1).

Insert instead “issued in compliance with internal controls approved for the casino under section 124”.

[5] Section 46 Application for licence

Omit “fee determined by the Authority” from section 46 (1) (a).

Insert instead “fee prescribed by the regulations”.

[6] Section 46 (3A) and (3B)

Insert after section 46 (3):

(3A) The Authority may refer to the Commissioner of Police details of the applicant, copies of any photographs, finger prints and palm prints taken and any supporting information that the Authority considers appropriate for referral to the Commissioner.

(3B) The Commissioner of Police is to inquire into and report to the Authority on such matters concerning the application as the Authority may request.

[7] Section 52 Determination of applications

Insert “(a ***suitability assessment***)” after “assessment” in section 52 (3).

[8] Section 52 (3A)

Insert after section 52 (3):

(3A) In the case of an application for a licence that will only authorise the exercise of functions that comprise the carrying on of a security activity (within the meaning of the *Security Industry Act 1997*) for which the applicant holds a licence under that Act:

- (a) the Authority is entitled to determine the application on the assumption that the applicant is a suitable person to hold a licence and that a suitability assessment is not required, and
- (b) accordingly the Authority is not required to investigate or inquire into the application.

[9] Section 55 Duration of licence

Omit section 55 (c).

[10] Section 55 (e)

Omit "5 years". Insert instead "7 years".

[11] Section 56 Renewal of licence

Omit "fee determined by the Authority" from section 56 (2).

Insert instead "fee prescribed by the regulations".

[12] Section 59 Disciplinary action against licensee

Insert after section 59 (7):

- (8) The Authority is not required to give reasons for its decision to take disciplinary action against a licensee under this section but may give reasons if it thinks fit.
- (9) The Authority is to notify the Commissioner of Police of any disciplinary action taken against a licensee under this section if the Authority is aware that the licensee is the holder of a licence under the *Security Industry Act 1997*.

[13] Section 65

Omit the section. Insert instead:

65 Approval of facilities and equipment for monitoring and surveillance

It is a condition of a casino licence that:

- (a) the facilities and equipment provided for persons conducting monitoring and surveillance of operations in the casino must be to a standard approved by the Authority, and
- (b) the location and orientation of those facilities and equipment must be as approved by the Authority.

[14] Section 66 Approval of games and rules for games

Omit "Authority's website" from section 66 (1A).

Insert instead "casino's website".

[15] Section 67 Directions as to games to be available in casino

Omit the section.

[16] Section 70 Conduct of gaming

Insert after section 70 (1):

(1A) A casino operator is permitted to provide complimentary chip purchase vouchers to a person who is a patron of a private gaming area, a participant in a premium player arrangement or junket, or a patron of the Barangaroo restricted gaming facility, and the following provisions apply in respect of any such complimentary chip purchase voucher:

- (a) chips may be issued for gaming in the casino that are paid for by means of a complimentary chip purchase voucher,
- (b) wagers may be placed in the casino by means of a complimentary chip purchase voucher (not just by means of chips paid for by means of a complimentary chip purchase voucher).

[17] Section 70 (2)

Insert "(other than chips issued for use in a tournament or for training purposes)" after "chips" where firstly occurring.

[18] Section 70 (2) (c)

Insert "(other than complimentary chip purchase vouchers)" after "chip purchase vouchers".

[19] Section 70 (2) (c1)

Insert after section 70 (2) (c):

(c1) a complimentary chip purchase voucher must not be wholly or partly redeemed for money or a cheque,

[20] Section 71 Times of operation of casino

Omit the section.

[21] Section 72 Assistance to patrons

Omit section 72 (1) (c). Insert instead:

(c) a summary of the game rules in respect of a game played in the casino is provided to a casino patron on request, being a summary that is not misleading and includes a statement indicating that it is only a summary of the game rules, and

[22] Section 72 (1) (d)

Insert “(with such a sign not being required at an electronic gaming terminal if the terminal display indicates the permissible minimum and maximum wagers for the game concerned)” after “game played there”.

[23] Section 72 (1) (e)

Omit the paragraph. Insert instead:

(e) any change to a minimum wager to a higher minimum wager in respect of a game at a table or location does not apply for at least 20 minutes to a player who is playing at the table or location at the time of the change.

[24] Section 74 Credit prohibited

Insert “(or by means of a complimentary chip purchase voucher as permitted by section 70)” after “chips” in section 74 (1) (a).

[25] Section 74 (1) (c)

Insert “(other than a debit card transaction with a person who is a participant in a premium player arrangement or junket)” after “debit card”.

[26] Section 74 (1) (d)

Omit “or”.

[27] Section 74 (1) (e)

Omit the paragraph.

[28] Section 74 (5)

Omit “the holder of a restricted gaming licence”.

Insert instead “a casino operator (or an agent of the operator or a casino employee)”.

[29] Section 74 (5) (b)

Omit “within the meaning of section 76”.

[30] Section 75 Cheques and deposit accounts

Insert in alphabetical order in section 75 (1):

related casino operator means a casino operator in another State or Territory that is related (within the meaning of the *Corporations Act 2001* of the Commonwealth) to a casino operator under this Act.

[31] Section 75 (2)

Omit “A casino operator may establish for a person a deposit account”.

Insert instead “A person may establish with a casino operator a deposit account”.

[32] Section 75 (3)

Omit the subsection. Insert instead:

(3) A casino operator may debit to a deposit account established with the casino operator or with a related casino operator an amount to the value of chip purchase vouchers issued to, money paid to or a cheque made payable to the account holder by the casino operator, but not so as to cause the account to be overdrawn at any time.

[33] Section 75 (6) (a)

Omit the paragraph.

[34] Section 76 Junkets and inducements

Omit “In this section” from section 76 (3). Insert instead “In this Act”.

[35] Section 79 Exclusion of persons from casino

Omit “by order given to a person verbally or in writing” from section 79 (1).

Insert instead “by order in writing (an ***exclusion order***) given to a person”.

[36] Section 79 (2)

Omit the subsection.

[37] Section 79 (3)

Omit the subsection. Insert instead:

- (3) The Authority or a casino operator must give an exclusion order to a person on the person's voluntary application to the Authority or casino operator and the following provisions apply in respect of a voluntary application for an exclusion order:
- (a) the application must be in writing and the person's signature on it must be witnessed in a manner determined by the Authority,
 - (b) a voluntary application can relate to either or both casinos,
 - (c) a voluntary application relating to both casinos can be made to the Authority or to either casino operator,
 - (d) a voluntary application relating to both casinos that is made to a casino operator is to be notified by the casino operator to the other casino operator without delay and is to be dealt with by the casino operators as if made to each of them.

[38] Section 79 (4) and (4A)

Omit "a written order is given to a person under this section" wherever occurring.

Insert instead "an exclusion order is given to a person".

[39] Section 81 Commissioner of Police may direct that person be excluded from casino and casino precinct

Omit section 81 (1). Insert instead:

- (1) The Commissioner of Police may direct that a person be given an exclusion order by giving a direction to both casino operators to give the person or cause the person to be given an exclusion order and it is a condition of each casino licence that the casino operator must comply with the direction.

Note—

Such a direction must be given to both casino operators so that the person will be banned from both casinos.

[40] Section 81 (4)

Omit section 81 (4) and (5). Insert instead:

- (4) The regulations may declare the whole or a specified part of specified premises that form part of or are in the immediate vicinity of the building or complex of which a casino forms part to be the **casino precinct** for the purposes of this section and this section then has effect as if the casino precinct formed part of the casino.

[41] Section 82 Duration and revocation of exclusion orders

Insert after section 82 (3):

- (3A) The following requirements apply to the revocation of an exclusion order given on the voluntary application of a person under section 79 (3):
- (a) the order cannot be revoked except on the written application of the person,
 - (b) the person cannot apply for revocation of the order within 6 months (or such other period as may be prescribed by the regulations) after the order was given.

[42] Section 83 List of excluded persons

Omit section 83 (2). Insert instead:

- (2) It is a condition of a casino licence that the casino operator must on request by the Authority or an inspector provide the Authority or the inspector, as soon as practicable after the request is made, with a copy of the list referred to in subsection (1) that bears the date of the day on which the request is made.

[43] Section 85 Removal of excluded person from casino

Insert after section 85 (5):

- (6) This section does not authorise or require a person to be removed from or prevented from entering any part of the casino precinct (declared by the regulations under section 81) unless that part of the casino precinct is under the control or management of the casino operator.
- (7) A person to whom this section applies must, as soon as practicable after it becomes known to the person that a person the subject of an exclusion order that extends to the casino precinct is in any part of the casino precinct that is not under the control or management of the casino operator, notify a police officer of that fact.

Maximum penalty: 20 penalty units.

[44] Section 86A

Insert after section 86:

86A Wagering by minors and excluded persons prohibited

- (1) A person is prohibited from making any wager in a casino if the person is a minor or is the subject of an exclusion order for the casino.
- (2) A person is not entitled to any winnings from a successful wager in a casino that the person is prohibited from making by this section and those winnings are forfeited to the casino operator by operation of this section. The winnings from a wager do not include the amount wagered.
- (3) A casino operator must pay the amount of any winnings forfeited to the casino operator by operation of this section into the Responsible Gambling Fund within 3 months after the winnings are forfeited.

Maximum penalty: 50 penalty units.

- (4) For the purposes of this section, **winnings** includes any prize (whether monetary or non-monetary) and winnings in the form of credits on gaming machines or electronic gaming tables. The amount of any non-monetary prize is the monetary value of the non-monetary prize.

[45] Section 89A Application of [Smoke-free Environment Act 2000](#)

Omit section 89A (1). Insert instead:

- (1) The [Smoke-free Environment Act 2000](#) does not apply to or in respect of:
 - (a) the Barangaroo restricted gaming facility, or
 - (b) a private gaming area within a casino that is approved by the Authority for the time being as a private gaming area in which that Act is not to apply.

[46] Section 89A (2)

Omit “restricted gaming licence”. Insert instead “casino licence”.

[47] Section 89A (2) (a)

Insert “and in any private gaming areas of a casino where the [Smoke-free Environment Act 2000](#) does not apply” after “restricted gaming facility”.

[48] Section 89A (2) (b) and (3)

Omit “for Health” wherever occurring.

[49] Section 90

Insert after section 89A:

90 Unclaimed winnings

- (1) A casino operator must pay the amount of any unclaimed winnings from games played in the casino into the Responsible Gambling Fund within 3 months after the winnings become unclaimed winnings.

Maximum penalty: 50 penalty units.

- (2) Winnings become unclaimed winnings if they are not claimed within 12 months after a win. Unclaimed winnings are not subject to any deduction for the amount wagered.

- (3) For the purposes of this section, **winnings** includes any prize (whether monetary or non-monetary) and winnings in the form of credits on gaming machines or electronic gaming tables. The amount of any non-monetary prize is the monetary value of the non-monetary prize.

[50] Section 94 Minors in casino—offences by casino operator

Omit section 94 (2). Insert instead:

- (2) If a minor is in a casino, the casino operator is guilty of an offence unless the minor is immediately removed from the casino.

Maximum penalty: 50 penalty units.

- (2A) If a minor is removed from the casino by an agent or employee of the casino operator, the casino operator must notify the Authority of the removal within 24 hours after the minor is removed.

Maximum penalty: 50 penalty units.

[51] Section 94 (3)

Omit “under this section”. Insert instead “under subsection (1) or (2)”.

[52] Section 115 Responsible gambling levy and fund

Insert after section 115 (8):

- (9) Amounts paid into the Fund under section 86A (Wagering by minors and excluded persons prohibited) or 90 (Unclaimed winnings) are to be applied under this section in the same way as levies paid into the Fund under this section, and for that purpose a trust deed under this section applies to any such amounts as if they were levies paid into the Fund (but not so as to reduce the levies payable under this section).

[53] Section 119 Interest on overdue amounts

Insert after section 119 (5):

- (6) If an amount required to be paid into the Responsible Gambling Fund under section 86A (Wagering by minors and excluded persons prohibited) or 90 (Unclaimed winnings) is not paid into the Fund by the date required for payment, interest is payable under this section as if the amount were responsible gambling levy not paid by the due date.

[54] Section 124 Approved system of controls and procedures to be implemented

Omit section 124 (1). Insert instead:

- (1) It is a condition of a casino licence that the casino operator is to conduct operations in the casino in accordance with a system of internal controls and administrative and accounting procedures for the casino that have been approved of in writing by the Authority.

[55] Section 124 (4)

Omit the subsection. Insert instead:

- (4) A casino operator must not contravene a requirement of an internal control or administrative or accounting procedure that is approved for the time being under this section for the casino.

Maximum penalty: 200 penalty units.

[56] Schedule 4 Savings and transitional provisions

Insert after Part 10:

Part 11 Provisions consequent on enactment of [Casino Control Amendment Act 2018](#)

37 Definition

In this Part:

amending Act means the [Casino Control Amendment Act 2018](#).

38 Review of casino licence and operator suitability

The following requirements apply to the first review of a casino licence under section

31 as substituted by the amending Act:

- (a) the first review of a restricted gaming licence is to be conducted within 3 years after gaming commences under the restricted gaming licence,
- (b) the first review of a casino licence that is not a restricted gaming licence is to be conducted concurrently with the first review of a restricted gaming licence (even if the first review of a restricted gaming licence occurs more than 5 years after section 31 is substituted by the amending Act).

39 Duration of special employee licences

The amendment made by the amending Act to section 55 (e) extends to a licence that is in force when the amendment commences.

Schedule 2 Amendment of [Smoke-free Environment Act 2000 No 69](#)

[1] Section 4 Definitions

Omit the definition of *exempt area*.

[2] Section 6 Smoke-free areas—enclosed public places

Omit section 6 (3).

[3] Part 3 Exempt areas

Omit the Part.

[4] Schedule 1 Examples of places that are smoke-free if they are enclosed public places

Omit “a casino private gaming area or”.