

# Casino Control Act 1992 No 15

[1992-15]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**
  - [Casino Control Amendment Act 2018 No 8](#), Sch 1[45]-[48] (not commenced)
  - [Government Sector Finance Legislation \(Repeal and Amendment\) Act 2018 No 70](#) (not commenced)

### Responsible Minister

- Minister for Gaming and Racing

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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# Casino Control Act 1992 No 15



New South Wales

An Act to provide for the establishment of one casino and the control of its operations and to provide for the licensing of a restricted gaming facility at Barangaroo South; and for related purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the *Casino Control Act 1992*.

#### Note—

This Act is part of the gaming and liquor legislation for the purposes of the *Gaming and Liquor Administration Act 2007*. That Act contains administrative and other relevant provisions that apply in relation to this Act (including investigation and enforcement powers and provisions relating to the probity of officials).

### 2 Commencement

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

### 3 Definitions

(1) In this Act—

**AUSTRAC** means the Australian Transaction Reports and Analysis Centre.

**Authority** has the same meaning as in the *Gaming and Liquor Administration Act 2007*.

**Barangaroo restricted gaming facility** means premises—

(a) situated or proposed to be situated on that part of Barangaroo (within the meaning of the *Barangaroo Delivery Authority Act 2009*) identified as the site of the Barangaroo restricted gaming facility on the *Barangaroo Restricted Gaming Facility Site Map*, and

(b) defined for the time being under section 19A.

**cash**—

(a) means money in coins or notes, and

(b) does not include cheques, money orders or electronic funds transfer or debt transactions.

**casino** means—

- (a) premises defined as a casino for the time being under section 19, or
- (b) the Barangaroo restricted gaming facility.

**casino employee** means an employee (whether or not of a casino operator) having functions in or in relation to a casino.

**casino licence** means a licence in force under Part 2 to operate a casino.

**casino operator** means a person who is the holder of a casino licence.

**Note—**

References in this Act to the casino operator include references to the holder of a restricted gaming licence.

**chips** means any tokens (including tokens depicted in an electronic form) used instead of money for the purpose of gaming.

**close associate**—see section 3A.

**employ** includes engage under a contract for services.

**exclusion order** means a written order under section 79 prohibiting a person from entering, or remaining in, a casino.

**game** means a game of chance or a game that is partly a game of chance and partly a game requiring skill.

**game rules**, in relation to a particular game, means—

- (a) the rules of the game approved by an order under section 66 (1) or, if the game is a keno game, the keno rules for the game within the meaning of section 66 (5), and
- (b) the non-monetary prize rules for the game set out in section 66 (4).

**gaming** means the playing of any game.

**gaming and liquor legislation** has the same meaning as in the [Gaming and Liquor Administration Act 2007](#).

**gaming equipment** means any device or thing (including chips) used, or capable of being used, for or in connection with gaming.

**gaming machine** has the same meaning as in the [Gaming Machines Act 2001](#).

**inspector** means an inspector within the meaning of the *Gaming and Liquor Administration Act 2007*.

**key official** means a key official within the meaning of the *Gaming and Liquor Administration Act 2007*.

**member of staff** means a member of staff within the meaning of the *Gaming and Liquor Administration Act 2007*.

**NICC** means the NSW Independent Casino Commission established under section 133.

**operations**, in relation to a casino, means—

- (a) the conduct of gaming in the casino,
- (b) the management and supervision of the conduct of gaming in the casino,
- (c) money counting in, and in relation to, the casino,
- (d) accounting procedures in, and in relation to, the casino,
- (e) the use of storage areas in the casino, and
- (f) other matters affecting, or arising out of, activities in the casino.

**premium player arrangement** means an arrangement in which a casino operator offers to pay a patron of the casino a commission—

- (a) based on the patron's turnover of play in the casino, or
- (b) calculated by reference to the patron's turnover of play in the casino.

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

**record** includes any book, account, document, paper or other source of information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or in any other manner or by any other means.

**related body corporate** has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

**Responsible Gambling Fund** means the Fund established under section 115.

**restricted gaming licence** means a casino licence relating to the Barangaroo restricted gaming facility.

**Secretary** means the Secretary of the Department of Enterprise, Investment and Trade.

**this Act** includes the regulations.

**Note—**

The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

(2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, in relation to a duty, a reference to the performance of the duty.

(3) (Repealed)

(4) The reference in the definition of **Barangaroo restricted gaming facility** to the [Barangaroo Restricted Gaming Facility Site Map](#) is a reference to a map by that name—

- (a) as tabled, by or on behalf of the Minister introducing the Bill for the *Casino Control Amendment (Barangaroo Restricted Gaming Facility) Act 2013*, in the Legislative Assembly on the day that the Bill was introduced (the **original map**), and
- (b) as amended or replaced from time to time by a map declared by proclamation to amend or replace the original map.

(5) However, the site of the Barangaroo restricted gaming facility must remain in the area identified as Barangaroo South on the original map.

(6) The [Barangaroo Restricted Gaming Facility Site Map](#) is to be kept and made available for public access in accordance with arrangements approved by the Minister.

(7) For the purposes of this Act, the [Barangaroo Restricted Gaming Facility Site Map](#) may be in, and may be kept and made available in, electronic or paper form, or both.

**Note—**

The map is to be made available on the official NSW legislation website in connection with this Act.

### **3A Meaning of “close associate”**

(1) In this Act, a **close associate**, of a casino operator or an applicant for a casino licence, means—

- (a) a related body corporate of the casino operator or applicant, or
- (b) a person who holds an interest of 10% or more of the share capital in—
  - (i) the casino operator or applicant, or
  - (ii) a related body corporate of the casino operator or applicant, or

(c) a director or officer of—

(i) the casino operator, or

(ii) a related body corporate of the casino operator or applicant, or

(iii) a person who holds an interest of 10% or more of the share capital in—

(A) the casino operator or applicant, or

(B) a related body corporate of the casino operator or applicant, or

(d) a person who—

(i) holds or will hold a relevant financial interest, or is or will be entitled to exercise relevant power, whether in the person's own right or on behalf of another person, in the casino operator's or applicant's business that is or will be carried on under the authority of the licence, and

(ii) because of that interest or power is or will be able, in the NICC's opinion, to exercise a significant influence over or in relation to the management or operation of the business, or

(e) a person who holds or will hold a relevant position, whether in the person's own right or on behalf of another person, in the casino operator's or applicant's business that is or will be carried on under the authority of the licence.

(2) For this section, a financial institution is not a close associate by reason only of having a relevant financial interest in relation to a business.

(3) In this section—

**officer**, of a related body corporate, has the same meaning as in the [Corporations Act 2001](#) of the Commonwealth.

**relevant financial interest**, in relation to a business, means—

(a) a share in the capital of the business, or

(b) an entitlement to receive income derived from the business or to receive another financial benefit or financial advantage from the carrying on of the business, whether the entitlement arises at law, in equity or otherwise, or

(c) an entitlement to receive rent, profit or other income in connection with the use or occupation of premises on which the business of the casino is carried on.

**relevant position** means—

(a) the position of director, manager or secretary, or

(b) another position, however designated, if it is an executive position.

**relevant power** means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

(a) to participate in a directorial, managerial or executive decision, or

(b) to elect or appoint a person to a relevant position.

#### **4 Gaming in licensed casino declared lawful**

- (1) Despite the provisions of any other Act or law but subject to this Act, the conduct and playing of a game and the use of gaming equipment is lawful when the game is conducted and the gaming equipment is provided in a casino by or on behalf of the casino operator (that is, the holder of the licence for that casino under this Act).
- (2) The *Unlawful Gambling Act 1998* and the *Community Gaming Act 2018* do not apply to the conduct and playing of a game and the use of gaming equipment when the game is conducted and the gaming equipment is provided in a casino by or on behalf of the casino operator and in accordance with this Act, except to the extent (if any) that the regulations otherwise provide.
- (3) This section does not operate to validate or render enforceable a contract relating to gaming that would, apart from this section, be invalid or unenforceable.
- (4) Despite subsection (3), a contract to which that subsection refers and to which a casino operator is a party is enforceable against the casino operator.
- (5) The conduct of operations in a casino in accordance with this Act and the conditions of the casino licence is not of itself a public or private nuisance.

#### **4A Primary objects of Act**

- (1) Among the primary objects of this Act are—
  - (a) ensuring that the management and operation of a casino remain free from criminal influence or exploitation, and
    - (a1) ensuring that each casino operator prevents money laundering and terrorism financing activities within the operations of the casino, and
    - (b) ensuring that gaming in a casino is conducted honestly, and
      - (b1) minimising harm to individuals and families from activities associated with gambling in casinos, and
  - (c) containing and controlling the potential of a casino to cause harm to the public interest and to individuals and families.



- (2) All persons having functions under this Act are required to have due regard to the objects referred to in subsection (1) when exercising those functions.

#### **4B Obligations in relation to assessment of suitability**

- (1) This section applies if, under this Act, the NICC is required to be satisfied of, or form an opinion about, the suitability of an applicant for a licence, a casino operator, a close associate, a special employee or another person (all **relevant persons**)—
  - (a) to be concerned in or associated with the management or operation of a casino, or
  - (b) to give effect to a casino licence and this Act.
- (2) The onus is on the relevant person to—
  - (a) give the NICC clear and convincing evidence of the relevant person's suitability in relation to the assessment to be made by the NICC, and
  - (b) make a full and frank disclosure of any information relevant to the assessment, including any information requested by the NICC in relation to the assessment.

#### **5, 5A (Repealed)**

## **Part 2 Licensing of casino and Barangaroo restricted gaming facility**

### **6 Restriction on number of casino licences**

- (1) A maximum of 2 casino licences may be in force under this Act at a particular time.
- (2) If 2 casino licences are in force at a particular time, 1 of the licences must be a restricted gaming licence granted to operate the Barangaroo restricted gaming facility.
- (3) A casino licence may apply to 1 casino only.

### **7 Ministerial directions as to requirements for casino**

- (1) The Minister may from time to time give a direction in writing to the NICC as to any of the following matters—
  - (a) the permissible location for a casino,
  - (b) the required size and style of a casino,
  - (c) the development required to take place in conjunction with the establishment of a casino, such as the development of a hotel or other complex of which a casino is to form part,
  - (d) any other prescribed matter concerning the establishment of a casino.
- (2) Before giving a direction on any matter to the NICC, the Minister is to call for a report

on the matter from the NICC and is to consider the NICC's report.

- (3) A direction as to the permissible location for a casino must not specify a particular site unless the site is vested in the Crown or the Crown has the exclusive right of occupation of the site.
- (4) The Minister may vary or revoke a direction by a further direction in writing to the NICC.
- (5) The NICC must exercise its functions under this Act in respect of the grant of a casino licence, the conduct of negotiations and the entering into of agreements in a manner that is consistent with the directions of the Minister under this section.

## **8 Gaming machines in casino**

- (1) Before directing the NICC to invite expressions of interest under section 9, the Minister is to establish an inquiry into the likely effect of the availability of gaming machines in a casino on the operations and viability of the registered club and hotel industries.
- (2) The Minister may then give a direction in writing to the NICC as to whether or not and to what extent (if any) gaming machines are to be available in a casino.
- (3) The Minister may vary or revoke a direction by a further direction in writing to the NICC.
- (4) The NICC must exercise its functions so as to give effect to a direction by the Minister under this section.
- (5) (Repealed)

## **9 NICC may invite expressions of interest**

- (1) At the direction of the Minister, the NICC is to publicly invite expressions of interest for the establishment and operation of a casino and may provide information concerning the requirements for the casino to any person who expresses interest.
- (2) The same information is to be provided to the persons who express interest in a particular casino, so as not to advantage or disadvantage any interested person.
- (3) The invitation must be in terms that are consistent with any applicable directions of the Minister under section 7.
- (4) The invitation need not relate solely to the establishment and operation of a casino but may also relate to any other matter that the NICC considers relevant, such as the development of a hotel or other complex of which the casino is to form part.
- (5) The NICC is entitled to charge a fee for the provision of information under this section and persons provided with information are to be charged the same fee.

- (6) The NICC is not to invite expressions of interest except at the direction of the Minister but the fact that the Minister has directed that expressions of interest be invited does not necessarily mean that the Minister will direct the NICC to invite applications for a casino licence.

#### **10 Application for casino licence**

- (1) At the direction of the Minister, the NICC is to publicly invite applications for a casino licence and must not invite applications except at the direction of the Minister.
- (2) The invitation must be in terms that are consistent with any applicable directions of the Minister under section 7.
- (3) A person is not entitled to make an application for a casino licence unless and until the NICC invites applications and is only entitled to make an application that conforms with the terms of the NICC's invitation.
- (4) Unless the NICC otherwise permits in a particular case, an application must comply with the following requirements—
- (a) it must be made in a form approved by the NICC,
  - (b) it must be accompanied by such fee as may be determined by the NICC in respect of applications for the licence concerned,
  - (c) it must contain or be accompanied by such information as the application form requires and such additional information as the NICC may request.
- (5) An application must be verified by statutory declaration.
- (6) The NICC may, at its discretion, refund the whole or any part of an application fee if the application is not successful.

#### **11 Matters to be considered in determining applications**

In considering an application for a casino licence, the NICC is to have regard to the following matters—

- (a) the requirements of section 12 (Suitability of applicant and close associates of applicant),
- (b) the standard and nature of the proposed casino, and the facilities to be provided in, or in conjunction with, the proposed casino,
- (c) the likely impact of the use of the premises concerned as a casino on tourism, employment and economic development generally in the place or region in which the premises are located,
- (d) the expertise of the applicant, having regard to the obligations of the holder of a

casino licence under this Act,

- (e) such other matters as the NICC considers relevant.

## **12 Suitability of applicant and close associates of applicant**

- (1) The NICC must not grant an application for a casino licence unless satisfied that the applicant, and each close associate of the applicant, is a suitable person to be concerned in or associated with the management and operation of a casino.
- (2) For that purpose the NICC is to consider whether—
  - (a) each of those persons is of good repute, having regard to character, honesty and integrity, and
  - (b) each of those persons is of sound and stable financial background, and
  - (c) in the case of an applicant that is not a natural person, it has or has arranged a satisfactory ownership, trust or corporate structure, and
  - (d) the applicant has or is able to obtain financial resources that are both suitable and adequate for ensuring the financial viability of the proposed casino, and
  - (e) the applicant has or is able to obtain the services of persons who have sufficient experience in the management and operation of a casino, and
  - (f) the applicant has sufficient business ability to establish and maintain a successful casino, and
  - (g) any of those persons has any business association with any person, body or association who, in the opinion of the NICC, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources, and
  - (h) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the NICC to be associated or connected with the ownership, administration or management of the operations or business of the applicant or a close associate of the applicant is a suitable person to act in that capacity.

## **13 Application for restricted gaming licence**

- (1) A person who is approved by the Minister in writing (the **approved applicant**) may apply to the NICC for a restricted gaming licence to operate the Barangaroo restricted gaming facility.
- (2) An application for a restricted gaming licence must comply with the following requirements (except to the extent that the Minister otherwise determines)—

- (a) it must be made in a form approved by the NICC,
- (b) it must contain or be accompanied by such information as the application form requires and such additional information as the NICC may request,
- (c) it must be verified by statutory declaration.

**13A Restricted gaming licence—suitability of applicant and close associates of applicant**

- (1) The NICC must not grant an application for a restricted gaming licence unless it is satisfied that the approved applicant, and each close associate of the approved applicant, is a suitable person to be concerned in or associated with the management and operation of the Barangaroo restricted gaming facility.
- (2) For that purpose, the NICC is to consider whether—
  - (a) each of those persons is of good repute, having regard to character, honesty and integrity, and
  - (b) each of those persons is of sound and stable financial background, and
  - (c) if the approved applicant is not a natural person, it has or has arranged a satisfactory ownership, trust or corporate structure, and
  - (d) the approved applicant has or is able to obtain financial resources that are both suitable and adequate for ensuring the financial viability of the Barangaroo restricted gaming facility, and
  - (e) the approved applicant has or is able to obtain the services of persons who have sufficient experience in the management and operation of a casino or similar gaming facility, and
  - (f) the approved applicant has sufficient business ability to maintain a successful gaming facility, and
  - (g) any of those persons has any business association with any person, body or association who, in the opinion of the NICC, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources, and
  - (h) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the NICC to be associated or connected with the ownership, administration or management of the operations or business of the approved applicant or a close associate of the approved applicant is a suitable person to act in that capacity.
- (3) The following is to be taken into account by the NICC for the purposes of this section—
  - (a) any information relevant to the application that has been provided to or received

by the NICC in the course of any investigation or inquiry in relation to the suitability of the approved applicant or close associate of the approved applicant and any findings made in relation to any such investigation or inquiry,

- (b) the fact that gaming is not authorised in the Barangaroo restricted gaming facility before 15 November 2019.

#### **14 Investigation of applications**

- (1) On receiving an application for a casino licence the NICC must carry out all such investigations and inquiries as it considers necessary to enable it to consider the application properly.
- (2) In particular, the NICC—
  - (a) may require any person it is investigating in relation to the person's suitability to be concerned in or associated with the management or operation of a casino or the Barangaroo restricted gaming facility (as the case requires) to consent to having his or her photograph, finger prints and palm prints taken, and
  - (b) must refer to the Commissioner of Police details of the persons the NICC is investigating, copies of any photographs, finger prints and palm prints taken and any supporting information that the NICC considers appropriate for referral to the Commissioner.
- (3) The Commissioner of Police is to inquire into and report to the NICC on such matters concerning the application as the NICC may request.
- (4) The NICC may refuse to consider an application for a casino licence while any person from whom it requires a photograph, finger prints or palm prints under this section refuses to allow his or her photograph, finger prints or palm prints to be taken.

#### **15 NICC may require further information etc**

- (1) The NICC may, by notice in writing, require a person who is an applicant for a casino licence or who, in the opinion of the NICC, has some association or connection with the applicant that is relevant to the application to do any one or more of the following things—
  - (a) to provide, in accordance with directions in the notice, such information, verified by statutory declaration, as is relevant to the investigation of the application and is specified in the notice,
  - (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them,

- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b),
  - (d) to furnish to the NICC such authorities and consents as the NICC directs for the purpose of enabling the NICC to obtain information (including financial and other confidential information) from other persons concerning the person and his or her associates or relations.
- (2) If a requirement made under this section is not complied with, the NICC may refuse to consider the application concerned.
  - (3) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

#### **16 Cost of investigations to be paid by applicant**

- (1) The reasonable costs incurred by the NICC in investigating and inquiring into an application for a casino licence are payable to the Secretary by the applicant, unless the NICC determines otherwise in a particular case.
- (2) The NICC may require part or full payment in advance of the amount it estimates will be payable by the applicant and may refuse to deal with the application until the required payment is made.
- (3) Investigation and inquiry costs may include travelling expenses within or outside the State.
- (4) It is a condition of any licence granted to the applicant that any amount payable under this section by the applicant is paid.

#### **17 Updating of applications**

- (1) If a change occurs in the information provided in or in connection with an application for a casino licence before the application is determined, the applicant must as soon as possible give the NICC written particulars of the change verified by statutory declaration.

Maximum penalty—500 penalty units.

- (2) Particulars of any change given by the applicant are then to be considered to have formed part of the original application for the purposes of the application of subsection (1) to any further change in the information provided.
- (3) This section does not apply to a change in information if the NICC has notified the applicant in writing that the NICC does not require particulars of any change in the information concerned or does not require particulars of the type of change concerned.

## **18 Determination of applications**

- (1) The NICC is to determine an application by either granting a casino licence to the applicant or declining to grant a licence, and is to inform the applicant accordingly.
- (2) A licence may be granted subject to such conditions as the NICC thinks fit.
- (3) The NICC is not required to give reasons for its decision on an application but may give reasons if it thinks fit.
- (4) If a licence is granted, it is granted on the terms (including a term as to the period for which it is in force), subject to the conditions and for the location specified in the licence.
- (5) A licence is also subject to conditions imposed by this Act.

## **19 NICC to define casino premises**

- (1) The boundaries of a casino are to be defined initially by being specified in the casino licence.
- (2) The boundaries of a casino may be redefined by the NICC—
  - (a) on its own initiative, or
  - (b) on the application of the casino operator.
- (2A) The NICC is not to redefine the boundaries of a casino on its own initiative unless it—
  - (a) notifies the casino operator in writing of the proposed change and gives the casino operator at least 14 days to make submissions to the NICC on the proposal, and
  - (b) takes any such submissions into consideration before deciding whether to redefine the boundaries.
- (3) The redefining of the boundaries of a casino takes effect when the NICC gives written notice of it to the casino operator or on such later date as the notice may specify.
- (4) This section does not apply in relation to the Barangaroo restricted gaming facility.

## **19A Boundaries of Barangaroo restricted gaming facility**

- (1) The boundaries of the Barangaroo restricted gaming facility are to be defined initially by being specified in the restricted gaming licence for the facility.
- (2) The boundaries of the Barangaroo restricted gaming facility may be redefined by the NICC but only on application made at any time by the holder of the restricted gaming licence.
- (3) In defining or redefining the boundaries of the Barangaroo restricted gaming facility,



the NICC is—

- (a) to have regard only to matters of public health and safety and matters that relate to the integrity of gaming in the facility in accordance with this Act, and
- (b) to ensure that the total gaming area within the Barangaroo restricted gaming facility does not exceed 20,000 square metres.

## **20 Duration of casino licence**

A casino licence remains in force for the period for which it was granted, as specified in the licence, unless it is sooner cancelled or surrendered under this Act.

## **21 No proprietary right in casino licence**

A casino licence confers no right of property and is incapable of being assigned or mortgaged, charged or otherwise encumbered.

## **22 Conditions of casino licence**

- (1) The conditions of a casino licence (whether as originally imposed or as amended) may relate to any matter for which provision is made by this Act but must not be inconsistent with a provision of this Act.
- (2) The conditions of a casino licence may be amended by being substituted, varied, revoked or added to.
- (2A) (Repealed)
- (3) An amendment may be proposed—
  - (a) by the casino operator by requesting the NICC in writing to make the amendment, or
  - (b) by the NICC by giving notice in writing of the proposed amendment to the casino operator and giving the casino operator at least 14 days to make submissions to the NICC concerning the proposed amendment.
- (4) Subject to subsection (2A), the NICC is to consider any submissions made by the casino operator and is then to decide whether to make the proposed amendment, either with or without changes from that originally proposed.
- (5) The NICC is to notify the casino operator of its decision and any amendment that the NICC decides upon takes effect when notice of the decision is given to the casino operator or on such later date as may be specified in the notice.
- (6) This section does not apply to licence conditions imposed by this Act.

## 22A Restrictions on gaming in Barangaroo restricted gaming facility

### Note—

Conducting or participating in gaming that is declared under this section not to be lawful is an offence under the [Unlawful Gambling Act 1998](#). The conduct or playing of any game in the Barangaroo restricted gaming facility was not lawful before 15 November 2019.

- (1) The installation or use of gaming machines is not lawful in the Barangaroo restricted gaming facility other than gaming machines described in subsection (4).
- (2), (3) (Repealed)
- (4) For subsection (1), a gaming machine must be a device that—
  - (a) is designed for the playing of a partly or fully electronic version of a game ordinarily played at a table, and
  - (b) is able to be played by more than one player at the one time, and
  - (c) is equipped with more than one player terminal.

### Note—

Under section 66 it is a condition of a casino licence that the casino operator must not permit a game to be conducted or played in a casino (which includes the Barangaroo restricted gaming facility) unless the game is approved by the NICC.

- (5) **Low limit gaming not lawful in Barangaroo restricted gaming facility** The playing of any game in the Barangaroo restricted gaming facility is not lawful if the amount placed for any single bet or wager on that game is less than the minimum bet limit for that game.
- (6) The **minimum bet limit** is—
  - (a) in the case of baccarat, blackjack or roulette (whether played at a table or by way of an electronic device)—
    - (i) \$30 for baccarat, \$20 for blackjack and \$25 for roulette, or
    - (ii) such higher amount as may be determined by the NICC in accordance with the licence for the Barangaroo restricted gaming facility, or

### Note—

In the case of roulette, the minimum bet limit is the minimum total of all the bets placed by a player per spin.

- (b) in the case of any other game—the amount determined by the NICC in accordance with the licence for the Barangaroo restricted gaming facility.
- (7) Any determination by the NICC under subsection (6) must be made publicly available

on the NICC's website.

**22B Only members and guests permitted to participate in gaming at Barangaroo restricted gaming facility**

It is a condition of a restricted gaming licence that only persons who, in accordance with the conditions of the licence, are members or guests of the Barangaroo restricted gaming facility are authorised by the licence to participate in any gaming in the facility.

**22C Casino operators to cooperate with NICC**

(1) A casino operator must, in the management and operation of the casino, cooperate with the NICC in relation to the NICC exercising its functions under this Act.

Maximum penalty—500 penalty units.

(2) Without limiting subsection (1), cooperation with the NICC includes—

(a) the full and frank disclosure by the casino operator of any information requested under this Act by the NICC, and

(b) a requirement for the casino operator to give the NICC written notice of any breach, or likely breach, of any of the following by the casino operator or a close associate of the casino operator—

(i) this Act,

(ii) the casino operator's casino licence,

(iii) an agreement to which the Crown and a casino operator are parties, and

(c) a requirement for the casino operator to give the NICC written notice of any material breach, or likely material breach, of an Act of NSW or the Commonwealth that regulates casino operations, including provisions dealing with anti-money laundering or counter-terrorism financing, by—

(i) the casino operator, or

(ii) a holding company of the casino operator, or

(iii) any related bodies corporate of the casino operator that operate a casino in another jurisdiction.

(3) For subsection (2)(b) and (c), the written notice must be given as soon as practicable, but not later than 5 days after, the casino operator becomes aware of—

(a) the breach or likely breach, or

(b) the material breach or likely material breach.

### 23 Disciplinary action against casino operator

(1) In this section—

**disciplinary action** means any one or more of the following actions in relation to a casino licence—

- (a) the cancellation or suspension of the licence,
- (b) the imposition on the casino operator of a pecuniary penalty of up to \$100 million,
- (c) the amendment of the terms or conditions of the licence (other than under section 22),
- (c1) a requirement that a casino operator, or a close associate of a casino operator, give an undertaking (an **enforceable undertaking**) to do or refrain from doing something,
- (d) the issue of a letter of censure to the casino operator.

**grounds for disciplinary action** means any one or more of the following grounds in respect of a casino licence—

- (a) that the licence was improperly obtained in that, at the time the licence was granted, there were grounds for declining to grant it,
- (b) that the casino operator, a person in charge of the casino, an agent of the casino operator or a casino employee has contravened a provision of this Act or a condition of the licence,
- (c) that the casino premises are, for specified reasons, no longer suitable for the conduct of casino operations,
- (d) that the casino operator is, for specified reasons, considered to be no longer a suitable person to give effect to the licence and this Act,
- (e) that for specified reasons, it is considered to be no longer in the public interest that the licence should remain in force.

(2) The NICC may serve on the casino operator a notice in writing affording the casino operator an opportunity to show cause within 14 days why disciplinary action should not be taken against the casino operator on grounds for disciplinary action specified in the notice.

(3) The casino operator may, within the period allowed by the notice, arrange with the NICC for the making of submissions to the NICC as to why disciplinary action should not be taken and the NICC is to consider any submissions so made.

(4) The NICC may then decide that it is appropriate that certain disciplinary action be

taken against the casino operator and may either—

- (a) take that disciplinary action by giving written notice of the action to the casino operator, or
  - (b) as an alternative to taking that disciplinary action, take action under section 24.
- (5) Disciplinary action may be taken against a person whether or not the person has been prosecuted, convicted or penalised for any contravention that is the grounds for the action.
- (6) Disciplinary action takes effect when notice of it is given or on a later date specified in the notice.
- (7) The NICC is not to take action under this section unless a member of the NICC who is or has been a Judge, or is an Australian lawyer of at least 7 years' standing, is present at the meeting of the NICC at which the decision to take the action is made.

#### **24 Rectification order as alternative to disciplinary action**

- (1) As an alternative to taking disciplinary action against a casino operator under section 23, the NICC may direct the operator in writing to take specified action within a specified time to rectify the matter which constitutes the grounds for disciplinary action concerned.
- (2) If a casino operator fails to take the specified action within the specified time, the NICC may proceed to take the relevant disciplinary action by giving written notice of the action to the operator, and the action takes effect when the notice is given or on a later date specified in the notice.

#### **25 Effect of suspension of licence**

- (1) While a casino licence is suspended, it is of no effect for the purposes of section 4 (Gaming in licensed casino declared lawful) but is to be considered to be in force for all other purposes.
- (2) The NICC may, at any time, terminate or reduce a period of suspension of a casino licence.

#### **26 Recovery of pecuniary penalty**

- (1) A pecuniary penalty that has been imposed on a casino operator under section 23 may be recovered by the Secretary on behalf of the State in a court of competent jurisdiction as a debt due to the Crown.
- (2) Proceedings to recover such a penalty may be instituted within 6 years after the occurrence of the matter which constituted the grounds for disciplinary action in respect of which the penalty was imposed.

## **26A Enforceable undertakings**

- (1) This section applies if a casino operator, or a close associate of a casino operator, has given an enforceable undertaking.
- (2) The enforceable undertaking may be varied or withdrawn—
  - (a) at the request of the person who gave the undertaking, and
  - (b) with the consent of the NICC.
- (3) The NICC may publish the enforceable undertaking, in the way the NICC considers appropriate, unless the NICC considers—
  - (a) the undertaking includes matters that are commercial in confidence, or
  - (b) publication of the undertaking would be not be in the public interest, or
  - (c) the undertaking includes personal information that cannot be easily redacted or the redaction of the information would make the publication of the undertaking meaningless.
- (4) If the NICC is satisfied that the person who gave the enforceable undertaking has, without reasonable excuse, failed to comply with the undertaking, the NICC may certify the failure to the Supreme Court.
- (5) The Supreme Court may then inquire into the case and—
  - (a) order the person to comply with the enforceable undertaking within a period specified by the Court, or
  - (b) if the Court is satisfied the person failed, without reasonable excuse, to comply with the enforceable undertaking—punish the person as if the person were in contempt of the Court and, if the Court thinks fit, also make an order under paragraph (a).

## **27 Surrender of licence**

- (1) A casino operator may surrender the casino licence by giving notice in writing to the NICC.
- (2) The surrender takes effect only if the NICC consents to the surrender.

## **28 Appointment of a manager if licence suspended, cancelled or surrendered**

- (1) If a casino licence is suspended, cancelled or surrendered, the NICC may, if it is satisfied that it is in the public interest to do so, by instrument in writing appoint a person to be the manager of the casino for the purposes of this section.
- (2) In appointing a person to be the manager, the NICC must have regard to the

suitability of the person.

- (3) The manager is to be appointed on such terms and conditions as the NICC thinks fit.
- (4) The appointment of the manager may be terminated at any time by the NICC and is in any case terminated 90 days after appointment unless in a particular case the appointment is extended by the regulations.
- (5) The manager—
  - (a) is to be considered to be the holder of a casino licence (including for the purposes of section 6) granted on the same terms and subject to the same conditions as the suspended, cancelled or surrendered licence (as in force immediately before the suspension, cancellation or surrender) with such modifications as the NICC may direct, and
  - (b) is to assume full control of and responsibility for the business of the casino operator in respect of the casino, and
  - (c) is to conduct or cause to be conducted casino operations in accordance with this Act, and
  - (d) has, in connection with the conduct of those operations, all the functions of the operator.
- (6) The regulations may make provision for or with respect to the functions of the manager of a casino appointed under this section.
- (7) The following provisions have effect in respect of the net earnings of a casino while operations in the casino are being conducted by a manager under this section—
  - (a) no payment of net earnings is to be made to the holder of the suspended, cancelled or surrendered licence (**the former operator**) without the prior approval of the NICC,
  - (b) the former operator is entitled to a fair rate of return out of net earnings (if any) on any property of the former operator retained by the manager,
  - (c) the NICC may in its discretion direct that all or any part of net earnings (other than that to which the former operator is entitled under paragraph (b)) is to be paid into the Consolidated Fund, with any balance to be paid to the former operator.

### **Part 3 Supervision and control of casino operators and close associates**

## **Division 1 Directions, investigations etc**

### **29 Directions to operator**

- (1) The NICC may give a casino operator a written direction that relates to the conduct, supervision or control of operations in the casino.
- (2) It is a condition of a casino licence that the casino operator must comply with such a direction as soon as it takes effect.
- (3) The direction takes effect when the direction is given to the casino operator or on a later date specified in the direction.
- (4) The power conferred by this section includes a power to give a direction to a casino operator to adopt, vary, cease or refrain from any practice in respect of the conduct of casino operations.
- (5) A direction under this section is not to be inconsistent with this Act or the conditions of the casino licence.

### **30 General investigations**

- (1) The NICC is to investigate a casino from time to time and at any time that the NICC thinks it desirable or when directed to do so by the Minister.
- (2) The investigation may relate to (but is not limited to) any of the following matters—
  - (a) the casino and operations in the casino,
  - (b) the casino operator or a person who, in the opinion of the NICC, is an associate of the casino operator,
  - (c) a person or persons who in the opinion of the NICC could affect the exercise of functions in or in relation to the casino,
  - (d) a person or persons who, in the opinion of the NICC, could be in a position to exercise direct or indirect control over the casino operator, or an associate of the casino operator, in relation to functions in or in relation to the casino.
- (3) The NICC may make a report to the Minister on the results of such an investigation if it thinks it desirable to do so and must make such a report if the investigation was made at the direction of the Minister.
- (4) The NICC is to take whatever action under this Act it considers appropriate in the light of the results of an investigation.

### **31 Review of casino licence and operator suitability**

- (1) The NICC 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.

(1A) A review is to be carried out—

- (a) by way of an inquiry held under section 143, and
- (b) into each casino operator concurrently.

(1B) The reasonable costs incurred in relation to a review are to be paid by the casino operators, with each casino operator to pay the proportion of the costs decided by the NICC, having regard to the effort involved in investigating each operator and the findings of the review.

(1C) The NICC may require a casino operator to pay an amount towards the reasonable costs of the review before the review starts and during the period in which the review is held.

(1D) If the amount paid by a casino operator under subsection (1C) is more than the amount calculated under subsection (1B) at the end of the review to be payable by the operator, the NICC must refund the excess amount to the operator.

(2) The NICC 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).

**32 Operator and associates may be required to provide information**

(1) The NICC may, by notice in writing, require a casino operator or a person who, in the opinion of the NICC, is directly or indirectly associated with the operator—

- (a) to provide the NICC or a key official, in accordance with directions in the notice, with such information relevant to the operator or that association or to the casino, or with such prescribed information, as is specified in the notice, or
- (b) to produce to the NICC or a key official, in accordance with directions in the notice, such records relevant to the operator or that association or to the casino, or to

prescribed matters, as are specified in the notice and to permit examination of those records, the taking of extracts from them and the making of copies of them, or

(c) to attend before the NICC or a key official for examination in relation to any matters relevant to the operator or that association or to the casino, or to prescribed matters, and to answer questions relating to those matters.

- (2) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.
- (3) If records are produced under this section, the NICC or key official to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from them and the making of copies of them.
- (4) At any reasonable times during the period for which records are retained, the NICC or key official must permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the NICC or key official.

### **33 Failure to provide information etc is an offence and punishable as contempt**

- (1) A person who fails without reasonable excuse to comply with a requirement of a notice under section 32 is guilty of an offence.

Maximum penalty—

- (a) for an individual—100 penalty units, or
- (b) for a corporation—1,000 penalty units.

- (2) A person is not excused from complying with a notice under section 32 on the ground that compliance might tend to incriminate the person.
- (3) If the person claims in writing to the NICC, before complying with the notice, that compliance might tend to incriminate the person, information provided in compliance with the notice is not admissible in criminal proceedings against the person except proceedings for the offence of providing false or misleading information in purported compliance with the notice.
- (4) If the NICC is satisfied that a person has, without reasonable excuse, failed to comply with a requirement of a notice under section 32, the NICC may certify the failure to the Supreme Court.
- (5) The Supreme Court may then inquire into the case and—
  - (a) order the person to comply with the requirement within a period specified by the Court, or

- (b) if the Court is satisfied that the person failed, without reasonable excuse, to comply with the requirement—punish the person as if the person were in contempt of the Court and, if it thinks fit, also make an order under paragraph (a).

### **34 Injunctions to prevent contraventions etc**

- (1) If the Supreme Court is satisfied on the application of the NICC that a relevant person has engaged or is proposing to engage in conduct that constitutes or would constitute—
  - (a) a contravention of a provision of this Act or of a condition of the casino licence, or
  - (b) attempting to contravene such a provision, or
  - (c) aiding, abetting, counselling or procuring a person to contravene such a provision, or
  - (d) inducing, or attempting to induce, whether by threats or promises or otherwise, a person to contravene such a provision,
  - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision, or
  - (f) conspiring with others to contravene such a provision,the Court may grant an injunction in such terms as the Court determines to be appropriate.
- (2) If in the opinion of the Court it is desirable to do so, the Court may grant an interim injunction pending determination of the application.
- (3) The Court may rescind or vary an injunction granted under this section.
- (4) The power of the Court to grant an injunction restraining a person from engaging in conduct may be exercised—
  - (a) whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind, and
  - (b) whether or not the person has previously engaged in conduct of that kind, and
  - (c) whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.
- (5) The power of the Court to grant an injunction requiring a person to do an act or thing may be exercised—
  - (a) whether or not it appears to the Court that the person intends to fail again, or to continue to fail, to do that act or thing, and

- (b) whether or not the person has previously failed to do that act or thing, and
  - (c) whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person fails to do that act or thing.
- (6) When the NICC makes an application to the Court for the grant of an injunction under this section, the Court is not to require the NICC or any other person, as a condition of granting an interim injunction, to give any undertakings as to damages.
- (7) In this section—
- relevant person** means the following—
- (a) a casino operator,
  - (b) a close associate of a casino operator,
  - (c) another person who is the subject of a provision of this Act or a condition of a casino licence, including a person who is proposing to become a close associate of a casino operator.

### **35 Change in state of affairs of operator**

- (1) In this section—
- major change** in the state of affairs existing in relation to a casino operator means—
- (a) any change in that state of affairs which results in a person becoming a close associate of the casino operator, or
  - (b) any other change in that state of affairs which is of a class or description prescribed as major for the purposes of this section.
- minor change** in the state of affairs existing in relation to a casino operator means any change in that state of affairs that is prescribed as a minor change for the purposes of this section.
- (2) It is a condition of a casino licence that the casino operator must—
- (a) ensure a major change in the state of affairs existing in relation to the casino operator that is within the operator's power to prevent does not occur other than with the prior written approval of the NICC, and
  - (b) notify the NICC in writing of the likelihood of any major change in the state of affairs existing in relation to the operator to which paragraph (a) does not apply as soon as practicable after the operator becomes aware of the likelihood of the change, and
  - (c) notify the NICC in writing of any major change in the state of affairs existing in relation to the operator to which paragraphs (a) and (b) do not apply within 3 days

after becoming aware that the change has occurred, and

- (d) notify the NICC in writing of any minor change in the state of affairs existing in relation to the operator within 14 days after becoming aware that the change has occurred.
- (2A) For subsection (2)(a), if the major change in the state of affairs can be prevented by a holding company of the casino operator, the major change is taken to be within the operator's power to prevent.
- (3) If a major change involves a person becoming a close associate of a casino operator, the NICC must not grant approval for the major change unless the NICC is satisfied—
- (a) the person is a suitable person to be associated with the management of a casino, or
  - (b) the person holds an exemption under section 42A(2)(a) or would be eligible for the grant of an exemption under that paragraph.
- (4) Sections 14, 15, 17 and 18 apply to and in respect of an application for approval under this section in the same way that they apply to and in respect of an application for a licence.
- (5) If a major change is proposed or has occurred involving a person becoming a close associate of a casino operator and the approval of the NICC to the change is not required—
- (a) the NICC must inquire into the change to determine whether the NICC is satisfied the person—
    - (i) is a suitable person to be associated with the management of a casino, or
    - (ii) holds an exemption under section 42A(2)(a) or would be eligible for the grant of an exemption under that paragraph, and
  - (b) if it is not so satisfied, is to take such action as it considers appropriate.

### **35A Cost of investigations into certain major changes**

- (1) This section applies to a major change referred to in section 35 that is proposed or has occurred.
- (2) The reasonable costs incurred by the NICC in—
  - (a) investigating and inquiring into an application for an approval under section 35 in relation to a major change to which this section applies, or
  - (b) inquiring into a major change to which this section applies, where such an approval is not required,

are payable to the Secretary, unless the NICC determines otherwise in a particular case.

(3) The costs are so payable—

(a) by the casino operator, except in so far as paragraph (b) applies, or

(b) by the person who would become or has become a close associate of the casino operator, to the extent that the NICC is of the opinion that the casino operator is not responsible for the major change.

(4) The costs may include—

(a) travel, whether within or outside the State, and

(b) expenses involved in engaging external legal, financial or other expert advice or assistance.

(5) In the case of an application for approval under section 35, the NICC may require part or full payment in advance of the amount of costs it estimates will be payable to the Secretary by the applicant and may refuse to deal with the application until the required payment is made.

(6) It is a condition of a casino licence that any amount payable under this section by the holder of the licence is paid.

## Division 2 Contracts

### 36 Definitions

In this Division—

**contract** includes any kind of agreement or arrangement.

**controlled contract** means—

(a) a contract that relates to the supply or servicing of gaming equipment that has been approved by the NICC under section 68 (1), not being a contract or a contract of a class that is prescribed by the regulations as exempt from this definition, or

(a1) a contract for the engagement of a compliance auditor for a casino, or

(b) a contract, or class of contracts, that, in the opinion of the NICC, is materially significant to the integrity of the operation of a casino and that the NICC declares, by notice in writing to the casino operator, to be a controlled contract.

### 37 Requirements for controlled contracts

(1) A casino operator must not enter into or become a party to a controlled contract, or the variation of a controlled contract, relating to the casino until the operator has

given the NICC written notice (**contract notice**) of the details of the proposed contract or variation of contract and the investigation time that the NICC is allowed by this section has elapsed. The contract notice must be accompanied by the prescribed fee.

Maximum penalty—500 penalty units.

- (2) The NICC may object to the proposed contract or variation of contract by notice in writing given to the casino operator during the investigation time that the NICC is allowed by this section, in which case the casino operator must not enter into or become a party to the contract or variation of contract.
- (3) The purpose of an investigation under this section is to assess the suitability of all parties proposing to enter into the controlled contract, or the variation of a controlled contract, with the casino operator, including whether there are any financial, criminal or other issues of concern with any of the parties.
- (4) The investigation must be completed within 12 weeks after the contract notice was given to the NICC.
- (5) A casino operator must, if the casino operator becomes aware of a change in a party to a controlled contract with the casino operator that would or may affect the suitability of the party, advise the NICC by written notice of the change.

Maximum penalty—500 penalty units.

- (6) It is a condition of a casino licence that the casino operator must comply with this section but a failure to comply with this section does not affect the validity of any contract or variation of contract.

### **37A Interim approval of controlled contract**

- (1) While the NICC is considering a contract notice given by a casino operator in relation to approval to enter into or become a party to a controlled contract, or the variation of a controlled contract, the NICC may issue the casino operator with an interim approval of the controlled contract or variation.
- (2) An interim approval—
  - (a) stays in force until a decision about the contract notice has been finally decided, unless earlier revoked by the NICC under section 37B(2), and
  - (b) is not to be taken as an indication the NICC will give approval for the casino operator to enter into or become a party to a controlled contract, or the variation of the controlled contract.

### **37B Revocation of interim approval of controlled contract**

- (1) This section applies if, after the NICC issues a casino operator with an interim approval of a controlled contract or a variation of a controlled contract, the NICC—
  - (a) objects to the proposed contract or variation, and
  - (b) proposes to revoke the interim approval.
- (2) The NICC may, by written notice given to each of the parties to the proposed contract or variation—
  - (a) advise the parties that the NICC proposes to revoke the interim approval, and
  - (b) invite the parties to provide written submissions to the NICC within the period specified in the notice, not less than 14 days after the day the notice is given to the parties, about why the interim approval should not be revoked.
- (3) After considering any written submissions made under subsection (2)(b), the NICC must decide—
  - (a) to revoke the interim approval, or
  - (b) not to revoke the interim approval.
- (4) As soon as practicable after making its decision under subsection (3), the NICC must give written notice of the decision to each of the parties to the proposed contract or variation.
- (5) If the NICC's decision is to revoke the interim approval, the notice may include a requirement that—
  - (a) the casino operator must not enter into, or otherwise become a party to, the proposed contract or proposed variation to the contract, or
  - (b) for an existing contract—the contract be terminated within a specified period.

### **38 Requirement may be extended to associates of casino operator**

- (1) The NICC may, by notice in writing to a person who the NICC considers has some association or connection with a casino operator that is relevant to the operation or management of the casino, direct that section 37 is to apply to the person.
- (2) Such a direction operates to apply section 37 to the person in the same way as it applies to the casino operator.
- (3) If a person contravenes section 37 as so applying to the person, the person is guilty of an offence.

Maximum penalty—



- (a) for an individual—100 penalty units, or
- (b) for a corporation—1,000 penalty units.

### **39 Notice to show cause why controlled contract should not be terminated**

- (1) The NICC may serve on each party to a controlled contract a notice in writing affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the ground that it is not in the public interest for the contract to remain in force.
- (2) The notice is to specify the reasons why it is considered that it is not in the public interest for the contract to remain in force.
- (3) A party to the contract may, within the period specified in the notice, arrange with the NICC for the making of submissions as to why the contract should not be terminated.
- (4) After considering any submissions so made, the NICC may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.
- (5) If the contract is not terminated as required by the notice it is terminated by force of this section.

### **40 Effect of termination**

If a contract is terminated in accordance with this Division—

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract, as a result of the performance before that termination of any obligation imposed by the contract, and
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination, and
- (c) neither the Crown nor the NICC incurs any liability by reason of that termination.

### **41 Offence—giving effect to terminated contract**

A party to a contract terminated in accordance with this Division must not give any further effect to any part of the contract.

Maximum penalty—1,000 penalty units.

### **42 Parties to contracts may be required to provide information**

Section 32 (Operator and associates may be required to provide information) applies in relation to a party to a controlled contract in the same way as it applies in relation to a casino operator.

## Division 3 Close associates

### 42A Requirement for approval of close associate

- (1) A person must not be a close associate of a casino operator unless—
- (a) the NICC has given approval for the person to become a close associate, and
  - (b) if the person holds a relevant position—the person holds a certificate of competency under section 64 for the functions that the close associate exercises.

Maximum penalty—

- (a) for an individual—100 penalty units, or
  - (b) for a corporation—1,000 penalty units.
- (2) Subsection (1) does not apply to a person to the extent the person—
- (a) holds an exemption granted by the NICC, by written notice given to the person, from the requirement to obtain an approval under this Division, or
  - (b) held an exemption mentioned in paragraph (a) before it was revoked and it is not more than 28 days since the exemption was revoked, or
  - (c) is a close associate under an interim approval, or
  - (d) was a close associate under an interim approval before it was revoked and it is not more than 28 days since the interim approval was revoked.
- (3) For subsection (2)(a)—
- (a) in deciding whether or not to grant an exemption, the NICC must have regard to the matters prescribed by the regulations, and
  - (b) an exemption may be granted subject to any conditions the NICC considers appropriate.

- (4) In this section—

**relevant position** has the same meaning as in section 3A(3).

### 42B Application for approval of close associate

- (1) An application for approval of a close associate must be made to the NICC.
- (2) The application must—
- (a) be made in a form approved by the NICC, and
  - (b) be accompanied by the fee decided by the NICC for the application, and

(c) contain or be accompanied by any information—

- (i) required by the approved form, or
- (ii) otherwise requested by the NICC.

(3) The application must be verified by statutory declaration.

(4) Sections 14, 15, 17 and 18 apply, with any necessary changes, to an application for approval of a close associate under this Division as if it were an application for a licence.

#### **42C Interim approval of close associate**

(1) While the NICC is considering an application by a person for approval to become a close associate of a casino operator, the NICC may issue the person with an interim approval as a close associate for the following purposes—

- (a) to enable the person to start employment with the casino operator,
- (b) to enable commercial negotiations to start or continue.

(2) The NICC may, at any time and for any reason, revoke an interim approval.

(3) An interim approval—

- (a) stays in force until a decision about the application for approval of a close associate has been finally decided, unless earlier revoked by the NICC under subsection (2), and
- (b) is not to be taken as an indication the person will be given approval to become a close associate of the casino operator.

#### **42D Decision about application for approval of close associate**

(1) The NICC must consider an application and decide to—

- (a) grant the application and issue an approval (a **close associate approval**) to the person, with or without conditions or
- (b) refuse the application.

(2) In deciding the application, the NICC must consider—

- (a) whether the NICC is satisfied the person is a suitable person to be concerned in or associated with the management and operation of a casino, and
- (b) any other matters the NICC considers relevant.

(3) For subsection (2)(a), the NICC must consider whether—

- (a) the person is of good repute, having regard to character, honesty and integrity, and
- (b) the person is of sound and stable financial background, and
- (c) the person has any business association with a person, body or association that, in the NICC's opinion—
  - (i) is not of good repute, having regard to character, honesty and integrity, or
  - (ii) has undesirable or unsatisfactory financial sources, and
- (d) each director, partner, trustee, executive officer and secretary, and any other officer or person decided by the NICC to be associated or connected with the ownership, administration or management of the operations or business of the person, is a suitable person to act in that capacity.

**42E Conditions of close associate approvals**

- (1) A close associate approval is subject to any conditions imposed by the NICC—
  - (a) at the time the close associate approval is issued, or
  - (b) at a later time and notified by the NICC to the close associate who holds the approval by written notice.
- (2) The NICC may, by written notice given to a close associate who holds a close associate approval, vary, substitute or revoke a condition of the approval—
  - (a) on the NICC's own initiative, or
  - (b) on application by the close associate.

**42F Substantial changes in state of affairs of associates**

- (1) A close associate of a casino operator must, as soon as practicable after a substantial change occurs in the close associate's state of affairs, give the NICC written notice about the change.
- (2) After receiving a notice under subsection (1), the NICC may, by written notice given to the close associate, require the close associate to do any of the following—
  - (a) give the NICC further information about the substantial change,
  - (b) take, or refrain from taking, specified action in relation to the substantial change within the time specified in the notice.
- (3) The close associate must comply with the notice.  
Maximum penalty—

- (a) for an individual—100 penalty units, or
- (b) for a corporation—1,000 penalty units.

(4) In this section—

**substantial change**, in the state of affairs existing in relation to a close associate of a casino operator, means any change in the state of affairs that is of a class or description prescribed as substantial for the purposes of this section.

#### **42G Cost of investigations or inquiries**

- (1) This section applies to an investigation or inquiry conducted under this Division to determine the suitability of a person to become or remain a close associate of a casino operator.
- (2) The reasonable costs incurred by the NICC in conducting the investigation or inquiry are payable by the person to the NICC.
- (3) The costs may include—
  - (a) travel, whether within or outside the State, and
  - (b) expenses involved in engaging external legal, financial or other expert advice or assistance.
- (4) The NICC may require part or full payment in advance of the amount of costs it estimates will be payable by the person and may refuse to deal with the application until the required payment is made.

#### **42H Disciplinary action against close associate**

- (1) The NICC may take disciplinary action under section 23 against a close associate as if the person were a casino operator.
- (2) For subsection (1), sections 23–27 apply, with the following changes, to taking disciplinary action against the close associate as if the person were a casino operator—
  - (a) the reference in section 23(1), definition of **disciplinary action**, paragraph (b), to “\$100 million” were a reference to “\$100 million for a corporation and \$1,000,000 for an individual”, and
  - (b) any other necessary changes.

#### **42I Duration of close associate approval**

A close associate approval continues until the earlier of the following occurs—

- (a) the approval is revoked by the NICC,

- (b) the holder of the approval or the casino operator advises the NICC the person is no longer a close associate of the casino operator.

**42J Notice to show cause**

- (1) This section applies if the NICC reasonably believes there may be grounds for revoking a close associate approval.
- (2) The NICC may, by written notice (a **show cause notice**) given to the close associate, invite the close associate to show cause why the close associate's approval should not be revoked.
- (3) The show cause notice must state—
  - (a) the grounds the NICC reasonably believes may exist for revoking the close associate approval, and
  - (b) that the close associate may make submissions to the NICC, in the way specified in the show cause notice, about why the close associate approval should not be revoked, and
  - (c) the period, not less than 21 days, in which the close associate may make the submissions.
- (4) The close associate may, in accordance with the show cause notice, make submissions to the NICC.
- (5) After considering any submissions made by the close associate in accordance with the show cause notice, the NICC must decide to—
  - (a) revoke the close associate approval, or
  - (b) continue the close associate approval.

**42K Requirement for exempt close associate to notify NICC of change in circumstances**

- (1) It is a condition of an exemption granted under this Division to a close associate of a casino operator that the close associate must, by written notice given to the NICC, notify the NICC of the following—
  - (a) a change in the close associate's circumstances which may affect the close associate's control or influence over the casino operations, or
  - (b) another change in the close associate's circumstances that may affect the close associate's eligibility for the exemption, including a change prescribed by the regulations.
- (2) A notice under subsection (1) must be given to the NICC as soon as practicable, but not later than 5 days, after the close associate becomes aware of the change in the

close associate's circumstances.

#### **42L Revocation of exemption of close associate**

- (1) This section applies if, after the NICC grants a close associate of a casino operator an exemption under this Division, the NICC proposes, after having regard to the matters prescribed by the regulations, to revoke the exemption.
- (2) The NICC may, by written notice given to the casino operator and close associate—
  - (a) advise the casino operator and close associate that the NICC proposes to revoke the exemption, and
  - (b) invite the casino operator and close associate to provide written submissions to the NICC within the period specified in the notice, not less than 14 days after the day the notice is given to the operator and associate, about why the exemption should not be revoked.
- (3) After considering any written submissions made under subsection (2)(b), the NICC must decide—
  - (a) to revoke the exemption, or
  - (b) not to revoke the exemption.
- (4) As soon as practicable after making its decision under subsection (3), the NICC must give written notice of the decision to the casino operator and close associate.

### **Part 4 Licensing of casino employees**

#### **43 Definitions**

- (1) In this Part—

**certificate of competency** means a certificate of competency issued under section 64.

**licence** means a licence in force under this Part.

**special employee** means a person who—

- (a) is employed or working in a casino in a managerial capacity or who is authorised to make decisions, involving the exercise of his or her discretion, that regulate operations in a casino, or
- (b) is employed or working in a casino in any capacity relating to any of the following activities—
  - the conduct of gaming,

- the movement of money or chips about the casino,
- the exchange of money or chips to patrons in the casino,
- the counting of money or chips in the casino,
- the operation, maintenance, construction or repair of gaming equipment approved by the NICC under section 68,
- the supervision of any of the above activities,
- casino security,
- any other activity relating to operations in the casino that is prescribed for the purposes of this definition.

(2) The regulations may exempt persons employed or working in a casino in any specified capacity from being special employees.

#### **44 Special employees to be licensed and hold certificate of competency**

(1) A special employee must hold both a licence and a certificate of competency for the functions that the special employee exercises. A licence authorises the holder of the licence to exercise in or in relation to a casino the functions for which the licensee holds a certificate of competency, subject to the functions being exercised in accordance with the provisions of this Act and the conditions of the licence.

(2) A person must not exercise in or in relation to a casino any of the functions of a special employee except in accordance with the authority conferred on the person by a licence.

Maximum penalty—50 penalty units.

(3) A casino operator must not—

(a) employ or use the services of a person to exercise any function of a special employee in or in relation to the casino, or

(b) allocate or permit or suffer to be allocated to a person the exercise of any function of a special employee in or in relation to the casino,

unless the person is authorised by a licence to exercise the function concerned.

Maximum penalty—1,000 penalty units.

(4) Despite subsections (1)–(3), a special employee is not required to hold a licence if the employee holds a close associate approval.



#### **45 Special employees to display identification**

- (1) The holder of a licence must at all times while exercising the functions of a special employee in a casino wear on his or her person so as to be clearly visible a form of identification issued in compliance with internal controls approved for the casino under section 124.

Maximum penalty—20 penalty units.

- (2) The NICC may exempt a person or a class of persons from the requirements of this section.

#### **46 Application for licence**

- (1) An application for a licence is to be lodged with the NICC in a form approved by the NICC and must be accompanied by—
  - (a) the fee prescribed by the regulations, and
  - (b) such documents (if any) as may be specified by the NICC or as the form of application requires accompany the application.
  - (c) (Repealed)
- (2) The information provided in and accompanying the application must be verified by statutory declaration.
- (3) The NICC may require the applicant to consent to having his or her photograph, finger prints and palm prints taken and may refuse to consider the application if the applicant refuses to allow his or her photograph, finger prints or palm prints to be taken.
- (3A) The NICC 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 NICC considers appropriate for referral to the Commissioner.
- (3B) The Commissioner of Police is to inquire into and report to the NICC on such matters concerning the application as the NICC may request.
- (4) An application for a licence may not be made by a person who is under the age of 18 years or is a person within a class of persons prescribed as being ineligible to apply for a licence.

#### **47 Direction to apply for licence—persons who have special relationship with casino**

- (1) For the purposes of this section, a person is to be considered to have a special relationship with a casino if—
  - (a) the person is associated with the casino operator or is a casino employee, and in

the opinion of the NICC has the power to exercise a significant influence over or with respect to operations in the casino, or

- (b) the person is associated with the casino operator or is a casino employee, and in the opinion of the NICC it is in the public interest that the person, by reason of his or her remuneration or his or her authority in relation to operations in the casino, be licensed as a special employee, or
  - (c) the person's employment (whether or not in the casino and whether or not by the casino operator) involves the exercise of functions that in the opinion of the NICC have the capacity to significantly affect, whether directly or indirectly, any operations in the casino.
- (2) The NICC may give a direction in writing to a person who has a special relationship with a casino directing that the association or employment that constitutes the special relationship is to be regarded as the exercise by the person of the functions of a special employee.
- (3) The direction is to require the person to apply for the necessary licence within a specified period of not less than 7 days.
- (3A) A person who is regarded as exercising the functions of a special employee under this section is not required to hold a certificate of competency in relation to those functions.
- (4) The association or employment specified in the direction is for the purposes of this Part to be regarded as the exercise by the person of the functions of a special employee as soon as—
- (a) the period allowed by the direction for the making of an application for the appropriate licence expires with no application having been made, or
  - (b) (if the application is made within that period) the application is determined.
- (5) If this section results in a person who has a special relationship with a casino contravening section 44 (Special employees to be licensed and hold certificate of competency)—
- (a) the NICC is to give written notice of that fact to the person and the casino operator or employer concerned, and
  - (b) the person and the casino operator or employer are each guilty of an offence if the association or employment that constitutes the contravention is not terminated within 24 hours (or such longer period as the NICC may allow) after that notice is given.

Maximum penalty—

- (a) for the casino operator—1,000 penalty units, or
- (b) otherwise—100 penalty units.

(6) The termination of an association or employment in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement, and neither the Crown nor the NICC incurs any liability because of such a termination.

#### **48 Updating of application for licence**

(1) If a change occurs in the information provided in or in connection with an application for a licence (including in any documents lodged with the application) before the application is granted or refused, the applicant must forthwith give the NICC written particulars of the change, verified by statutory declaration.

Maximum penalty—20 penalty units.

- (2) When particulars of the change are given, those particulars are then to be considered to have formed part of the original application, for the purposes of the operation of subsection (1) in relation to any further change in the information provided.
- (3) This section does not apply to a change in information if the NICC has notified the applicant in writing that the NICC does not require particulars of any change in the information concerned or does not require particulars of the type of change concerned.

#### **49 NICC may require further information**

- (1) The NICC may, by notice in writing, require a person who is an applicant for a licence or who, in the opinion of the NICC, has some association or connection with the applicant that is relevant to the application to do any one or more of the following—
  - (a) to provide, in accordance with directions in the notice, such information, verified by statutory declaration, as is relevant to the investigation of the application and is specified in the notice,
  - (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them,
  - (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b),
  - (d) to furnish to the NICC such authorities and consents as the NICC directs for the purpose of enabling the NICC to obtain information (including financial and other confidential information) from other persons concerning the person and his or her associates or relations.

- (2) If a requirement made under this section is not complied with, the NICC may refuse to consider the application concerned while the non-compliance continues.
- (3) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

#### **50 NICC to investigate applications**

- (1) The NICC is to investigate and inquire into each application for a licence.
- (2) If the NICC proposes to refuse an application, it must notify the applicant in writing of that fact and allow the applicant at least 14 days to make submissions to the NICC as to why the application should not be refused.

#### **51 Cost of investigations to be paid by applicant**

- (1) The reasonable costs incurred by the NICC in investigating and inquiring into an application for a licence are payable to the Secretary by the applicant, unless the NICC determines otherwise in a particular case.
- (2) The NICC may require part or full payment in advance of the amount the NICC estimates will be payable by the applicant and may refuse to deal with the application until the required payment is made.
- (3) Investigation and inquiry costs may include travelling expenses within or outside the State.
- (4) It is a condition of any licence granted to the applicant that any amount payable under this section by the applicant is paid.

#### **52 Determination of applications**

- (1) The NICC is to consider an application for a licence and is to take into account the results of its investigations and inquiry and any submissions made by the applicant within the time allowed.
- (2) The NICC is not to grant a licence unless satisfied that the applicant is a suitable person to hold a licence.
- (3) For that purpose, the NICC is to make an assessment (a ***suitability assessment***) of—
  - (a) the integrity, responsibility, personal background and financial stability of the applicant, and
  - (b) the general reputation of the applicant having regard to character, honesty and integrity.
  - (c) (Repealed)

- (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 NICC 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 NICC is not required to investigate or inquire into the application.
- (4) The NICC is to determine the application by either granting a licence to the applicant or declining to grant a licence, and is to notify the applicant in writing of its decision.
- (5) The NICC is not required to give reasons for its decision but may give reasons if it thinks fit.

### **53 Conditions of licence**

- (1) A licence is subject to any conditions imposed by the NICC and notified in writing to the licensee by the NICC on the grant of the licence or during its currency.
- (2) A condition of a licence may be varied, substituted or revoked by the NICC by notice in writing to the licensee, whether or not on application made to the NICC by the licensee.

### **54 Provisional licences**

- (1) The NICC may, pending determination of an application for a licence, grant to the applicant a provisional licence.
- (2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the NICC when granting the licence.
- (3) A provisional licence may be cancelled by the NICC at any time and, unless sooner surrendered or cancelled, ceases to have effect on the determination of the provisional licensee's application for a licence.
- (4) This Act applies to a provisional licence in the same way as it applies to a licence (to the extent that is consistent with this section).

### **55 Duration of licence**

A licence remains in force until whichever of the following happens first—

- (a) the licensee dies, or
- (b) the licence is cancelled, or

- (c) (Repealed)
- (d) the licensee, by notice in writing, surrenders the licence to the NICC, or
- (e) the expiration of 7 years after the grant of the licence.

#### **56 Renewal of licence**

- (1) A licensee may, not earlier than 1 month before the expiration of his or her current licence, apply to the NICC for a new licence, in which case—
  - (a) the current licence continues in force until the application for the new licence is determined, and
  - (b) if granted, the new licence is to be considered to have been granted on the anniversary of the date on which the current licence was granted and is to be dated accordingly.
- (2) An application for a new licence is to be made in a form approved by the NICC and is not to be considered to have been made unless accompanied by the fee prescribed by the regulations.
- (3) The provisions of this Act (except those relating to the form of an application and the grant of a provisional licence) apply to and in relation to—
  - (a) an application under this section for a new licence, and
  - (b) the determination of such an application, and
  - (c) any licence granted as a result of such an application,as if the application has been made by a person other than a licensee.

#### **57 (Repealed)**

#### **58 Loss etc of licence**

If the NICC is satisfied that a licence has been lost, destroyed or damaged, the NICC may, on payment of the fee determined by the NICC, issue a replacement licence.

#### **59 Disciplinary action against licensee**

- (1) In this section—
  - disciplinary action*** means—
    - (a) for a licensee—
      - (i) the service of a written notice on the licensee censuring the licensee for action specified in the notice, or

- (ii) suspension of the licensee's licence for a specified period, or
  - (iii) cancellation of the licensee's licence and a prohibition on being granted a licence for a specified period, or
- (b) for a former licensee—
- (i) the service of a written notice on the former licensee censuring the former licensee for action specified in the notice, or
  - (ii) a prohibition on being granted a licence for a specified period.

**grounds for disciplinary action** means any of the following grounds—

- (a) for a licensee—
- (i) the licensee's licence was improperly obtained because, at the time the licence was granted, there were grounds for refusing to grant it, or
  - (ii) the licensee has been convicted of an offence against this Act, or
  - (iii) the licensee has been convicted of an offence, whether or not in New South Wales, punishable on conviction by imprisonment for 3 months or more, whether or not in addition to a fine, or
  - (iv) the licensee has contravened a condition of the licence, or
  - (v) the licensee has failed to provide information the licensee is required by this Act to provide or has provided information knowing it to be false or misleading in a material particular, or
  - (vi) the licensee has become bankrupt, applied to take the benefit of a law relating to bankrupt or insolvent debtors, has compounded with the licensee's creditors or made an assignment of the licensee's remuneration for the creditors' benefit, or
  - (vii) in the NICC's opinion the licensee is otherwise not a suitable person to be the holder of the licence,
- (b) for a former licensee—
- (i) the licence was improperly obtained because at the time the licence was granted there were grounds for refusing to grant it, or
  - (ii) the former licensee was, while a licensee, convicted of an offence against this Act, or
  - (iii) the former licensee was, while a licensee, convicted of an offence, whether or not in New South Wales, punishable on conviction by imprisonment for 3

months or more, whether or not in addition to a fine, or

- (iv) the former licensee, while a licensee, contravened a condition of the licence, or
- (v) the former licensee, while a licensee, failed to provide information the former licensee was required by this Act to provide or provided information knowing it to be false or misleading in a material particular, or
- (vi) the former licensee, while a licensee, became bankrupt, applied to take the benefit of a law relating to bankrupt or insolvent debtors, compounded with the former licensee's creditors or made an assignment of the former licensee's remuneration for the creditors' benefit.

**former licensee** means a person who held but not longer holds a licence.

- (2) The NICC may make such inquiries as it thinks fit into the question of whether there are grounds for disciplinary action against a licensee or former licensee.
- (3) If as a consequence of such an inquiry the NICC proposes to take disciplinary action against the licensee or former licensee—
  - (a) the NICC is to give the licensee or former licensee notice of the proposal and at least 14 days to make submissions to the NICC on the matter, and
  - (b) the NICC may by written direction to the licensee or former licensee suspend the licensee's licence for a maximum period of 90 days pending the NICC's decision on the matter and may revoke any such suspension.
- (4) The NICC is to consider the results of its inquiries and any submissions made by the licensee or former licensee within the time allowed and is to decide whether to take disciplinary action against the licensee or former licensee.
- (5) If the NICC decides that there are grounds for disciplinary action against a licensee or former licensee, the NICC may take the action and does so by giving notice in writing of the action to the licensee or former licensee. Disciplinary action takes effect when the notice is given or on a later date specified in the notice.
- (6) Disciplinary action may be taken against a person whether or not the person has been prosecuted, convicted or penalised for any offence that is the grounds for the action.
- (7) The NICC is not to take action under this section unless a member of the NICC who is or has been a Judge, or is an Australian lawyer of at least 7 years' standing, is present at the meeting of the NICC at which the decision to take the action is made.
- (8) The NICC is not required to give reasons for its decision to take disciplinary action against a licensee or former licensee under this section but may give reasons if it thinks fit.



- (9) The NICC is to notify the Commissioner of Police of any disciplinary action taken against a licensee under this section if the NICC is aware that the licensee is the holder of a licence under the *Security Industry Act 1997*.

#### **60 Effect etc of suspension**

- (1) During any period of suspension of a licence, the licensee is to be regarded as not holding a licence except for the purposes of section 63 (Change in state of affairs of licensee).
- (2) The NICC may, by notice in writing to the licensee at any time, terminate or reduce a period of suspension of a licence.

#### **61 Termination of employment on suspension or cancellation of licence**

- (1) If a casino operator is given written notice by the NICC that the licence of an associate or employee of the operator has been suspended or cancelled, or has otherwise ceased to be in force, it is a condition of the operator's casino licence that the operator must, within 24 hours after the notice is given—
- (a) in the case of an associate of the operator—terminate the association that constitutes the exercise of the functions of a special employee, or
- (b) in the case of an employee—terminate the employment that constitutes the exercise of the functions of a special employee or cause it to be terminated.
- (2) If the employer (other than the casino operator) of an employee is given written notice by the NICC that the employee's licence has been suspended or cancelled, the employer must, within 24 hours after the notice is given, terminate the employment that constitutes the exercise of the functions of a special employee or cause it to be terminated.

Maximum penalty—100 penalty units.

- (3) A termination of employment in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement, and neither the Crown nor the NICC incurs any liability because of such a termination.

#### **62 Information relating to licensees to be provided**

- (1) It is a condition of a casino licence that the casino operator must—
- (a) within 14 days after a licensed employee commences to have functions in or in relation to the casino—notify the NICC, in a form approved by the NICC, of the commencement of the exercise of those functions, and
- (b) not less than twice each year, on dates specified by the NICC submit to the NICC, in a form approved by the NICC, a list of the licensed employees having functions in or in relation to the casino, and

(c) within 48 hours after a licensed employee ceases to have functions in or in relation to the casino—notify the NICC, in a form approved by the NICC, of the cessation of the exercise of those functions.

(2) The NICC may, by notice in writing, require a licensee—

(a) to provide, in accordance with directions in the notice, such information relevant to the holding of the licence as is specified in the notice, or

(b) to produce, in accordance with directions in the notice, such records relevant to the holding of the licence as are specified in the notice and to permit examination of the records and the making of copies of the records.

(3) It is a condition of a licence that the licensee must comply with the requirements of a notice under this section.

### **63 Change in state of affairs of licensee**

Whenever a prescribed change takes place in the state of affairs existing in relation to the holder of a licence, the holder of the licence must notify the NICC in writing of the prescribed particulars relating to the change within 14 days after it takes place.

Maximum penalty—50 penalty units.

### **64 Training courses and certificates of competency for employees and certain close associates**

(1) Certificates of competency for the functions of special employees and certain close associates are issued by a casino operator.

(2) A casino operator may issue a certificate of competency to a person for any functions of a special employee or close associate only if satisfied that—

(a) the person has completed training in those functions and the following training provided by the casino operator—

(i) responsible practices for the conduct of gaming,

(ii) prevention of money laundering and terrorism financing activities within the operations of the casino, or

(b) the person has completed other training, or has qualifications, that the casino operator considers appropriate for the exercise of those functions and that include training or qualifications in the following—

(i) responsible practices for the conduct of gaming,

(ii) prevention of money laundering and terrorism financing activities within the operations of the casino.

- (3) A casino operator must not issue a certificate of competency unless the training or qualifications on the basis of which the certificate is to be issued—
  - (a) has been approved by the NICC, or
  - (b) complies with any standards or requirements set by the NICC from time to time.
- (4) A certificate of competency must specify the functions of a special employee or close associate for which it is issued and the date of its issue.
- (5) A casino operator must maintain records of all training provided and certificates issued by the operator under this section and must at the request of the NICC provide the NICC with access to those records (including records maintained in an electronic format).
- (6) It is a condition of a casino licence that the casino operator must comply with the requirements of this section.

#### **64A Staff training facilities and employment program**

It is a condition of a restricted gaming licence that the holder of the licence establish and maintain—

- (a) facilities for the training of persons employed or working in the Barangaroo restricted gaming facility in carrying out their duties and responsibilities, and
- (b) a program for the employment of Aboriginal people in connection with the operation of the Barangaroo restricted gaming facility.

### **Part 5 Casino operations**

#### **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 NICC, and
- (b) the location and orientation of those facilities and equipment must be as approved by the NICC, and
- (c) any footage recorded by means of closed-circuit television in conducting monitoring and surveillance of operations in the casino must be kept for—
  - (i) the period provided in the casino's internal controls, or
  - (ii) otherwise—for at least 3 months after the day the footage is recorded.

## 66 Approval of games and rules for games

- (1) The NICC may, by order in writing, approve the games that may be played in a casino and the rules for those games.
- (1A) Any such order as in force for the time being must be made publicly available on the casino's website.
- (2) It is a condition of a casino licence that the casino operator must not permit a game to be conducted or played in a casino unless—
  - (a) there is an order in force under this section approving the game, and
  - (b) the game is conducted or played in accordance with—
    - (i) the rules of the game approved by such an order, or
    - (ii) if the game is a keno game, the keno rules for the game.
- (3) A person must not conduct a game in a casino or permit a game conducted by him or her to be played in a casino, unless—
  - (a) there is an order in force under this section approving the game, and
  - (b) the game is conducted or played in accordance with—
    - (i) the rules of the game approved by such an order, or
    - (ii) if the game is a keno game, the keno rules for the game.

Maximum penalty—20 penalty units.

- (3A) The following games are taken to be approved by the NICC by order under this section in relation to the Barangaroo restricted gaming facility—
  - (a) baccarat,
  - (b) blackjack,
  - (c) roulette.
- (3B) The NICC may, by order in writing, approve the rules for those games that are taken to be approved by the NICC under subsection (3A).
- (4) If the rules of a game approved by an order under subsection (1) (or, in the case of a keno game, the keno rules for the game) specifically permit wagers to be paid by a non-monetary prize, the rules of the game include the following rules (the **non-monetary prize rules**)—
  - (a) the casino operator must give a person who wins a non-monetary prize the choice to be paid money to the value of the non-monetary prize instead, and

(b) a non-monetary prize must not consist of or include any of the following—

- (i) tobacco in any form,
- (ii) a firearm, or ammunition, or an imitation firearm, within the meaning of the [Firearms Act 1996](#),
- (iii) a prohibited weapon within the meaning of the [Weapons Prohibition Act 1998](#),
- (iv) more than 20 litres of liquor,
- (v) any item or service prescribed by the regulations.

(4A) Keno games cannot be approved in relation to the Barangaroo restricted gaming facility.

(5) In this section—

**keno game** means a game of keno for which the Minister administering the [Public Lotteries Act 1996](#) has approved rules under section 23 (1) of that Act.

**keno rules** for a keno game means the rules having effect for that game published in the Gazette under section 23 (2) of the [Public Lotteries Act 1996](#).

## **67 (Repealed)**

## **68 Approval of gaming equipment**

- (1) The NICC may approve of gaming equipment for use in a casino and for that purpose may approve particular equipment or may approve equipment of a specified class or description, and may impose conditions on any such approval.
- (2) An approval is to be in writing and may be revoked by the NICC by notice in writing to the casino operator.
- (3) The NICC may investigate or authorise the investigation of gaming equipment for the purpose of determining whether the equipment is suitable to be approved for use in a casino and may require the cost of such an investigation to be paid by a person seeking the approval.
- (4) Regulations may be made for or with respect to the manufacture or supply of gaming equipment for use in a casino.
- (5) Despite the provisions of any other law, the possession of gaming equipment is lawful if—
  - (a) the possession is for the purposes of an investigation under this section, or
  - (b) the equipment is identifiable in a manner approved by the NICC and it is in a casino with the approval of the NICC or the circumstances of its possession are

such as have been approved by the NICC generally or in a particular case.

## **69 Unsatisfactory gaming equipment**

- (1) The NICC may direct a casino operator to rectify to its satisfaction, or to destroy, gaming equipment that it has directed the operator to cease to have available for use on the ground that it is unsatisfactory.
- (2) It is a condition of a casino licence that the casino operator must forthwith comply with such a direction.

## **70 Conduct of gaming**

- (1) It is a condition of a casino licence that the following provisions are complied with in the casino and the casino operator is to be considered to have contravened that condition if they are not complied with—
  - (a) gaming equipment (except secondary gaming equipment) is not to be used for gaming in the casino unless there is an approval in force under section 68 for the use in the casino of that equipment or of the class or description of equipment concerned, and it is used in accordance with any conditions to which the approval is subject,
  - (b) all playing cards dealt in the course of gaming in the casino are to be dealt from a card shoe or by using any other device or method that may be required or allowed under the rules of the relevant game (as approved under section 66 (1)),
  - (c) chips for gaming in the casino are not to be issued unless the chips are paid for—
    - (i) in money to the value of the chips, or
    - (ii) by chip purchase voucher that, on payment of the amount shown on the voucher, was issued by or on behalf of the casino operator, or
    - (iii) in reward points or by another similar promotional method, or
    - (iv) in another way required by or provided for in the game rules,
  - (d) gaming wagers are not to be placed in the casino otherwise than by means of chips unless the game rules require or provide for the placing of wagers by any other means,
  - (e) all wagers won in the course of gaming in the casino are to be paid in full without deduction of any commission or levy other than a commission or levy provided for in the game rules,
  - (f) all wagers won in the course of gaming in the casino are to be paid in chips unless the regulations or the game rules specifically permit payment by cash, cheque, non-monetary prize or other means,

- (g) a person who is at or in the vicinity of the casino and is an agent of the casino operator or a casino employee must not induce persons outside the casino to enter the casino or take part in gaming in the casino,
- (h) a person must not be required to pay any deposit, charge, commission or levy (whether directly or indirectly and whether or not it is claimed to be refundable) to enter the casino or, except as may be provided by the game rules or as may be approved by the NICC, to take part in gaming in the casino,
- (i) during the times the casino is open to the public for gaming the requirements of subsection (2) are complied with in relation to the exchange and redemption of chips and chip purchase vouchers issued by the casino operator.

(1AA) A casino operator must not allow the issue of chips for gaming in the casino other than—

- (a) between a casino employee and a patron, and
- (b) at a gaming table or in a casino cage.

Maximum penalty—1,000 penalty units.

(1AB) A casino employee must not issue chips for gaming in the casino other than at a gaming table or in a casino cage.

Maximum penalty—100 penalty units.

(1AC) Subsections (1AA) and (1AB) do not apply to chips issued for use—

- (a) in a tournament, or
- (b) for training purposes.

(1AD) The regulations may provide for matters relating to the issue of chips in casino cages.

(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 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).

- (2) The requirements for the exchange and redemption of chips (other than chips issued for use in a tournament or for training purposes) and chip purchase vouchers are as follows—
- (a) chip purchase vouchers are to be exchanged for chips at the request of the patron,
  - (b) chips are to be exchanged for other chips at the request of the patron,
  - (c) chips or chip purchase vouchers (other than complimentary chip purchase vouchers) are to be redeemed for a cheque at the request of the patron (if the patron requests a cheque), or wholly or partly for money (with a cheque for any balance) if the patron so requests and the casino operator concurs,
  - (c1) a complimentary chip purchase voucher must not be wholly or partly redeemed for money or a cheque,
  - (d) a cheque in payment for redeemed chips or chip purchase vouchers must be made payable to the patron and drawn on a bank, building society or credit union approved by the NICC,
  - (e) any exchange or redemption of chips or chip purchase vouchers is to be for their full value without any deduction.

**Note—**

The requirements in subsection (2) are subject to the operation of the [Anti-Money Laundering and Counter-Terrorism Financing Act 2006](#) of the Commonwealth.

- (3) In this section, **secondary gaming equipment** means gaming equipment that is not an intrinsic element of gaming and is of a class that the NICC has identified as secondary gaming equipment by notice in writing to the casino operator.

**70A Advertising in relation to gaming machines**

- (1) It is condition of a casino licence that the casino operator must not publish any advertisement relating to gaming machines or cause or permit any such advertisement to be published.
- (2) The condition under subsection (1) does not apply in relation to the casino licence until 6 months after this section commences.
- (3) It is a condition of a casino licence that the casino operator must not, after the commencement of this section, enter into or extend the duration of any contract or arrangement for the publication of any advertisement relating to gaming machines. Any such contract or arrangement entered into or extended after the commencement of this section has no effect.
- (4) Regardless of any other provision of this section, any contract or arrangement for the



publication of any advertisement relating to gaming machines that was entered into before the commencement of this section ceases to have effect 6 months after that commencement.

(5) In this section—

**advertisement relating to gaming machines** means any advertisement that gives publicity to, or otherwise promotes or is intended to promote, the playing of gaming machines in the casino, but does not include an advertisement that is exempted from the operation of this section by the regulations.

**publish** includes disseminate in any way, whether by oral, visual, written or other means (for example dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material, brochures or flyers).

## **71 Visibility of gaming machines and gaming-related signs**

(1) A casino operator must ensure that the following are not visible outside the boundary of the casino—

- (a) gaming machines,
- (b) gaming-related signs.

Maximum penalty—500 penalty units.

(2) Subsection (1) does not apply to—

- (a) signs that promote responsible gambling, or
- (b) advertising that is excluded from the operation of this section by the regulations.

## **71A Player cards**

It is a condition of a casino licence that all gaming conducted at the casino must be by use of a player card, issued to each patron, that complies with—

- (a) the requirements prescribed by the regulations, and
- (b) any other requirements set out in the casino operator's system of internal controls.

## **72 Assistance to patrons**

(1) It is a condition of a casino licence that the casino operator must ensure that—

- (a) at the request of a casino patron, a copy of the game rules for any particular game is made available for inspection by the patron, and
- (b) there is prominently displayed in the casino such advice or information concerning game rules, mode of payment of winning wagers, the odds of winning for each

wager and such other advice or information to the player as may be directed by the NICC, and

- (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
- (d) there is prominently displayed at each gaming table or location related to the playing of a game a sign indicating the permissible minimum and maximum wagers pertaining to the game played there (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), and
- (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.

- (2) The NICC may by instrument in writing exempt a casino operator from compliance with subsection (1) (d) and (e) in respect of any particular game played in the casino and may grant the exemption subject to conditions.

#### **72A Provision of problem gambling counselling services**

- (1) A casino operator must, in accordance with the regulations, enter into arrangements for problem gambling counselling services to be made available to the patrons of the casino.

Maximum penalty—1,000 penalty units.

- (2) The regulations may make provision for or with respect to the following—
  - (a) the persons or bodies who are to provide the counselling services,
  - (b) the nature of the arrangements to be made with such persons or bodies,
  - (c) the nature of the counselling services that are to be made available,
  - (d) the manner in which those services are to be provided.

#### **73 Operation of security equipment etc**

It is a condition of a casino licence that the casino operator must ensure that all casino installations, devices, equipment and procedures for security and safety purposes are used, operated and applied at all relevant times for the preservation and maintenance of those purposes.

#### **73A Restrictions on use of cash**

- (1) A casino operator must not accept more than \$1,000 cash from a customer in a day

for wagering purposes.

Maximum penalty—1,000 penalty units.

(2) In this section—

**wagering purposes** includes the following—

- (a) placing wagers,
- (b) buying chips,
- (c) making another purchase that may be used for wagering purposes.

#### **74 Credit prohibited**

- (1) A casino operator must not, and an agent of the operator or a casino employee must not, in connection with any gaming in the casino—
  - (a) accept a wager made otherwise than by means of money or chips (or by means of a complimentary chip purchase voucher as permitted by section 70), or
  - (b) lend money, chips or any other valuable thing, or
  - (c) provide money or chips as part of a transaction involving a credit card, or
  - (c1) provide money or chips as part of a transaction involving a debit card unless the transaction complies with the requirements prescribed by the regulations, or
  - (d) extend any other form of credit.
  - (e) (Repealed)
- (2) It is a condition of a casino licence that the casino operator must not contravene subsection (1) and must not cause, permit, suffer or allow an agent of the operator or a casino employee to contravene that subsection.
- (3) It is a condition of a casino licence that an automatic teller machine or any like device is not to be installed within the boundaries of the casino.
- (4) This section does not limit the operation of section 75 (Cheques and deposit accounts).
- (5) Despite subsection (1), a casino operator, or an agent of the operator or a casino employee, may, for a person who is not ordinarily resident in Australia, extend a form of credit to the person to enable the person to participate in a premium player arrangement.

#### **75 Cheques and deposit accounts**

(1) In this section—

**cheque** has the same meaning as in the *Cheques and Payment Orders Act 1986* of the Commonwealth, but does not include a traveller's cheque or a cheque that is undated or post-dated.

**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.

- (2) A person may establish with a casino operator a deposit account to which is to be credited the amount of any deposit to the account comprising—
  - (a) money, or
  - (b) a cheque payable to the operator, or
  - (c) a traveller's cheque.
- (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.
- (4) A casino operator may, in exchange for a cheque payable to the operator or a traveller's cheque, issue to a person chip purchase vouchers of a value equivalent to the amount of the cheque or traveller's cheque.
- (5) A cheque accepted by a casino operator may, by agreement with the operator, be redeemed in exchange for the equivalent in value to the amount of the cheque of any one or more of the following—
  - (a) money,
  - (b) a cheque payable to the operator,
  - (c) chip purchase vouchers,
  - (d) chips.
- (5A) For the purposes only of subsection (5), electronic funds transfer of an amount to an account operated by the casino operator is taken to be payment of that amount in money to the operator.
- (6) It is a condition of a casino licence that the casino operator—
  - (a) (Repealed)
  - (b) must bank a cheque accepted by the operator under this section within the period of time required by subsection (6A),

(c) must not agree to the redemption of a cheque accepted by the operator for the purpose of avoiding compliance with paragraph (b).

(6A) A cheque must be banked—

(a) within 30 working days after it is accepted, if the cheque is drawn on an account maintained at a branch of the drawee bank that is located outside Australia or an external Territory, or

(b) within 10 working days after it is accepted, if the cheque is for \$5,000 or more and is drawn on an account maintained at a branch of the drawee bank that is located in Australia or an external Territory, or

(c) within 1 working day after it is accepted, in any other case.

(7) Section 56 of the *Unlawful Gambling Act 1998* does not apply to prevent an action being brought to recover money on a cheque or other instrument given in payment for chip purchase vouchers, or a credit to a deposit account, under this section.

## **76 Inducements**

(1) The regulations may make provision for or with respect to regulating or prohibiting—

(a) (Repealed)

(b) the offering to persons of inducements to take part in gambling at a casino, or

(c) the offering to persons of inducements to apply for review of exclusion orders.

(2) In particular, the regulations may—

(a) impose restrictions on who may offer inducements, and

(b) (Repealed)

(c) require any contract or other agreement that relates to the offer of an inducement to be in a form and contain provisions approved of by the NICC.

(d) (Repealed)

(3) (Repealed)

## **76A Promotional prizes**

(1) A casino operator—

(a) must not offer or present a promotional prize in the form of cash, or

(b) must not permit a patron of the casino to exchange a promotional prize for cash,  
or

- (c) must not permit bonus or reward points accumulated under a player reward scheme to be redeemed for cash, or
- (d) must not offer or provide, or cause or permit to be offered or provided, a promotional prize, including a free giveaway, that is indecent or offensive, or
- (e) must provide each participant in the player reward scheme information about problem gambling counselling services available to patrons of the casino under section 72A.

Maximum penalty—1,000 penalty units.

- (2) Subsection (1) does not apply in relation to prizes prescribed by the regulations for this section.
- (3) If a casino operator conducts a player reward scheme, the casino operator must, in accordance with the regulations—
  - (a) advise the participants in the scheme of the availability of player activity statements that relate to the placing of wagers under the scheme, and
  - (b) give each participant a player activity statement.

Maximum penalty—1,000 penalty units.

- (4) In this section—

***player reward scheme*** means a system—

- (a) used in connection with the placing of wagers in the casino, and
- (b) in which a person can accumulate bonus or reward points from the placing of wagers.

***promotional prize*** means a prize or reward, including bonus points, offered by the casino operator to the patrons of the casino in connection with—

- (a) a player reward scheme, or
- (b) another marketing or promotional activity that involves placing wagers.

## **76B Prohibition on junkets and inducements**

- (1) It is a condition of a licence that the casino operator must not—
  - (a) promote or conduct junkets, or
  - (b) pay a commission, or another financial or non-financial benefit to a person not playing at the casino by reference to another person's turnover of play or another gambling metric.

(2) In this section—

**junket** means an arrangement involving a person, or a group of persons, introduced to a casino operator by a promoter who receives a commission—

- (a) based on the turnover of play in the casino attributable to the person or group of persons introduced by the promoter, or
- (b) otherwise calculated by reference to play in the casino.

#### **77 Right of entry to casino**

- (1) A person enters and remains in a casino only by licence of the casino operator, except as provided by this section and section 78.
- (2) An inspector may enter, and remain in or on, a casino or a part of a casino to exercise functions conferred or imposed on the inspector by—
  - (a) this Act, or
  - (b) the NICC, or
  - (c) other liquor and gaming legislation, or
  - (d) another Act.

#### **78 Police powers of entry to casino**

- (1) For the purpose of the discharge of the duty of a police officer, any part of a casino to which the public has access is to be regarded as a public place.
- (2) A police officer may, on being authorised by the NICC or an inspector to do so, enter any part of a casino to which the public does not have access and may remain there for the purpose of discharging his or her duty as a police officer.
- (3) Such an authorisation may be given in a particular case or generally and may be given so as to operate on a specified occasion or throughout a specified period.
- (4) The NICC or an inspector giving such an authorisation to a police officer is to inform the casino operator or the person for the time being in charge of the casino as soon as practicable.
- (5) Nothing in this section or section 77 affects any power a police officer has by law to enter any part of a casino.

#### **79 Exclusion of persons from casino**

- (1) The NICC or the casino operator or the person for the time being in charge of the casino may, by order in writing (an **exclusion order**) given to a person, prohibit the person from entering or remaining in a casino.

- (2) (Repealed)
- (3) The NICC or a casino operator must give an exclusion order to a person on the person's voluntary application to the NICC 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 NICC,
  - (b) a voluntary application can relate to either or both casinos,
  - (c) a voluntary application relating to both casinos can be made to the NICC 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.
- (4) If a person is given an exclusion order, including an exclusion order on the person's voluntary application or at the direction of the Commissioner of Police, it is a condition of a casino licence that the casino operator must—
  - (a) if the exclusion order was given by the casino operator or the person for the time being in charge of the casino, give notice of the order to the other casino operator as soon as practicable after the exclusion order is given, and
  - (b) cancel a player card of the person subject to the exclusion order, and
  - (c) ensure a player card is not issued to the person subject to the exclusion order unless written permission for the issue of the card to the person is given by—
    - (i) the NICC, or
    - (ii) Commissioner of Police.
- (4A) It is a condition of a casino licence that the casino operator must, as soon as practicable after an exclusion order is given to a person by the operator following a direction given under section 81, cause notice of the order to be given to the Commissioner of Police.
- (5) This section does not authorise the exclusion from a casino of any person acting in the person's capacity as an inspector or other authorised person, or as a police officer.

## **80 Review of exclusion order**

- (1) (Repealed)
- (1A) An exclusion order given by the NICC, or at the direction of the Commissioner of Police, may not be challenged, reviewed, quashed or called into question on any



grounds whatsoever before any court or tribunal in any legal proceedings, or restrained, removed or otherwise affected by proceedings in the nature of prohibition or mandamus.

- (1B) A person who is given an exclusion order by the casino operator on application made by another party who considers the person has a problem from gambling activities may apply to the casino operator for review of the order.
- (2) An application for review must be made in writing and must specify the grounds on which it is made.
- (2A) The casino operator must review the exclusion order and notify the applicant in writing of its decision within 14 days (or such other period as may be prescribed by the regulations) of receiving the application.
- (2B) An exclusion order that the casino operator allows to stand may be reviewed by the NICC on application made to it by the person to whom the order applies within 14 days after receiving notice of the decision to allow it to stand.
- (3) The NICC may make such inquiries as it thinks fit into the question of whether or not the exclusion order should be overruled.
- (4)-(5A) (Repealed)
- (6) If the decision of the NICC is to overrule the exclusion order, the decision operates to revoke the order but does not prejudice the right of a casino operator or person for the time being in charge of a casino, acting in good faith, to give a further exclusion order to the person affected.
- (7) An application for review of an exclusion order does not stay or otherwise affect the operation of the order pending the casino operator's or the NICC's decision on the application.

**81 Commissioner of Police may direct that person be excluded from casino and casino precinct**

- (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.

- (2) The Commissioner may give such a direction in anticipation of the person entering a casino.

- (3) Where practicable, the Commissioner of Police is to make available to the casino operator a photograph of the person who is the subject of the direction and is to give the person notice of the direction.
- (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.
- (5) (Repealed)
- (6) A direction may be given under this section in relation to all or any of the premises comprised in the casino.
- (7) If a direction is given under this section in relation to the whole or any part of the casino precinct, a reference in sections 79, 82, 83, 84 and 85 (and in any ancillary provisions) to a casino includes a reference to so much of the casino precinct as is the subject of the direction, but only in connection with an exclusion order made or to be made in conformity with the direction.
- (7A) A direction given under this section may not be challenged, reviewed, quashed or called into question on any grounds whatsoever before any court or tribunal in any legal proceedings, or restrained, removed or otherwise affected by proceedings in the nature of prohibition or mandamus.
- (8) The Commissioner of Police is to—
  - (a) notify the appropriate authority in each State or Territory of the making of an exclusion order following a direction given under subsection (1) and the revocation of any such order, and
  - (b) provide the appropriate authorities with the name of the person subject to the exclusion order and, where practicable, a photograph of that person.
- (9) In this section—

**appropriate authority** means—

  - (a) in relation to the Australian Capital Territory—the Commissioner of the Australian Federal Police, or
  - (b) in relation to a State or Territory (other than the Australian Capital Territory)—an authority exercising, in relation to the police force of that State or Territory, functions corresponding to those of the Commissioner of Police in relation to the NSW Police Force.

### **81A Direction to be made in relation to exclusion orders in other States and Territories**

- (1) The Commissioner of Police is to give a direction under section 81 (1) in relation to a person if the Commissioner becomes aware that the person is subject to exclusion from another casino following the giving of a similar direction under a corresponding law.
- (2) The direction is to be made as soon as practicable after the Commissioner becomes aware that the similar direction under a corresponding law has been given.
- (3) The Commissioner is to advise the NICC of any direction given in accordance with this section as soon as practicable.
- (4) A direction given in accordance with this section in relation to a person cannot be revoked under section 82 while the person remains subject to exclusion from another casino following the giving of a similar direction under a corresponding law.
- (5) In this section—

**another casino** means premises, or part of premises, defined as a casino for the time being under an Act of another State, or a Territory, corresponding to this Act.

**corresponding law** means a provision of an Act of another State, or a Territory, corresponding to section 81.

### **82 Duration and revocation of exclusion orders**

- (1) An exclusion order remains in force in respect of a person unless and until it is revoked by the person who gave the order.
- (2) An exclusion order given by a person for the time being in charge of a casino may be revoked by any other person who is for the time being in charge of the casino or by the casino operator.
- (3) An exclusion order given at the direction of the Commissioner of Police may not be revoked except with the written approval of the Commissioner.
- (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.
- (4) When an exclusion order is revoked by a casino operator or by the person for the time being in charge of a casino, the casino operator must give notice of the revocation to the NICC as soon as practicable after it occurs.

Maximum penalty—500 penalty units.

- (5) The regulations may make provision for or with respect to matters to be taken into consideration by the person who gave an exclusion order before the person decides to revoke the order.

### **83 List of excluded persons**

- (1) It is a condition of a casino licence that the casino operator must, on each day that gaming is conducted in the casino, as soon as practicable after the time of day notified by the NICC for the purposes of this subsection—
- (a) prepare a list of names bearing the date of that day, or
  - (b) add the date of that day to an unchanged list of names applicable under this subsection on the last preceding day,
- those names being the names of persons who, immediately before the only day, or each day, of which the date appears on the list, were the subject of exclusion orders for the casino of which the operator is or was aware.
- (2) It is a condition of a casino licence that the casino operator must on request by the NICC or an inspector provide the NICC 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.
- (3) A person must not provide any part of a list prepared under subsection (1), or any information contained in the list, to any person except—
- (a) the casino operator,
  - (b) a casino employee,
  - (c) an inspector,
  - (d) (Repealed)
  - (e) the NICC,
  - (f) the Commissioner of Police, or
  - (g) a person approved by the NICC for the purpose, or
  - (h) a person subject to an exclusion order (but only information relating to that person may be provided), or
  - (i) a person or authority prescribed by the regulations.

Maximum penalty—20 penalty units.

#### **84 Excluded person not to enter casino**

- (1) A person (other than a self-excluded person) the subject of an exclusion order must not enter or remain in a casino to which the order relates.

Maximum penalty—50 penalty units or imprisonment for 12 months, or both.

- (2) A court that finds a person guilty of an offence against this section may, if satisfied (after taking into account any evidence that the court thinks it proper to consider) that the person has a problem arising from the person's gambling activities, postpone its decision as to the imposition of a penalty on condition that the person agrees to undergo such gambling counselling, for such a period not exceeding 12 months, as is specified by the court.
- (3) A court that postpones its decision as to the imposition of a penalty for a period under subsection (2) is to make its decision—
  - (a) as soon as practicable after the end of the period, or
  - (b) if, during the period the person concerned advises the court that he or she does not intend to continue to undergo the gambling counselling, as soon as practicable after receiving that advice, or
  - (c) if, during the period the court is satisfied that the person has failed to undergo the gambling counselling, as soon as practicable after being so satisfied.
- (4) In making its decision under subsection (3), the court is to take into consideration whether the person concerned has undergone the gambling counselling as agreed.
- (5) In this section—

***gambling counselling*** means counselling that a court considers would be beneficial in assisting a person to avoid any financial, social or other harm that the court is satisfied has arisen or is likely to arise from the person's gambling activities.

***self-excluded person*** means a person the subject of an exclusion order given on the voluntary application of the person under section 79 (3).

#### **84A Casino operator to take all reasonable steps to prevent excluded person entering casino**

A casino operator must take all reasonable steps to prevent a person the subject of an exclusion order for the casino from entering the casino.

Maximum penalty—500 penalty units.

#### **85 Removal of excluded person from casino**

- (1) This section applies to the following persons in a casino—

- (a) the person for the time being in charge of the casino,
- (b) an agent of the casino operator,
- (c) a casino employee.

(2) 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 (including an exclusion order given on the voluntary application of a person under section 79 (3)) is in the casino, notify an inspector, and then remove the person, or cause the person to be removed, from the casino.

Maximum penalty—

- (a) for the person for the time being in charge of the casino—500 penalty units, and
- (b) for an agent of the casino operator—500 penalty units, and
- (c) for a casino employee—20 penalty units.

(3) It is lawful for a person to whom this section applies, using no more force than is reasonable in the circumstances—

- (a) to prevent a person the subject of an exclusion order from entering the casino, and
- (b) to remove such a person from the casino or cause such a person to be removed from the casino.

(4) No civil or criminal liability is incurred by a person to whom this section applies for any act done or omitted to be done in good faith, and in accordance with this section, to or in respect of a person.

(5) This section does not limit or otherwise affect the civil liability of a person for negligence that causes personal injury to a person or the death of a person.

(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.

### **85A Protection from liability—exclusion of persons from casino**

- (1) No civil liability is incurred by a protected person for any loss arising from or in connection with gaming in a casino that an excluded person suffers as a result of—
  - (a) an innocent failure to prevent the excluded person from entering or remaining in a casino, or
  - (b) an innocent failure to remove the excluded person from the casino.
- (2) A failure is an **innocent failure** only if the person responsible for the failure did not know and did not have reasonable cause to suspect, at the time of the failure, that the person concerned was an excluded person.

- (3) In this section—

**excluded person** means a person who is the subject of an exclusion order.

**protected person** means each of the following persons—

- (a) the person for the time being in charge of a casino,
- (b) a casino operator,
- (c) an agent of a casino operator,
- (d) a casino employee.

### **86 Gambling in casino by certain persons prohibited**

- (1) A key official must not gamble in a casino except to the extent that it may be necessary to do so in the exercise of his or her functions in the course of the administration of this Act.
- (2) If a person is a special employee in a casino (as defined in Part 4), the person must not—
  - (a) gamble in the casino, or
  - (b) solicit or accept any gratuity, consideration or other benefit from a patron in the casino.
- (3) If a key official ceases to be a key official, he or she must not gamble in a casino during the period of 12 months following the date on which he or she ceased to be a key official.

Maximum penalty—20 penalty units.

### **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—500 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.

## **87 Cheating**

- (1) A person must not, in a casino—
  - (a) obtain or attempt to obtain any benefit for himself or herself or another person, or
  - (b) induce or attempt to induce a person to deliver, give or credit any benefit to him or her or another person, or
  - (c) cause, or attempt to cause, a detriment, whether financial or otherwise, to another person,by the dishonest use of—
  - (d) any trick, device, sleight of hand or representation, or
  - (e) any scheme or practice, or
  - (f) any object or gaming equipment, or
  - (g) an instrument or article of a type normally used in connection with gaming, or appearing to be of a type normally used in connection with gaming.

Maximum penalty—100 penalty units or imprisonment for 2 years, or both.

- (1A) A person who obtains a benefit from—
  - (a) playing a game in a casino in contravention of the game rules, or
  - (b) an error or oversight in the conduct of the game,although the benefit was not originally obtained with any dishonest intent, must not



dishonestly retain the benefit.

Maximum penalty—20 penalty units.

- (2) A person must not, in a casino, use any device for the purpose of enabling the person or some other person to count or otherwise record cards dealt in the course of gaming in the casino unless the casino operator approves of its use.

Maximum penalty—50 penalty units or imprisonment for 12 months, or both.

- (3) A person must not, in a casino or on premises of which a casino forms part, use or have in his or her possession—
- (a) chips that he or she knows are bogus, counterfeit or stolen (within the meaning of sections 188, 189 and 189A of the *Crimes Act 1900*), or
  - (b) cards, dice or coins that he or she knows have been marked, loaded or tampered with, or
  - (c) for the purpose of cheating or stealing—any equipment, device or thing that permits or facilitates cheating or stealing.

Maximum penalty—50 penalty units or imprisonment for 12 months, or both.

- (4) Subsection (3) does not prohibit the possession in a casino of any thing referred to in subsection (3) (a) or (b) by a person in charge of the casino, an agent of the casino operator, a casino employee, an inspector or a police officer, if that thing has been seized by any of those persons from another person for use as evidence in proceedings for an offence.
- (5) If, on a prosecution of a person for an offence under subsection (1), the court is not satisfied that the person is guilty of an offence under subsection (1) but the court is satisfied that the person is guilty of an offence under subsection (1A), the court may convict the person of the latter offence.

- (6) In this section—

**benefit** includes any money, chips, prize, advantage, valuable consideration or security.

## **88 Detention of suspected person**

- (1) An inspector who suspects on reasonable grounds that a person in a casino has contravened, is contravening or is attempting to contravene a provision of this or any other Act may detain the suspected person in a suitable place in or near the casino until the arrival at the place of detention of a police officer.
- (2) Any other person who is—

- (a) for the time being in charge of a casino, or
- (b) an agent of the casino operator, or
- (c) a casino employee,

and who suspects on reasonable grounds that a person in the casino has contravened, is contravening or is attempting to contravene section 87 (Cheating) or a prescribed provision of this Act may detain the suspected person in a suitable place in or near the casino until the arrival at the place of detention of a police officer.

- (3) A person may not be detained under this section unless—
  - (a) no more force is used than is proper in the circumstances, and
  - (b) the person detained is informed of the reasons for the detention, and
  - (c) the person effecting the detention immediately notifies a police officer of the detention and the reasons for the detention, and
  - (d) the person detained is detained for no longer than is reasonable to enable a police officer to attend.

## **89 Application of *Liquor Act 2007***

- (1) The *Liquor Act 2007* does not apply to or in respect of a casino, except as provided by the regulations.
- (2) The regulations may apply to a casino, with or without modification, specified provisions of the *Liquor Act 2007* and a provision so applied has effect in accordance with the regulations.
- (2A) To avoid doubt, the regulations may, in applying the specified provisions of the *Liquor Act 2007*, provide for the matters for which regulations may be made under the applied provisions of the *Liquor Act 2007*.
- (3) The Minister may by order published in the Gazette declare that the whole or a specified part of specified premises is to be considered to form part of a casino for the purposes of this section and this section then has effect accordingly in respect of those premises.

### **Editorial note—**

For orders under section 89 (3) see Gazettes No 109 of 6.9.1995, p 6466; No 128 of 26.11.1997, p 9467 and No 328 of 20.11.2020, n2020-4564. From April 2021, PCO is no longer updating notes in provisions of in force titles about related gazette notices. To search for related gazette notices, please use the Gazette Search functionality.

- (4) Such an order is to apply only to premises that form part of or are in the immediate vicinity of the building or complex of which a casino forms part.

### 89A Application of *Smoke-free Environment Act 2000*

- (1) The *Smoke-free Environment Act 2000* does not apply to or in respect of the Barangaroo restricted gaming facility on and from 15 November 2019.
- (2) However, the conditions imposed by the NICC on a restricted gaming licence must—
  - (a) require air quality equipment that is of an international best practice standard to be installed, maintained and operated in the Barangaroo restricted gaming facility, and
  - (b) provide for an independent person appointed by the holder of the licence to test the equipment on a quarterly basis and to report annually to the Minister for Health on the result of those tests.
- (3) The Minister for Health is to cause each annual report under subsection (2) (b) to be tabled in both Houses of Parliament as soon as practicable after receiving the report.

### 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—500 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.

## Part 6 Minors

### 91 Definitions

In this Part—

**acceptable proof of age** for a person means—

- (a) documentary evidence that might reasonably be accepted as applying to the person and as proving that the person is at least 18 years of age, or
- (b) evidence that the regulations provide is acceptable evidence for the purposes of this Part that the person is at least 18 years of age.

**minor** means a person who is under the age of 18 years.

## **92 Part applies only during hours of operation of casino**

This Part applies to a casino only during the hours of operation of the casino.

## **93 Minors not to enter casino**

A minor must not for any purpose enter or remain in a casino.

Maximum penalty—20 penalty units.

## **94 Minors in casino—offences by casino operator**

(1) If a minor enters a casino, the casino operator is guilty of an offence.

Maximum penalty—1,000 penalty units.

(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—1,000 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 NICC of the removal within 24 hours after the minor is removed.

Maximum penalty—1,000 penalty units.

(3) It is a defence to a prosecution for an offence under subsection (1) or (2) if it is proved that—

(a) the minor was above the age of 14 years, and

(b) before the minor entered the casino, or while the minor was in the casino, there was produced to the casino operator or to his or her agent or employee acceptable proof of age for the minor.

## **95 Entry of minors to be prevented**

(1) If a casino operator or a casino employee is aware that a person who may reasonably be suspected of being a minor is attempting to enter the casino, the casino operator or employee must refuse the person entry to the casino.

Maximum penalty—

(a) for a casino operator—1,000 penalty units, or

(b) for a casino employee—50 penalty units.

(2) A casino operator or employee is not required to refuse the person entry if there is produced to the casino operator or employee acceptable proof of age for the person.

## **96 Proof of age may be required**

- (1) The person for the time being in charge of a casino, an agent of the casino operator, a casino employee, an inspector or a police officer may if he or she has reasonable cause to suspect that a person in the casino is a minor—
  - (a) require that person to state his or her correct age, name and address, and
  - (b) if it is suspected on reasonable grounds that the age, name or address given in response to the requirement is false—require the person to produce evidence of its correctness.
- (2) A person must not fail to comply with a requirement under subsection (1) (a) and must not, without reasonable cause, fail to comply with a requirement under subsection (1) (b).

Maximum penalty—10 penalty units.
- (3) It is not an offence to fail to comply with a requirement under subsection (1) if the person who made the requirement did not inform the person of whom the requirement was made, at the time it was made, that it is an offence to fail to comply with the requirement.
- (4) If a person contravenes subsection (2), a police officer may arrest the person without warrant and bring him or her before a Magistrate or authorised officer within the meaning of the *Criminal Procedure Act 1986* to be dealt with according to law.

## **97 Minors using false evidence of age**

A minor who uses any evidence purporting to be evidence of his or her age in order to obtain entry to or remain in a casino is guilty of an offence if the evidence is false in a material particular in relation to the minor.

Maximum penalty—20 penalty units.

## **98 Notices to be displayed**

- (1) It is a condition of a casino licence that the casino operator must ensure that, at all times when the casino is open to the public for gaming, notices are displayed in the casino with respect to the exclusion from the casino of persons under the age of 18 years.
- (2) The number, form, size, position and matter to be displayed on such a notice are to be as required by written notice given to the operator by the NICC.

## **99 Minors not to be detained**

A minor may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this Part.

## **100 Evidence**

In any proceedings under this Act, an allegation in an information that, at a specified time, a person was under the age of 18 years is evidence of the truth of the allegation unless the defendant denies the allegation.

## **101 Apprentices and trainees permitted entry to casino**

It is a defence to a prosecution under this Part if it is proved that the minor concerned was an apprentice or trainee (within the meaning of the [Apprenticeship and Traineeship Act 2001](#)) and that the minor's entry into or presence in a casino on the occasion in question was for the purpose only of his or her receiving training or instruction as an apprentice or trainee.

## **Part 7**

### **102-113 (Repealed)**

## **Part 8 Casino duty and levies**

### **114 Casino duty**

- (1) A casino duty is to be paid to the Secretary in respect of each casino licence.
- (2) The amount of the duty is to be—
  - (a) as agreed from time to time by the Treasurer and the casino operator concerned, or
  - (b) in the absence of agreement, as determined by the Treasurer from time to time.
- (3) The duty is due and payable at the times and in the manner required by the agreement or Treasurer's determination.
- (4) The duty paid to the Secretary is to be paid into the Consolidated Fund.

### **115 Responsible gambling levy and fund**

- (1) A responsible gambling levy is to be paid to the Secretary in respect of each casino licence.
- (2) The amount of the levy is to be—
  - (a) as agreed from time to time by the Treasurer and the casino operator concerned, or
  - (b) in the absence of agreement, as determined by the Treasurer from time to time.
- (3) The levy is due and payable at the times and in the manner required by the agreement or Treasurer's determination.

- (4) The levies paid to the Secretary are to be paid into a Responsible Gambling Fund established in the Special Deposits Account in the Treasury.
- (5) The money derived from payment of those levies in respect of a casino licence is to be the subject of the creation and operation of a trust deed appointing trustees and containing provisions approved by the Minister relating to the expenditure of that money for purposes relating to responsible gambling.
- (6) The trustees may make recommendations to the Minister as to the application of money (appropriate to the trust deed) for purposes relating to responsible gambling and the Minister may pay money out of the Fund in accordance with any such recommendations.
- (7) The trustees, when making recommendations for payment of money out of the Fund, are required to take into account any policy guidelines issued to the trustees by the Minister for the purpose of giving effect to the provisions of the trust deed relating to expenditure for purposes relating to responsible gambling.
- (8) The Minister may also pay money out of the Fund for any purpose that is consistent with the provisions of the trust deed but only after consulting with the trustees on the proposed expenditure.
- (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).

**115A Casino supervisory levy**

- (1) A casino supervisory levy is to be paid in respect of each casino licence.
- (2) The amount of the levy is to be fixed by the regulations.
- (3) The levy is due and payable at the times and in the manner required by the regulations.
- (4) (Repealed)

**115AB Casino Supervisory Fund**

- (1) A Casino Supervisory Fund is to be established in the Special Deposits Account.
- (2) Money in the account is under the control and management of the NICC.
- (3) The following amounts must be paid into the Fund—
  - (a) all money received under section 115A as a casino supervisory levy,

(b) the proceeds of the investment of money in the Fund.

(4) Money must be paid from the Fund—

(a) to enable the NICC to exercise its functions, or

(b) to the Secretary if—

(i) the amount paid into the Fund is more than the budget of the NICC, and

(ii) the NICC and Secretary have not otherwise agreed the amount is to be allocated to the NICC for payment under paragraph (a).

### **115B Payments under [Gaming Machines Act 2001](#) to Responsible Gambling Fund**

(1) Money paid to the Secretary as a community benefit payment or gaming machine lease levy under the [Gaming Machines Act 2001](#) is to be paid into the Responsible Gambling Fund (established as referred to in section 115 of this Act) and dealt with as provided by this section.

(2) That money (together with any proceeds of its investment) is to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased.

#### **Note—**

The provisions of section 115 with respect to money paid into the Responsible Gambling Fund as responsible gambling levy do not apply to money paid into that fund under the [Gaming Machines Act 2001](#).

### **115C Calculating duty and levies**

(1) In calculating duty and levies payable under this Part that are based on the revenue of a casino, casino revenue includes all revenue from the face value of wagers placed, including wagers placed by means of complimentary chip purchase vouchers or reward points.

(2) For subsection (1), casino revenue does not include the face value of chips issued for use—

(a) in a tournament, or

(b) for training purposes.

### **116 Agreements and determinations**

(1) Any agreement or determination for the purposes of this Part must be in writing.

(2) The Treasurer is required to consult with the Minister before entering into an agreement or making a determination for the purposes of this Part.

(3) A determination under this Part takes effect when written notice of it is given to the



casino operator concerned or on such later date as may be specified in the notice.

(4) The Treasurer enters into agreements under this Part on behalf of the State.

### **117 Examples of ways in which duty or levy can be fixed**

The following are examples of the ways in which a duty or levy under this Part can be fixed—

- (a) by providing that the duty or levy is to be a specified amount,
- (b) by providing that the duty or levy is to be an amount calculated in a specified manner (such as, for example, as a percentage of the gross revenue of the casino from gaming),
- (c) by providing that the duty or levy is to be a specified “base” amount plus an amount calculated in a specified manner.

### **118 Agreements and determinations to be tabled in Parliament**

The Treasurer is required to lay before each House of Parliament a copy of every agreement entered into and determination made by the Treasurer under this Part, within 14 sitting days of that House after the day on which the agreement is entered into or notice of the determination is given to the casino operator concerned.

### **119 Interest on overdue amounts**

- (1) Interest is payable by way of penalty on any amount of casino duty, casino supervisory levy or responsible gambling levy that is not paid by the due date.
- (2) Interest begins to run from the date that the amount concerned becomes due.
- (3) The rate of interest is as determined by the Treasurer from time to time.
- (4) Any interest paid under this section is to be considered to have been paid as casino duty, casino supervisory levy or responsible gambling levy, as appropriate to the amount on which it is paid as interest.
- (5) With the approval of the Treasurer given in a particular case, the Secretary may waive or refund payment of interest under this section as the Secretary thinks fit.
- (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.

### **120 Casino operator liable for duty etc**

A casino operator is liable for payment of any duty, levy or interest payable under this Part in respect of the operator's casino licence and it is a condition of that licence that the operator must pay those amounts.

### **121 Recovery of duty etc**

Any duty, levy or interest payable under this Part may be recovered by the Secretary in a court of competent jurisdiction as a debt due to the Crown.

### **122 Effect of suspension of licence**

- (1) The regulations may make provision for or with respect to the effect of the suspension of a casino licence on any liability of the casino operator under this Part.
- (2) Subject to the regulations, this Part applies in respect of a casino licence even if it is suspended, as if it had not been suspended.

### **123 Offences relating to revenue**

A person must not—

- (a) wilfully evade the payment of any duty or levy payable by the person under this Part, or
- (b) furnish a return, or make a statement or report, to the NICC or an inspector in respect of any duty or levy payable under this Part knowing that the return, statement or report is false or misleading in a material particular.

Maximum penalty—100 penalty units.

## **Part 9 Casino accounting and internal controls**

### **124 Approved system of controls and procedures to be implemented**

- (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 NICC.
- (1A) Without limiting subsection (1), the system of internal controls for the casino must include requirements for the casino operator to address—
  - (a) risks associated with money laundering and terrorism financing, including—
    - (i) monitoring patrons' accounts for criminal activity, and
    - (ii) performing due diligence on patrons, and

- (iii) obtaining declarations from patrons about the source of the patrons' funds if the amount used by the patrons for gaming at the casino is more than the amount specified for this provision in the system of internal controls, and
- (b) matters relating to responsible gambling.
- (2) Any such approval may be amended from time to time, as the NICC thinks fit, on the NICC's own initiative or on the application of the casino operator concerned.
- (3) An approval or amendment of an approval under this section takes effect when notice of it is given in writing to the casino operator concerned or on a later date specified in the notice.
- (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—2,000 penalty units.
- (5) A system approved for a casino under this section may contain different internal controls, or different administrative or accounting procedures, for different parts of the casino.

## **125 Access to casino operator's systems**

- (1) It is a condition of a casino licence that the casino operator must—
  - (a) give the NICC complete and full access to the casino operator's systems that—
    - (i) monitor the conduct of gaming, including all revenue, turnover and profits, and
    - (ii) monitor the operation and performance of gaming machines, electronic table games or table games, and
    - (iii) monitor the conduct of rebate programs, and
    - (iv) facilitate the calculation and collection of taxes or duties liable to be paid in relation to gaming at the casino, and
  - (b) give the NICC access to the systems under paragraph (a) in a way that allows the NICC to access the information in the systems—
    - (i) in real-time or in as close to real-time as is practicable, and
    - (ii) independently of the casino operator.
- (2) The NICC may give a casino operator a direction in relation to a technical specification or another condition for the purpose of enabling the NICC to access the casino operator's systems under subsection (1).

## **126 Access to bank accounts**

- (1) It is a condition of a casino licence that the casino operator must—
  - (a) provide the NICC with the details of each bank or other financial institution (whether located in or outside Australia) at which an account is held by the casino operator for use in connection with its operations under this Act, and
    - (a1) maintain a single account, approved by the NICC, at an authorised deposit-taking institution in New South Wales, for all banking transactions by patrons, and
    - (b) provide the NICC, as required, and in a form approved by the NICC, with a written authority addressed to any such bank or other financial institution authorising the bank or financial institution to comply with any requirements of an inspector exercising the powers conferred by this section.
- (2) An inspector may, by notice in writing, require the manager or other principal officer of any such bank or other financial institution to provide the inspector with a statement of such an account and such other particulars relating to the account as may be specified in the notice, and a person of whom such a requirement is made must comply with it.

Maximum penalty—50 penalty units.

- (3) An inspector may not exercise the powers conferred by this section without the prior written approval of the NICC.
- (4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

## **127 Accounts to be kept**

- (1) It is a condition of a casino licence that the casino operator must keep such accounting records as correctly record and explain the transactions and financial position of the operations of the casino.
- (2) The accounting records must be kept in such a manner as will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

## **128 Statement of accounts**

It is a condition of a casino licence that the casino operator must, as soon as practicable after the end of the financial year determined for the casino by the NICC, prepare financial statements and accounts, including—

- (a) trading accounts, where applicable, for the financial year, and
- (b) profit and loss accounts for the financial year, and

(c) a balance-sheet as at the end of the financial year,

that give a true and fair view of the financial operations of the operator in relation to the casino.

### **129 Books etc to be kept on casino premises**

- (1) It is a condition of a casino licence that the casino operator must ensure that all books, records and documents relating to the operations of the casino are—
  - (a) kept at the casino, and
  - (b) retained for not less than 7 years after the completion of the transactions to which they relate.
- (2) The NICC may by instrument in writing grant an exemption to a casino operator from all or specified requirements of this section in respect of all or specified, or specified classes of, books, records or documents and may grant such an exemption subject to conditions.

### **130 Audit**

- (1) It is a condition of a casino licence that the casino operator must, as soon as practicable after the end of the financial year determined for the casino by the NICC, cause the books, accounts and financial statements of the operator in relation to the casino to be audited by a person approved by the NICC to audit the accounting records of the operator.
- (2) It is a condition of a casino licence that the casino operator must cause the auditor's report to be lodged with the NICC within 4 months after the end of the financial year to which the report relates.

### **130A Reporting to AUSTRAC**

- (1) This section applies if a casino operator submits a suspicious matter report to AUSTRAC under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth.
- (2) The casino operator must, at the same time as submitting the suspicious matter report, give a copy of the report to the NICC.

Maximum penalty—500 penalty units.

### **131 Submission of reports**

- (1) It is a condition of a casino licence that the casino operator must submit to the NICC reports relating to the operations of the casino.
- (2) The reports are to be submitted at such times, and are to contain such information, as

is specified by order in writing given to the operator by the NICC from time to time.

**131A Compliance auditor**

- (1) A casino operator must engage a person who has been approved by the NICC under subsection (2) as a compliance auditor for the casino.

Maximum penalty—1,000 penalty units.

- (2) The NICC may approve a person as a compliance auditor for a casino only if the NICC is satisfied the person is—
- (a) independent of the casino operator, and
  - (b) appropriately qualified to exercise the functions of a compliance auditor under this Act.
- (3) A compliance auditor must—
- (a) report annually to the NICC on the casino operator's compliance with the casino operator's obligations under the following—
    - (i) this Act,
    - (ii) any other Act of this State or the Commonwealth that regulates casino operations, including in relation to anti-money laundering and counter-terrorism financing,
    - (iii) the casino operator's casino licence, and
  - (b) give written notice, at the same time, to the casino operator and the NICC if the compliance auditor forms one of the following beliefs in the course of performing the auditor's duties—
    - (i) activity within the casino operations may put the achievement of any of the objects of this Act at risk,
    - (ii) a contravention of this Act, or another Act of this State or the Commonwealth that regulates casino operations or otherwise applies to the casino operator, has occurred or may occur,
    - (iii) other obligations prescribed by the regulations have been or may be contravened,
    - (iv) any other matter directed by the NICC.

Maximum penalty—

- (a) for an individual—50 penalty units, or

(b) for a corporation—100 penalty units.

### **132 Part may be extended to associates of casino operator**

- (1) The NICC may, by notice in writing to a person whom the NICC considers has some association or connection with a casino operator that is relevant to the operation or management of the casino, direct that this Part is to apply to the person.
- (2) Such a direction operates to apply this Part to the person in the same way as it applies to a casino operator.

## **Part 9A NSW Independent Casino Commission**

### **Division 1 Constitution and management of NICC**

#### **133 Constitution of NICC**

The NSW Independent Casino Commission is constituted.

#### **134 Status of NICC**

The NICC is a NSW Government agency.

**Note—**

See the [Interpretation Act 1987](#), section 13A, which provides that a NSW Government agency has the status, privileges and immunities of the Crown.

#### **135 Ministerial control**

The NICC is, in the exercise of its functions, subject to the control and direction of the Minister other than in relation to the following—

- (a) the contents of advice, or a report or recommendation, given to the Minister,
- (b) decisions in relation to—
  - (i) the granting of a casino licence, or
  - (ii) imposing, varying or revoking conditions of a casino licence, or
  - (iii) taking disciplinary action under this Act, or
  - (iv) the granting, variation or revocation of another approval given under gaming or liquor legislation.

### **Division 2 Functions of NICC**

#### **136 NICC's functions**

- (1) The NICC has the functions conferred or imposed on it by—

- (a) this Act, or
  - (b) other gaming and liquor legislation, or
  - (c) any other legislation.
- (2) To avoid doubt, the NICC may, from time to time, exercise its functions in conjunction with the Authority, including by conducting joint inquiries.
- (3) The NICC may employ staff to assist the NICC to exercise its functions.
- (4) Also, the NICC may—
- (a) arrange for police officers to be made available to perform services for the NICC, and
  - (b) arrange for the use of the services of any staff or facilities of a Public Service agency or a public or local authority, and
  - (c) engage consultants to exercise its functions.

### **137 Delegation of NICC's functions**

- (1) The NICC may delegate to an authorised person or body the exercise of any of its functions, other than this power of delegation.
- (2) In this section—
- authorised person or body** means—
- (a) a Commissioner, or
  - (b) a designated Public Service employee or other Public Service employee, or
  - (c) a committee of the NICC, or
  - (d) a person who is a member of a class prescribed by the regulations.

### **137A Advisory committee about harm minimisation measures**

- (1) The NICC must establish a committee to provide advice to the NICC about gambling harm minimisation measures in relation to casinos.
- (2) The committee is to have no more than 5 members.
- (3) The members of the committee are to—
- (a) have skills or experience appropriate to providing the advice mentioned in subsection (1), and

**Example of “experience”—**

lived experience of gambling harm



(b) be appointed by the Chief Commissioner.

(4) The procedures for the committee are to be decided by the NICC, including a requirement that the committee meet as requested by the NICC.

### **138 Other committees**

(1) The NICC may establish other committees to assist it in connection with the exercise of any of its functions.

(2) A committee need not include a Commissioner.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at the meetings is to be decided by—

(a) the NICC, or

(b) subject to any decision of the NICC, the committee.

## **Division 3 Membership of NICC**

### **139 Membership and appointment**

(1) The NICC consists of—

(a) the following Commissioners appointed by the Governor on the recommendation of the Minister—

(i) a Chief Commissioner,

(ii) at least 2, but no more than 4, other Commissioners, and

(b) any Assistant Commissioners appointed by the Minister under Division 4.

(2) The persons recommended by the Minister for appointment as Commissioners under subsection (1)(a) must be chosen from the recommended Commissioners list.

(3) In recommending persons for appointment as Commissioners under subsection (1)(a), the Minister must ensure the NICC, as a whole, has expertise and experience in—

(a) financial crime regulation or financial crime law enforcement, and

(b) accounting or corporate governance.

(4) A person must not be appointed as a Commissioner, including an Assistant Commissioner, if the person has, within the previous 7 years, been employed by or worked in another capacity for a casino operator.

**Example of persons who have worked in another capacity for a casino operator—**

a consultant to a casino operator

a lawyer who has acted for a casino operator

(5) Schedule 1 has effect in relation to the members and procedures of the NICC.

### **139A Selection panel for appointment of Commissioners**

- (1) When a vacancy in the office of Commissioner occurs, the Minister must establish a selection panel to prepare and give to the Minister a list (a **recommended Commissioners list**) that includes—
  - (a) persons recommended for appointment to the vacant office, and
  - (b) recommendations about the terms of office for persons included on the recommended Commissioners list.
- (2) The selection panel must ensure the number of persons included in the recommended Commissioners list given to the Minister is more than the number of persons required to fill the vacancy.
- (3) The selection panel must not include a person in the recommended Commissioners list unless—
  - (a) for persons recommended for appointment as Chief Commissioner—the person is—
    - (i) a Judge or former Judge, or
    - (ii) a lawyer of at least 7 years' standing, or
  - (b) for persons recommended for appointment as other Commissioners—the person has expertise or experience in—
    - (i) regulation of financial crime, or
    - (ii) law enforcement relating to financial crime, or
    - (iii) accounting or corporate governance.

## **Division 4 Assistant Commissioners**

### **139B Appointment of Assistant Commissioners**

- (1) The Minister may, by written instrument, appoint additional temporary Commissioners (**Assistant Commissioners**) to the NICC.
- (2) The functions of an Assistant Commissioner are any or all of the following, as stated in the Assistant Commissioner's instrument of appointment—
  - (a) to assist the NICC in the exercise of its functions generally,

- (b) to assist a specific investigation or inquiry,
- (c) to exercise any other functions under this Act.

## **Division 5 Police records etc**

### **139C Arrangements for supply of Police records**

- (1) The Chief Commissioner and the Commissioner of Police may enter into arrangements for the supply to the NICC of information contained in the records of the NSW Police Force to assist in the effectual administration of the gaming and liquor legislation.
- (2) Those arrangements are sufficient authority for the supply of that information.

### **139D Disclosure of spent convictions**

The NICC is taken to be a law enforcement agency for the *Criminal Records Act 1991*, section 13.

## **Division 6 Annual report**

### **139E Annual reports**

The NICC's annual report for a financial year must include the following—

- (a) the NICC's financial report,
- (b) the opinion of an auditor about the financial report,
- (c) a response from the NICC to any issue the auditor raises in a report as being a significant issue,
- (d) a detailed budget for the financial year and an outline budget for the following financial year,
- (e) a report of the NICC's operations prepared in accordance with this Act and the regulations,
- (f) details of any casino licence granted during the financial year, including details of the conditions subject to which the licence was granted,
- (g) the number of licences granted under Part 4 during the financial year,
- (h) details of any changes to the conditions of a licence under this Act made by the NICC during the financial year,
- (i) details of any disciplinary action taken by the NICC against a casino operator during the financial year,
- (j) a summary of any disciplinary action taken by the NICC during the financial year

against persons licensed under Part 4,

- (k) a summary of the outcome of any investigation or inquiry carried out by the NICC under this Act during the financial year,
- (l) a summary of measures taken by the NICC and casino operators to prevent or reduce harm from gambling in casinos,
- (m) any other matters prescribed by the regulations.

#### **139EA Preparation of report of operations**

The NICC must, within the period of 4 months after the end of each financial year, prepare a report of its operations for the financial year.

#### **139F Nature of report of operations**

- (1) The report of the operations referred to in section 139E must include particulars in relation to the following matters—
  - (a) the charter,
  - (b) aims and objectives,
  - (c) access,
  - (d) management and structure,
  - (e) summary review of operations,
  - (f) legal change.
- (2) The report of the operations must be prepared in the way and include the additional information, if any, prescribed by the regulations.

#### **139G Letter of submission**

The report of the operations must include a letter of submission to the Minister—

- (a) stating that the report is being submitted to the Minister for presentation to Parliament, and
- (b) specifying the provisions under which the report has been prepared, and
- (c) if the report is being submitted late—stating the length of and reasons for any extension of time under section 139L, and
- (d) if the report is being submitted late and no application has been made under section 139L to cover that lateness—stating the reasons for the lateness and for the failure to make the application, and

(e) signed by the Chief Commissioner.

**139H Submission of annual report to appropriate Minister**

The NICC must, not later than 4 months after the end of the financial year, submit its annual report in relation to that financial year to the Minister.

**139I Presentation of annual report to Parliament**

- (1) The Minister must, within 1 month after the receipt of the annual report, cause the report to be laid before both Houses of Parliament.
- (2) If a report is late in being laid before a House of Parliament, the Minister must make or table a statement in that House as to the extent of, and the reasons for, that lateness.
- (3) If a House of Parliament is not sitting when the Minister seeks to comply with subsection (1) or (2), the Minister must present copies of the annual report or statement to the Clerk of the House of Parliament.
- (3) An annual report or statement presented to the Clerk of a House of Parliament must—
  - (a) on presentation and for all purposes, be deemed to have been laid before the House of Parliament, and
  - (b) be printed by authority of the Clerk of the House, and
  - (c) for all purposes be deemed to be a document published by order or under the authority of the House, and
  - (d) be recorded, on the first sitting day of the House after receipt of the annual report or statement by the Clerk—
    - (i) for the Legislative Council—in the Minutes of the Proceedings of the Legislative Council, or
    - (ii) for the Legislative Assembly—in the Votes and Proceedings of the Legislative Assembly.

**139J Public availability of annual reports**

The NICC must, as soon as practicable after its annual report has been laid or is deemed to have been laid before both Houses of Parliament in accordance with section 139I, publish a copy of the report on its website.

**139L Application for extension of time**

- (1) The NICC may, at any time within the period of 3 months after the end of the financial year, apply to the Minister for an extension of the period within which it is required to comply with section 139E or 139G.

- (2) An application under subsection (1) must include detailed reasons and other relevant information in support of the application.
- (3) The Minister may extend a period within which the NICC is required to comply with section 139E or 139G or any requirement of either of the sections.
- (4) If the Minister extends the period or any requirement, the NICC must comply with section 139E or 139G or the requirement, within the extended period.
- (5) If the Minister extends a period within which the NICC must comply with section 139E or 139G, or a requirement of either of the sections, the NICC must include, in the annual report in relation to which the extension is granted, particulars of the extension.

## **Division 7 Miscellaneous**

### **139M Seal**

The seal of the NICC is to be kept by the Chief Commissioner and may be affixed to a document only—

- (a) in the presence of the Chief Commissioner or a member of the staff of the NICC authorised by the Chief Commissioner, and
- (b) with an attestation by the signature of the Chief Commissioner or a member of staff referred to in paragraph (a) of the fact of the affixing of the seal.

## **Part 10 Additional functions of NICC and administrative matters**

### **140 Objects of NICC under this Act**

The objects of the NICC under this Act are to maintain and administer systems for the licensing, supervision and control of a casino, for the purpose of—

- (a) ensuring that the management and operation of the casino remains free from criminal influence or exploitation, and
  - (a1) ensuring that the casino operator prevents money laundering and terrorism financing activities within the operations of the casino, and
- (b) ensuring that gaming in the casino is conducted honestly, and
- (c) (Repealed)
- (d) containing and controlling the potential of a casino to cause harm to the public interest and to individuals and families.

#### **141 Functions of NICC under this Act**

- (1) The NICC has such functions as are necessary or convenient to enable it to achieve its objects under this Act.
- (1A) (Repealed)
- (2) Without limiting its functions under subsection (1), the NICC has the following specific functions—
  - (a) at the direction of the Minister, to invite expressions of interest for the establishment and operation of casinos and applications for casino licences and to consider and determine those applications,
  - (b) to consider and determine applications for other licences under this Act,
  - (c) to keep under constant review all matters connected with casinos and the activities of casino operators, persons associated with casino operators, and persons who are in a position to exercise direct or indirect control over the casino operators or persons associated with casino operators,
  - (d) (Repealed)
  - (e) to advise the Minister on matters relating to the administration of this Act,
  - (f) to approve the games to be played in a casino and the rules under which such games are played,
  - (g) to approve gaming equipment for use in a casino,
  - (h) to approve the operating times of a casino.
  - (i)–(k) (Repealed)
- (3) The NICC may, with the approval of the Minister, acquire and hold land or an interest in land on behalf of the Crown for the purpose of providing a suitable location and premises for the establishment and operation of a casino.
- (4) In the exercise of its functions under this Act, the NICC is not required to observe the rules of natural justice (except to the extent that it is specifically required to do so by this Act).

#### **142 NICC may conduct negotiations and enter into agreements**

- (1) With the approval or at the direction of the Minister, the NICC may conduct negotiations and enter into agreements on behalf of the State for or in connection with the establishment and operation of a casino and any development of which a casino or proposed casino forms part.

- (2) Such an agreement may contain only terms that are approved by the Minister and that are not inconsistent with this Act.
- (2A) An agreement is invalid to the extent it includes provisions that—
  - (a) prevent the NICC from exercising the functions mentioned in section 135(a) and (b), or
  - (b) otherwise restrict, or impose additional obligations on, the NICC in exercising the functions.
- (3) Such an agreement may provide that all or specified obligations imposed by the agreement are to be considered to be conditions of the relevant casino licence and such a provision has effect accordingly.
- (4) An assignment or encumbrance of the rights and obligations conferred or imposed by such an agreement is void unless the Minister consents to the assignment or encumbrance and any conditions subject to which the consent is given are complied with.
- (5) The Minister may vary or revoke a condition referred to in subsection (4).

#### **143 NICC may hold inquiries**

- (1) For the purpose of the exercise of its functions under this Act, the NICC may arrange for the holding of inquiries in public or in private presided over by a member of the NICC or by some other person appointed by the NICC to preside.
- (2) Evidence may be taken on oath or affirmation at an inquiry, and for that purpose—
  - (a) the person presiding at the inquiry may require a person appearing at the inquiry who wishes to give evidence to take an oath or to make an affirmation in a form approved by the person presiding, and
  - (b) a key official may administer an oath or affirmation to a person so appearing at the inquiry.
- (3) The person presiding at an inquiry is not bound by the rules or practice of evidence and may inform himself or herself on any matter in such manner as the person considers appropriate.
- (4) A reference in this section to an inquiry includes a reference to an inquiry held for the purpose of enabling a person to make submissions to the NICC and a reference to the giving of evidence includes a reference to the making of those submissions.
- (5) The person presiding at an inquiry is required to report to the NICC on the results of the inquiry and is subject to the control and direction of the NICC with respect to the matters that are to be the subject of inquiry, the procedures to be adopted at an



inquiry and the time within which the person is to report to the NICC.

- (6) The NICC may publish, in the way the NICC considers appropriate, the results of an inquiry held under this section—
  - (a) for an inquiry held in public—in full, or
  - (b) for an inquiry held in private or partly in private—in full or in part, as the NICC considers appropriate in the circumstances.
- (7) In this section—

**results of an inquiry** includes reports, exhibits, evidence and submissions produced or received as part of the inquiry.

#### **143A Attendance of witnesses**

- (1) The person presiding at an inquiry being conducted by or on behalf of the NICC under section 143—
  - (a) has the powers, authorities, protections and immunities conferred on a commissioner by Division 1 of Part 2 of the *Royal Commissions Act 1923*, and
  - (b) if the person is a Judge of the Supreme Court, or is an Australian lawyer of at least 7 years' standing whose instrument of appointment to preside at the inquiry expressly so provides, has the powers and authorities conferred on a commissioner by Division 2 of Part 2 of the *Royal Commissions Act 1923* (except for section 17 (4) and (5)).
- (1A) To avoid doubt, section 17(1)–(3) of the *Royal Commissions Act 1923* apply to any witness summoned to attend or appearing before the person presiding at the inquiry if that person is a person referred to in subsection (1)(b).
- (2) The *Royal Commissions Act 1923* applies to any witness summoned to attend or appearing before the person presiding at the inquiry (except for section 13 and, subject to subsections (1)(b) and (1A), Division 2 of Part 2).
- (3) The amendments made to this section by the *Casino Control Amendment (Inquiries) Act 2020* extend to inquiries under section 143 that were commenced but not completed before the commencement of that Act.

#### **143B Restriction on publication of information**

- (1) The person presiding at an inquiry being conducted by or on behalf of the NICC under section 143 may, by order in writing, direct that—
  - (a) any evidence given at the inquiry, or
  - (b) the contents of any document, or a description of any thing, produced at the

inquiry, or

- (c) any information that might enable a person who has given or may be about to give evidence at the inquiry to be identified or located, or
- (d) the fact that any person has given or may be about to give evidence at the inquiry,

is not to be published at all, or is not to be published except in such manner, and to such persons, as the person presiding at the inquiry may specify.

- (2) Such a direction is not to be given unless the person presiding at the inquiry is satisfied that the direction is necessary in the public interest or that there are other exceptional circumstances that require the direction to be given.
- (3) A person must not make a publication in contravention of a direction given under this section.

Maximum penalty (subsection (3)): 50 penalty units or imprisonment for 12 months, or both.

#### **143C Referral of information to Commissioner of Police**

- (1) This section applies to any information obtained by the NICC as to the existence, or possible existence, of major or systemic criminal activity in connection with a casino.
- (2) After consulting with the Commissioner of Police, the NICC may refer any such information to the Commissioner.
- (3) The Commissioner of Police is to conduct such investigations and inquiries into the matters to which the information relates and cause a report containing the results of those investigations and inquiries to be sent to the NICC.
- (4) The NICC may take such action as it considers appropriate in the light of the report, but in so doing must have regard to any recommendations of the Commissioner of Police contained in the report.

#### **144-148 (Repealed)**

#### **149 Information gathering for law enforcement purposes**

- (1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the NICC may in writing direct a casino operator to provide the NICC with information obtained by the operator concerning—
  - (a) operations in the casino and in any other premises (whether or not within the State) in the nature of a casino, and
  - (b) any other activity that takes place in the casino or in those other premises.

- (2) Such a direction may relate to particular information or to information generally and may relate to particular or general information concerning a specified person.
- (3) The direction must specify—
  - (a) the kind of information that the casino operator is required to provide, and
  - (b) the manner in which the information is to be provided.
- (4) It is a condition of a casino licence that the casino operator must comply with such a direction.
- (5) The NICC may make information obtained by the NICC under this section available to any law enforcement agency and may do so despite section 17 of the *Gaming and Liquor Administration Act 2007*.
- (6) The NICC must not disclose to a casino operator that a request for information has been made to the NICC by a law enforcement agency or that information obtained under this section has been or will be furnished to a law enforcement agency.
- (7) In this section—

**law enforcement agency** means—

  - (a) the NSW Police Force or the police force of another State or a Territory, or
  - (b) the New South Wales Crime Commission, or
  - (c) the Australian Federal Police, or
  - (d) the Australian Crime Commission, or
  - (d1) the Law Enforcement Conduct Commission, or
  - (d2) the Australian Securities and Investment Commission, or
  - (d3) AUSTRAC, or
  - (d4) the Australian Taxation Office, or
  - (d5) the Authority under the *Gaming and Liquor Administration Act 2007*, or
  - (e) any other authority or person responsible for the enforcement of the laws of the Commonwealth or of the State, another State or a Territory.

## 150 Bribery

- (1) A key official must not corruptly ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for himself or herself, or for another person—

- (a) to forgo or neglect his or her duty, or influence him or her, in the exercise of his or her functions as a key official,
- (b) on account of a thing already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the exercise of those functions, or
- (c) to use, or take advantage of, his or her position as a key official in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, another person.

Maximum penalty on summary conviction: 100 penalty units or imprisonment for 2 years, or both.

Maximum penalty on conviction on indictment: imprisonment for 14 years.

- (2) A person must not corruptly give to, confer upon, or procure for, or promise or offer to give to, confer upon, or procure for, or attempt to procure for, a key official, or for any other person, any money, property or benefit of any kind—
  - (a) for a key official to forgo or neglect his or her duty, or to influence him or her in the exercise of his or her functions as a key official,
  - (b) on account of anything already done, or omitted to be done, by him or her in the exercise of those functions, or
  - (c) for the key official to use or take advantage of his or her position as a key official in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, the person first referred to in this subsection.

Maximum penalty on summary conviction: 100 penalty units or imprisonment for 2 years, or both.

Maximum penalty on conviction on indictment: imprisonment for 14 years.

- (3) This section applies to or in respect of a key official only to the extent to which the key official is exercising functions under this Act or in connection with the administration of this Act.

#### **151-154 (Repealed)**

### **Part 11 General**

#### **155 Appeals**

- (1) Except as otherwise provided in this section, a decision of the NICC under this Act is final and is not subject to appeal or review.
- (2) A person aggrieved by a decision of the NICC to cancel or suspend a casino licence or to amend the conditions of a casino licence may appeal from the decision to the

Supreme Court on a question of law.

- (3) The Supreme Court is to hear and determine the appeal and make such order as it thinks appropriate by reason of its decision, including, without limiting the Court's power to make such orders—
  - (a) an order affirming or setting aside the decision of the NICC, and
  - (b) an order remitting the matter to the NICC to decide again in accordance with the directions of the Court.
- (4) Proceedings or an appeal in respect of a decision of the NICC do not operate to stay the decision appealed from unless the Supreme Court otherwise orders.

### **156 No compensation payable**

- (1) No compensation is payable by or on behalf of the Crown by reason, or on the occurrence, of regulatory action that has an effect on the following—
  - (a) a casino licence or casino operator,
  - (b) a relevant person,
  - (c) another matter connected to the management or operation of a casino.
- (2) This section has effect despite—
  - (a) another provision of this Act, or
  - (b) any other Act or law, or
  - (c) any other instrument, including an agreement to which the Crown and a casino operator are parties.
- (3) In this section—

**compensation** includes—

  - (a) damages, and
  - (b) another form of monetary compensation, and
  - (c) any other amount, whether described as compensation or not, payable under an instrument, including an agreement to which the Crown and a casino operator are parties, and
  - (d) liability to make payments under an instrument, including an agreement, to which the Crown and a casino operator are parties on occurrence of events specified in the instrument.

**Crown—**

- (a) means the Crown within the meaning of the *Crown Proceedings Act 1988*, and
- (b) includes an officer, employee or agent of the Crown.

**regulatory action** means the following—

- (a) the introduction of a bill for, or the enactment or operation of, any of the following Acts, including an Act that affects or overrides the terms of a commercial agreement between the Crown and a casino operator or that imposes a tax, duty or levy—
  - (i) the *Casino Legislation Amendment Act 2022*,
  - (ii) another Act that amends this Act or the *Gaming and Liquor Administration Act 2007*,
  - (iii) another Act that provides for or deals with the operation or regulation of casinos,
- (b) the recommendation to make, or the making of, regulations under any of the following Acts—
  - (i) this Act,
  - (ii) the *Gaming and Liquor Administration Act 2007*,
  - (iii) another Act that provides for or deals with the operation or regulation of casinos, or
- (c) the exercise of statutory functions under any of the following Acts, including the exercise of regulatory or supervisory powers under instruments approved or created under the Acts—
  - (i) this Act,
  - (ii) the *Gaming and Liquor Administration Act 2007*,
  - (iii) another Act that provides for or deals with the operation or regulation of casinos, or
- (d) an announcement, statement or other action taken by the Crown in preparation for, or otherwise in relation to, a matter mentioned in paragraphs (a)–(c).

**relevant person** means—

- (a) a close associate, or former close associate, of a casino operator, or
- (b) a casino employee or former casino employee, or
- (c) another person who is or was concerned in, or otherwise connected to, the

management or operation of a casino.

**157 Authorisation of jobs guarantee agreement**

- (1) The Treasurer may, on behalf of the State, enter into and give effect to an agreement (a **jobs guarantee agreement**) with the relevant casino operator that provides for—
  - (a) the minimum number of persons to be employed in relation to the casino without penalties becoming payable, and
  - (b) the penalties payable for failure to comply with the jobs guarantee agreement.
- (2) To avoid doubt, another person or body may be a party to a jobs guarantee agreement.

**Example of another person or body that may be a party to the jobs guarantee agreement—**

a union representing persons employed at the casino or a close associate of the casino operator

- (3) Without limiting subsection (1), a jobs guarantee agreement may provide for the following—
  - (a) a minimum number of persons to be employed in relation to the casino,
  - (b) the categories of roles in which persons are to be employed in relation to the casino,
  - (c) the minimum number, or proportion, of persons employed in each of the categories,
  - (d) the ways in which matters under paragraphs (a)–(c) are to be calculated,
  - (e) the penalties and other amounts payable by the relevant casino operator or close associate of the relevant casino operator for failure to comply with the requirement for a minimum number of persons to be employed at the casino, including how the penalties are to be calculated and when the penalties are payable,
  - (f) reports to be provided by the relevant casino operator or a close associate of the relevant casino operator for the purposes of the jobs guarantee agreement or to give effect to the jobs guarantee agreement.
- (4) This section and a jobs guarantee agreement have effect despite anything to the contrary—
  - (a) in this Act or another law, or
  - (b) at general law, or
  - (c) in the relevant casino operator’s licence or an agreement or another instrument under this Act or another law.

- (5) The Treasurer may, at any time, with the agreement of the relevant casino operator and any other party to the jobs guarantee agreement, vary the agreement.
- (6) A jobs guarantee agreement, and any variation of the agreement, must be tabled in each House of Parliament within 10 business days after the agreement or variation is entered into.
- (7) A penalty or other amount payable by the relevant casino operator under a jobs guarantee agreement is taken to be casino duty payable under Part 8.
- (8) Without limiting subsection (7), if a penalty or other amount payable by the relevant casino operator under a jobs guarantee agreement is not paid in accordance with the jobs guarantee agreement—
  - (a) interest is payable on the penalty or other amount as if it were casino duty that was not paid by the due date, and
  - (b) the penalty or other amount, and any interest payable on the penalty or other amount, may be recovered under Part 8 as if it were casino duty payable under that part.
- (9) In this section—

**give effect to**, a jobs guarantee agreement, includes—

  - (a) complying with an obligation of the jobs guarantee agreement, and
  - (b) exercising or enforcing a power or right under the jobs guarantee agreement.

**relevant casino operator** means the casino operator who holds the licence for premises defined as a casino for the time being under section 19.

#### **158 Disclosure of spent convictions**

- (1) Section 12 (Consequences of conviction becoming spent) of the [Criminal Records Act 1991](#) does not apply in relation to an application for a casino licence or a licence under Part 4 (Licensing of casino employees).
- (2) (Repealed)

#### **159 Destruction of finger prints etc**

- (1) Any finger prints or palm prints obtained by the NICC under this Act and any copies of them must be destroyed by the NICC as soon as the NICC has no further use for them.
- (2) The NICC is to be considered to have no further use for them when—
  - (a) they were obtained in connection with an application for a licence under this Act and the application is refused, or



(b) the licence in connection with which they were obtained is cancelled or surrendered (but is to be considered to have further use for them whenever the licence is in force).

(3) A person who in connection with an application for a licence under this Act has possession of finger prints or palm prints obtained by or on behalf of the NICC under this Act, or copies of them, must deliver them to the NICC, in accordance with the directions of the NICC, so as to enable the NICC to comply with subsection (1).

Maximum penalty—20 penalty units.

### **160 Records not kept in writing**

(1) This section applies to a record that—

- (a) is not in writing, or
- (b) is not written in the English language, or
- (c) is not decipherable on sight.

(2) A requirement under this Act to produce a record is, in the case of a record to which this section applies, to be considered to be a requirement to produce (in addition to the record if it is in writing or instead of the record if it is not in writing) a statement written in the English language and decipherable on sight containing the whole of the information in the record.

### **161 (Repealed)**

### **162 Forgery etc**

A person must not—

- (a) forge or counterfeit chips, a chip purchase voucher, a licence under this Act, an inspector's form of identification or a special employee's form of identification, or
- (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, licence under this Act, inspector's form of identification or special employee's form of identification, or
- (c) personate the holder of such a licence or form of identification, or
- (d) falsely represent himself or herself to be an inspector or other key official, or
- (e) connive at any such forging, counterfeiting, uttering, personating or representing.

Maximum penalty—100 penalty units or imprisonment for 2 years, or both.

### **163 Conduct in casino**

(1) A casino operator must not—

- (a) permit intoxication within the gaming area of the casino, or
- (b) permit any indecent, violent or quarrelsome conduct within the gaming area of the casino, or
- (c) permit an intoxicated person to gamble in the casino.

Maximum penalty—1,000 penalty units.

(2) A member of the staff of a casino must not—

- (a) sell or supply liquor to an intoxicated person who is in the gaming area of the casino, or
- (b) permit an intoxicated person to gamble in the casino.

Maximum penalty—20 penalty units.

(3) If a person within the gaming area of a casino is intoxicated, the casino operator is taken to have permitted intoxication within the gaming area unless it is proved that the casino operator took all reasonable steps to prevent intoxication within the gaming area.

### **164 Simulated gaming allowed for certain purposes**

(1) A casino operator may conduct gaming on a simulated basis for the purpose of training employees, testing gaming equipment and gaming procedures and demonstrating the conduct and playing of games, but only if—

- (a) the casino operator has given notice to the NICC of the operator's intention to conduct gaming on a simulated basis, and
- (b) no money is used and no chips are used in place of money.

(2) Despite the provisions of any other law, the possession and use of gaming equipment as authorised by subsection (1) is lawful.

### **165 (Repealed)**

### **166 Evidence**

In proceedings under this Act—

- (a) a document purporting to be a copy of, or extract from, a list of names current under section 83 (List of excluded persons) on a specified day is evidence that those names were included in the list of names current under that section on that day, and

- (b) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of the direction, notice, order, requirement or decision of which it purports to be a copy, and
- (c) a certificate purporting to be signed by a member of the NICC and certifying that a particular person was or was not the holder of a particular licence under this Act on a particular day is evidence of the matter certified, and
- (d) a certificate purporting to be signed by a member of the NICC and certifying as to the reasonable costs incurred by the NICC in investigating and inquiring into an application for a licence is evidence of the matter certified, and
- (e) a certificate purporting to be signed by a member of the NICC and certifying that at a particular time particular conditions were the conditions of a particular licence under this Act is evidence of the matter certified, and
- (f) a document purporting to be a copy of a licence under this Act is evidence of the licence of which it purports to be a copy, and
- (g) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

#### **166A Delegation by Secretary**

The Secretary may delegate to any Public Service employee any of the Secretary's functions under this Act (other than this power of delegation).

#### **167 Liability of directors etc for offences by corporation—offences attracting executive liability**

- (1) A person commits an offence against this section if—
  - (a) a corporation commits an executive liability offence, and
  - (b) the person is—
    - (i) a director of the corporation, or
    - (ii) an individual who is concerned in the management of the corporation or who is otherwise in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and
  - (c) the person—
    - (i) knows or ought reasonably to know the executive liability offence, or an offence of the same type, would be or is being committed, and
    - (ii) fails to take all reasonable steps to prevent or stop the commission of that offence.

Maximum penalty—The maximum penalty for the executive liability offence if committed by an individual.

- (2) The prosecution bears the legal burden of proving the elements of the offence against this section.
- (3) The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.
- (4) This section—
  - (a) does not affect the liability of the corporation for the executive liability offence, and
  - (b) applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.
- (5) This section does not affect the application of any other law relating to the criminal liability of persons, whether or not directors or other managers of the corporation, who are—
  - (a) accessories to the commission of the executive liability offence, or
  - (b) otherwise concerned in, or party to, the commission of the executive liability offence.
- (6) In this section—

**director** has the same meaning as in the [Corporations Act 2001](#) of the Commonwealth.

**executive liability offence** means an offence against a provision of gaming and liquor legislation that is committed by a corporation.

**reasonable steps**, in relation to the commission of an executive liability offence, includes action of the following kinds that is reasonable in all the circumstances—

- (a) action towards—
  - (i) assessing the corporation's compliance with the provision creating the executive liability offence, and
  - (ii) ensuring the corporation arranged regular professional assessments of its compliance with the provision,
- (b) action towards ensuring the corporation's employees, agents and contractors are given information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,

- (c) action towards ensuring that any of the following relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances—
  - (i) the plant, equipment and other resources,
  - (ii) the structures, work systems and other processes,
- (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.

**167A Liability of directors etc for offences by corporation—accessory to the commission of the offences**

- (1) A person commits an offence against this section if—
  - (a) a corporation commits a corporate offence, and
  - (b) the person is—
    - (i) a director of the corporation, or
    - (ii) an individual who is concerned in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and
  - (c) the person—
    - (i) aids, abets, counsels or procures the commission of the corporate offence, or
    - (ii) induces, whether by threats or promises or otherwise, the commission of the corporate offence, or
    - (iii) conspires with others to effect the commission of the corporate offence, or
    - (iv) is in any other way, whether by act or omission, knowingly involved in, or party to, the commission of the corporate offence.

Maximum penalty—The maximum penalty for the corporate offence if committed by an individual.

- (2) The prosecution bears the legal burden of proving the elements of the offence against this section.
- (3) The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.
- (4) This section—

- (a) does not affect the liability of the corporation for the corporate offence, and
- (b) applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.

(5) This section does not affect the application of any other law relating to the criminal liability of persons, whether or not directors or other managers of the corporation, who are involved in, or party to, the commission of the corporate offence.

(6) In this section—

**corporate offence** means an offence against this Act or the regulations that is capable of being committed by a corporation.

### **168 Prosecution for offences**

(1) Proceedings for an offence against this Act are to be disposed of summarily before the Local Court.

(2) Despite subsection (1), an offence against section 150 (Bribery) is to be dealt with summarily before the Local Court only—

- (a) if the prosecutor proposes that it be so dealt with, and
- (b) while the Local Court is satisfied that it is proper for the offence to be so dealt with.

(3) In any other case, an offence against section 150 is to be dealt with as an indictable offence.

(3A) Proceedings for an offence against this Act must be commenced not later than 3 years after the date on which evidence of the alleged offence first came to the attention of the NICC or an inspector.

(4) Proceedings for an offence against this Act may be instituted only by—

- (a) (Repealed)
- (b) the Director of Public Prosecutions or the Commissioner of Police or a person acting with the written authority of either of them, given generally or in relation to the particular case, or
- (c) any person acting with the written authority of the NICC given generally or in relation to the particular case, or
- (d) the Secretary or a person acting with the written authority of the Secretary, given generally or in relation to the particular case.

(5) A person who claims to have the written authority of the Director of Public

Prosecutions, the Commissioner of Police, the NICC or the Secretary to institute proceedings for an offence against this Act is presumed to have that authority unless the contrary is proved.

- (6) This Act does not operate to exclude the prosecution of a person otherwise than under this Act, but a person is not, in relation to substantially the same acts or omissions, liable to be prosecuted both under this Act and under any other Act or any law.

### **168A Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

#### **Note—**

The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) However—
- (a) section 22A (1) of the *Fines Act 1996* does not apply in relation to disciplinary action under section 23 or 59 of this Act, and
- (b) despite section 22A (2) of the *Fines Act 1996*, when an amount is paid under this section in respect of a penalty notice issued to a person, the person is—
- (i) for the purposes of section 23 of this Act—taken to have contravened the provision of this Act to which the penalty notice relates, or
- (ii) for the purposes of section 59 of this Act—taken to have been convicted of the offence to which the penalty notice relates.
- (5) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (6) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (7) In this section, **authorised officer** means a police officer or an inspector.

### **169 Forfeiture of offending articles**

- (1) If a person commits an offence under this Act involving the unlawful use or possession of any gaming equipment or any other article or thing, the court before which the

person is convicted may order the equipment, article or thing to be forfeited to the Crown.

- (2) An inspector or a police officer may, in a casino, seize and retain possession of any equipment, article or thing that he or she reasonably suspects is liable to forfeiture under this section.

#### **169A Remedial orders**

- (1) A court that finds a casino operator guilty of an offence against this Act or the regulations, being an offence that is prescribed by the regulations for the purposes of this section, may, in addition or as an alternative to any penalty that it may impose for the offence, make either or both of the following orders—

(a) an order requiring the casino operator to publish an advertisement correcting any information contained in any advertising concerning any game played or gaming equipment provided in a casino that the court is satisfied on evidence before it is false, misleading or deceptive and giving directions (if any) that the court considers appropriate as to the time, form, extent and manner of publication,

- (b) an order requiring any one or more of the following—

(i) the casino operator,

(ii) if the casino operator is a corporation, a director of the corporation or a person concerned in the management of the corporation,

(iii) a special employee within the meaning of Part 4,

to undertake any specified course of training that the court considers will promote responsible practices in the conduct of gambling activities in the casino.

- (2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.

Maximum penalty—200 penalty units.

#### **169B Review of Act**

- (1) The Minister must review this Act from time to time to determine whether—

(a) the policy objectives of the Act remain valid, particularly the object of containing and controlling the potential of casinos to cause harm to the public interest and to individuals and families, and

**Note—**

see section 4A(1)(c)

(b) the terms of the Act remain appropriate for achieving the objectives, including whether the amount of the responsible gambling levy is sufficient to ensure the



requirements of the Responsible Gambling Fund trust deed can be carried out.

- (2) A review under subsection (1) must be undertaken—
  - (a) for the first review—as soon as practicable after the period of 2 years from the date of assent to the *Casino Legislation Amendment Act 2022*, or
  - (b) for subsequent reviews—at intervals of not more than 5 years.
- (3) A report on the outcome of a review under subsection (1) must be tabled in each House of Parliament—
  - (a) for the first review—within 12 months after the period of 2 years from the date of assent to the *Casino Legislation Amendment Act 2022*, or
  - (b) for subsequent reviews—within 12 months after each subsequent period of 5 years.

#### **170 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, regulations may be made for or with respect to any matter specified in Schedule 3.
- (3) A provision of a regulation may—
  - (a) impose a penalty of not more than the following for a contravention of the provision—
    - (i) for a contravention of the provision by a casino operator—1,000 penalty units,
    - (ii) otherwise—100 penalty units, and
  - (b) provide that a contravention of the provision by a casino operator is to be considered to be a contravention of the conditions of the operator's casino licence.
- (4) The regulations may apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.

#### **170A Implementation of Independent Review of The Star Pty Ltd by Adam Bell SC**

- (1) The Minister must, within 9 months after the independent review report is delivered, prepare a report about—
  - (a) what has been done to implement the recommendations of the report, and
  - (b) what steps the Minister and the NICC will take to implement any outstanding

recommendations.

(2) A report under subsection (1) must be tabled in each House of Parliament within 12 months after the independent review report is delivered.

(3) In this section—

***independent review report*** means the final report of the Independent Review of The Star Pty Ltd by Adam Bell SC under this Act.

## **171 Savings and transitional provisions**

Schedule 4 has effect.

## **Schedule 1 Constitution and procedure of NICC**

Section 139(5)

### **Part 1 General**

#### **1 Definition**

In this Schedule—

***Commissioner*** includes an Assistant Commissioner.

### **Part 2 Constitution**

#### **2 Terms of office of Commissioners**

(1) A Commissioner, other than an Assistant Commissioner, holds office for the period, not more than 4 years, stated in the Commissioner's instrument of appointment.

(2) An Assistant Commissioner holds office for the period, not more than 2 years, stated in the Commissioner's instrument of appointment.

(3) A Commissioner is eligible, if otherwise qualified, for re-appointment but not for more than 2 consecutive terms.

#### **3 Part-time appointments**

(1) The Chief Commissioner holds office on a full-time basis.

(2) A Commissioner, other than the Chief Commissioner, may hold office on a full-time or part-time basis.

#### **4 Remuneration**

(1) A Commissioner is entitled to be paid—

(a) remuneration in accordance with the [Statutory and Other Offices Remuneration](#)

*Act 1975*, and

(b) allowances, decided by the Minister, to reimburse the Commissioner for expenses the Commissioner may incur.

**Example of expenses that may be incurred—**

travel or accommodation

(2) A Commissioner who is a Judge is not, while receiving salary or allowance as a Judge, entitled to remuneration under this Act.

**5 Appointment of Judge as Commissioner not to affect tenure**

(1) The appointment of a person who is the holder of a judicial office as a Commissioner or the deputy of a Commissioner, or service by a person who is the holder of a judicial office as a Commissioner or the deputy of a Commissioner, does not affect—

(a) the person's tenure of the judicial office, or

(b) the person's rank, title, status, precedence, salary, allowances or other rights or privileges as the holder of the judicial office.

(2) For all purposes the person's service as a Commissioner or the deputy of a Commissioner is taken to be service as the holder of the judicial office.

(3) In this clause—

**judicial office** means an office of Judge.

**6 Deputies**

(1) The Minister may, from time to time—

(a) appoint an appropriately qualified person to be the deputy of the Commissioner, and

(b) revoke the appointment of a person as the Commissioner's deputy.

(2) In the absence of a Commissioner, the Commissioner's deputy may, if available, act in the place of the Commissioner.

(3) While acting in the place of a Commissioner, a person has all the functions of the Commissioner and is taken to be a Commissioner.

(4) For the purposes of this clause, a vacancy in the office of a Commissioner is taken to be an absence of the Commissioner.

(5) In this clause—

**appropriately qualified**, for a person to be appointed to be the deputy of the Commissioner, means a person who would be qualified for appointment to the office

the Commissioner holds.

## **7 Vacancy in office of Commissioner**

- (1) The office of a Commissioner becomes vacant if the Commissioner—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) for a Commissioner other than an Assistant Commissioner—is removed from office by the Governor under this clause, or
  - (e) for an Assistant Commissioner—is removed from office by the Minister under this clause, or
  - (f) is absent from 3 consecutive meetings of the NICC of which reasonable notice has been given to the Commissioner personally or by post, except on leave granted by the Minister or unless the Commissioner is excused by the Minister for having been absent from the meetings, or
  - (g) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the Commissioner's creditors or makes an assignment of the Commissioner's remuneration for the creditors' benefit, or
  - (h) becomes a mentally incapacitated person, or
  - (i) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Governor may remove a Commissioner, other than an Assistant Commissioner, from office at any time.
- (3) The Minister may remove an Assistant Commissioner from office at any time.

## **8 Filling of vacancy in office of Commissioner**

If the office of a Commissioner, other than an Assistant Commissioner, becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

### **Note—**

See Part 9A, Division 3 for how a vacancy in the office of Commissioner is to be filled.

## **9 Disclosure of pecuniary interests**

- (1) This clause applies if—

- (a) a Commissioner has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the NICC, and
  - (b) the interest appears to raise a conflict with the proper performance of the Commissioner's duties in relation to the consideration of the matter.
- (2) The Commissioner must, as soon as possible after the relevant facts have come to the Commissioner's knowledge, disclose the nature of the interest at a meeting of the NICC.
- (3) A disclosure by a Commissioner at a meeting of the NICC of any of the following is a sufficient disclosure of the nature of the interest in any matter relating to the company or other body or to the person that may arise after the date of the disclosure and that is required to be disclosed under subclause (2)—
  - (a) the Commissioner is a member, or is in the employment, of a specified company or other body,
  - (b) the Commissioner is a partner, or is in the employment, of a specified person,
  - (c) the Commissioner has some other specified interest relating to a specified company or other body or to a specified person.
- (4) Particulars of a disclosure made under this clause must be recorded by the NICC in a book kept for the purpose and that book must be open at all reasonable hours for inspection by a person on payment of the fee decided by the NICC.
- (5) After a Commissioner has disclosed the nature of an interest in a matter, the Commissioner must not, unless the Minister or the NICC otherwise decides—
  - (a) be present during any deliberation of the NICC in relation to the matter, or
  - (b) take part in a decision of the NICC in relation to the matter.
- (6) For the purposes of the making of a decision by the NICC under subclause (5), a Commissioner who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—
  - (a) be present during any deliberation of the NICC for the purpose of making the decision, or
  - (b) take part in the making by the NICC of the decision.
- (7) A contravention of this clause does not invalidate a decision of the NICC.
- (8) This clause applies to a member of a committee of the NICC and the committee in the same way as it applies to a Commissioner and the NICC.

## **10 Government Sector Employment Act 2013 does not apply to Commissioners**

The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a Commissioner.

## **11 Effect of certain other Acts**

(1) This clause applies if by or under any Act provision is made—

- (a) requiring a person who is the holder of a stated office to devote the whole of the person's time to the duties of the office, or
- (b) prohibiting the person from engaging in employment outside the duties of the office.

(2) The provision does not operate to disqualify the person from—

- (a) holding the office and also the office of a Commissioner, or
- (b) accepting and retaining remuneration payable to the person under this Act as a Commissioner.

## **12 Personal liability**

A matter or thing done or omitted to be done by any of the following does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this Act, subject a Commissioner or a person acting under the direction of the NICC personally to any action, liability, claim or demand—

- (a) the NICC,
- (b) a Commissioner,
- (c) a person acting under the direction of the NICC.

## **Part 3 Procedure**

### **13 General procedure**

The procedure for the calling of meetings of the NICC and for the conduct of business at those meetings is, subject to this Act and the regulations, to be decided by the NICC.

### **14 Quorum**

The quorum for a meeting of the NICC is a majority of the Commissioners for the time being.

### **15 Presiding member**

(1) The Chief Commissioner or, in the absence of the Chief Commissioner, a person elected by the Commissioners who are present at a meeting of the NICC, is to preside

at a meeting of the NICC.

- (2) The presiding Commissioner has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

## **16 Voting**

A decision supported by a majority of the votes cast at a meeting of the NICC at which a quorum is present is the decision of the NICC.

## **17 Transaction of business outside meetings or by telephone etc**

- (1) The NICC may, if it thinks fit, transact any of its business by the circulation of papers among all the Commissioners for the time being, and a resolution in writing approved in writing by a majority of those Commissioners is taken to be a decision of the NICC made at a meeting of the NICC.
- (2) The NICC may, if it thinks fit, transact any of its business at a meeting at which Commissioners, or some Commissioners, participate by telephone or other electronic means, but only if any Commissioner who speaks on a matter before the meeting can be heard by the other Commissioners.
- (3) For the purposes of the approval of a resolution under subclause (2) or a meeting held under subclause (2), the Chief Commissioner and each other Commissioner have the same voting rights as they have at an ordinary meeting of the NICC.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the NICC.
- (5) Papers may be circulated among the Commissioners for the purposes of subclause (1) by electronic means.

## **18 First meeting**

The Chief Commissioner may call the first meeting of the NICC in the way the Chief Commissioner thinks appropriate.

## **Part 4 Miscellaneous**

### **19 Proof of certain matters not required**

In legal proceedings, proof is not required, until evidence is given to the contrary, of—

- (a) the constitution of the NICC, or
- (b) a resolution of the NICC, or
- (c) the appointment of, or holding of office by, a Commissioner of the NICC, or
- (d) the presence or nature of a quorum at a meeting of the NICC.

## **Schedule 2 (Repealed)**

## **Schedule 3 Matters for regulations**

(Section 170)

### **1 Gaming devices etc**

The installations, devices and equipment to be provided in a casino for gaming and other purposes and the maintenance of the installations, devices and equipment.

### **2 Security and safety equipment**

The installations, devices and equipment to be provided in a casino for security and safety purposes and the maintenance of the installations, devices and equipment.

### **3 Amenities**

The facilities and amenities to be provided for patrons of, and inspectors on duty in, a casino and the maintenance of those amenities.

### **4 Drop boxes etc**

The provision and security of drop boxes and other places for the depositing of money.

### **5 Movement of equipment**

The movement of gaming equipment to and from a casino.

### **6 Advertising**

Advertising relating to a casino.

### **7 Reports**

The submission of reports by a casino operator.

### **8 Employees other than licensees**

Regulating in a casino the activities of persons (other than licensees under Part 4) who are in the casino in the course of their employment or prohibiting any of those activities.

### **9 Testing of operations**

The testing of operations, or of proposed operations, in a casino.

### **10 Gaming equipment**

- (1) The manufacture or supply of gaming equipment for use in a casino.
- (2) The acquisition of gaming equipment for use in a casino.



- (3) The servicing of gaming equipment used in a casino.
- (4) The issue and storage of gaming equipment for use in a casino.

#### **11 Publication of information**

- (1) Requiring the publication of information, and the display of notices, with respect to—
  - (a) the chances of winning or losing associated with the conduct of the various games available in a casino, and
  - (b) the availability of counselling and other services to deal with the social and other problems that can arise from gambling.
- (2) Prohibiting the disclosure of information identifying the winners of prizes in games conducted in a casino.

#### **12 Contracts for goods or services**

The form of contracts that, within the meaning of Division 2 of Part 3, are controlled contracts.

#### **13 Payment of winnings and prizes**

- (1) The kinds of winnings and prizes that may be offered for specified games.
- (2) Methods of paying winnings and prizes.

#### **14 Witnesses' expenses**

Providing for the payment of expenses to witnesses attending inquiries conducted under this Act by or on behalf of the NICC.

### **Schedule 4 Savings and transitional provisions**

(Section 171)

#### **Part 1 Preliminary**

##### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act and any Act that amends this Act.
- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done, or omitted to be done, before the date of its publication.

## **Part 2 Casino Control Amendment Act 1995**

### **2 Notice of controlled contracts**

Section 37, as in force immediately before the substitution of that section by the *Casino Control Amendment Act 1995*, continues to apply in respect of a contract or variation of contract the details of which were notified to the Authority under that section before the substitution of that section.

## **Part 3 Casino Control Amendment (Cheques) Act 1996**

### **3 Banking and redemption of certain cheques received by casino operator**

- (1) An amendment made by the *Casino Control Amendment (Cheques) Act 1996* does not apply to a cheque accepted by the casino operator before the commencement of the amendment, except as provided by subclause (2).
- (2) Section 75 (5A) extends to apply in respect of a cheque accepted by the casino operator before the commencement of that subsection, but only so as to authorise the redemption of a cheque by means of an electronic funds transfer made after that commencement.

## **Part 4 Casino Control Amendment Act 1997**

### **4 Licences of casino employees**

Section 55 (e) as amended by the *Casino Control Amendment Act 1997* extends to a licence in force under Part 4 of this Act immediately before the commencement of the amendment.

## **Part 5 Casino Control Amendment Act 2000**

### **5 Approval of rules**

Section 66, as amended by the *Casino Control Amendment Act 2000*, extends to rules of a game approved under section 23 of the *Public Lotteries Act 1996* before the commencement of that amendment.

## 6 Conduct of gaming

Section 70, as amended by the *Casino Control Amendment Act 2000*, extends to a casino licence granted before the commencement of that amendment.

## 7 Cheating

Section 87, as in force immediately before its amendment by the *Casino Control Amendment Act 2000*, continues to apply to acts or omissions that took place before the commencement of those amendments.

## Part 6 Casino Control Amendment Act 2001

### 8 Definitions

In this Part—

**appointed day** means the day appointed under section 2 of the 2001 amending Act for the commencement of the provision in which that expression occurs.

**former DCS officer** means a person who, immediately before the appointed day, held a former DCS position, but does not include a person who was then merely acting in that position.

**former DCS position** means a position within the Department of Gaming and Racing that is taken to have been abolished as referred to in clause 9 (1).

**new CCA position** means a position within the organisational structure of the Authority that is taken to have been created as referred to in clause 9 (1).

**the 2001 amending Act** means the *Casino Control Amendment Act 2001*.

**transferred officer** means a former DCS officer who holds a new CCA position.

### 9 Transfer of certain positions

(1) On the appointed day, the following positions within the Department of Gaming and Racing are taken to have been abolished and corresponding positions are taken to have been created within the organisational structure of the Authority—

- (a) Director of Casino Surveillance (1 position),
- (b) Secretary to the Director of Casino Surveillance (1 position),
- (c) Executive Assistant to the Director of Casino Surveillance (1 position),
- (d) Legal Officer (1 position),
- (e) Licensing Supervisor (1 position),

- (f) Licensing Investigator (1 position),
  - (g) Manager Audit (1 position),
  - (h) Audit Supervisor (1 position),
  - (i) Manager Inspector (1 position),
  - (j) Supervising Inspector (5 positions),
  - (k) Inspector (15 positions).
- (2) The grade and position description for each position so created are to be the same as the grade and position description for the corresponding position within the Department of Gaming and Racing were immediately before the appointed day.
- (3) Until varied according to law, the conditions of employment (including conditions as to remuneration) applicable to a new CCA position held by a transferred officer are to be the same as the conditions of employment that, immediately before the appointed day, were applicable to the corresponding former DCS position.
- (4) Despite subclause (3), the conditions of employment applicable to a new CCA position held by a transferred officer are subject to the same variations applying to Public Service positions generally as would have applied to the position had it remained a Public Service position.

#### **10 Transfer and terms of employment of former DCS officers**

- (1) On the appointed day, each person who, immediately before that day, held a former DCS position (otherwise than on an acting basis) is taken to be the holder of the corresponding new CCA position.
- (2) Schedule 2, and any provision of the regulations of the kind referred to in clause 8 of Schedule 2, do not apply to a transferred officer while the holder of a new CCA position.
- (3) In his or her capacity as a member of staff of the Authority, a transferred officer is under the control and direction of the Chief Executive of the Authority.
- (4) An appeal by a transferred officer who is the holder of a new CCA position does not lie to the Government and Related Employees Appeals Tribunal concerning a promotional matter unless it relates to an appointment to some other new CCA position.

#### **11 Right of return to Public Service**

- (1) A transferred officer who is the holder of a new CCA position may, at any time after the appointed day, apply for a Public Service position as if the officer were still a public servant.

- (2) A transferred officer who is the holder of a new CCA position, and who applies for a Public Service position or is appointed to or employed in a Public Service position, is, for the purposes of the *Public Sector Management Act 1988*, the *Government and Related Employees Appeal Tribunal Act 1980* and the *Industrial Relations Act 1996* taken to be a public servant in relation to the application, appointment or employment.

## **12 Director of Casino Surveillance**

- (1) The office of Director of Casino Surveillance is abolished.
- (2) Any act or omission of the Director of Casino Surveillance that occurred before the appointed day is taken to be an act or omission of the Authority.

## **13 Inspectors**

Any person who, immediately before the appointed day, was an inspector appointed under section 106 is taken to have been appointed under that section by the Authority.

## **14 Costs of investigations**

- (1) Costs incurred by the Director, as referred to in sections 16, 35A and 51 as in force immediately before the appointed day, remain payable to the Authority despite the amendments made to those sections by the 2001 amending Act.
- (2) A certificate in respect of any such costs may be issued under section 166 (d) on or after the appointed day, and any such certificate issued before the appointed day continues to have effect, despite the amendment of that paragraph by the 2001 amending Act.

## **15 Referred applications**

Section 52, as amended by the 2001 amending Act, extends to applications made before the appointed day, and applies to any such application despite its having been referred to the Director under section 50, as in force immediately before the appointed day.

## **16 Exclusion orders**

- (1) Any exclusion order made by the Director under section 79 before the appointed day is taken to have been made by the Authority.
- (2) Sections 80 and 81, as amended by the 2001 amending Act, extend to any exclusion order made before the appointed day.

## **17 Integrity testing**

Section 136, as amended by the 2001 amending Act, extends to any person who holds a position to which he or she was appointed before the appointed day.

## 18 Conduct of inquiries

- (1) Section 143A, as inserted by the 2001 amending Act, applies only to inquiries commenced on or after the appointed day.
- (2) Section 143B, as inserted by the 2001 amending Act, extends to inquiries commenced before the appointed day.
- (3) Section 143C, as inserted by the 2001 amending Act, extends to information obtained by the Authority before the appointed day.

## 19 Restrictions on employment etc of former key officials

Despite section 147 (3), as amended by the 2001 amending Act, an exemption under that subsection may not be granted in respect of a former Director of Casino Surveillance.

## 20 Secrecy

Section 148, as amended by the 2001 amending Act, extends to any information acquired by a person before the appointed day.

## 21 Prosecutions by Director

- (1) Any proceedings instituted before the appointed day by the Director, as referred to in section 168 (4) (a), are taken to have been instituted by the Authority or (if the Authority so directs) by such other person as may be specified in that direction.
- (2) For the purposes of section 168 (4) (c), a person specified in such a direction is taken to be acting with the written authority of the Authority.

## Part 7 Provisions consequent on enactment of **Gaming Machines Amendment Act 2005**

### 22 Responsible Gambling Fund

The Responsible Gambling Fund referred to in section 115 (4) (as amended by Schedule 2 [4] to the *Gaming Machines Amendment Act 2005*) is a continuation of the Casino Community Benefit Fund operating under that section immediately before the commencement of that Schedule.

## Part 8 Provisions consequent on enactment of **Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007**

### 23 Definitions

In this Part—

**amending Act** means the *Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007*.

**assets** means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money, securities and choses in action).

**document** means any Act (other than this Act) or statutory instrument, or any other instrument, or any other contract or agreement.

**instrument** means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

**liabilities** means any liabilities, debts or obligations (whether present or future and whether vested or contingent).

**new Authority** means the Casino, Liquor and Gaming Control Authority.

**relevant repeal date** means the day on which section 133 of this Act is repealed by Schedule 1 to the amending Act.

**rights** means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).

## **24 Abolition of Casino Control Authority**

The Casino Control Authority is abolished on the relevant repeal date.

## **25 Transfer of assets, rights and liabilities**

- (1) The assets, rights and liabilities of the Casino Control Authority are, on the relevant repeal date, transferred to the new Authority.
- (2) The following provisions have effect in relation to the transfer of the assets, rights and liabilities of the Casino Control Authority—
  - (a) the assets vest in the new Authority without the need for any conveyance, transfer, assignment or assurance,
  - (b) the rights and liabilities become the rights and liabilities of the new Authority,
  - (c) all proceedings commenced before the transfer by or against the Casino Control Authority and pending immediately before the transfer are taken to be proceedings pending by or against the new Authority,
  - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the Casino Control Authority is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the new Authority.

- (3) The operation of this clause is not to be regarded—
  - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
  - (d) as an event of default under any contract or other instrument.
- (4) No attornment to the new Authority by a lessee from the Casino Control Authority is required.

## **26 Members of Casino Control Authority**

- (1) A person who, immediately before the relevant repeal date, held office as a member of the Casino Control Authority, ceases to hold that office on that date.
- (2) A person who ceases to hold office as such a member is not entitled to any remuneration or compensation because of the loss of that office.

## **27 Transfer of staff and abolition of Casino Control Authority Division**

- (1) The group of staff employed in the Casino Control Authority Division of the Government Service are removed from that Division and added to the Department of the Arts, Sport and Recreation.
- (2) If a person who was a member of staff of the Casino Control Authority Division immediately before the commencement of this clause was entitled, as such a member, to an allowance that would not otherwise be payable to the person as a member of staff of the Department of the Arts, Sport and Recreation, the allowance continues to be payable to the person as a member of staff of the Department until such time as the entitlement is terminated in accordance with the terms under which the allowance was initially provided.
- (3) The removal of the group of staff from the Casino Control Authority Division and its addition to the Department of the Arts, Sport and Recreation is taken to have been done under section 104 of the *Public Sector Employment and Management Act 2002*. Accordingly, this clause does not affect the power conferred by that Act to remove the group of staff concerned from that Department and add it to another Division of the Government Service.
- (4) The Casino Control Authority Division is abolished as a Division of the Government Service.



## 28 References to Casino Control Authority

A reference in any other Act, in any instrument made under any Act or in any document of any kind to the Casino Control Authority is to be read as (or as including) a reference to the new Authority.

## Part 9 Provisions consequent on enactment of **Casino Control Amendment Act 2009**

### 29 Casino licence review period

Section 31, as amended by the *Casino Control Amendment Act 2009*, extends to a casino licence in force immediately before the commencement of that amendment.

### 30 Duration of licences of casino employees

Section 55 (e), as amended by the *Casino Control Amendment Act 2009*, extends to a licence in force under Part 4 of this Act immediately before the commencement of that amendment.

### 31 Approval of casino layout

An approval in force under section 65 immediately before the amendment to that section by the *Casino Control Amendment Act 2009* is, on the commencement of that amendment, taken to be an approval in force under that section as so amended.

### 32 Approval of games and rules for games

An order in force under section 66 immediately before the amendment to that section by the *Casino Control Amendment Act 2009* is, on the commencement of that amendment, taken to be an order in force under that section as so amended.

## Part 10 Provisions consequent on enactment of **Casino Control Amendment Act 2010**

### 33 Definition

In this Part—

**amending Act** means the *Casino Control Amendment Act 2010*.

### 34 Existing controlled contracts

The substitution of the definition of **controlled contract** by the amending Act does not apply in respect of a contract entered into before the substitution of that definition.

### 35 Existing special employees

A person who is the holder of a licence (an **existing licence**) under Part 4 of this Act

immediately before the commencement of section 44 (as substituted by the amending Act) is deemed to have been issued on that commencement with—

- (a) a licence under that Part (as amended by the amending Act), and
- (b) a certificate of competency for the functions of a special employee that the person was authorised to exercise under the existing licence.

### **36 Protection from liability**

- (1) Section 85 (4) and (5) (as inserted by the amending Act) do not apply to liability for loss that a person suffers as a result of a failure that occurs before the commencement of those subsections.
- (2) Section 85A (as inserted by the amending Act) does not apply to liability for loss that a person suffers as a result of a failure that occurs before the commencement of that section.

## **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.

## **Part 12 Provisions consequent on enactment of [Casino Legislation](#)**

## Amendment Act 2022

### 40 Definition

In this Part—

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

### 41 New penalties to apply

- (1) This clause applies if, after the commencement of the Amendment Act, Schedule 1[21], the NICC decides to take disciplinary action in relation to a casino licence, whether the grounds for the disciplinary action occurred before or after the commencement.
- (2) The NICC may take disciplinary action under section 23(1) of this Act, as amended by the Amendment Act.
- (3) This clause does not apply to disciplinary action taken against a close associate of a casino operator if the grounds for disciplinary action occurred before the commencement.

### 42 First Commissioners of the NICC

- (1) Despite Part 9A, the Minister, may by written instrument, appoint a person who was a member of the Authority immediately before the commencement of this clause as the Chief Commissioner or another Commissioner of the NICC.
- (2) A person appointed under subclause (1) as the Chief Commissioner or another Commissioner holds office—
  - (a) for the remainder of the term of office that applied to the person's appointment as a member of the Authority, unless the appointment is sooner revoked under this Act, and
  - (b) subject to the other terms of the person's appointment as a member of the Authority.

### 43 No compensation payable for regulatory action taken before commencement

- (1) This clause applies if, before the commencement of the Amendment Act, Schedule 1[96], regulatory action was taken against a casino operator.
- (2) Section 156, as in force on and from the commencement, applies in relation to the regulatory action as if it had been taken after the commencement.
- (3) In this clause—

**regulatory action** has the same meaning as in section 156(3).

#### **44 Existing approvals**

- (1) This clause applies if—
  - (a) immediately before the commencement of the Amendment Act, an approval granted by the Authority, including an approval of a close associate or a controlled contract, was in force, and
  - (b) after the commencement an approval of that type may be granted by the NICC.
- (2) From the commencement, the approval continues, subject to the same terms and conditions, as if it had been granted by the NICC.