



New South Wales

Casino Control Amendment Bill 1997

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Casino Control Act 1992* so as:

- (a) to increase the maximum term of a casino employee's licence to 3 years, and
 - (b) to extend the principle of cost recovery in connection with certain investigations under the Act, and
 - (c) to extend the area in connection with which exclusion orders relating to the casino can be made at the direction of the Commissioner of Police, and
 - (d) to make the following minor amendments:
 - to adjust the terminology used in a provision of the Act relating to slot machines,
 - to specify the circumstances in which a deputy of an appointed member of the Casino Control Authority ceases to hold office.
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Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Casino Control Act 1992* set out in Schedule 1.

Term of casino employees' licences

At present, a casino employee's licence remains in force for 12 months, unless it is earlier cancelled or otherwise ceases to be in force. The Bill amends section 55 of the Act to extend this period to 3 years (see **Schedule 1 [4]**). The Bill also makes it clear, as a transitional matter, that this extension applies also to current licences (see **Schedule 1 [8]**).

Cost recovery of investigations and inquiries

At present, section 16 of the Act provides for the recovery of the reasonable costs incurred by the Casino Control Authority and the Director of Casino Surveillance in investigating and inquiring into an application for a casino licence. However, this section does not apply to the costs incurred under section 35 in investigating or inquiring into a major change that involves a person becoming a close associate of a licensed casino operator. The Bill inserts a new section 35A, which is largely modelled on section 16. The new section requires payment of the reasonable costs of investigating an application for the Authority's approval to the change (or of inquiring into the change where approval is not required) (see **Schedule 1 [3]**).

Exclusion orders

At present, exclusion orders can be made in respect of a casino. However, a "casino" is limited to the area defined under the provisions of the Act, and does not apply to substantial areas within the casino complex. The Bill amends section 81 of the Act to enable regulations to be made prescribing additional areas as forming the casino precinct, and to empower the Commissioner of Police to direct that an exclusion order be made applying to the casino precinct (as well as to the casino itself) (see **Schedule 1 [5]**).

Slot machines

At present, section 8 of the Act refers to slot machines. The Bill amends section 8 to replace this with the expression “gaming machine”, defined consistently with the definition of poker machine in the *Registered Clubs Act 1976* (see **Schedule 1 [1]** and **[2]**).

Deputies of appointed members

At present, clause 6 of Schedule 1 to the Act empowers the Minister to appoint and revoke the appointment of deputies for appointed members of the Casino Control Authority. The Bill amends this clause to make it clear that an appointment of a deputy can be for a specified term, and to set out the circumstances in which the position of a deputy becomes vacant (see **Schedule 1 [6]**). Those circumstances are similar to those in which the office of an appointed member becomes vacant, as set out in clause 7 of that Schedule.

Savings and transitional matters

In addition to the transitional matter mentioned above in connection with casino employees' licences, the Bill amends clause 1 of Schedule 4 to the Act, thus enabling the regulations to cover matters of a savings or transitional nature consequent on the enactment of the proposed Act (see **Schedule 1 [7]**).

First print



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Casino Control Amendment Bill 1997

No. , 1997

A Bill for

An Act to amend the *Casino Control Act 1992* in relation to the term of casino employees' licences, the recovery of the cost of certain investigations and inquiries, and the ambit of certain exclusion orders; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Casino Control Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Casino Control Act 1992 No 15

The *Casino Control Act 1992* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 8 Gaming machines in casino

Omit "slot machines" wherever occurring in section 8 (1) and (2).
Insert instead "gaming machines".

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[2] Section 8 (5), definition of "slot machine"

Omit the definition. Insert instead:

gaming machine means a device that is designed:

- (a) for the playing of a game of chance or a game that is partly a game of chance and partly a game requiring skill, and
- (b) for paying out money or tokens or for registering a right to an amount of money or money's worth to be paid.

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[3] Section 35A

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Insert after section 35:

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 and that involves a person becoming a close associate of a casino operator.
- (2) The reasonable costs incurred by the Authority and the Director 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 Authority, unless the Authority determines otherwise in a particular case.

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- (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 Authority is of the opinion that the casino operator is not responsible for the major change. 5
- (4) The costs may include travelling expenses within or outside the State.
- (5) In the case of an application for approval under section 35, the Authority may require part or full payment in advance of the amount of costs it estimates will be payable to the Authority by the applicant and may refuse to deal with the application until the required payment is made. 10
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- (6) It is a condition of a casino licence that any amount payable under this section by the holder of the licence is paid.

[4] Section 55 Duration of licence

Omit "12 months" from section 55 (e). Insert instead "3 years". 20

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

Insert after section 81 (3):

- (4) The regulations may 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 the premises. The premises are referred to in this section as the "casino precinct". 25

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- (5) Such a declaration is to apply only to premises that both:
 - (a) form part of or are in the immediate vicinity of the building or complex of which the casino forms part, and
 - (b) are under the control or management of the casino operator. 5
 - (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. 10
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 - (8) In this section, *premises* includes any place, vehicle or vessel.

[6] Schedule 1 Provisions relating to the members and procedure of the Authority

Insert at the end of clause 6 (Deputies): 20

- (6) A person may, but need not, be appointed to the position of deputy of a member for a period specified in the person's instrument of appointment.
- (7) The position of deputy of a member becomes vacant if the deputy: 25
 - (a) dies, or
 - (b) if appointed for a period, completes a term in the position and is not reappointed, or
 - (c) resigns the position by instrument in writing addressed to the Minister, or 30
 - (d) is removed from the position by revocation of the appointment under this clause, or

Schedule 1 Amendments

- (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or 5
- (f) becomes a mentally incapacitated person, or
- (g) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable. 10

[7] Schedule 4 Savings and transitional provisions

Insert at the end of clause 1 (1):

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[8] Schedule 4

Insert at the end of the Schedule:

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. 20