

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 (the principal Act) in relation to controlled contracts, training and licensing requirements for special employees, the making and notification of exclusion orders, liability following removal of a person from a casino, penalty notices and other miscellaneous matters.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Casino Control Act 1992

No 15

Division 2 of Part 3 of the principal Act requires a casino operator to give notice to the Casino, Liquor and Gaming Control Authority (the Authority) when it enters into, or varies, a controlled contract. Such contracts may be terminated by the

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Authority in certain circumstances. Schedule 1 [1] substitutes the definition of controlled contract so that it covers only contracts relating to the supply or servicing of gaming equipment and contracts that are materially significant to the integrity of the operation of the casino. Schedule 1 [1], [2] and [3] make consequential amendments.

Schedule 1 [5] amends the requirements relating to the licensing of special employees. Currently, a special employee must be licensed and must carry out his or her functions in accordance with the authority conferred by the licence and the conditions of the licence. The amendment maintains the requirement for special employees to be licensed but also requires special employees to hold a certificate of competency for the functions that the special employee exercises. Schedule 1 [15] provides that certificates of competency are to be issued by a casino operator. These certificates may be issued to a person only if the person has completed training in those functions and in responsible practices for the conduct of gaming (being training provided by the casino operator) or if the person has already completed appropriate training or has appropriate qualifications. Any such training or qualifications on the basis of which a certificate of competency is issued must comply with any standards or other requirements set by the Authority from time to time. A casino operator is also required to maintain records of training provided and certificates of competency issued. Schedule 1 [4] and [6]–[14] make consequential amendments.

Schedule 1 [16] and [23] make provision for certain types of devices or things that fall within the definition of gaming equipment (but are not an intrinsic element of gaming) to be excluded from the licence condition that requires all gaming equipment to be approved under the principal Act before being used in accordance with the approval.

Schedule 1 [17]–[20] make minor amendments to the licence conditions relating to the conduct of gaming to reflect changes in the way poker is now dealt and changes to the making of wagers.

Schedule 1 [21] makes it clear that the licence condition preventing casino employees or agents from inducing people to enter the casino or take part in gaming in the casino applies only in relation to persons outside the casino (the regulations contain a provision prohibiting certain gambling inducements in relation to persons inside the casino).

Schedule 1 [24] amends the definition of junket so that it includes an arrangement involving a person, or a group of people, who is introduced to a casino operator by a

promoter who receives a commission based on the turnover of play in the casino attributable to the persons introduced by the promoter (or otherwise calculated by reference to such play).

Schedule 1 [26] requires the Commissioner of Police to notify the relevant authorities in other States and Territories when an order is made (at the direction of the Commissioner) excluding a person from a casino. The Commissioner is also to provide the relevant authorities with the name of the person subject to the exclusion

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order and, where practicable, a photograph of that person and notify the relevant authorities when an order is revoked. Schedule 1 [25] makes a consequential amendment.

Schedule 1 [27] requires the Commissioner of Police to give a direction that a person be excluded from a casino if the person is subject to exclusion from another casino following the making of a similar direction under a corresponding law of another State or a Territory.

Schedule 1 [28] and [29] provide certain protections from civil and criminal liability in relation to the exclusion of persons from a casino.

Schedule 1 [33] provides that the amount of a penalty prescribed for a penalty notice offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.

Schedule 1 [32] makes a consequential amendment.

Schedule 1 [22], [30] and [31] make statute law revision amendments.

Schedule 1 [34] enables the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [35] inserts savings and transitional provisions.

Schedule 2 Amendment of Casino Control

Regulation 2009

Schedule 2 [1] and [2] make consequential amendments.

Schedule 2 [3] and [4] make law revision amendments.