



New South Wales

Casino Control Amendment Bill 2018

Explanatory note

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

This Bill is cognate with the *Liquor and Gaming Legislation Amendment Bill 2018*.

Overview of Bill

The object of this Bill is to amend the *Casino Control Act 1992* for the following purposes:

- (a) to defer the required 5-yearly review of a casino licence until the first review of the restricted gaming licence relating to the Barangaroo restricted gaming facility (which will be required within 3 years after gaming commences under the restricted gaming licence),
- (b) to allow the regulations to prescribe a contract or class of contracts as exempt from the “controlled contract” provisions that apply to contracts relating to the supply or servicing of gaming equipment,
- (c) to require identification worn by casino special employees to be in accordance with casino internal controls approved by the Independent Liquor and Gaming Authority (instead of the existing requirement for the identification to be approved by the Authority),
- (d) to require the fee for a casino special employee licence to be prescribed by the regulations instead of being approved by the Authority,
- (e) to authorise the issue and renewal of a casino special employee licence to the holder of a security industry licence without a suitability assessment of the applicant,
- (f) to require the Authority to notify the Commissioner of Police of any disciplinary action taken against the holder of a casino special employee licence who also holds a security industry licence,
- (g) to remove cessation of casino employment as a ground for automatic cancellation of a casino special employee licence,

- (h) to extend the term of a casino special employee licence from 5 to 7 years,
- (i) to provide that the Authority is not required to give reasons for a decision to take disciplinary action against the holder of a casino special employee licence,
- (j) to standardise between the casino and the Barangaroo restricted gaming facility the requirements for the approval of facilities and equipment for monitoring and surveillance operations,
- (k) to repeal a provision that currently allows the Authority to give directions as to the particular games that are or are not to be available to be played in a casino,
- (l) to authorise the provision of complimentary chip purchase vouchers to premium players,
- (m) to repeal the provision that allows the Authority to direct when a casino is to be open or closed to the public for gaming,
- (n) to remove the requirement that a summary of game rules to be provided to a casino patron be approved by the Authority,
- (o) to change the requirement for the notice to be given of a change to a higher minimum wager at a gaming table or location,
- (p) to allow a participant in a premium player arrangement or junket to purchase chips using a debit card,
- (q) to allow a casino operator to release or discharge a debt,
- (r) to allow the provision of credit to a person not ordinarily resident in Australia to enable the person to participate in a premium player arrangement or a junket approved by the Authority (with such credit currently only permitted in the Barangaroo restricted gaming facility),
- (s) to allow the use at a casino of funds deposited with a casino in another jurisdiction that is a related corporation of the first casino,
- (t) to remove the prohibition on a casino operator accepting a cheque from a person when a previous cheque has not been met,
- (u) to simplify the application procedure for a voluntary exclusion order,
- (v) to remove the requirement that premises can only be declared to be in a casino precinct for exclusion order purposes if they are under the control or management of the casino operator,
- (w) to prevent the revocation of a voluntary exclusion order for a person except on the application of the person and to prevent the revocation of such an order less than 6 months after it is given,
- (x) to simplify the information required to be provided to the Authority about exclusion orders made by a casino operator,
- (y) to prohibit wagering in a casino by a minor or a person who is the subject of an exclusion order and to provide for the forfeiture of any winnings from prohibited wagers to the Responsible Gambling Fund,
- (z) to extend the existing exemption from smoking restrictions at the Barangaroo restricted gaming facility to approved private gaming areas in the casino,
- (aa) to require unclaimed winnings to be paid into the Responsible Gambling Fund,
- (ab) to require a casino operator to notify the Authority within 24 hours after a minor is removed from the casino (instead of the existing requirement for notification of an inspector at the time of removal),
- (ac) to make miscellaneous minor amendments,
- (ad) to enact consequential savings and transitional provisions.

The Bill also amends the *Smoke-free Environment Act 2000* to remove redundant provisions affecting a casino.

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.

Schedule 1 Amendment of Casino Control Act 1992 No 15

Review of casino licence

Schedule 1 [2] (section 31) and **Schedule 1 [56]** (clause 38 of Schedule 4) defer the required 5-yearly review of the current casino licence until the first review of the restricted gaming licence. The first review of the restricted gaming licence will be required within 3 years after gaming commences under that licence instead of within 3 years after 15 November 2019 (which is the current requirement).

Special employee licences

Schedule 1 [7] and [8] (section 52 (3) and (3A)) allow the issue of a casino special employee licence that will authorise the exercise of security functions without the usual suitability assessment by the Authority if the employee holds a licence under the *Security Industry Act 1997* authorising the exercise of those functions.

Schedule 1 [9] (section 55 (c)) removes cessation of casino employment as a ground for the automatic cancellation of a casino special employee licence.

Schedule 1 [10] (section 55 (e)) extends the term of a casino special employee licence from 5 to 7 years. **Schedule 1 [56]** (clause 39 of Schedule 4) extends this amendment to a licence that is in force when the amendment commences.

Schedule 1 [12] (section 59 (8) and (9)) makes the following amendments relating to the taking of disciplinary action against the holder of a casino special employee licence:

- (a) the Authority will not be required to give reasons for a decision to take disciplinary action against the holder of a casino special employee licence,
- (b) the Authority will be required to notify the Commissioner of Police of any disciplinary action taken against the holder of a casino special employee licence who is also the holder of a licence under the *Security Industry Act 1997*.

Surveillance and monitoring

Schedule 1 [13] (section 65) removes existing provisions requiring the Authority's approval of the casino layout and extends to the casino the requirements that currently apply to the Barangaroo restricted gaming facility for the Authority's approval of facilities and equipment for monitoring and surveillance operations.

Games available in casino

Schedule 1 [14] (section 66) requires the Authority's approval of games that can be played in a casino and of the rules of those games to be notified on the casino's website instead of on the Authority's website as at present.

Schedule 1 [15] (section 67) repeals a provision that currently allows the Authority to give directions as to the particular games that are or are not to be available to be played in a casino and the minimum and maximum number of particular games.

Complimentary chip purchase vouchers

Schedule 1 [16] (section 70) allows a casino operator to provide complimentary chip purchase vouchers to a person who is a patron of a private gaming area, a participant in a premium player arrangement or junket, or a patron of the Barangaroo restricted gaming facility. Complimentary

chip purchase vouchers can be used to purchase chips or can be used for directly placing a wager. **Schedule 1 [24]** (section 74 (1) (a)) makes a consequential amendment.

Schedule 1 [19] (section 70 (2) (c1)) prevents a complimentary chip purchase voucher from being redeemed for money or a cheque. **Schedule 1 [18]** (section 70 (2) (c)) makes a consequential amendment.

Conduct of gaming

Schedule 1 [20] (section 71) repeals the provision that currently allows the Authority to direct when a casino is to be open or closed to the public for gaming.

Schedule 1 [21] (section 72 (1) (c)) removes a requirement that a summary of game rules to be provided to a casino patron be approved by the Authority and replaces that requirement with a requirement that the summary not be misleading and indicate that it is only a summary.

Schedule 1 [22] (section 72 (1) (d)) allows the minimum and maximum wagers at an electronic gaming terminal to be displayed as part of the terminal display as an alternative to being displayed by means of a sign at the location of the gaming terminal.

Schedule 1 [23] (section 72 (1) (e)) removes the requirement for 20 minutes notice to be given of a change to a higher minimum wager at a gaming table or location and replaces that requirement with a requirement that the change does not apply for 20 minutes to a person playing at the gaming table or location when the change occurs.

Credit, cheques and deposit accounts

Schedule 1 [25] (section 74 (1) (c)) allows a participant in a premium player arrangement or junket to purchase chips using a debit card.

Schedule 1 [27] (section 74 (1) (e)) allows a casino operator to release or discharge a debt by removing the requirement for the approval of the Authority before a casino operator can wholly or partly release or discharge a debt. **Schedule 1 [26]** (section 74 (1) (d)) makes a consequential amendment.

Schedule 1 [28] (section 74 (5)) allows credit to be provided by a casino to a person not ordinarily resident in Australia to enable the person to participate in a premium player arrangement or a junket approved by the Authority (which is currently only permitted in the Barangaroo restricted gaming facility). **Schedule 1 [29]** (section 74 (5) (b)) makes a consequential amendment.

Schedule 1 [32] (section 75 (3)) allows a person who establishes a deposit account with a casino to draw on a deposit account established with a casino in another jurisdiction that is a related corporation of the first casino. **Schedule 1 [30] and [31]** (section 75 (1) and (2)) make consequential amendments.

Schedule 1 [33] (section 75 (6) (a)) removes the existing prohibition on a casino accepting a cheque from a patron when a previous cheque drawn by the patron has not been met.

Exclusion orders

Schedule 1 [37] (section 79 (3)) revises provisions for the making of an application for the voluntary exclusion of a person so that an application can be made for exclusion from either or both of the casino and the Barangaroo restricted gaming facility.

Schedule 1 [35], [36] and [38] (section 79 (1), (2), (4) and (4A)) remove provisions for the exclusion of a person from a casino by means of a verbal exclusion order.

Schedule 1 [40] (section 81 (4) and (5)) removes the requirement that premises in the immediate vicinity of a casino can only be declared to be a casino precinct (which is an area from which a person can be excluded at the direction of the Commissioner of Police) if the premises are under the control or management of the casino operator. **Schedule 1 [39]** (section 81 (1)) makes it clear that an exclusion order made at the direction of the Commissioner of Police is to be made by the casino operator. **Schedule 1 [43]** (section 85 (6) and (7)) makes it clear that the obligation of a casino operator to remove an excluded person from the casino precinct only applies to areas under the control or management of the casino operator and imposes an additional duty to notify police

when an excluded person is in a part of the casino precinct not under the casino operator's control or management.

Schedule 1 [41] (section 82 (3A)) prevents the revocation of a voluntary exclusion order except on the application of the person to whom the order applies and prevents the revocation of such an order less than 6 months (or another period prescribed by the regulations) after it is given.

Schedule 1 [42] (section 83 (2)) streamlines procedures for providing the Authority with the daily list of persons who are subject to exclusion orders. The list will only have to be provided at the request of the Authority or an inspector, instead of having to be provided every day and updated with notification of any new exclusion order made during the day.

Wagering by minors and excluded persons

Schedule 1 [44] (section 86A) prohibits a person from making a wager in a casino if the person is a minor or is the subject of an exclusion order. A person who makes a prohibited wager is not entitled to any winnings from the wager and any winnings are forfeited to the Responsible Gambling Fund.

Smoking

Schedule 1 [45] (section 89A (1)) extends the existing exemption from the *Smoke-free Environment Act 2000* that applies to the Barangaroo restricted gaming facility to a private gaming area within the casino that is approved by the Authority as an area to which that Act is not to apply.

Schedule 1 [46] and [47] (section 89A (2)) extend the existing air quality monitoring requirements that apply to the Barangaroo restricted gaming facility to a private gaming area within the casino in which smoking will be permitted.

Schedule 1 [48] (section 89A (2) (b) and (3)) transfers from the Minister for Health to the Minister the function of receiving and tabling the required annual report about air quality equipment.

Miscellaneous amendments

Schedule 1 [1] (section 3) inserts new definitions. **Schedule 1 [34]** (section 76 (3)) makes a consequential amendment.

Schedule 1 [3] (section 36) allows the regulations to exempt contracts from the requirements that apply to contracts relating to the supply or servicing of gaming equipment as "controlled contracts" under Division 2 of Part 3 of the Act.

Schedule 1 [4] (section 45) requires identification worn by casino special employees to be in accordance with casino internal controls approved by the Authority (instead of the existing requirement for the identification to be approved by the Authority).

Schedule 1 [5] and [11] (sections 46 (1) (a) and 56 (2)) require the fee for a casino special employee licence to be prescribed by the regulations instead of being approved by the Authority.

Schedule 1 [6] (section 46 (3A) and (3B)) provides for information (including photographs and finger prints) about an applicant for a casino special employee licence to be referred to the Commissioner of Police, and for the Commissioner to inquire into and report on the application.

Schedule 1 [17] (section 70 (2)) exempts chips used in a tournament or for training purposes from existing restrictions on the exchange and redemption of chips.

Schedule 1 [49] (section 90) requires unclaimed winnings to be paid into the Responsible Gambling Fund.

Schedule 1 [50] (section 94 (2) and (2A)) removes the existing requirement that an inspector be notified forthwith when a minor is found in a casino (which is in addition to the requirement that the minor be removed) and replaces it with a new requirement that the Authority be notified within 24 hours after the minor is removed. **Schedule 1 [51]** (section 94 (3)) makes a consequential amendment.

Schedule 1 [52] and [53] (sections 115 (9) and 119 (6)) make amendments that are consequential on the amendments made by **Schedule 1 [44] and [49]** (sections 86A and 90).

Schedule 1 [54] and [55] (section 124 (1) and (4)) make it an offence for a casino operator to contravene a requirement of an internal control or administrative or accounting procedure that is approved by the Authority under an existing provision that requires casino operations to be conducted in accordance with a system of internal controls and administrative and accounting procedures approved by the Authority.

Schedule 2 Amendment of Smoke-free Environment Act 2000 No 69

Schedule 2 [1]–[4] remove redundant and spent provisions relating to a casino and exempt areas.