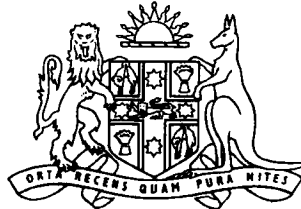


Passed by both Houses



New South Wales

# Gambling Legislation Amendment (Responsible Gambling) Bill 1999

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 1999*



## **Gambling Legislation Amendment (Responsible Gambling) Bill 1999**

Act No , 1999

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An Act to amend certain Acts to minimise the harm associated with the misuse and abuse of gambling activities, to promote the responsible conduct of gambling activities, and for other purposes.

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*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

*Chairman of Committees of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Gambling Legislation Amendment (Responsible Gambling) Act 1999*.

**2    Commencement**

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

**3    Amendment of Acts**

The Acts specified in Schedules 1–7 are amended as set out in those Schedules.

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

(Section 3)

### **[1]    Section 64 Training courses for employees**

Omit “operations” from section 64 (1).

Insert instead “operations and responsible practices in relation to the conduct of gaming activities”.

### **[2]    Section 76 Junkets and inducements**

Insert at the end of section 76 (1):

, or

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

### **[3]    Section 80 Review of exclusion order**

Insert after section 80 (5):

- (5A)    The regulations may make provision for or with respect to matters to be taken into consideration by the Authority in making its decision with respect to an application for review of an exclusion order.

### **[4]    Section 82 Duration and revocation of exclusion orders**

Insert at the end of section 82:

- (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.

**[5] Section 84 Excluded person not to enter casino**

Insert at the end of the section:

- (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.

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**[6] Section 169A**

Insert after section 169:

**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: 20 penalty units.

## **Schedule 2    Amendment of Liquor Act 1982 No 147**

(Section 3)

**[1]    Section 2A Liquor harm minimisation is a primary object of this Act**

Insert “liquor” before “harm minimisation” wherever occurring.

**[2]    Section 2B**

Insert after section 2A:

**2B    Gambling harm minimisation and responsible conduct of gambling activities are primary objects of the Act**

- (1) Other primary objects of this Act are:
  - (a) gambling harm minimisation, that is, the minimisation of harm associated with the misuse and abuse of gambling activities, and
  - (b) the fostering of responsible conduct of gambling activities.
- (2) The court, the Board, the Director, the Commissioner of Police and all other persons having functions under this Act are required to have due regard to the need for gambling harm minimisation and to foster the responsible conduct of gambling activities when exercising functions under this Act. In particular, due regard is to be had to the need for gambling harm minimisation when considering for the purposes of this Act what is or is not in the public interest.

**[3]    Section 17B**

Insert after section 17A:

**17B    Remedial orders**

- (1) The court may, in addition to or as an alternative to any requirement that it makes or penalty that it imposes in any proceedings before it in relation to a complaint or in which it finds any person guilty of an offence against this Act or the

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regulations, being an offence prescribed by the regulations for the purposes of this section, do either or both of the following:

- (a) require a person to publish an advertisement correcting any information contained in any advertising concerning any gambling activities authorised by or under this Act that are conducted at the licensed premises concerned that the court is satisfied on the evidence before it is false, misleading or deceptive and give directions (if any) that the court considers appropriate as to the time, form, extent and manner of publication,
  - (b) require a licensee, manager or any other person involved in the conduct of gambling activities at the licensed premises to undertake any specified course of training that the court considers will promote responsible practices in the conduct of gambling activities at the licensed premises.
- (2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.

Maximum penalty: 20 penalty units.

**[4] Section 20 Conditions of licences**

Insert “or section 125D (Responsible conduct of gambling activities)” after “(Responsible service)” in section 20 (2) (a1).

**[5] Section 20 (4B)**

Insert after section 20 (4A):

- (4B) It is a condition of a hotelier’s licence that the licensee comply with any reasonable direction in writing given by the Director in accordance with the regulations with respect to action to be taken or practices to be adopted to minimise harm associated with the misuse and abuse of gambling activities.



**[6] Section 68 Grounds for complaint**

Insert at the end of section 68 (1) and omit “or” from section 68 (1) (i):

- , or
- (k) that the licensee or manager has engaged in conduct or activities in relation to gambling at the licensed premises that have encouraged, or are likely to encourage, the misuse and abuse of gambling activities.

**[7] Section 125D**

Insert after section 125C:

**125D Responsible conduct of gambling activities**

- (1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in relation to the gambling activities that may lawfully be conducted at licensed premises.
- (2) In particular, the regulations may make provision for or with respect to the following:
  - (a) restricting or prohibiting the conduct of promotions or other activities (including advertising),
  - (b) the standards to be observed on licensed premises for the conduct of responsible gambling activities,
  - (c) requiring licensees, managers or other persons involved or proposing to be involved in the conduct of gambling activities at licensed premises to undergo courses of training that will promote responsible practices in the conduct of those activities,
  - (d) the prohibition or restriction of the offering of inducements, or inducements of a kind, specified in the regulations,
  - (e) the information to be provided and signs to be displayed about gambling activities at licensed premises,
  - (f) the notices to be displayed with respect to the availability of counselling in respect of financial, social or other problems that may arise in connection with gambling,

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- (g) requiring facilities on licensed premises for the withdrawal or transfer of money from banks and authorised deposit-taking institutions (such as ATMs and EFTPOS) to be installed or located in parts of the premises that are separate from parts of those premises where gambling activities are conducted,
  - (h) the provision of anonymity at the request of a gambler who has won a major prize.
- (3) The regulations under this section may create offences punishable by a penalty not exceeding 50 penalty units.
  - (4) It is the intention of Parliament that regulations under this section will be made as soon as practicable after the date of assent to the *Gambling Legislation Amendment (Responsible Gambling) Act 1999*.

**[8] Section 125F**

Insert after section 125E:

**125F Industry codes of practice**

- (1) For the purpose of providing practical guidance for the promotion of responsible practices in the conduct of gambling activities at licensed premises, the Minister is, within 6 months after the date of assent to the *Gambling Legislation Amendment (Responsible Gambling) Act 1999*, to approve an industry code of practice that sets out the standards to be observed by licensed premises for the responsible conduct of gambling activities.
- (2) The Minister may approve as an industry code of practice any code, standard or document relating to such standards prepared or formulated by the Australian Hotels Association (NSW) or any other body or authority.
- (3) The Minister may approve any amendment of the code of practice or revoke the approval of the code of practice.
- (4) The Minister is to publish in the Gazette:
  - (a) the approved code of practice, and
  - (b) any approved amendment of the code of practice, and
  - (c) the revocation of an approval of a code of practice.

- (5) The Minister is to cause a copy of the approved code of practice and, if any amendment to the code has been approved, a copy of the amendment, to be made available for inspection by members of the public without charge at the offices of the Department of Gaming and Racing during normal office hours.

**[9] Sections 126A and 126B**

Insert after section 126:

**126A Prohibition on extension of credit for gambling**

- (1) A responsible person for licensed premises must not extend, or offer to extend, a cash advance or any other form of credit to another person for the purpose of enabling the other person to gamble at the licensed premises.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply to the extension of a cash advance in the form of a prize or bonus provided as referred to in section 20 (4A).

- (3) In this section:

*responsible person* for licensed premises means the following:

- (a) the licensee,
- (b) the manager of the premises,
- (c) an agent or employee of the licensee or manager,
- (d) a person acting or purporting to act on behalf of the licensee or manager.

**126B Misrepresentation or misdescription of credit transactions**

- (1) A responsible person for licensed premises must not, in any transaction involving a payment to the licensed premises by means of a credit facility provided by a bank or authorised deposit-taking institution, describe or represent any cash advance extended to another person who the responsible person knows, or could reasonably be expected to know, intends to use the cash advance to gamble at the licensed premises to be a payment for goods or services lawfully provided on the licensed premises or elsewhere.

Maximum penalty: 50 penalty units.

- (2) In this section:

*responsible person* has the same meaning as it has in section 126A.

**[10] Section 150B**

Insert after section 150A:

**150B Liability with respect to self-exclusion schemes**

- (1) In this section:

*self-exclusion scheme* means a scheme:

- (a) in which a person (“the participant”) is prevented, at his or her own request, from entering or remaining on any part or parts of licensed premises used for gambling, and
- (b) that is conducted by the licensed premises in accordance with any requirements prescribed by the regulations for the purposes of this section.

- (2) It is lawful for a responsible person for licensed premises, using no more force than is reasonable in the circumstances:

- (a) to prevent a participant in a self-exclusion scheme from entering those parts of the premises used for gambling, and
- (b) to remove such a person from those parts of the premises or cause such a person to be removed from them.

- (3) No civil or criminal liability is incurred by a responsible person for licensed premises for any act done or omitted in good faith and in accordance with this section to or in respect of a participant in a self-exclusion scheme conducted at the licensed premises.

- (4) In this section:

*responsible person* for licensed premises means the following:

- (a) the licensee,
- (b) the manager of the premises,
- (c) an agent or employee of the licensee or manager,

- (d) any other person involved in the conduct of gambling activities at the premises.

**[11] Section 158A**

Insert after section 158:

**158A Card-operated approved amusement devices**

- (1) Without limiting section 158, the Board may declare that a device is an approved amusement device under that section if the device is a device that can be operated by means of a card of a kind or kinds prescribed by the regulations.
- (2) The Board may declare a device to be an approved amusement device as referred to in subsection (1) only if the Board considers that the device complies with the requirements of the regulations (if any) prescribed for approved amusement devices for the purposes of this section.
- (3) The regulations may make provision for or with respect to cards for the operation of approved amusement devices, and in particular with respect to the following:
  - (a) the kinds of cards that may be used to operate approved amusement devices,
  - (b) the persons who may provide cards,
  - (c) the kinds of information that may be stored on cards,
  - (d) measures for the security and integrity of cards,
  - (e) the maximum amount of credit that may be stored electronically on a card,
  - (f) the conditions on which cards are provided,
  - (g) the storing of credit on cards and the redemption of credit stored on cards,
  - (h) the provision of a facility for the holder of a card to set a limit on the amount of credit that may be stored on the card,
  - (i) the provision of a facility for the holder of a card to have the card disabled so that it cannot be used to operate an approved amusement device,

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- (j) inducements to use cards (such as bonus points or rewards), and the advertising or promotion of such inducements,
  - (k) access to information stored on cards or about the use of cards (whether any particular card or cards in general).

**[12] Section 165 Conditions relating to prizes**

Insert “or a credit stored in a card” after “money” in section 165 (4).

## **Schedule 3      Amendment of Lotteries and Art Unions Act 1901 No 34**

(Section 3)

**[1]      Section 4A Certain organisations authorised to conduct games of chance**

Insert after section 4A (4):

- (4A) An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

**[2]      Section 4B Lotteries and games of chance for the promotion of trade**

Insert after section 4B (4):

- (4A) An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

**[3]      Section 4C Games of chance in registered clubs**

Insert after section 4C (4):

- (4AA) An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

**[4]      Section 4D Sweepstakes in relation to Melbourne Cup and other events**

Insert after section 4D (5):

- (5A) An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

**[5]      Section 6 Conditions and permits for art unions**

Insert after section 6 (2):

- (2A) An application for a permit under this section may not be made by or on behalf of a person who is under the age of 18 years.

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**[6] Section 22D**

Insert after section 22C:

**22D Remedial orders**

- (1) A court that finds a person 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, by order, suspend or revoke a permit issued under this Act to the person or take any other action prescribed by the regulations, in addition or as an alternative to any penalty that it may impose in respect of the offence.
- (2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.

Maximum penalty: 20 penalty units.

**[7] Section 23 Regulations**

Insert after section 23 (1) (n):

- (o) Restricting or prohibiting the conduct of promotions or other activities (including advertising) relating to lottery activities.
- (p) The information to be provided and signs to be displayed at venues where games of chance are to be conducted.



## **Schedule 4      Amendment of Public Lotteries Act 1996 No 86**

(Section 3)

### **[1]      Section 10 Application for licence**

Insert after section 10 (2):

- (3) An application may not be made by or on behalf of a person who is under the age of 18 years.

### **[2]      Section 24A**

Insert after section 24:

#### **24A      Display of notice that minors prohibited from entering lottery**

A licensee or agent must display a notice to the effect that persons under 18 years of age are prohibited from entering a public lottery in a prominent position at the place where entries are accepted at the time the licensee or agent accepts any entry in a public lottery.

Maximum penalty: 10 penalty units.

### **[3]      Section 39 Advertising of public lotteries**

Insert after section 39 (1):

- (1A) A court that finds a person guilty of an offence under 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 person to publish an advertisement correcting any information contained in the public lottery advertising concerned that the court is satisfied 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:
    - (i) the person, or

- (ii) if the person is a corporation, a director of the corporation or a person concerned in the management of the corporation, or
- (iii) an employee of the person (including a key employee),

to undertake any specified course of training that the court considers will promote responsible practices in the conduct of public lotteries by the person.

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

Maximum penalty: 20 penalty units.

**[4] Section 42A**

Insert after section 42:

**42A Advertising of alleged method for winning prohibited**

A person who advertises by any means that the person or some other person will accept any money or other reward in return for information relating to:

- (a) a particular method of entering in or subscribing to a public lottery, being a method of a kind prescribed by the regulations, or
- (b) making or selecting a particular entry in such a public lottery,

that it is claimed may, or will, increase the chances of winning a prize in a lottery is guilty of an offence.

Maximum penalty: 20 penalty units.

**[5] Section 46 Minor not to enter public lottery**

Omit “2 penalty units”. Insert instead “5 penalty units”.

**[6] Section 83A**

Insert after section 83:

**83A Responsible conduct of gambling activities**

- (1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the conduct of public lotteries.
- (2) In particular, the regulations may make provision for or with respect to the following:
  - (a) the standards to be observed for the conduct of responsible gambling activities,
  - (b) the prohibition or restriction of the offering of inducements, or inducements of a kind, specified by the regulations,
  - (c) the information to be provided and signs to be displayed with respect to the conduct of, entry into and subscription to public lotteries,
  - (d) without limiting paragraph (c), the inclusion on each entry or ticket for a public lottery of:
    - (i) a warning notice about gambling, and
    - (ii) the name and contact details of a gambling counselling service specified, or of a kind specified, by the regulations.
- (3) The regulations under this section may create offences punishable by a penalty not exceeding 50 penalty units.
- (4) It is the intention of Parliament that regulations under this section will be made as soon as practicable after the date of assent to the *Gambling Legislation Amendment (Responsible Gambling) Act 1999*.

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## **Schedule 5    Amendment of Racing Administration Act 1998 No 114**

(Section 3)

### **[1]    Section 35A**

Insert after section 35:

#### **35A    Remedial orders**

- (1) A court that finds a person guilty of an offence against this Act or the regulations, being an offence 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 person to publish an advertisement correcting any information contained in any betting information or advertisement published by the person that the court is satisfied on the 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 person,
    - (ii) if the person is a corporation, a director of the corporation or a person concerned in the management of the corporation,
    - (iii) an employee of the person,to undertake any specified course of training that the court considers will promote responsible practices in the conduct of betting activities by the person.
- (2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.

Maximum penalty: 20 penalty units.

**[2] Section 37 Regulations**

Insert at the end of the section:

- (3) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the conduct of betting authorised by or under this Act.
- (4) In particular, the regulations may make provision for or with respect to the following:
  - (a) restricting or prohibiting the conduct of promotions or other activities (including advertising),
  - (b) the standards to be observed for the conduct of responsible gambling activities,
  - (c) the notices to be displayed with respect to the availability of counselling in respect of financial, social or other problems that may arise in connection with gambling activities,
  - (d) the inclusion on each ticket, coupon, token or other thing sold or issued to a person for the purposes of placing a bet by a licensed bookmaker of:
    - (i) a warning notice about gambling, and
    - (ii) the name and contact details of a gambling counselling service specified, or of a kind specified, by the regulations.
- (5) The regulations under this section may create offences punishable by a penalty not exceeding 50 penalty units.

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## **Schedule 6    Amendment of Registered Clubs Act 1976 No 31**

(Section 3)

**[1]    Section 3 Liquor harm minimisation**

Insert “liquor” before “harm minimisation” wherever occurring.

**[2]    Section 3A**

Insert after section 3:

**3A    Gambling harm minimisation and responsible conduct of  
gambling activities are primary objects of the Act**

(1) Other primary objects of this Act are:

- (a) gambling harm minimisation, that is, the minimisation of harm associated with the misuse and abuse of gambling activities, and
- (b) the fostering of responsible conduct of gambling activities.

(2) The Licensing Court, the Board, the Director, the Commissioner of Police and all other persons having functions under this Act are required to have due regard to the need for gambling harm minimisation and to foster the responsible conduct of gambling activities when exercising functions under this Act. In particular, due regard is to be had to the need for gambling harm minimisation when considering for the purposes of this Act what is or is not in the public interest.

**[3]    Section 9A Conditions relating to certificate of registration**

Insert “or 44C (Responsible conduct of gambling activities)” after “(Responsible service)” in section 9A (1A).

**[4] Section 9A**

Insert after section 9A (5B):

- (5C) It is a condition of a certificate of registration of a club that the club comply with any reasonable direction in writing given by the Director in accordance with the regulations with respect to action to be taken or practices to be adopted to minimise the harm associated with the misuse and abuse of gambling activities.

**[5] Section 17 Determination of complaints against registered clubs**

Insert after section 17 (1AA) (a) (xvi):

- (xvii) that the club engaged in conduct or activities in relation to gambling at the club that have encouraged, or are likely to encourage, the misuse and abuse of gambling activities.

**[6] Sections 44C, 44D**

Insert after section 44B:

**44C Responsible conduct of gambling activities**

- (1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in relation to gambling activities that may lawfully be conducted at registered clubs.
- (2) In particular, the regulations may make provision for or with respect to the following:
  - (a) restricting or prohibiting the conduct of promotions or other activities (including advertising),
  - (b) the standards to be observed for the conduct of responsible gambling activities,
  - (c) requiring the secretary of a registered club and other persons engaged or proposing to be engaged in the administration of the club or in the conduct of gambling activities at the club to undergo courses of training that will promote responsible practices in the conduct of those activities,

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- (d) the prohibition or restriction of the offering of inducements, or inducements of a kind, specified by the regulations,
  - (e) the information to be provided and signs to be displayed about gambling activities at a registered club,
  - (f) the notices to be displayed with respect to the availability of counselling in respect of financial, social or other problems that may arise in connection with gambling,
  - (g) requiring facilities at registered clubs for the withdrawal or transfer of money from banks and authorised deposit-taking institutions (such as ATMs and EFTPOS) to be installed or located in parts of the premises that are separate from parts of those premises where gambling activities are conducted,
  - (h) the provision of anonymity at the request of a gambler who has won a major prize.
- (3) The regulations under this section may create offences punishable by a penalty not exceeding 50 penalty units.
  - (4) It is the intention of Parliament that regulations under this section will be made as soon as practicable after the date of assent to the *Gambling Legislation Amendment (Responsible Gambling) Act 1999*.

**44D Industry codes of practice**

- (1) For the purpose of providing practical guidance for the promotion of responsible practices in the conduct of gambling activities at registered clubs, the Minister is, within 6 months after the date of assent to the *Gambling Legislation Amendment (Responsible Gambling) Act 1999*, to approve an industry code of practice that sets out the standards to be observed by registered clubs for the responsible conduct of gambling activities.
- (2) The Minister may approve as an industry code of practice any code, standard or document relating to such standards prepared or formulated by the Registered Clubs Association of NSW or any other body or authority.



- (3) The Minister may approve any amendment of the code of practice or revoke the approval of the code of practice.
- (4) The Minister is to publish in the Gazette:
  - (a) the approved code of practice, and
  - (b) any approved amendment of the code of practice, and
  - (c) the revocation of an approval of a code of practice.
- (5) The Minister is to cause a copy of the approved code of practice and, if any amendment to the code has been approved, a copy of the amendment, to be made available for inspection by members of the public without charge at the offices of the Department of Gaming and Racing during normal office hours.

**[7] Sections 54C and 54D**

Insert after section 54B:

**54C Prohibition on extension of credit for gambling**

- (1) A responsible person for a registered club must not extend, or offer to extend, a cash advance or any other form of credit to another person for the purpose of enabling the other person to gamble at the registered club.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply to the extension of a cash advance in the form of a prize or bonus provided as referred to in section 9A (5A).

- (3) In this section:

*responsible person* for a registered club means the following:

- (a) the secretary of the club,
- (b) a director of the club,
- (c) an agent or employee of the club,
- (d) a person acting or purporting to act on behalf of the club.

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**54D Misrepresentation or misdescription of credit transactions**

- (1) A responsible person for a registered club must not, in any transaction involving a payment to the club by means of a credit facility provided by a bank or authorised deposit-taking institution, describe or represent any cash advance extended to another person who the responsible person knows, or could reasonably be expected to know, intends to use the cash advance to gamble at the club to be a payment for goods or services lawfully provided on the premises of the club or elsewhere.

Maximum penalty: 50 penalty units.

- (2) In this section:

*responsible person* has the same meaning as it has in section 54C.

**[8] Section 65B**

Insert after section 65A:

**65B Remedial orders**

- (1) A court that finds a person 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 person to publish an advertisement correcting any information contained in any advertising concerning any gambling activities at the registered club concerned that the court is satisfied on the 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:
    - (i) the secretary of the club, or
    - (ii) a director of the club, or

- (iii) an employee of the club,  
to undertake any specified course of training that the court considers will promote responsible practices in the conduct of gambling activities at the club.
- (2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.  
Maximum penalty: 20 penalty units.

**[9] Section 77BA**

Insert after section 77B:

**77BA Card-operated approved poker machines**

- (1) Without limiting section 77B, the Board may declare that a device is an approved poker machine under that section if the machine is a machine that can be operated by means of a card of a kind or kinds prescribed by the regulations.
- (2) The Board may declare a device to be an approved poker machine as referred to in subsection (1) only if the Board considers that the device complies with the requirements of the regulations (if any) prescribed for approved poker machines for the purposes of this section.
- (3) The regulations may make provision for or with respect to cards for the operation of approved poker machines, and in particular with respect to the following:
  - (a) the kinds of cards that may be used to operate approved poker machines,
  - (b) the persons who may provide cards,
  - (c) the kinds of information that may be stored on cards,
  - (d) measures for the security and integrity of cards,
  - (e) the maximum amount of credit that may be stored electronically on a card,
  - (f) the conditions on which cards are provided,
  - (g) the storing of credit on cards and the redemption of credit stored on cards,

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- (h) the provision of a facility for the holder of a card to set a limit on the amount of credit that may be stored on the card,
  - (i) the provision of a facility for the holder of a card to have the card disabled so that it cannot be used to operate an approved poker machine,
  - (j) inducements to use cards (such as bonus points or rewards), and the advertising or promotion of such inducements,
  - (k) access to information stored on cards or about the use of cards (whether any particular card or cards in general).

**[10] Section 132A**

Insert after section 132:

**132A Liability with respect to self-exclusion schemes**

- (1) In this section:  
*self-exclusion scheme* means a scheme:
  - (a) in which a person (“the participant”) is prevented, at his or her own request, from entering or remaining on any part or parts of registered clubs used for gambling, and
  - (b) that is conducted by the registered club in accordance with any requirements prescribed by the regulations for the purposes of this section.
- (2) It is lawful for a responsible person for a registered club, using no more force than is reasonable in the circumstances:
  - (a) to prevent a participant in a self-exclusion scheme from entering those parts of the club used for gambling, and
  - (b) to remove such a person from those parts of the club or cause such a person to be removed from them.
- (3) No civil or criminal liability is incurred by a responsible person for a registered club for any act done or omitted in good faith and in accordance with this section to or in respect of a participant in a self-exclusion scheme conducted at the club.

(4) In this section:

*responsible person* means:

- (a) the secretary of the club,
- (b) a director of the club,
- (c) an agent or employee of the club,
- (d) any other person involved in the conduct of gambling at the club.

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## **Schedule 7 Amendment of Totalizator Act 1997 No 45**

(Section 3)

### **[1] Section 103A**

Insert after section 103:

#### **103A Remedial orders**

- (1) A court that finds a person 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 it may impose for the offence, make either or both of the following orders:
  - (a) an order requiring the person to publish an advertisement correcting any information contained in any betting information or advertisement published by the person that the court is satisfied on the 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 person,
    - (ii) if the person is a corporation, a director of the corporation or a person concerned in the management of the corporation,
    - (iii) an employee of the person,to undertake any specified course of training that the court considers will promote responsible practices in the conduct of betting activities by the person.
- (2) A person who, without lawful excuse, fails to comply with an order under this section is guilty of an offence.

Maximum penalty: 20 penalty units.

**[2] Section 117A**

Insert after section 117:

**117A Responsible conduct of totalizators, totalizator betting and other betting activities**

- (1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the conduct of totalizators, totalizator betting and any other betting activities approved under section 13.
- (2) In particular, the regulations may make provision for or with respect to:
  - (a) the standards to be observed for the conduct of gambling activities,
  - (b) the prohibition or restriction of the offering of inducements, or of inducements of a kind, specified by the regulations,
  - (c) the notices to be displayed with respect to the availability of counselling in respect of financial, social or other problems that may arise in connection with gambling,
  - (d) the inclusion on each betting ticket issued by or on behalf of a licensee of:
    - (i) a warning notice about gambling, and
    - (ii) the name and contact details of a gambling counselling service specified, or of a kind specified, by the regulations.
- (3) It is the intention of Parliament that regulations under this section will be made as soon as practicable after the date of assent to the *Gambling Legislation Amendment (Responsible Gambling) Act 1999*.