

Passed by both Houses



New South Wales

Casino Control Amendment Bill 2000

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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, , 2000*



New South Wales

Casino Control Amendment Bill 2000

Act No , 2000

An Act to amend the *Casino Control Act 1992* so as to make further provision with respect to the objects and the membership qualifications of the Casino Control Authority, and with respect to the self-exclusion of persons from a casino and matters to be notified to casino inspectors; and for other purposes.

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.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Casino Control Amendment Act 2000*.

2 Commencement

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

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 3 Definitions

Insert in alphabetical order in section 3 (1):

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).

[2] Section 66 Approval of games and rules for games

Omit section 66 (2) (b) and (3) (b). Insert instead:

- (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] Section 66 (4) and (5)

Insert at the end of section 66:

- (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, 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.

(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*.

[4] Section 70 Conduct of gaming

Omit “rules of the game” wherever occurring from section 70 (1) (d) and (e).

Insert instead “game rules”.

[5] Section 70 (1) (f) and (h)

Omit “rules of a game” wherever occurring from section 70 (1) (f) and (h).

Insert instead “game rules”.

[6] Section 70 (1) (f)

Omit “or cheque”. Insert instead “, cheque or non-monetary prize”.

[7] Section 72 Assistance to patrons

Omit “rules of gaming in respect of any particular game (as approved for the time being under section 66)” from section 72 (1) (a).

Insert instead “game rules for any particular game”.

[8] Section 72 (1) (b)

Omit “gaming rules”. Insert instead “game rules”.

[9] Section 72 (1) (c)

Omit “rules of gaming”. Insert instead “game rules”.

[10] Section 83 List of excluded persons

Insert “, or any information contained in the list,” after “subsection (1)” in section 83 (3).

[11] Section 83 (3) (h) and (i)

Insert after section 83 (3) (g):

, 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.

[12] Section 84 Excluded person not to enter casino

Insert “(other than a self-excluded person)” after “person” in section 84 (1).

[13] Section 84 (5)

Insert in alphabetical order in section 84 (5):

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

[14] Section 85 Removal of excluded person from casino

Omit section 85 (2). Insert instead:

- (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: 20 penalty units.

[15] Section 87 Cheating

Omit section 87 (1). Insert instead:

- (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.

[16] Section 87 (5) and (6)

Insert at the end of section 87:

- (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.

[17] Section 94 Minors in casino—offences by casino operator

Omit section 94 (2). Insert instead:

(2) If a minor is in a casino, the casino operator must forthwith notify an inspector, and then remove the minor, or cause the minor to be removed, from the casino.

Maximum penalty: 50 penalty units.

[18] Section 110 Inspectors to investigate complaints

Omit “rules of the game approved under section 66 (Approval of games and rules for games)” from section 110 (3) (a).

Insert instead “game rules”.

[19] Section 113 Offences relating to obstruction etc of inspectors

Insert after section 113 (3):

(4) An inspector who suspects on reasonable grounds that a person has stated a name or residential address that is false may request the person to provide reasonable proof of the person’s identity.

[20] Section 125 Content of approved system

Omit “or cheque” from section 125 (1) (o).

Insert instead “, cheque or in a non-monetary form (other than chips)”.

[21] Section 135 Qualifications of members

Insert after section 135 (1) (e):

(f) human services or consumer protection,

(g) community work or the community sector.

[22] Section 140 Objects of the Authority

Omit section 140 (c).

[23] Section 168A

Insert after section 168:

168A Penalty notices

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act, being an offence prescribed by the regulations.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay within a time and to a person specified in the notice the amount of penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence, except proceedings under section 23 (Disciplinary action against casino operator) or 59 (Disciplinary action against licensee).
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil proceeding arising out of the same occurrence.
- (6) However, when a penalty is paid under this section in respect of a penalty notice served on a person, the person is:
 - (a) for the purposes of section 23—taken to have contravened the provision of this Act to which the penalty notice relates, or
 - (b) for the purposes of section 59—taken to have been convicted of the offence to which the penalty notice relates.
- (7) The regulations may:
 - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and

- (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
 - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (8) The amount of a penalty prescribed under this section for an offence must not exceed the lesser of:
 - (a) 6 penalty units, or
 - (b) 10% of the maximum amount of penalty that could be imposed for the offence by a court.
- (9) 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.
- (10) In this section:
authorised officer means a police officer, the Director or an inspector.

[24] Schedule 3 Matters for regulations

Insert after clause 12:

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.

[25] Schedule 4 Savings and transitional provisions

Insert at the end of clause 1 (1):

Casino Control Amendment Act 2000

[26] Schedule 4

Insert after Part 4:

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.