



New South Wales

Gaming Machines Amendment (RCG Training) Regulation 2018

under the

Gaming Machines Act 2001

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

PAUL TOOLE, MP
Minister for Racing

Explanatory note

The objects of this Regulation are:

- (a) to make further provision for competency cards issued by the Secretary of the Department of Industry (the *Secretary*) to persons who have completed training in relation to the responsible conduct of gambling, so that the scheme aligns with the similar scheme for the responsible service of alcohol training, and
- (b) to increase various fees payable in relation to competency cards and the approval by the Secretary of training courses for the responsible conduct of gambling.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 47 and 210 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (RCG Training) Regulation 2018*.

2 Commencement

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1 [11] commences on 1 March 2019.

Schedule 1 Amendment of Gaming Machines Regulation 2010

[1] **Clause 3 Definitions**

Omit the definition of *Secretary* from clause 3 (1).

[2] **Clause 58A Definitions**

Omit the definition of *recognised RCG certification* from clause 58A (1).

[3] **Clause 58A (1)**

Insert in alphabetical order:

RCG endorsement—see clause 58C (1).

RSA endorsement means a recognised competency card endorsement (other than an RCG endorsement) within the meaning of Part 5 of the *Liquor Regulation 2018*.

[4] **Clause 58A (2)**

Omit “a recognised RCG certification”. Insert instead “an RCG endorsement”.

[5] **Clauses 58B–58DA**

Omit clauses 58B–58D. Insert instead:

58B Interim RCG certificates

- (1) On the completion of an approved RCG training course by a person, the course provider must, as soon as reasonably practicable, issue the person an interim RCG certificate certifying that the person has completed the course.
- (2) An interim RCG certificate that certifies the completion of an approved RCG training course is, for the period of 90 days after the interim RCG certificate is issued, taken to be equivalent to a recognised competency card with an RCG endorsement.
- (3) The Secretary may, by notice in writing addressed to the holder of an interim RCG certificate, extend the period of 90 days in exceptional circumstances, and in that case the interim RCG certificate and the notice are taken to be equivalent to a recognised competency card with an RCG endorsement for the extended period.
Note. For example, a person may produce an interim RCG certificate (or an interim RCG certificate and an extension notice), instead of a recognised competency card, in compliance with a requirement under clause 58E.
- (4) A person who is issued an interim RCG certificate may apply to the Secretary for a recognised competency card with an RCG endorsement.

58C Issue and replacement of recognised competency card with RCG endorsement

- (1) The Secretary may, on the basis of an interim RCG certificate, issue a person a recognised competency card with a notation that the person has completed an approved RCG training course within the previous 5 years (an *RCG endorsement*).
- (2) A recognised competency card is to be in the form approved by the Secretary and to contain such other information (including photographic or other information about the identity of the person to whom it is issued) as the Secretary may require at the time the card is issued.

- (3) A recognised competency card does not cease to be a recognised competency card only because there is an RSA endorsement on the same card.
- (4) The Secretary may, on payment of a fee of \$40, issue a replacement recognised competency card to a person if the Secretary is satisfied that the original card has been lost, stolen or damaged.
- (5) A person is not required to pay a fee for the replacement of a recognised competency card under this clause if the person has paid a fee under the *Liquor Regulation 2018* in relation to the replacement of the same recognised competency card.

58D Expiry of RCG endorsement

- (1) An RCG endorsement expires:
 - (a) on the fifth anniversary of the issue of the interim RCG certificate that was the basis for the RCG endorsement being included on the recognised competency card, or
 - (b) if the RCG endorsement is renewed—on the fifth anniversary of the date the RCG endorsement would otherwise have expired.
- (2) Despite subclause (1), an RCG endorsement expires if:
 - (a) an RSA endorsement on the same recognised competency card expires, or
 - (b) the person who holds the RCG endorsement completes an RSA training course or licensee training course and does not complete an approved RCG training course at the same time.
- (3) In this clause, *licensee training course* and *RSA training course* have the same meaning as they have in Part 5 of the *Liquor Regulation 2018*.

58DA Renewal of RCG endorsement

- (1) A person's RCG endorsement may be renewed if the person completes an approved RCG training course before (or within 28 days of) its expiry.
- (2) If the approved RCG training course is provided by or on behalf of the Secretary, the person must pay the Secretary a fee of \$40.
- (3) A person is not required to pay a fee under this clause if, at the time of the renewal of the RCG endorsement, the person pays a fee under the *Liquor Regulation 2018* in relation to an RSA endorsement on the same recognised competency card.
- (4) The renewal of an RCG endorsement does not take effect until the issue of a recognised competency card with the renewed RCG endorsement.
- (5) To avoid doubt, the renewal of an RCG endorsement does not make it current for any period during which it had expired.

[6] Clause 58E Inspection of recognised competency card

Omit "or interim RCG certificate" from clause 58E (1).

[7] Clause 58E, note

Insert at the end of the clause:

Note. An interim RCG certificate is, for a limited period, taken to be equivalent to a recognised competency card and may be produced in compliance with a requirement under this clause—see clause 58B (2).

[8] Clause 59 Training of hoteliers, club secretaries and employees associated with gaming machine activities

Omit “current recognised RCG certification” wherever occurring in clause 59 (1)–(3).

Insert instead “recognised competency card with a current RCG endorsement”.

[9] Clause 59 (4)

Omit the subclause. Insert instead:

- (4) A hotelier or registered club must not employ, or continue to employ, a person whose duties are concerned in the conduct of activities involving approved gaming machines in the hotel or on the premises of the club unless the person holds a recognised competency card with a current RCG endorsement.

Maximum penalty:

- (a) if the RCG endorsement on the recognised competency card of the person whose duties are concerned has expired—25 penalty units, or
(b) in any other case—50 penalty units.

[10] Clause 60 Approval of training providers

Omit “\$995” from clause 60 (2). Insert instead “\$1,450”.

[11] Clause 60 (6) (b)

Omit “\$30”. Insert instead “\$40”.

[12] Clause 60 (13)

Omit “\$550”. Insert instead “\$800”.

[13] Schedule 3 Penalty notice offences

Omit “recognised RCG certification” from paragraph (a) of the matter relating to clause 59 (4) under the heading “**Offences under this Regulation**”.

Insert instead “RCG endorsement on the recognised competency card”.