



New South Wales

Casino Control Amendment Regulation 2018

under the

Casino Control Act 1992

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

PAUL TOOLE, MP
Minister for Racing

Explanatory note

The object of this Regulation is to amend the *Casino Control Regulation 2009* as follows:

- (a) to prescribe the application fee for a licence or renewal of a licence under Part 4 of the *Casino Control Act 1992*,
- (b) to exempt certain contracts that relate to the supply, servicing or testing of gaming equipment from the requirements of that Act,
- (c) to prescribe certain changes in the state of affairs of casino operators and licensees as changes to be notified to the Authority,
- (d) to modify certain applied provisions of the *Liquor Act 2007* in line with amendments made to that Act by the *Liquor Legislation Amendment (Statutory Review) Act 2014*,
- (e) to modify an applied provision of the *Liquor Act 2007* in relation to the electronic service of penalty notices.

This Regulation is made under the *Casino Control Act 1992*, including sections 35 (1), 36 (specifically, paragraph (a) of the definition of **controlled contract**), 46 (1), 56 (2), 63, 89 (2) and 170 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Casino Control Amendment Regulation 2018*.

2 Commencement

This Regulation commences on 31 August 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Casino Control Regulation 2009

[1] Clause 8A

Insert after clause 8:

8A Fees for application and renewal of special employee licences

- (1) For the purposes of section 46 (1) (a) of the Act, the prescribed fee to accompany an application for a licence under Part 4 of the Act is \$1,000.
- (2) For the purposes of section 56 (2) of the Act, the prescribed fee to accompany an application for a renewal of a licence under Part 4 of the Act is \$1,000.

[2] Clause 13

Insert after clause 12:

13 Contracts exempt from provisions of Act

The following classes of contracts, which relate to the supply or servicing of gaming equipment under section 68 (1) of the Act, are prescribed as exempt from the definition of *controlled contract* in section 36 of the Act:

- (a) a contract that varies the terms of an existing controlled contract in relation to the period in which that controlled contract is in force,
- (b) a contract that varies the terms of an existing controlled contract in relation to any pricing specified in that controlled contract,
- (c) a contract that varies one or more definitions in an existing controlled contract, but only if the definitions do not materially affect the operation or effect of that controlled contract,
- (d) a contract for services provided by a holder of a current dealer's licence, seller's licence or testing facility licence under the *Gaming Machines Act 2001*,
- (e) a contract for services provided by a holder of a current master licence under the *Security Industry Act 1997*.

[3] Schedule 2 Description of minor change in state of affairs of a casino operator

Insert "(excluding matters commenced in the Fair Work Commission)" after "proceedings" in clause 2 (b).

[4] Schedule 2, clause 2 (c)

Insert "(excluding matters commenced in the Fair Work Commission)" after "procedures".

[5] Schedule 2, clause 3

Insert "casino operator becoming aware of the" after "The".

[6] Schedule 2, clause 6

Omit the clause.

[7] Schedule 3 Change in state of affairs of licensee

Insert at the end of paragraph (c) in Column 1 of item 1:

- , or
- (d) the email address of the licensee.

[8] Schedule 3, items 1A–1C

Insert after item 1:

1A

A change consisting of the licensee being suspended by a casino operator.

Particulars of:

- (a) the circumstances that caused the suspension, and
- (b) the date of the suspension.

1B

A change consisting of the licensee being the subject of an exclusion order made by a casino operator, or the withdrawal of the licensee's licence, including any equivalent order made in another jurisdiction, including a jurisdiction outside of Australia, to exclude the licensee from a casino or withdraw the licensee's licence.

Particulars of:

- (a) the terms, and
 - (b) the date,
- of the exclusion order or withdrawal of licence.

1C

A change consisting of the licensee being the subject of any disciplinary action taken against the licensee in respect of any liquor, gaming, racing or wagering authorisation held by the licensee in another jurisdiction, including a jurisdiction outside of Australia.

Particulars of:

- (a) the terms, and
 - (b) the date,
- of the disciplinary action.

[9] Schedule 3, item 2

Insert "proceedings in any jurisdiction, including a jurisdiction outside of Australia" after "following".

[10] Schedule 3, item 4

Omit paragraph (a) in Column 1. Insert instead:

- (a) declares bankruptcy, or

[11] Schedule 6 Applied provisions of Liquor Act 2007 as modified

Insert "at any time" after "licensed premises" in section 22 (2).

[12] Schedule 6, section 45

Insert after section 45 (5):

- (6) Without limiting subsection (3) (a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person:
 - (a) that the person:
 - (i) is a member of, or
 - (ii) is a close associate of, or
 - (iii) regularly associates with one or more members of, a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*, and

- (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (7) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant is:
 - (a) of good repute, having regard to character, honesty and integrity, and
 - (b) competent to carry on that business or activity.
- (8) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (6) to the extent that the giving of those reasons would disclose any criminal intelligence.

[13] Schedule 6, section 56

Insert after section 56 (2) (c):

- (d) any incident that results in a patron of the licensed premises requiring medical assistance.

[14] Schedule 6, section 56

Insert after section 56 (3):

- (4) The licensee of licensed premises must, if requested to do so by a police officer or inspector:
 - (a) make any incident register kept under this section available for inspection by a police officer or inspector, and
 - (b) allow a police officer or inspector to take copies of any such register or to remove any such register from the premises.
- (5) The licensee must also ensure that the information recorded in an incident register is retained for at least 3 years from when the record was made.

[15] Schedule 6, section 60

Omit "kind of licence" from section 60 (1). Insert instead "type of licence".

[16] Schedule 6, section 61

Insert at the end of section 61 (1) (c):

- , or
- (d) the licensee is not complying, or does not have the capacity to comply, with the requirement under section 91 (1) to be responsible at all times for the personal supervision and management of the business of the licensed premises.

[17] Schedule 6, section 61

Insert after section 61 (5):

- (5A) If:
 - (a) an application under subsection (2) in respect of the licensed premises is not made within 28 days after this section becomes applicable, or
 - (b) such an application is made but the transfer of the licence to the applicant is refused by the Authority,

the licence is suspended until such time as the licence is transferred to another person.

[18] Schedule 6, section 68

Insert “or the Secretary” after “Authority” where secondly occurring in section 68 (4) (c).

[19] Schedule 6, section 73

Omit “or all other reasonable steps to prevent intoxication on the licensed premises” from section 73 (4) (a).

[20] Schedule 6, section 77

Omit “because the person was intoxicated, violent, quarrelsome or disorderly,” from section 77 (6) and (8) wherever occurring.

[21] Schedule 6, section 80

Omit the section. Insert instead:

80 Dealing with complaints

- (1) The Secretary may, after receiving a complaint under section 79, decide:
 - (a) to deal with the complaint in accordance with this Division, or
 - (b) to take no further action under this Division in relation to the complaint.
- (2) If the Secretary decides to deal with the complaint, the Secretary may:
 - (a) convene a conference to hear submissions in relation to the complaint, or
 - (b) invite written submissions from the licensee for the licensed premises to which the complaint relates, and from such other persons as the Secretary considers appropriate, and make a decision in relation to the complaint without convening a conference.
- (3) A conference, if convened, may deal with more than one complaint.
- (4) A complaint in relation to licensed premises that is being dealt with by the Secretary under this section may be extended to include other licensed premises if the Secretary is satisfied:
 - (a) that the evidence given in support of the complaint would support a complaint against the other licensed premises, or
 - (b) that, assuming that the complaint is shown to be justified, action taken in relation to the licensed premises the subject of the complaint will be ineffective unless similar action is taken in relation to the other licensed premises.
- (5) Any licensed premises in respect of which a complaint is extended as referred to in subsection (4) is, for the purposes of this Division, taken to be the subject of a complaint under this Division.
- (6) If, in relation to any such extended complaint, a conference is not convened, the Secretary must invite written submissions from the licensee for the licensed premises that are the subject of the extended complaint before making a decision in relation to the complaint.
- (7) If a conference is convened in relation to a complaint:
 - (a) notice of the time and place of the conference is to be given to all complainants and the licensee or licensees as specified by the Secretary, and

- (b) the Secretary is not to make a decision in relation to the complaint unless each complainant and licensee who is present at the conference is given a reasonable opportunity to be heard.
- (8) A conference under this section is to be presided over by the Secretary and the procedure at the conference is to be determined by the Secretary.
- (9) Nothing in this section prevents the Secretary from taking other action in relation to a complaint under this Division or in relation to licensed premises that are the subject of a complaint under this Division.

[22] Schedule 6, section 81 Decision by Secretary in relation to complaint

Omit section 81 (1). Insert instead:

- (1) The Secretary may, after dealing with a complaint in accordance with section 80, decide to do any one or more of the following:
 - (a) impose a condition on the licence for the licensed premises the subject of the complaint,
 - (b) vary or revoke a condition to which the licence is subject,
 - (c) if a conference has been convened in relation to the complaint—adjourn the conference subject to implementation and continuation of undertakings given by the licensee,
 - (d) issue a warning to the licensee,
 - (e) take no further action in relation to the complaint.

[23] Schedule 6, section 94

Insert after section 94 (2):

- (3) Any change in the specified boundaries of licensed premises under this section does not take effect until such fee as determined by the Authority has been paid.
- (4) The Authority must not specify or change the boundaries of any licensed premises unless the Authority is of the opinion that any primary purpose requirement under this Act in relation to the licensed premises is or will be complied with.

[24] Schedule 6, section 101

Omit section 101 (3). Insert instead:

- (3) The Secretary must not give a notice under this section unless the Secretary is satisfied that the liquor product is being sold on the licensed premises to which the proposed notice relates.

[25] Schedule 6, section 141

Insert “, or from being the manager of licensed premises or the close associate of a licensee,” after “licence” in section 141 (2) (f).

[26] Schedule 6, section 141 (2) (h)

Insert “, or from holding a licence or being the close associate of a licensee, for such period as the Authority thinks fit” after “licensed premises”.

[27] Schedule 6, section 141 (2) (j)

Insert “or the manager of licensed premises” after “licensee”.

[28] Schedule 6, section 150

Omit section 150 (4). Insert instead:

- (4) A penalty notice may be served personally, by post or by electronic means to an email address or mobile phone number:
 - (a) given voluntarily by the person for the issue of the penalty notice, or
 - (b) required to be supplied under section 63 of the *Casino Control Act 1992*.

[29] Schedule 7 Penalty notice offences

Omit the matter relating to section 97 from Part 1. Insert instead:

Section 93	\$220
Section 94 (1), (2) or (2A)	\$550
Section 97	\$220