



Customer  
Service

# **Casino Control Regulation 2019**

## **Report on Public Consultation**

**August 2019**

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**Attachment A – Text of Media Notice**

## 1 INTRODUCTION

The Casino Control Regulation 2009 (2009 Regulation), which prescribes matters necessary to underpin the effective operation of the *Casino Control Act 1992* (the Act), is due for automatic repeal on 1 September 2019 in line with the *Subordinate Legislation Act 1989*. The Casino Control Regulation 2019 (2019 Regulation) is proposed to replace the 2009 Regulation.

The proposed 2019 Regulation continues to provide for matters that are required, or are necessary, to be prescribed for the purposes of the Act and is essentially a remake of the current Regulation.

An exposure draft of the 2019 Regulation and the *Regulatory Impact Statement – Casino Control Regulation 2019* (RIS) were subject to public consultation. Liquor & Gaming NSW also ran targeted consultation with the casino licence holders and other stakeholders. As detailed in this report, a number of changes were made to the draft 2019 Regulation as a result of this consultation process. This report has been prepared to outline the consultation process undertaken and the issues that were considered during the process.

## 2 CONSULTATION PROCESS

The proposed Regulation and RIS were open to public submissions and comments for 29 days, from 19 June 2019 until 17 July 2019.

### 2.1 Media advertising

Notices were placed in the NSW Government Notice Boards in *The Sydney Morning Herald* and *The Daily Telegraph* on Wednesday 19 June 2019. A notice was also placed in the NSW Government Gazette No. 63 of 21 June 2019 (pp 2173-2174).

The text of the notices was the same in each case. A copy of the notice text is annexed as **Attachment B**.

### 2.2 Liquor & Gaming NSW and ‘Have Your Say’ websites

Public comment on the proposed Regulation and RIS was also invited via the Liquor & Gaming NSW’s website and the NSW Government’s ‘Have Your Say’ public consultation website on 19 June 2019.

### 2.3 Requests for Submissions

As part of the consultation process for the regulation and RIS, the following organisations and agencies were formally invited by email to provide a submission:

#### *Industry and Community Organisations and Advisory Bodies:*

- Alliance for Gambling Reform
- Anglicare
- Aristocrat
- Australian Hotel Association NSW
- Catholic Care
- ClubsNSW
- Crown Ltd
- Financial Counselling Australia
- Gambling Help NSW
- Gambling Impact Society
- Gaming Technologies Association
- NSW Council for Social Services (NCOSS)
- Red Cross
- Relationships Australia NSW
- Responsible Wagering Australia
- St Vincent de Paul
- Tabcorp
- The Salvation Army
- The Star
- Wesley Mission

**Government Agencies:**

- City of Sydney Council
- Department of Premier and Cabinet
- Independent Liquor and Gaming Authority
- NSW Department of Customer Service
- NSW Police (including LACS)

**2.4 Meetings with Stakeholders**

After the commencement of the public consultation period, The Star requested an opportunity to meet with Liquor & Gaming NSW to discuss the proposed Regulation and the RIS. The meeting was held at the casino's premises on 27 June 2019.

The Independent Liquor & Gaming Authority invited the A/Director, Policy & Legislation to attend their board meeting in July 2019 to discuss the proposed Regulation. After the meeting, the Authority has had no written submissions to make.

**3 CONSIDERATION OF SUBMISSIONS**

Two submissions were received:

1. The Star
2. Crown.

All submissions will be published on Liquor & Gaming NSW's website.

**4 AMENDMENTS TO THE PUBLIC CONSULTATION DRAFT**

In the feedback provided, stakeholders were generally supportive of the making of the proposed Regulation and most of the proposed reforms. Actions taken to address specific stakeholder feedback in the final draft are detailed below.

Clause	Description	Change(s)	Explanation or Benefit
3	Definitions	The definition of "gaming machines" was moved to Part 4 "Responsible gambling practices" and broadened to capture all gaming machines and electronic table games held by the casinos.	Broadening the definition ensures that both gaming machines and electronic table games are subject to harm minimisation measures. Moving the definition to Part 4 ensures that the broad definition applies to the specific Part where it is necessary and is not inconsistent with other definitions of "gaming machine" contained in other instruments.

Clause	Description	Change(s)	Explanation or Benefit
26	Prohibitions on gambling related advertising	Amended to re-word the clause	The wording in the clause was amended to mirror similar provisions in section 33H of the <i>Betting and Racing Act 1998</i> to ensure consistency among gambling legislation.
26	Prohibitions on gambling related advertising	Exception inserted for bars and restaurants which do not advertise gambling	Under the clause, casino advertising relates to the operation of the casino itself (the defined area within the casino where its gambling operations take place). Within the casino itself there are bars and restaurants which means that the obligation to print gambling statements applies to any printed material a bar or restaurant may produce. The amendment creates an exception to ensure that printed material from bars and restaurants within the casino which solely operate for the purpose of providing food and drink do not need to include gambling warnings.
27	Advertising in relation to gaming machines – exclusions	Amended to allow for electronic record-keeping	To modernise the regulatory requirement to allow for electronic record-keeping
29	Publicity of prize winners	Removed	The requirement to keep a prize-winner's information private is already covered by the Australian Privacy Principles to which casinos are required to adhere.
46	Gaming equipment	Removed	Gaming equipment is regulated through the controlled contracts regime, therefore the provision is redundant.

<b>Clause</b>	<b>Description</b>	<b>Change(s)</b>	<b>Explanation or Benefit</b>
Sch 6, 92	Control of business conducted on licensed premises	Amended to re-word the clause	To ensure the provision achieves the intended outcome.

## Attachment A



### Liquor & Gaming NSW

### Casino Control Regulation 2019 and Regulatory Impact Statement

#### Invitation for Public Comment

The Casino Control Regulation 2009 is due to expire on 1 September 2019. As part of the NSW Government's ongoing commitment to the effective regulation of casinos, it is proposed that a new Regulation is made.

The proposed new Casino Control Regulation 2019 aims to effectively support the *Casino Control Act 1992* through rigorous, transparent and risk-based regulatory practices.

Before the proposed Regulation can be made law, a formal consultation process must take place in line with the *Subordinate Legislation Act 1989*.

We welcome your feedback, which will be considered by Liquor & Gaming NSW before the proposed Regulation is finalised.

A Regulatory Impact Statement which explains the effects of the proposed Regulation and its costs and benefits, and the proposed Regulation itself, is available on the Liquor & Gaming NSW website [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

The documents can also be requested by email [cc.regulation@liquorandgaming.nsw.gov.au](mailto:cc.regulation@liquorandgaming.nsw.gov.au) or phone 02 9995 0746.

Submit your feedback by email [cc.regulation@liquorandgaming.nsw.gov.au](mailto:cc.regulation@liquorandgaming.nsw.gov.au) or post:  
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Liquor & Gaming NSW  
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SYDNEY NSW 2001

**Submissions must be received by 11.59pm Wednesday 17 July 2019.**

**Contact: For more information visit [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au)**