

2006

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

CASINO CONTROL REGULATION 2006

Subordinate Law No SL2006-8

EXPLANATORY STATEMENT

Circulated by the authority of
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Minister for Racing and Gaming

Outline

The *Casino Control Act 2006* provides for the establishment, licensing, control and regulation of the casino in the ACT. The *Casino Control Regulation 2006* (the regulation) is made under section 144 of the *Casino Control Act 2006*.

The purpose of the regulation is to provide the detailed requirements in relation to certain regulatory aspects of casino activity including specifying the prescribed functions where a casino employee's licence is required, specifying the designated area of the casino, specifying the core operating times, outlining cheque acceptance requirements and prescribing the amount for commission-based player schemes. A description of each aspect is provided below in relation to each section of the regulation.

Revenue/Cost Implications

The Gambling and Racing Commission will absorb any costs associated with the introduction and implementation of the regulation and for providing any education programs and information sessions required to assist industry comply with the regulation.

Notes on Specific Provisions

Section 1 Name of Regulation

This section provides that the name of this regulation is the *Casino Control Regulation 2006*.

Section 2 Commencement

This section provides that this regulation commences at the same time that the substantive provisions of the *Casino Control Act 2006* commence. The actual commencement of the regulation is specified as being linked to the commencement of section 3 of the *Casino Control Act 2006* as a matter of administrative convenience.

For the Act to operate effectively it is necessary to have the regulation in place on the day of commencement.

Section 3 Dictionary

This section provides that the dictionary at the end of the regulation is part of this regulation. In addition, the dictionary in the *Casino Control Act 2006* and the terms outlined in the *Legislation Act 2001* also apply.

Section 4 Notes

This section provides that a note included in this regulation is explanatory and is not part of the regulation.

Section 5 Prescribed Functions – Act, section 41 and Dictionary, definition of *prescribed function*

This section provides a list of the prescribed functions that can only be performed in the casino by a person holding a casino employee's licence to perform the particular function. Each casino employee's licence must specify the function that is permitted to be performed by the licensee (section 45 of the *Casino Control Act 2006* refers). A licence may specify more than one function that may be performed.

The prescribed functions are:

- (a) the conduct of gaming in the casino;
- (b) the organisation, administration and management of commission-based player schemes;
- (c) the organisation and conduct of casino marketing schemes;
- (d) the storage, exchange and counting of money and chips in the casino other than in relation to the supply of food or beverages;
- (e) the movement of money and chips in the casino other than in relation to the supply of food or beverages;
- (f) the storage of gaming equipment in the casino;
- (g) the security of the casino and its operations;
- (h) the surveillance of the casino and its operations;
- (i) the use and storage of security equipment;
- (j) the use of surveillance equipment;
- (k) the storage of surveillance equipment;
- (l) computer systems maintenance and support in the casino;
- (m) the unsupervised maintenance and repair of gaming equipment;
- (n) the unsupervised maintenance and repair of security and surveillance equipment in the casino;
- (o) the unsupervised access to administrative and financial information relating to the operation of the casino other than access by external auditors or company directors of the licensee or of the licensee's beneficial owners;
- (p) the supervision of anything mentioned in paragraphs (a) to (o) above;
- (q) a management role in the casino, including functions that include making decisions that involve the exercise of discretions that substantially affect, or could affect, the operation of the casino.

In general terms, the prescribed functions relate to those activities that involve sensitive or higher risk activities in the casino such as those directly involved with gaming, the handling of cash and chips, involved with the security and surveillance operations of the casino and the supervision or management of casino activity. Those activities not covered by the prescribed functions are considered lower risk tasks and include the supply of food and beverage to patrons and the provision of cleaning services.

Section 6 Area to be Designated Casino – Act, section 62(1)

This section provides for an area or areas to be designated as the casino. Schedule 1 provides plans for the three levels of the casino premises to be the designated area.

Generally, the boundary of the casino designated area follows a physical barrier such as a wall or door and in practice is readily recognisable.

The designated area of the casino is important because not only does it provide for a specifically defined or designated area as the casino but it also provides for part of the premises not to be part of the designated casino area. For example, the ground floor (level 0) main entrance foyer of the casino premises must provide an egress for persons, including those under the age of 18, to access the hotel building located immediately adjacent to the casino premises and therefore has not been included as part of the designated casino area.

Section 7 Core Trading Hours – Act, section 68(4) and Definition of *core trading hours*

This section provides that the core trading hours of the casino, as outlined under 68 of the Act, are between midnight and 2:00am and between 5:00pm and midnight on any day. Effectively, this means that the casino must trade between 5:00pm and 2:00am the next day on every day.

Section 8 Kinds of Cheque to be Accepted – Act, section 112(1)(b)(i)

This section provides that for a cheque to be accepted by the casino licensee, it must be drawn in favour of the casino licensee, not be postdated, and in relation to a redeeming cheque, not be dated earlier than the date of the most recent of the cheques being redeemed.

The purpose of this section is to provide an element of problem gambling harm minimisation by restricting the ability of patrons to cash cheques in a manner that may provide access to funds that may not be normally readily accessible to them or may not be in their possession or control.

This section ensures that third party cheques are not accepted and that the casino cannot provide a form of credit by allowing postdated cheques to be cashed.

Section 9 How to Accept Cheque – Act, section 112(1)(b)(ii)

This section provides that when the casino licensee accepts a cheque it must be satisfied about the identity of the person presenting the cheque. This provision supports the requirement of section 8(a) of this regulation where the casino licensee can only cash a cheque drawn in favour of the casino licensee or the person presenting the cheque.

Section 9(b) provides that the casino licensee must keep a record of any proof of identity that the person shows to the licensee and of any inquiry the licensee makes to verify the person's identity. This section provides an audit trail for the casino licensee and the Commission to follow in terms of verifying a person's identity and ensuring compliance with this section.

Section 9(c) provides that the casino licensee must comply with any control procedures for accepting cheques. This section acts as a reminder that the control procedures (see section 75 of the *Casino Control Act 2006*) may provide additional requirements that must be followed in relation to accepting cheques.

**Section 10 Amount Prescribed for Scheme – Act, Dictionary, Definition of
Commission-Based Player Scheme, paragraph (b)**

This section provides that the amount prescribed for commission-based player schemes is \$1,500. Thus in order to qualify as a commission-based player scheme (and therefore attract the lower level commission-based player tax as specified in section 127 of the *Casino Control Act 2006*) the casino licensee must provide more than \$1,500 to the patron by way of commission (gambling rebates), food, beverages, transport, accommodation, entertainment or any other purpose in relation to the visit.

