

House of Representatives

Supplementary Order Paper

Tuesday, 5 August 2003

Responsible Gambling Bill

Proposed amendments

Lindsay Tisch, in Committee, to move the following amendments:

Clause 75D

To omit this clause (lines 26 to 35 on page 87).

Clause 100

To omit from subclause (1)(c) (lines 9 and 10 on page 114) the words “a person referred to in **subsection (2)**”, and substitute the words “a person who uses the branding referred to in **subsection (2)**”.

Clause 119

To omit subclause (2)(d) (line 35 on page 128).

To omit from subclause (3)(b) the word “space”, and substitute the word “positions” (line 6 on page 129).

Clause 120

To insert, after the words “is satisfied that” (line 27 on page 132), the words “the integrity of casino operations is jeopardised and the public interest adversely affected because”.

Clause 121

To add to subclause (7) (line 33 on page 135) the words “or do not jeopardise the integrity of casino operations and adversely affect the public interest”.

New clauses 125B and 125C

To insert, after clause 125B, the following clauses:

125B Appeal to Gambling Commission regarding significant influence

- (1) When the Secretary determines that a person has significant influence in a casino, that person or the licence holder may appeal to the Gambling Commission against that determination.
- (2) **Section 125A** applies to an appeal under **subsection (1)**.

125C Pending applications

- (1) The Secretary may permit a person who will become an associated person by virtue of his or her position as an employee of a casino licence holder and who has submitted an application for approval as an associated person to commence employment in the casino or undertake services for the casino licence holder before the application is determined, subject to any terms, conditions and restrictions that the Secretary considers appropriate.
- (2) **Subsection (1)** applies if the Secretary considers that—
 - (a) a decision on the application may not be made for some time; and
 - (b) the operation of the casino will be seriously prejudiced or disadvantaged by the delay in the employment, engagement or appointment of the applicant; and
 - (c) the commencement of the employment, engagement or appointment of the applicant will not prejudice the integrity of the operation of the casino.

Clause 154B

To omit this clause (lines 24 to 33 on page 156).

Clause 278A

To add the following subclauses:

- (5) A person to whom an exclusion order is issued under **subsection (3)** may apply to the Gambling Commission within 28 days after the order is issued for a review of the order. An application for review must be made in writing and must specify the grounds on which the review is sought. Nothing in this subsection permits a person to apply for a review of an exclusion order if the exclusion order was issued at the request and with the consent of the person to whom it was issued.
- (6) The Gambling Commission must make such enquiries into the issue of an exclusion order as it thinks fit, and must take into account such matters as it considers relevant, in consideration an application for review of that exclusion.
- (7) The Gambling Commission may, following its consideration of an application for review of an exclusion order—
 - (a) overrule the exclusion order; or
 - (b) confirm the exclusion order; or
 - (c) confirm the exclusion order on any conditions it considers appropriate, including on different conditions to those initially attached to the exclusion order by the venue manager or holder of a casino operator's licence who issued it.
- (8) The Gambling Commission must give written notice of its decision, with reasons, to the person who made the application for review.

- (9) A decision by the Gambling Commission to overrule an exclusion order or to amend the conditions attached to, or to attach new conditions to, an exclusion order does not affect the right of a revue manager or the holder of a casino operator's licence, acting in good faith, to issue a new or further exclusion order to the person affected.
- (10) An application for review of an exclusion order does not stay or otherwise affect the enforceability of the exclusion order pending the Gambling Commission's determination of application.

Clause 288

To omit from subclause (2) (line 16 page 242) the words "a financial year", and substitute the words "the financial year 1 July to 30 June".

Clause 298

To omit from subclause (3) the words ",after 48 hours after the notice is served," (lines 13 and 14 on page 250).

Explanatory note

This Supplementary Order Paper omits clauses 75D and 154B relating to prohibition of note acceptors, as there is no evidence to show that problem gamblers bet less when there are no note acceptors.

The amendment to clause 100 prevents new casino branding signage being erected during the eighteen months phase out period.

The current Casino Control Act involves provisions whereby breaches that give rise to suspension or cancellation of a licence must have the effect of jeopardising the integrity of the casino operations and adversely affect the public interest. This currently provides an important materiality threshold.

There is no intention that the Secretary or the Commission will be involved in minor issues and the amendment to clause 120 increases certainty.

The same applies to clause 121(7).

New clause 125B allows for the right of appeal to the Commission where the Secretary has deemed a person to have significant influence but is not approved as an associated person.

New clause 125C allows employees who need to be approved as associated persons to commence duties prior to receiving their approval. Approval tends to take three to five months and this new clause is consistent with the provision contained in clause 141 relating to certificate of approval.

In most other Australasian jurisdictions, excluded people have the right to have the decision to exclude them reviewed by the regulator. This can be achieved by inserting new subclauses (5) to (10) in clause 278A.

In clause 298, the right to appeal the decision of the seizure of casino equipment should be for the courts to determine and not wait until after 48 hours.