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Legal Update:

The Evolving Legal Landscape

CMAA Mid Year Conference
July 2022



Today's Agenda

1. Casino Inquiry Learnings
2. AML/CTF
3. Registered Clubs Act
4. Corporations Act
5. Gaming Tax Management Act
6. Gaming Plans of Management
7. Loyalty Programs



01. Casino Inquiry Learnings



- ✓ AML/CTF
- ✓ Communications to Board.
- ✓ Failures in Compliance Programs / Corporate Governance
- ✓ Lack of Inquiring Minds by the Board
- ✓ No Use of Whistleblower Hotline
- ✓ Move from Strict Compliance to Risk Approach
- ✓ Importance of Regulatory Transparency and Communication
- ✓ Ethical Expectations
- ✓ Will Cash Continue

02. AML/CTF



01.

AUSTRAC Pubs and Clubs with Gaming Machines – Regulatory Guide 21 March 2022

02.

Move to Active Focus – Ongoing Due Diligence / Large Amounts of Cash

03.

Program Needs to Deal with Everything Required – Including Counter Terrorism Financing

04.

AML/CTF Rules Part 8.6 - Independent Review

05.

AML/CTF Rules Part 8.7 - Incorporation of feedback and guidance on ML/TF risks from AUSTRAC

06.

AML/CTF Reporting to, and training for, the Board.

03. Registered Clubs Act



Registered Clubs only required to meet once a quarter instead of once a month.



Removed the requirement for a registered club to charge an annual membership fee.



The display of information about proposed members of a registered club is no longer required to include the addresses of the proposed members.



Enables for the approval by Secretary of exception to the application of a provision preventing a person from being eligible for admission as a temporary member.



Power to enable the Secretary to issue directions relating generally to the election of the governing body of a registered club and which members of the club are entitled to vote.



Enables a registered club to circulate papers and hold meetings by electronic means, and to allow persons entitled to vote at meetings to vote in person or by electronic means.



Removes a requirement that a registered club include a member's occupation on its register of members.



Upcoming Bill – 5km, digitising sign-in, exploring facial recognition, exemption from meeting requirement re new Clubs, simplifying amalgamation, update rules re selection criteria for directors.



04. Corporations Act

01. Electronic Execution of Documents
(including Deeds & s127 Execution).

02. Meetings in Physical Venue, Virtual
Meeting Technology or Both.

03. For Virtual Meeting members by
have “reasonable opportunity” to
participate and exercise rights.

04. Sending of Documents by Physical
or Electronic Form.

05. Certain Documents can be
sent by Placing on Website.

06. Members can still elect to receive
a document by Physical Form.

07. Must advise members of such
right by placing relevant notice
on Website.

08. Ensure By-Laws specify Board
power to determine method of
Electronic Means for Meetings.



05. Gaming Tax Management Act

- ✓ Old Version Cash In vs Cash Out equals Revenue.
- ✓ New Version Bets vs Prizes, Bets include use of Promotional Point.
- ✓ Effectively, now required to pay Gaming Tax on Free Play (Use of Promotional Points).
- ✓ Gaming Machine Tax Amendment (Promotional Prizes) Act 2021.
- ✓ Grace Period has Ended (No Look Back)





06. Gaming Plans of Management

Almost uniformly required by L&GNSW of Gaming Applications.

Change of Hours, Focus on 12 Midnight, 2AM to 4AM play.

Threshold Increase Applications

Club Licence Applications

Impacting movement of Entitlements impacting Amalgamations & Forfeiture.

Fact Sheet FS3160 Gaming Plan of Management Guidance.

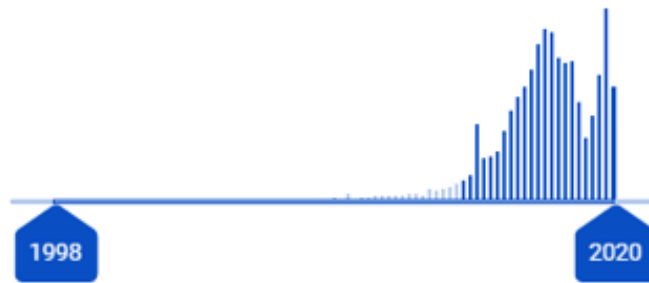
Guideline 16 Late – Night Gaming Applications

Fact Sheet – Going Above and Beyond – Responsible Conduct of Gambling for Venues.

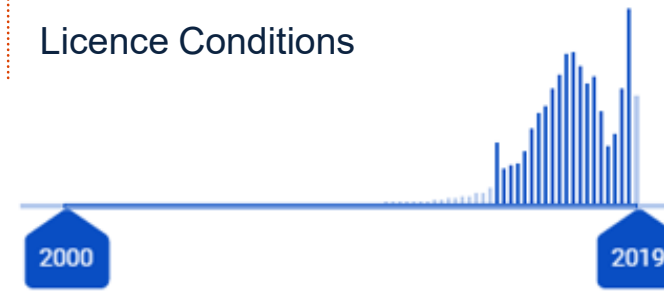
Strategies can be Foundational, Intermediate and Advanced.

Six (6), Four (4) & Three (3)

Licence Conditions



Gambling Harm (34,680):



Responsible Gambling (54,417):

07. Loyalty Programs



01.

Collect and Store Correct Consents.

02.

Update Privacy Policy as required.

03.

Alcohol.

04.

Free Play.

05.

\$1000 Max on Redemption no longer Earned.

06.

s10(1)(i) of the Registered Clubs Act essential.

07.

Variable Bonusing.

08.

Making Available Terms and Conditions, and Offers Available to Members

09.

Privacy Act.

10.

SPAM Act.



Thank you



Any Questions?

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