

# **STATES OF JERSEY**

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## **MODERNISATION OF JERSEY'S GAMBLING LEGISLATION (P.62/2004): AMENDMENTS**

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**Lodged au Greffe on 22nd June 2004  
by Senator E.P. Vibert**

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**STATES GREFFE**

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- (1) *In paragraph (a), after the words “casino gambling” insert the words “on a site on the St. Helier Waterfront, and with the casino being subject to the conditions set out in paragraph 5 of the report of Senator E.P. Vibert dated 22nd June 2004”.*
- (2) *In paragraph (b), after the words “on-line gambling” insert the words “operated through the casino to be established in accordance with paragraph (a) above”.*
- (3) *In paragraph (d), for the word “Gambling” substitute the word “Gaming” and for the words “with the terms of reference of the Commission to be established by the States” substitute the words “with the Commission to be established and operated in accordance with the principles set out in paragraph 8 of the report of Senator E.P. Vibert dated 22nd June 2004”.*
- (4) *For paragraph (f) substitute the following paragraph–*  

“(f) to agree that the Gaming Commission shall be funded from levies imposed by the Commission for gaming licences and from the taxation obtained through gaming activities.”
- (5) *After paragraph (f) insert the following new paragraph–*  

“(g) to agree that a fund to be known as the ‘Gaming Trust Fund’, should be established comprising a Chairman, two members of the States and three other persons (with the Chairman and members being appointed by the States), for the purpose of administering funds to provide professional help to persons who get into difficulties as a result of excessive gambling, with the Fund to receive the required sums for its operation through a 1% levy on gross profit (namely turnover less pay-out) from all gaming devices operated in the Island.”

SENATOR E.P. VIBERT

## REPORT

1. I am bringing forward these amendments because I firmly believe that “in-principle proposals” – where the vital detail is omitted and therefore not debated – is a dangerous way for the Assembly to make decisions.
2. This has been clearly illustrated by the public debate so far on the proposition presented by the Economic Development Committee on casino and related gaming issues. Many opinions have been expressed, on both sides of the argument, without relating the argument in any way to what type of casino Jersey might want or need, where it should be located, what type of gaming should take place there, what type of controls should be instituted to limit any social damage, how criminals can be kept out, how money laundering can be eliminated and so on.
3. Only when that detail is decided, can a proper assessment be made about the likely impact specific changes to gaming laws will have on the Island. Without this specific detail of what the changes are going to be, a debate is meaningless.
4. The purpose of these amendments is to make the whole proposition specific rather than sweeping generalities, wrapped up in “in principle” decisions. The amendments are specific, detailed and focussed and will enable States members – and the public of the Island – to fully understand all the implications of the decisions we are making.

### Amendment 1

5. This amendment will allow a casino in Jersey, only on the Waterfront (and nowhere else) in a complex that must provide, as a condition of a licence, the following –
  - (a) a minimum of 50 hotel rooms of international standard with ancillary facilities such as lounges bars and dining room separate from the casino area;
  - (b) within the casino complex, a maximum of 20 tables will be permitted, where various casino games may be played such as roulette, blackjack, craps, two-up and boule;
  - (c) a maximum of 200 gaming machines with a maximum stake of £2 and a maximum jackpot of £10,000;
  - (d) the following facilities must be included in the complex – at least 3 restaurants offering different varieties of food, an alcohol-free discotheque for under-18s; a discotheque catering for over-40s and a 500-seat auditorium fully equipped for cabaret-style shows, all facilities which Jersey desperately needs;
  - (e) the operating company awarded the licence to operate the Jersey casino must be licensed to operate a casino by any one of the following gaming jurisdictions – Australia (New South Wales, Victoria or Queensland), Las Vegas, New Jersey or the United Kingdom;
  - (f) all gaming equipment of any type used in the casino must have a certificate of approval from any of the Authorities quoted in sub-paragraph (e) above;
  - (g) all gaming personnel involved in gaming in the casino – managers, supervisors, croupiers, suppliers of equipment and maintenance staff (of equipment) must have an appropriate licence issued by any of the Authorities quoted in sub-paragraph (e) above;
  - (h) all other staff employed must be subject to a local police check;
  - (i) opening hours will be from 11 a.m. to 4 a.m.;

- (j) the casino will not be permitted to use gambling revenue to cross-subsidize accommodation rates, food, liquor or entertainment without the consent of the Gaming Commission.

#### **Amendment 2**

- 6. The purpose of this amendment is to ensure that if any licence is to be given to an organisation to set up an operation to run on-line gambling that it should be through the casino licence.

#### **Amendment 3**

- 7. This amendment gives precise detail of how the Commission must be constituted, commencing with changing the name to a “Gaming Commission” The Commission should consist of a Chairman, who should be a States member, and be appointed by the States; 2 other States members, appointed by the States, a member of the Tourism Board, and a member representing organisations such as the Salvation Army, the Citizens Advice Bureau, the Samaritans or similar bodies.
- 8. The Commission will operate within the following guidelines –
  - (a) The Gaming Commission will regulate all gaming activity in the Island to ensure that all forms of gaming are fair to all participants, honest, free of criminal activity and that any social harm likely to occur is reduced to the minimum by regulation and control.
  - (b) No one under the age of 18 will be permitted to enter any area where gaming takes place.
  - (c) No one will be permitted to use a credit card or be given credit in any gaming activity.
  - (d) No cash points will be permitted within 100 yards of a place where gaming takes place.
  - (e) Only slot machines owned by a States owned company can be used in any gaming outlet-except in the casino.
  - (f) Slot machines, if operating outside of the casino, will be limited to low-stake, low-jackpot machines where the emphasis is on entertainment rather than gaming.
  - (g) The Commission will be responsible for the production and distribution of literature promoting responsible gaming and will be responsible for all people working in the gaming industry to be trained in recognising people with gambling problems.
  - (h) Any person who is a relative or friend of a person believed to be getting into financial problems will be able to appear before the Commission and have the person affected banned from all gaming outlets, including bookmakers’ establishments.

#### **Amendment 4**

- 9. This amendment enables the Commission to calculate the fees and levies it will be charge for the various licences it will issue to fund its operation, so that no funds need be provided from the public purse.

#### **Amendment 5**

- 10. This amendment sets up a Gaming Trust Fund to be established as outlined to administer a fund to provide professional help to persons getting into difficulty as a result of excessive gambling, the fund to be financed by a levy of 1% on gross profit (namely turnover less pay-outs) from all gaming devices/operations licensed in the Island.

#### **Financial and manpower implications**

11. Whilst these amendments will require certain extra staffing to administer the Gaming Commission, there would be no financial implications for the States as the costs would be recovered from levies and fees charged by the Commission and the Gaming Trust Fund is self-financing as explained above.