

Passed by both Houses



New South Wales

Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2013



New South Wales

Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013

Act No , 2013

An Act to amend the *Casino Control Act 1992* to provide for the licensing and regulation of a restricted gaming facility at Barangaroo South; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Casino Control Amendment (Barangaroo Restricted Gaming Facility) Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Casino Control Act 1992 No 15

[1] Long title

Insert “and to provide for the licensing of a restricted gaming facility at Barangaroo South” after “operations”.

[2] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Barangaroo restricted gaming facility means premises:

- (a) situated or proposed to be situated on that part of Barangaroo (within the meaning of the *Barangaroo Delivery Authority Act 2009*) identified as the site of the Barangaroo restricted gaming facility on the Barangaroo Restricted Gaming Facility Site Map, and
- (b) defined for the time being under section 19A.

restricted gaming licence means a casino licence relating to the Barangaroo restricted gaming facility.

[3] Section 3 (1)

Omit the definition of *casino*. Insert instead:

casino means:

- (a) premises defined as a casino for the time being under section 19, or
- (b) the Barangaroo restricted gaming facility.

[4] Section 3 (1), definition of “casino operator”

Insert at the end of the definition:

Note. References in this Act to the casino operator include references to the holder of a restricted gaming licence.

[5] Section 3 (4)–(7)

Insert after section 3 (3):

- (4) The reference in the definition of ***Barangaroo restricted gaming facility*** to the Barangaroo Restricted Gaming Facility Site Map is a reference to a map by that name:
 - (a) as tabled, by or on behalf of the Minister introducing the Bill for the *Casino Control Amendment (Barangaroo Restricted Gaming Facility) Act 2013*, in the Legislative Assembly on the day that the Bill was introduced (the ***original map***), and
 - (b) as amended or replaced from time to time by a map declared by proclamation to amend or replace the original map.
- (5) However, the site of the Barangaroo restricted gaming facility must remain in the area identified as Barangaroo South on the original map.
- (6) The Barangaroo Restricted Gaming Facility Site Map is to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (7) For the purposes of this Act, the Barangaroo Restricted Gaming Facility Site Map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The map is to be made available on the official NSW legislation website in connection with this Act.

[6] Section 4 Gaming in licensed casino declared lawful

Insert “but subject to this Act” after “any other Act or law” in section 4 (1).

[7] Section 4 (2)

Insert “and in accordance with this Act” after “the casino operator”.

[8] Section 5A

Insert after section 5:

5A Ministerial directions relating to licensing of Barangaroo restricted gaming facility

- (1) The Minister may give directions to the Authority in relation to the granting of a restricted gaming licence, including directions relating to the terms and conditions of the licence and the boundaries of the Barangaroo restricted gaming facility.
- (2) A direction under this section must be in writing and made publicly available on the Authority’s website.
- (3) The Authority must exercise its functions in relation to a restricted gaming licence in accordance with any directions of the Minister under this section.
- (4) This section does not apply in relation to the functions of the Authority under section 13A.

[9] Part 2, heading

Insert “and Barangaroo restricted gaming facility” after “casino”.

[10] Section 6 Only one casino and one restricted gaming facility

Omit “Only”. Insert instead “Subject to subsection (2), only”.

[11] Section 6 (2) and (3)

Insert at the end of section 6:

- (2) A restricted gaming licence may be granted under this Act to operate the Barangaroo restricted gaming facility. Only one restricted gaming licence may be in force under this Act at any one time.
Note. The Barangaroo restricted gaming facility is treated as a casino for the purposes of this Act (see the definition of *casino*). Except where otherwise specifically provided, the provisions of this Act that relate to a casino or a casino licence also apply in relation to the Barangaroo restricted gaming facility and a restricted gaming licence.
- (3) Sections 7–12 do not apply in relation to an application for a restricted gaming licence.

[12] Sections 13 and 13A

Insert after section 12:

13 Application for restricted gaming licence

- (1) A person who is approved by the Minister in writing (the *approved applicant*) may apply to the Authority for a restricted gaming licence to operate the Barangaroo restricted gaming facility.
- (2) An application for a restricted gaming licence must comply with the following requirements (except to the extent that the Minister otherwise determines):
 - (a) it must be made in a form approved by the Authority,

- (b) it must contain or be accompanied by such information as the application form requires and such additional information as the Authority may request,
- (c) it must be verified by statutory declaration.

13A Restricted gaming licence—suitability of applicant and close associates of applicant

- (1) The Authority must not grant an application for a restricted gaming licence unless it is satisfied that the approved applicant, and each close associate of the approved applicant, is a suitable person to be concerned in or associated with the management and operation of the Barangaroo restricted gaming facility.
- (2) For that purpose, the Authority is to consider whether:
 - (a) each of those persons is of good repute, having regard to character, honesty and integrity, and
 - (b) each of those persons is of sound and stable financial background, and
 - (c) if the approved applicant is not a natural person, it has or has arranged a satisfactory ownership, trust or corporate structure, and
 - (d) the approved applicant has or is able to obtain financial resources that are both suitable and adequate for ensuring the financial viability of the Barangaroo restricted gaming facility, and
 - (e) the approved applicant has or is able to obtain the services of persons who have sufficient experience in the management and operation of a casino or similar gaming facility, and
 - (f) the approved applicant has sufficient business ability to maintain a successful gaming facility, and
 - (g) any of those persons has any business association with any person, body or association who, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources, and
 - (h) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the operations or business of the approved applicant or a close associate of the approved applicant is a suitable person to act in that capacity.
- (3) The following is to be taken into account by the Authority for the purposes of this section:
 - (a) any information relevant to the application that has been provided to or received by the Authority in the course of any investigation or inquiry in relation to the suitability of the approved applicant or close associate of the approved applicant and any findings made in relation to any such investigation or inquiry,
 - (b) the fact that gaming is not authorised in the Barangaroo restricted gaming facility before 15 November 2019.

[13] Sections 14 (1) and (4), 15 (1), 16 (1) and 17 (1)

Insert “or restricted gaming licence” after “casino licence” wherever occurring.

[14] Section 14 Investigation of applications

Insert “or the Barangaroo restricted gaming facility (as the case requires)” after “a casino” in section 14 (2) (a).

[15] Section 18 Determination of applications

Insert after section 18 (4):

- (5) A licence is also subject to conditions imposed by this Act.

[16] Section 19 Authority to define casino premises

Insert after section 19 (3):

- (4) This section does not apply in relation to the Barangaroo restricted gaming facility.

[17] Section 19A

Insert after section 19:

19A Boundaries of Barangaroo restricted gaming facility

- (1) The boundaries of the Barangaroo restricted gaming facility are to be defined initially by being specified in the restricted gaming licence for the facility.
- (2) The boundaries of the Barangaroo restricted gaming facility may be redefined by the Authority but only on application made at any time by the holder of the restricted gaming licence.
- (3) In defining or redefining the boundaries of the Barangaroo restricted gaming facility, the Authority is:
- (a) to have regard only to matters of public health and safety and matters that relate to the integrity of gaming in the facility in accordance with this Act, and
- (b) to ensure that the total gaming area within the Barangaroo restricted gaming facility does not exceed 20,000 square metres.

[18] Section 22 Conditions of casino licence

Insert after section 22 (2):

- (2A) In the case of a restricted gaming licence, the conditions of the licence may be amended only with the agreement of the holder of the licence.

[19] Section 22 (4)

Omit "The Authority". Insert instead "Subject to subsection (2A), the Authority".

[20] Section 22 (6)

Insert after section 22 (5):

- (6) This section does not apply to licence conditions imposed by this Act.

[21] Sections 22A and 22B

Insert after section 22:

22A Restrictions on gaming in Barangaroo restricted gaming facility

Note. Conducting or participating in gaming that is declared under this section not to be lawful is an offence under the *Unlawful Gambling Act 1998*.

- (1) **Gaming not lawful before 15 November 2019**

The conduct or playing of any game in the Barangaroo restricted gaming facility is not lawful before 15 November 2019.

(2) **Poker machines not lawful**

The installation or use of poker machines is not lawful in the Barangaroo restricted gaming facility unless expressly authorised by an Act of Parliament.

(3) For the purposes of subsection (2), a *poker machine* is a device that is designed:

- (a) for the playing of a game, and
- (b) for paying out money or tokens or for registering a right to an amount of money or money's worth to be paid.

(4) However, a poker machine does not include a device that:

- (a) is designed for the playing of a partly or fully electronic version of a game ordinarily played at a table, and
- (b) is able to be played by more than one player at the one time, and
- (c) is equipped with more than one player terminal.

Note. Under section 66 it is a condition of a casino licence that the casino operator must not permit a game to be conducted or played in a casino (which includes the Barangaroo restricted gaming facility) unless the game is approved by the Authority.

(5) **Low limit gaming not lawful in Barangaroo restricted gaming facility**

The playing of any game in the Barangaroo restricted gaming facility is not lawful if the amount placed for any single bet or wager on that game is less than the minimum bet limit for that game.

(6) The *minimum bet limit* is:

- (a) in the case of baccarat, blackjack or roulette (whether played at a table or by way of an electronic device):
 - (i) \$30 for baccarat, \$20 for blackjack and \$25 for roulette, or
 - (ii) such higher amount as may be determined by the Authority in accordance with the licence for the Barangaroo restricted gaming facility, or

Note. In the case of roulette, the minimum bet limit is the minimum total of all the bets placed by a player per spin.

- (b) in the case of any other game—the amount determined by the Authority in accordance with the licence for the Barangaroo restricted gaming facility.

(7) Any determination by the Authority under subsection (6) must be made publicly available on the Authority's website.

22B Only members and guests permitted to participate in gaming at Barangaroo restricted gaming facility

It is a condition of a restricted gaming licence that only persons who, in accordance with the conditions of the licence, are members or guests of the Barangaroo restricted gaming facility are authorised by the licence to participate in any gaming in the facility.

[22] Section 31 Regular investigation of operator's suitability etc

Insert after section 31 (2):

- (3) If a restricted gaming licence is granted before 15 November 2019, the licence is, for the purposes of this section, taken to have been granted on that date.

[23] Section 64A

Insert after section 64:

64A Staff training facilities and employment program

It is a condition of a restricted gaming licence that the holder of the licence establish and maintain:

- (a) facilities for the training of persons employed or working in the Barangaroo restricted gaming facility in carrying out their duties and responsibilities, and
- (b) a program for the employment of Aboriginal people in connection with the operation of the Barangaroo restricted gaming facility.

[24] Section 65 Casino layout to be as approved by Authority

Insert after section 65 (3):

- (4) This section does not apply in relation to the Barangaroo restricted gaming facility.
- (5) However, it is a condition of a restricted gaming licence that:
 - (a) the facilities and equipment provided for persons conducting monitoring operations and surveillance operations in the Barangaroo restricted gaming facility must be to a standard approved by the Authority, and
 - (b) the location and orientation of those facilities and equipment must be as approved by the Authority.

[25] Section 66 Approval of games and rules for games

Insert after section 66 (3):

- (3A) The following games are taken to be approved by the Authority by order under this section in relation to the Barangaroo restricted gaming facility:
 - (a) baccarat,
 - (b) blackjack,
 - (c) roulette.
- (3B) The Authority may, by order in writing, approve the rules for those games that are taken to be approved by the Authority under subsection (3A).

[26] Section 66 (4A)

Insert after section 66 (4):

- (4A) Keno games cannot be approved in relation to the Barangaroo restricted gaming facility.

[27] Section 67 Directions as to games in casino to be available

Insert after section 67 (4):

- (5) This section does not apply in relation to the Barangaroo restricted gaming facility.

[28] Section 71 Times of operation of casino

Insert after section 71 (3):

- (4) This section does not apply in relation to the Barangaroo restricted gaming facility.

[29] Section 74 Credit prohibited

Insert after section 74 (4):

- (5) Despite any other provision of this section, the holder of a restricted gaming licence may, in the case of a person who is not ordinarily resident in Australia, extend any form of credit to the person to enable the person to participate in:
 - (a) a premium player arrangement, or
 - (b) a junket within the meaning of section 76 that is approved by the Authority.

[30] Section 89 Application of Liquor Act 2007

Omit “the casino” from section 89 (2). Insert instead “a casino”.

[31] Section 89A

Insert after section 89:

89A Application of Smoke-free Environment Act 2000

- (1) The *Smoke-free Environment Act 2000* does not apply to or in respect of the Barangaroo restricted gaming facility on and from 15 November 2019.
- (2) However, the conditions imposed by the Authority on a restricted gaming licence must:
 - (a) require air quality equipment that is of an international best practice standard to be installed, maintained and operated in the Barangaroo restricted gaming facility, and
 - (b) provide for an independent person appointed by the holder of the licence to test the equipment on a quarterly basis and to report annually to the Minister for Health on the result of those tests.
- (3) The Minister for Health is to cause each annual report under subsection (2) (b) to be tabled in both Houses of Parliament as soon as practicable after receiving the report.

[32] Section 90 Casino a place of public entertainment for purposes of Environmental Planning and Assessment Act 1979

Omit the section.

[33] Section 142 Authority may conduct negotiations and enter into agreements

Insert “or at the direction” after “approval” in section 142 (1).

[34] Section 156 No right to compensation for cancellation etc

Insert at the end of the section:

- (2) This section does not apply to or in respect of a restricted gaming licence.

Schedule 2 Amendment of other Acts

2.1 Gaming Machines Act 2001 No 127

Section 56A

Insert after section 56:

56A Gaming machines cannot be authorised on certain premises situated at Barangaroo

- (1) The Authority cannot authorise under this Act the keeping of gaming machines on any premises situated on the site referred to in paragraph (a) of the definition of *Barangaroo restricted gaming facility* in section 3 (1) of the *Casino Control Act 1992*.
- (2) Subsection (1) only has effect during the period in which a restricted gaming licence under the *Casino Control Act 1992* is in force.
- (3) Any authorisation under this Act to keep gaming machines on premises referred to in subsection (1) and in force immediately before the granting of a restricted gaming licence under the *Casino Control Act 1992* is cancelled when the licence is granted.

2.2 Unlawful Gambling Act 1998 No 113

Section 7 Lawful forms of gambling

Omit section 7 (e). Insert instead:

- (e) gambling that is declared lawful under the *Casino Control Act 1992*,