



New South Wales

Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Casino Control Act 1992* (the *principal Act*) to authorise the conduct of gaming in a restricted gaming facility to be situated at Barangaroo South. The following restrictions will apply in relation to gaming in the Barangaroo restricted gaming facility:

- (a) gaming is not authorised until 15 November 2019,
- (b) the playing of poker machines is not authorised,
- (c) minimum bet limits will apply,
- (d) only persons who, under the conditions of the licence for the facility, are members or guests of the gaming facility will be authorised to participate in gaming activities.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Casino Control Act 1992 No 15

Schedule 1 [2] defines the *Barangaroo restricted gaming facility* as the premises situated on that part of Barangaroo South identified as the site of the Barangaroo restricted gaming facility on the map accompanying the Bill for the proposed Act on its introduction into the Legislative Assembly (see **Schedule 1 [5]**) and defined by the Independent Liquor and Gaming Authority (the

Authority) under proposed section 19A (see **Schedule 1 [17]**). The boundaries (ie the area) of the Barangaroo restricted gaming facility are to be defined by the Authority in the licence for the facility and may be redefined by the Authority on application by the licence holder. However, the Authority is to ensure the total gaming area within the Barangaroo restricted gaming facility does not exceed 20,000 square metres.

Schedule 1 [11] enables a restricted gaming licence to be granted by the Authority to operate the Barangaroo restricted gaming facility. Only one such licence may be in force at any one time. **Schedule 1 [3]** provides that the term *casino* includes the Barangaroo restricted gaming facility (which also means that a restricted gaming licence is treated as a type of casino licence for the purposes of the principal Act). **Schedule 1 [1], [4], [9], [10], [16] and [29]** are consequential amendments.

Schedule 1 [6] and [7] ensure that gambling in the Barangaroo restricted gaming facility is lawful only if it is conducted in accordance with the principal Act (which will include the restrictions imposed by the proposed Act).

Schedule 1 [8] enables the Minister to give directions to the Authority in relation to the granting of a restricted gaming licence.

Schedule 1 [12] provides that a person approved by the Minister may apply for a restricted gaming licence and that the Authority must be satisfied that the approved applicant and each close associate of the applicant is a suitable person to be concerned in or associated with the management and operation of the Barangaroo restricted gaming facility.

Schedule 1 [13] and [14] ensure that the Authority may carry out investigations in relation to an application for a restricted gaming licence.

Schedule 1 [15] makes it clear that a licence under the principal Act is subject to conditions imposed by the Act (and not just those imposed by the Authority).

Schedule 1 [18] provides that the Authority may only amend the conditions of a restricted gaming licence with the agreement of the licence holder. **Schedule 1 [19]** is a consequential amendment and **Schedule 1 [20]** makes it clear that licence conditions imposed by the principal Act cannot be amended by the Authority.

Schedule 1 [21] imposes restrictions on gaming in the Barangaroo restricted gaming facility. Gaming is not authorised before 15 November 2019 and poker machines are not permitted. Minimum bet limits will also apply. Only persons who are members or guests of the Barangaroo restricted gaming facility will be allowed to gamble.

Schedule 1 [22] provides that the regular intervals for the investigation by the Authority of a restricted gaming licence after it is granted start when gaming is authorised to start in the Barangaroo restricted gaming facility (ie from 15 November 2019).

Schedule 1 [23] provides that certain facilities and equipment for conducting monitoring and surveillance operations in the Barangaroo restricted gaming facility must be to a standard approved by the Authority.

Schedule 1 [24] provides that certain games are taken to have been approved by the Authority in relation to the Barangaroo restricted gaming facility and **Schedule 1 [25]** provides that keno games cannot be approved to be played in the facility.

Schedule 1 [26] provides that the power of the Authority to give directions to a casino operator about the games to be played in a casino does not apply in relation to the Barangaroo restricted gaming facility.

Schedule 1 [27] provides that the Authority cannot give directions as to the times of operation of the Barangaroo restricted gaming facility.

Schedule 1 [28] enables the operator of the Barangaroo restricted gaming facility to extend credit to overseas patrons for certain purposes.

Schedule 1 [30] provides that the *Smoke-free Environment Act 2000* does not apply to the Barangaroo restricted gaming facility once gaming is authorised in the facility. However the conditions of the licence for the facility must require the installation, maintenance and operation of air quality equipment and for the testing of that equipment.

Schedule 1 [31] omits a redundant provision relating to places of public entertainment.

Schedule 1 [32] enables the Minister to direct the Authority to conduct negotiations and enter into agreements relating to the establishment of the Barangaroo restricted gaming facility.

Schedule 1 [33] provides that the exclusion of Crown liability for certain action taken under the principal Act in relation to a licence does not apply in relation to a restricted gaming licence.

Schedule 2 Amendment of other Acts

Schedule 2.1 amends the *Gaming Machines Act 2001* to provide that the Authority cannot under that Act authorise the keeping of gaming machines (ie poker machines) on any premises situated on the site of the Barangaroo restricted gaming facility.

Schedule 2.2 amends the *Unlawful Gambling Act 1998* to ensure that the prohibitions under that Act do not apply to lawful gambling in the Barangaroo restricted gaming facility.