

DARLING HARBOUR CASINO (AMENDMENT) BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Darling Harbour Casino Act 1986 in relation to the control and regulation of matters affecting the establishment of the casino and operations in the casino.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision giving effect to the amendments to the Darling Harbour Casino Act 1986 specified in Schedule 1.

Schedule 1 (1)—

- (a) amends the definition of "casino" to ensure that the expression includes any temporary casino;
- (b) inserts a definition of "casino operating agreement";
- (c) inserts a definition of "employee" to ensure that the expression is not construed as being limited to employees of the manager of the casino; and
- (d) re-defines "manager" and "management agreement".

Schedule 1 (2) imposes a statutory duty on the Director, Casino Control Division, the Treasury ("the Director") to keep under review the operation of the casino and the activities of the manager and others.

Schedule 1 (3) requires a person in the casino to provide an inspector, in certain circumstances, with his or her name and residential address.

Schedule 1 (4)—(7) makes consequential amendments.

Schedule 1 (8) requires the approval of the Governor to all agreements to be entered into by a Minister in relation to the casino.

Schedule 1 (9) inserts proposed section 32A which requires notification of any change in the situation of the manager or an associate existing at the time the casino operating agreement is entered into.

Schedule 1 (10) extends the powers of the Director to obtain information, documents and answers to questions.

Schedule 1 (11) inserts proposed section 33A which enables the Minister to require the Director, or to appoint another person, to investigate and report upon matters relating to the casino. Provision is also made requiring the Director to conduct triennial investigations as to whether a person is suitable to continue as manager or whether it is in the public interest for the casino operating agreement to continue in force. An appointed person will have the same powers as the Director to obtain information, documents and answers to questions.

Schedule 1 (12) makes consequential amendments.

Schedule 1 (13) inserts proposed section 34A which provides the means by which a contract relating to the supply of goods or services to the casino, or relating to other prescribed matters, may be terminated if the Minister considers the termination to be in the public interest.

Schedule 1 (14) makes consequential amendments.

Schedule 1 (15) applies the Theatres and Public Halls Act 1908 to the casino subject to any prescribed modifications.

Schedule 1 (16) enables regulations to be made controlling the manufacture and supply of gaming equipment and chips for use in the casino.

Schedule 1 (17), (18) and (19) makes consequential amendments.

Schedule 1 (20) makes it clear that an inspector may enter any part of the casino.

Schedule 1 (21) and (22) makes consequential amendments.

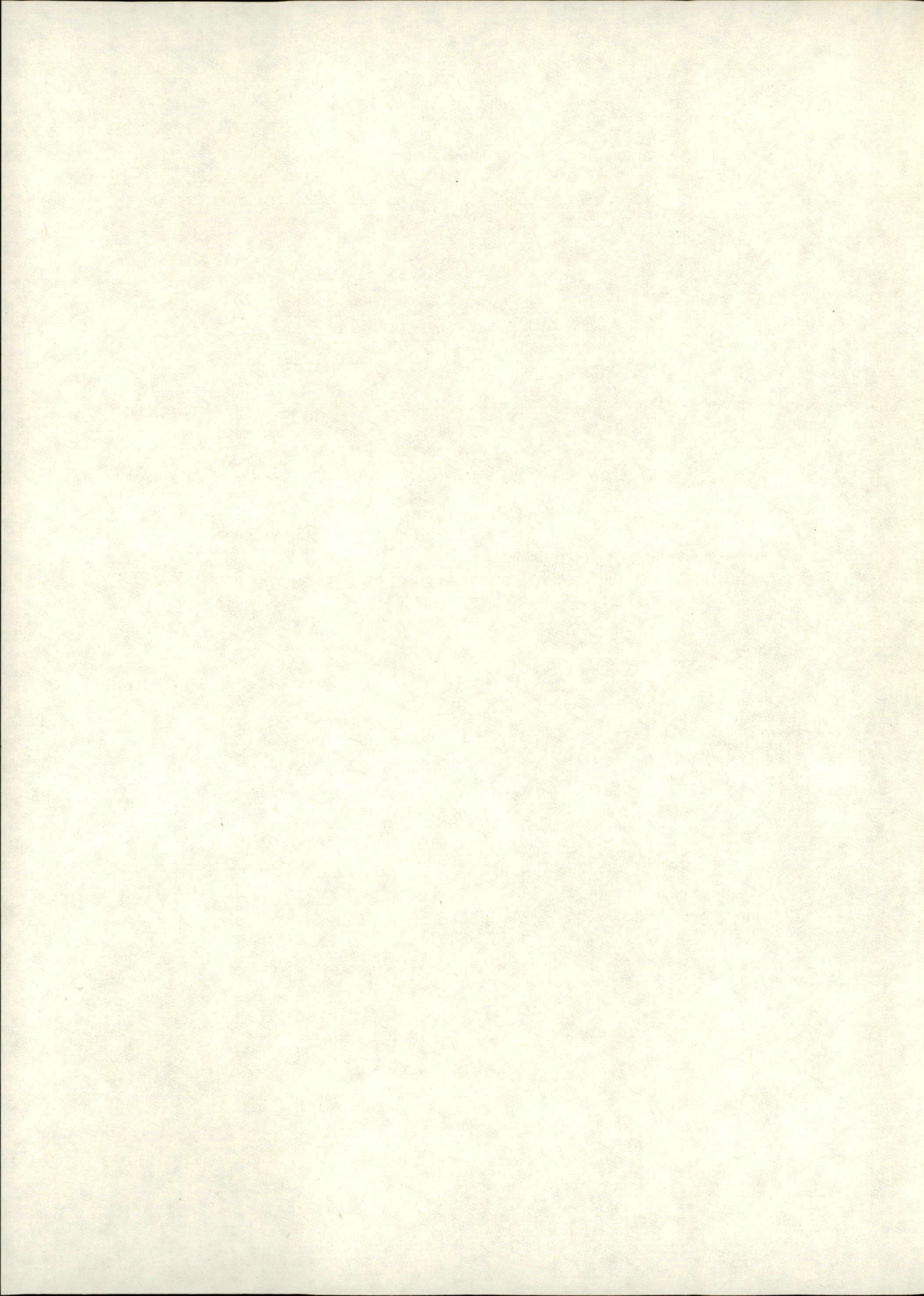
Schedule 1 (23) penalises an inspector who gambles in the casino within 12 months after ceasing to be an inspector.

Schedule 1 (24)—(26) makes consequential amendments.

Schedule 1 (27) inserts proposed section 52A which deals with the granting of liquor licences for the casino and its supporting facilities.

Schedule 1 (28) and (29) extends the power of the Governor to make regulations and gives effect to certain regulations as if they had been enacted in the Act.

Schedule 1 (30) makes a consequential amendment.



**DARLING HARBOUR CASINO (AMENDMENT) BILL
1986**

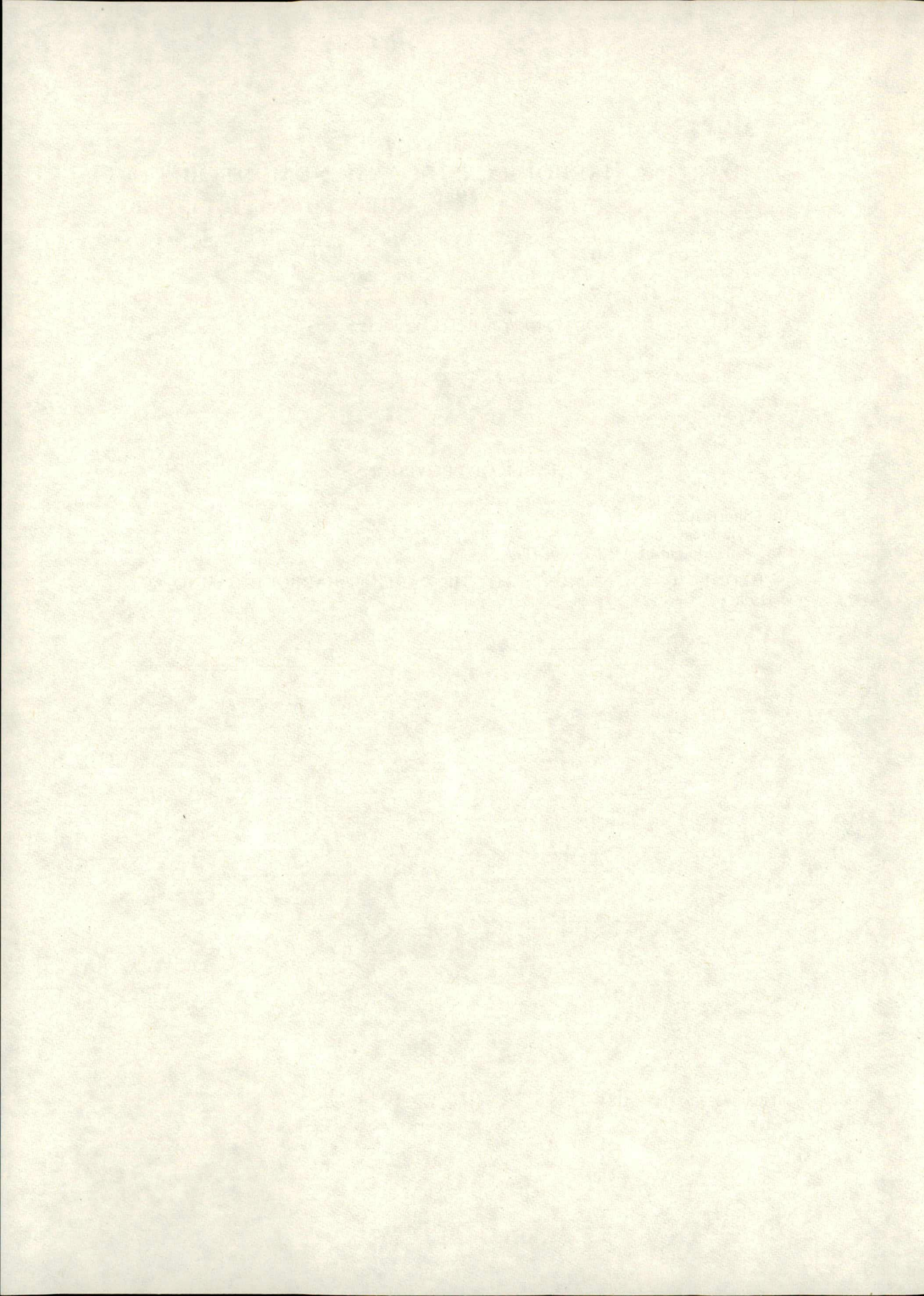
NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986



DARLING HARBOUR CASINO (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Darling Harbour Casino Act 1986 in relation to certain contracts, the provision of information, the investigation of certain matters and the enforcement of agreements; and for other purposes.

Darling Harbour Casino (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 **Short title**

1. This Act may be cited as the "Darling Harbour Casino (Amendment) Act 1986".

Commencement

2. (1) Except as provided by this section, this Act shall commence on 10 the date of assent to this Act.

(2) Section 3, in its application to a provision of Schedule 1, shall commence on the day on which the provision commences.

(3) The several provisions of Schedule 1 shall commence on such day or 15 days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 65, 1986

3. The Darling Harbour Casino Act 1986 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

20

(Sec. 3)

AMENDMENTS TO THE DARLING HARBOUR CASINO ACT 1986

(1) Section 3 (**Interpretation**)—

(a) Section 3 (1), definition of "casino"—

Omit the definition, insert instead:

25

"casino" means premises designated in or under a management agreement as the Darling Harbour Casino, including premises so designated on a temporary basis;

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

- (b) Section 3 (1), definition of “casino operating agreement”—

After the definition of “casino device”, insert:

5 “casino operating agreement” means an agreement entered into under section 32 for the management of operations in the casino;

- (c) Section 3 (1), definition of “employee”—

After the definition of “employ”, insert:

“employee” is not limited to an employee of the manager;

- 10 (d) Section 3 (1), definitions of “manager”, “management agreement”—

Omit the definitions, insert instead:

“manager” means—

15 (a) the person who, in accordance with the casino operating agreement, is required to manage operations in the casino; or

(b) a person who, in the opinion of the Minister, is directly or indirectly in a position to give to the person referred to in paragraph (a) a direction relating to operations in the casino;

20 “management agreement” means an agreement, or agreements, entered into under section 32;

- (e) Section 3 (1), definition of “operations employee”—

Omit “of the manager”, insert instead “having functions in, or in relation to, the casino”.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*(2) Section 5 (**Director and staff**)—

Section 5 (4)—

After section 5 (3), insert:

- 5 (4) The Director has a duty to keep under constant review all matters connected with the casino and the activities of the manager, persons associated with the manager and persons who are in a position to exercise direct or indirect control over the manager or persons associated with the manager.

(3) Section 17 (**Offences relating to inspectors**)—

10 Section 17 (2), (3)—

At the end of section 17, insert:

(2) If an inspector requires a person in the casino to state his or her full name and residential address, the person shall not—

- 15 (a) fail to comply with the requirement; or
(b) in purported compliance with the requirement, state a name or address that is false.

Penalty: \$500.

20 (3) An inspector is not authorised to require a person in the casino to state his or her full name or residential address unless the inspector—

- (a) suspects on reasonable grounds that the person has committed an offence; and
25 (b) has informed the person, at the time of stating the requirement, that it is an offence to fail to comply with the requirement.

(4) Section 18 (**Authority conferred by licence**)—

(a) Section 18 (1)—

Omit “management”, insert instead “casino operating”.

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- (b) Section 18 (2)—
After “in” where firstly occurring, insert “, or in relation to,”.
- (c) Section 18 (5)—
Before “a key” where firstly occurring, insert “a person as”.
- 5 (d) Section 18 (5) (a)—
Omit “the employee”, insert instead “the person”.
- (5) Section 20 (**Direction to apply for key employee licence**)—
Section 20 (1) (a)—
10 Omit “associated with, or an employee of, the manager”, insert instead “who is associated with the manager, or is an employee having functions in, or in relation to, the casino,”.
- (6) Section 30 (**Termination of association or employment on suspension or cancellation of licence**)—
(a) Section 30 (1)—
15 Omit “employee of the manager”, insert instead “associate of the manager or the licence of an employee”.
- (b) Section 30 (1)—
Omit “not later than”, insert instead “within”.
- (c) Section 30 (1)—
20 Omit “notice, terminate the employment of the employee.”, insert instead:
notice—
(a) in the case of an associate of the manager—terminate the association; or
25 (b) in the case of an employee—terminate the employment or cause it to be terminated,
in so far as the association or employment relates to, or could affect, the exercise of functions in, or in relation to, the casino.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*(7) Section 31 (**Information relating to licensees**)—

(a) Section 31 (1) (a)—

Omit “employment with the manager”, insert instead “to have functions in, or in relation to, the casino”.

5 (b) Section 31 (1) (a)—

Omit “employment” where secondly occurring, insert instead “exercise of those functions”.

(c) Section 31 (1) (b)—

10 Omit “of the manager”, insert instead “having functions in, or in relation to, the casino”.

(d) Section 31 (1) (c)—

Omit “employment with the manager”, insert instead “to have functions in, or in relation to, the casino”.

(e) Section 31 (1) (c)—

15 Omit “employment” where secondly occurring, insert instead “exercise of those functions”.

(8) Section 32 (**Agreements relating to the casino**)—

(a) Section 32 (1)—

Omit the subsection, insert instead:

20 (1) A Minister of the Crown may, on behalf of the State and in each case with the approval of the Governor, enter into any agreement relating to the casino.

(b) Section 32 (2)—

Omit the subsection, insert instead:

25 (2) An agreement entered into under subsection (1) may contain such terms not inconsistent with this Act as are approved by the Governor.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

(c) Section 32 (3)—

Omit “of the manager under the management agreement”, insert instead “conferred or imposed by an agreement entered into under subsection (1)”.

5 (9) Section 32A—

After section 32, insert:

Change in situation of manager

10 32A. If a prescribed change takes place in the situation existing in relation to the manager at the time the casino operating agreement is entered into, the manager shall notify the Director in writing of the prescribed particulars relating to the change not later than 14 days after it takes place.

Penalty: \$2,000.

(10) Section 33 (**Provision of information**)—

15 (a) Section 33 (1)—

Omit the subsection.

(b) Section 33 (2) (a)—

After “association”, insert “or to the casino, or with such prescribed information,”.

20 (c) Section 33 (2) (b)—

After “association”, insert “or to the casino, or to prescribed matters,”.

(d) Section 33 (2) (c)—

25 After “association”, insert “or to the casino, or to prescribed matters,”.

SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

(11) Section 33A—

After section 33, insert:

Investigations

5 33A. (1) The Minister may require the Director, or may appoint another person, to investigate and report upon such matters and circumstances as are specified by the Minister and relate to—

- (a) the casino or operations within the casino;
- 10 (b) the manager or a person who, in the opinion of the Minister, is an associate of the manager;
- (c) a specified person who, or a specified class of persons which includes persons who, in the opinion of the Minister, could affect the exercise of functions in, or in relation to, the casino; or
- 15 (d) a specified person who, or a specified class of persons which includes persons who, in the opinion of the Minister, could be in a position to exercise direct or indirect control over the manager, or an associate of the manager, in relation to functions in, or in relation to, the
- 20 casino.

(2) A person appointed to make an investigation may, for the purposes of the investigation, exercise—

- (a) the powers conferred by section 33 on the Director; and
- 25 (b) such other powers of the Director as are specified by the Minister in the instrument of appointment,

as if the person were the Director.

(3) The exercise of powers under subsection (2) by a person other than the Director has effect as if the powers had been exercised by the Director.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

- 5 (4) Not later than 3 years after the commencement of operations in the casino, and thereafter at intervals not exceeding 3 years, the Director shall institute an investigation and, as a result of the investigation, shall report to the Minister the opinion of the Director as to—
- (a) whether or not the manager is a suitable person to continue to give effect to the casino operating agreement and this Act; and
- 10 (b) whether or not it is in the public interest that the casino operating agreement should continue in force,
- and shall, in the report, give the reasons for the opinion.
- (12) Section 34 (**Revocation of casino operating agreement**)—
- (a) Section 34 (1)—
- Omit “management”, insert instead “casino operating”.
- 15 (b) Section 34 (1) (a)—
- Omit “or an agent or employee of the manager”, insert instead “, an agent of the manager or an employee having functions in, or in relation to, the casino”.
- (c) Section 34 (5)—
- 20 After “compensation”, insert “enforceable against the State”.
- (d) Section 34 (6)—
- After section 34 (5), insert:
- (6) The revocation of an agreement by the Minister terminates the agreement.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

(13) Section 34A—

After section 34, insert:

Termination of certain contracts

5 34A. (1) The Director may, with the approval of the Minister, serve on each party to a prescribed contract a notice in writing affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the ground that, for reasons specified in the notice, it is no longer in the public interest that the contract should remain in force.

10 (2) A person served with a notice may, within the period of 14 days specified in the notice, arrange with the Director for the making of oral or written submissions as to why the contract should not be terminated.

(3) If—

15 (a) no arrangements are made, or no submissions received in accordance with arrangements made, under subsection (2);
or

(b) submissions are received but, in the opinion of the Minister, do not warrant continuation of the contract,

20 the Minister may, by a notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.

(4) If a contract is not terminated as required by a notice under subsection (3), it is terminated by this Act.

25 (5) No right of compensation enforceable against the State arises because an agreement is terminated in accordance with a notice under subsection (3) or by this Act.

30 (6) A party to a prescribed contract terminated in accordance with a notice under subsection (3) or by this Act shall not give any effect to any part of the contract.

Penalty: \$5,000.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

(7) Section 33 (which relates to the powers of the Director to obtain information) applies in relation to a party to a prescribed contract in the same way as it applies in relation to the manager.

(8) In this section—

5 “contract” includes any kind of agreement or arrangement;

“prescribed contract” means—

(a) a contract relating to the supply of goods or services to the casino; or

10 (b) a contract within a class of contracts specified by the regulations as being prescribed contracts for the purposes of this section,

not being—

(c) a management agreement;

15 (d) a contract relating to the construction of the casino or to the alteration of premises as the temporary casino;

(e) a contract to which the Darling Harbour Authority or any other public authority constituted by an Act is a party;

(f) a sub-lease approved by the Minister; or

20 (g) a contract within a class of contracts specified by the regulations as not being prescribed contracts for the purposes of this section.

(14) Sections 35 (1), (4), 58—

25 Omit “the management” wherever occurring, insert instead “any management”.

Darling Harbour Casino (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

(15) Section 36 (**Casino layout**)—

Section 36 (3)—

After section 36 (2), insert:

5 (3) The Theatres and Public Halls Act 1908 applies to the casino subject to any modifications that may be prescribed.

(16) Section 38 (**Gaming equipment**)—

Section 38 (4)—

After section 38 (3), insert:

10 (4) Regulations may be made for or with respect to the manufacture or supply of gaming equipment or chips for use in the casino.

(17) Section 39 (**Conduct of gaming**)—

Section 39 (g)—

15 Omit “employee or agent of the manager”, insert instead “agent of the manager or an employee having functions in, or in relation to, the casino”.

(18) Section 41 (**Credit, etc.**)—

Section 41 (2)—

20 Omit “agent or employee of the manager”, insert instead “agent of the manager or an employee having functions in, or in relation to, the casino”.

(19) Sections 42 (a), 43 (1) (b), 53 (1) (a), 55, 56, 57, 62—

Omit “management” wherever occurring, insert instead “casino operating”.

25 (20) Section 43 (**Right of entry to the casino**)—

After “casino” where firstly occurring, insert “, or any part of the casino.”.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*(21) Section 45 (**List of excluded persons**)—

Section 45 (3) (b)—

Omit the paragraph, insert instead:

5 (b) an employee having functions in, or in relation to, the
casino;

(22) Section 46 (**Excluded person entering the casino**)—

(a) Section 46 (2) (b)—

10 Omit “or employee of the manager”, insert instead “of the
manager or an employee having functions in, or in relation to, the
casino”.

(b) Section 46 (3) (a)—

Omit “a casino”, insert instead “the casino”.

(c) Section 46 (3) (b)—

15 Omit “or employee of the manager of a casino”, insert instead “of
the manager or an employee having functions in, or in relation
to, the casino”.

(23) Section 48 (**Gambling in the casino by certain persons prohibited**)—

Section 48 (3)—

Before “Penalty: \$2,000.”, insert:

20 (3) If an inspector ceases to be an inspector, he or she shall not
gamble in the casino during the next succeeding period of 12
months.

(24) Section 49 (**Minors in the casino**)—

Section 49 (4)—

25 Omit “or employee of the manager of a casino”, insert instead “of
the manager or an employee having functions in, or in relation
to, the casino”.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*(25) Section 50 (**Cheating**)—

Section 50 (3)—

5 Omit “or employee of the manager of the casino”, insert instead
“of the manager or an employee having functions in, or in relation
to, the casino”.

(26) Section 51 (**Detention of suspected person**)—

Section 51 (1) (b)—

10 Omit “or employee of the manager”, insert instead “of the
manager or an employee having functions in, or in relation to, the
casino”.

(27) Section 52A—

After section 52, insert:

Application of Liquor Act 1982

15 52A. Section 19 of the Liquor Act 1982 applies in relation to
the casino, and to any premises that, in the opinion of the
Minister, form part of a complex that includes the casino, in the
same way as it applies in relation to premises vested in the Crown.

(28) Section 66 (**Regulations**)—

(a) Section 66 (1)—

20 After “to this Act”, insert “or any agreements entered into under
section 32”.

(b) Section 66 (2)—

25 After “Schedule 1”, insert “and a regulation made in accordance
with clause 13 of that Schedule has effect as if it were enacted in
this Act”.

(29) Schedule 1 (**Matters for regulations**)—

(a) Clause 2—

Before “amenities” wherever occurring, insert “facilities and”.

*Darling Harbour Casino (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

(b) Clause 2—

Omit “in”, insert instead “of, and inspectors on duty in,”.

(c) Clauses 8—13—

After clause 7, insert:

5 **Employees other than licensees**

8. Regulating in the casino the activities of persons (other than licensees) who are in the casino in the course of their employment or prohibiting any of those activities.

Testing of operations

10 9. The testing of operations, or of proposed operations, in the casino.

Gaming equipment

15 10. (1) The acquisition of gaming equipment, and chips, for use in the casino.

(2) The servicing of gaming equipment used in the casino.

(3) The issue and storage of gaming equipment, and chips, for use in the casino.

Contracts for goods or services

20 11. The form of contracts that, within the meaning of section 34A, are prescribed contracts, the approval of the Director before a specified class of those contracts may take effect and the disclosure to the Director of the existence of any such contracts.

Operation of casino

12. The casino, and operations in the casino.

25 **Operation of agreements**

13. Giving effect to any agreement—

(a) entered into under section 32; or

Darling Harbour Casino (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE DARLING HARBOUR CASINO ACT
1986—*continued*

(b) entered into by a public authority in relation to the casino,
and providing for anything in such an agreement to be enforceable
according to its terms notwithstanding the provisions of any other
Act or of any law.

5 (30) Schedule 2 (**Temporary casino**)—

Clause 2—

Omit “The”, insert instead “A”.

