

DARLING HARBOUR CASINO 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 provide for the management of the Darling Harbour Casino, the appointment and functions of inspectors supervising operations in the casino, the licensing of persons employed in the casino and the conduct of operations in the casino. The Bill also enables the casino to be housed temporarily in premises not situated at Darling Harbour.

The Bill contains the following provisions:

PART 1—PRELIMINARY

Clause 1 specifies the short title to the proposed Act.

Clause 2 provides, with a minor exception, for the proposed Act to commence on a day to be appointed by the Governor.

Clause 3 makes provision for the interpretation of the proposed Act.

Clause 4 is a standard provision in aid of the examination of computerised records, or records requiring magnification or translation.

PART 2—ADMINISTRATION

Clause 5 provides for the appointment and employment of officers and temporary employees for the purpose of administering the proposed Act.

Clause 6 authorises the Minister to procure, by arrangement, the services of persons employed in a government department or administrative office, or by a statutory authority, and to engage outside contractors, for the purpose of administering the proposed Act.

Clause 7 enables the Director, Casino Control Division, the Treasury to delegate the functions conferred on the Director by the proposed Act.

Clause 8 provides for the confidentiality of information gained in the course of the administration of the casino.

Clause 9 governs possible conflicts of interest and duty on the part of persons having functions under the proposed Act.

Clause 10 penalises the solicitation of a bribe by, and the offering of a bribe to, a person having functions under the proposed Act.

Clause 11 penalises a person making a false statement relating to revenue of the casino.

Clause 12 excludes any liability on the part of the State, or a person having functions under the proposed Act for the performance of a function in good faith.

PART 3—INSPECTORS

Clause 13 provides for the interpretation of Part 3.

Clause 14 requires an inspector to be in possession of an identification card in order to exercise functions under the proposed Act.

Clause 15 confers a number of powers on an inspector for the purpose of ensuring fair gaming in the casino.

Clause 16 provides for the issue and execution of warrants under the Search Warrants Act 1985 in relation to matters affecting operations in the casino and the administration of the proposed Act.

Clause 17 penalises actions that hinder an inspector including specified failures to comply with authorised requirements of an inspector.

PART 4—LICENCES

Clause 18 authorises the holder of a key employee licence or an operations employee licence to exercise the functions specified in the licence, the licensee under a key employee licence being a person in authority in relation to the management of the casino and the licensee under an operations employee licence being a person conducting gaming operations in the casino.

Clause 19 deals with the making of an application for a licence.

Clause 20 authorises the Director to require a particular person to be the holder of a key employee licence if his or her employment in, or in relation to, the casino is to continue.

Clause 21 requires an applicant for a licence to notify changes to the information in his or her application.

Clause 22 enables the Director to require an applicant for a licence, or an associated person, to provide information relevant to investigation of the application.

Clause 23 authorises a member of the Liquor Administration Board ("Board member"), after consultation with the Director, to approve, or to refuse to approve, the issue of a licence to an applicant.

Clause 24 provides for the imposition of conditions of a licence.

Clause 25 enables a provisional licence to be issued to an applicant pending determination of the application.

Clause 26 specifies the events upon the occurrence of which a licence ceases to have effect and requires a licence to be renewed every 12 months.

Clause 27 enables the authority conferred by a licence to be varied.

Clause 28 provides for the replacement of a lost or damaged licence.

Clause 29 enables a Board member, after consultation with the Director, to take disciplinary action against a licensee ranging from a censure to cancellation of the licence.

Clause 30 requires the manager of the casino to terminate the employment of an employee whose licence has been suspended or cancelled.

Clause 31 requires the manager to inform the Director of the commencement and termination of employment of a licensee and requires a licensee to provide the Director with information relevant to holding the licence.

PART 5—CASINO OPERATIONS

Clause 32 authorises the Minister to enter into an agreement approved by the Governor for the management of the casino.

Clause 33 deals with the obligations of the manager, and the powers of the Director in relation to the provision of information relevant to the manager or an associate of the manager.

Clause 34 authorises the Director to call on the manager to show cause why the management agreement should not be revoked and specifies the procedure to be followed if the manager is so called upon.

Clause 35 provides for gaming in the casino to be lawful.

Clause 36 requires the manager to submit for the approval of the Director plans, diagrams and specifications relating to matters such as the layout of the gaming equipment, operation of closed circuit television, catwalk surveillance and the provision of communication systems.

Clause 37 authorises the Minister to notify in the Gazette the rules of the games that may be played in the casino and prohibits the playing of a game in the casino unless the rules have been so published or otherwise than in accordance with those rules.

Clause 38 renders lawful the possession of a gaming device in the casino if it is a device approved by the Director and is in the casino with that approval.

Clause 39 specifies duties of the manager in relation to the conduct of gaming in the casino including the manner of making wagers and paying winning wagers.

Clause 40 provides for the times of operation of the casino.

Clause 41 controls the giving of credit in the casino.

Clause 42 requires the manager to comply with a direction given by the Director in relation to operations in the casino.

Clause 43 deals with the rights of entry to the casino of inspectors, members of the police force and members of the public.

Clause 44 enables the Director or the manager to exclude a person from the casino.

Clause 45 requires the manager, on each day on which the casino operates, to provide an inspector on duty with a list of the persons excluded from the casino.

Clause 46 penalises a person who enters the casino while the subject of an exclusion order and enables the person in charge of the casino, or an employee or agent of the manager, to remove such a person.

Clause 47 confers powers on the Director in relation to unsatisfactory gaming equipment in the casino.

Clause 48 prohibits gaming in the casino by a person having functions under the proposed Act or a licensee.

Clause 49 prohibits persons under the age of 18 years from entering the casino and specifies the obligations and powers of the manager and members of the police force in relation to those persons.

Clause 50 penalises fraudulent practices and cheating in the casino.

Clause 51 enables employees and inspectors in the casino to detain suspected persons pending arrival of a member of the police force.

Clause 52 penalises a number of fraudulent practices in, or in relation to, the casino.

PART 6—ACCOUNTS

Clause 53 enables the Director to supervise and control such of the banking operations of the manager as relate to the casino.

Clause 54 specifies the obligations of the manager with respect to the keeping of accounting records relating to the casino.

Clause 55 requires the manager to prepare certain financial statements after the end of each financial year.

Clause 56 deals with the auditing of the manager's accounts.

Clause 57 requires the manager to retain for not less than 7 years all records relating to the management agreement and operations in the casino.

Clause 58 specifies that Part 6 does not limit the matters that may be dealt with in the management agreement.

PART 7—GENERAL

Clause 59 excludes an appeal against a decision of a Board member in relation to the grant, suspension or cancellation of a licence and in relation to other matters.

Clause 60 penalises a person who gives false or misleading information for the purposes of the proposed Act.

Clause 61 provides for certain assertions and documents to be admissible in evidence without formal proof but does not prevent the giving of evidence in rebuttal.

Clause 62 provides that certain contraventions of the proposed Act by the manager have effect as contraventions of the management agreement.

Clause 63 provides that the directors and management personnel of a corporation are, subject to certain defences, equally liable with the corporation for offences against the proposed Act by the corporation.

Clause 64 provides for offences against the proposed Act to be disposed of summarily by a Local Court constituted by a Magistrate sitting alone.

Clause 65 gives effect to Schedule 2 to the proposed Act which deals with the temporary operation of the casino pending its establishment at Darling Harbour.

Clause 66 authorises the Governor to make regulations for the purposes of the proposed Act, including regulations relating to matters specified in Schedule 1.

SCHEDULE 1—MATTERS FOR REGULATIONS

This Schedule lists specific matters in relation to which regulations may be made with respect to the management of the casino, the subject-headings being:

- Gaming devices, etc. (clause 1)
- Amenities (clause 2)
- Drop boxes, etc. (clause 3)
- Movement of equipment (clause 4)
- Internal controls, accounting, etc. (clause 5)
- Advertising (clause 6)
- Reports (clause 7)

SCHEDULE 2—TEMPORARY CASINO

Clause 1 specifies that, in the Schedule, "premises" includes a vessel.

Clause 2 enables premises to be designated as the casino on a temporary basis.

Clause 3 enables the casino to operate in the temporary premises notwithstanding anything in the Environmental Planning and Assessment Act 1979 or the Local Government Act 1919.

Clause 4 enables the Governor, in due course, to repeal section 65 and this Schedule.

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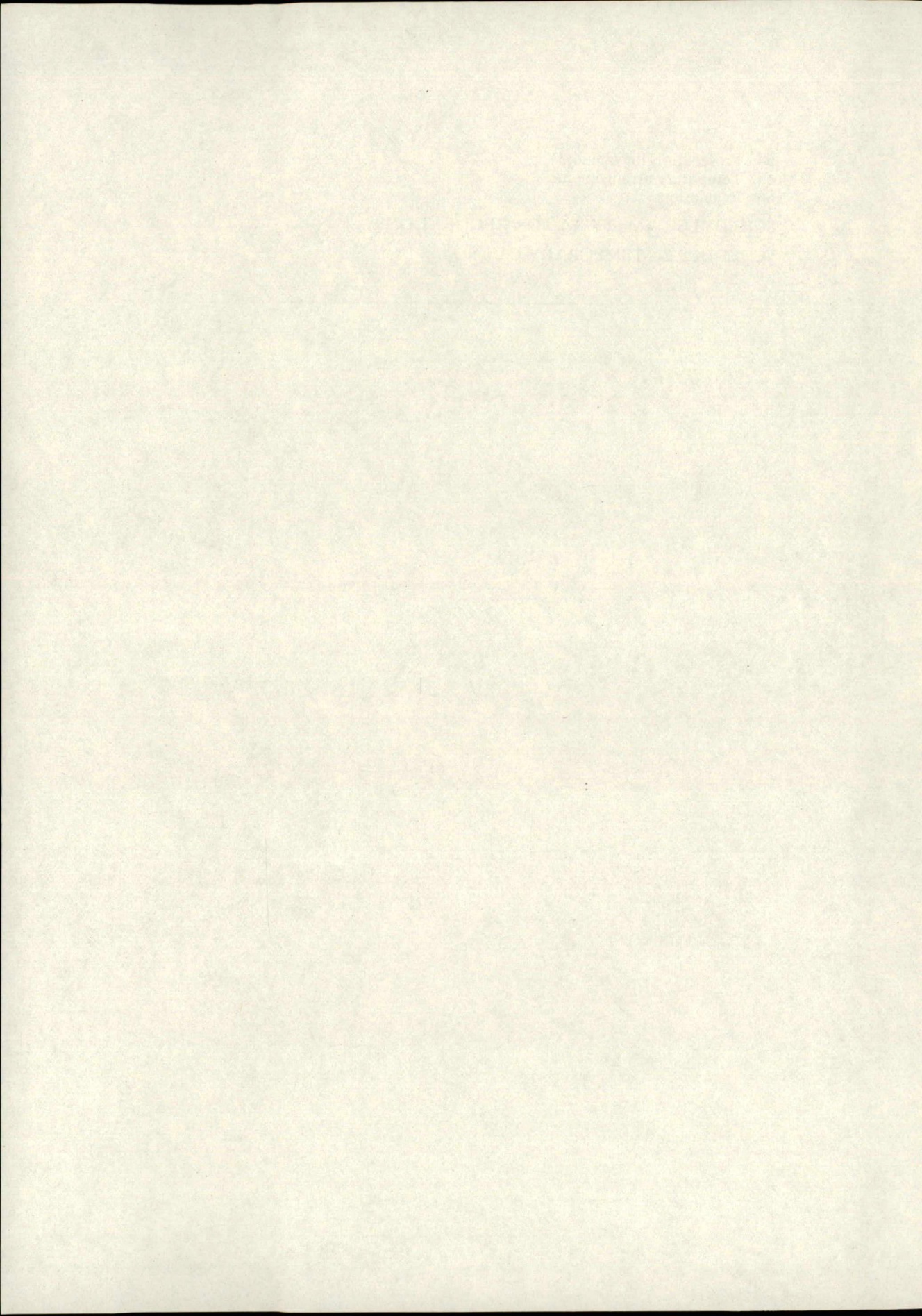
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SCHEDULE 1—MATTERS FOR REGULATIONS

SCHEDULE 2—TEMPORARY CASINO



DARLING HARBOUR CASINO BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to make provision with respect to the management of, and the regulation of operations within, the Darling Harbour Casino.

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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

PART 1

PRELIMINARY

Short title

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

Commencement

- 10 2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

15 **Interpretation**

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

20 "approved casino device" means a casino device of a class or description declared by the Director to be an approved casino device;

"authorised person" means a person who has functions under, or for the purposes of, this Act;

"Board member" means a member of the Liquor Administration Board constituted under the Liquor Act 1982;

25 "casino" means premises designated in the management agreement as the Darling Harbour Casino;

"casino device" means a device that is capable of being used for gaming;

30 "chips" means any tokens used instead of money for the purpose of gaming;

"Director" means the person for the time being holding or acting in the office of Director, Casino Control Division, the Treasury;

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“employ” includes engage under a contract for services;

“exclusion order” means a written order under section 44 prohibiting a person from entering, or remaining in, the casino;

5 “game” means a game of chance or a game that is partly a game of chance and partly a game requiring skill;

“gaming equipment” means an approved casino device or any other device or thing (other than chips) used, or for use, for gaming;

“inspector” means—

- (a) the Director;
- 10 (b) a person appointed or employed under the Public Service Act 1979 who is authorised by the Minister to act as an inspector; or
- (c) a person whose services have been procured under section 6 and who is authorised by the Minister to act as an inspector;

“key employee” means—

- (a) a person who is employed or working in the casino in a managerial capacity or who is authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of the casino; or
- 20 (b) a person on whom a notice has been served under section 20;

“licence” means a licence (other than a provisional licence) that is—

- (a) a key employee licence; or
- 25 (b) an operations employee licence;

“manager” means the person who, in accordance with the management agreement, agrees to establish and manage operations in the casino;

30 “management agreement” means the agreement, or agreements, entered into by the Minister under section 32;

“operations”, in relation to the casino, means—

- (a) the conduct of gaming in the casino;
- (b) the management and supervision of the conduct of gaming in the casino;

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- (c) money counting in, and in relation to, the casino;
 (d) accounting procedures in, and in relation to, the casino;
 (e) the use of storage areas in the casino; and
 (f) other matters affecting, or arising out of, activities in the
 5 casino;

“operations employee” means an employee of the manager, other than—

- (a) an employee who is within a class of employees
 10 determined by the Director not to be operations
 employees; and
 (b) a key employee;

“record” includes any book, account, document, paper or other source
 of information compiled, recorded or stored in written form, or
 15 on microfilm, or by electronic process, or in any other manner or
 by any other means;

“regulations” means regulations made under section 66;

“Secretary” means the person for the time being holding or acting in
 the office of Secretary of the Treasury;

“this Act” includes regulations.

20 (2) In this Act—

- (a) a reference to a function includes a reference to a power, an
 authority and a duty; and
 (b) a reference to the exercise of a function includes, where the
 function is a duty, a reference to the performance of the duty.

25 **Records kept otherwise than in writing**

4. Where, in accordance with this Act, a record is required to be
 produced and the record is not in writing, or is not written in the English
 language, or is not decipherable on sight, the requirement to produce the
 record shall be deemed to be a requirement to produce, in addition to the
 30 record if it is in writing, or instead of the record if it is not in writing, a
 statement, written in the English language and decipherable on sight,
 containing the whole of the information in the record.

PART 2
ADMINISTRATION

Director and staff

5 **5. (1)** The Governor may, under the Public Service Act 1979, appoint and employ such officers and temporary employees as are necessary for the administration of this Act.

(2) Where this Act confers a function on the Director—

(a) the Secretary may exercise the function; and

10 **(b)** the Director is, in the exercise of the function, subject to the direction and control of the Secretary.

(3) Where the operation of a provision of this Act is conditional upon consultation between a Board member and the Director, the consultation may be arranged, and may take place, in such manner as they think fit.

Use of other staff and facilities

15 **6.** The Minister may, for the purposes of the administration of this Act—

(a) by arrangement with the Minister responsible for a government department, administrative office or public or local authority constituted by an Act, and on terms and conditions approved by
20 the Public Service Board, procure the services of any staff of the department, office or authority or make use of its facilities; or

(b) engage a person to provide services, information or advice otherwise than under a contract of service and on such terms and conditions as the Minister thinks fit.

25 **Delegation**

7. (1) The Director may delegate to an authorised person the exercise of any of the functions of the Director other than—

(a) this power of delegation; and

30 **(b)** the function of consultation with a Board member under section 23 or 29.

(2) A delegation under this section—

(a) shall be in writing;

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(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Director.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of
5 delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Director.

(5) A delegation under this section does not prevent the exercise of a function by the Director or the Secretary.

10 (6) A function purporting to have been exercised by a delegate under this section shall, unless the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

Secrecy

15 8. (1) A person shall not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made—

(a) with the consent of the person from whom the information was obtained;

(b) in connection with the administration or execution of this Act;

20 (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings;

(d) in accordance with a requirement imposed under the Ombudsman Act 1974; or

(e) with other lawful excuse.

25 Penalty: \$2,000.

(2) It is not a contravention of subsection (1) if the Director, or a person authorised for the purpose by the Director, communicates information to any person.

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Conflict of interest and duty

9. (1) An authorised person shall not—
- (a) be an employee, in any capacity, of the manager of the casino or a licensee; or
 - 5 (b) within the period of 1 year that next succeeds his or her ceasing to have functions under this Act—solicit or accept employment from, or be an employee or business or financial associate of, the manager of the casino or a licensee.
- (2) The manager or a licensee shall not, except with the approval of the
- 10 Director, employ, or have as a business or financial associate—
- (a) an authorised person; or
 - (b) a person who, during the last preceding period of 1 year, was an authorised person.
- (3) An authorised person who knowingly has, directly or indirectly, any
- 15 business or financial association with, or any business or financial interest in any matter in conjunction with, the manager or a licensee shall forthwith—
- (a) notify the Director of the association or interest; and
 - (b) if directed so to do by the Director—within a time specified by
 - 20 the Director terminate the association or relinquish the interest.

Penalty: \$2,000.

Bribery

10. (1) An authorised person shall not corruptly ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any
- 25 kind for himself or herself, or for another person—
- (a) to forgo or neglect his or her duty, or influence him or her, in the exercise of his or her functions as an authorised person;
 - (b) on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the
 - 30 exercise of those functions; or
 - (c) to use, or take advantage of, his or her position as an authorised person in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, another person.

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(2) A person shall not corruptly give to, confer upon, or procure for, or promise or offer to give to, confer upon, or procure for, or attempt to procure for, an authorised person, or for any other person, any money, property or benefit of any kind—

- 5 (a) for the person who has those functions to forgo or neglect his or her duty, or to influence him or her in the exercise of his or her functions as an authorised person;
- (b) on account of anything already done, or omitted to be done, by him or her in the exercise of those functions; or
- 10 (c) for the authorised person to use or take advantage of his or her position as such a person in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, the person first referred to in this subsection.

Penalty: \$10,000 or imprisonment for 2 years, or both.

15 False statements as to revenue

11. A person shall not, with respect to revenue derived from operations in the casino, knowingly make to an authorised person a report, return or statement that is false or misleading in a material particular.

Penalty: \$10,000 or imprisonment for 2 years, or both.

20 Exclusion of liability

12. No liability is incurred by the State or an authorised person for any act done, or statement issued, by the authorised person in the exercise in good faith of his or her functions as such.

PART 3

INSPECTORS

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Interpretation

13. In this Part, a reference to gaming equipment, chips or records is a reference to gaming equipment, chips or records related to the operation of the casino or otherwise relevant to the administration of this Act.

*Darling Harbour Casino 1986***Identification of inspectors**

14. (1) An inspector is not authorised to exercise the functions of an inspector unless he or she is in possession of the prescribed identification card.

- 5 (2) Where a person proposing to exercise the functions of an inspector fails to produce on demand his or her identification card, the person is not authorised to exercise those functions in relation to the person making the demand.

Powers of inspectors

10 15. (1) An inspector may—

- (a) require any person in possession of, or having control of, any gaming equipment, chips or records to produce the equipment, chips or records for inspection and to answer questions or provide information relating to the equipment, chips or records;
- 15 (b) inspect any gaming equipment, chips or records produced under paragraph (a) and take copies of, extracts from, or notes relating to, those records;
- (c) where the inspector considers it to be necessary so to do for the purpose of obtaining evidence of the commission of an offence—
20 seize any gaming equipment, chips or records inspected under paragraph (b);
- (d) with the prior approval in writing of the Director—enter any premises or place other than the casino in which the inspector suspects on reasonable grounds that there is gaming equipment, or that there are chips or records, if the inspector does so with
25 the consent of the occupier or in accordance with a search warrant under section 16;
- (e) in the casino or a place entered under paragraph (d)—search for, seize and retain any gaming equipment, chips or records that the
30 inspector considers will afford evidence of the commission of an offence reasonably suspected by the inspector;
- (f) by notice in writing require the manager, a key employee an operations employee, or any other person associated with operations in the casino or their management, to attend before the
35 inspector at a specified time or place and answer questions, or provide information, with respect to operations in the casino;

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- (g) examine and test any gaming equipment or chips in the casino and order the person in charge of the casino to withdraw unsatisfactory gaming equipment from use in the casino or to destroy unsatisfactory chips;
- 5 (h) call to his or her aid—
- (i) another inspector, or a member of the police force, if he or she is obstructed, or believes on reasonable grounds that he or she will be obstructed, in the exercise of his or her functions; or
- 10 (ii) a person considered by the inspector to be competent for the purpose;
- (i) receive and investigate a complaint by a patron with respect to operations in the casino, inform the patron of the result of the investigation and inform the Director of the complaint and that
- 15 result; or
- (j) exercise any other functions prescribed as functions of an inspector.
- (2) Where, under this section, an inspector seizes gaming equipment, chips or records, the articles may be retained by the inspector for such
- 20 period prior to the completion of any proceedings (including proceedings on appeal) in which the articles may be evidence but only if, in the case of records, the person from whom the records were seized is provided, within a reasonable time after the seizure, with a copy of the records certified by an inspector as a true copy.
- 25 (3) Subsection (2) ceases to have effect in relation to articles seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.
- (4) A copy of records provided under subsection (2) is, as evidence, of equal validity to the records of which it is certified to be a copy.
- 30 (5) A person is not required by this section to answer a question that might incriminate the person.
- (6) A person has, while acting in aid of an inspector, the functions of an inspector.

*Darling Harbour Casino 1986***Search warrants**

16. (1) In this section—

“authorised justice” means—

(a) a Magistrate; or

5 (b) a justice of the peace employed in the Local Courts Administration, Attorney General’s Department.

(2) Where an authorised justice is satisfied upon the complaint of an inspector that there is reasonable cause to suspect that gaming equipment, chips or records relating to the operations in the casino or otherwise relevant
10 to the administration of this Act is or are on any premises and that—

(a) in relation to those articles an offence has been, is being, or is likely to be, committed; or

(b) that those articles may be evidence of an offence,

15 the authorised justice may issue his or her warrant, directed to the inspector, authorising the inspector and any assistants to enter the premises, or part of premises, specified in the warrant, for the purpose of exercising the functions of an inspector.

(3) A search warrant issued under this section ceases to have effect no later than the expiration of the period of 1 month that next succeeds its
20 issue.

(4) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

Offences relating to inspectors

17. A person shall not—

25 (a) obstruct an inspector, or a person acting in aid of an inspector, where the inspector is exercising, or attempting to exercise his or her functions as an inspector;

30 (b) fail to produce for inspection any gaming equipment, chips or records in the possession, or under the control, of the person when required so to do by an inspector in the exercise of his or her functions as an inspector;

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- (c) fail without reasonable excuse to attend before an inspector and answer questions or supply information when required so to do by the inspector in the exercise of his or her functions as an inspector;
- 5 (d) except with the permission of an inspector—take any gaming equipment, chips or records seized, impounded or retained under the authority of this Act;
- 10 (e) when directed by an inspector, in the exercise of his or her functions as an inspector, to destroy any chips considered by the inspector to be unsatisfactory for use—refuse or fail to comply with the direction; or
- 15 (f) when directed by an inspector, in the exercise of his or her functions as an inspector, to cease to have available for use any gaming equipment considered by the inspector to be unsatisfactory for use—refuse or fail to comply with the direction.

Penalty: \$5,000 or imprisonment for 12 months, or both.

PART 4

LICENCES

Authority conferred by licence

- 20 18. (1) A key employee licence authorises the holder of the licence to exercise in, or in relation to, the casino the functions specified in the licence subject to the functions being exercised in accordance with the provisions of this Act, the management agreement and the conditions of the licence.
- 25 (2) An operations employee licence authorises the holder of the licence to exercise in the casino such one or more of the functions prescribed for the purposes of this subsection as is, or are, specified in the licence subject to the functions being exercised in accordance with this Act and the conditions of the licence.

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(3) A person shall not exercise in, or in relation to, the casino any of the functions of a key employee except in accordance with the authority conferred on the person by a key employee licence or except where—

- 5 (a) the person is a key employee by reason of a notice served on the person under section 20 requiring the person to apply within 7 days for a key employee licence;
- (b) the person has not failed to comply with the requirement of the notice; and
- 10 (c) a decision on an application made in compliance with the requirement of the notice is pending.

Penalty: \$2,000 or imprisonment for 6 months, or both.

(4) A person shall not exercise in the casino any of the prescribed functions referred to in subsection (2) except in accordance with the authority conferred on the person by an operations employee licence.

15 Penalty: \$2,000 or imprisonment for 6 months, or both.

(5) The manager shall not employ, or use the services of, a key employee in the casino unless—

- (a) the employee holds a key employee licence; or
- 20 (b) the person is a key employee by reason of a notice under section 20 requiring the person to apply within 7 days for a key employee licence and—
- (i) the person has not failed to comply with the requirement of the notice; and
- 25 (ii) a decision on an application made in compliance with the requirement of the notice is pending.

Penalty: \$5,000.

(6) The manager shall not allocate, or permit or suffer to be allocated, the exercise of a function in, or in relation to, the casino if—

- 30 (a) the exercise of the function by a person who does not hold a licence is prohibited; and

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- (b) the exercise of the function is proposed to be allocated to a person who does not hold a licence authorising the exercise of the function by the licensee.

Penalty—subsection (6): \$5,000.

5 Application for licence

19. (1) An application for a licence shall be lodged with the Director in a form approved by the Minister in relation to the class of licence applied for and shall be accompanied by—

- (a) the prescribed fee;
- 10 (b) such documents (if any) as may be prescribed;
- (c) the documents (if any) that the form of application specifies as documents required to accompany the application; and
- (d) a certificate by the manager as to the competence of the applicant to exercise the functions specified in the certificate.

15 (2) A form approved for the purposes of this section shall require the information provided in, and accompanying, an application made by means of the form to be verified by statutory declaration and may require such an application to be accompanied by finger prints or palm prints, or both, and a photograph, of the applicant.

20 (3) An application for a licence may not be made by a person who is under the age of 18 years or is a person within a class of persons prescribed as being ineligible to apply for a licence.

25 (4) Where an application for a licence is refused, or a licence is surrendered or cancelled, the Director shall cause any finger prints and palm prints, and any photograph, that accompanied the application for the licence to be destroyed.

Direction to apply for key employee licence

20. (1) Where the Director is of the opinion that—

- 30 (a) a person associated with, or an employee of, the manager has the power to exercise a significant influence over, or with respect to, operations in the casino; or

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- (b) it is in the public interest that such a person, by reason of his or her remuneration, or his or her authority in relation to the operations in the casino, be licensed as a key employee,

the Director shall, by notice in writing served on the person and the
5 manager, require the person to apply for a key employee licence not later than 7 days after service of the notice on the person.

(2) Where—

- (a) a person on whom a notice is served under subsection (1) fails to comply with the requirement of the notice; or

- 10 (b) an application made by the person is refused,

the Director shall serve a notice on the person and the manager requiring the association or employment of the person in any capacity specified in the notice, or in any capacity other than a capacity specified in the notice, to be terminated forthwith.

- 15 (3) A person on whom a notice is served under subsection (2) shall give effect to the requirement of the notice.

Penalty : \$5,000.

- (4) The termination of an association or employment in accordance with this section may be effected notwithstanding any other Act or any law,
20 award or industrial or other agreement and the Crown does not incur any liability because of such a termination.

Updating of application for licence

21. (1) Where, before an application for a licence is granted or refused, a change occurs in the information provided in the form of application or
25 in any documents lodged with the application, the applicant shall forthwith give the Director written particulars of the change verified by statutory declaration.

- (2) Subsection (1) applies to information in an application form or accompanying documents brought up to date in accordance with the
30 subsection as if the application form or accompanying documents, as so brought up to date, had been lodged immediately after being brought up to date.

*Darling Harbour Casino 1986***Director may require further information**

22. (1) The Director may, by notice in writing, require an applicant for a licence or a person whose association with the applicant is, in the opinion of the Director or a Board member, relevant to the application—

- 5 (a) to provide, in accordance with directions in the notice, such information, verified by statutory declaration, as is relevant to investigation of the application and is specified in the notice;
- 10 (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from the records and the making of copies of the records; or
- 15 (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b).

(2) Where a requirement made under subsection (1) in relation to an application is not complied with, a Board member may, after consultation with the Director, refuse to approve the issue of a licence to the applicant.

Issue of licence

20 23. (1) The Director or a Board member may cause to be made such investigations of an application for a licence as the Director or Board member thinks fit and, after consultation with the Director, a Board member shall—

- (a) approve the issue to the applicant of the licence applied for;
- 25 (b) with the consent of the applicant—approve the issue to the applicant of a licence conferring authority different from that applied for; or
- (c) refuse to approve the issue of a licence to the applicant.

30 (2) Where a Board member refuses to approve the issue of a licence, the Director shall cause the applicant to be notified in writing of the decision.

(3) A licence shall be issued in a form approved by the Minister which provides for the inclusion of a statement of the authority conferred by the licence.

Conditions of licence

24. (1) A licence is subject to—
- (a) prescribed conditions; and
 - (b) any condition imposed by a Board member after consultation with the Director and notified to the licensee by the Director on the issue of the licence or during its currency.

(2) A condition of a licence (other than a prescribed condition) may be varied or revoked by a Board member after consultation with the Director whether or not on application made to the Director by the licensee.

10 Provisional licences

25. (1) In such circumstances as the Minister may from time to time determine, a Board member may, after consultation with the Director and pending a decision on an application for a licence, approve the issue to the applicant by the Director of a provisional licence in a form approved by the Minister.

(2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Director when issuing the licence.

- (3) A provisional licence may be cancelled by a Board member at any time after consultation with the Director and, unless sooner surrendered or cancelled, ceases to have effect upon the approval or refusal of the provisional licensee's application for a licence.

(4) Except to the extent that this section otherwise provides, this Act applies to a provisional licence in the same way as it applies to a licence.

25 Duration of licence

26. (1) A licence remains in force until—
- (a) the licensee dies;
 - (b) the licence is cancelled;
 - (c) the licensee, by notice in writing, surrenders the licence to the Director; or
 - (d) subject to subsection (2)—at the expiration of the period of 12 months that next succeeds the grant of the licence,

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whichever first occurs.

(2) Where, not earlier than 1 month before a licence would, but for this subsection, expire under subsection (1) (d), an application for a new licence is made by the licensee to the Director in a form approved by the Minister
5 accompanied by the prescribed fee—

(a) the old licence continues in force until the new licence is issued or its issue is refused; and

10 (b) where a new licence is issued—the new licence shall be deemed to have been granted on the anniversary of the date on which the old licence was granted and shall be dated accordingly.

(3) The provisions of this Act other than those relating to—

(a) the form in which application for a licence is made; and

(b) the issue of a provisional licence,

apply to and in relation to—

15 (c) an application made under subsection (2);

(d) the decision on such an application; and

(e) any licence issued as a result of such an application,

as if the application under that subsection were an application made by a person other than a licensee.

20 Variation of licence

27. (1) Application may be made to the Director, accompanied by the prescribed fee, for variation of the authority conferred by a licence.

25 (2) Except in relation to the amount of the prescribed fee, this Act applies in relation to an application under subsection (1) in the same way as it applies to an application for a licence.

(3) If an application under subsection (1) is approved, the Director may—

(a) amend the licence to which the application relates; or

(b) issue a new licence specifying the varied authority.

Loss, etc., of licence

28. Where the Director is satisfied that a licence has been lost, destroyed or damaged, the Director may, on payment of the prescribed fee, issue a replacement licence.

5 Cancellation, etc., of licence

29. (1) Where, after consultation with the Director, a Board member is satisfied, in relation to a licensee, as to any of the matters specified in subsection (2), the Board member may decide to—

- 10 (a) cause a written notice to be served on the licensee censuring him or her for any action specified in the notice;
- (b) vary the authority conferred by the licence;
- (c) impose a condition of the licence;
- (d) suspend the licence for such period as the Board member thinks fit; or
- 15 (e) cancel the licence,

and the Director shall give effect to the decision.

(2) The matters referred to in subsection (1) are—

- 20 (a) that the licence might have been improperly obtained in that, at the time the licence was granted, there were grounds for refusing it;
- (b) that the licensee has been convicted of an offence against this Act or, whether or not in New South Wales, of an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine);
- 25 (c) that the licensee has failed to comply with a condition of his or her licence;
- (d) that the licensee has refused to provide information that he or she is required by this Act to provide or has provided false or misleading information;
- 30 (e) that the licensee has become bankrupt, has applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit; and

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(f) that, for any other reason, the licensee is not a suitable person to be the holder of the licence.

(3) A Board member may, after consultation with the Director, at any time terminate or reduce a period of suspension of a licence.

5 (4) During any period of suspension of a licence, the licensee shall be deemed not to be the holder of a licence, but this subsection does not prejudice or affect any penal liability incurred by the licensee or the exercise of the functions of the Minister, a Board member, the Director or an inspector.

10 Termination of employment on suspension or cancellation of licence

30. (1) Where the manager receives written notice from the Director that the licence of an employee of the manager has been suspended or cancelled, or has otherwise ceased to be in force, the manager shall, not later than 24 hours after receiving the notice, terminate the employment of the
15 employee.

Penalty: \$5,000.

(2) A termination of employment in accordance with subsection (1) may be effected notwithstanding any other Act or any law, award or industrial or other agreement and the Crown does not incur any liability because of
20 such a termination.

Information relating to licensees

31. (1) The manager shall—

- 25 (a) not later than 7 days after a licensed employee commences employment with the manager—notify the Director, in a form approved by the Director, of the commencement of the employment;
- (b) not less than twice in each year, on dates specified by the Director—submit to the Director, in a form approved by the Director, a list of the licensed employees of the manager; and
- 30 (c) not later than 7 days after a licensed employee ceases employment with the manager—notify the Director, in a form approved by the Director, of the cessation of the employment.

Penalty: \$1,000.

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- (2) The Director may, by notice in writing, require a licensee—
- (a) to provide, in accordance with directions in the notice, such information relevant to the holding of the licence as is specified in the notice;
 - 5 (b) to produce, in accordance with directions in the notice, such records relevant to the holding of the licence as are specified in the notice and to permit examination of the records and the making of copies of the records; or
 - 10 (c) to authorise a person described in the notice to comply with a specified requirement of a kind referred to in paragraph (a) or (b), or both.
- (3) It is a condition of a licence that—
- (a) the licensee must comply with the requirement of a notice under this section; and
 - 15 (b) a person authorised by the licensee to comply with such a requirement must comply with the requirement.
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PART 5

CASINO OPERATIONS

Management agreement

- 20 32. (1) A Minister of the Crown may, on behalf of the State, enter into an agreement, or agreements, approved by the Governor, for the management of operations in the casino in accordance with this Act.
- (2) An agreement or agreements entered into under subsection (1) may include—
- 25 (a) terms and conditions that relate to prescribed matters; and
 - (b) such other terms and conditions not inconsistent with this Act as may be approved by the Governor.
- (3) An assignment or encumbrance of the rights and obligations of the manager under the management agreement is void unless the Governor's
- 30 consent to the assignment or encumbrance has been given and any conditions subject to which the consent is given are complied with.

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(4) The Governor may vary or revoke a condition referred to in subsection (3).

Information relating to the manager

5 33. (1) The manager shall, where a prescribed change occurs in the circumstances existing in relation to the manager at the time the manager enters into the agreement, notify the Director in writing of the prescribed particulars of the change not later than 14 days after the occurrence of the change.

Penalty: \$2,000.

10 (2) The Director may, by notice in writing, require the manager or a person who, in the opinion of the Director, is directly or indirectly associated with the manager—

15 (a) to provide the Director or an authorised person, in accordance with directions in the notice, with such information relevant to the manager or that association as is specified in the notice;

20 (b) to produce to the Director or an authorised person, in accordance with directions in the notice, such records relevant to the manager or that association as are specified in the notice and to permit examination of the records, the taking of extracts from the records and the making of copies of the records; or

(c) to attend before the Director or an authorised person for examination in relation to any matters relevant to the manager or that association and to answer questions relating to those matters.

Penalty: \$2,000.

25 (3) A person is not excused from complying with a notice under this section on the ground that compliance might tend to incriminate the person but, where the person claims, before complying with the notice, that compliance might tend to incriminate the person, information provided in compliance with the notice is not admissible in evidence against the person
30 in criminal proceedings other than proceedings under this Act.

(4) Where records are produced under this section, the Director or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from the records and the
35 making of copies of the records.

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(5) At any reasonable times during the period for which records are retained under subsection (4), the Director or authorised person shall permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Director or an authorised person.

5 (6) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

(7) Where the Director is satisfied that a person has, without reasonable excuse, refused or failed to comply with a requirement of a notice under this section, the Director may certify the failure to the Supreme Court.

10 (8) Where the Director gives a certificate under subsection (7), the Supreme Court may inquire into the case and—

(a) order the person to comply with the requirement within a period specified by the Court; or

15 (b) if the Court is satisfied that the person failed, without reasonable excuse, to comply with the requirement—punish the person as if the person were in contempt of the Court and, if it thinks fit, also make an order under paragraph (a).

Revocation of agreement

20 34. (1) The Minister may serve on the manager a notice in writing affording the manager an opportunity to show cause within 14 days why the management agreement should not be revoked on the ground that—

(a) the manager, a person in charge of the casino or an agent or employee of the manager, has contravened or failed to comply with a provision of this Act or the agreement;

25 (b) that a person has failed to comply with a requirement of a notice under section 33;

(c) that the manager is, for reasons specified in the notice, considered to be no longer a suitable person to give effect to the agreement and this Act; or

30 (d) that, for reasons specified in the notice, it is considered to be no longer in the public interest that the agreement should remain in force.

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(2) If the manager is served with such a notice, the manager may, within the period of 14 days specified in the notice, arrange with the Director for the making of oral or written submissions to the Director as to why the agreement should not be revoked.

5 (3) Where the manager fails within that period of 14 days to arrange for submissions to the Director, the Minister may, with the approval of the Governor, revoke or vary the agreement.

(4) Where the manager makes, or fails to make, submissions as arranged with the Director, the Minister may, after considering a report by the
10 Director in relation to the submissions or the failure to make submissions—

(a) with the approval of the Governor—revoke or vary the agreement;
or

(b) take such other action as the Governor may approve.

(5) If the Minister revokes or varies an agreement, no right to
15 compensation arises in relation to the revocation or variation.

Lawful gaming in the casino

35. (1) Notwithstanding the provisions of any other Act or of any law—

(a) the conduct of a game in the casino by or on behalf of the manager is lawful;

20 (b) the playing of a game conducted in the casino by or on behalf of the manager is lawful; and

(c) the use of gaming equipment provided in the casino by the manager is lawful,

25 if the game is conducted or played, or the gaming equipment is used, in accordance with this Act and the management agreement.

(2) Section 16 of the Gaming and Betting Act 1912 does not apply to a contract of gaming or wagering made with the manager in the course of gaming in the casino.

(3) This section does not operate to enable action to be brought to
30 recover—

(a) money won in the course of gaming in the casino;

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- (b) money on a cheque or other instrument given in payment of money so won; or
 - (c) a loan of money to be wagered in the course of gaming in the casino,
- 5 unless the money was won from, or wagered with, the manager.

(4) The conduct of operations in the casino in accordance with this Act and the management agreement is not a public or private nuisance.

Casino layout

36. (1) The manager shall not conduct gaming in the casino unless the
 10 facilities provided in relation to the conduct and monitoring of operations in the casino are in accordance with plans, diagrams and specifications the subject of an approval for the time being in force under this section.

Penalty: \$5,000.

- (2) The Director may approve plans, diagrams and specifications that
 15 have been drawn in a manner satisfactory to the Director indicating—
- (a) the situation within the casino of gaming tables and gaming equipment, counting rooms, cages and other facilities provided for operations in the casino;
 - 20 (b) the manner in which a closed circuit television system operates within the casino, including details of the positions and field of coverage of the cameras and viewing screens and the height of the cameras above the gaming;
 - (c) the position and description of a catwalk surveillance system for the direct visual monitoring of operations in the casino; and
 - 25 (d) the communication facilities provided for persons monitoring operations in the casino, whether by means of the closed circuit television system or the catwalk surveillance system, or otherwise.

Casino games

37. (1) The Minister may, by order published in the Gazette, notify the
 30 rules of each game that may be played in the casino.

(2) The manager shall not permit a game to be conducted or played in the casino—

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- (a) if there is not an order in force under this section notifying the rules of the game; or
- (b) if the game is not conducted or played in accordance with the rules of the game notified in such an order.

5 Penalty: \$5,000.

(3) A person shall not—

(a) conduct a game in the casino; or

(b) permit a game conducted by him or her to be played in the casino,

10 otherwise than in accordance with the rules of the game published under this section.

Penalty—subsection (3): \$2,000.

Gaming equipment

38. (1) This section has effect notwithstanding the provisions of any other Act or of any law.

15 (2) The possession of a casino device is lawful if—

(a) the possession is for the purposes of an investigation, authorised by the Director, to determine whether the device is suitable for declaration as an approved casino device; or

20 (b) the device is an approved casino device identifiable in a manner approved by the Director and—

(i) it is in the casino with the approval of the Director; or

(ii) the circumstances of its possession are such as have been approved by the Director generally or are approved by the Director in a particular case.

25 (3) The Director may require the cost of an investigation referred to in subsection (2) to be borne, as prescribed, by the person seeking the declaration so referred to.

Conduct of gaming**39. The manager—**

- (a) shall cause all playing cards dealt in the course of gaming in the casino to be dealt from a card shoe;
- 5 (b) shall not issue, or cause, permit or suffer to be issued, any chips for gaming in the casino unless the chips are paid for—
- (i) in money to the value of the chips; or
- (ii) by chip purchase voucher that, on payment of the amount shown on the voucher, was issued by, or on behalf of, the manager;
- 10 (c) shall not permit or suffer gaming wagers to be placed in the casino otherwise than by means of chips unless the rules of the game require, or provide for, the placing of wagers in money;
- 15 (d) shall cause all wagers won in the course of gaming in the casino to be paid for in full without deduction of any commission or levy other than a commission or levy provided for in the rules of the game;
- (e) shall, during the times the casino is open to the public for gaming, cause—
- 20 (i) chip purchase vouchers issued by the manager to be exchanged for chips;
- (ii) chips to be exchanged for other chips; or
- (iii) chips, or chip purchase vouchers, issued by the manager, to be redeemed for money of a value equivalent to the value of the chips or chip purchase vouchers,
- 25 at the request of a patron of the casino;
- (f) may, during the times the casino is open to the public for gaming, and if a patron of the casino so requests, cause chips, or chip purchase vouchers, issued by the manager to be redeemed for a cheque drawn on a bank approved by the Minister;
- 30 (g) shall not permit or suffer a person who is at the casino and is an employee or agent of the manager to induce patrons to enter the casino or take part in gaming in the casino; and

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- 5 (h) shall not require any deposit, charge, commission or levy (whether directly or indirectly and whether or not it is claimed to be refundable) to be paid by a person to enter the casino or, except as may be provided by the rules of a game, to take part in gaming in the casino.

Penalty: \$5,000.

Times of operation of the casino

- 10 40. (1) The manager shall cause the casino to be open to the public for gaming in accordance with this Act on such days, and at such times, as are for the time being directed by the Minister by order in writing served on the manager.

- (2) The manager shall cause the casino to be closed to the public—

- 15 (a) on days, or at times, that are not days or times specified in a direction for the time being in force under subsection (1) in relation to the casino; or
- (b) on days, or at times, specified in such an order as days on which, or times at which, the opening of the casino to the public is prohibited.

Penalty: \$5,000.

- 20 (3) Before giving or varying a direction under subsection (1), the Minister may consider any representations made by the manager in relation to the hours and days to be specified in the direction.

Credit, etc.

- 25 41. (1) In this section—
- “cheque” means a cheque (other than a traveller’s cheque) that—
- (a) is drawn on a bank for a specific amount payable on demand; and
- (b) is dated but not post-dated.
- (2) Except to the extent that this section otherwise provides, the manager
- 30 shall not, and an agent or employee of the manager shall not, in connection with any gaming in the casino—
- (a) accept a wager made otherwise than by means of money or chips;

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- (b) lend money or any valuable thing;
- (c) provide money or chips as part of a transaction involving a credit card or a debit card;
- (d) extend any other form of credit; or
- 5 (e) wholly or partly release or discharge a debt without the approval of the Director.

Penalty: \$2,000.

(3) The manager may establish for a person a deposit account to which is to be credited the amount of any deposit to the account comprising—

- 10 (a) money;
- (b) a cheque payable to the manager; or
- (c) a traveller's cheque.

(4) The manager may issue to a person who establishes a deposit account, and debit to the account—

- 15 (a) chip purchase vouchers; or
- (b) money,

not exceeding in total value the amount standing to the credit of the account at the time of issue of the vouchers or money.

- 20 (5) The manager may, in exchange for a cheque payable to the manager or a traveller's cheque, issue to a person chip purchase vouchers of a value equivalent to the amount of the cheque or traveller's cheque.

(6) A cheque accepted by the manager may, by agreement with the manager, be redeemed in exchange for the equivalent in value to the amount of the cheque of any one or more of the following:

- 25 (a) money;
- (b) a cheque payable to the manager;
- (c) chip purchase vouchers;
- (d) chips.

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(7) The manager—

(a) shall, within the prescribed time, bank a cheque accepted by the manager under this section; and

5 (b) shall not agree to the redemption of such a cheque for the purpose of avoiding compliance with paragraph (a).

Directions to manager

42. Where the Director gives to the manager a written direction that—

(a) is not inconsistent with the management agreement; and

10 (b) relates to the conduct, supervision or control of operations in the casino,

the manager shall comply with the direction.

Right of entry to the casino

43. (1) An inspector may at any time enter, and remain in, the casino for the purpose of—

15 (a) observing operations in the casino;

(b) ascertaining whether the provisions of this Act and the management agreement are being complied with; or

(c) exercising any other functions of an inspector.

20 (2) For the purpose of the discharge of the duty of a member of the police force, any part of the casino to which the public has access is a public place.

25 (3) A member of the police force may, on being authorised by an inspector so to do, enter any part of the casino to which the public does not have access and may remain there for the purpose of discharging his or her duty as a member of the police force, but it is the duty of an inspector giving such an authorisation to inform the manager of the casino, or the person for the time being in charge of the casino, of the authorisation and to do so as soon as practicable.

(4) Except as provided by subsections (1)–(3), a person enters, and remains in, the casino only by the licence of the manager of the casino.

30 (5) Nothing in this section affects any power a member of the police force has by law to enter any part of the casino.

*Darling Harbour Casino 1986***Exclusion orders**

44. (1) This section does not authorise the exclusion from the casino of an inspector or other authorised person, or a member of the police force.

(2) The Director, or the manager, or the person for the time being in charge of the casino, may, by order given to a person verbally or in writing, prohibit the person from entering, or remaining in, the casino.

(3) Where a person is given a verbal order under subsection (2) and the person requires the order to be given in writing, the verbal order is suspended while—

10 (a) the order is reduced to writing; and

(b) the person remains available in the casino for service of the written order.

(4) As soon as practicable after the manager gives or revokes a written order under this section, the manager shall cause a copy of the order or its revocation to be given to the Director.

List of excluded persons

45. (1) The manager shall, forthwith after gaming commences in the casino on any day—

(a) prepare a list of names bearing the date of that day; or

20 (b) add the date of that day to an unchanged list of names applicable under this subsection on the last preceding day,

those names being the names of persons who, immediately before the only day, or each day, of which the date appears on the list, were the subject of exclusion orders of which the manager is, or was, aware.

25 (2) The manager shall—

(a) as soon as practicable after the commencement of gaming in the casino on any day, provide an inspector on duty in the casino with a copy of the list referred to in subsection (1) that bears the date of that day; and

30 (b) notify an inspector on duty in the casino of the making, or the revocation, of an exclusion order of which the manager becomes aware during that day.

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(3) A person shall not publish any part of a list prepared under subsection (1) to any other person except—

- (a) the manager;
- (b) an employee of the manager;
- 5 (c) an inspector;
- (d) the Director; or
- (e) a person approved by the Director for the purpose.

Penalty—subsection (3): \$1,000.

Excluded person entering the casino

10 46. (1) A person the subject of an exclusion order relating to the casino shall not enter, or remain in, the casino.

Penalty: \$2,000.

(2) Where—

- (a) the person for the time being in charge of the casino; or
- 15 (b) an agent or employee of the manager,

knows that a person the subject of an exclusion order is in the casino, the person in charge, agent or employee, as the case may be, shall remove the person from the casino, or cause the person to be removed from the casino.

Penalty: \$2,000.

20 (3) It is lawful for—

- (a) the person for the time being in charge of a casino;
- (b) an agent or employee of the manager of a casino; or
- (c) a person acting under the direction of the person in charge, agent or employee,
- 25 using no more force than is proper in the circumstances,
- (d) to prevent from entering the casino a person the subject of a verbal or written order under section 44; or
- (e) to remove such a person from the casino or cause such a person to be removed from the casino.

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Unsatisfactory gaming equipment

47. (1) The Director may, following a report to the Director made by an inspector, direct the manager to rectify to the satisfaction of an inspector, or to destroy, gaming equipment that the inspector has directed the manager
5 to cease to have available for use on the ground that it is unsatisfactory.

(2) The manager shall forthwith comply with a direction given to the manager under subsection (1).

Penalty—subsection (2): \$5,000.

Gambling in the casino by certain persons prohibited

10 48. (1) An authorised person shall not gamble in the casino except to the extent that it may be necessary to do so in the exercise of his or her functions in the course of the administration of this Act.

(2) Where a person is a key employee or an operations employee, the person shall not—

- 15 (a) gamble in the casino; or
(b) solicit or accept any gratuity, consideration or other benefit from a patron in the casino.

Penalty: \$2,000.

Minors in the casino

20 49. (1) A person under the age of 18 years shall not enter the casino during the hours of operation of the casino.

Penalty: \$500.

(2) The person for the time being in charge of a casino shall forthwith remove, or cause to be removed, from the casino any person under the age
25 of 18 years who is in the casino during the hours of operation of the casino.

Penalty: \$1,000.

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(3) It is a defence to a prosecution for an offence under subsection (2) if it is proved that the defendant had taken all reasonable precautions to detect the entry into the casino, and the presence in the casino, of persons under the age of 18 years and—

- 5 (a) that the person under the age of 18 years was above the age of 14 years and was believed by the defendant on reasonable grounds to be of or above the age of 18 years; or
- (b) that there was other reasonable cause or excuse for the failure of the defendant to comply with subsection (2).

10 (4) Where the person for the time being in charge of the casino, an agent or employee of the manager of a casino, an inspector, or a member of the police force, has reasonable cause to suspect that a person in the casino during the hours of operation of the casino is under the age of 18 years, he or she—

- 15 (a) may require the person in the casino to state his or her correct age, name and residential address; and
- (b) if it is suspected on reasonable grounds that the age, name or residential address given in response to the requirement is false—
- 20 may require the person in the casino to produce evidence of its correctness.

(5) A person the subject of—

- (a) a requirement under subsection (4) (a)—shall not refuse or fail to comply with the requirement; or
- 25 (b) a requirement under subsection (4) (b)—shall not, without reasonable cause, refuse or fail to comply with the requirement.

Penalty: \$200.

(6) Where a person the subject of—

- (a) a requirement of a member of the police force under subsection (4) (a)—refuses or fails to comply with the requirement; or
- 30 (b) a requirement of a member of the police force under subsection (4) (b)—refuses or fails, without reasonable cause, to comply with the requirement,

the member of the police force may arrest the person without warrant and bring him or her before a justice to be dealt with according to law.

*Darling Harbour Casino 1986***Cheating**

50. (1) A person shall not, in the casino—

- (a) by a fraudulent trick, device, sleight of hand or representation;
- (b) by a fraudulent scheme or practice;
- 5 (c) by the fraudulent use of gaming equipment or any other thing; or
- (d) by the fraudulent use of an instrument or article of a type normally used in connection with gaming, or appearing to be of a type normally used in connection with gaming,

10 obtain for himself or herself or another person, or induce a person to deliver, give or credit to him or her or another person, any money, chips, benefit, advantage, valuable consideration or security.

Penalty: \$10,000 or imprisonment for 2 years, or both.

(2) A person shall not, in the casino, use or have in his or her possession—

- 15 (a) chips that he or she knows are bogus or counterfeit chips;
- (b) cards, dice or coins that he or she knows have been marked, loaded or tampered with; or
- (c) for the purpose of cheating or stealing—any equipment, device or thing that permits or facilitates cheating or stealing.

20 Penalty: \$10,000 or imprisonment for 2 years, or both.

(3) In so far as subsection (2) prohibits the possession in the casino of any thing referred to in subsection (2) (a) or (b), the prohibition does not extend to the possession by a person in charge of the casino, an agent or employee of the manager of the casino, an inspector, or a member of the police force, if that thing has been seized by any of those persons from another person for destruction or for use as evidence in proceedings for an offence.

Detention of suspected person

51. (1) Where—

- 30 (a) the person for the time being in charge of the casino;
- (b) an agent or employee of the manager; or
- (c) an inspector in the casino,

Darling Harbour Casino 1986

suspects on reasonable grounds that a person in the casino is contravening, or attempting to contravene, a provision of this or any other Act the person in charge, agent, employee or inspector may detain the suspected person in a suitable place in the casino until the arrival at the place of detention of a
5 member of the police force.

(2) A person may not be detained under this section unless—

- (a) no more force is used than is proper in the circumstances;
- (b) the person detained is informed of the reasons for the detention;
and
- 10 (c) the person effecting the detention immediately notifies a member of the police force of the detention and the reasons for the detention.

Forgery, etc.

52. A person shall not—

- 15 (a) forge or counterfeit chips, a chip purchase voucher or a licence, or a form of identification prescribed for the purposes of this Act;
- (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, licence or form of identification so prescribed;
- 20 (c) personate the holder of a licence or of such a form of identification;
- (d) falsely represent himself or herself to be an inspector or other authorised person;
- 25 (e) connive at any such forging, counterfeiting, uttering, personating or representing; or
- (f) knowingly make a false statement in an application made under this Act.

Penalty: \$10,000 or imprisonment for 2 years, or both.

PART 6

ACCOUNTS

Banking

53. (1) The manager shall—

- 5 (a) keep and maintain separate bank accounts, as approved by the Director, at a bank in the State for use for all banking transactions arising in relation to the manager under this Act or the management agreement; and
- 10 (b) from time to time provide the Director, as required, and in a form approved by the Director, with a written authority addressed to the bank referred to in paragraph (a) authorising the bank to comply with any requirements of an inspector exercising the powers conferred by subsection (2).

15 (2) An inspector may, by notice in writing, require the manager or other principal officer of a bank referred to in subsection (1) to provide the inspector with a statement of an account referred to in that section and such other particulars relating to the account as may be specified in the notice.

(3) An inspector may not exercise the powers conferred by this section without the prior written approval of the Director.

20 Accounts to be kept

54. The manager shall—

- (a) keep such accounting records as correctly record and explain the transactions and financial position of the operations of the casino; and
- 25 (b) keep the accounting records in such a manner as will enable—
- (i) true and fair financial statements and accounts to be prepared from time to time; and
 - (ii) the financial statements and accounts to be conveniently and properly audited.

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Statement of accounts

55. The manager shall, as soon as practicable after the end of the financial year determined under the management agreement, prepare financial statements and accounts, including—

- 5 (a) trading accounts, where applicable, for the financial year;
(b) profit and loss accounts for the financial year; and
(c) a balance-sheet as at the end of the financial year,

that give a true and fair view of the financial operations of the manager in relation to the casino.

10 Audit

56. (1) The manager shall, as soon as practicable after the end of the financial year determined under the management agreement, cause the books, accounts and financial statements of the manager in relation to the casino to be audited by a person approved by the Minister to audit the
15 accounting records of the manager.

(2) The manager shall cause an auditor's report under subsection (1) to be lodged with the Director not later than 4 months after the end of the financial year to which the report relates.

Retention of records

20 57. Except to the extent that the Director by order in writing otherwise approves and subject to section 9 of the Evidence (Reproductions) Act 1967, the manager shall keep in the casino all records relating to transactions less than 7 years old that relate to the management agreement and operations in the casino.

25 Part 6 does not limit management agreement

58. This Part does not operate to limit the terms of the management agreement.

PART 7

GENERAL

Decision of Board member not appellable

59. (1) A decision of a Board member made in the exercise of a function
5 under this Act is final and conclusive and not subject to any appeal to, or
liable to be reviewed or quashed by, a court or other tribunal.

(2) Where consultation with the Director is a condition precedent to the
making of a decision by a Board member, the lack of such a consultation
does not invalidate a decision by a Board member.

10 **False or misleading information**

60. (1) A person shall not—

- (a) in, or in relation to, an application for a licence;
- (b) in purported compliance with the requirements of a notice under
this Act;
- 15 (c) in answer to a question asked by an inspector in the exercise of
his or her functions as an inspector; or
- (d) in purporting to provide information that the person has been
authorised to provide,
give false or misleading information.

20 Penalty: \$5,000 or imprisonment for 12 months, or both.

(2) It is a defence to a prosecution of a person for an offence under
subsection (1) if it is proved that, at the time the information was given,
the person believed, on reasonable grounds—

- 25 (a) in the case of false information—that the information was true;
or
- (b) in the case of misleading information—that the information was
not misleading.

Evidence

61. (1) In proceedings under this Act, an assertion—

- 30 (a) that, at a specified time or during a specified period, a specified
person was the Minister administering this or any other Act;

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- (b) that, at a specified time or during a specified period, a specified person held, or was acting in, a specified office;
- 5 (c) that a signature purporting to be the signature of a Minister, the Director, an inspector, a member of the police force or an authorised person is the signature it purports to be;
- (d) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a licence; or
- 10 (e) that, at a specified time, a person attained a specified age or that, at a specified time or during a specified period, a specified person was under or over a specified age,

is evidence of the fact or facts asserted.

(2) In proceedings under this Act—

- 15 (a) a document purporting to be a copy of, or extract from, a list of names current under section 45 on a specified day is evidence that those names were included in the list of names current under that section on that day;
- 20 (b) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of a direction, notice, order, requirement or decision of which it purports to be a copy;
- (c) a document purporting to be a copy of a licence under this Act is evidence of a licence of which it purports to be a copy; and
- (d) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

25 **Certain contraventions of Act to be contraventions of agreement**

62. A contravention of this Act by the manager, or by a person for the time being in charge of the casino, is a contravention of the management agreement, whether or not a specific penalty is provided for the contravention and whether or not a person has been convicted for the
30 contravention.

*Darling Harbour Casino 1986***Offences by corporations**

63. (1) Where a corporation contravenes, whether by act or omission, any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation shall be deemed
5 to have contravened the same provision unless the person satisfies the court that—

- (a) the corporation contravened the provision without the knowledge of the person;
- 10 (b) the person was not in a position to influence the conduct of the corporation in relation to its contravention of the provision; or
- (c) the person, being in such a position, used all due diligence to prevent the contravention by the corporation.

(2) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act.

15 Prosecution for offences

64. (1) Proceedings for an offence against this Act shall be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

(2) This Act does not operate to exclude the prosecution of a person otherwise than under this Act, but a person is not, in relation to substantially
20 the same acts or omissions, liable to be prosecuted both under this Act and under any other Act or any law.

Temporary arrangements

65. Schedule 2 has effect.

Regulations

25 66. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without affecting the generality of subsection (1), regulations may be
30 made for or with respect to any matter specified in Schedule 1.

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- (3) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
 - (b) apply differently according to different factors of a specified kind;
 - 5 (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person; or
 - (d) adopt wholly or partially, either specifically or by reference, any standard, code, rule or specification contained in a publication approved by the Minister for the purposes of this paragraph.
- 10 (4) A provision of a regulation may impose a penalty not exceeding \$2,000 for a contravention of, or failure to comply with, the provision.

SCHEDULE 1

(Sec. 66 (2))

MATTERS FOR REGULATIONS

15 **Gaming devices, etc.**

1. The installations, devices and equipment to be provided in the casino for gaming and other purposes and the maintenance of the installations, devices and equipment.

Amenities

20 2. The amenities to be provided for patrons in the casino and the maintenance of those amenities.

Drop boxes, etc.

3. The provision and security of drop boxes and other places for the depositing of money.

Movement of equipment

25 4. The movement of gaming equipment to and from the casino.

Internal controls, accounting, etc.

5. The system of internal controls and administrative and accounting procedures to be adopted by the manager, including, but not limited to—

- 30 (a) accounting procedures, including the standardisation of forms, and the definition of terms, to be used in operations in the casino;
- (b) procedures, forms and, where appropriate, formulas for or with respect to—
 - (i) hold percentages and the calculation thereof;

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SCHEDULE 1—*continued*
MATTERS FOR REGULATIONS—*continued*

- (ii) revenue drop;
- (iii) expense and overhead schedules;
- (iv) complementary services;
- (v) salary arrangements; and
- 5 (vi) personnel practices;
- (c) job descriptions and the system of organising personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in casino operations and identification of primary and secondary supervisory positions for areas of responsibility, which areas shall not be so
10 extensive as to be impractical for an individual to supervise effectively;
- (d) procedures for the conduct and playing of games;
- (e) procedures within a cashier's cage for the receipt, storage and disbursement of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions pertaining to gaming operations;
- 15 (f) procedures for the collection and security of money at the gaming tables and other places in the casino where games are conducted;
- (g) procedures and forms relating to transfers of money within the casino;
- (h) procedures for the transfer of money from the gaming tables and other places
20 in the casino where games are conducted to other areas of the casino for counting;
- (i) procedures and forms for the transfer of money or chips from and to a gaming area;
- (j) procedures and security for the counting and recording of revenue;
- 25 (k) procedures and security for the transfer of money from the casino to a bank and from a bank to the casino;
- (l) procedures for the security, storage and recording of chips utilised in the gaming operations in the casino;
- (m) procedures and standards for the maintenance, security and storage of gaming equipment;
- 30 (n) procedures for the payment and recording of winnings associated with games where the winnings are paid by cash or cheque;
- (o) procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;
- (p) procedures for the cashing of cheques and recording of transactions by cheque;

*Darling Harbour Casino 1986*SCHEDULE 1—*continued*MATTERS FOR REGULATIONS—*continued*

- (q) procedures for the establishment and use of deposit accounts;
- (r) procedures for the use and maintenance of security and surveillance facilities, including catwalk systems and closed circuit television systems;
- 5 (s) procedures governing the utilisation of security personnel within the casino; and
- (t) procedures for the control of keys used or for use in casino operations.

Advertising

6. Advertising relating to the casino.

Reports

- 10 7. The submission of reports by the manager.

SCHEDULE 2

(Sec. 65)

TEMPORARY CASINO

Interpretation

- 15 1. In this Schedule—
“premises” includes a vessel.

Temporary casino

2. The management agreement may make such provision as will enable premises to be designated as the Darling Harbour Casino on a temporary basis.

20 Application of certain laws to temporary casino

3. The provisions of—
- (a) the Environmental Planning and Assessment Act 1979;
- (b) the Local Government Act 1919; and
- (c) any instrument in force under either of those Acts,

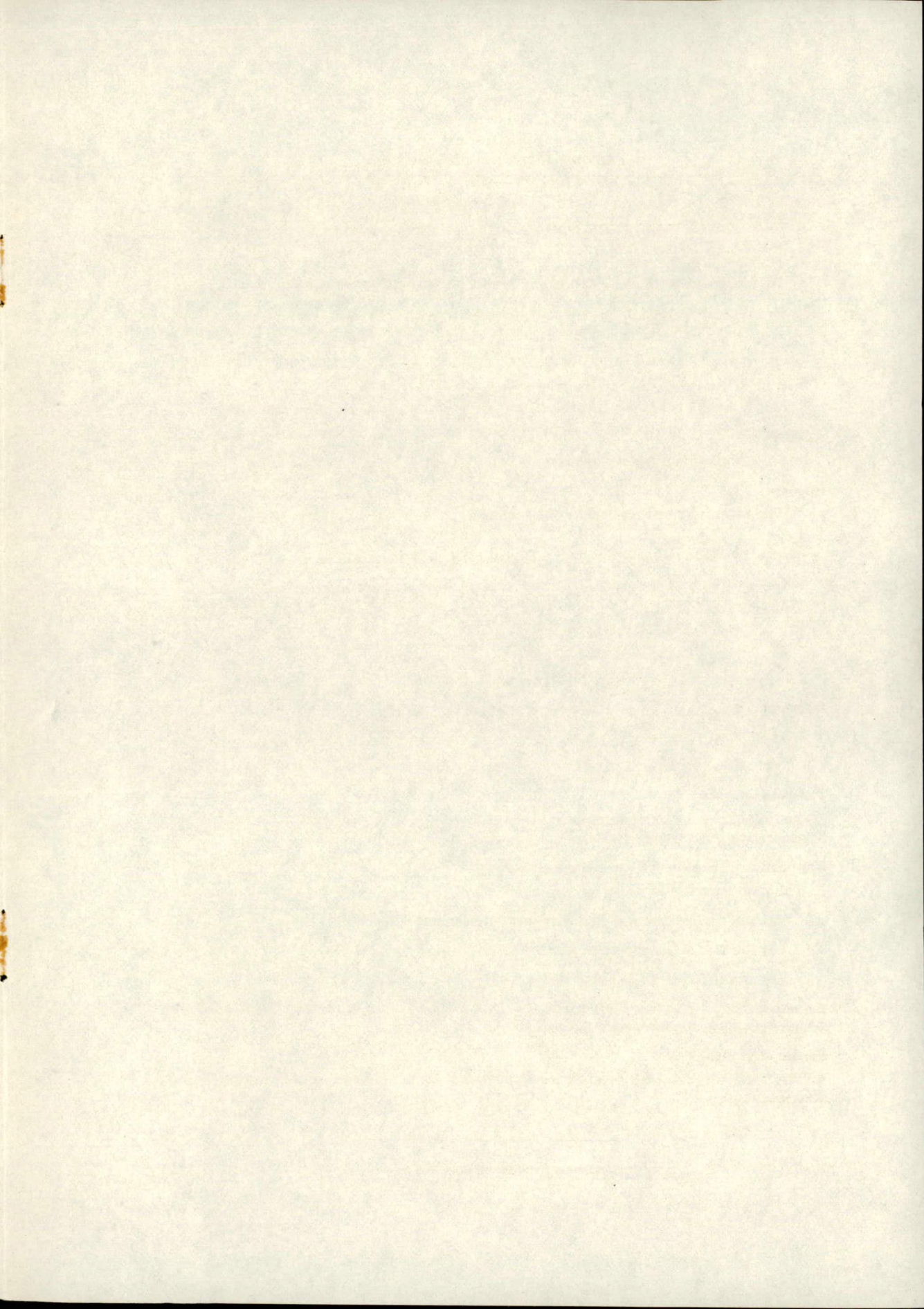
- 25 do not apply to anything to be done, or anything done, as a consequence of the designation of premises under clause 2.

Repeal of Schedule 2

4. The Governor may, by proclamation published in the Gazette, repeal section 65 and this Schedule.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986



DARLING HARBOUR CASINO ACT 1986 No. 65

NEW SOUTH WALES



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of the Department of
of the Department of
of the Department of

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DARLING HARBOUR CASINO ACT 1986 No. 65

NEW SOUTH WALES



Act No. 65, 1986

An Act to make provision with respect to the management of, and the regulation of operations within, the Darling Harbour Casino. [Assented to, 21 May 1986]

Darling Harbour Casino 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:

PART 1
PRELIMINARY

Short title

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

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Interpretation

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"approved casino device" means a casino device of a class or description declared by the Director to be an approved casino device;

"authorised person" means a person who has functions under, or for the purposes of, this Act;

"Board member" means a member of the Liquor Administration Board constituted under the Liquor Act 1982;

"casino" means premises designated in the management agreement as the Darling Harbour Casino;

"casino device" means a device that is capable of being used for gaming;

"chips" means any tokens used instead of money for the purpose of gaming;

"Director" means the person for the time being holding or acting in the office of Director, Casino Control Division, the Treasury;

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“employ” includes engage under a contract for services;

“exclusion order” means a written order under section 44 prohibiting a person from entering, or remaining in, the casino;

“game” means a game of chance or a game that is partly a game of chance and partly a game requiring skill;

“gaming equipment” means an approved casino device or any other device or thing (other than chips) used, or for use, for gaming;

“inspector” means—

- (a) the Director;
- (b) a person appointed or employed under the Public Service Act 1979 who is authorised by the Minister to act as an inspector; or
- (c) a person whose services have been procured under section 6 and who is authorised by the Minister to act as an inspector;

“key employee” means—

- (a) a person who is employed or working in the casino in a managerial capacity or who is authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of the casino; or
- (b) a person on whom a notice has been served under section 20;

“licence” means a licence (other than a provisional licence) that is—

- (a) a key employee licence; or
- (b) an operations employee licence;

“manager” means the person who, in accordance with the management agreement, agrees to establish and manage operations in the casino;

“management agreement” means the agreement, or agreements, entered into by the Minister under section 32;

“operations”, in relation to the casino, means—

- (a) the conduct of gaming in the casino;
- (b) the management and supervision of the conduct of gaming in the casino;

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- (c) money counting in, and in relation to, the casino;
- (d) accounting procedures in, and in relation to, the casino;
- (e) the use of storage areas in the casino; and
- (f) other matters affecting, or arising out of, activities in the casino;

“operations employee” means an employee of the manager, other than—

- (a) an employee who is within a class of employees determined by the Director not to be operations employees; and
- (b) a key employee;

“record” includes any book, account, document, paper or other source of information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or in any other manner or by any other means;

“regulations” means regulations made under section 66;

“Secretary” means the person for the time being holding or acting in the office of Secretary of the Treasury;

“this Act” includes regulations.

(2) In this Act—

- (a) a reference to a function includes a reference to a power, an authority and a duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

Records kept otherwise than in writing

4. Where, in accordance with this Act, a record is required to be produced and the record is not in writing, or is not written in the English language, or is not decipherable on sight, the requirement to produce the record shall be deemed to be a requirement to produce, in addition to the record if it is in writing, or instead of the record if it is not in writing, a statement, written in the English language and decipherable on sight, containing the whole of the information in the record.

PART 2
ADMINISTRATION

Director and staff

5. (1) The Governor may, under the Public Service Act 1979, appoint and employ such officers and temporary employees as are necessary for the administration of this Act.

(2) Where this Act confers a function on the Director—

- (a) the Secretary may exercise the function; and
- (b) the Director is, in the exercise of the function, subject to the direction and control of the Secretary.

(3) Where the operation of a provision of this Act is conditional upon consultation between a Board member and the Director, the consultation may be arranged, and may take place, in such manner as they think fit.

Use of other staff and facilities

6. The Minister may, for the purposes of the administration of this Act—

- (a) by arrangement with the Minister responsible for a government department, administrative office or public or local authority constituted by an Act, and on terms and conditions approved by the Public Service Board, procure the services of any staff of the department, office or authority or make use of its facilities; or
- (b) engage a person to provide services, information or advice otherwise than under a contract of service and on such terms and conditions as the Minister thinks fit.

Delegation

7. (1) The Director may delegate to an authorised person the exercise of any of the functions of the Director other than—

- (a) this power of delegation; and
- (b) the function of consultation with a Board member under section 23 or 29.

(2) A delegation under this section—

- (a) shall be in writing;

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(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Director.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Director.

(5) A delegation under this section does not prevent the exercise of a function by the Director or the Secretary.

(6) A function purporting to have been exercised by a delegate under this section shall, unless the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

Secrecy

8. (1) A person shall not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made—

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act;
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings;
- (d) in accordance with a requirement imposed under the Ombudsman Act 1974; or
- (e) with other lawful excuse.

Penalty: \$2,000.

(2) It is not a contravention of subsection (1) if the Director, or a person authorised for the purpose by the Director, communicates information to any person.

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Conflict of interest and duty

9. (1) An authorised person shall not—

- (a) be an employee, in any capacity, of the manager of the casino or a licensee; or
- (b) within the period of 1 year that next succeeds his or her ceasing to have functions under this Act—solicit or accept employment from, or be an employee or business or financial associate of, the manager of the casino or a licensee.

(2) The manager or a licensee shall not, except with the approval of the Director, employ, or have as a business or financial associate—

- (a) an authorised person; or
- (b) a person who, during the last preceding period of 1 year, was an authorised person.

(3) An authorised person who knowingly has, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, the manager or a licensee shall forthwith—

- (a) notify the Director of the association or interest; and
- (b) if directed so to do by the Director—within a time specified by the Director terminate the association or relinquish the interest.

Penalty: \$2,000.

Bribery

10. (1) An authorised person shall not corruptly ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for himself or herself, or for another person—

- (a) to forgo or neglect his or her duty, or influence him or her, in the exercise of his or her functions as an authorised person;
- (b) on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the exercise of those functions; or
- (c) to use, or take advantage of, his or her position as an authorised person in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, another person.

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(2) A person shall not corruptly give to, confer upon, or procure for, or promise or offer to give to, confer upon, or procure for, or attempt to procure for, an authorised person, or for any other person, any money, property or benefit of any kind—

- (a) for the person who has those functions to forgo or neglect his or her duty, or to influence him or her in the exercise of his or her functions as an authorised person;
- (b) on account of anything already done, or omitted to be done, by him or her in the exercise of those functions; or
- (c) for the authorised person to use or take advantage of his or her position as such a person in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, the person first referred to in this subsection.

Penalty: \$10,000 or imprisonment for 2 years, or both.

False statements as to revenue

11. A person shall not, with respect to revenue derived from operations in the casino, knowingly make to an authorised person a report, return or statement that is false or misleading in a material particular.

Penalty: \$10,000 or imprisonment for 2 years, or both.

Exclusion of liability

12. No liability is incurred by the State or an authorised person for any act done, or statement issued, by the authorised person in the exercise in good faith of his or her functions as such.

PART 3
INSPECTORS

Interpretation

13. In this Part, a reference to gaming equipment, chips or records is a reference to gaming equipment, chips or records related to the operation of the casino or otherwise relevant to the administration of this Act.

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Identification of inspectors

14. (1) An inspector is not authorised to exercise the functions of an inspector unless he or she is in possession of the prescribed identification card.

(2) Where a person proposing to exercise the functions of an inspector fails to produce on demand his or her identification card, the person is not authorised to exercise those functions in relation to the person making the demand.

Powers of inspectors

15. (1) An inspector may—

- (a) require any person in possession of, or having control of, any gaming equipment, chips or records to produce the equipment, chips or records for inspection and to answer questions or provide information relating to the equipment, chips or records;
- (b) inspect any gaming equipment, chips or records produced under paragraph (a) and take copies of, extracts from, or notes relating to, those records;
- (c) where the inspector considers it to be necessary so to do for the purpose of obtaining evidence of the commission of an offence—seize any gaming equipment, chips or records inspected under paragraph (b);
- (d) with the prior approval in writing of the Director—enter any premises or place other than the casino in which the inspector suspects on reasonable grounds that there is gaming equipment, or that there are chips or records, if the inspector does so with the consent of the occupier or in accordance with a search warrant under section 16;
- (e) in the casino or a place entered under paragraph (d)—search for, seize and retain any gaming equipment, chips or records that the inspector considers will afford evidence of the commission of an offence reasonably suspected by the inspector;
- (f) by notice in writing require the manager, a key employee or an operations employee, or any other person associated with operations in the casino or their management, to attend before the inspector at a specified time or place and answer questions, or provide information, with respect to operations in the casino;

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- (g) examine and test any gaming equipment or chips in the casino and order the person in charge of the casino to withdraw unsatisfactory gaming equipment from use in the casino or to destroy unsatisfactory chips;
- (h) call to his or her aid—
 - (i) another inspector, or a member of the police force, if he or she is obstructed, or believes on reasonable grounds that he or she will be obstructed, in the exercise of his or her functions; or
 - (ii) a person considered by the inspector to be competent for the purpose;
- (i) receive and investigate a complaint by a patron with respect to operations in the casino, inform the patron of the result of the investigation and inform the Director of the complaint and that result; or
- (j) exercise any other functions prescribed as functions of an inspector.

(2) Where, under this section, an inspector seizes gaming equipment, chips or records, the articles may be retained by the inspector for such period prior to the completion of any proceedings (including proceedings on appeal) in which the articles may be evidence but only if, in the case of records, the person from whom the records were seized is provided, within a reasonable time after the seizure, with a copy of the records certified by an inspector as a true copy.

(3) Subsection (2) ceases to have effect in relation to articles seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.

(4) A copy of records provided under subsection (2) is, as evidence, of equal validity to the records of which it is certified to be a copy.

(5) A person is not required by this section to answer a question that might incriminate the person.

(6) A person has, while acting in aid of an inspector, the functions of an inspector.

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Search warrants

16. (1) In this section—

“authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in the Local Courts Administration, Attorney General’s Department.

(2) Where an authorised justice is satisfied upon the complaint of an inspector that there is reasonable cause to suspect that gaming equipment, chips or records relating to the operations in the casino or otherwise relevant to the administration of this Act is or are on any premises and that—

- (a) in relation to those articles an offence has been, is being, or is likely to be, committed; or
- (b) that those articles may be evidence of an offence,

the authorised justice may issue his or her warrant, directed to the inspector, authorising the inspector and any assistants to enter the premises, or part of premises, specified in the warrant, for the purpose of exercising the functions of an inspector.

(3) A search warrant issued under this section ceases to have effect no later than the expiration of the period of 1 month that next succeeds its issue.

(4) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

Offences relating to inspectors

17. A person shall not—

- (a) obstruct an inspector, or a person acting in aid of an inspector, where the inspector is exercising, or attempting to exercise his or her functions as an inspector;
- (b) fail to produce for inspection any gaming equipment, chips or records in the possession, or under the control, of the person when required so to do by an inspector in the exercise of his or her functions as an inspector;

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- (c) fail without reasonable excuse to attend before an inspector and answer questions or supply information when required so to do by the inspector in the exercise of his or her functions as an inspector;
- (d) except with the permission of an inspector—take any gaming equipment, chips or records seized, impounded or retained under the authority of this Act;
- (e) when directed by an inspector, in the exercise of his or her functions as an inspector, to destroy any chips considered by the inspector to be unsatisfactory for use—refuse or fail to comply with the direction; or
- (f) when directed by an inspector, in the exercise of his or her functions as an inspector, to cease to have available for use any gaming equipment considered by the inspector to be unsatisfactory for use—refuse or fail to comply with the direction.

Penalty: \$5,000 or imprisonment for 12 months, or both.

PART 4

LICENCES

Authority conferred by licence

18. (1) A key employee licence authorises the holder of the licence to exercise in, or in relation to, the casino the functions specified in the licence subject to the functions being exercised in accordance with the provisions of this Act, the management agreement and the conditions of the licence.

(2) An operations employee licence authorises the holder of the licence to exercise in the casino such one or more of the functions prescribed for the purposes of this subsection as is, or are, specified in the licence subject to the functions being exercised in accordance with this Act and the conditions of the licence.

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(3) A person shall not exercise in, or in relation to, the casino any of the functions of a key employee except in accordance with the authority conferred on the person by a key employee licence or except where—

- (a) the person is a key employee by reason of a notice served on the person under section 20 requiring the person to apply within 7 days for a key employee licence;
- (b) the person has not failed to comply with the requirement of the notice; and
- (c) a decision on an application made in compliance with the requirement of the notice is pending.

Penalty: \$2,000 or imprisonment for 6 months, or both.

(4) A person shall not exercise in the casino any of the prescribed functions referred to in subsection (2) except in accordance with the authority conferred on the person by an operations employee licence.

Penalty: \$2,000 or imprisonment for 6 months, or both.

(5) The manager shall not employ, or use the services of, a key employee in the casino unless—

- (a) the employee holds a key employee licence; or
- (b) the person is a key employee by reason of a notice under section 20 requiring the person to apply within 7 days for a key employee licence and—
 - (i) the person has not failed to comply with the requirement of the notice; and
 - (ii) a decision on an application made in compliance with the requirement of the notice is pending.

Penalty: \$5,000.

(6) The manager shall not allocate, or permit or suffer to be allocated, the exercise of a function in, or in relation to, the casino if—

- (a) the exercise of the function by a person who does not hold a licence is prohibited; and

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- (b) the exercise of the function is proposed to be allocated to a person who does not hold a licence authorising the exercise of the function by the licensee.

Penalty—subsection (6): \$5,000.

Application for licence

19. (1) An application for a licence shall be lodged with the Director in a form approved by the Minister in relation to the class of licence applied for and shall be accompanied by—

- (a) the prescribed fee;
- (b) such documents (if any) as may be prescribed;
- (c) the documents (if any) that the form of application specifies as documents required to accompany the application; and
- (d) a certificate by the manager as to the competence of the applicant to exercise the functions specified in the certificate.

(2) A form approved for the purposes of this section shall require the information provided in, and accompanying, an application made by means of the form to be verified by statutory declaration and may require such an application to be accompanied by finger prints or palm prints, or both, and a photograph, of the applicant.

(3) An application for a licence may not be made by a person who is under the age of 18 years or is a person within a class of persons prescribed as being ineligible to apply for a licence.

(4) Where an application for a licence is refused, or a licence is surrendered or cancelled, the Director shall cause any finger prints and palm prints, and any photograph, that accompanied the application for the licence to be destroyed.

Direction to apply for key employee licence

20. (1) Where the Director is of the opinion that—

- (a) a person associated with, or an employee of, the manager has the power to exercise a significant influence over, or with respect to, operations in the casino; or

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- (b) it is in the public interest that such a person, by reason of his or her remuneration, or his or her authority in relation to the operations in the casino, be licensed as a key employee,

the Director shall, by notice in writing served on the person and the manager, require the person to apply for a key employee licence not later than 7 days after service of the notice on the person.

(2) Where—

- (a) a person on whom a notice is served under subsection (1) fails to comply with the requirement of the notice; or

- (b) an application made by the person is refused,

the Director shall serve a notice on the person and the manager requiring the association or employment of the person in any capacity specified in the notice, or in any capacity other than a capacity specified in the notice, to be terminated forthwith.

(3) A person on whom a notice is served under subsection (2) shall give effect to the requirement of the notice.

Penalty : \$5,000.

(4) The termination of an association or employment in accordance with this section may be effected notwithstanding any other Act or any law, award or industrial or other agreement and the Crown does not incur any liability because of such a termination.

Updating of application for licence

21. (1) Where, before an application for a licence is granted or refused, a change occurs in the information provided in the form of application or in any documents lodged with the application, the applicant shall forthwith give the Director written particulars of the change verified by statutory declaration.

(2) Subsection (1) applies to information in an application form or accompanying documents brought up to date in accordance with the subsection as if the application form or accompanying documents, as so brought up to date, had been lodged immediately after being brought up to date.

Director may require further information

22. (1) The Director may, by notice in writing, require an applicant for a licence or a person whose association with the applicant is, in the opinion of the Director or a Board member, relevant to the application—

- (a) to provide, in accordance with directions in the notice, such information, verified by statutory declaration, as is relevant to investigation of the application and is specified in the notice;
- (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from the records and the making of copies of the records; or
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b).

(2) Where a requirement made under subsection (1) in relation to an application is not complied with, a Board member may, after consultation with the Director, refuse to approve the issue of a licence to the applicant.

Issue of licence

23. (1) The Director or a Board member may cause to be made such investigations of an application for a licence as the Director or Board member thinks fit and, after consultation with the Director, a Board member shall—

- (a) approve the issue to the applicant of the licence applied for;
- (b) with the consent of the applicant—approve the issue to the applicant of a licence conferring authority different from that applied for; or
- (c) refuse to approve the issue of a licence to the applicant.

(2) Where a Board member refuses to approve the issue of a licence, the Director shall cause the applicant to be notified in writing of the decision.

(3) A licence shall be issued in a form approved by the Minister which provides for the inclusion of a statement of the authority conferred by the licence.

Conditions of licence

24. (1) A licence is subject to—

- (a) prescribed conditions; and
- (b) any condition imposed by a Board member after consultation with the Director and notified to the licensee by the Director on the issue of the licence or during its currency.

(2) A condition of a licence (other than a prescribed condition) may be varied or revoked by a Board member after consultation with the Director whether or not on application made to the Director by the licensee.

Provisional licences

25. (1) In such circumstances as the Minister may from time to time determine, a Board member may, after consultation with the Director and pending a decision on an application for a licence, approve the issue to the applicant by the Director of a provisional licence in a form approved by the Minister.

(2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Director when issuing the licence.

(3) A provisional licence may be cancelled by a Board member at any time after consultation with the Director and, unless sooner surrendered or cancelled, ceases to have effect upon the approval or refusal of the provisional licensee's application for a licence.

(4) Except to the extent that this section otherwise provides, this Act applies to a provisional licence in the same way as it applies to a licence.

Duration of licence

26. (1) A licence remains in force until—

- (a) the licensee dies;
- (b) the licence is cancelled;
- (c) the licensee, by notice in writing, surrenders the licence to the Director; or
- (d) subject to subsection (2)—at the expiration of the period of 12 months that next succeeds the grant of the licence,

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whichever first occurs.

(2) Where, not earlier than 1 month before a licence would, but for this subsection, expire under subsection (1) (d), an application for a new licence is made by the licensee to the Director in a form approved by the Minister accompanied by the prescribed fee—

- (a) the old licence continues in force until the new licence is issued or its issue is refused; and
- (b) where a new licence is issued—the new licence shall be deemed to have been granted on the anniversary of the date on which the old licence was granted and shall be dated accordingly.

(3) The provisions of this Act other than those relating to—

- (a) the form in which application for a licence is made; and
- (b) the issue of a provisional licence,

apply to and in relation to—

- (c) an application made under subsection (2);
- (d) the decision on such an application; and
- (e) any licence issued as a result of such an application,

as if the application under that subsection were an application made by a person other than a licensee.

Variation of licence

27. (1) Application may be made to the Director, accompanied by the prescribed fee, for variation of the authority conferred by a licence.

(2) Except in relation to the amount of the prescribed fee, this Act applies in relation to an application under subsection (1) in the same way as it applies to an application for a licence.

(3) If an application under subsection (1) is approved, the Director may—

- (a) amend the licence to which the application relates; or
- (b) issue a new licence specifying the varied authority.

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Loss, etc., of licence

28. Where the Director is satisfied that a licence has been lost, destroyed or damaged, the Director may, on payment of the prescribed fee, issue a replacement licence.

Cancellation, etc., of licence

29. (1) Where, after consultation with the Director, a Board member is satisfied, in relation to a licensee, as to any of the matters specified in subsection (2), the Board member may decide to—

- (a) cause a written notice to be served on the licensee censuring him or her for any action specified in the notice;
- (b) vary the authority conferred by the licence;
- (c) impose a condition of the licence;
- (d) suspend the licence for such period as the Board member thinks fit; or
- (e) cancel the licence,

and the Director shall give effect to the decision.

(2) The matters referred to in subsection (1) are—

- (a) that the licence might have been improperly obtained in that, at the time the licence was granted, there were grounds for refusing it;
- (b) that the licensee has been convicted of an offence against this Act or, whether or not in New South Wales, of an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine);
- (c) that the licensee has failed to comply with a condition of his or her licence;
- (d) that the licensee has refused to provide information that he or she is required by this Act to provide or has provided false or misleading information;
- (e) that the licensee has become bankrupt, has applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit; and

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(f) that, for any other reason, the licensee is not a suitable person to be the holder of the licence.

(3) A Board member may, after consultation with the Director, at any time terminate or reduce a period of suspension of a licence.

(4) During any period of suspension of a licence, the licensee shall be deemed not to be the holder of a licence, but this subsection does not prejudice or affect any penal liability incurred by the licensee or the exercise of the functions of the Minister, a Board member, the Director or an inspector.

Termination of employment on suspension or cancellation of licence

30. (1) Where the manager receives written notice from the Director that the licence of an employee of the manager has been suspended or cancelled, or has otherwise ceased to be in force, the manager shall, not later than 24 hours after receiving the notice, terminate the employment of the employee.

Penalty: \$5,000.

(2) A termination of employment in accordance with subsection (1) may be effected notwithstanding any other Act or any law, award or industrial or other agreement and the Crown does not incur any liability because of such a termination.

Information relating to licensees

31. (1) The manager shall—

- (a) not later than 7 days after a licensed employee commences employment with the manager—notify the Director, in a form approved by the Director, of the commencement of the employment;
- (b) not less than twice in each year, on dates specified by the Director—submit to the Director, in a form approved by the Director, a list of the licensed employees of the manager; and
- (c) not later than 7 days after a licensed employee ceases employment with the manager—notify the Director, in a form approved by the Director, of the cessation of the employment.

Penalty: \$1,000.

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- (2) The Director may, by notice in writing, require a licensee—
- (a) to provide, in accordance with directions in the notice, such information relevant to the holding of the licence as is specified in the notice;
 - (b) to produce, in accordance with directions in the notice, such records relevant to the holding of the licence as are specified in the notice and to permit examination of the records and the making of copies of the records; or
 - (c) to authorise a person described in the notice to comply with a specified requirement of a kind referred to in paragraph (a) or (b), or both.
- (3) It is a condition of a licence that—
- (a) the licensee must comply with the requirement of a notice under this section; and
 - (b) a person authorised by the licensee to comply with such a requirement must comply with the requirement.
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PART 5
CASINO OPERATIONS

Management agreement

32. (1) A Minister of the Crown may, on behalf of the State, enter into an agreement, or agreements, approved by the Governor, for the management of operations in the casino in accordance with this Act.

(2) An agreement or agreements entered into under subsection (1) may include—

- (a) terms and conditions that relate to prescribed matters; and
- (b) such other terms and conditions not inconsistent with this Act as may be approved by the Governor.

(3) An assignment or encumbrance of the rights and obligations of the manager under the management agreement is void unless the Governor's consent to the assignment or encumbrance has been given and any conditions subject to which the consent is given are complied with.

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(4) The Governor may vary or revoke a condition referred to in subsection (3).

Information relating to the manager

33. (1) The manager shall, where a prescribed change occurs in the circumstances existing in relation to the manager at the time the manager enters into the agreement, notify the Director in writing of the prescribed particulars of the change not later than 14 days after the occurrence of the change.

Penalty: \$2,000.

(2) The Director may, by notice in writing, require the manager or a person who, in the opinion of the Director, is directly or indirectly associated with the manager—

- (a) to provide the Director or an authorised person, in accordance with directions in the notice, with such information relevant to the manager or that association as is specified in the notice;
- (b) to produce to the Director or an authorised person, in accordance with directions in the notice, such records relevant to the manager or that association as are specified in the notice and to permit examination of the records, the taking of extracts from the records and the making of copies of the records; or
- (c) to attend before the Director or an authorised person for examination in relation to any matters relevant to the manager or that association and to answer questions relating to those matters.

Penalty: \$2,000.

(3) A person is not excused from complying with a notice under this section on the ground that compliance might tend to incriminate the person but, where the person claims, before complying with the notice, that compliance might tend to incriminate the person, information provided in compliance with the notice is not admissible in evidence against the person in criminal proceedings other than proceedings under this Act.

(4) Where records are produced under this section, the Director or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from the records and the making of copies of the records.

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(5) At any reasonable times during the period for which records are retained under subsection (4), the Director or authorised person shall permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Director or an authorised person.

(6) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

(7) Where the Director is satisfied that a person has, without reasonable excuse, refused or failed to comply with a requirement of a notice under this section, the Director may certify the failure to the Supreme Court.

(8) Where the Director gives a certificate under subsection (7), the Supreme Court may inquire into the case and—

- (a) order the person to comply with the requirement within a period specified by the Court; or
- (b) if the Court is satisfied that the person failed, without reasonable excuse, to comply with the requirement—punish the person as if the person were in contempt of the Court and, if it thinks fit, also make an order under paragraph (a).

Revocation of agreement

34. (1) The Minister may serve on the manager a notice in writing affording the manager an opportunity to show cause within 14 days why the management agreement should not be revoked on the ground that—

- (a) the manager, a person in charge of the casino or an agent or employee of the manager, has contravened or failed to comply with a provision of this Act or the agreement;
- (b) that a person has failed to comply with a requirement of a notice under section 33;
- (c) that the manager is, for reasons specified in the notice, considered to be no longer a suitable person to give effect to the agreement and this Act; or
- (d) that, for reasons specified in the notice, it is considered to be no longer in the public interest that the agreement should remain in force.

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(2) If the manager is served with such a notice, the manager may, within the period of 14 days specified in the notice, arrange with the Director for the making of oral or written submissions to the Director as to why the agreement should not be revoked.

(3) Where the manager fails within that period of 14 days to arrange for submissions to the Director, the Minister may, with the approval of the Governor, revoke or vary the agreement.

(4) Where the manager makes, or fails to make, submissions as arranged with the Director, the Minister may, after considering a report by the Director in relation to the submissions or the failure to make submissions—

- (a) with the approval of the Governor—revoke or vary the agreement;
or
- (b) take such other action as the Governor may approve.

(5) If the Minister revokes or varies an agreement, no right to compensation arises in relation to the revocation or variation.

Lawful gaming in the casino

35. (1) Notwithstanding the provisions of any other Act or of any law—

- (a) the conduct of a game in the casino by or on behalf of the manager is lawful;
- (b) the playing of a game conducted in the casino by or on behalf of the manager is lawful; and
- (c) the use of gaming equipment provided in the casino by the manager is lawful,

if the game is conducted or played, or the gaming equipment is used, in accordance with this Act and the management agreement.

(2) Section 16 of the Gaming and Betting Act 1912 does not apply to a contract of gaming or wagering made with the manager in the course of gaming in the casino.

(3) This section does not operate to enable action to be brought to recover—

- (a) money won in the course of gaming in the casino;

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- (b) money on a cheque or other instrument given in payment of money so won; or
- (c) a loan of money to be wagered in the course of gaming in the casino,

unless the money was won from, or wagered with, the manager.

(4) The conduct of operations in the casino in accordance with this Act and the management agreement is not a public or private nuisance.

Casino layout

36. (1) The manager shall not conduct gaming in the casino unless the facilities provided in relation to the conduct and monitoring of operations in the casino are in accordance with plans, diagrams and specifications the subject of an approval for the time being in force under this section.

Penalty: \$5,000.

(2) The Director may approve plans, diagrams and specifications that have been drawn in a manner satisfactory to the Director indicating—

- (a) the situation within the casino of gaming tables and gaming equipment, counting rooms, cages and other facilities provided for operations in the casino;
- (b) the manner in which a closed circuit television system operates within the casino, including details of the positions and field of coverage of the cameras and viewing screens and the height of the cameras above the gaming;
- (c) the position and description of a catwalk surveillance system for the direct visual monitoring of operations in the casino; and
- (d) the communication facilities provided for persons monitoring operations in the casino, whether by means of the closed circuit television system or the catwalk surveillance system, or otherwise.

Casino games

37. (1) The Minister may, by order published in the Gazette, notify the rules of each game that may be played in the casino.

(2) The manager shall not permit a game to be conducted or played in the casino—

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- (a) if there is not an order in force under this section notifying the rules of the game; or
- (b) if the game is not conducted or played in accordance with the rules of the game notified in such an order.

Penalty: \$5,000.

(3) A person shall not—

- (a) conduct a game in the casino; or
- (b) permit a game conducted by him or her to be played in the casino,

otherwise than in accordance with the rules of the game published under this section.

Penalty—subsection (3): \$2,000.

Gaming equipment

38. (1) This section has effect notwithstanding the provisions of any other Act or of any law.

(2) The possession of a casino device is lawful if—

- (a) the possession is for the purposes of an investigation, authorised by the Director, to determine whether the device is suitable for declaration as an approved casino device; or
- (b) the device is an approved casino device identifiable in a manner approved by the Director and—
 - (i) it is in the casino with the approval of the Director; or
 - (ii) the circumstances of its possession are such as have been approved by the Director generally or are approved by the Director in a particular case.

(3) The Director may require the cost of an investigation referred to in subsection (2) to be borne, as prescribed, by the person seeking the declaration so referred to.

Conduct of gaming**39. The manager—**

- (a) shall cause all playing cards dealt in the course of gaming in the casino to be dealt from a card shoe;
- (b) shall not issue, or cause, permit or suffer to be issued, any chips for gaming in the casino unless the chips are paid for—
 - (i) in money to the value of the chips; or
 - (ii) by chip purchase voucher that, on payment of the amount shown on the voucher, was issued by, or on behalf of, the manager;
- (c) shall not permit or suffer gaming wagers to be placed in the casino otherwise than by means of chips unless the rules of the game require, or provide for, the placing of wagers in money;
- (d) shall cause all wagers won in the course of gaming in the casino to be paid for in full without deduction of any commission or levy other than a commission or levy provided for in the rules of the game;
- (e) shall, during the times the casino is open to the public for gaming, cause—
 - (i) chip purchase vouchers issued by the manager to be exchanged for chips;
 - (ii) chips to be exchanged for other chips; or
 - (iii) chips, or chip purchase vouchers, issued by the manager, to be redeemed for money of a value equivalent to the value of the chips or chip purchase vouchers,at the request of a patron of the casino;
- (f) may, during the times the casino is open to the public for gaming, and if a patron of the casino so requests, cause chips, or chip purchase vouchers, issued by the manager to be redeemed for a cheque drawn on a bank approved by the Minister;
- (g) shall not permit or suffer a person who is at the casino and is an employee or agent of the manager to induce patrons to enter the casino or take part in gaming in the casino; and

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- (h) shall not require any deposit, charge, commission or levy (whether directly or indirectly and whether or not it is claimed to be refundable) to be paid by a person to enter the casino or, except as may be provided by the rules of a game, to take part in gaming in the casino.

Penalty: \$5,000.

Times of operation of the casino

40. (1) The manager shall cause the casino to be open to the public for gaming in accordance with this Act on such days, and at such times, as are for the time being directed by the Minister by order in writing served on the manager.

- (2) The manager shall cause the casino to be closed to the public—
- (a) on days, or at times, that are not days or times specified in a direction for the time being in force under subsection (1) in relation to the casino; or
 - (b) on days, or at times, specified in such an order as days on which, or times at which, the opening of the casino to the public is prohibited.

Penalty: \$5,000.

(3) Before giving or varying a direction under subsection (1), the Minister may consider any representations made by the manager in relation to the hours and days to be specified in the direction.

Credit, etc.

41. (1) In this section—

“cheque” means a cheque (other than a traveller’s cheque) that—

- (a) is drawn on a bank for a specific amount payable on demand; and
- (b) is dated but not post-dated.

(2) Except to the extent that this section otherwise provides, the manager shall not, and an agent or employee of the manager shall not, in connection with any gaming in the casino—

- (a) accept a wager made otherwise than by means of money or chips;

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- (b) lend money or any valuable thing;
- (c) provide money or chips as part of a transaction involving a credit card or a debit card;
- (d) extend any other form of credit; or
- (e) wholly or partly release or discharge a debt without the approval of the Director.

Penalty: \$2,000.

(3) The manager may establish for a person a deposit account to which is to be credited the amount of any deposit to the account comprising—

- (a) money;
- (b) a cheque payable to the manager; or
- (c) a traveller's cheque.

(4) The manager may issue to a person who establishes a deposit account, and debit to the account—

- (a) chip purchase vouchers; or
- (b) money,

not exceeding in total value the amount standing to the credit of the account at the time of issue of the vouchers or money.

(5) The manager may, in exchange for a cheque payable to the manager or a traveller's cheque, issue to a person chip purchase vouchers of a value equivalent to the amount of the cheque or traveller's cheque.

(6) A cheque accepted by the manager may, by agreement with the manager, be redeemed in exchange for the equivalent in value to the amount of the cheque of any one or more of the following:

- (a) money;
- (b) a cheque payable to the manager;
- (c) chip purchase vouchers;
- (d) chips.

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(7) The manager—

- (a) shall, within the prescribed time, bank a cheque accepted by the manager under this section; and
- (b) shall not agree to the redemption of such a cheque for the purpose of avoiding compliance with paragraph (a).

Directions to manager**42. Where the Director gives to the manager a written direction that—**

- (a) is not inconsistent with the management agreement; and
- (b) relates to the conduct, supervision or control of operations in the casino,

the manager shall comply with the direction.

Right of entry to the casino

43. (1) An inspector may at any time enter, and remain in, the casino for the purpose of—

- (a) observing operations in the casino;
- (b) ascertaining whether the provisions of this Act and the management agreement are being complied with; or
- (c) exercising any other functions of an inspector.

(2) For the purpose of the discharge of the duty of a member of the police force, any part of the casino to which the public has access is a public place.

(3) A member of the police force may, on being authorised by an inspector so to do, enter any part of the casino to which the public does not have access and may remain there for the purpose of discharging his or her duty as a member of the police force, but it is the duty of an inspector giving such an authorisation to inform the manager of the casino, or the person for the time being in charge of the casino, of the authorisation and to do so as soon as practicable.

(4) Except as provided by subsections (1)–(3), a person enters, and remains in, the casino only by the licence of the manager of the casino.

(5) Nothing in this section affects any power a member of the police force has by law to enter any part of the casino.

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Exclusion orders

44. (1) This section does not authorise the exclusion from the casino of an inspector or other authorised person, or a member of the police force.

(2) The Director, or the manager, or the person for the time being in charge of the casino, may, by order given to a person verbally or in writing, prohibit the person from entering, or remaining in, the casino.

(3) Where a person is given a verbal order under subsection (2) and the person requires the order to be given in writing, the verbal order is suspended while—

- (a) the order is reduced to writing; and
- (b) the person remains available in the casino for service of the written order.

(4) As soon as practicable after the manager gives or revokes a written order under this section, the manager shall cause a copy of the order or its revocation to be given to the Director.

List of excluded persons

45. (1) The manager shall, forthwith after gaming commences in the casino on any day—

- (a) prepare a list of names bearing the date of that day; or
- (b) add the date of that day to an unchanged list of names applicable under this subsection on the last preceding day,

those names being the names of persons who, immediately before the only day, or each day, of which the date appears on the list, were the subject of exclusion orders of which the manager is, or was, aware.

(2) The manager shall—

- (a) as soon as practicable after the commencement of gaming in the casino on any day, provide an inspector on duty in the casino with a copy of the list referred to in subsection (1) that bears the date of that day; and
- (b) notify an inspector on duty in the casino of the making, or the revocation, of an exclusion order of which the manager becomes aware during that day.

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(3) A person shall not publish any part of a list prepared under subsection (1) to any other person except—

- (a) the manager;
- (b) an employee of the manager;
- (c) an inspector;
- (d) the Director; or
- (e) a person approved by the Director for the purpose.

Penalty—subsection (3): \$1,000.

Excluded person entering the casino

46. (1) A person the subject of an exclusion order relating to the casino shall not enter, or remain in, the casino.

Penalty: \$2,000.

(2) Where—

- (a) the person for the time being in charge of the casino; or
- (b) an agent or employee of the manager,

knows that a person the subject of an exclusion order is in the casino, the person in charge, agent or employee, as the case may be, shall remove the person from the casino, or cause the person to be removed from the casino.

Penalty: \$2,000.

(3) It is lawful for—

- (a) the person for the time being in charge of a casino;
- (b) an agent or employee of the manager of a casino; or
- (c) a person acting under the direction of the person in charge, agent or employee,

using no more force than is proper in the circumstances,

- (d) to prevent from entering the casino a person the subject of a verbal or written order under section 44; or
- (e) to remove such a person from the casino or cause such a person to be removed from the casino.

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Unsatisfactory gaming equipment

47. (1) The Director may, following a report to the Director made by an inspector, direct the manager to rectify to the satisfaction of an inspector, or to destroy, gaming equipment that the inspector has directed the manager to cease to have available for use on the ground that it is unsatisfactory.

(2) The manager shall forthwith comply with a direction given to the manager under subsection (1).

Penalty—subsection (2): \$5,000.

Gambling in the casino by certain persons prohibited

48. (1) An authorised person shall not gamble in the casino except to the extent that it may be necessary to do so in the exercise of his or her functions in the course of the administration of this Act.

(2) Where a person is a key employee or an operations employee, the person shall not—

- (a) gamble in the casino; or
- (b) solicit or accept any gratuity, consideration or other benefit from a patron in the casino.

Penalty: \$2,000.

Minors in the casino

49. (1) A person under the age of 18 years shall not enter the casino during the hours of operation of the casino.

Penalty: \$500.

(2) The person for the time being in charge of a casino shall forthwith remove, or cause to be removed, from the casino any person under the age of 18 years who is in the casino during the hours of operation of the casino.

Penalty: \$1,000.

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(3) It is a defence to a prosecution for an offence under subsection (2) if it is proved that the defendant had taken all reasonable precautions to detect the entry into the casino, and the presence in the casino, of persons under the age of 18 years and—

- (a) that the person under the age of 18 years was above the age of 14 years and was believed by the defendant on reasonable grounds to be of or above the age of 18 years; or
- (b) that there was other reasonable cause or excuse for the failure of the defendant to comply with subsection (2).

(4) Where the person for the time being in charge of the casino, an agent or employee of the manager of a casino, an inspector, or a member of the police force, has reasonable cause to suspect that a person in the casino during the hours of operation of the casino is under the age of 18 years, he or she—

- (a) may require the person in the casino to state his or her correct age, name and residential address; and
- (b) if it is suspected on reasonable grounds that the age, name or residential address given in response to the requirement is false—may require the person in the casino to produce evidence of its correctness.

(5) A person the subject of—

- (a) a requirement under subsection (4) (a)—shall not refuse or fail to comply with the requirement; or
- (b) a requirement under subsection (4) (b)—shall not, without reasonable cause, refuse or fail to comply with the requirement.

Penalty: \$200.

(6) Where a person the subject of—

- (a) a requirement of a member of the police force under subsection (4) (a)—refuses or fails to comply with the requirement; or
- (b) a requirement of a member of the police force under subsection (4) (b)—refuses or fails, without reasonable cause, to comply with the requirement,

the member of the police force may arrest the person without warrant and bring him or her before a justice to be dealt with according to law.

Cheating

50. (1) A person shall not, in the casino—

- (a) by a fraudulent trick, device, sleight of hand or representation;
- (b) by a fraudulent scheme or practice;
- (c) by the fraudulent use of gaming equipment or any other thing; or
- (d) by the fraudulent use of an instrument or article of a type normally used in connection with gaming, or appearing to be of a type normally used in connection with gaming,

obtain for himself or herself or another person, or induce a person to deliver, give or credit to him or her or another person, any money, chips, benefit, advantage, valuable consideration or security.

Penalty: \$10,000 or imprisonment for 2 years, or both.

(2) A person shall not, in the casino, use or have in his or her possession—

- (a) chips that he or she knows are bogus or counterfeit chips;
- (b) cards, dice or coins that he or she knows have been marked, loaded or tampered with; or
- (c) for the purpose of cheating or stealing—any equipment, device or thing that permits or facilitates cheating or stealing.

Penalty: \$10,000 or imprisonment for 2 years, or both.

(3) In so far as subsection (2) prohibits the possession in the casino of any thing referred to in subsection (2) (a) or (b), the prohibition does not extend to the possession by a person in charge of the casino, an agent or employee of the manager of the casino, an inspector, or a member of the police force, if that thing has been seized by any of those persons from another person for destruction or for use as evidence in proceedings for an offence.

Detention of suspected person

51. (1) Where—

- (a) the person for the time being in charge of the casino;
- (b) an agent or employee of the manager; or
- (c) an inspector in the casino,

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suspects on reasonable grounds that a person in the casino is contravening, or attempting to contravene, a provision of this or any other Act the person in charge, agent, employee or inspector may detain the suspected person in a suitable place in the casino until the arrival at the place of detention of a member of the police force.

- (2) A person may not be detained under this section unless—
- (a) no more force is used than is proper in the circumstances;
 - (b) the person detained is informed of the reasons for the detention; and
 - (c) the person effecting the detention immediately notifies a member of the police force of the detention and the reasons for the detention.

Forgery, etc.

52. A person shall not—

- (a) forge or counterfeit chips, a chip purchase voucher or a licence, or a form of identification prescribed for the purposes of this Act;
- (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, licence or form of identification so prescribed;
- (c) personate the holder of a licence or of such a form of identification;
- (d) falsely represent himself or herself to be an inspector or other authorised person;
- (e) connive at any such forging, counterfeiting, uttering, personating or representing; or
- (f) knowingly make a false statement in an application made under this Act.

Penalty: \$10,000 or imprisonment for 2 years, or both.

PART 6

ACCOUNTS

Banking

53. (1) The manager shall—

- (a) keep and maintain separate bank accounts, as approved by the Director, at a bank in the State for use for all banking transactions arising in relation to the manager under this Act or the management agreement; and
- (b) from time to time provide the Director, as required, and in a form approved by the Director, with a written authority addressed to the bank referred to in paragraph (a) authorising the bank to comply with any requirements of an inspector exercising the powers conferred by subsection (2).

(2) An inspector may, by notice in writing, require the manager or other principal officer of a bank referred to in subsection (1) to provide the inspector with a statement of an account referred to in that section and such other particulars relating to the account as may be specified in the notice.

(3) An inspector may not exercise the powers conferred by this section without the prior written approval of the Director.

Accounts to be kept

54. The manager shall—

- (a) keep such accounting records as correctly record and explain the transactions and financial position of the operations of the casino; and
- (b) keep the accounting records in such a manner as will enable—
 - (i) true and fair financial statements and accounts to be prepared from time to time; and
 - (ii) the financial statements and accounts to be conveniently and properly audited.

Statement of accounts

55. The manager shall, as soon as practicable after the end of the financial year determined under the management agreement, prepare financial statements and accounts, including—

- (a) trading accounts, where applicable, for the financial year;
- (b) profit and loss accounts for the financial year; and
- (c) a balance-sheet as at the end of the financial year,

that give a true and fair view of the financial operations of the manager in relation to the casino.

Audit

56. (1) The manager shall, as soon as practicable after the end of the financial year determined under the management agreement, cause the books, accounts and financial statements of the manager in relation to the casino to be audited by a person approved by the Minister to audit the accounting records of the manager.

(2) The manager shall cause an auditor's report under subsection (1) to be lodged with the Director not later than 4 months after the end of the financial year to which the report relates.

Retention of records

57. Except to the extent that the Director by order in writing otherwise approves and subject to section 9 of the Evidence (Reproductions) Act 1967, the manager shall keep in the casino all records relating to transactions less than 7 years old that relate to the management agreement and operations in the casino.

Part 6 does not limit management agreement

58. This Part does not operate to limit the terms of the management agreement.

PART 7

GENERAL

Decision of Board member not appellable

59. (1) A decision of a Board member made in the exercise of a function under this Act is final and conclusive and not subject to any appeal to, or liable to be reviewed or quashed by, a court or other tribunal.

(2) Where consultation with the Director is a condition precedent to the making of a decision by a Board member, the lack of such a consultation does not invalidate a decision by a Board member.

False or misleading information

60. (1) A person shall not—

- (a) in, or in relation to, an application for a licence;
- (b) in purported compliance with the requirements of a notice under this Act;
- (c) in answer to a question asked by an inspector in the exercise of his or her functions as an inspector; or
- (d) in purporting to provide information that the person has been authorised to provide,

give false or misleading information.

Penalty: \$5,000 or imprisonment for 12 months, or both.

(2) It is a defence to a prosecution of a person for an offence under subsection (1) if it is proved that, at the time the information was given, the person believed, on reasonable grounds—

- (a) in the case of false information—that the information was true; or
- (b) in the case of misleading information—that the information was not misleading.

Evidence

61. (1) In proceedings under this Act, an assertion—

- (a) that, at a specified time or during a specified period, a specified person was the Minister administering this or any other Act;

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- (b) that, at a specified time or during a specified period, a specified person held, or was acting in, a specified office;
- (c) that a signature purporting to be the signature of a Minister, the Director, an inspector, a member of the police force or an authorised person is the signature it purports to be;
- (d) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a licence; or
- (e) that, at a specified time, a person attained a specified age or that, at a specified time or during a specified period, a specified person was under or over a specified age,

is evidence of the fact or facts asserted.

(2) In proceedings under this Act—

- (a) a document purporting to be a copy of, or extract from, a list of names current under section 45 on a specified day is evidence that those names were included in the list of names current under that section on that day;
- (b) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of a direction, notice, order, requirement or decision of which it purports to be a copy;
- (c) a document purporting to be a copy of a licence under this Act is evidence of a licence of which it purports to be a copy; and
- (d) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

Certain contraventions of Act to be contraventions of agreement

62. A contravention of this Act by the manager, or by a person for the time being in charge of the casino, is a contravention of the management agreement, whether or not a specific penalty is provided for the contravention and whether or not a person has been convicted for the contravention.

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Offences by corporations

63. (1) Where a corporation contravenes, whether by act or omission, any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation shall be deemed to have contravened the same provision unless the person satisfies the court that—

- (a) the corporation contravened the provision without the knowledge of the person;
- (b) the person was not in a position to influence the conduct of the corporation in relation to its contravention of the provision; or
- (c) the person, being in such a position, used all due diligence to prevent the contravention by the corporation.

(2) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act.

Prosecution for offences

64. (1) Proceedings for an offence against this Act shall be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

(2) This Act does not operate to exclude the prosecution of a person otherwise than under this Act, but a person is not, in relation to substantially the same acts or omissions, liable to be prosecuted both under this Act and under any other Act or any law.

Temporary arrangements

65. Schedule 2 has effect.

Regulations

66. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without affecting the generality of subsection (1), regulations may be made for or with respect to any matter specified in Schedule 1.

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(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind;
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person; or
- (d) adopt wholly or partially, either specifically or by reference, any standard, code, rule or specification contained in a publication approved by the Minister for the purposes of this paragraph.

(4) A provision of a regulation may impose a penalty not exceeding \$2,000 for a contravention of, or failure to comply with, the provision.

SCHEDULE 1

(Sec. 66 (2))

MATTERS FOR REGULATIONS

Gaming devices, etc.

1. The installations, devices and equipment to be provided in the casino for gaming and other purposes and the maintenance of the installations, devices and equipment.

Amenities

2. The amenities to be provided for patrons in the casino and the maintenance of those amenities.

Drop boxes, etc.

3. The provision and security of drop boxes and other places for the depositing of money.

Movement of equipment

4. The movement of gaming equipment to and from the casino.

Internal controls, accounting, etc.

5. The system of internal controls and administrative and accounting procedures to be adopted by the manager, including, but not limited to—

- (a) accounting procedures, including the standardisation of forms, and the definition of terms, to be used in operations in the casino;
- (b) procedures, forms and, where appropriate, formulas for or with respect to—
 - (i) hold percentages and the calculation thereof;

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SCHEDULE 1—*continued*
MATTERS FOR REGULATIONS—*continued*

- (ii) revenue drop;
 - (iii) expense and overhead schedules;
 - (iv) complementary services;
 - (v) salary arrangements; and
 - (vi) personnel practices;
- (c) job descriptions and the system of organising personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in casino operations and identification of primary and secondary supervisory positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to supervise effectively;
- (d) procedures for the conduct and playing of games;
- (e) procedures within a cashier's cage for the receipt, storage and disbursement of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions pertaining to gaming operations;
- (f) procedures for the collection and security of money at the gaming tables and other places in the casino where games are conducted;
- (g) procedures and forms relating to transfers of money within the casino;
- (h) procedures for the transfer of money from the gaming tables and other places in the casino where games are conducted to other areas of the casino for counting;
- (i) procedures and forms for the transfer of money or chips from and to a gaming area;
- (j) procedures and security for the counting and recording of revenue;
- (k) procedures and security for the transfer of money from the casino to a bank and from a bank to the casino;
- (l) procedures for the security, storage and recording of chips utilised in the gaming operations in the casino;
- (m) procedures and standards for the maintenance, security and storage of gaming equipment;
- (n) procedures for the payment and recording of winnings associated with games where the winnings are paid by cash or cheque;
- (o) procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;
- (p) procedures for the cashing of cheques and recording of transactions by cheque;

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 SCHEDULE 1—*continued*
 MATTERS FOR REGULATIONS—*continued*

- (q) procedures for the establishment and use of deposit accounts;
- (r) procedures for the use and maintenance of security and surveillance facilities, including catwalk systems and closed circuit television systems;
- (s) procedures governing the utilisation of security personnel within the casino; and
- (t) procedures for the control of keys used or for use in casino operations.

Advertising

- 6. Advertising relating to the casino.

Reports

- 7. The submission of reports by the manager.
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SCHEDULE 2

(Sec. 65)

TEMPORARY CASINO

Interpretation

- 1. In this Schedule—
 “premises” includes a vessel.

Temporary casino

- 2. The management agreement may make such provision as will enable premises to be designated as the Darling Harbour Casino on a temporary basis.

Application of certain laws to temporary casino

- 3. The provisions of—
 - (a) the Environmental Planning and Assessment Act 1979;
 - (b) the Local Government Act 1919; and
 - (c) any instrument in force under either of those Acts,

do not apply to anything to be done, or anything done, as a consequence of the designation of premises under clause 2.

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SCHEDULE 2—*continued*
TEMPORARY CASINO—*continued*

Repeal of Schedule 2

4. The Governor may, by proclamation published in the Gazette, repeal section 65 and this Schedule.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

