

FIRST PRINT

CASINO CONTROL (AMENDMENT) BILL 1993

NEW SOUTH WALES

EXPLANATORY NOTE

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

The object of this Bill is to amend the Casino Control Act 1992 to achieve the following results:

- (a) The permissible location for a casino will be restricted to non-residential areas within, or within 500 metres of, the present Darling Harbour Development Area.
 - (b) The Casino Control Authority will be required to conduct a study of appropriate sites for a casino and prepare a comprehensive plan for dealing with traffic movement problems and other problems arising from the siting of a casino in proximity to the Sydney central business district.
 - (c) Restrictions will be imposed on the availability of slot machines in a casino. A casino will not be permitted to have more than 500 slot machines and all slot machines will have to have a minimum wager of \$5 and be operable only by token or electronic credit (not by coin). After 2 years the Authority will be required to prepare a report for tabling in Parliament detailing the effect of slot machines in a casino on the registered club and hotel industries. The new provisions will replace the current provision that allows the Minister (following a report from the Authority) to restrict the availability of slot machines in a casino.
 - (d) A new provision will be inserted which will ensure that the duty payable by the casino operator on slot machine revenue and profit is not less than the duty payable by registered clubs on poker machine revenue and profit. The casino operator will also be required to prepare and furnish the same reports and returns with respect to slot machines as registered clubs prepare and furnish with respect to poker machines.
 - (e) Existing provisions which provide that the Authority is generally not required to observe the rules of natural justice will be removed. This will result in the Authority having to comply with those rules. Consequential amendments concerning natural justice are also made.
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Casino Control (Amendment) 1993

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 gives effect to the amendments to the Casino Control Act 1992.

Schedule 1 contains the amendments.

FIRST PRINT

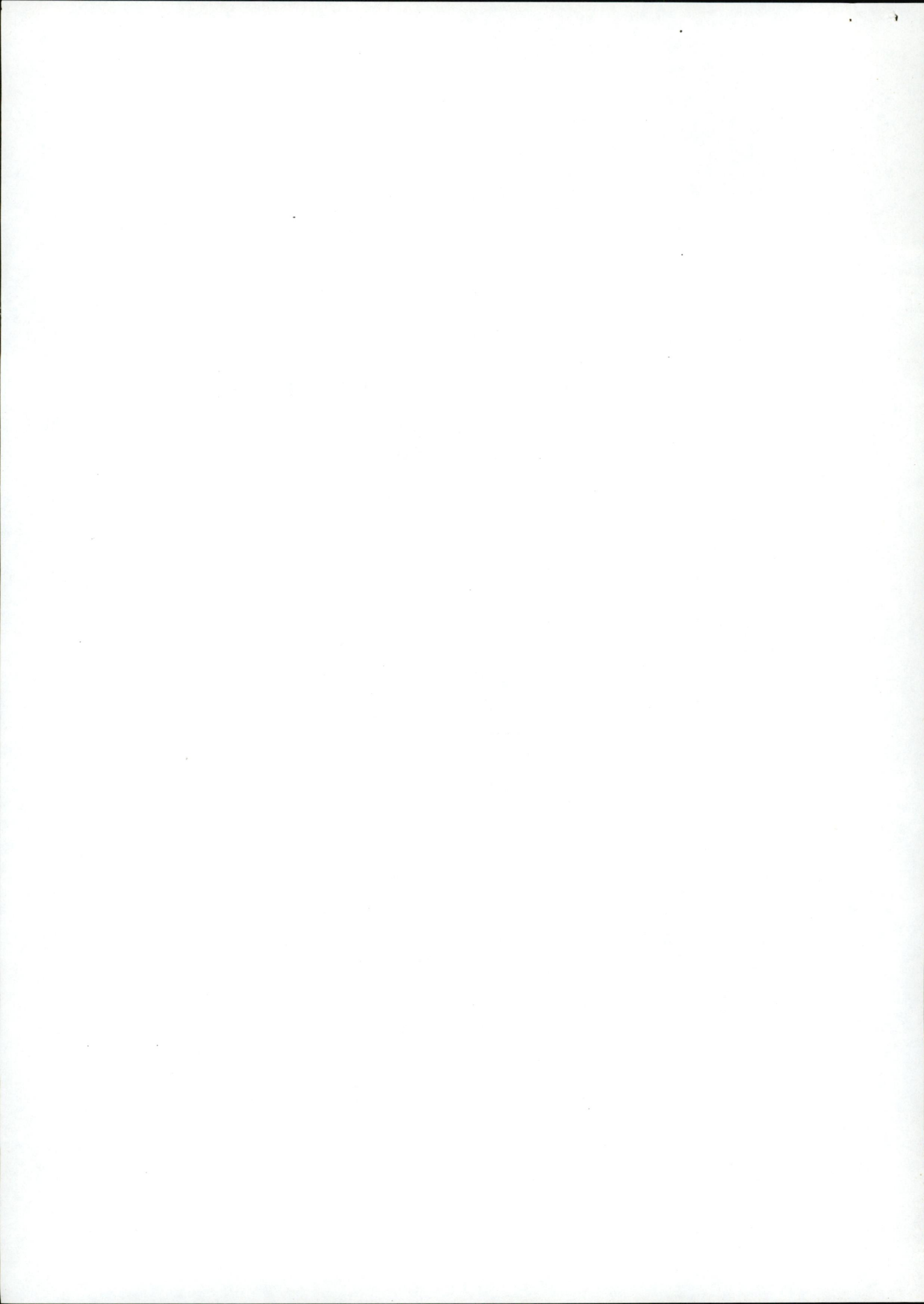
CASINO CONTROL (AMENDMENT) BILL 1993

NEW SOUTH WALES

TABLE OF PROVISIONS

1. Short title
2. Commencement
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SCHEDULE 1—AMENDMENTS



CASINO CONTROL (AMENDMENT) BILL 1993

NEW SOUTH WALES

No. , 1993

A BILL FOR

An Act to amend the Casino Control Act 1992 to make further provision with respect to the location for a casino and restrictions on slot machines in a casino and to require the Casino Control Authority to observe the rules of natural justice; and for related purposes.

Casino Control (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Casino Control (Amendment) Act 1993.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Casino Control Act 1992 No. 15

3. The Casino Control Act 1992 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

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(Sec. 3)

(1) Section 3 (**Definitions**):

After the definition of "record" in section 3 (1), insert:

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"**slot machine**" means gaming equipment comprising a machine operated by the patron by means of wagers made by coin or token or by electronic credit, and includes a poker machine;

(2) Sections 6A, 6B:

After section 6, insert:

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Permissible location for casino

6A. (1) A casino must not be located anywhere except within, or within 500 metres of, the Darling Harbour Development Area (the land described in Schedule 1 to the Darling Harbour Authority Act 1984 at the time the Bill for this Act was introduced in the Legislative Assembly).

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(2) A casino must not be located in a residential area. A "**residential area**" is any area zoned or otherwise set aside solely or predominantly for residential development by an environmental planning instrument under the Environmental Planning and Assessment Act 1979 or a development plan under the Darling Harbour Authority Act 1984.

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(3) The Minister and the Authority must exercise their respective functions under this Act in a manner that is consistent with the requirements of this section.

Casino Control (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

Authority to study and plan for appropriate sites

6B. (1) The Authority is to conduct a study of and prepare a report on the sites it considers appropriate for the location of a casino. 5

(2) The report is to include a comprehensive plan for dealing with problems associated with traffic movement and for resolving any other issues relevant to a casino's location in proximity to the Sydney central business district.

(3) The Authority is to furnish a copy of its report to the Minister and until this is done neither the Minister nor the Authority is to take any action under sections 7, 9 and 10. 10

(4) The Minister is to cause a copy of the Authority's report to be tabled in each House of Parliament as soon as practicable after the Authority reports. 15

(3) Section 8:

Omit the section, insert instead:

Restrictions on slot machines in casino

8. (1) The following restrictions apply in respect of slot machines in a casino: 20

(a) The number of slot machines available in a casino at any one time must not exceed 500.

(b) All slot machines available in a casino must be operable only by means of tokens or by means of electronic credits (that is, they must not be operable by means of coins). 25

(c) There must be a minimum wager on every slot machine and that minimum wager must be at least \$5.

(2) The casino operator is taken to have contravened a condition of the casino licence if this section is contravened. 30

(3) This section does not confer any entitlement to have slot machines in a casino and does not derogate from the other requirements of this Act as to the availability and use of gaming equipment in a casino.

(4) Within 3 months after the second anniversary of the commencement of the Casino Control (Amendment) Act 1993, the Authority is to conduct a study of and prepare a 35

*Casino Control (Amendment) 1993*SCHEDULE 1—AMENDMENTS—*continued*

report on the effect of the availability of slot machines in a casino on the operations and viability of the registered club and hotel industries.

5 (5) The Authority is to furnish a copy of its report to the Minister and the Minister is to cause a copy of the report to be tabled in each House of Parliament as soon as practicable after the Authority reports.

10 (4) Section 18 (**Determination of applications**):
Omit section 18 (3).

(5) Section 52 (**Determination of applications**):
Omit section 52 (5).

15 (6) Section 114 (**Casino duty**):
After section 114 (4), insert:
(5) The Treasurer must exercise the Treasurer's functions under this section in a manner which ensures that:
20 (a) casino duty is payable under this Part on the revenues and profits arising from gaming on slot machines in a casino; and
(b) the rate of that duty is not less than the rate at which duty is payable from time to time under the Registered Clubs Act 1976 on the revenues and profits from poker machines in registered clubs.

25 (7) Section 131A:
After section 131, insert:
Special returns for slot machines
30 131A. (1) It is a condition of a casino licence that the casino operator must keep such records and lodge with the Authority such returns, reports and declarations relating to slot machines in the casino as the Authority may from time to time direct by order in writing to the operator.
35 (2) The Authority is to exercise its functions under this section in a manner which ensures that the records, returns, reports and declarations required under this section are in substance the same as those required under the Registered Clubs Act 1976 in respect of poker machines in registered clubs.

Casino Control (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

(8) Section 141 (**Functions of the Authority**):

Omit section 141 (4), insert instead:

(4) The Authority is not exempt from the rules of natural justice.

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(9) Section 155 (**Appeals**):

Omit section 155 (1), insert instead:

(1) A decision of the Authority under this Act is final and is not subject to appeal or review except on the grounds of denial of natural justice or as otherwise provided by this section.

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