



New South Wales

Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013

Explanatory note

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

Overview of Bill

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

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

Outline of provisions

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

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

Schedule 1 Amendment of Casino Control Act 1992 No 15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Schedule 2 Amendment of other Acts

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

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



New South Wales

Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Casino Control Act 1992 No 15	3
Schedule 2 Amendment of other Acts	10



New South Wales

Casino Control Amendment (Barangaroo Restricted Gaming Facility) Bill 2013

No. , 2013

A Bill for

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

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Casino Control Amendment (Barangaroo Restricted Gaming Facility) Act 2013</i> .	3
	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Casino Control Act 1992 No 15	1
[1] Long title		2
	Insert “and to provide for the licensing of a restricted gaming facility at Barangaroo South” after “operations”.	3 4
[2] Section 3 Definitions		5
	Insert in alphabetical order in section 3 (1):	6
	Barangaroo restricted gaming facility means premises:	7
	(a) situated or proposed to be situated on that part of Barangaroo (within the meaning of the <i>Barangaroo Delivery Authority Act 2009</i>) identified as the site of the Barangaroo restricted gaming facility on the Barangaroo Restricted Gaming Facility Site Map, and	8 9 10 11
	(b) defined for the time being under section 19A.	12
	restricted gaming licence means a casino licence relating to the Barangaroo restricted gaming facility.	13 14
[3] Section 3 (1)		15
	Omit the definition of <i>casino</i> . Insert instead:	16
	casino means:	17
	(a) premises defined as a casino for the time being under section 19, or	18
	(b) the Barangaroo restricted gaming facility.	19
[4] Section 3 (1), definition of “casino operator”		20
	Insert at the end of the definition:	21
	Note. References in this Act to the casino operator include references to the holder of a restricted gaming licence.	22 23
[5] Section 3 (4)–(7)		24
	Insert after section 3 (3):	25
	(4) The reference in the definition of Barangaroo restricted gaming facility to the Barangaroo Restricted Gaming Facility Site Map is a reference to a map by that name:	26 27 28
	(a) as tabled, by or on behalf of the Minister introducing the Bill for the <i>Casino Control Amendment (Barangaroo Restricted Gaming Facility) Act 2013</i> , in the Legislative Assembly on the day that the Bill was introduced (the original map), and	29 30 31 32
	(b) as amended or replaced from time to time by a map declared by proclamation to amend or replace the original map.	33 34
	(5) However, the site of the Barangaroo restricted gaming facility must remain in the area identified as Barangaroo South on the original map.	35 36
	(6) The Barangaroo Restricted Gaming Facility Site Map is to be kept and made available for public access in accordance with arrangements approved by the Minister.	37 38 39
	(7) For the purposes of this Act, the Barangaroo Restricted Gaming Facility Site Map may be in, and may be kept and made available in, electronic or paper form, or both.	40 41 42
	Note. The map is to be made available on the official NSW legislation website in connection with this Act.	43 44

[6] Section 4 Gaming in licensed casino declared lawful	1
Insert “but subject to this Act” after “any other Act or law” in section 4 (1).	2
[7] Section 4 (2)	3
Insert “and in accordance with this Act” after “the casino operator”.	4
[8] Section 5A	5
Insert after section 5:	6
5A Ministerial directions relating to licensing of Barangaroo restricted gaming facility	7 8
(1) The Minister may give directions to the Authority in relation to the granting of a restricted gaming licence, including directions relating to the terms and conditions of the licence and the boundaries of the Barangaroo restricted gaming facility.	9 10 11 12
(2) A direction under this section must be in writing and made publicly available on the Authority’s website.	13 14
(3) The Authority must exercise its functions in relation to a restricted gaming licence in accordance with any directions of the Minister under this section.	15 16
(4) This section does not apply in relation to the functions of the Authority under section 13A.	17 18
[9] Part 2, heading	19
Insert “and Barangaroo restricted gaming facility” after “casino”.	20
[10] Section 6 Only one casino and one restricted gaming facility	21
Omit “Only”. Insert instead “Subject to subsection (2), only”.	22
[11] Section 6 (2) and (3)	23
Insert at the end of section 6:	24
(2) A restricted gaming licence may be granted under this Act to operate the Barangaroo restricted gaming facility. Only one restricted gaming licence may be in force under this Act at any one time.	25 26 27
Note. The Barangaroo restricted gaming facility is treated as a casino for the purposes of this Act (see the definition of <i>casino</i>). Except where otherwise specifically provided, the provisions of this Act that relate to a casino or a casino licence also apply in relation to the Barangaroo restricted gaming facility and a restricted gaming licence.	28 29 30 31
(3) Sections 7–12 do not apply in relation to an application for a restricted gaming licence.	32 33
[12] Sections 13 and 13A	34
Insert after section 12:	35
13 Application for restricted gaming licence	36
(1) A person who is approved by the Minister in writing (the <i>approved applicant</i>) may apply to the Authority for a restricted gaming licence to operate the Barangaroo restricted gaming facility.	37 38 39
(2) An application for a restricted gaming licence must comply with the following requirements (except to the extent that the Minister otherwise determines):	40
(a) it must be made in a form approved by the Authority,	41 42

	(b) it must contain or be accompanied by such information as the application form requires and such additional information as the Authority may request,	1 2 3
	(c) it must be verified by statutory declaration.	4
13A	Restricted gaming licence—suitability of applicant and close associates of applicant	5 6
	(1) The Authority must not grant an application for a restricted gaming licence unless it is satisfied that the approved applicant, and each close associate of the approved applicant, is a suitable person to be concerned in or associated with the management and operation of the Barangaroo restricted gaming facility.	7 8 9 10
	(2) For that purpose, the Authority is to consider whether:	11
	(a) each of those persons is of good repute, having regard to character, honesty and integrity, and	12 13
	(b) each of those persons is of sound and stable financial background, and	14
	(c) if the approved applicant is not a natural person, it has or has arranged a satisfactory ownership, trust or corporate structure, and	15 16
	(d) the approved applicant has or is able to obtain financial resources that are both suitable and adequate for ensuring the financial viability of the Barangaroo restricted gaming facility, and	17 18 19
	(e) the approved applicant has or is able to obtain the services of persons who have sufficient experience in the management and operation of a casino or similar gaming facility, and	20 21 22
	(f) the approved applicant has sufficient business ability to maintain a successful gaming facility, and	23 24
	(g) any of those persons has any business association with any person, body or association who, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources, and	25 26 27 28
	(h) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the operations or business of the approved applicant or a close associate of the approved applicant is a suitable person to act in that capacity.	29 30 31 32 33
	(3) The following is to be taken into account by the Authority for the purposes of this section:	34 35
	(a) any information relevant to the application that has been provided to or received by the Authority in the course of any investigation or inquiry in relation to the suitability of the approved applicant or close associate of the approved applicant and any findings made in relation to any such investigation or inquiry,	36 37 38 39 40
	(b) the fact that gaming is not authorised in the Barangaroo restricted gaming facility before 15 November 2019.	41 42
[13]	Sections 14 (1) and (4), 15 (1), 16 (1) and 17 (1)	43
	Insert “or restricted gaming licence” after “casino licence” wherever occurring.	44
[14]	Section 14 Investigation of applications	45
	Insert “or the Barangaroo restricted gaming facility (as the case requires)” after “a casino” in section 14 (2) (a).	46 47

[15] Section 18 Determination of applications	1
Insert after section 18 (4):	2
(5) A licence is also subject to conditions imposed by this Act.	3
[16] Section 19 Authority to define casino premises	4
Insert after section 19 (3):	5
(4) This section does not apply in relation to the Barangaroo restricted gaming facility.	6 7
[17] Section 19A	8
Insert after section 19:	9
19A Boundaries of Barangaroo restricted gaming facility	10
(1) The boundaries of the Barangaroo restricted gaming facility are to be defined initially by being specified in the restricted gaming licence for the facility.	11 12
(2) The boundaries of the Barangaroo restricted gaming facility may be redefined by the Authority but only on application made at any time by the holder of the restricted gaming licence.	13 14 15
(3) In defining or redefining the boundaries of the Barangaroo restricted gaming facility, the Authority is:	16 17
(a) to have regard only to matters of public health and safety and matters that relate to the integrity of gaming in the facility in accordance with this Act, and	18 19 20
(b) to ensure that the total gaming area within the Barangaroo restricted gaming facility does not exceed 20,000 square metres.	21 22
[18] Section 22 Conditions of casino licence	23
Insert after section 22 (2):	24
(2A) In the case of a restricted gaming licence, the conditions of the licence may be amended only with the agreement of the holder of the licence.	25 26
[19] Section 22 (4)	27
Omit “The Authority”. Insert instead “Subject to subsection (2A), the Authority”.	28
[20] Section 22 (6)	29
Insert after section 22 (5):	30
(6) This section does not apply to licence conditions imposed by this Act.	31
[21] Sections 22A and 22B	32
Insert after section 22:	33
22A Restrictions on gaming in Barangaroo restricted gaming facility	34
Note. Conducting or participating in gaming that is declared under this section not to be lawful is an offence under the <i>Unlawful Gambling Act 1998</i> .	35 36
(1) Gaming not lawful before 15 November 2019	37
The conduct or playing of any game in the Barangaroo restricted gaming facility is not lawful before 15 November 2019.	38 39

(2)	Poker machines not lawful	1
	The playing of poker machines is not lawful in the Barangaroo restricted gaming facility.	2 3
(3)	For the purposes of subsection (2), a <i>poker machine</i> is a device that is designed:	4 5
	(a) for the playing of a game, and	6
	(b) for paying out money or tokens or for registering a right to an amount of money or money's worth to be paid.	7 8
(4)	However, a poker machine does not include a device that:	9
	(a) is designed for the playing of a partly or fully electronic version of a game ordinarily played at a table, and	10 11
	(b) is able to be played by more than one player at the one time, and	12
	(c) is equipped with more than one player terminal.	13
	Note. Under section 66 it is a condition of a casino licence that the casino operator must not permit a game to be conducted or played in a casino (which includes the Barangaroo restricted gaming facility) unless the game is approved by the Authority.	14 15 16
(5)	Low limit gaming not lawful in Barangaroo restricted gaming facility	17
	The playing of any game in the Barangaroo restricted gaming facility is not lawful if the amount placed for any single bet or wager on that game is less than the minimum bet limit for that game.	18 19 20
(6)	The <i>minimum bet limit</i> is:	21
	(a) in the case of baccarat, blackjack or roulette (whether played at a table or by way of an electronic device):	22 23
	(i) \$30 for baccarat, \$20 for blackjack and \$25 for roulette, or	24
	(ii) such higher amount as may be determined by the Authority in accordance with the licence for the Barangaroo restricted gaming facility, or	25 26 27
	Note. In the case of roulette, the minimum bet limit is the minimum total of all the bets placed by a player per spin.	28 29
	(b) in the case of any other game—the amount determined by the Authority in accordance with the licence for the Barangaroo restricted gaming facility.	30 31 32
(7)	Any determination by the Authority under subsection (6) must be made publicly available on the Authority's website.	33 34
22B	Only members and guests permitted to participate in gaming at Barangaroo restricted gaming facility	35 36
	It is a condition of a restricted gaming licence that only persons who, in accordance with the conditions of the licence, are members or guests of the Barangaroo restricted gaming facility are authorised by the licence to participate in any gaming in the facility.	37 38 39 40
[22]	Section 31 Regular investigation of operator's suitability etc	41
	Insert after section 31 (2):	42
	(3) If a restricted gaming licence is granted before 15 November 2019, the licence is, for the purposes of this section, taken to have been granted on that date.	43 44

[23] Section 65 Casino layout to be as approved by Authority	1
Insert after section 65 (3):	2
(4) This section does not apply in relation to the Barangaroo restricted gaming facility.	3 4
(5) However, it is a condition of a restricted gaming licence that:	5
(a) the facilities and equipment provided for persons conducting monitoring operations and surveillance operations in the Barangaroo restricted gaming facility must be to a standard approved by the Authority, and	6 7 8 9
(b) the location and orientation of those facilities and equipment must be as approved by the Authority.	10 11
[24] Section 66 Approval of games and rules for games	12
Insert after section 66 (3):	13
(3A) The following games are taken to be approved by the Authority by order under this section in relation to the Barangaroo restricted gaming facility:	14 15
(a) baccarat,	16
(b) blackjack,	17
(c) roulette.	18
(3B) The Authority may, by order in writing, approve the rules for those games that are taken to be approved by the Authority under subsection (3A).	19 20
[25] Section 66 (4A)	21
Insert after section 66 (4):	22
(4A) Keno games cannot be approved in relation to the Barangaroo restricted gaming facility.	23 24
[26] Section 67 Directions as to games in casino to be available	25
Insert after section 67 (4):	26
(5) This section does not apply in relation to the Barangaroo restricted gaming facility.	27 28
[27] Section 71 Times of operation of casino	29
Insert after section 71 (3):	30
(4) This section does not apply in relation to the Barangaroo restricted gaming facility.	31 32
[28] Section 74 Credit prohibited	33
Insert after section 74 (4):	34
(5) Despite any other provision of this section, the holder of a restricted gaming licence may, in the case of a person who is not ordinarily resident in Australia, extend any form of credit to the person to enable the person to participate in:	35 36 37
(a) a premium player arrangement, or	38
(b) a junket within the meaning of section 76 that is approved by the Authority.	39 40

[29] Section 89 Application of Liquor Act 2007	1
Omit “the casino” from section 89 (2). Insert instead “a casino”.	2
[30] Section 89A	3
Insert after section 89:	4
89A Application of Smoke-free Environment Act 2000	5
(1) The <i>Smoke-free Environment Act 2000</i> does not apply to or in respect of the Barangaroo restricted gaming facility on and from 15 November 2019.	6 7
(2) However, the conditions imposed by the Authority on a restricted gaming licence must:	8 9
(a) require air quality equipment that is of an international best practice standard to be installed, maintained and operated in the Barangaroo restricted gaming facility, and	10 11 12
(b) provide for an independent person appointed by the holder of the licence to test the equipment on a quarterly basis and to report annually to the Minister for Health on the result of those tests.	13 14 15
(3) The Minister for Health is to cause each annual report under subsection (2) (b) to be tabled in both Houses of Parliament as soon as practicable after receiving the report.	16 17 18
[31] Section 90 Casino a place of public entertainment for purposes of Environmental Planning and Assessment Act 1979	19 20
Omit the section.	21
[32] Section 142 Authority may conduct negotiations and enter into agreements	22
Insert “or at the direction” after “approval” in section 142 (1).	23
[33] Section 156 No right to compensation for cancellation etc	24
Insert at the end of the section:	25
(2) This section does not apply to or in respect of a restricted gaming licence.	26

Schedule 2	Amendment of other Acts	1
2.1	Gaming Machines Act 2001 No 127	2
	Section 56A	3
	Insert after section 56:	4
56A	Gaming machines cannot be authorised on certain premises situated at Barangaroo	5 6
	(1) The Authority cannot authorise under this Act the keeping of gaming machines on any premises situated on the site referred to in paragraph (a) of the definition of <i>Barangaroo restricted gaming facility</i> in section 3 (1) of the <i>Casino Control Act 1992</i> .	7 8 9 10
	(2) Subsection (1) only has effect during the period in which a restricted gaming licence under the <i>Casino Control Act 1992</i> is in force.	11 12
	(3) Any authorisation under this Act to keep gaming machines on premises referred to in subsection (1) and in force immediately before the granting of a restricted gaming licence under the <i>Casino Control Act 1992</i> is cancelled when the licence is granted.	13 14 15 16
2.2	Unlawful Gambling Act 1998 No 113	17
	Section 7 Lawful forms of gambling	18
	Omit section 7 (e). Insert instead:	19
	(e) gambling that is declared lawful under the <i>Casino Control Act 1992</i> ,	20