



New South Wales

Casino Control Amendment Bill 2023

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* to—

- (a) authorise the Treasurer to enter into a jobs guarantee agreement with a casino operator, and
- (b) clarify that the announcement of new casino duty rates and certain other actions do not give rise to any rights to compensation from the Crown, and

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.

Schedule 1 Amendment of Casino Control Act 1992 No 15

Schedule [1] and [2] amend the *Casino Control Act 1992*, section 35 to extend the application of the section so that if a major change in the state of affairs of a casino operator involves a person becoming a close associate of the casino operator, the NICC must not grant approval for the major change unless the NICC is satisfied the close associate is a suitable person to be involved in the management of a casino, or holds an exemption under section 42A(2)(a) or would be eligible for the grant of an exemption under the paragraph.

Schedule 1[3] amends the definition of *regulatory action* in the *Casino Control Act 1992*, section 156 to clarify that certain Acts that affect or override the terms of a commercial agreement between the Crown and a casino operator, or certain Acts that impose a tax, duty or levy, do not

give rise to compensation payable by the Crown to a casino operator. **Schedule 1[4]** extends the definition of *regulatory action* to include an announcement, statement or other action taken by the Crown in preparation for, or otherwise in relation to, a matter mentioned by the definition. These changes clarify that the announcement of the new casino duty rates and certain other actions do not give rise to any rights to compensation from the Crown.

Schedule 1[8] inserts proposed section 157 to authorise the Treasurer to enter into an agreement with a casino operator that provides for a requirement for a minimum number of persons to be employed in relation to the casino and penalties payable for failure to comply with the agreement.



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Casino Control Amendment Bill 2023

No. , 2023

A Bill for

An Act to amend the *Casino Control Act 1992* to clarify that certain actions do not give rise to any rights to compensation from the Crown; to authorise the Treasurer to enter into a jobs guarantee agreement with a casino operator; and for other purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Casino Control Amendment Act 2023*.

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2 Commencement

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This Act is taken to have commenced, or commences, as follows—

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- (a) for sections 1 and 2 and Schedule 1[3] and [4]—on 5 September 2022,
- (b) otherwise—on the date of assent to this Act.

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Schedule 1	Amendment of Casino Control Act 1992 No 15	1
[1] Section 35 Change in state of affairs of operator		2
Omit section 35(3). Insert instead—		3
(3) If a major change involves a person becoming a close associate of a casino operator, the NICC must not grant approval for the major change unless the NICC is satisfied—		4
(a) the person is a suitable person to be associated with the management of a casino, or		7
(b) the person holds an exemption under section 42A(2)(a) or would be eligible for the grant of an exemption under that paragraph.		9
[2] Section 35(5)(a)		11
Omit the paragraph. Insert instead—		12
(a) the NICC must inquire into the change to determine whether the NICC is satisfied the person—		13
(i) is a suitable person to be associated with the management of a casino, or		15
(ii) holds an exemption under section 42A(2)(a) or would be eligible for the grant of an exemption under that paragraph, and		17
[3] Section 156 No compensation payable		19
Insert “, including an Act that affects or overrides the terms of a commercial agreement between the Crown and a casino operator or that imposes a tax, duty or levy” after “following Acts” in section 156(3), definition of <i>regulatory action</i> , paragraph (a).		20
[4] Section 156(3), definition of “regulatory action”		23
Insert at the end of paragraph (c)(iii)—		24
, or		25
(d) an announcement, statement or other action taken by the Crown in preparation for, or otherwise in relation to, a matter mentioned in paragraphs (a)–(c).		26
[5] Section 157		29
Insert after section 156—		30
157 Authorisation of jobs guarantee agreement		31
(1) The Treasurer may, on behalf of the State, enter into and give effect to an agreement (a <i>jobs guarantee agreement</i>) with the relevant casino operator that provides for—		32
(a) the minimum number of persons to be employed in relation to the casino without penalties becoming payable, and		33
(b) the penalties payable for failure to comply with the jobs guarantee agreement.		34
(2) To avoid doubt, another person or body may be a party to a jobs guarantee agreement.		35
Example of another person or body that may be a party to the jobs guarantee agreement— a union representing persons employed at the casino or a close associate of the casino operator		36
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- (3) Without limiting subsection (1), a jobs guarantee agreement may provide for the following—
- (a) a minimum number of persons to be employed in relation to the casino,
 - (b) the categories of roles in which persons are to be employed in relation to the casino,
 - (c) the minimum number, or proportion, of persons employed in each of the categories,
 - (d) the ways in which matters under paragraphs (a)–(c) are to be calculated,
 - (e) the penalties and other amounts payable by the relevant casino operator or close associate of the relevant casino operator for failure to comply with the requirement for a minimum number of persons to be employed at the casino, including how the penalties are to be calculated and when the penalties are payable,
 - (f) reports to be provided by the relevant casino operator or a close associate of the relevant casino operator for the purposes of the jobs guarantee agreement or to give effect to the jobs guarantee agreement.
- (4) This section and a jobs guarantee agreement have effect despite anything to the contrary—
- (a) in this Act or another law, or
 - (b) at general law, or
 - (c) in the relevant casino operator’s licence or an agreement or another instrument under this Act or another law.
- (5) The Treasurer may, at any time, with the agreement of the relevant casino operator and any other party to the jobs guarantee agreement, vary the agreement.
- (6) A jobs guarantee agreement, and any variation of the agreement, must be tabled in each House of Parliament within 10 sitting days after the agreement or variation is entered into.
- (7) A penalty or other amount payable by the relevant casino operator under a jobs guarantee agreement is taken to be casino duty payable under Part 8.
- (8) Without limiting subsection (7), if a penalty or other amount payable by the relevant casino operator under a jobs guarantee agreement is not paid in accordance with the jobs guarantee agreement—
- (a) interest is payable on the penalty or other amount as if it were casino duty that was not paid by the due date, and
 - (b) the penalty or other amount, and any interest payable on the penalty or other amount, may be recovered under Part 8 as if it were casino duty payable under that part.
- (9) In this section—
- give effect to**, a jobs guarantee agreement, includes—
- (a) complying with an obligation of the jobs guarantee agreement, and

- (b) exercising or enforcing a power or right under the jobs guarantee agreement. 1
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relevant casino operator means the casino operator who holds the licence for premises defined as a casino for the time being under section 19. 3
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