

Passed by both Houses



New South Wales

Casino Control Amendment Bill 2023

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2023



New South Wales

Casino Control Amendment Bill 2023

Act No _____, 2023

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

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

- (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.

Schedule 1 Amendment of Casino Control Act 1992 No 15

[1] Section 35 Change in state of affairs of operator

Omit section 35(3). Insert instead—

- (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—
 - (a) the person is a suitable person to be associated with the management of a casino, or
 - (b) the person holds an exemption under section 42A(2)(a) or would be eligible for the grant of an exemption under that paragraph.

[2] Section 35(5)(a)

Omit the paragraph. Insert instead—

- (a) the NICC must inquire into the change to determine whether the NICC is satisfied the person—
 - (i) is a suitable person to be associated with the management of a casino, or
 - (ii) holds an exemption under section 42A(2)(a) or would be eligible for the grant of an exemption under that paragraph, and

[3] Section 156 No compensation payable

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 *regulatory action*, paragraph (a).

[4] Section 156(3), definition of “regulatory action”

Insert at the end of paragraph (c)(iii)—

- , or
- (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).

[5] Section 157

Insert after section 156—

157 Authorisation of jobs guarantee agreement

- (1) The Treasurer may, on behalf of the State, enter into and give effect to an agreement (a *jobs guarantee agreement*) with the relevant casino operator that provides for—
 - (a) the minimum number of persons to be employed in relation to the casino without penalties becoming payable, and
 - (b) the penalties payable for failure to comply with the jobs guarantee agreement.
- (2) To avoid doubt, another person or body may be a party to a jobs guarantee agreement.

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

- (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 business 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.

relevant casino operator means the casino operator who holds the licence for premises defined as a casino for the time being under section 19.