



New South Wales

Casino Control Amendment Act 1995 No 56

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New South Wales

Casino Control Amendment Act 1995 No 56

Act No 56, 1995

An Act to amend the *Casino Control Act 1992* with respect to contracts concerning the casino, and inquiries; and for other purposes. [Assented to 30 November 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Casino Control Amendment Act 1995*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Casino Control Act 1992 No 15

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

4 Consequential amendment of Defamation Act 1974 No 18

The *Defamation Act 1974* is amended by omitting section 17N and by inserting instead the following section:

17N Hearings under Casino Control Act 1992

There is a defence of absolute privilege for a publication to or by the Casino Control Authority, or the person presiding at an inquiry under section 143 of the *Casino Control Act 1992*, for the purpose of such an inquiry.

Schedule 1 Amendments

(Section 3)

[1] Section 23 Disciplinary action against casino operator

Omit section 23 (7). Insert instead:

- (7) The Authority is not to take action under this section unless a member of the Authority who is or has been a Judge, or is a legal practitioner of at least 7 years' standing, is present at the meeting of the Authority at which the decision to take the action is made.

[2] Sections 37, 37A

Omit section 37. Insert instead:

37 Requirements for controlled contracts

- (1) A casino operator must not enter into or become a party to a controlled contract, or the variation of a controlled contract, relating to the casino until the operator has given the Authority written notice (*contract notice*) of the details of the proposed contract or variation of contract and the investigation time that the Authority is allowed by this section has elapsed. The contract notice must be accompanied by the prescribed fee.
- (2) The Authority may object to the proposed contract or variation of contract by notice in writing given to the casino operator during the investigation time that the Authority is allowed by this section, in which case the casino operator must not enter into or become a party to the contract or variation of contract.
- (3) The Authority is allowed 28 days investigation time (starting from when the contract notice was given to the Authority) but that time can be shortened or extended in a particular case by the Authority by notice in writing to the casino operator.

- (4) Investigation time is not to be extended unless the Authority is of the opinion that the special circumstances of the case (such as, for example, the complex nature of the inquiries that need to be made or the need to consult other agencies) make the extension necessary or desirable and that public interest considerations justify the extension.
- (5) Investigation time can be extended more than once but cannot in any case be extended to more than 6 months after the contract notice was given to the Authority.
- (6) It is a condition of a casino licence that the casino operator must comply with this section but a failure to comply with this section does not affect the validity of any contract or variation of contract.

37A Requirements for notifiable contracts

- (1) A casino operator must, within 14 days after the operator enters into or becomes a party to a notifiable contract, or the variation of a notifiable contract, relating to the casino, notify the Authority of that fact in writing giving the prescribed details of the contract or variation.
- (2) It is a condition of a casino licence that the casino operator must comply with this section.

[3] Section 59 Disciplinary action against licensee

Omit section 59 (7). Insert instead:

- (7) The Authority is not to take action under this section unless a member of the Authority who is or has been a Judge, or is a legal practitioner of at least 7 years' standing, is present at the meeting of the Authority at which the decision to take the action is made.

[4] Section 143 Authority may hold inquiries

Insert “or by some other person appointed by the Authority to preside” after “member of the Authority” in section 143 (1).

[5] Section 143 (2)

Omit “member presiding”. Insert instead “person presiding”.

[6] Section 143 (2)

Omit “approved by the member”. Insert instead “approved by the person presiding”.

[7] Section 143 (3)

Omit “member” wherever occurring. Insert instead “person”.

[8] Section 143 (5)

Insert after section 143 (4):

- (5) The person presiding at an inquiry is required to report to the Authority on the results of the inquiry and is subject to the control and direction of the Authority with respect to the matters that are to be the subject of inquiry, the procedures to be adopted at an inquiry and the time within which the person is to report to the Authority.

[9] Section 171

Omit the section. Insert instead:

171 Savings and transitional provisions

Schedule 4 has effect.

[10] Schedule 4

Omit the Schedule. Insert instead:

Schedule 4 Savings and transitional provisions

(Section 171)

Part 1 Preliminary

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Casino Control Amendment Act 1995

- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done, or omitted to be done, before the date of its publication.

Part 2 Casino Control Amendment Act 1995

2 Notice of controlled contracts

Section 37, as in force immediately before the substitution of that section by the *Casino Control Amendment Act 1995*, continues to apply in respect of a contract or variation of contract the details of which were notified to the Authority under that section before the substitution of that section.

[Minister's second reading speech made in—
Legislative Assembly on 10 October 1995
Legislative Council on 22 November 1995]