



New South Wales

Casino Control Amendment Act 2023 No 46

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Act No 46, 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. [Assented to 11 December 2023]

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.

[Second reading speech made in—
Legislative Assembly on 21 November 2023
Legislative Council on 30 November 2023]