

[Act 1995 No 56]



New South Wales

Casino Control Amendment Bill 1995

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* as follows:

- (a) The Act currently has a provision that requires the casino operator to give the Casino Control Authority details of certain proposed contracts involving the casino (termed “controlled contracts”) before entering into or becoming a party to such a contract or to a variation of such a contract. The Authority has power to prevent a controlled contract by objecting to it within 14 days after being notified of those details. The Act will be amended to make it clear that the Authority also has power to object to a proposed variation of such a contract and that a failure to comply with the provision does not affect the validity of a contract or variation.
 - (b) The time that the Authority has to object to a proposed contract or variation of contract will be increased from 14 to 28 days and the Authority will be empowered to extend that time to up to 6 months if the special circumstances of the case (such as the complexity of the necessary investigations) makes it necessary or desirable and public interest considerations justify the extension.
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- (c) The casino operator will be required to pay a fee set by the regulations when notifying the Authority of the details of a proposed controlled contract or variation of controlled contract.
- (d) The Act currently allows the Authority to arrange for the holding of inquiries presided over by a member of the Authority. This will be changed to allow the Authority to appoint any person to preside at such an inquiry. The person presiding at an inquiry will be required to report to the Authority on the results of the inquiry and will be subject to the control and direction of the Authority with respect to the matters to be inquired into, inquiry procedures, and reporting time.
- (e) The provision of the Act that required at least one member of the Authority to have special legal qualifications was changed by the *Legal Profession Reform Act 1993* to abolish the distinction between barristers and solicitors in terms of the length of experience that was necessary to constitute special legal qualifications (5 years for barristers and 7 years for solicitors). As a result of that change, the requirement is now 7 years experience as a legal practitioner. Other provisions of the Act require that the member of the Authority with special legal qualifications be present at any meeting of the Authority at which disciplinary action is taken. Those provisions will now be amended to reflect the changes made by the *Legal Profession Reform Act 1993*. A consequential amendment is made to the *Defamation Act 1974* to reflect the fact that, as a result of the proposed amendment in paragraph (d), the person conducting an inquiry established by the Authority may not be a member of the Authority.

Outline of provisions

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

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Casino Control Act 1992*.

Clause 4 makes the consequential amendment to the *Defamation Act 1974* referred to in the above overview.

Schedule 1 Amendments

Schedule 1 [2] substitutes section 37 of the Act with 2 sections. New section 37 re-enacts existing section 37 in so far as it applies to controlled contracts and makes the changes referred to in paragraphs (a)–(c) of the above overview. New section 37A re-enacts the existing provisions of section 37 in so far as they apply to notifiable contracts (contracts that have to be notified to the Authority within 14 days after they are made or varied).

Schedule 1 [1] and [3] make the amendments referred to in paragraph (e) of the above overview.

Schedule 1 [4]-[8] make the amendments referred to in paragraph (d) of the above overview.

Schedule 1 [9] and [10] enact consequential savings and transitional provisions. Under those provisions, section 37 continues to apply in its current form to contracts notified to the Authority before the substitution of that section, and a savings and transitional regulation making power is inserted.