



New South Wales

Casino Control Amendment (No Compensation) Bill 2020

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* (*the Act*) to specify there is no right to compensation enforceable by the Crown Group companies against the State arising in relation to protected actions.

Protected actions are actions taken by the State or the Authority in connection with, or as a consequence of, the inquiry established on 14 August 2019 by the Authority under section 143 of the Act, and include the following—

- (a) an action that changes or has the effect of changing the terms or conditions of a licence granted to the Crown Group companies under the Act,
- (b) an action that has, or is likely to have, a material adverse effect on the assets, liabilities, properties, condition, operating results, operations, reputation or prospects of the Crown Group companies.

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 on the date of assent to the proposed Act.

Schedule 1 Amendment of Casino Control Act 1992 No 15

Schedule 1 inserts proposed section 156A in the Act to give effect to the object of this Bill.



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Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Casino Control Act 1992 No 15	3



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Casino Control Amendment (No Compensation) Bill 2020

No , 2020

A Bill for

An Act to amend the *Casino Control Act 1992* to specify that there is no right to compensation enforceable by the Crown Group companies against the State arising in relation to actions taken in connection with, or as a consequence of, the inquiry established on 14 August 2019 under section 143 of the *Casino Control Act 1992*.

The Legislature of New South Wales enacts—

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1 Name of Act

2

This Act is the *Casino Control Amendment (No Compensation) Act 2020*.

3

2 Commencement

4

This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Casino Control Act 1992 No 15	1
Section 156A		2
Insert after section 156—		3
156A	No right to compensation for protected actions in connection with Crown Resorts Limited inquiry	4
(1)	No right to compensation enforceable by the Crown Group companies against the State arises in relation to a protected action, whether or not the action involves—	6
(a)	the enactment or making of legislation by or on behalf of the State or an instrumentality of the State, or	9
(b)	the cancellation, suspension or variation of the terms or conditions of a licence granted to the Crown Group companies under this Act, or	11
(c)	the giving of a direction, or the revocation or amendment of a direction given, to the Authority under section 5A, or	13
(d)	the exercise of functions by officials, employees, authorities or agencies of the State that are conferred or imposed on them by legislation, or	15
(e)	a statement or conduct relating to a matter referred to in paragraph (a), (b), (c) or (d).	17
(2)	This section applies to, or in relation to, a protected action, whether occurring before or after the commencement of this section.	19
(3)	In this section—	21
	<i>conduct</i> includes an act or omission, whether unconscionable, misleading, deceptive or otherwise.	22
	<i>Crown Group companies</i> include the following companies and their subsidiaries—	24
(a)	Crown Resorts Limited,	26
(b)	Crown Sydney Holdings Pty Ltd,	27
(c)	Crown Sydney Gaming Pty Ltd,	28
(d)	Crown Sydney Property Pty Ltd.	29
	<i>protected action</i> means an action taken by the State or the Authority in connection with, or as a consequence of, the inquiry established on 14 August 2019 by the Authority under section 143, and includes the following—	30
(a)	an action that changes or has the effect of changing the terms or conditions of a licence granted to the Crown Group companies under this Act,	33
(b)	an action that has, or is likely to have, a material adverse effect on the assets, liabilities, properties, condition, operating results, operations, reputation or prospects of the Crown Group companies.	36

- statement* includes a representation— 1
- (a) whether made verbally or in writing, and 2
 - (b) whether negligent, false, misleading or otherwise. 3