

# NSW Independent Casino Commission

## NOTICE UNDER SECTION 23(4) OF THE CASINO CONTROL ACT 1992 (ACT)

**FROM:** NEW SOUTH WALES INDEPENDENT CASINO COMMISSION (NICC)

**TO:** THE STAR PTY LIMITED (ACN 060 510 410) (THE STAR)

**DATE:** 17 October 2022

### BACKGROUND:

1. On 13 September 2022, the NICC issued The Star a Notice under section 23(2) of the Act (**Notice**).
2. On 26 September 2022, The Star responded to the Notice by letter attaching:
  - (a) submissions titled "*The Path to Suitability*";
  - (b) a draft enforceable undertaking;
  - (c) a summary of actions taken by The Star since the Inquiry;
  - (d) a summary of the principles applicable to disciplinary action; and
  - (e) a draft remediation plan.

### DETERMINATION:

3. The NICC has considered The Star's response, including all attachments.
4. In all the circumstances, however, including having regard to the primary objects set out in section 4A of the Act and the objects of the NICC set out in section 140 of the Act, the NICC is satisfied that, for the reasons set out in its notice dated 13 September 2022:
  - (a) The Star (whether by itself, its agents or employees) has contravened provisions of the Act and its casino licence;
  - (b) The Star is no longer a suitable person to give effect to its casino licence and the Act;
  - (c) it is no longer in the public interest that The Star's casino licence should remain in force.
5. Further, the NICC has determined that in all the circumstances it is appropriate that certain disciplinary action be taken against The Star pursuant to section 23 of the Act, namely the cancellation or suspension of its casino licence and the imposition of a pecuniary penalty.
6. In determining to suspend indefinitely rather than cancel The Star's casino licence, the NICC has taken into account that in due course The Star may be able to satisfy the NICC that, with appropriate remedial action, it ought to be permitted to return to gaming in accordance with the provisions of its casino licence; and also the possibility that if a manager is appointed under section 28 of the Act, gaming may be able to continue in the

casino whilst those remedial steps are taken. The NICC has also considered the broader public interest involved in any cancellation or suspension of The Star's casino licence.

7. In all the circumstances, the NICC has determined that it is appropriate to suspend The Star's casino licence and that this suspension should be on an indefinite basis; and to impose a pecuniary penalty of \$100 million.
8. The NICC is also satisfied that it is appropriate that the disciplinary action set out above should be taken and that it is not appropriate to take alternative action under section 24 of the Act.

**THE NICC HEREBY GIVES YOU NOTICE PURSUANT TO SECTION 23(4)(a) OF THE ACT THAT:**

- 1. THE STAR'S CASINO LICENCE IS SUSPENDED INDEFINITELY WITH EFFECT FROM 9AM ON FRIDAY 21 OCTOBER 2022, PURSUANT TO SECTION 23(1)(a) OF THE ACT; AND**
- 2. A PECUNIARY PENALTY OF \$100 MILLION IS IMPOSED UPON THE STAR PURSUANT TO SECTION 23(1)(b) OF THE ACT.**



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**PHILIP CRAWFORD, CHIEF COMMISSIONER, NEW SOUTH WALES INDEPENDENT CASINO COMMISSION**