



New South Wales

Casino Control Amendment (Liquor Act Application) Regulation 2000

under the

Casino Control Act 1992

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to apply certain provisions of the *Liquor Act 1982* to the casino. The provisions concerned were inserted in that Act by the *Liquor and Registered Clubs Legislation Amendment Act 2000*, and relate to:

- (a) the conditions that may be imposed on liquor licences, and
- (b) the terms of local liquor accords, and
- (c) the payment by instalments of fees for the issue of a liquor licence, and
- (d) the use of licensed premises and the supply of liquor-related or gaming-related services, and
- (e) the posting of notices on internet sites from which liquor is offered for sale, and
- (f) the circumstances in which liquor may be taken away from a restaurant, and
- (g) the penalties for certain offences.

This Regulation is made under the *Casino Control Act 1992*, including section 89.

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Clause 1

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1 Name of Regulation

This Regulation is the *Casino Control Amendment (Liquor Act Application) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

3 Amendment of Casino Control Regulation 1995

- (1) Part A of Schedule 4 to the *Casino Control Regulation 1995* is amended by omitting “117EA,”.
- (2) Part B of Schedule 4 to the *Casino Control Regulation 1995* is amended by inserting “, 55A” after “55”.
- (3) Part C of Schedule 4 to the *Casino Control Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3 (3))

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

employee includes a person engaged under a contract for services.

local liquor accord means any code of practice, memorandum of understanding or other arrangement:

- (a) that affects the supply of liquor, the opening and closing of licensed premises or other aspects of the management of or conduct of business on licensed premises, and
- (b) that is entered into in writing between two or more persons licensed under the Act or under the *Liquor Act 1982* (or between one or several such persons and one or several clubs registered under the *Registered Clubs Act 1976*), with the approval of the Commissioner of Police or a delegate of the Commissioner, for the purpose of eliminating or reducing alcohol-related violence or anti-social behaviour or other alcohol-related harm.

proof of age card means a document:

- (a) issued by the Roads and Traffic Authority under section 117EA of the *Liquor Act 1982*, or
- (b) issued by a public authority of the Commonwealth, or of another State or Territory, for the purpose of attesting to the identity and age of the holder.

[2] Section 20 Conditions of licence

Insert after section 20 (2A):

- (2B) Without limiting this section, a condition can be imposed under this section that authorises or requires a licensee, in specified circumstances:
 - (a) to cease to serve liquor at the licensed premises, or

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- (b) to restrict access to the licensed premises in a manner and to the extent provided by the condition,
or both, from a time of day that is earlier than the time at which, as otherwise required by the licence, trading must cease.

[3] Section 55 Issue of licence

Insert after section 55 (3):

- (4) This section has effect subject to section 55A.

[4] Section 55A

Insert after section 55:

55A Issue of licence on instalment plan

- (1) This section applies to a licence other than a licence that authorises the use of the licensed premises as a restaurant.
- (2) The licence:
 - (a) is not to be issued if one-quarter of the fee prescribed by section 56 has not been paid within 3 months after the licence is granted, and
 - (b) is not to be issued until one-quarter of that fee has been paid, and
 - (c) is automatically cancelled on the first anniversary of its grant if any part of that fee remains unpaid at that date.
- (3) If the licence is cancelled under subsection (2) (c), amounts paid toward the fee for the licence are not refundable to the applicant.

[5] Section 101 Control of licensed premises

Omit section 101 (1) (c). Insert instead:

- (c) without the previous written consent of the Authority:
 - (i) let or sublet any other part of the licensed premises, or
 - (ii) let or sublet the right to supply gaming or liquor-related services in the licensed premises, or

- (iii) enter into any contract or arrangement, relating to any gaming or liquor-related services in respect of the licensed premises.

[6] Section 101 (4)

Insert after section 101 (3):

- (4) In this section, ***gaming or liquor-related services*** means such services with respect to the sale or supply of liquor or the keeping, use, operation or promotion of the use of approved gaming devices as may be prescribed by the regulations.

[7] Section 103 Exclusion of persons from licensed premises

Insert at the end of section 103 (1) (e):

- , or
- (f) whom the licensee, under the conditions of the licence or according to a term (of the kind referred to in section 104E (1)) of a local liquor accord, is authorised or required to refuse access to the licensed premises.

[8] Section 104 Quiet and good order of neighbourhood

Insert after section 104 (5):

- (5A) The conditions that may be imposed on a licence include, but are not limited to, conditions relating to limitation of trading hours and public access as referred to in section 20 (2B).

[9] Section 104E Local liquor accords

Omit section 104E (1). Insert instead:

- (1) Without limiting the terms that may be included in a local liquor accord, such an accord may make provision for or with respect to authorising or requiring any licensees who are parties to the accord:
 - (a) to cease to serve liquor at their licensed premises, or
 - (b) to restrict the public's access to their licensed premises in a manner and to the extent provided by the accord,

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or both, from a time of day that is earlier than the time at which, as required by the relevant licence, trading must cease.

[10] Sections 115 Consumption etc of liquor by minor

Omit “5 penalty units” from section 115 (1).

Insert instead “10 penalty units”.

[11] Section 116C Notices to be displayed

Insert at the end of section 116C (3C):

Maximum penalty: 20 penalty units.

- (3D) A licensee who offers liquor for sale through an internet site is guilty of an offence against this Act unless there is displayed on the site at all times while it is accessible notices in the prescribed form relating to sales of liquor to minors, harm minimisation or any other matter prescribed by the regulations.

Maximum penalty: 20 penalty units.

[12] Section 117EA

Omit the section.

[13] Section 131 Carrying away of liquor

Insert after section 131 (3):

- (4) No offence is committed under subsection (1) if:
- (a) the licence is a restaurant licence, and the liquor is wine, and
 - (b) the wine was purchased in a container at the restaurant and was partly consumed there, and
 - (c) the container is re-corked or otherwise resealed before being carried away.

[14] Section 135 Carrying of liquor for sale

Omit “10 penalty units” from section 135 (1).

Insert instead “20 penalty units”.

[15] Schedule 1

Insert in appropriate order and with appropriate Part and clause numbers:

**Part Liquor and Registered Clubs Legislation
Amendment Act 2000**

Notices on internet sites

Section 116C (3D) does not apply to an internet site that existed at 1 September 2000 until 1 March 2001.

Conditions of licences

The purported imposition, at a time before the commencement of this clause, of a condition on a licence that would have been valid if sections 20 and 104, as amended by the *Casino Control Amendment (Liquor Act Application) Regulation 2000*, had been in force at the time is validated.