

LIQUOR ACT 1982—REGULATION

(Concerning gaming-related licences and work permits)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Liquor Act 1982, has been pleased to make the Regulation set forth hereunder.

Mrs Anne Cohen, MP
Chief Secretary.

Commencement

1. This Regulation commences on 1 April 1994.

Amendments

2. The Liquor Regulation 1983 is amended:

(a) by omitting clause 33A and by inserting instead the following clause:

Fees for gaming-related licences and work permits

33A. (1) This clause applies to gaming-related licences and work permits.

(2) For the purposes of section 56 (1) (n) of the Act, the prescribed fee for the grant of a licence to which this clause applies is:

(a) in the case of an amusement device dealer's licence—\$5,000; and

- (b) in the case of an amusement device seller's licence—\$250; and
- (c) in the case of an amusement device technician's licence—\$100.

(3) For the purposes of section 180 of the Act, the prescribed fee for a licence (“the periodic licence fee”) is the same amount as the fee prescribed for the grant of the licence under subclause (2). The periodic licence fee is payable in respect of each period of 1 year that commences on 16 February and ends on the following 15 February, that is not a period during which the licence is granted.

(4) For the purposes of section 180 of the Act, the prescribed fee for a work permit is \$50 and is payable in respect of each of the following periods:

- (a) the period that commences on the date the work permit is issued and ends on 15 February that is not more than 1 year after the date of issue of the permit;
- (b) each period of 1 year that commences on 16 February (being a period subsequent to the period referred to in paragraph (a)).

(b) by omitting clause 46;

(c) by inserting after clause 66 the following clause:

Notification of change in the state of affairs of gaming-related licensee

66A. For the purposes of section 181 of the Act:

- (a) a prescribed change in the state of affairs of the holder of a gaming-related licence is any change referred to in Column 1 of the Table to this clause that the licensee is aware of; and
- (b) the prescribed particulars in respect of that change are those particulars set out next to the change concerned in Column 2 of the Table to this clause that the licensee knows or could find out by reasonable inquiry.

TABLE

| Column 1 Prescribed Change | Column 2 Prescribed Particulars |
|---|--|
| <p>A change in:</p> <ul style="list-style-type: none"> (a) the name of the licensee; or (b) the principal residential address of the licensee; or (c) the telephone number of the licensee. <p>The commencement, settlement, discontinuance or finalisation of any civil or criminal proceedings to which the licensee is a party.</p> | <p>The new name, address or telephone number of the licensee.</p> <p>The following information:</p> <ul style="list-style-type: none"> (a) particulars of the nature of the proceedings; (b) the names and addresses of the other parties to the proceedings; (c) the date of the commencement, settlement, discontinuance or finalisation of the proceedings; (d) the terms of the settlement (unless the terms of settlement are prohibited from being disclosed) or the result of the finalisation of the proceedings (including any order made under section 556A of the Crimes Act 1900). |
| <p>Any of the following:</p> <ul style="list-style-type: none"> (a) the obtaining of judgment against the licensee; (b) the creation of a charge over any property of the licensee; (c) repossession of any property of the licensee. | <p>The terms of the judgment or charge, the reasons for and circumstances of the repossession of property, and a description of the property affected by the judgment, charge or repossession.</p> |

The licensee:

- (a) becoming bankrupt; or
- (b) applying to take the benefit of any law for the relief of bankrupt or insolvent debtor's; or
- (c) compounding with creditors or making an assignment of remuneration for their benefit; or
- (d) entering into a compromise or scheme of arrangement with creditors.

A person obtaining a direct or indirect interest in the business or in the profits of the business that is carried on under the authority of the licensee.

The terms and date of the bankruptcy application, compounding, assignment, compromise or scheme of arrangement.

The name, date of birth and residential address of the person obtaining that interest, the nature of that interest and details of any offence the person has been convicted of (in New South Wales or elsewhere) or any charges pending against the person, other than parking and traffic offences or charges.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to prescribe a fee of \$50 for a work permit under the Liquor Act 1982 payable in respect of each year (or part of a year) in which the permit is in force or under suspension; and
- (b) to prescribe the changes in the state of affairs of the holder of a gaming-related licence which must be notified to the Director of Liquor and Gaming by the licensee and the particulars which must accompany that notification; and
- (c) to remove a redundant provision of the Liquor Regulation 1983 and make other changes to the Regulation, consequential to the commencement of parts of the Liquor (Amendment) Act 1993.

Fee for work permits

Section 178 of the Liquor Act 1982 provides that the Principal Registrar may issue a work permit to a person pending a decision on his or her application for an amusement device seller's licence or an amusement device technician's licence. The permit operates, subject to any conditions or restrictions imposed on its issue, to apply the Act to the holder of the permit as if the person held a gaming-related licence of the type applied for.

This Regulation prescribes a fee of \$50 for a work permit, which is payable in respect of the period commencing on the date of issue of the permit and ending on 15 February (being a period of not more than 1 year). The fee is then payable in respect of each subsequent 1 year period commencing on 16 February that the work permit is in force or under suspension.

Notification of changes by holder of gaming-related licence

It is an offence under the Liquor Act 1982 for the holder of a gaming-related licence to fail to notify the Director of Liquor and Gaming of the prescribed particulars of a prescribed change in the affairs of the licensee within 14 days of the change. This Regulation sets out the changes which must be notified and the information to accompany that notification. The prescribed changes include a change in the name or address of the licensee, the commencement of proceedings by or against the licensee, or a person obtaining a direct or indirect interest in the profits of the business of the licensee.

Consequential changes

The Regulation also makes other changes consequential to the commencement of some of the provisions of the Liquor (Amendment) Act 1993, including omitting a provision requiring compliance plates to be attached to approved amusement devices. (This requirement is now contained in the Act.)

This Regulation is made under the Liquor Act 1982, in particular sections 56 (Fee for grant of licence etc.), 180 (Periodic licence fee), 181 (Change in state of affairs of gaming-related licensee) and 156 (the general regulation making power).
