

**CASINO CONTROL ACT 1992—REGULATION**

(Casino Control Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 109 of 6 September 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Casino Control Act 1992, has been pleased to make the Regulation set forth hereunder.

Richard Face,  
Minister for Gaming and Racing.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Casino Control Regulation 1995.

**Commencement**

2. This Regulation commences on 6 September 1995.

**Definitions**

3. In this Regulation:

“**liquor**” has the same meaning as in the Liquor Act 1982;

“**participant**” means a person who participates in a junket as a guest;

“**promoter**” means a person:

- (a) who organises, promotes or conducts a junket; and
- (b) who is not employed by the casino operator but receives a commission from the operator;

**“representative”** means a person:

- (a) who is authorised by a promoter to act on the promoter’s behalf in the organisation, promotion or conduct of a junket; and
- (b) who is not employed by the casino operator;

**“the Act”** means the Casino Control Act 1992.

## **PART 2—CASINO OPERATOR AND CASINO EMPLOYEES**

### **Major changes in state of affairs of casino operator**

**4.** For the purposes of paragraph (b) of the definition of “major change” in section 35 (1) of the Act, a change in the state of affairs existing in relation to a casino operator that is described in Schedule 1 is prescribed as a major change.

### **Minor changes in state of affairs of casino operator**

**5.** For the purposes of the definition of “minor change” in section 35 (1) of the Act, a change in the state of affairs existing in relation to a casino operator that is described in Schedule 2 is prescribed as a minor change.

### **Certain persons not “special employees”**

**6. (1)** For the purposes of section 43 (2) of the Act, a person employed or working in a casino in a capacity relating to:

- (a) the movement of money about the casino; or
- (b) the exchange of money in the casino; or
- (c) the counting of money in the casino; or
- (d) the supervision of that movement, exchange or counting of money,

is exempt from being a special employee if the money concerned relates only to the sale of food or drink, or of souvenirs or similar merchandise, in the casino.

**(2)** However, subclause (1) does not operate to exempt from being a special employee an employee who is at any time responsible (whether in an acting capacity or otherwise) for the supervision and management of the sale or supply of liquor in the casino.

**(3)** A person employed or working in a casino in any of the following capacities is exempt from being a special employee:

- (a) as a promoter of a junket;
- (b) as a representative of such a promoter;
- (c) as a person providing a cash collection, delivery and handling service to the casino under a contract or as an employee of such a person.

**Change in state of affairs of special employee**

7. For the purposes of section 63 of the Act:

- (a) a change in the state of affairs existing in relation to a holder of a licence that is described in Column 1 of Schedule 3 is prescribed; and
- (b) the particulars that are specified in Column 2 of Schedule 3 opposite a change described in Column 1 of that Schedule are prescribed particulars in relation to that change.

**Identification of employees**

8. A casino employee who is not a licensee under Part 4 of the Act must at all times while carrying out his or her duties in a casino wear on his or her person and so as to be clearly visible a form of identification approved by the Authority.

Maximum penalty: 1 penalty unit.

**PART 3—CONTRACTS****Certain contracts not controlled contracts**

9. (1) The object of this clause is to prescribe the classes of contracts that are, for the purposes of paragraph (b) of the definition of “controlled contract” in section 36 of the Act, exempt from that definition.

(2) The following classes of contracts are prescribed:

- (a) contracts of employment;
- (b) contracts relating wholly or partly to the supply of goods or services to a casino, but only if the amount payable under such a contract is less than \$200,000.

(3) However, a contract of the class specified in subclause (2) (b) is not exempt if the contract is:

- (a) one of 2 or more contracts entered into by the same supplier during any 12 month period, if the aggregate amount payable under the contracts is \$200,000 or more; or

- (b) a contract relating to the supply of gaming equipment, if the amount payable under the contract is \$5,000 or more; or
- (c) a contract relating to the maintenance of gaming equipment;
- (d) a contract relating to the supply or maintenance of security or surveillance equipment.

(4) The class of contracts comprising such of the financial contracts relating to the establishment and operation of the casino as require the consent of the Authority is also prescribed.

**Form of controlled contracts and variations of controlled contracts**

**10. (1)** A controlled contract must be in the following form:

- (a) it must specify an identifying serial number obtained from the Authority; and
- (b) it must be in writing in the English language; and
- (c) it must contain the full names, business addresses and business telephone and facsimile numbers of the parties to the contract; and
- (d) it must contain a full description of the goods or services to be provided under the contract; and
- (e) it must contain a full description of the nature and amount of the consideration for the provision of those goods or services; and
- (f) it must specify the period during which the goods or services are to be provided; and
- (g) it must specify all of the term (other than the implied terms) of the contract; and
- (h) it must contain the following notice:

*CASINO CONTROL ACT 1992*

*This contract is a controlled contract within the meaning of the Casino Control Act 1992 (“the Act”).*

*Parties to this contract may be required to provide information to the Casino Control Authority (“the Authority”).*

*This contract may be terminated in certain circumstances.*

*A party to this contract may be served with a notice in writing by the Authority affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the grounds that, for reasons specified in the notice, it is not in the public interest for the contract to remain in force.*

*A party served with a notice may, within the period of 14 days specified in the notice, arrange with the Authority for the making of submissions as to why the contract should not be terminated.*

*After considering any submissions so made, the Authority may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.*

*If the contract is not terminated as required by the notice it is terminated by the operation of section 39 of the Act.*

*If the contract is terminated in accordance with Division 2 of Part 3 (sections 36—42) of the Act:*

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract, as a result of the performance before that termination of any obligation imposed by the contract; and*
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination; and*
- (c) neither the Crown nor the Authority incurs any liability by reason of that termination.*

*A party to a contract terminated in accordance with Division 2 of Part 3 of the Act commits an offence under section 41 of the Act and is liable to a penalty not exceeding 100 penalty units if the party gives any further effect to any part of the contract.*

**(2)** A variation of a controlled contract must be in the following form:

- (a) it must specify the same identifying serial number as the controlled contract that it varies (the original contract); and*
- (b) it must be in writing in the English language; and*
- (c) it must specify any change to the names, business addresses and business telephone and facsimile numbers of the parties to the original contract; and*
- (d) it must provide full details of the variation of the terms (other than the implied terms) of the original contract, specifying any additional terms.*

**(3)** If a variation of a controlled contract involves the addition or replacement of a party to the contract, the variation must contain the following notice:

**CASINO CONTROL ACT 1992**

*The contract to which this variation of contract relates is a controlled contract within the meaning of the Casino Control Act 1992 (“the Act”).*

*Parties to the contract may be required to provide information to the Casino Control Authority (“the Authority”).*

*The contract may be terminated in certain circumstances.*

*A party to the contract may be served with a notice in writing by the Authority affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the grounds that, for reasons specified in the notice, it is not in the public interest for the contract to remain in force.*

*A party served with a notice may, within the period of 14 days specified in the notice, arrange with the Authority for the making of submissions as to why the contract should not be terminated.*

*After considering any submissions so made, the Authority may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.*

*If the contract is not terminated as required by the notice it is terminated by the operation of section 39 of the Act.*

*If the contract is terminated in accordance with Division 2 of Part 3 (sections 36—42) of the Act:*

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract, as a result of the performance before that termination of any obligation imposed by the contract; and*
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination; and*
- (c) neither the Crown nor the Authority incurs any liability by reason of that termination.*

*A party to a contract terminated in accordance with Division 2 of Part 3 of the Act commits an offence under section 41 of the Act and is liable to a penalty not exceeding 100 penalty units if the party gives any further effect to any part of the contract.*

### **Required details of notifiable contracts and variations of notifiable contracts**

**11.** For the purposes of section 37 (2) of the Act, the following details are prescribed in relation to a notifiable contract (and a variation of a notifiable contract):

- (a) details of the full names and business addresses and business telephone and facsimile numbers of the parties to the contract (or to the contract as varied);*
- (b) details (including a full description) of the goods or services to be provided under the contract (or under the contract as varied);*

- (c) details of the nature and amount of the consideration for the provision of those goods or services;
- (d) details of all the other terms (other than the implied terms) of the contract (or of the contract as varied);
- (e) the contract's identifying serial number (allocated by the casino operator).

#### **Authority to provide serial numbers for controlled contracts**

**12.** The Authority must, as soon as practicable after receiving notification in accordance with section 37 (1) (a) of the Act of details of a proposed controlled contract, provide the casino operator with an identifying serial number for the proposed contract.

### **PART 4—JUNKETS AND INDUCEMENTS**

#### **Casino operator or employee not to be promoter or representative**

**13.** A casino operator or a casino employee must not act as the promoter of a junket (or as a representative of a promoter) involving the casino.

Maximum penalty: 100 penalty units.

#### **Representative to be authorised**

**14. (1)** A person must not act as a representative of a promoter unless the person is duly authorised by the promoter.

**(2)** A promoter who authorises a person as the promoter's representative, or changes such an authority:

- (a) must, when giving (or changing) the authorisation, provide the person with a signed statement specifying the authority (or the authority as changed) given to the person; and
- (b) must provide a copy of the statement to the Authority and the Director within 24 hours after providing it to the person.

**(3)** A casino operator must not allow a person to act as a representative of a promoter unless the casino operator has received a document, or a copy of a document, that:

- (a) is signed by the promoter; and
- (b) confirms that the person is duly authorised.

**(4)** A person who contravenes a provision of this clause is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

**Promoters and representatives to be approved**

**15. (1)** A person must not act as a promoter (or as a representative of a promoter) without the Authority's written approval.

**(2)** A casino operator must not permit a person to act as a promoter (or as a representative of a promoter) unless the person has the Authority's written approval so to act.

**(3)** An application for an approval referred to in this clause is to be made to the Authority in a form approved by the Authority.

**(4)** The Authority is not to determine an application for approval unless the application has the written endorsement of the casino operator.

**(5)** The Authority may grant a provisional approval pending its determination of an application for approval.

**(6)** The Authority may withdraw an approval or a provisional approval at any time by written notice to the holder of the approval or provisional approval.

**(7)** The Authority must withdraw an approval or provisional approval if the casino operator requests the Authority in writing to do so.

**(8)** A person who contravenes subclause (1) or (2) is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

**Casino operator to notify Authority of conviction of promoter or representative**

**16. (1)** A casino operator who becomes aware that a promoter or a representative has been convicted of an offence (whether in New South Wales or elsewhere), or is the subject of a finding or order that, because of section 5 of the Criminal Records Act 1991 or an equivalent provision of a law of another jurisdiction, is treated as a conviction for the purposes of that Act or law, must notify the Authority and the Director in accordance with this clause.

Maximum penalty: 50 penalty units.

**(2)** The notification:

- (a)** must be given within 7 days after the casino operator becomes aware of the conviction; and
- (b)** must be in writing; and
- (c)** must specify the particulars of the offence in so far as those particulars are known to the casino operator.



(3) This clause does not apply in respect of a conviction in relation to which a pardon has been granted, a conviction that is a spent conviction (within the meaning of Part 2 of the Criminal Records Act 1991 or an equivalent provision of a law of another jurisdiction) or a conviction that has been quashed (within the meaning of Part 4 of the Criminal Records Act 1991 or an equivalent provision of a law of another jurisdiction).

#### **Advance notice of junkets**

17. (1) A casino operator must provide the Authority and the Director with such written details of proposed junkets as the Authority, by notice in writing to the casino operator from time to time, requests.

(2) The details are to be provided no later than 24 hours before any of the participants takes part in gaming at the casino (or within such shorter period as the Authority may allow in a particular case).

(3) The casino operator must provide the Authority and the Director with a list of participants as soon as practicable after receiving that information.

(4) A casino operator who contravenes a provision of this clause is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

#### **Promoter or representative to accompany participants**

18. A promoter must ensure that the promoter (or his or her representative) accompanies the participants in a junket while the participants are in the casino.

Maximum penalty: 50 penalty units.

#### **Report on completion of junket**

19. (1) A casino operator must provide the Authority and the Director with a written report on each junket within 48 hours after the completion of the junket.

(2) The report is to specify and give reasons for any variation, in the conduct of the junket, from the details of the proposed junket provided to the Authority and the Director under clause 17 (1).

(3) A casino operator must also provide the Authority, no later than the 10th day of each month, with a written report on all junkets concluded during the previous month.

(4) A report under this clause is to be in a form approved by the Authority.

(5) A casino operator who contravenes a provision of this clause is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

### **Certain inducements prohibited**

**20. (1)** A casino operator, a casino employee or an agent of the casino operator must not provide a casino patron with liquor free of charge (or at a substantial discount) unless the liquor is provided in accordance with any direction that the Authority may from time to time give to the casino operator for the purposes of this clause.

Maximum penalty: 50 penalty units.

(2) Subclause (1) does not apply in respect of liquor provided to a casino patron in:

- (a) an area of the casino designated (in the plans, diagrams and specifications for the time being approved by the Authority under section 65 of the Act) as other than the general casino area; or
- (b) a part of the general casino area that is for the time being reserved (as indicated by means of ropes and signs) for the use of certain casino patrons only.

## **PART 5—APPLICATION OF LIQUOR ACT 1982**

### **Application of Liquor Act 1982 to casino**

**21.** Schedule 4 has effect.

## **PART 6—MISCELLANEOUS**

### **Gaming equipment**

**22. (1)** A casino operator must provide the Authority and the Director, at least 24 hours (or within such shorter period as the Authority may allow in a particular case) before the proposed time of delivery to the casino of any gaming equipment, with written details of:

- (a) the equipment concerned; and
- (b) the method by which the equipment is to be delivered to the casino; and
- (c) the proposed date of its delivery.

Maximum penalty: 50 penalty units.

(2) Subclause (1) applies only in respect of gaming equipment of a kind specified by the Authority by written notice given to the casino operator from time to time.

#### **Detention of suspected person for certain offences**

**23.** For the purposes of section 88 (2) of the Act, the following provisions of the Act are prescribed:

- (a) section 84 (Excluded person not to enter casino);
- (b) section 93 (Minors not to enter casino);
- (c) section 162 (Forgery etc.).

#### **Divulging of information**

**24. (1)** For the purposes of section 148 (2) of the Act, the persons and bodies listed in Schedule 5 are prescribed.

(2) For the purposes of section 148 (6) of the Act, the Director is prescribed.

#### **Evidence of age**

**25.** Any of the following documents is, for the purposes of the Act, evidence that the person is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age:

- (a) a motor vehicle driver's or rider's licence or permit held by a person, being a licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth, of some other State or of a Territory or of some other country;
- (b) a "proof of age" card held by a person, being a card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth or of some other State or of a Territory;
- (c) a passport held by a person, being a passport issued by the Commonwealth or under the law of some other country.

**Advertising**

**26. (1)** A casino operator is not to approve for publication any casino advertising:

- (a) that encourages breaches of the law; or
- (b) that includes children; or
- (c) that is false, misleading or deceptive; or
- (d) that is not to be conducted in accordance with decency, dignity and good taste and in accordance with any relevant advertising code of practice in force at the time the advertisement is published.

Maximum penalty: 100 penalty units.

**(2)** A person who publishes any casino advertising that does any of the things referred to in subclause (1) (a)–(d) commits an offence against this Regulation and is liable to a penalty not exceeding 100 penalty units.

**(3)** Subclause (2) does not apply if the casino operator approved in writing of the publication of the casino advertising concerned.

**(4)** In this clause:

**“casino advertising”** means advertising that is directly related to the operation of a casino;

**“publication”** includes dissemination of any kind, whether effected by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics or television).

**Information concerning counselling**

**27.** A casino operator must ensure that there are at all times prominently displayed in all gaming areas of the casino signs identifying, and providing the telephone number of, one or more counselling services available in the State in respect of social problems that may arise in connection with gambling.

Maximum penalty: 100 penalty units.

**SCHEDULE 1**

(Cl. 4)

**Description of major change in state of affairs of a casino operator**

1. A change in:
  - (a) the name of the casino operator; or
  - (b) the principal business address of the casino operator.
2. A person's ceasing to be a close associate of the casino operator.
3. A change in:
  - (a) the information entered in the register of members of the casino operator; or
  - (b) the beneficiaries or unitholders of the trust of the casino operator.
4. A change consisting of
  - (a) the sale or purchase of 5% or more of the paid-up capital of the casino operator; or
  - (b) the acquisition by a person of a beneficial interest in the paid-up capital of the casino operator that results in that person's having a beneficial interest in 5% or more of that capital.
5. A change in the nominal or paid-up capital of the casino operator.
6. A change in the objectives or main activities of the casino operator.
7. A change in any direct or indirect financial interest held by the casino operator in any business or enterprise (including the acquisition or disposal of such an interest).
8. The casino operator commencing to carry on any other business or enterprise at any place, or the appointment of a person to carry on any other business or enterprise on the casino operator's behalf.
9. The involvement of the casino operator or a member of the board of directors, a trustee or a close associate of the casino operator as a party to:
  - (a) any dispute or event that, in the opinion of the casino operator, is likely to give rise to criminal proceedings; or
  - (b) the commencement, discontinuance or finalisation of criminal proceedings.
10. The creation of a charge in excess of \$500,000 over any real or personal property of the casino operator.
11. An increase or decrease of \$5,000,000 or more in the debts of the casino operator.
12. The entry into an arrangement under Part 5.1 of the Corporations Law by the casino operator or a close associate of the casino operator.
13. The entering into possession of, or assumption of control of, property of the casino operator, or a close associate of the casino operator, by a receiver or other controller within the meaning of the Corporations Law.

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14. The commencement of the administration of the casino operator, or a close associate of the casino operator, under Part 5.3A of the Corporations Law.
15. The ending of the administration of the casino operator, or a close associate of the casino operator, under Part 5.3A of the Corporations Law.
16. The commencement of the winding up of the casino operator or a close associate of the casino operator.
17. The casino operator's breach of obligations under any contract or arrangement for the provision of a loan or other financial accommodation.
18. A change in constituent documents relating to the casino (such as Articles of Association, trust deed or unitholders agreement).

**SCHEDULE 2**

(Cl. 5)

**Description of minor change in state of affairs of a casino operator**

1. A change in:
  - (a) the postal address of the casino operator; or
  - (b) the telephone number of the casino operator; or
  - (c) the facsimile number of the casino operator.
2. The involvement of the casino operator or a member of the board of directors, a trustee or a close associate of the casino operator as a party to:
  - (a) any dispute or event that, in the opinion of the casino operator, is likely to give rise to civil proceedings or to alternative dispute resolution procedures; or
  - (b) the commencement, settlement, discontinuance or finalisation of civil proceedings; or
  - (c) the commencement or finalisation of alternative dispute resolution procedures.
3. The commencement, discontinuance or finalisation of criminal proceedings to which a casino employee of the casino operator is a party.
4. The repossession of any property of the casino operator.
5. An amendment of an assessment relating to the casino operator under the Income Tax Assessment Act 1936 of the Commonwealth.
6. The casino operator commencing to remunerate a casino employee at a remuneration level of \$100,000 per year or more (whether as salary or remuneration package), and any increase or decrease in the remuneration paid to such an employee.
7. The sale of any of the casino operator's assets, if the consideration for the sale exceeds \$250,000 or the asset is valued in the casino operator's books of account at more than \$250,000.

## SCHEDULE 3

(Cl. 7)

## Change in state of affairs of licensee

<i>Column 1</i> <i>Description of change</i>	<i>Column 2</i> <i>Prescribed information</i>
1. A change in: <ul style="list-style-type: none"> <li>(a) the name of the licensee; or</li> <li>(b) the principal residential address of the licensee; or</li> <li>(c) the telephone number of the licensee.</li> </ul>	Particulars of those matters as changed.
2. The involvement of the licensee as a party to: <ul style="list-style-type: none"> <li>(a) the commencement, settlement, discontinuance or finalisation of civil proceedings; or</li> <li>(b) the commencement or finalisation of criminal proceedings; or</li> <li>(c) the commencement or finalisation of alternative dispute resolution procedures.</li> </ul>	Particulars of: <ul style="list-style-type: none"> <li>(a) the nature of the proceedings; and</li> <li>(b) the names and addresses of the other parties to the proceedings; and</li> <li>(c) the date of the commencement, settlement, discontinuance or finalisation of the proceedings; and</li> <li>(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 the making of an order under section 556A of the Crimes Act 1900).</li> </ul>
3. A change consisting of the obtaining of judgment against the licensee.	Particulars giving the terms of the judgment or charge.

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4. The licensee:	Particulars of
(a) becomes bankrupt; or	(a) the terms; and
(b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or	(b) the date, of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement.
(c) compounds with creditors or makes an assignment of remuneration for their benefit; or	
(d) enters into a compromise or scheme of arrangement with creditors.	

#### SCHEDULE 4

(Cl. 21)

#### Application of Liquor Act 1982 to the casino

The provisions of the Liquor Act 1982 specified in Part A of this Schedule apply to and in respect of a casino, modified to read as set out in Part B of this Schedule.

#### PART A—THE APPLIED PROVISIONS

Liquor Act 1982—sections 4, 4B, 6, 6B, 18, 20, 69B, 69C, 69D, 69E, 69F, 69G, 69H, 78, 80, 81, 82, 83, 84, 85, 86, 86A, 86B, 86D, 91, 97, 101, 103, 104, 110, 111, 112, 113, 114, 115, 116, 116A, 116B, 116C, 116D, 117A, 117B, 117E, 117G, 121, 122, 123, 125, 125E, 129, 131, 132, 135, 139, 140, 141, 142A, 143, 144, 145, 152, 152A, 154A, 155.

#### PART B—THE APPLIED PROVISIONS AS MODIFIED

##### PART 1—PRELIMINARY

##### Definitions

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

“**assessment period**”, in relation to a licence fee, means the period of 1 year that ended on the 30 June that last preceded the licensing period in respect of which the fee is payable;

“**Authority**” means the New South Wales Casino Control Authority constituted under the Casino Control Act 1992;



**“beer”** means liquor which is beer, ale, lager, pilsener, porter, stout or any other fermented malt liquor or any fermented liquor made from sugar or saccharine matter;

**“casino”** has the same meaning as in the Casino Control Act 1992;

**“casino environs”** means premises the subject of an order under section 89 (3) of the Casino Control Act 1992;

**“court”** means a Local Court established under the Local Courts Act 1982;

**“dining room”**, in relation to licensed premises, means a part of the licensed premises used permanently and primarily for the consumption at tables of meals served otherwise than by self-service;

**“Director”** means the Director of Casino Surveillance appointed under section 102 of the Casino Control Act 1992;

**“inspector”** means an inspector appointed under section 106 of the Casino Control Act 1992;

**“licence”** means a licence in force under section 18 of this Act;

**“licence fee”** means the fee payable for a licence in respect of a licensing period;

**“licensed premises”** means the premises or part of the premises in the casino or casino environs on which the sale of liquor is authorised by a licence;

**“licensing period”** means:

- (a) the year that commenced on 16 January 1995; and
- (b) each year subsequent to that year;

**“liquor”** includes:

- (a) a beverage which, at 20° Celsius, contains more than 1.15 per cent ethanol by volume; and
- (b) anything that is not a beverage referred to in paragraph (a) but, for the purposes of sale, is held out to be beer, wine or spirits;

**“low alcohol liquor”** means each of the following:

- (a) undiluted and unadulterated liquor (other than wine of the grape) which, at 20° Celsius, contains 3.5 per cent or less ethanol by volume;
- (b) undiluted and unadulterated wine of the grape which, at 20° Celsius, contains 6.5 per cent or less ethanol by volume;

**“manager”** or **“manager of licensed premises”** means a person appointed under Division 8A of Part 3 to manage licensed premises;

**“meal”** means a genuine meal, not in sandwich form, partaken of by a person seated at a dining table;

**“minor”** means a person who has not attained the age of 18 years;

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**“record”** includes any book, account, document, paper or other source of information compiled, recorded or stored in written form or on microfilm, or by electronic process, or in any other manner or by any other means;

**“responsible adult”**, in relation to a minor, means any person who is of or above the age of 18 years and who belongs to one or more of the following classes of persons:

- (a) a parent, step-parent or guardian of the minor;
- (b) the minor’s spouse or any person who, although not legally married to the minor, ordinarily lives with the minor as the minor’s spouse on a permanent and domestic basis;
- (c) a person who is, for the time being, in loco parentis to the minor.

**“restricted area”** means a part of licensed premises in which liquor is ordinarily sold or supplied for consumption on the premises, not being:

- (a) a dining room in which meals are being served; or
- (b) a part of the licensed premises in respect of which an authorisation under section 112 is in force whenever it operates to authorise the use by a minor of that part;
- (c) a part of the premises in which liquor is sold or supplied exclusively to lodgers or inmates or both;

**“sell”** includes:

- (a) barter or exchange;
- (b) offer, agree or attempt to sell;
- (c) expose, send, forward or deliver for sale; and
- (d) cause or permit to be sold or offered for sale;

**“supply”** includes dispose of and deliver;

**“this Act”** means the Liquor Act 1982;

**“wine”** includes cider, perry and mead.

(2) A requirement under this Act to produce a record is, if the record is not written or not written in the English language, a requirement to produce a statement, written in the English language, setting forth such of the particulars in the record as are not written or are not written in the English language.

(3) In this Act, a reference to the exercise of a function includes a reference to the exercise or performance of a power, authority or duty.

**Corporate licences—interpretation**

**4B.** A reference in this Act to a position of authority in a body corporate is a reference to the position of chief executive officer, director or secretary of the body corporate.

**Application of Act**

- 6.** Nothing in this Act applies to or in respect of the sale of
- (a) spirituous or distilled perfume if the sale is as perfumery only and not for drinking;
  - (b) liquor if the sale is for medicinal purposes only and is made by a registered medical practitioner or a pharmacist registered under the Pharmacy Act 1964;
  - (c) liquor taken in execution or under similar process, or forfeited to the Crown, if the sale is by the sheriff or a sheriff's officer, or a bailiff or a police officer;
  - (c) liquor if the sale is authorised by a law of the Commonwealth for the export of the liquor from the Commonwealth; or
  - (e) liquor if:
    - (i) the sale is made by a person other than a licensee as part of a sale of flowers or food designed to be delivered as a gift to a person (not being the purchaser) specified by the purchaser; and
    - (ii) the liquor is delivered together with the flowers or food to the person so specified; and
    - (iii) the volume of liquor supplied in respect of each gift delivered by the vendor does not exceed 2 litres.

**Delegations**

**6B. (1)** The Commissioner of Police may delegate to a person any function conferred or imposed on the Commissioner by this Act, other than this power of delegation.

**(2)** The person to whom a function has been delegated by the Commissioner of Police may delegate the function to another person, subject to any conditions to which the delegation by the Commissioner is subject.

**PART 3—LICENCE****Division 1—Class of licence****Authority may grant licence**

**18.** The Authority may grant a licence authorising the licensee to sell or supply liquor by retail on the premises specified in the licence (being premises forming part of the casino or casino environs), but only for consumption on those premises.

**Division 2—Conditions of licence****Conditions of licence**

**20. (1)** The Authority may:

- (a) in granting a licence; or
- (b) at any other time, on its own motion or on the application of the licensee or the Director,

impose conditions not inconsistent with this Act without prior compliance with which the grant does not take effect or to which the licence is to be subject.

**(2)** A licence is subject to any conditions imposed under subsection (1), whether or not any such condition is endorsed on the licence.

**(3)** The Authority may, at any time:

- (a) on the application of the licensee or the Director; or
- (b) of its own motion,

vary or revoke a condition of a licence imposed by it.

**(4)** The Authority must, before imposing, varying or revoking any condition:

- (a) give the licensee details of any proposed condition, variation or revocation and allow the licensee 14 days in which to make submissions in respect of the proposal; and
- (b) consider any submissions made by the licensee; and
- (c) notify the licensee of its decision, which takes effect when written notice of the decision is given to the licensee, or on such later date as may be specified in the notice.

**Division 8A—Special provisions for body corporate licensees****Appointment of managers**

**69B.** A body corporate that is a licensee must appoint a manager for the licensed premises and must not cause or permit the conduct of business under the licence for a period in excess of 14 days unless there is an appointment of a manager of the licensed premises in force under this Division.

Maximum penalty: 50 penalty units.

**Restrictions on who may be appointed as manager**

**69C. (1)** The following restrictions apply to the appointment of a manager of licensed premises:

- (a) a person may not be appointed as the manager of licensed premises unless the person is approved by the Authority to manage the licensed premises concerned;

- (b) only a natural person may be appointed to manage licensed premises;
- (c) a person cannot be appointed as manager of licensed premises if at the time of the appointment he or she already holds an appointment as manager of other licensed premises.

(2) An appointment in contravention of this section is void for the purposes of this Part.

#### **Authority approval of manager**

**69D. (1)** The Authority is not to approve a person to manage licensed premises unless satisfied that the person:

- (a) holds a licence under Part 4 of the Casino Control Act 1992; and
- (b) is a fit and proper person to manage licensed premises.

(2) An application for the Authority's approval is to be made in the form approved by the Authority.

#### **How appointments are made and revoked**

**69E. (1)** A licensee must give the Authority notice of the appointment of a person as manager of licensed premises. The notice must give the name, address and date of birth of the person appointed and must be signed by the appointee as evidence of consent to his or her appointment as manager.

Maximum penalty: 20 penalty units.

(2) The appointment of a manager is not in force until the licensee has given the Authority notice of the appointment as required by this section.

(3) The appointment of a manager is revoked by the licensee giving notice under this section of the appointment of a new manager or by the licensee or manager giving the Authority notice of the manager's ceasing to act as manager. A notice of appointment of or of ceasing to act as manager may specify a day that is later than the day the notice is given as the day the notice is to take effect, and the notice takes effect accordingly.

(4) A notice under this section must be in writing in the form approved by the Authority.

(5) In any proceedings in which the question of whether notice was given to the Authority under this section is at issue, the party alleged to have given the notice bears the onus of establishing on the balance of probabilities that the notice was given.

#### **Responsibilities and liabilities of managers of licensed premises**

**69F. (1)** The person appointed as manager of licensed premises is responsible for the personal supervision and management of the conduct of the business under the licence on licensed premises.

(2) If an element of an offence under a provision of this Act is an act or omission by a licensee, a person who is manager of the licensed premises is responsible as though that person were also a licensee of those premises and is liable for the offence accordingly.

(3) This section does not affect any liability of a licensee for a contravention by the licensee of a provision of this Act.

**Liability of licensee for contravention by manager**

**69G.** The licensee of licensed premises is taken to have contravened any provision of this Act that the manager of the licensed premises contravened as a result of section 69F unless the licensee establishes that the licensee:

- (a) did not authorise or knowingly permit the contravention by the manager; and
- (b) maintained control over and supervision of the activities of the manager of the licensed premises in an effort to prevent any such contravention occurring.

**Liability of directors etc. of body corporate licensee**

**69H. (1)** If a licensee that is a body corporate contravenes (whether by act or omission) any provision of this Act, each person who occupies a position of authority in the body is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.

(2) If a licensee that is a body corporate is taken to have contravened (whether by act or omission) any provision of this Act by reason of a contravention by the manager of the licensed premises, each person who occupies a position of authority in the body is taken to have contravened the same provision unless he or she establishes that he or she:

- (a) was not knowingly a party to any authorisation by the body corporate of the contravention by the manager; and
- (b) took all reasonable steps (within the scope of his or her authority) to ensure that the body corporate maintained control over and supervision of the activities of the manager of the licensed premises in an effort to prevent any such contravention by the manager occurring.

(3) A person may be proceeded against and convicted under a provision pursuant to this section whether or not the body corporate or manager of the licensed premises has been proceeded against or convicted.

(4) This section does not affect any liability imposed on a body corporate or the manager of licensed premises for an offence committed by the body corporate or manager against this Act.

(5) Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a body corporate (while acting in his or her capacity as such) had, at any particular time, a particular intention, is evidence that the body corporate had that intention at that time.

**PART 5—LICENCE PERIODS AND FEES****Division 1—Licence periods and fees payable****Definitions**

**78. (1)** A reference in this Part to the amount paid or payable by or on behalf of any person for any liquor is a reference:

- (a) except as provided in paragraph (b), to the sum of
  - (i) the amount paid or payable by or on behalf of that person for that liquor;
  - (ii) any amount paid or payable by or on behalf of that person for or for the hiring of any containers or packages (including corks, stoppers and labels attached) in which that liquor is contained or packed when it is delivered to or purchased by or on behalf of that person or is to be contained or packed for sale or disposal by or on behalf of that person (whether or not any such amount is paid or payable to the supplier of that liquor);
  - (iii) any amount paid or payable for the packing or for the handling of that liquor and any such containers or packages or for putting it or them into the state in which it is or they are when it is or they are delivered to or purchased by or on behalf of that person (whether or not any such amount is paid or payable to the supplier of that liquor);
  - (iv) any amount paid or payable by or on behalf of that person as freight or other delivery charges in respect of the delivery of that liquor, being an amount so paid or payable to the supplier of that liquor but not being an amount so paid or payable to that supplier as reimbursement in full for those freight or delivery charges if those freight or delivery charges are paid or payable by that supplier in respect of the carriage and delivery of the liquor within Australia by a carrier in whose business as a carrier the supplier has no direct or indirect pecuniary interest; and
  - (v) any amount paid or payable for duties or sales tax in respect of that liquor or as shipping, delivery or handling charges incurred by reason of the importation of the liquor from outside Australia; or
- (b) if the Authority is of the opinion that any amount paid or payable for any thing or for the doing of any thing referred to in paragraph (a) (i), (ii), (iii) or (iv) is less than the value of that thing or of the doing of that thing, as the case may be, or if no amount is so paid or payable—to such amount as is determined by the Authority having regard to the circumstances in which that liquor was delivered to or purchased by or on behalf of that person.

**(2)** A reference in this Part to any amount paid or payable by or on behalf of any person for any liquor includes a reference to any amount paid or payable by any other person for the acquisition of that liquor for sale, supply or disposal by that firstmentioned person.

**Periodic licence fee**

**80. (1)** A fee is payable to the Authority for a licence while the licence is in force or under suspension and is so payable in respect of each licensing period that succeeds the grant of the licence, other than the licensing period during which the licence is granted.

**(2)** The fee payable under subsection (1) is 13 per cent of the applicable amount prescribed by subsection (3) reduced by the authorised deductions prescribed by section 81.

**(3)** The applicable amount prescribed by this subsection is the amount paid or payable by or on behalf of the licensee under the licence for all liquor (other than low alcohol liquor) that, during the assessment period for the licence fee, was delivered to or purchased for the licensed premises.

**(4)** The licence fee for a licence in respect of a licensing period that succeeds the licensing period during which the licence was granted:

- (a) must be paid in full before the commencement of the licensing period; or
- (b) must be paid by 2 instalments calculated in accordance with subclause (5), the first instalment being payable before the commencement of the licensing period and the second instalment being payable within 4 months after that commencement.

**(5)** If a licence fee is paid as provided by subclause (4) (b):

- (a) the amount of the first instalment is to be:
  - (i) if the licence fee is an even number of dollars—half the licence fee; or
  - (ii) if the licence fee is an odd number of dollars—an amount that would be half the licence fee if the licence fee were increased by 1 dollar; and
- (b) the amount of the second instalment is to be the balance of the licence fee after payment of the first instalment.

**Licence fee—authorised deductions**

**81. (1)** The authorised deductions from an amount calculated under section 80 are such amount paid or payable for liquor:

- (a) lost, stolen or damaged in transit;
- (b) sold for export from Australia and so exported; or
- (c) sold to an embassy or consulate,

as the Authority is satisfied is included in the amount referred to in section 80 (3).

**(2)** There is to be no deduction under this section in respect of low alcohol liquor.

**Assessment of fee**

**82. (1)** The Authority is to assess the amount of a licence fee.

**(2)** If:

- (a) a licence fee is to be assessed for the first time after the grant of the licence; or



- (b) in the opinion of the Authority, no information or insufficient information has been furnished, within the time prescribed by section 84, to enable the Authority to make an assessment under subsection (1) on the percentage basis specified in section 80 (2),

the Authority may assess the fee that the Authority would otherwise be required to assess on that percentage basis at such amount as the Authority thinks reasonable.

(3) A fee assessed under subsection (2) is taken to have been assessed on a percentage basis.

(4) The Authority:

- (a) may, for the purpose of making an assessment under subsection (1), convert to the nearest dollar the amount of which the licence fee assessed is required to be a percentage; and
- (b) must, if such an assessment would not, but for this paragraph, be a number of whole dollars, assess the fee at the next lower amount that is a number of whole dollars.

(5) An assessment made by the Authority under this section is, subject to any reassessment made under section 83, final and conclusive.

#### **Reassessment of fee**

**83. (1)** In this section, a reference to the reassessment of a licence fee is a reference to the reassessment of that fee as assessed under section 82 or, if that fee has previously been reassessed under this section, that fee as last so reassessed.

(2) The Authority may, from time to time, reassess a licence fee, and any such reassessment is, subject to any further reassessment, final and conclusive.

(3) If the Authority decides to reassess a licence fee previously assessed under section 82 (2) (b) or, in deciding to reassess any other fee, does so by reason of incorrect information furnished in a statutory declaration under section 84, and:

- (a) the amount at which, but for this subsection, it would have reassessed the fee would be greater than the amount of the fee before reassessment; and
- (b) if the information furnished was incorrect, the Authority is of the opinion that there was no reasonable excuse for its being incorrect,

the reassessment may be of an amount not exceeding the sum of:

- (c) the amount at which, but for this subsection, the fee would have been reassessed; and
- (d) an amount not exceeding the difference between the amount of the fee before reassessment and the amount referred to in paragraph (c).

**(4) If:**

- (a) a licence fee is reassessed after the fee, as previously assessed, has been paid in full; and
- (b) the amount paid is equal to, or greater than, the fee as reassessed,

the Authority must refund to the person who paid the fee any difference between the amount paid and the amount of the fee as reassessed.

**(5) If:**

- (a) a licence fee is reassessed after part only of the fee, as previously assessed, has been paid;
- (b) the amount paid is less than the fee as reassessed; and
- (c) the sum of:
  - (i) the amount paid; and
  - (ii) the balance of the fee before reassessment,is greater than the fee as reassessed,

that balance is reduced by the amount of the difference between the amount of the fee as previously assessed and the amount of the fee as reassessed.

**(6) If:**

- (a) a licence fee is reassessed after part only of the fee, as previously assessed, has been paid; and
- (b) the sum of
  - (i) the amount so paid; and
  - (ii) the balance of the fee before reassessment,is less than the fee as reassessed,

that balance is increased by the amount of the difference between the amount of the fee before reassessment and the amount of the fee as reassessed.

**(7) If:**

- (a) a licence fee is reassessed after the fee, as previously assessed, has been paid in full;
- (b) the fee as reassessed is greater than the fee as previously assessed;
- (c) the licensee at the time the Authority notifies the reassessment is the same person as the licensee at the time of payment of the fee to which the reassessment relates; and
- (d) the amount by which the reassessment is greater than the fee as previously assessed is not paid on or before a date specified by the Authority when notifying the reassessment or such later date as the Authority may allow,

the licence is suspended until the amount referred to in paragraph (d) is paid to the Authority.

**Statement of liquor purchases**

**84.** A person who holds a licence on 30 June in any year must, during the month of July immediately following that date, lodge with the Authority a statutory declaration by the person that is in the form approved by the Authority and includes such information as may be required by the form in relation to purchases of liquor.

Maximum penalty: 20 penalty units.

**Sales to licensee**

**85. (1)** A person who sells liquor to a licensee must, during the month of July in each year, forward to the Authority a statutory declaration in the form approved by the Authority specifying, in relation to the immediately preceding 12 month period ending on 30 June, such information in relation to liquor so sold as may be required by the form.

Maximum penalty: 20 penalty units.

**(2)** It is a defence to a prosecution for an offence under subsection (1) if it is proved that the defendant had reasonable cause or excuse for contravening that subsection.

**(3)** An information for an offence under subsection (1) may be laid at any time within 5 years after commission of the offence.

**Records to be kept**

**86. (1)** A person who holds a licence must make and keep up-to-date in the manner and form approved by the Authority records in the English language specifying the information required by the form relating to:

- (a) all liquor purchased, or otherwise acquired, by the person; and
- (b) all liquor in respect of which the person is entitled to make an authorised deduction under section 81,

in connection with the business carried on pursuant to the licence.

Maximum penalty: 20 penalty units.

**(2)** A person who sells or supplies liquor to a licensee must make and keep up-to-date in the manner and form approved by the Authority records in the English language specifying the information required by the form relating to all liquor sold or supplied to the licensee.

Maximum penalty: 20 penalty units.

**(3)** A record made under this section must, until the day that is 5 years after its making, be kept in a place approved by the Authority by the person by whom it was made.

Maximum penalty: 20 penalty units.

**(4)** A person who holds a licence must retain, for the period of 5 years that next succeeds its coming into the person's possession, any document that relates to the business carried on pursuant to the licence.

Maximum penalty: 20 penalty units.

(5) A person who sells liquor to a licensee must retain, for the period of 5 years that next succeeds its coming into the person's possession, any document that relates to the sale of liquor to the licensee.

Maximum penalty: 20 penalty units.

(6) The Authority or an inspector may, after giving reasonable notice of an intention so to do, require a person referred to in this section:

- (a) to produce to the Authority or the inspector, or at a place specified in the notice, a record referred to in this section; and
- (b) to permit the Authority or the inspector to inspect any such record and:
  - (i) make copies of it or take extracts from it (or do both); or
  - (ii) remove it from the place approved under subsection (3) and keep it in the custody or under the control of the person who removed it for such period as the person considers necessary.

(7) A person must not, without reasonable excuse, fail to comply with a requirement applicable to the person that is made by the Authority or an inspector under subsection (6).

Maximum penalty: 20 penalty units.

(8) If the Authority or an inspector removes a record under subsection (6) (b) (ii):

- (a) the record is, for the purposes of subsection (3) and during the period that elapses before it is returned to the place approved under subsection (3), taken to be kept at the place approved under subsection (3);
- (b) the Authority or the inspector must, at all reasonable times, permit inspection of the record, or the making of additions to the record, by any person who, if the record were not in the possession of the Authority or the inspector, would be entitled to inspect the record or, as the case may be, make those additions; and
- (c) the Authority or the inspector must, as soon as practicable, return the record, or cause it to be returned, to the person required by this section to keep it.

#### **Keeping of records concerning low alcohol liquor**

**86A. (1)** A licensee must keep full and accurate records of amounts that have been paid or are payable by or on behalf of the licensee for low alcohol liquor in order that the fee under section 80 may be properly determined.

Maximum penalty: 20 penalty units.

(2) A person who sells liquor to a licensee must keep records of

- (a) the quantity in litres of low alcohol liquor sold or supplied to a licensee; and
- (b) amounts paid or payable by the licensee for each of those quantities so sold or supplied.

Maximum penalty: 20 penalty units.

**Division 2—Penalties for failure to pay liquor licence fees****Application of Division**

**86B.** For the purposes of this Division, a failure to pay in full by the due date the licence fee in respect of a licensing period is to be treated as a failure to pay by the due date the first instalment of that fee.

**Penalty for late payment of licence fee**

**86D. (1)** The penalty for a failure to pay an instalment of licence fee by the due date is \$250, plus 0.15% of the amount of the instalment for each day by which the payment is late.

**(2)** A penalty resulting from a failure to pay an instalment by the due date may be recovered by the Authority as a debt due to the Crown.

**(3)** The Authority may, in a particular case or class of cases, remit or waive the whole or part of any penalty payable under this section.

**PART 6—LICENSED PREMISES****Name of licensed premises**

**91. (1)** The licensee must, before the opening of the licensed premises, cause to appear and be maintained on the front of the licensed premises, in accordance with subsection (2), a sign that specifies:

- (a) a name for the licensed premises (not being a name that is a prohibited name for the licensed premises under this section); and
- (b) the name of the licensee.

Maximum penalty: 3 penalty units.

**(2)** The sign referred to in subsection (1) must so appear and be maintained near the principal public entrance to the licensed premises in such a manner that it may be read from the part of a public place on which the front of the premises abuts.

**(3)** The licensee must not alter the name referred to in subsection (1) (a) unless the Authority has approved in writing of the proposed new name.

Maximum penalty: 3 penalty units.

**(4)** The Authority must not approve an alteration of the name of the licensed premises if the name as proposed to be altered is a prohibited name for the licensed premises under this section.

**(5)** The licensee must not cause or permit the use on any sign displayed on the exterior of the licensed premises or in any advertising with respect to the licensed premises of a name that is a prohibited name for the licensed premises under this section.

Maximum penalty: 5 penalty units.

(6) A name is a prohibited name for the licensed premises under this section if it is a name that the Authority has notified the licensee in writing is prohibited as being objectionable, inappropriate or misleading.

(7) It is a defence to a prosecution for an offence under this section if it is proved that

- (a) the licensee had taken all reasonable precautions to avoid commission of the alleged offence; and
- (b) at the time of the alleged offence, the licensee did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

#### **Breath analysis equipment**

**97. (1)** Evidence of the results of a test indicating the presence or concentration of alcohol in the blood of a person by means of a breath analysing instrument installed on licensed premises is not admissible:

- (a) in any civil proceedings against the licensee of the licensed premises (subject to subsection (2)); or
- (b) in any criminal proceedings.

**(2)** This section does not prevent the admission into evidence in civil proceedings of the results of a test if it is established that at the time of the test:

- (a) the breath analysing instrument concerned had not been serviced and maintained in accordance with the relevant Australian Standard (as in force from time to time); or
- (b) the licensee was aware or should have been aware that the instrument was not operating correctly; or
- (c) subsection (4) was being contravened in respect of the breath analysing instrument concerned.

**(3)** A breath analysing instrument is an instrument that is designed to ascertain by analysis of a person's breath the concentration of alcohol present in the person's blood, being an instrument of the type specified in Australian Standard 3547–1993 (Breath Alcohol Testing Devices for Personal Use), published by the Standards Association of Australia. That standard is the relevant Australian Standard for the purposes of this section.

**(4)** At all times that a breath analysing instrument installed on licensed premises is available for use by customers on those premises there must be prominently displayed on or in close proximity to the instrument a sign that complies with the following requirements:

- (a) the sign must be clearly legible and in good condition and so positioned that its contents can be easily read by a person using the instrument;
- (b) the sign must display the following matter in print of a type size and character that will be clearly legible to a person using the equipment:

#### **IMPORTANT INFORMATION ABOUT BREATH TESTING**

Readings given by this instrument are NOT ACCEPTED by the Police or the courts.

Your blood alcohol level can rise for 1 hour or more after your last drink.

(5) If subsection (4) is contravened, the licensee of the licensed premises is guilty of an offence.

Maximum penalty: 20 penalty units.

#### **Control of licensed premises**

**101.** A licensee must not:

- (a) let or sublet the right to sell liquor on the licensed premises; or
- (b) let or sublet any part of the licensed premises on which liquor is ordinarily sold or supplied; or
- (c) without the previous written consent of the Authority, let or sublet any other part of, or the right to supply any services in, the licensed premises.

Maximum penalty: 5 penalty units.

#### **Exclusion of persons from licensed premises**

**103. (1)** A licensee or his or her employee may refuse to admit to the licensed premises and may turn out, or cause to be turned out, of the licensed premises any person:

- (a) who is then intoxicated, violent, quarrelsome or disorderly;
- (b) who engages or uses any part of the licensed premises for the purposes of prostitution;
- (c) whose presence on the licensed premises renders the licensee liable to a penalty under this Act; or
- (d) who hawks, peddles or sells any goods on the premises, unless the person has the written permission of the Authority and the licensee to do so.

(2) If, pursuant to subsection (1), a person has been refused admission to, or has been turned out of, licensed premises, the licensee or an employee of the licensee may, at any subsequent time or from time to time, refuse to admit that person into the licensed premises or may turn him or her out, or cause him or her to be turned out, of the licensed premises.

(3) If a person to whom a licensee is, under subsection (1) or (2), entitled to refuse admission to the licensed premises is on the premises the person must, on being required so to do by the licensee, his or her employee or a police officer, quit the premises.

Maximum penalty: 10 penalty units.

(4) If a police officer is requested by a licensee or his or her employee to turn out, or to assist in turning out, of the licensed premises a person whom the licensee is entitled under subsection (1) or (2) to turn out of the premises, it is the duty of the police officer to comply with the request and he or she may, for that purpose, use such reasonable degree of force as may be necessary.

**Quiet and good order of neighbourhood**

**104. (1)** If a written complaint is made to the Authority of undue disturbance of the quiet and good order of the neighbourhood of licensed premises caused by:

- (a) the manner in which the business of the licensed premises is conducted; or
- (b) the behaviour of persons after they have left the licensed premises; or
- (c) the manner in which the business of the licensed premises is conducted and the behaviour of persons after they have left the licensed premises,

the Authority may convene a conference to hear submissions relating to the complaint.

**(2)** A complaint under this section can be made only by:

- (a) a person authorised in writing by 3 or more persons residing in the neighbourhood of the licensed premises or a person who is such a resident and is authorised in writing by 2 or more other such residents; or
- (b) the Commissioner of Police; or
- (c) a person authorised by the council of the local government area (including the City of Sydney) in which the licensed premises are situated; or
- (d) a person who satisfies the Authority that his or her interests, financial or other, are adversely affected by the undue disturbance to which the person's complaint relates; or
- (e) the Director.

**(3)** A complaint under this section must be made or verified by statutory declaration.

**(4)** Notice of the time and place for the conference is to be given to all complainants and the licensee as directed by the Authority.

**(5)** The conference is to be presided over by a member of the Authority who may, after giving each complainant present and the licensee (if present) a reasonable opportunity to be heard in relation to the complaint:

- (a) impose, vary or revoke conditions of the licence; or
- (b) adjourn the conference subject to implementation and continuation of undertakings given by the licensee; or
- (c) issue a warning to the licensee; or
- (d) take no action.

**(6)** Procedure at the conference (including any decision to adjourn the conference) is to be determined by the Authority.

**(7)** If a condition restricting the trading hours of a licensee is imposed under this section, an application may be made to the Authority to vary or revoke the condition. The application may not be made by or on behalf of the licensee during the period of 6 months that next succeeds the imposition of the condition, except with the leave of the Authority granted on the ground that there has been a material change in the facts or circumstances on which the imposition of the condition was based. The application may be dealt with by the Authority in such manner as the Authority determines.



**PART 7—INSPECTORS****Powers of entry**

**110. (1)** If the Commissioner of Police believes on reasonable grounds that unlawful or disorderly conduct is taking place on licensed premises the Commissioner may, at any time of the day or night, enter the licensed premises with or without a police officer.

**(2)** In exercising the power conferred by subsection (1), the Commissioner of Police may, with or without assistance, break into the premises if entry is refused or unreasonably delayed (whether or not by the absence of a person able to permit entry to the premises).

**(3)** If the Director believes on reasonable grounds that a breach of this Act has been, or is being, committed on licensed premises the Director may, at any time of the day or night, enter the licensed premises with or without a police officer.

**(4)** The Director may, at any reasonable time, enter and examine any part of the licensed premises and may:

- (a) take an account of all liquor on the premises; or
- (b) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act have been, or are being, complied with; or
- (c) having required the licensee (or any other person having them in his or her custody) to produce any registers, books, records or other documents relating to the business carried on with the authority of the licence, make copies of, or take extracts from, entries in the registers, books, records or other documents.

**(5)** The licensee or person in charge of licensed premises must not refuse or fail to admit to the licensed premises a person requiring entrance under subsection (1), (3) or (4) or obstruct or delay the person in the exercise of his or her powers.

Maximum penalty: 50 penalty units.

**Obstruction**

**111.** A person who hinders or obstructs an inspector, police officer or any other person in the exercise by the inspector, police officer or other person of a function conferred on him or her by or under this Act is guilty of an offence and liable, if no other penalty or punishment is provided for the offence, to a penalty not exceeding 50 penalty units.

**PART 7A—MINORS****Use of licensed premises by minor**

**112. (1)** The Authority may, on the application of the licensee and subject to any conditions that the Authority may impose, authorise:

- (a) the use by a minor in the company of a responsible adult of any part of licensed premises in the casino environs; or
- (b) the use by minors under adult supervision of any part of licensed premises in the casino environs.

(2) An authorisation under subsection (1) (b) must be subject to a condition as to the required level of adult supervision of minors using any part of licensed premises pursuant to the authorisation.

(3) Authorisations may be granted under both paragraphs (a) and (b) of subsection (1) in respect of the same part of licensed premises.

(4) If an authorisation under subsection (1) (b) is operating to authorise the use by a minor of a part of licensed premises, any authorisation under subsection (1) (a) has no operation to the extent that it applies to that part of the licensed premises.

(5) The Authority may, on the application of the licensee or the Director:

- (a) revoke or vary an authorisation under subsection (1); or
- (b) impose any condition, or any further condition, to which such an authorisation is to be subject; or
- (c) revoke or vary any condition imposed under subsection (1) or paragraph (b).

(6) An authorisation under subsection (1) is in force only while all conditions to which it is subject are being complied with.

#### **Minor using false evidence of age**

**113.** A minor who uses any evidence purporting to be evidence of his or her age in order to obtain entry to, remain in, or obtain liquor from, licensed premises, is guilty of an offence if the evidence is false in a material particular in relation to the minor.

Maximum penalty: 10 penalty units.

#### **Sale or supply of liquor to a minor**

**114. (1)** A person must not, in the casino or casino environs, sell or supply liquor to a person under the age of 18 years.

Maximum penalty: 20 penalty units.

(2) A licensee must not, on the licensed premises, allow liquor to be sold or supplied to a person under the age of 18 years.

Maximum penalty: 20 penalty units.

(3) A person must not obtain liquor from licensed premises on behalf of a person under the age of 18 years.

Maximum penalty: 20 penalty units.

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(4) A licensee must cause a notice in the following form to be displayed on the licensed premises:

LIQUOR ACT 1982

Section 114

It is an offence to SELL or SUPPLY to or to OBTAIN liquor on behalf of a person under the age of 18 years.

(5) The notice must be prominently displayed:

- (a) if liquor is sold at a bar or counter—at the bar or counter, in such a manner and in such a position that a person standing at the bar or counter would reasonably be expected to be alerted to its contents; and
- (b) if liquor is not sold at a bar or counter but is otherwise sold—at or near every entrance by which members of the public may enter the premises concerned, in such a manner and in such a position that a person coming in by the entrance would reasonably be expected to be alerted to its contents.

(6) It is a defence to a prosecution for an offence under subsection (1) or (3) if it is proved that the person to whom the liquor was sold or supplied, or on whose behalf it was obtained, was of or above the age of 14 years and that, before the liquor was sold, supplied or obtained, there was produced to the defendant documentary evidence that might reasonably be accepted as applying to the person and as proving that the person was of or above the age of 18 years.

(7) It is a defence to a prosecution for an offence under subsection (1) (except in the case of a sale or supply which took place on licensed premises) if it is proved that the defendant was a parent or guardian of the person to whom the liquor was sold or supplied or was authorised to sell or supply liquor to the person by the parent or guardian.

(8) It is a defence to a prosecution for an offence under subsection (3) if it is proved that the defendant was a parent or guardian of the person on whose behalf the liquor was obtained or was authorised to obtain liquor on behalf of the person by the parent or guardian.

(9) It is a defence to a prosecution for an offence under subsection (2) if it is proved that the liquor was supplied to the person by that person's parent or guardian.

(10) A reference in this section to the supply of liquor to a person includes a reference to the serving of liquor to a person.

**Consumption etc. of liquor by a minor**

**115. (1)** A person under the age of 18 years must not:

- (a) consume liquor on licensed premises or on the premises of an unlicensed restaurant in the casino or casino environs;
- (b) obtain, or attempt to obtain, liquor for consumption on licensed premises; or
- (c) carry liquor away, or attempt to carry liquor away, from licensed premises.

Maximum penalty: 5 penalty units.

(2) It is a defence to a prosecution for an offence under subsection (1) of consuming liquor on the premises of an unlicensed restaurant if it is proved that the defendant consumed the liquor in the company of and with the authority of his or her parent or guardian.

(3) It is a defence to a prosecution for an offence under subsection (1) (c) if it is proved that the defendant was ordered or requested to carry the liquor away from the licensed premises.

(4) A person must not:

- (a) send a person under the age of 18 years to licensed premises; or
- (b) order or request a person under the age of 18 years to go to licensed premises,

for the purpose of obtaining liquor.

Maximum penalty (subsection (4)): 10 penalty units.

#### **Sale or supply of liquor by a minor**

**116. (1)** Except where the Authority has given its consent (proof of which lies on the defendant), a licensee must not allow a person under the age of 18 years to sell, supply or serve liquor on the licensee's licensed premises.

Maximum penalty: 10 penalty units.

(2) The Authority is not to give a consent under this clause that would allow a person under the age of 18 years to be in the casino.

#### **Offences by minors on licensed premises**

**116. (1)** A minor who enters or remains in a restricted area on licensed premises is guilty of an offence against this Act.

Maximum penalty: 10 penalty units.

(2) A minor who for any purpose enters or remains in a part of licensed premises authorised under section 112 (1) (a) for use by a minor in the company of an adult is guilty of an offence against this Act unless the minor does so in the company and immediate presence of a responsible adult.

Maximum penalty: 10 penalty units.

(3) It is a defence to a prosecution of a minor for an offence under subsection (1) or (2) if it is proved that the defendant believed on reasonable grounds that an authorisation under section 112 (1) (b) operated to authorise the use of that part at the relevant time by minors under adult supervision.

#### **Offences by licensee in relation to minors**

**116B. (1)** If a minor:

- (a) enters a restricted area on licensed premises; or

- (b) enters a part of licensed premises authorised under section 112 (1) (a) for use by a minor in the company of an adult but is not in the company and immediate presence of a responsible adult,

the licensee is guilty of an offence against this Act.

Maximum penalty: 20 penalty units.

**(2) If a minor:**

- (a) is in a restricted area on licensed premises; or
- (b) is in a part of licensed premises authorised for use by a minor in the company of an adult but is not in the company and immediate presence of a responsible adult,

the licensee is guilty of an offence against this Act unless the minor is at once removed from the licensed premises.

Maximum penalty: 20 penalty units.

**(3)** It is a defence to a prosecution for an offence under subsection (1) or (2) if it is proved that the minor was above the age of 14 years and that:

- (a) before the minor entered the restricted area or authorised part of the licensed premises; or
- (b) while the minor was in the restricted area or authorised part of the licensed premises,

there was produced to the licensee, or an employee or agent of the licensee, documentary evidence that might reasonably be accepted as applying to the minor and as evidence that the minor was of or above the age of 18 years.

**(4)** A licensee is guilty of an offence against this Act if liquor is sold, supplied or consumed anywhere on the licensed premises:

- (a) during any period for which an authorisation under section 112 (1) (b) operates to authorise the use by a minor of a part of the licensed premises; or
- (b) within 30 minutes before the beginning of that period or within 30 minutes after its end.

Maximum penalty: 20 penalty units.

**Notices to be displayed**

**116C. (1)** A licensee is guilty of an offence against this Act unless there is continuously displayed:

- (a) in each restricted area on the licensed premises a notice in accordance with subsection (2); and
- (b) in each part of the licensed premises in which a minor is permitted to remain only in the company and immediate presence of a responsible adult a notice in accordance with subsection (3).

Maximum penalty: 20 penalty units.

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(2) A notice referred to in subsection (1) (a):

- (a) must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the licensed premises in which the notice is displayed would be quickly alerted to the contents of the notice; and
- (b) must be in the following form:

LIQUOR ACT 1982

IF YOU ARE UNDER 18  
YOU ARE NOT PERMITTED BY LAW  
IN THIS AREA

(3) A notice referred to in subsection (1) (b):

- (a) must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the licensed premises in which the notice is displayed would be quickly alerted to the contents of the notice; and
- (b) must be in the following form:

LIQUOR ACT 1982

IF YOU ARE UNDER 18  
YOU ARE BY LAW NOT PERMITTED  
TO BE IN THIS AREA  
UNLESS YOU ARE IN THE COMPANY  
AND IMMEDIATE PRESENCE OF  
A RESPONSIBLE ADULT

(4) A separate offence is committed in respect of each restricted area or other part of the licensed premises for which there is a failure to display in the restricted area or other part the notice required by this section.

(5) It is a defence to a prosecution for an offence under subsection (1) if it is proved that the licensee:

- (a) had taken all reasonable precautions to avoid commission of the alleged offence; and
- (b) at the time of the alleged offence did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

**Offence by adult accompanying minor**

**116D.** If an adult in whose company a minor is lawfully on licensed premises:

- (a) permits the minor to consume liquor on the licensed premises; or

- (b) leaves the minor on the licensed premises deprived of the company and immediate presence of the adult without first informing the licensee or an employee of the licensee,

the adult is guilty of an offence against this Act.

Maximum penalty: 10 penalty units.

#### **Minor required to provide information**

**117A. (1)** An authorised person may require a person who is reasonably suspected of being a minor and who, if a minor, would be committing an offence against this Act:

- (a) to state his or her full name and residential address; and
- (b) to produce then, or at a police station within a reasonable time, documentary evidence that might reasonably be accepted as applying to the person and as proof of his or her age.

**(2)** A person the subject of a requirement under subsection (1) must not:

- (a) refuse or fail to state his or her full name and residential address; or
- (b) without reasonable cause, refuse or fail to produce evidence of age as referred to in subsection (1) (b).

Maximum penalty: 10 penalty units.

**(3)** In this section:

**“authorised person”** means an inspector, a licensee, an employee or agent of a licensee, or a police officer.

#### **Entry to licensed premises by minor**

**117B.** If:

- (a) a holder of a licence, or an employee of the licensee, is aware that a person who may reasonably be suspected of being under the age of 18 years is attempting to enter the licensed premises, or a part of the licensed premises; and
- (b) the presence of the person on the licensed premises or part of the licensed premises would, if the person were under the age of 18 years, be an offence against this Act,

the licensee or employee must refuse the person entry to the licensed premises or part of the licensed premises unless there is produced to the licensee or employee documentary evidence that may reasonably be accepted as applying to the person and as proving that the person is of or above the age of 18 years.

Maximum penalty: 10 penalty units.

**Reasonable evidence of age**

**117E. (1)** Without precluding any other evidence that might reasonably be accepted as evidence that a person is at least 18 years of age, a document that belongs to one of the following classes of documents:

- (a) a motor vehicle driver's or rider's licence or permit held by a person, being a licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth, of some other State or of a Territory or of some other country;
- (b) a "proof of age" card held by a person, being a card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth or of some other State or a Territory;
- (c) a passport held by a person, being a passport issued by the Commonwealth or under the law of some other country,

is, for the purposes of this Act, evidence that the person is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age.

**(2)** A minor who:

- (a) provides information in order to obtain evidence of a kind referred to in subsection (1); and
- (b) knows that the information is false or misleading in a material particular,

is guilty of an offence against this Act.

Maximum penalty: 10 penalty units.

**(3)** A person who:

- (a) provides or certifies information of a kind required to enable that or any other person to obtain evidence of a kind referred to in subsection (1); and
- (b) knows that the information is to be used in order to obtain evidence, or that it is required in order to obtain evidence, of the kind referred to in subsection (1); and
- (c) knows that the information is intended to be used to obtain evidence that will be false or misleading in a material particular,

is guilty of an offence against this Act.

Maximum penalty: 20 penalty units.

**Minors not to be detained**

**117G.** A minor may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this Act.



**PART 8—OFFENCES ETC.****Division 1—Offences****Unauthorised sale of liquor by licensee**

**121. (1)** A licensee must not sell or supply liquor, or cause or suffer liquor to be sold or supplied, otherwise than in accordance with the authority conferred by his or her licence.

**(2)** An agent or servant of, or person purporting to act on behalf of, a licensee must not sell liquor, or cause or suffer liquor to be sold otherwise than in accordance with the authority conferred on the licensee by the licence.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

**Sale of liquor without licence**

**122. (1)** A person must not sell liquor, or cause or suffer liquor to be sold, in the casino or casino environs unless the person is a licensee or is the agent or servant of a licensee.

Maximum penalty: 10 penalty units or imprisonment for 6 months, or both.

**(2)** A person who is the occupier, manager or person apparently in control of any premises on or from which liquor is sold in contravention of subsection (1) is taken to have sold the liquor unless it is proved that the person:

- (a) had no knowledge of the sale; and
- (b) had used all due diligence to prevent the sale of liquor on or from the premises.

**Unlicensed premises**

**123.** A licensee must not sell, or employ or permit another person to sell, liquor on premises, or in a place, other than the premises on which, or the place at which, the licence authorises the licensee to sell the liquor.

Maximum penalty: 5 penalty units.

**Conduct on licensed premises**

**125. (1)** A licensee must not:

- (a) permit the licensed premises to be used for the purposes of prostitution; or
- (b) permit intoxication, or any indecent, violent or quarrelsome conduct, on the licensed premises.

Maximum penalty: 20 penalty units.

**(2)** A person must not use any part of licensed premises for the purposes of prostitution.

Maximum penalty: 20 penalty units.

(3) A person (whether or not the person is the licensee) must not, on licensed premises, sell or supply liquor to any person who is at the time in a state of intoxication.

Maximum penalty: 20 penalty units.

(4) If a person is intoxicated on licensed premises, the licensee is taken to have permitted intoxication on the licensed premises unless the licensee proves that the licensee and his or her employees took all reasonable steps to prevent intoxication on the licensed premises.

#### **Sale of stolen goods or drugs on licensed premises**

**129E. (1)** A licensee must not permit his or her licensed premises to be used for the sale of

- (a) any goods that the licensee suspects of being stolen; or
- (b) any substance that the licensee suspects of being a prohibited plant or a prohibited drug within the meaning of the Drug Misuse and Trafficking Act 1985.

Maximum penalty: 10 penalty units.

(2) A servant of a licensee or a person, other than the licensee, in charge of licensed premises must not permit the licensed premises to be used for the sale of:

- (a) any goods that the servant or person suspects of being stolen; or
- (b) any substance that the servant or person suspects of being a prohibited plant or a prohibited drug within the meaning of the Drug Misuse and Trafficking Act 1985.

Maximum penalty: 10 penalty units.

(3) It is a defence to a prosecution for an offence under this section if it is proved that the goods concerned were not stolen or that the substance concerned was not a prohibited plant or a prohibited drug within the meaning of the Drug Misuse and Trafficking Act 1985.

#### **Failure to pay for liquor, meals or accommodation**

**129. (1)** A person supplied on licensed premises with liquor, a meal or accommodation must not:

- (a) on demand made by the licensee or the licensee's employee or agent, refuse or fail to pay a reasonable amount for the liquor, meal or accommodation; or
- (b) avoid such a demand.

(2) The court before which a person is convicted of an offence under subsection (1) may, on the conviction or at any time afterwards, order the offender to pay to the licensee such amount as it thinks reasonable for the provision of the liquor, meals or accommodation concerned.

#### **Carrying away of liquor**

**131. (1)** A person must not carry away liquor from the licensed premises.

Maximum penalty: 3 penalty units.

(2) It is a defence to a prosecution under subsection (1) if it is proved that the liquor carried away was in the possession of the defendant when he or she entered the licensed premises.

#### **Obtaining liquor by false representation**

**132.** A person must not obtain, or attempt to obtain, liquor on licensed premises by falsely representing that the person:

- (a) is a lodger in, or inmate of, the premises;
- (b) is a guest of a lodger in, or of an inmate of, the premises;
- (c) intends to partake of, or has partaken of, a meal on those premises;
- (d) is in attendance at a dinner, reception, convention or the like, or at a ball conducted, on those premises;
- (e) is a guest at a function on those premises; or
- (f) is an employee of the licensee.

Maximum penalty: 3 penalty units.

#### **Carrying of liquor for sale**

**135. (1)** A person must not:

- (a) carry liquor about for the purpose of sale in the casino or casino environs;
- (b) offer or expose liquor for sale at or on any place in the casino or casino environs other than a place at or on which liquor may lawfully be sold; or
- (c) carry liquor, for the purpose of sale, to a place in the casino or casino environs other than a place at or on which liquor may lawfully be sold.

Maximum penalty: 10 penalty units.

(2) If liquor is carried, offered or exposed by a person in contravention of subsection (1) and is so carried, offered or exposed on behalf of another person, that other person is taken to have contravened that subsection.

(3) It is a defence to a prosecution for a contravention of subsection (1) or (2) if it is proved that the liquor was carried, offered or exposed, as the case may be, for the purpose of a sale that may lawfully be made.

(4) In a prosecution for a contravention of subsection (1), the burden of proving that liquor that has been carried about, or carried to any place, was not so carried for the purpose of sale is on the person charged.

#### **False or misleading statements**

**139. (1)** A person must not, for the purposes of this Act, make an affidavit or statutory declaration:

- (a) that contains matter that is false in a material particular or materially misleading in the form and context in which it appears; or
- (b) from which material matter is omitted.

Maximum penalty: 20 penalty units or imprisonment for 12 months or both.

(2) It is a defence to a prosecution for an offence under subsection (1) if it is proved that, when the affidavit or statutory declaration was made, the defendant:

- (a) believed on reasonable grounds that the false matter was true;
- (b) believed on reasonable grounds that the misleading matter was not misleading;  
or
- (c) in the case of an omission, did not know that the omitted matter was material.

## **Division 2—Evidence**

### **Averments**

**140. (1)** In any proceedings under this Act, an allegation in an application, objection, information or complaint:

- (a) that a liquid is liquor;
- (b) that a specified person is the holder of a licence;
- (c) that a specified person is not the holder of a licence;
- (d) that a specified licence has been suspended;
- (e) that specified premises are licensed premises;
- (f) that specified premises are in the casino or casino environs;
- (g) that a specified part of premises is a restricted area;
- (h) that a specified person is the Director;
- (i) that a specified person is an inspector,

is evidence of the truth of the allegation.

(2) In any proceedings under this Act, an allegation in an information that, at a specified time after the commencement of this Act, a person was under the age of 18 years is evidence of the truth of the allegation unless the defendant denies the allegation in accordance with subsection (3).

(3) An allegation referred to in subclause (1) may be denied:

- (a) at any adjournment prior to the commencement of the hearing of the information—by informing the court, the informant, or a person appearing for the informant, of the denial; or
- (b) at any time not later than 14 days before the hearing of the matter of the information—by informing the person for the time being holding or acting in the office of Senior Police Prosecutor.

### **Evidence of certain matters**

**141. (1)** In any proceedings under this Act, evidence of delivery or supply of liquor is evidence of a sale of the liquor.

(2) In any proceedings under this Act:

- (a) a certificate purporting to be executed under seal by the Authority and stating that the licence fee for a specified licence, an instalment of the fee or a penalty for late payment of the fee has not been paid in respect of a specified licensing period is, without proof of the seal of the Authority, evidence of the matters stated in the certificate; and
- (b) a certificate purporting to be executed under seal by the Authority and stating:
  - (i) that a specified person held a specified licence immediately before the end of a specified assessment period for the licence; and
  - (ii) that the statutory declaration required by section 84 to be lodged by that section had not been lodged in accordance with that section,is, without proof of the seal of the Authority, evidence of the matters stated in the certificate.

### **Division 3—General**

#### **Proof of certain matters**

**142A.** In any proceedings for an offence under this Act, the defendant has the onus of proving that, because of section 6 (f), this Act does not apply to or in respect of the act or omission which constitutes the offence.

#### **General penalty**

**143.** The maximum penalty for a contravention of a provision of this Act is 50 penalty units unless some other maximum penalty or punishment is provided for the contravention.

#### **Licensee liable for act of employee etc.**

**144.** If, in contravention of this Act, an agent or employee of the holder of a licence or the manager of licensed premises, or a person acting, or purporting to act, on behalf of the holder of a licence or the manager of licensed premises, sells or supplies liquor on the premises to which the licence relates, the licensee or manager is guilty of an offence and liable to the punishment prescribed for the contravention.

#### **Proceedings for offence**

**145. (1)** Proceedings under this Act by which a person:

- (a) may be imprisoned; or
- (b) may be punished by the exaction of a penalty for the non-payment of which the person is liable to be imprisoned,

may be disposed of summarily by a court constituted by a Magistrate sitting alone.

**(2)** Proceedings referred to in subsection (1) may be instituted by an information laid within the period of 12 months that next succeeds the act or omission giving rise to the proceedings.

**PART 10—MISCELLANEOUS****Forfeiture of liquor etc.**

**152. (1)** If, in proceedings for an offence under section 121 (1), a licensee is proved to have sold liquor that he or she is not authorised by his or her licence to sell, there is to be forfeited to the use of the Crown all liquor (other than liquor the licensee is authorised by his or her licence to sell) found, at the time of the commission of the offence, in the licensee's possession or apparently under his or her control together with the vessels in which the liquor is contained.

**(2)** If, in proceedings for an offence under section 122 (1), a person is proved to have committed the offence, there is to be forfeited to the use of the Crown all liquor found, at the time of the commission of the offence, in the person's possession or apparently under his or her control, or in the place where the offence was committed, together with the vessels in which the liquor is contained.

**(3)** If, in proceedings for an offence under section 135, a person is proved to have committed the offence, there is to be forfeited to the use of the Crown:

- (a) all liquor that, in contravention of that section, was being, by the offender, carried about for sale, offered or exposed for sale or carried to any place for the purpose of sale together with the vessels in which the liquor is contained; and
- (b) any vehicle, boat or other conveyance in which the liquor was so carried, offered or exposed.

**(4)** A police officer may seize and carry away anything that he or she reasonably suspects may be liable to forfeiture under this section.

**Confiscation of proof of age cards**

**152A. (1)** An authorised person to whom a proof of age card, or thing resembling a proof of age card, is produced by a person representing it to be the person's proof of age card (whether as proof of age or of identity) may, with no authority other than this section, seize the card or thing if he or she reasonably suspects that the card or thing:

- (a) is not the person's proof of age card or contains information that is false or misleading as to that person's name or age; or
- (b) has been forged or fraudulently altered; or
- (c) is being used in contravention of any provision of this Act.

**(2)** A proof of age card is a card issued as a proof of age card by the Roads and Traffic Authority.

**(3)** A proof of age card or thing seized under this section is to be forwarded to the Commissioner of Police. The Commissioner must cause the card or article to be returned (by delivery or by post) to the person who produced it unless subsection (4) applies.

**(4)** The Commissioner may retain possession of and deal with a proof of age card or thing forwarded to the Commissioner in such manner as the Commissioner thinks fit if satisfied that the card or thing:

- (a) is not the proof of age card of the person from whom it was seized or contains information that is false or misleading as to that person's name or age; or

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- (b) has been forged or fraudulently altered; or
  - (c) is being used in contravention of any provision of this Act.
- (5) Each of the following is an authorised person for the purposes of this section:
- (a) any police officer;
  - (b) the Authority, an inspector, the licensee and any employee of the licensee on the licensed premises concerned, but only on those licensed premises or in a place in the immediate vicinity of those licensed premises.

**Civil proceedings**

**154A. (1)** A contract made with a licensee to sell liquor in accordance with this Act to the licensee is taken, for the purposes only of subsection (2), to be a contract made jointly and severally with the licensee and the persons directly or indirectly interested in the profits of the business carried on pursuant to the licence.

(2) If liquor is sold to a licensee under a contract referred to in subsection (1) and the licensee defaults in payment for the liquor, civil proceedings may be taken by the vendor of the liquor against all or any of the persons so referred to for recovery of the unpaid amount.

**Notices**

**155. (1)** Except to the extent to which this Act otherwise provides, a notice under this Act must be in writing and may be served by post.

(2) The Authority may, at the hearing or adjourned hearing of a matter in relation to which a notice was served by post, despite that service, order the service of the notice in the manner provided by section 63 (1) of the Justices Act 1902 in relation to service of a summons (a reference in that section to “place of abode” being construed as including licensed premises, or proposed licensed premises, to which the notice relates) and may adjourn or further adjourn the hearing of the matter to enable the notice to be served in accordance with the order.

**SCHEDULE 5**

(Cl. 24 (1))

**Persons and bodies prescribed for the purposes of  
section 148 (2) of the Act**

**1. Australia**

Queensland Office of Gaming Regulation  
 Victorian Casino and Gaming Authority  
 Western Australian Gaming Commission  
 South Australia Casino Supervisory Authority  
 South Australian Liquor Licensing Commission  
 Tasmanian Department of Treasury and Finance

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Northern Territory Racing and Gaming Authority  
 Australian Capital Territory Casino Surveillance Authority  
 Commonwealth Casino Surveillance Authority

**2. New Zealand**

New Zealand Casino Control Authority  
 New Zealand Department of Internal Affairs

**3. Great Britain**

The Gaming Board for Great Britain

**4. United State of America**

Nevada Gaming Commission  
 Nevada Gaming Control Board  
 New Jersey Casino Control Commission  
 New Jersey Department of Law and Public Safety—Division of Gaming Enforcement

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10. Form of controlled contracts and variations of controlled contracts
11. Required details of notifiable contracts and variations of notifiable contracts
12. Authority to provide serial numbers for controlled contracts and notifiable contracts

**PART 4—JUNKETS AND INDUCEMENTS**

13. Casino operator or employee not to be promoter or representative
14. Representative to be authorised
15. Promoters and representatives to be approved



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16. Casino operator to notify Authority of conviction of promoter or representative
17. Advance notice of junkets
18. Promoter or representative to accompany participants
19. Report on completion of junket
20. Certain inducements prohibited

**PART 5—APPLICATION OF LIQUOR ACT 1982**

21. Application of certain provisions of Liquor Act 1982 to casino

**PART 6—MISCELLANEOUS**

22. Gaming equipment
23. Detention of suspected person for certain offences
24. Divulging of information
25. Evidence of age
26. Advertising
27. Information concerning counselling

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

SCHEDULE 4

SCHEDULE 5

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**EXPLANATORY NOTE**

The object of this Regulation is to prescribe the matters that are necessary or convenient to be prescribed for carrying out and giving effect to the Casino Control Act 1992.

This Regulation does the following:

- (a) it prescribes the matters that constitute a “major change” in the state of affairs existing in relation to a casino operator for the purposes of paragraph (b) of the definition of that term in section 35 (1) of the Act (clause 4 and Schedule 1) and the matters that constitute a “minor change” in that state of affairs (clause 5 and Schedule 2);
- (b) it exempts certain employees who would otherwise be “special employees” (as defined in section 43 of the Act) from that category (clause 6);
- (c) it prescribes the changes in the state of affairs existing in relation to special employees, and the particulars relating to those changes, that section 63 of the Act requires the employees concerned to notify to the Casino Control Authority (clause 7 and Schedule 3);
- (d) it requires employees other than special employees to wear identification while on duty (clause 8);
- (e) it exempts certain contracts that would otherwise be “controlled contracts” (as defined in section 36 of the Act) from that category (clause 9);

- (f) it prescribes the form that controlled contracts and variations of controlled contracts must be in (clause 10) and the details of those contracts and variations that a casino operator must give to the Authority (clause 11);
- (g) it makes various requirements in relation to persons who organise, promote or conduct “junkets” (as defined in section 76 (3) of the Act) in relation to the casino, and representatives of those persons (e.g. they must be approved by the Authority) (clauses 13–15);
- (h) it makes various other requirements in relation to junkets (advance notice of, and a written report after, a junket must be given to the Authority and the promoter or promoter’s representative must accompany the participants) (clauses 17–20);
- (i) it modifies and applies certain provisions of the Liquor Act 1982 to the casino (clause 21 and Schedule 4);
- (j) it prohibits the giving of certain inducements (clause 20) and certain kinds of advertising (clause 26) in relation to the casino;
- (k) it makes provision as to miscellaneous other matters (e.g. additional persons and bodies to whom information acquired in the exercise of functions under the Act may be divulged, evidence of the age of patrons of the casino, counselling services in relation to social problems that may arise in connection with gambling and notification to the Authority of the proposed delivery of gaming equipment) (clauses 22–24 and 29 and Schedule 5);
- (l) it makes other provisions of an ancillary, formal or technical nature (clauses 1–3).

This Regulation is made under the Casino Control Act 1992 and, in particular, section 170 and Schedule 3 (the general regulation-making power) and sections 35 (1), 36, 37 (2), 43 (2), 63, 68 (4), 76, 88 (1), 89 and 91.

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