



New South Wales

Casino Control Amendment (Liquor Act Application) Regulation 1998

under the

Casino Control Act 1992

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

J RICHARD FACE MP

Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend Schedule 4 to the *Casino Control Regulation 1995* (which lists the provisions of the *Liquor Act 1982* that are applied to the casino and shows how those provisions are to be modified in their application to the casino) to mirror certain amendments made to the *Liquor Act 1982* by the *Liquor and Registered Clubs Legislation Amendment Act 1997*. Those amendments:

- (a) dispense with ad valorem periodic licence fees under that Act, and
- (b) remove dealcoholised wine from the reach of the definition of liquor, and
- (c) make other minor amendments.

This Regulation is made under the *Casino Control Act 1992*, including sections 89 and 170 (the general regulation-making power).

Casino Control Amendment (Liquor Act Application) Regulation 1998

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Liquor Act Application) Regulation 1998*.

2 Commencement

This Regulation commences on 10 January 1998.

3 Amendment of Casino Control Regulation 1995

The *Casino Control Regulation 1995* is amended as set out in Schedule 1

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Schedule 4, Part A Provisions relating to licensed premises (whether or not operated by casino operator)

Insert in appropriate order:

3, Schedule 1

[2] Schedule 4, Part A

Omit “78, 78AA, 78A, 80, 81, 82, 83, 84, 85, 86, 86A, 86B, 86D”.

[3] Schedule 4, Part B Additional provisions applying to casino premises not operated by casino operator

Insert in appropriate order:

19A, 61A

[4] Schedule 4, Part B

Omit “79,”.

[5] Schedule 4, Part C The applied provisions as modified

Insert after section 2A:

3 Savings and transitional provisions

Schedule 1 has effect.

[6] Schedule 4, Part C

Omit the definitions of *assessment period*, *licence fee* and *licensing period* from section 4 (1).

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Schedule 1 Amendments

[7] Schedule 4, Part C

Omit “, wine” from paragraph (b) of the definition of *liquor* in section 4 (1).

[8] Schedule 4, Part C

Omit the heading to Division 2 of Part 3.
Insert instead “**Division 2 Duration and conditions of licences**”.

[9] Schedule 4, Part C

Insert before section 20:

19A Duration of licences

- (1) A licence remains in force until its surrender in writing is accepted by the Authority, except as provided by this section.
- (2) A licence ceases to be in force:
 - (a) for the duration of the period of suspension, if it is suspended, or
 - (b) permanently, if it is cancelled.

[10] Schedule 4, Part C

Omit “for the licence” from section 55 (3). Insert instead “specified in section 56”.

[11] Schedule 4, Part C

Omit “prescribed” from section 56.

[12] Schedule 4, Part C

Insert after section 61:

**61A Refusal of application for transfer of licence—
responsible service standards**

The Authority is to refuse an application for the transfer of a licence unless satisfied:

- (a) that practices will be in place at the licensed premises of the transferee as soon as the licence is transferred that ensure as far as reasonably practicable that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
- (b) that those practices will remain in place.

[13] Schedule 4, Part C

Omit Part 5.

[14] Schedule 4, Part C

Insert after section 116A (1):

- (1A) It is a defence to a prosecution for an offence arising under subsection (1) if it is proved that the minor concerned was, at the material time, an apprentice or trainee (within the meaning of the *Industrial and Commercial Training Act 1989*) and that the minor entered or remained in the relevant area of the licensed premises for the purpose only of receiving trade training (not being training in the sale, supply or service of liquor) as such an apprentice or trainee.

[15] Schedule 4, Part C

Insert after section 116B (3):

- (3A) It is a defence to a prosecution for an offence arising under subsection (1) (a) or (c) or (2) (a) or (c) if it is proved that the minor concerned was, at the material time, an apprentice or trainee (within the meaning of the

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Schedule 1 Amendments

Industrial and Commercial Training Act 1989) and that the minor entered or remained in the relevant area of the licensed premises for the purpose only of receiving trade training (not being training in the sale, supply or service of liquor) as such an apprentice or trainee.

[16] Schedule 4, Part C

Insert at the end of section 116C ~~(1A)~~

Maximum penalty: 20 penalty units.

[17] Schedule 4, Part C

Omit section 141 (2).

[18] Schedule 4, Part C

Omit “(f)” from section 142A. Insert instead “(e)”.

[19] Schedule 4, Part C

Insert after section 155:

Schedule 1 Savings and transitional provisions

(Section 3)

**Part 11 Liquor and Registered Clubs Legislation
Amendment Act 1997**

52 Definitions

In this Part:

ad valorem licence fee means a fee, calculated as a proportion of the amount paid or payable for any liquor, in respect of a licence.

amending Act means the *Liquor and Registered Clubs Legislation Amendment Act 1997*.

53 Duration of licences

The repeal by the amending Act of any provision of Part 5 does not affect the duration or suspension of any licence.

54 Records

Records that, immediately before the repeal by the amending Act of sections 86 and 86A, were required to be kept under those sections must be retained until 31 December 1998.

55 Abolition of ad valorem licence fees

- (1) Nothing in this Act is to be construed as requiring or having required the payment, assessment or collection of the whole or part of any ad valorem licence fee after 6 August 1997.
- (2) It is not the duty of the Authority to reassess any licence fee in pursuance of an application for reassessment made after 6 August 1997 (whether made before or after the commencement of this clause).
- (3) Nothing in this clause affects:
 - (a) the suspension or cancellation of a licence, or
 - (b) the imposition or collection of any penalty,

at any time after 6 August 1997 on account of a failure to pay, or to pay in due time, a fee or any portion of a fee that was payable before that date.