



New South Wales

Casino Control Amendment (Liquor Act Application) Regulation 1999 (No 2)

under the

Casino Control Act 1992

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

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to apply to the casino certain amendments that were made to the *Liquor Act 1982* by the *Liquor and Registered Clubs Legislation Further Amendment Act 1999*. The amendments proposed to be applied, as modified in accordance with the *Casino Control Act 1992*:

- (a) introduce a new fee scheme for dine-or-drink authorities under which the holder of a licence relating to a restaurant has 3 months from the time the authority is granted to pay one-quarter of the fee and another 9 months to pay the remainder of the fee, and
- (b) make it possible for the New South Wales Casino Control Authority to approve of the appointment of an applicant as manager of licensed casino premises on a provisional basis, pending completion of such investigations as are necessary to be undertaken for a proper character assessment of the applicant, if the Authority has no reason to think the applicant is unsuitable for such an appointment, and
- (c) remove the possibility that an arrangement entered into between the holders of liquor licences in relation to premises forming part of the casino or casino environs (or between such licensees and the holders of other

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liquor licenses under the *Liquor Act 1982*), with the approval of police, for the purpose of promoting responsible service of alcohol and regulating the behaviour of drinkers might infringe Commonwealth or State competition legislation, and

- (d) make it an offence for a person to make a statement in an official document under the *Liquor Act 1982* (as applied to the casino) that the person knows or could reasonably be expected to know is false or misleading in a material respect or that omits material matter (while the present formulation of the offence prohibits only the deliberate making of such false or misleading statements or the deliberate omission of such matter), and
- (e) make it clear that an allegation referred to in section 140 (1) of the *Liquor Act 1982* (as applied to the casino) does not have to be in any particular terms, and
- (f) provide for the transitional application of certain of the proposed amendments.

This Regulation is made under the *Casino Control Act 1992*, including sections 89 (Application of Liquor Act 1982) and 170 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Casino Control Amendment (Liquor Act Application) Regulation 1999 (No 2)*.

2 Commencement

This Regulation commences on 1 October 1999.

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:

104E,

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

Omit section 56 (2) (a). Insert instead:

- (a) The authority:
 - (i) is not to be issued if one-quarter of the prescribed fee has not been paid within 3 months after the authority is granted, and
 - (ii) is not to be issued until one-quarter of the prescribed fee has been paid, and
 - (iii) does not take effect until the authority has been endorsed on the licence concerned by the Authority, and
 - (iv) is automatically cancelled on the first anniversary of its grant if any part of the fee for the authority remains unpaid at that date.
- (a1) If the authority is cancelled under paragraph (a) (iv), amounts paid toward the prescribed fee are not refundable to the applicant.

[3] Schedule 4, Part C

Omit section 69D. Insert instead:

69D Authority approval of manager

- (1) An application for the Authority's approval of a person's appointment as the manager of licensed premises is to be made in the form approved by the Authority.

- (2) The Authority is not to give its approval unless satisfied that the person concerned is a suitable person to manage licensed premises.
- (3) If the Authority is satisfied on the information before it that there is nothing that might preclude it from giving its approval, but requires more information before making a final decision, the Authority may give a provisional approval of the person to be such a manager.
- (4) A provisional approval is sufficient to entitle the appointment of the person, in accordance with section 69E, as manager of the licensed premises concerned for a period specified by the Authority. Any such appointment lapses, however, unless the Authority confirms its approval within that period (or within such extension of that period as the Authority may allow).

[4] Schedule 4, Part C

Insert after section 104A:

104E Trade Practices exemption

- (1) In this section, *local liquor accord* means any code of practice, memorandum of understanding or other arrangement:
 - (a) that affects the supply of liquor, or the opening and closing of licensed premises, or both, and
 - (b) that is entered into in writing between two or more licensees (or between one or several licensees and one or several licensees within the meaning of the *Liquor Act 1982*), with the approval of the Commissioner of Police or a delegate of the Commissioner, for the purpose of eliminating or reducing alcohol-related violence or anti-social behaviour or other alcohol-related harm.
- (2) Entry by any person into a local liquor accord, and any conduct on the part of any person for the purpose of promoting or giving effect to the terms of a local liquor accord, are specifically authorised by this Act for the

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Schedule 1 Amendments

purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*.

(3) Conduct authorised by subsection (2) is authorised only to the extent (if any) to which the conduct, so far as it consists of things done to regulate the supply of liquor or in some other respect, would otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth or the *Competition Code of New South Wales*.

[5] Schedule 4, Part C

Insert “, or could reasonably be expected to know” after “knows” in section 139 (1).

[6] Schedule 4, Part C

Insert “(however expressed)” after “allegation” where firstly occurring in section 140 (1).

[7] Schedule 4, Part C

Insert after section 140 (1) (g):

- (g1) that an authorisation under section 112 is in force in respect of a specified part of any premises,
- (g2) that a specified condition has been, and remains, imposed on a specified licence,
- (g3) that a specified person has been approved under Division 8A of Part 3 as the manager of specified licensed premises,

[8] Schedule 4, Part C

Insert after Part 11 in Schedule 1:

**Part 12 Liquor and Registered Clubs Legislation
Further Amendment Act 1999**

56 Definition

In this Part:

amending Act means the *Liquor and Registered Clubs Legislation Further Amendment Act 1999*.

amending Regulation means the *Casino Control Amendment (Liquor Act Application) Regulation 1999 (No 2)*.

57 Fees for dine-or-drink authorities

Section 56, as amended by the amending Regulation (as a consequence of an amendment to the *Liquor Act 1982* made by the amending Act) applies in respect of an application under section 23AD that was made but not determined before the date on which the amendment made by the amending Regulation took effect, as well as in respect of applications made on or after that date.

58 Approval of managers of licensed premises

The provisions of section 69D, as inserted by the amending Regulation (as a consequence of an amendment to the *Liquor Act 1982* made by the amending Act), apply in respect of an application for approval that was made but not determined before the date on which those provisions commenced, as well as in respect of applications made on or after that date.

59 Trade practices exemption

Section 104E applies to a local liquor accord entered into before or after the commencement of that section.

BY AUTHORITY