



New South Wales

Casino Control Amendment (Liquor Act Application) Regulation 2001

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 objects of this Regulation are:

- (a) to apply section 145A of the *Liquor Act 1982* (which provides for the issue of penalty notices for prescribed offences) to the casino, and
- (b) to prescribe expressions by which those offences may be shortly described in penalty notices, summonses, warrants and other documents.

Minor amendments are also made by way of law revision.

This Regulation is made under section 89 of the *Casino Control Act 1992* and by virtue of the extension of the regulation-making powers of that Act effected by section 145B of the *Justices Act 1902*.

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Clause 1

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1 Name of Regulation

This Regulation is the *Casino Control Amendment (Liquor Act Application) Regulation 2001*.

2 Commencement

This Regulation commences on 1 February 2001.

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] Clause 21A

Insert after clause 21:

21A Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision of the *Liquor Act 1982* contained in Schedule 4 and specified in Column 1 of the Table to section 145A in that Schedule is:
 - (a) if one or more IPB codes are set out in relation to the offence in Column 3 of that Table, any of those IPB codes together with:
 - (i) the text set out in relation to the offence in Column 2 of that Table, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
 - (b) if no IPB code is set out in relation to the offence in Column 3 of that Table:
 - (i) the text set out in relation to the offence in Column 2 of that Table, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision of the *Liquor Act 1982* specified in Column 1 of the Table to section 145A in Schedule 4, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

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(4) Subclause (3) applies to any information, complaint, summons warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

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

Insert “145A,” in appropriate order.

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

Omit “50 penalty units” from section 123. Insert instead “20 penalty units”.

[4] **Schedule 4, Part C, section 126**

Omit “*Gaming and Betting Act 1912*” from section 126 (1) (c). Insert instead “*Unlawful Gambling Act 1998*”.

[5] **Schedule 4, Part C, section 129**

Insert at the end of section 129 (1):

Maximum penalty: 3 penalty units.

[6] **Schedule 4, Part C**

Insert after section 145:

145A Penalty notices

(1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act and the offence is one that is created by a provision specified in Column 1 of the table to this section.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within a time and to a person specified in the notice:

(a) the amount of penalty specified in Column 4 of the table to this section for the offence, if the person is not a minor, or

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(b) the amount of penalty specified in Column 5 of the table to this section for the offence, if the person is a minor.

(3) A penalty notice may be served personally or by post.

(4) If the appropriate amount of penalty specified in the table to this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence, except proceedings under Division 8 (Disciplinary provisions) of Part 3.

(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor does it in any way affect or prejudice, any civil proceeding arising out of the same occurrence.

(6) However, when a penalty is paid under this section in respect of a penalty notice served on a person, the person is for the purposes of Division 8 (Disciplinary provisions) of Part 3 taken to have been convicted of the offence to which the penalty notice related.

(7) Payment under this section does not interfere with the operation of section 69F, 69G, 69H or 144 in respect of a contravention or alleged contravention of this Act by the person who pays the penalty.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

(9) In this section, ***authorised officer*** means a police officer, the Director or an inspector.

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Table Penalty notice offences

Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 91 (1)	Fail to display licence sign	5827, 0900	\$33	—
Section 91 (3)	Alter name of premises without approval	5829, 0901	\$33	—
Section 91 (5)	Cause/permit use of prohibited name on exterior/in advert	5830, 0904	\$55	—
Section 103 (3)	Fail to leave licensed premises	6068, 0908	\$550	\$55
Section 113	Minor use false evidence of age to obtain entry/remain in/obtain liquor from licensed premises	6544	—	\$55
Section 114 (1)	Sell/supply liquor to minor	6535, 1572, 1574, 6555, 2198	—	\$550
Section 114 (2)	Allow liquor to be sold/supplied to minor	6513, 1573	\$550	—
Section 114 (3)	Obtain liquor on behalf of minor	6536, 1578	\$550	\$55
Section 115 (1) (a)	Minor consume liquor on licensed premises /at unlicensed restaurant	6545, 1575	—	\$55

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Column 1 Offence	Column 2 Short description	Column 3 IPB Code	Column 4 Penalty (other than minors)	Column 5 Penalty (minors)
Section 115 (1) (b)	Minor obtaining/ attempting to obtain liquor on licensed premises	6546, 1576	—	\$55
Section 115 (1) (c)	Minor carrying away/attempting to carry away liquor from licensed premises	6547, 1577	—	\$55
Section 115 (4)	Send/order/request minor to obtain liquor	6537, 5890, 0910	\$220	\$55
Section 116 (1)	Licensee allow minor to sell/ supply/serve liquor	6514, 1579	\$550	—
Section 116A (1)	Minor enter/ remain in restricted area/casino area	6548, 1580	—	\$55
Section 116A (2)	Unacc. minor enter/ remain in authorised part of casino/licensed premises	6549, 1581	—	\$55
Section 116A (4)	Unacc. minor enter/remain in restaurant in restricted period	5892, 0140	—	\$55
Section 116B (1) (a)	Allow minor to enter restricted area on licensed premises	6515, 1583	\$550	—

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Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 116B (1) (b)	Allow unacc. minor to enter authorised part	6516, 1594	\$550	—
Section 116B (1) (c)	Allow unacc. minor to enter licensed premises (casino part)	6517, 1585	\$550	—
Section 116B (1) (d)	Allow unacc. minor to enter restaurant in restricted period	5895, 0147	\$550	—
Section 116B (2) (a)	Fail to remove minor from restricted area	6518, 1586	\$550	—
Section 116B (2) (b)	Fail to remove unacc. minor	6519, 1587	\$550	—
Section 116B (2) (c)	Fail to remove minor from licensed premises (casino part)	6520, 1588	\$550	—
Section 116B (2) (d)	Fail to remove minor from restaurant in restricted period	5899, 0911	\$550	—
Section 116C (1) (a)	Fail to display notice about minors in restricted area	6530, 1591	\$220	—
Section 116C (1) (b)	Fail to display notice about unacc. minors in authorised area	6531, 1592	\$220	—

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Column 1 Offence	Column 2 Short description	Column 3 IPB Code	Column 4 Penalty (other than minors)	Column 5 Penalty (minors)
Section 116C (1A) (a)	Fail to display notice about minors in restricted area	6530, 1591	\$220	—
Section 116C (1A) (b)	Fail to display notice about unacc. minors in authorised area	6531, 1592	\$220	—
Section 116C (3A)	Fail to display notice about restricted period in restaurant	5904, 0149	\$220	—
Section 116D (a)	Permit minor to consume alcohol on premises	6542, 1594	\$220	—
Section 116D (b)	Leave minor on premises without first informing licensee	6543, 1595	\$220	—
Section 117A (2) (a)	Suspected minor refusing/failing to state name or address	6551, 1596	\$110	\$55
Section 117A (2) (b)	Suspected minor refusing/failing to produce evidence of age	6552, 1597	\$110	\$55
Section 117B	Licensee/employee fail to refuse minor entry to premises/part of premises	6522, 1598	\$220	\$55

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Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 117E (2)	Minor providing false/misleading information to get age evidence	6554, 1601	—	\$110
Section 117E (3)	Providing/certifying false/misleading information for age evidence	6538, 1602, 5909, 0919	\$220	\$110
Section 117EB (1)	Make false proof of age card	8194, 0174	\$220	\$110
Section 117EB (2)	Give false proof of age card	8195, 0175	\$220	\$110
Section 117EB (3)	Make/give false proof of age card (aggravation)	8196, 0176	\$550	\$110
Section 117EC	Give/lend proof of age card	8197, 0177, 5913, 0923	\$220	\$110
Section 117ED	Tamper with proof of age card	8199, 8198, 0178, 5914, 0924	\$220	\$110
Section 119 (a)	Keep premises open for liquor sale/supply	6524, 1606	\$220	—
Section 119 (b)	Sell/supply liquor outside hours	6525, 1606	\$220	—
Section 121 (1)	Sell/supply liquor/cause/suffer liquor to be sold/supplied contrary to authority	7490, 0655	\$550	—

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Column 1 Offence	Column 2 Short description	Column 3 IPB Code	Column 4 Penalty (other than minors)	Column 5 Penalty (minors)
Section 121 (2)	Agent/servant/ person on behalf of licensee sell liquor/ cause/suffer liquor to be sold contrary to authority	7491, 0059, 5915, 0925	\$550	\$55
Section 122 (1)	Unauthorised sale/ cause/suffer unauthorised sale of liquor	7492, 0060, 5916, 0926	\$550	\$55
Section 123	Licensee sell liquor/ employ/permit person to sell liquor on unlicensed premises	7495, 0120	\$220	—
Section 125 (1) (b)	Permit intoxication/ indecent/violent/ quarrelsome conduct on premises	6526, 1608	\$550	—
Section 125 (3)	Sell/supply liquor to intoxicated person	6540, 1609	\$550	\$55
Section 125A (1)	Licensee fail to produce licence	6584, 1302	\$55	—
Section 125 (1) (b)	Permit intoxication/ indecent/violent/ quarrelsome conduct on premises	6526, 1608	\$550	—
Section 125 (3)	Sell/supply liquor to intoxicated person	6540, 1609	\$550	\$55
Section 125A (1)	Licensee fail to produce licence	6584, 1302	\$55	—

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Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 126 (1) (a)	Permit/suffer gaming for stakes on premises	6527, 1610	\$110	—
Section 126 (1) (b)	Permit/suffer unlawful game on premises	6528, 1611	\$110	—
Section 126 (1) (c) (i)	Open/keep/use premises contrary to Unlawful Gambling Act	6529, 1612	\$110	—
Section 126 (1) (c) (ii)	Suffer premises to be opened/used/kept contrary to Unlawful Gambling Act	6529, 1612	\$110	—
Section 126 (2)	Servant/person in charge permitting unlawful game on premises	6541, 1613	\$110	\$55
Section 129 (1) (a)	Refuse/fail to pay for liquor/meal/ accommodation	6069, 1170, 6070, 1171, 6071, 1170, 6092, 0959, 6083, 0960, 6084, 0963	\$55	\$55
Section 129 (1) (b)	Avoid demand for payment for liquor/meal/ accommodation	6072, 1173, 6073, 1174, 6074, 1175, 6085, 0994, 6086, 0999, 6089, 1008	\$55	\$55
Section 135 (1) (a)	Carry liquor about for sale	7497, 0132, 6089, 1010	\$220	\$55

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Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 135 (1) (b)	Unlawfully offer/expose liquor for sale	7498, 0133, 6090, 1026	\$220	\$55
Section 135 (1) (c)	Carry liquor for sale to unlawful place	7499, 0134, 6091, 1028	\$220	\$55
Section 139 (1)	Statement false/misleading/ omits matter	6092, 1037	\$550	\$55

BY AUTHORITY