

**LIQUOR (AMUSEMENT DEVICES) AMENDMENT ACT
1986 No. 81**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 147, 1982
3. Transitional provisions

SCHEDULE 1—AMENDMENTS TO THE LIQUOR ACT 1982

SCHEDULE 2—TRANSITIONAL PROVISIONS

LIQUOR (AMUSEMENT DEVICES) AMENDMENT ACT 1986 No. 81

NEW SOUTH WALES



Act No. 81, 1986

An Act to amend the Liquor Act 1982 with respect to amusement devices and in other respects; and for other purposes. [Assented to, 21 May 1986]

Liquor (Amusement Devices) Amendment 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Liquor (Amusement Devices) Amendment Act 1986".

Amendment of Act No. 147, 1982

2. The Liquor Act 1982 is amended in the manner set forth in Schedule 1.

Transitional provisions

3. Schedule 2 has effect.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE LIQUOR ACT 1982

(1) Section 4 (**Interpretation**)—

- (a) From the definition of "approved amusement device", omit "an electronic, or partly electronic," wherever occurring, insert instead "a".
- (b) From the definition of "approved amusement device", omit "regulations" wherever occurring, insert instead "Board".
- (c) From the definition of "approved amusement device", omit "of electronic, or partly electronic," wherever occurring, insert instead "of".

SCHEDULE 1—*continued*AMENDMENTS TO THE LIQUOR ACT 1982—*continued*(2) Section 19A (**Licences relating to approved amusement devices**)—

Section 19A (5), (6)—

After section 19A (4), insert:

(5) Section 20 applies in relation to a licence referred to in this section in the same way as it applies in relation to any other licence.

(6) Except in so far as the court otherwise directs either generally or in a particular case, the jurisdiction of the court to grant a licence under this section may be exercised by the Principal Registrar if, after investigation, there is no objection to the grant of the licence.

(3) Section 20A (**Ownership and acquisition of approved amusement devices**)—

(a) Section 20A (1)—

After “device” where secondly occurring, insert “will be acquired under a written contract that includes prescribed terms and conditions and”.

(b) Section 20A (1A)–(1C)—

After section 20A (1), insert:

(1A) Any change in the financial or other arrangements under which an approved amusement device is acquired by the holder of a hotelier’s licence or other person referred to in subsection (1) (a) is void without the prior written approval of the Board.

(1B) The holder of an amusement device dealer’s licence, an amusement device seller’s licence or an amusement device technician’s licence shall not enter into a transaction whereby the licensee—

(a) provides financial assistance to a person who is the holder of a hotelier’s licence or other person referred to in subsection (1) (a);

Liquor (Amusement Devices) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE LIQUOR ACT 1982—*continued*

(b) guarantees the observance by such a person of a term or condition on which financial assistance is provided to such a person otherwise than by the licensee; or

(c) indemnifies any person against any loss sustained in relation to financial assistance provided to such a person,

unless the transaction has received the prior written approval of the Board.

Penalty: \$2,000.

(1c) The holder of an amusement device dealer's licence, an amusement device seller's licence or an amusement device technician's licence shall not, without the prior written approval of the Board, agree to a variation of a term or condition of a transaction under subsection (1b) that has been approved by the Board.

Penalty: \$2,000.

(4) Section 21A (Hotelier's licence—conditions relating to approved amusement devices)—

(a) Section 21A (2)—

Omit "The", insert instead "Except upon a disposal in accordance with section 138c (5), the".

(b) Section 21A (10)—

After section 21A (9), insert:

(10) This section does not prevent the exhibition of an approved amusement device or its operation, otherwise than for gaming, on premises to which a hotelier's licence relates or elsewhere if the exhibition or operation—

(a) is for promotional, educational or cultural purposes; and

(b) is conducted with the approval of the Board and in compliance with any conditions imposed by the Board.

SCHEDULE 1—*continued*
AMENDMENTS TO THE LIQUOR ACT 1982—*continued*

(5) Section 37 (Making of application)—

Section 37 (5)–(7)—

After section 37 (4), insert:

(5) Where, before an application for a licence is granted or refused, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection) or in the documents lodged with the application, the applicant shall forthwith give the Principal Registrar a notice in writing specifying particulars of the change.

Penalty: \$2,000.

(6) The Board may, by notice in writing, require an applicant for a licence—

- (a) to provide, in accordance with the notice, such information relevant to investigation of the application as may be specified in the notice;
- (b) to produce, in accordance with the notice, such records relevant to investigation of the application as are specified in the notice and to permit the taking of extracts from, and the making of copies of, the records; or
- (c) to authorise a person associated with the applicant and specified in the notice to comply with a specified requirement of the kind referred to in paragraphs (a) and (b).

(7) The Board may require information provided under subsection (6) to be verified by statutory declaration.

Liquor (Amusement Devices) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE LIQUOR ACT 1982—*continued*

(6) Section 37B—

After section 37A, insert:

Expenses of investigation of application

37B. Where, in the opinion of the superintendent of licences, the investigation of an application for an amusement device dealer's licence, an amusement device seller's licence or an amusement device technician's licence is likely to require expenditure outside New South Wales, a licensing inspector may apply to the court for an order requiring the applicant to pay to the Board a specified amount towards defraying that expenditure and the travelling expenses involved in the investigation.

(7) Section 45 (Grounds of objection)—

(a) Section 45 (1) (a1)—

After section 45 (1) (a), insert:

(a1) that the applicant is closely associated with a specified person and, by reason of that association, is not a fit and proper person to be the holder of a licence;

(b) Section 45 (4)—

After "(a)" where firstly occurring, insert ", (a1)".

(c) Section 45 (4) (a1)—

After section 45 (4) (a), insert:

(a1) that the association to which the objection relates does not result in the applicant failing to be a fit and proper person to be the holder of a licence;

Liquor (Amusement Devices) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE LIQUOR ACT 1982—*continued*

(d) Section 45 (5)—

After section 45 (4), insert:

(5) In addition to, or instead of, a ground specified in subsection (1), objection to the grant of an amusement device dealer's licence, an amusement device seller's licence or an amusement device technician's licence may be taken on one or more of the following grounds:

- (a) that, during the period of 12 months that last preceded the making of the application, the applicant was convicted of carrying on an activity without being the holder of a licence required for the lawful carrying on of the activity;
- (b) that a licence held by the applicant was cancelled during the period of 12 months that last preceded the making of the application;
- (c) that section 37 (5), or a requirement under section 37 (6), has not been complied with;
- (d) that the applicant has failed to comply with an order under section 37B.

(8) Section 47 (**Grant of application is discretionary in certain cases**)—

(a) Section 47 (2)—

After "(1) (a)", insert ", (a1)".

(b) Section 47 (2) (a1)—

After section 47 (2) (a), insert:

- (a1) that the applicant, because of his or her close association with another person, is not a fit and proper person to be the holder of a licence;

(9) Section 79 (**Duration of licence**)—

Section 79 (4), (5)—

Omit the subsections.

Liquor (Amusement Devices) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE LIQUOR ACT 1982—*continued*

(10) Section 80 (**Periodic licence fee**)—

(a) Section 80 (6)—

Omit “instalments and ”, insert instead “instalments,”.

(b) Section 80 (6)—

After “penalty”, insert “and the circumstances in which a proportion of so much of a licence fee as was paid in respect of approved amusement devices may be refunded”.

(11) Section 138A (**Possession of approved amusement devices**)—

Section 138A (2), (3)—

At the end of section 138A, insert:

(2) Subsection (1) does not apply to the possession of an approved amusement device by a person whose hotelier’s licence is under suspension or has been cancelled if the possession has not extended beyond a reasonable time after the suspension or cancellation.

(3) Subsection (1) does not apply to a person in possession of an approved amusement device under a power conferred on the person by a mortgage within the meaning of the Credit Act 1984 if the possession has not extended beyond a reasonable time.

(12) Section 138C (**Supply of approved amusement devices**)—

(a) Section 138C (1A)—

After section 138C (1), insert:

(1A) A person shall not supply an approved amusement device to the holder of a hotelier’s licence unless—

(a) the hotelier’s licence is subject to a condition imposed under section 20 (2A); and

(b) the fee prescribed for the purposes of section 56 (5) (c) has been paid in relation to the device.

Penalty: \$2,000.

Liquor (Amusement Devices) Amendment 1986

SCHEDULE 1—*continued*
AMENDMENTS TO THE LIQUOR ACT 1982—*continued*

(b) Section 138c (4A)—

After section 138c (4), insert:

(4A) Where the holder of an amusement device seller's licence commences or ceases employment with the holder of an amusement device dealer's licence, the holder of the amusement device dealer's licence shall, within 7 days after the commencement or cessation of the employment, give the prescribed notification to the Principal Registrar.

Penalty: \$2,000.

(c) Section 138c (5)—

After "licence", insert ", or a person whose hotelier's licence is under suspension or has been cancelled,".

SCHEDULE 2

(Sec. 3)

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

"amended Act" means the Liquor Act 1982 as amended by this Act;

"amusement device dealer's licence" has the same meaning as it has in the amended Act;

"approved amusement device" has the same meaning as it has in the amended Act;

"date of assent" means the date of assent to this Act.

Application of amended Act

2. The amended Act applies—

- (a) to financial and other arrangements entered into before the date of assent for the acquisition of an approved amusement device—as if the arrangements had been entered into on that date with the approval of the Board;

Liquor (Amusement Devices) Amendment 1986

SCHEDULE 2—*continued*

TRANSITIONAL PROVISIONS—*continued*

- (b) to a transaction of the kind referred to in section 20A (1B) of the amended Act entered into before that date—as if the transaction had been entered into on that date with the approval of the Board; and
- (c) to an application made under the Liquor Act 1982 before the date of assent—as if it had been made under the amended Act on that date of assent.

Licensing Court may impose condition

3. (1) The Licensing Court may, on application by the holder of an amusement device dealer's licence in force immediately before the date of assent, impose a condition of the licence prohibiting the licensee from using specified parts in the manufacture of an approved amusement device unless the parts are manufactured by the licensee.

(2) A condition imposed under subsection (1)—

- (a) may specify such parts of an approved amusement device as the Licensing Court thinks fit, whether or not they are, or include, the parts to which the application relates; and
- (b) shall be deemed to have been imposed under section 20 of the amended Act as applied by section 19A (5) of that Act.

Suspension of amusement device dealer's licence

4. Where—

- (a) immediately before the date of assent, an amusement device dealer's licence was not subject to a condition of the kind referred to in clause 3; and
- (b) the licensee does not, before the expiration of the period of 3 months that next succeeds the date of assent, make an application under that clause,

the licence is suspended until such an application is made.

Regulations

5. (1) The Governor may make regulations containing other provisions of a saving or transitional nature consequent upon the enactment of this Act.

(2) A provision made under subclause (1) may be made with effect on and from the date of assent or a later date.

(3) To the extent that a provision made under subclause (1) takes effect on and from a day that is earlier than its publication in the Gazette, the provision does not operate—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before that day of publication; or

Liquor (Amusement Devices) Amendment 1986

SCHEDULE 2—*continued*

TRANSITIONAL PROVISIONS—*continued*

- (b) to impose a liability on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before that day of publication.
 - (4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule.
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