

**LIQUOR (AMUSEMENT DEVICES) AMENDMENT ACT
1988 No. 94**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Liquor Act 1982 No. 147
4. Transitional provision

SCHEDULE 1—AMENDMENTS

**SCHEDULE 2—AMENDMENT RELATING TO LICENCE FEES FOR APPROVED
AMUSEMENT DEVICES**

LIQUOR (AMUSEMENT DEVICES) AMENDMENT ACT 1988 No. 94

NEW SOUTH WALES



Act No. 94, 1988

An Act to amend the Liquor Act 1982 with respect to the keeping of approved amusement devices by the holder of a hotelier's licence; to provide for variation of the licence fees payable in respect of the devices; and for other purposes. [Assented to 19 December 1988]

*Liquor (Amusement Devices) Amendment 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Liquor (Amusement Devices) Amendment Act 1988.

Commencement

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).

(2) Section 4 commences on the date of assent to this Act.

Amendment of Liquor Act 1982 No. 147

3. The Liquor Act 1982 is amended as set out in Schedules 1 and 2.

Transitional provision

4. A person who, but for this section, would be required by the Liquor Act 1982, as amended by this Act, to hold a licence in relation to subsidiary equipment is not required to hold such a licence until—

- (a) a day notified by the Liquor Administration Board in the Gazette for the purposes of this section; or
- (b) if an application for the licence is lodged before that day—until notified of the result of the application.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4 (Definitions)—

- (a) Section 4 (1), definition of “approved amusement device”—

After “this Act” where firstly occurring, insert “(including any subsidiary equipment approved by the Board for use in connection with the operation of any such device)”.

- (b) Section 4 (1)—

After the definition of “catering services”, insert:

“centralised cash control equipment” means any device or system by means of which, in return for a cash payment made to the holder of a hotelier’s licence authorised to keep an approved amusement device, the operation of the approved amusement device may, without the insertion of money, be commenced and, at least to the extent of the cash payment, continued;

*Liquor (Amusement Devices) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (c) Section 4 (1), definition of “sell”—
From paragraph (c), omit “and”.
- (d) Section 4 (1), definition of “sell”—
At the end of paragraph (d), insert:
and
 - (e) in relation to an approved amusement device—supply under financial and other arrangements approved by the Board under section 20A (1) (b);
- (e) Section 4 (1)—
After the definition of “spouse”, insert:
“subsidiary equipment” means—
 - (a) centralised cash control equipment; or
 - (b) any other device or system designed for use in connection with the operation of an approved amusement device;
- (2) Section 19A (**Licences relating to approved amusement devices**)—
 - (a) Section 19A (1), (1A)—
Omit section 19A (1), insert instead:
 - (1) Subject to this Act, the court may grant a licence in a form approved by the Board authorising the licensee—
 - (a) to manufacture and assemble approved amusement devices; and
 - (b) whether or not manufactured or assembled by the licensee—to sell approved amusement devices.
 - (1A) The authority conferred by a licence granted under subsection (1) as in force immediately before the commencement of this subsection shall be taken to be the authority referred to in that subsection as in force after that commencement.
 - (b) Section 19A (3)—
Omit the subsection, insert instead:
 - (3) Subject to this Act, the court may grant a licence in a form approved by the Board authorising the licensee—
 - (a) as an employee of a holder of an amusement device dealer’s licence or an amusement device seller’s licence—to negotiate on behalf of the employer the sale of approved amusement devices; and
 - (b) as principal or agent—to sell approved amusement devices.

SCHEDULE 1—AMENDMENTS—*continued*

(c) Section 19A (7)—

After section 19A (6), insert:

(7) Section 37B (expenses of investigation of application) and sections 44–46 (relating to objections) do not apply in relation to an application for a licence made under this section by a person who holds—

- (a) another licence granted under this section; or
- (b) a licence granted under section 90 of the Registered Clubs Act 1976 (which relates to the granting of licences involving poker machines).

(3) Section 19B—

After section 19A, insert—

Work permits relating to approved amusement devices

19B. (1) The Principal Registrar may, pending a decision on an application for an amusement device seller's licence or an amusement device technician's licence, issue a work permit in a form approved by the Board.

(2) A work permit is subject to any conditions or restrictions of which the holder of the permit is notified by the Principal Registrar when issuing the permit.

(3) A work permit may be cancelled by the Principal Registrar at any time and, unless sooner surrendered or cancelled, ceases to have effect on approval or refusal of the application made by the holder of the work permit for a licence under section 19A.

(4) Subject to any condition or restriction under subsection (2), this Act applies to the holder of a work permit in the same way as it applies to the holder of a licence of the same kind as that applied for by the holder of the work permit.

(4) Section 20 (Conditions of licences)—

Section 20 (2A), (2B)—

Omit “5” wherever occurring, insert instead “10”.

(5) Section 20B—

After section 20A, insert:

Trial of subsidiary equipment

20B. (1) If a hotelier's licence is subject to a condition authorising the keeping of an approved amusement device, the licensee may, with the approval of the Board and subject to compliance with any conditions imposed by the Board, keep and permit the operation of a device that is not an approved amusement device because it is connected to subsidiary equipment not at the time approved by the Board.

*Liquor (Amusement Devices) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (2) Subsection (1) has effect only if the subsidiary equipment is connected and operated—
- (a) on a trial basis; and
 - (b) for a period fixed by the Board.
- (3) If subsidiary equipment is kept and operated as provided by this section—
- (a) this Act (sections 20A and 21A (1) and (3) excepted) applies to the equipment; and
 - (b) except to the extent that the Board otherwise directs—this Act applies to the device to which it is connected, as if they both constituted an approved amusement device.
- (6) Section 36 (**Restriction on certain applications**)—
- (a) Section 36 (1A)—
Omit “Except as provided by subsection (1B), an”, insert instead “An”.
 - (b) Section 36 (1B)—
Omit the subsection.
- (7) Section 115 (**Consumption etc. of liquor by minor**)—
Section 115 (1)—
Omit “\$200”, insert instead “\$500”.
- (8) Section 117 (**Minors on licensed premises**)—
Section 117 (2)—
Omit “\$500”, insert instead “\$1,000”.
- (9) Section 125B (**Offence by minor relating to use of approved amusement device**)—
Section 125B (1)—
Omit “\$200”, insert instead “\$500”.
- (10) Section 138A (**Possession of approved amusement devices**)—
- (a) Section 138A (1)—
Omit “have an approved amusement device in his or her possession”, insert instead “be in possession of an approved amusement device”.
 - (b) Section 138A (3)—
Omit “within the meaning of the Credit Act 1984”.
 - (c) Section 138A (4), (5)—
After section 138A (3), insert:

SCHEDULE 1—AMENDMENTS—*continued*

- (4) Subsection (1) does not apply to a person who—
- (a) obtained possession of the approved amusement device by exercising a power or proprietary right under financial or other arrangements approved by the Board under section 20A (1) (b); and
 - (b) does not retain the possession beyond a reasonable time.
- (5) This section does not operate to prevent a person from being in possession of an approved amusement device if—
- (a) it is not operated for gaming; and
 - (b) it is used only for promotional, educational, cultural or therapeutic purposes; and
 - (c) the possession is with the prior written approval of the Board and in compliance with any conditions imposed by the Board.
- (11) Section 138B (**Manufacture etc. of approved amusement devices**)—
Section 138B (4)–(6)—
Omit the subsections.
- (12) Section 138C (**Supply of approved amusement devices**)—
- (a) Section 138C (2)—
After “of”, insert “, or is a director or secretary of a corporation that is the holder of”.
 - (b) Section 138C (2A)—
After section 138C (2), insert:
(2A) A person is not guilty of an offence against subsection (2) if the person, without being the holder of an amusement device seller’s licence, exercises a function of the holder of such a licence but does so only—
 - (a) for the purpose of receiving training or instruction in the exercise of the function; and
 - (b) under the supervision of the holder of a licence of the kind in respect of which the training or instruction is given.
 - (c) Section 138C (4)—
Omit the subsection.
- (13) Section 138D (**Servicing, repair etc. of approved amusement devices**)—
- (a) Section 138D (3)—
Omit the subsection.

Liquor (Amusement Devices) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(b) Section 138D—

At the end of the section, insert:

Maximum penalty: \$5,000 or imprisonment for 12 months, or both.

(14) Section 138E (**Supply of certain amusement devices prohibited**)—

At the end of the section, insert:

(2) If the holder of an amusement device dealer's licence or an amusement device seller's licence is a corporation, a director or secretary of the corporation shall not sell an approved amusement device which was manufactured more than the prescribed period before the date of sale.

Maximum penalty: \$5,000 or imprisonment for 12 months, or both.

SCHEDULE 2—AMENDMENT RELATING TO LICENCE FEES FOR APPROVED AMUSEMENT DEVICES

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

Section 80 (2) (a) (iii)–(vi)—

Omit the subparagraphs, insert instead:

(iii) as duty, such amount, or an amount calculated in such a manner, as may be prescribed; or

(iv) if there is no amount or manner of calculation prescribed under subparagraph (iii), the amount prescribed for the licence by this section immediately before its amendment by the Liquor (Amusement Devices) Amendment Act 1988;

[*Minister's second reading speech made in—
Legislative Assembly on 10 November 1988
Legislative Council on 30 November 1988*]
