

LIQUOR (AMENDMENT) ACT 1993 No. 28

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Liquor Act 1982 No. 147
4. Amendment of Search Warrants Act 1985 No. 37
5. Amendment of Liquor Regulation 1983

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982 RELATING TO APPROVED AMUSEMENT DEVICES

SCHEDULE 2—AMENDMENTS TO LIQUOR ACT 1982 RELATING TO KEY OFFICIALS

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR ACT 1982

SCHEDULE 4—AMENDMENTS TO LIQUOR ACT 1982 RELATING TO SAVINGS AND TRANSITIONAL PROVISIONS

SCHEDULE 5—OTHER AMENDMENTS TO LIQUOR ACT 1982

SCHEDULE 6—CONVERSIONS TO PENALTY UNITS

SCHEDULE 7—AMENDMENT OF THE LIQUOR REGULATION 1983

LIQUOR (AMENDMENT) ACT 1993 No. 28

NEW SOUTH WALES



Act No. 28, 1993

An Act to amend the Liquor Act 1982 with respect to investigations, approved amusement devices and penalties; and for other purposes.
[Assented to 8 June 1993]

See also the Registered Clubs (Amendment) Act 1993.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Liquor (Amendment) Act 1993.

Commencement

2. (1) Except as provided by this section, this Act commences on a day or days to be appointed by proclamation.
(2) Schedule 4, and section 3 in its application to Schedule 4, commence on the date of assent.
(3) Schedule 5 (1) and (3), and section 3 in its application to Schedule 5 (1) and (3), commence on the date of assent.
(4) Schedule 5 (2), and section 3 in its application to Schedule 5 (2), are taken to have commenced on 13 April 1987.
(5) Schedule 5 (4), and section 3 in its application to Schedule 5 (4), are taken to have commenced on 1 August 1989.
(6) Schedule 7, and section 5 in its application to Schedule 7, are taken to have commenced as indicated in Schedule 7.

Amendment of Liquor Act 1982 No. 147

3. The Liquor Act 1982 is amended as set out in Schedules 1–6.

Amendment of Search Warrants Act 1985 No. 37

4. The Search Warrants Act is amended by omitting from section 10 the matter “section 151 or 151A of the Liquor Act 1982” and by inserting instead the matter “section 151 or 166 of the Liquor Act 1982”.

Amendment of Liquor Regulation 1983

5. The Liquor Regulation 1983 is amended as set out in Schedule 7.
-

**SCHEDULE I—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES**

(Sec. 3)

(1) Section 4 (Definitions):

- (a) From section 4 (1), omit the definition of “approved amusement device”, insert instead:

“**approved amusement device**” means a device declared under section 158 to be an approved amusement device and includes:

- (a) any subsidiary equipment approved by the Board for use in connection with the device; and
-
- (b) any component of the device other than a component prescribed by the regulations as not being part of the device;

- (b) Insert the following definitions in section 4 (1) in alphabetical order:

“**employ**” includes engage under a contract for services;

“**gaming—related licence**” means an amusement device dealer’s licence, an amusement device seller’s licence or an amusement device technician’s licence;

“**hotel**” means the premises to which a hotelier’s licence relates;

“**hotelier**” means the holder of a hotelier’s licence;

- (2) Omit sections 4 (8), 19A, 19B, 20A, 20B, 21A, 37A, 37B, 110A, 110B, 125C, 125D, 126A, 138A–138E, 151A, 151B and 152A.

(3) Section 20 (Conditions of licences):

- (a) From section 20 (2) (c), omit “and”.

- (b) After section 20 (2) (c), insert:

(c1) a condition that is imposed under Part 11 in relation to an approved amusement device; and

- (c) Omit section 20 (2A), (2B) and (4B).

- (d) From section 20 (3), omit “21A,”.

- (e) Omit section 20 (4A), insert instead:

(4A) It is a condition of a hotelier’s licence that the licensee is not to provide a cash advance in the hotel, or permit or suffer a cash advance to be provided in the hotel on

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

behalf of the licensee, otherwise than as a prize or bonus won as a direct or indirect consequence of operating an approved amusement device in accordance with this Act and the other conditions to which the licence is subject.

(4) Section 36 (**Restriction on certain applications**):

Omit section 36 (1A), insert instead:

(1A) An application for a gaming-related licence may not be made by:

- (a) a person who is under the age of 18 years; or
- (b) a person who is within a class of persons prescribed as being ineligible to apply for a gaming-related licence.

(5) Section 41 (**Application for transfer of licence**):

In section 41 (1) after “other than”, insert “a gaming-related licence or”.

(6) Section 45 (**Grounds of objection**):

- (a) From section 45 (5), omit “an amusement device dealer’s licence, an amusement device seller’s licence or an amusement device technician’s licence”, insert instead “a gaming-related licence”.
- (b) Omit section 45 (5) (d).

(7) Section 56 (**Fee for grant of licence etc.**):

- (a) Omit section 56 (1) (n), (o) and (p), insert instead:
 - (n) in the case of a gaming-related licence—the fee prescribed by the regulations for the kind of licence applied for;
- (b) Omit section 56 (5) and (6), insert instead:
 - (5) If the court varies the trading hours for licensed premises, the variation does not take effect until:
 - (a) the prescribed fee has been paid to the Principal Registrar or another registrar; and
 - (b) the variation has been endorsed on the licence by the Principal Registrar or another registrar.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(8) Section 68 (**Grounds for complaint**):

After section 68 (1), insert:

(1A) A complaint may be made under section 67 in relation to the holder of a gaming-related licence on the ground that the licensee does not have the experience, skills, competence, training and other qualifications determined by the Board under section 47 as those required for a holder of a gaming-related licence of the same kind as that held by the licensee the subject of the complaint.

(9) Section 80 (**Periodic licence fee**):

In section 80 (1), after “other than” where firstly occurring, insert “a gaming-related licence or”.

(10) Section 126 (**Gaming on licensed premises**):

From section 126 (4), omit “126A”, insert instead “160”.

(11) Section 156 (**Regulations**):

(a) At the end of section 156 (1) (k), insert “and”.

(b) Omit section 156 (1) (l).

(c) After section 156 (1), insert:

(1A) Without limiting the generality of subsection (1), a regulation may make provision for or with respect to any of the following:

(a) the manufacture and assembly of approved amusement devices;

(b) the supply, offering to supply, sale, acquisition, ownership, possession, keeping, use, operation, transport, control, management, servicing, repair, maintenance and disposal of approved amusement devices;

(c) the design and construction of approved amusement devices;

(d) the means of identification, and the appearance, of approved amusement devices;

(e) the terms and conditions of acquisition, ownership and disposal of approved amusement devices;

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (f) the types of approved amusement devices which may, or may not, be kept, used and operated on premises or a part of premises;
- (g) the installation and location of approved amusement devices on premises or a part of premises;
- (h) the offering and provision of prizes and bonuses relating to the use of approved amusement devices and the calculation and determination of the prizes and bonuses;
- (i) the keeping of records in relation to the keeping, use and operation of approved amusement devices, the form in which the records are to be kept, the transfer of the records, the inspection of the records and the obtaining of copies of the records;
- (j) the furnishing of returns, including periodic returns, in relation to approved amusement devices;
- (k) tampering or interfering with approved amusement devices;
- (l) the examination and inspection of approved amusement devices;
- (m) the sealing of an approved amusement device to prevent it from being operated without breaking the seal;
- (n) the withdrawal of an approved amusement device from operation until a defect in the device is rectified;
- (o) the removal of approved amusement devices from premises or parts of premises and the disposal of approved amusement devices by sale or otherwise;
- (p) the rebuilding or reconstruction of approved amusement devices and the distribution of used or second-hand approved amusement devices;
- (q) information to be provided on or in relation to approved amusement devices and the display of signs on or in relation to approved amusement devices;
- (r) the apportionment of duty payable in respect of approved amusement devices;

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (s) security procedures for the manufacture, assembly, storage, handling, transport, consignment and receipt of approved amusement devices;
- (t) any matter relevant to the conduct of gaming by the use of an approved amusement device.

(12) Part 11:

After Part 10, insert:

PART 11—APPROVED AMUSEMENT DEVICES

Division 1—Keeping of approved amusement devices

Investigation of certain devices

157. (1) The holder of an amusement device dealer's licence may apply to the Board for declaration of a device as an approved amusement device and the Board may:

- (a) investigate the application, or authorise its investigation, in order to determine whether the device is suitable for declaration; and
- (b) require the applicant to meet the cost of the investigation.

(2) It is a condition of the licence of the applicant that the licensee is to pay to the Board, within a time allowed by the Board, such of the costs of the investigation as may be required by the Board and is to do so even if the investigation is terminated without a decision being made as to whether or not the device is to be declared to be an approved amusement device.

(3) Costs determined by the Board for the purposes of this section are reviewable only by the Board.

(4) This section does not:

- (a) confer a right to have a device investigated; or
- (b) prevent the Board from terminating at its discretion an investigation of a device.

Declaration as approved amusement device

158. (1) The Board may declare that a device referred to in the declaration is an approved amusement device for the purposes of this Act.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(2) A declaration under this section:

- (a) may refer to a device specifically or by reference to a class or description of devices; and
- (b) may be a temporary declaration pending final determination of an application for declaration of the device as an approved amusement device.

(3) Without affecting the discretion of the Board to make, or refuse to make, a declaration of a device as an approved amusement device, the Board may refuse to make such a declaration if the Board considers that it would relate to a device that does not meet such technical standards as the Board considers to be necessary to ensure the integrity of gaming by use of the device.

(4) If an approved amusement device kept by a hotelier is modified in such a way that it is in the form of a different approved amusement device, it ceases to be an approved amusement device despite being in that form unless:

- (a) the material used to effect the modification was supplied by the holder of a dealer's licence, either directly or through the holder of another gaming-related licence; and
- (b) the modification was effected in accordance with a variation under section 161 of a condition of the licence.

(5) A minor or insignificant variation does not preclude a device from being an approved amusement device if the variation does not affect its security or integrity or the manner in which the approved amusement device from which it varies was designed and programmed to function.

(6) The Board may revoke a declaration in force under this section if it considers that it is necessary to do so in the public interest or if it is a temporary declaration.

(7) A revocation under this section does not take effect in relation to an approved amusement device in the possession of a hotelier or the holder of a gaming-related licence until the hotelier or licensee has been given, or served by post with, written notice of the revocation.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(8) A device in relation to which a revocation under this section takes effect ceases to be an approved amusement device.

(9) Neither the Board nor a member of the Board incurs, or has ever incurred, any liability that but for this section might be claimed to arise from:

(a) a declaration by the Board to the effect that a device is an approved amusement device; or

(b) a revocation by the Board of such a declaration,

whether the declaration or revocation took effect before, or takes effect on or after, the commencement of this section.

Dealer may make representations on investigation of device or revocation of declaration

159. (1) The Board may not:

(a) terminate the investigation of an application by the holder of an amusement device dealer's licence for a declaration of a device as an approved amusement device; or

(b) refuse such an application; or

(c) revoke an existing declaration of a device as an approved amusement device that was made on the application of the holder of an amusement device dealer's licence,

unless this section is complied with before it decides to do so.

(2) The Board must serve on the relevant holder of an amusement device dealer's licence a notice in writing that complies with subsection (3).

(3) The notice must:

(a) specify the reasons why the Board is considering taking such action as is specified in the notice; and

(b) afford the licensee an opportunity to show cause within such period of at least 14 days as is specified in the notice why the Board should not take that action.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(4) The licensee may, within the period allowed by the notice, arrange with the Board for the making of submissions to the Board as to why the proposed action should not be taken and the Board is to consider any submissions so made.

(5) After considering any submissions made by the licensee, or if no such submissions are made, the Board may:

- (a) proceed with the proposed action; or
- (b) conditionally or unconditionally desist from taking the proposed action.

(6) The decision of the Board takes effect when written notice of the decision is given to the licensee or on a later date specified in the notice.

Lawful keeping etc. of approved amusement device

160. Despite anything in the Lotteries and Art Unions Act 1901, the Gaming and Betting Act 1912 or any other Act except this Act, and despite any law, it is lawful:

- (a) to keep, use and operate an approved amusement device in a hotel; and
- (b) to pay or present prizes and bonuses won as a direct or indirect consequence of operating the device,

if the device is kept, used and operated, and the prizes and bonuses are paid or presented, as authorised by this Act and any conditions of the hotelier's licence.

Authority to keep approved amusement devices

161. (1) On the application of a hotelier, the Board may impose a condition of the hotelier's licence authorising the licensee to acquire and keep in the hotel, and to permit the use and operation of, not more than 10 approved amusement devices.

(2) A condition in force under this section may be varied or revoked by the Board as provided by section 20 (Conditions of licences) but such a variation may not authorise the keeping, use or operation of more than 10 approved amusement devices.

(3) In the instrument by which it imposes, varies or revokes a condition, the Board is to identify the device or devices to which the condition, variation or revocation relates.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
 RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(4) An application to the Board:

- (a) for the imposition of a condition authorising the acquisition and keeping of an approved amusement device; or
- (b) for a variation, or the revocation, of an existing condition authorising the keeping of an approved amusement device,

is to be in a form approved by the Board and is to be accompanied by such documents as comply with the requirements of the form.

(5) If, before a decision is made on an application, there is a change in the information provided in or accompanying the application (including information provided under this subsection) the applicant must forthwith provide the Board with full particulars of the change.

Maximum penalty: 20 penalty units.

(6) The Board may, from time to time before making a decision on an application, require the applicant to provide, or require the applicant to authorise another person to provide, the Board with such further information in relation to the application as is specified by the Board and, until the information is provided, may defer consideration of the application.

(7) The Board:

- (a) may approve an application form that requires the information provided by completing the form to be verified by statutory declaration; and
- (b) may require information or particulars provided by an applicant to be verified by statutory declaration.

(8) The Board may refuse to proceed with an application by a hotelier for imposition or variation of a condition under this section if the hotelier fails or refuses to provide the Board with such information as may be required by the Board as to:

- (a) the ownership of each approved amusement device to which the condition, or the varied condition, would relate; or

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(b) the financial or other arrangements in accordance with which each such device has been, or is proposed to be, acquired or modified.

(9) A condition, or a variation of a condition, authorising the keeping of one or more approved amusement devices does not take effect unless:

- (a) the prescribed fee (if any) has been paid to the Principal Registrar or another registrar; and
- (b) the condition has been endorsed on the licence by the Principal Registrar or another registrar.

(10) The Board is to exercise its functions under this section so as to ensure that the total number of approved amusement devices that may be used and operated at an establishment does not exceed 10 even if there is more than one hotel at the establishment, unless the Board is satisfied that there is good reason for treating the hotels as separate establishments.

Qualifications for keeping approved amusement device

162. (1) Unless satisfied as provided by subsection (2), the Board is not to:

- (a) subject a hotelier's licence to a condition under section 161; or
- (b) vary such a condition by adding an approved amusement device to the condition; or
- (c) vary such a condition by substituting a different approved amusement device for an existing device, whether or not the difference is the result of a modification under section 158.

(2) The Board is to be satisfied:

- (a) that the hotelier has the experience, skills, competence, training and other qualifications determined by the Board under section 47 as those required for the keeping, and for permitting the use and operation of, each approved amusement device to which the condition, or the varied condition, would relate; and
- (b) that each such device will be acquired, or will be modified, under a written contract that includes prescribed terms and conditions; and

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(c) that subsection (3) applies in relation to each such device.

(3) This subsection applies in relation to an approved amusement device:

(a) if, on the passing of the property in the device after being paid for in full, it will be owned unconditionally and free from encumbrances by the hotelier or by a person named as referred to in section 163; or

(b) if the device is to be acquired by the hotelier, or by a person named as referred to in section 163, in accordance with financial or other arrangements approved by the Board; or

(c) if the device is to be modified for the hotelier, or for a person named as referred to in section 163, in accordance with financial or other arrangements approved by the Board.

(4) Any change in the financial or other arrangements under which an approved amusement device is acquired or modified is void without the prior written approval of the Board.

(5) If application is made for transfer of a hotelier's licence that is subject to a condition under section 161, the court is not to approve the transfer unless satisfied in relation to the proposed transferee in the same way as the Board is required by subsection (2) to be satisfied in relation to a hotelier.

Sharing of receipts from approved amusement device

163. (1) It is a condition of a hotelier's licence that the licensee is not to:

(a) share any receipts arising from the use or operation of an approved amusement device; or

(b) make any payment or part payment by way of commission or allowance from or on those receipts,

with or to any person other than a person named in one of the affidavits referred to in this section or, if there is more than one such affidavit, the later or latest of them.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (2) The affidavits are:
- (a) an affidavit required by section 38 (which relates to persons interested in the business authorised by a licence); and
 - (b) an affidavit required by section 41 (which relates to the transfer of a licence); and
 - (c) an affidavit required by section 101 (which relates to a person becoming interested in the business authorised by the licence).

Statutory condition relating to approved amusement devices

164. (1) Compliance with the requirements of this section is a condition of a hotelier's licence.

(2) The hotelier is not to permit or suffer an approved amusement device to be in the hotel if the device is capable of being operated to provide cash or credit otherwise than as a prize authorised by this Act.

(3) An approved amusement device is not to be acquired, and is not to be kept, used or operated on any part of the hotel, except in accordance with:

- (a) the provisions of this Act; and
- (b) a condition of the licence authorising the hotelier to keep the device and permit its use and operation; and
- (c) any other conditions imposed by or under this Act.

(4) The hotelier is not to acquire an approved amusement device from a person who is not the holder of an amusement device dealer's licence or an amusement device seller's licence unless it is acquired on a disposal that would not be an offence under section 187.

(5) The hotelier is not to keep or permit the use or operation of an approved amusement device:

- (a) that is not owned by the hotelier or a person named in an affidavit referred to in section 163 or, if there is more than one such affidavit, in the later or latest of them; or

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(b) that is not being acquired by the hotelier, or by a person so named, in accordance with financial or other arrangements approved by the Board.

(6) An approved amusement device is not to be kept in any part of the hotel other than a restricted area.

(7) An approved amusement device is not to be used or operated at any time other than a time at which liquor may be sold or supplied in the restricted area in which the device is kept.

(8) The hotelier is not to dispose of an approved amusement device unless:

- (a) the Board has authorised disposal of the device; and
- (b) the hotelier complies with any conditions imposed by the Board when authorising disposal of the device; and
- (c) the Board has made an appropriate variation of, or has revoked, the condition imposed under section 161 in so far as it authorised the hotelier to acquire and keep, and to permit the use and operation of, the device.

Conditions relating to prizes

165. (1) Compliance with the requirements of this section is a condition of a hotelier's licence.

(2) A prize given to a person in respect of the use or operation of an approved amusement device:

- (a) is to consist only of:
 - (i) money or liquor, or partly money and partly liquor, whichever the person may choose; or
 - (ii) a further opportunity to win any kind of prize authorised by this Act or the regulations; or
 - (iii) a prize under both subparagraph (i) and subparagraph (ii); and
- (b) in the case of liquor, is to be of such kind as may be prescribed and is to be not less than the prescribed minimum quantity and not more than the prescribed maximum quantity; and

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (c) unless it consists of an opportunity to win a prize otherwise than by operating an approved amusement device, is to be of such amount or value, or is to be of not less than such minimum amount or value and not more than such maximum amount or value, as may be prescribed or as may be calculated or determined as prescribed; and
- (d) in the case of liquor, is not to be exchanged for any other valuable thing by or on behalf of the person offering the prize, or by any person otherwise associated with the person offering the prize.

(3) The hotelier is not to offer a prize in respect of the use or operation of an approved amusement device other than a prize authorised by this section.

(4) So much of a prize for the use or operation of an approved amusement device as consists of money may be paid by cheque.

Board may impose other conditions

166. A hotelier's licence is subject to any condition that relates to the keeping, use or operation of an approved amusement device and is imposed by the Board:

- (a) when authorising the keeping, use and operation of the device; or
- (b) at any later time on the application of the Director, the Principal Registrar or the Commissioner of Police,

if the hotelier has first been given an opportunity to make submissions about the proposed condition.

Trial of device

167. (1) A hotelier authorised to keep an approved amusement device may, with the approval of the Board and subject to compliance with any conditions imposed by the Board, keep in the hotel:

- (a) on a trial basis; and
- (b) for a period fixed by the Board,

a device that is in the nature of, but is not, an approved amusement device.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(2) If a device is kept, used and operated as provided by this section, this Act (except section 162 (3) and (4) and section 164 (3) and (5)) applies to it in the same way as the Act applies to an approved amusement device.

Powers of entry, inspection etc.—approved amusement devices

168. (1) This section applies to:

- (a) licensed premises; and
- (b) premises on which the holder of a gaming-related licence or a work permit carries on business, or on which the holder of such a licence or a work permit is employed.

(2) An authorised person may enter any part of premises to which this section applies and exercise the powers conferred by this section, but may do so only:

- (a) at a reasonable hour of the day or night, unless it is being exercised in an emergency; and
- (b) after giving reasonable notice, unless the giving of notice would defeat the purpose for which the powers are to be exercised; and
- (c) by using no more force than is reasonably necessary.

(3) The authorised person may do any of the following:

- (a) inspect, count, check and test, and make notes relating to, approved amusement devices;
- (b) require a person having access to records relating to relevant matters to produce the records for examination;
- (c) make copies of, or take extracts from, records relating to relevant matters;
- (d) affix a temporary seal to any part of an approved amusement device;
- (e) for the purpose of further examination, take possession of, and remove, a record relating to relevant matters.

(4) The authorised person may ask any of the following persons to answer questions relating to relevant matters:

- (a) a licensee or, if a licensee is a corporation, a director of the corporation;

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (b) an employee of a licensee;
- (c) the person who appears to be in charge of the premises entered.

(5) The authorised person may take possession of, and remove, an approved amusement device or a part of an approved amusement device that is on the premises entered (including, any money in the device or part):

- (a) for the purposes of further examination; or
- (b) if the authorised person believes on reasonable grounds that the device or part is in the possession of a person who, by being in possession of the device or part, is guilty of an offence against this Act,

but may do so only if the authorised person issues the person apparently in charge of the premises with a written receipt for the device or part and for any money in the device or part.

(6) If damage is caused by the exercise of the powers conferred by this section, the Minister is to pay reasonable compensation for the damage unless the exercise of the powers was obstructed by the occupier of the premises.

(7) An approved amusement device or part removed under this section, and any money in the device or part, are to be returned if the Board so directs on the application of the owner made not earlier than 14 days after its removal, unless a summons has been issued under section 170.

(8) If a person claims on reasonable grounds that a record removed under this section is necessary for the conduct of business on the premises from which the record was removed, the record is not to be retained beyond the end of the next succeeding day unless the claimant is first provided with a copy of the record certified by an authorised person to be a true copy.

(9) A certified copy of a record provided under this section is for all purposes of equal validity to the original.

(10) A Licensing Magistrate or other Magistrate, or the Principal Registrar, may, on the application of an authorised person, issue a summons requiring a person:

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (a) to produce to the Licensing Court records that the person summoned has failed to produce in accordance with a requirement made under this section; or
- (b) to appear before the Licensing Court and give evidence in relation to a matter in respect of which the person has failed to answer a question in accordance with such a requirement,

and, on the return of the summons, the person summoned may be represented and be heard.

(11) A person who, having been served with a summons under this section, fails to comply with the summons is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

(12) A person who, not being an authorised person, breaks a temporary seal that has been affixed to an approved amusement device by an authorised person is guilty of an offence against this Act.

Maximum penalty: 100 penalty units.

(13) In this section:

“**authorised person**” means a special inspector, the Commissioner of Police or a person prescribed as an authorised person for the purposes of this section;

“**relevant matter**” means a matter relating to:

- (a) the manufacture, supply, sale, servicing, possession, keeping or operation of an approved amusement device; or
- (b) a transaction referred to in section 183 (which relates to the provision by the holder of a gaming-related licence of financial assistance to certain persons).

Search warrants—approved amusement devices

169. (1) A police officer may apply to an authorised justice for a search warrant if the police officer has reasonable grounds for believing that, on specified premises, this Act or a condition of a licence is being contravened in relation to an approved amusement device.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(2) An authorised justice to whom an application is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant to any police officer to enter and search the premises.

(3) Part 3 of the Search Warrants Act 1985 applies to a search warrant issued under this section.

(4) A police officer who enters any premises on the authority of a search warrant issued under this section may search the premises and may:

(a) seize and carry away:

(i) any device in the nature of an approved amusement device; or

(ii) any part of such a device,

and any money in the device or part; or

(b) seize and carry away any books of account and documents that may reasonably be suspected to relate to approved amusement devices or devices in the nature of approved amusement devices; or

(c) require any person on the premises to state his or her name and address.

(5) This section does not authorise a police officer to carry away anything for which the officer does not give a receipt.

(6) In this section, “**authorised justice**” has the same meaning as it has in the Search Warrants Act 1985.

Forfeiture or return of removed or seized approved amusement device

170. (1) This section applies to an approved amusement device if the device is removed under section 168 or is seized under section 169 in the execution of a search warrant.

(2) A Licensing Magistrate or other Magistrate, the Principal Registrar, or an authorised justice under the Search Warrants Act 1985, (whether or not on application by a police officer) may issue a summons requiring:

(a) the owner of a device to which this section applies; or

(b) the owner or occupier of the premises from which such a device was removed or from which it was seized,

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

to appear before the court and show where and for what purpose the person summoned came to be in possession of the device.

(3) On the return of the summons and whether or not there is an appearance in response to the summons, the court is to inquire into the matter and:

- (a) order the forfeiture to the use of the Crown of the approved amusement device, and of any money found in the device, if satisfied that this Act or a condition of a licence was being contravened in relation to the approved amusement device on the premises from which it was removed or on which it was seized; or
- (b) if not so satisfied, order the return to the person summoned of the device and any money found in the device.

Other forfeitures of approved amusement devices

171. (1) If, in proceedings of any kind before it, the Licensing Court or any other Court finds that this Act or a condition of a licence has been contravened in relation to an approved amusement device, the Court may order the forfeiture to the Crown of the approved amusement device and any money found in it.

(2) A police officer may seize and carry away anything that the police officer reasonably suspects may be liable to forfeiture under this section or which a Court has ordered to be forfeited to the Crown, including any money in an approved amusement device or other device at the time of its seizure.

Division 2—Gaming-related licences

Amusement device dealer's licence

172. (1) The court may grant an amusement device dealer's licence in a form approved by the Board.

(2) An amusement device dealer's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject:

- (a) to manufacture and assemble approved amusement devices in the place or places specified in the licence; and

Liquor (Amendment) Act 1993 No. 28

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (b) to sell, or negotiate the sale of, approved amusement devices, whether or not manufactured or assembled by the licensee; and
- (c) to service, repair and maintain approved amusement devices.

(3) If a corporation is the holder of an amusement device dealer's licence, the authority conferred by this section on the corporation extends to a director or secretary of the corporation.

(4) The Board may impose a condition of an amusement device dealer's licence prohibiting or regulating in a specified place an activity that is, or is proposed to be, carried on by the licensee in that place in addition to the activities already authorised by the licence.

(5) Before deciding whether or not to impose a condition of a licence under this section, the Board is to give the licensee an opportunity to make submissions about the proposed condition.

(6) The court may, on the application of the holder of an amusement device dealer's licence, vary by endorsement on the licence the place or places referred to in subsection (2) (a).

Board may require dealer to alter certain approved amusement devices

173. (1) The Board may require the holder of an amusement device dealer's licence to arrange, at the expense of the dealer and within a specified time (or within such further time as the Board may allow), for a specified alteration to be made to an approved amusement device that is to be, or has been, supplied by the licensee to a hotelier after the commencement of this section.

(2) It is a condition of an amusement device dealer's licence that the licensee is to comply with any requirement made of the licensee under this section.

(3) It is a condition of a hotelier's licence that the licensee is to allow the holder of an amusement device dealer's licence or an amusement device technician's licence such

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

access to an approved amusement device in the hotel as may be required to enable the holder of the dealer's licence to comply with a requirement of the Board under this section.

Amusement device seller's licence

174. (1) The court may grant an amusement device seller's licence in a form approved by the Board.

(2) An amusement device seller's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject:

- (a) as principal or agent, to sell approved amusement devices; and
- (b) 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.

(3) If a corporation is the holder of an amusement device seller's licence, the authority conferred by this section on the corporation extends to a director or secretary of the corporation.

Amusement device technician's licence

175. (1) The court may grant an amusement device technician's licence in a form approved by the Board.

(2) An amusement device technician's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject, to service, repair and maintain approved amusement devices.

Expenses of investigation of application

176. (1) The court may, on the application of the Director or the Commissioner of Police, order an applicant for a gaming-related licence to pay to the Board within a stated time the amount required by this section.

(2) The amount required is a specified amount towards defraying the cost of anticipated expenditure outside the State, and anticipated travelling expenses (whether within or outside the State), involved in investigating the application for the licence.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(3) If an applicant for a gaming-related licence is required to make a payment under this section and fails to make the payment:

- (a) the Director may refuse to proceed with investigation of the application; and
- (b) the court may refuse to hear the application and may dismiss it.

Gaming—related licences generally

177. (1) Except in so far as the court otherwise directs either generally or in a particular case, the jurisdiction of the court to grant a gaming-related licence may be exercised by the Principal Registrar if the application for the licence has been investigated under Division 4A of Part 3 and there has been no objection to the grant of the licence.

(2) Sections 44–46 (which relate to objections) and section 176 do not apply in relation to an application for a gaming-related licence made by a person who holds another gaming-related licence under this Act or a gaming-related licence under the Registered Clubs Act 1976.

Work permits

178. (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 to the applicant 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 gaming-related licence.

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

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

Periodic returns by gaming—related licensees

179. (1) Within the period of 1 month after the expiration of each licensing period for a gaming-related licence, the licensee is to lodge with the Director a return that:

- (a) is in a form approved by the Director; and
- (b) is accompanied by the prescribed documents; and
- (c), is signed by the licensee or, if the licensee is a corporation, by at least 2 directors of the corporation.

(2) The form of return approved by the Director may be in the form of a statutory declaration.

(3) Compliance with this section is a condition of a gaming-related licence.

Periodic licence fee

180. (1) A fee is payable to the Board for a gaming-related licence, and for a work permit, while the licence or permit is in force or under suspension and is so payable in respect of each period prescribed for the purposes of this section.

(2) Regulations may be made prescribing the fees payable under this section and for or with respect to:

- (a) times for payment of the fees; and
- (b) payment of the fees by instalments; and
- (c) penalties for late payment of the fees or instalments; and
- (d) suspension or cancellation of a gaming-related licence or work permit after a failure to pay such a fee, or an instalment of such a fee, relating to the licence or permit; and
- (e) the circumstances in which such a fee, or a proportion of such a fee, may be refunded.

Change in state of affairs of gaming-related licensee

181. If a prescribed change takes place in the state of affairs of the holder of a gaming-related licence, the licensee is guilty of an offence against this Act if the Director is not notified in writing of the prescribed particulars of the change within the period of 14 days that next succeeds the change.

Maximum penalty: 20 penalty units.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

Gaming—related licensees to display identification

182. (1) A holder of a dealer's licence or a technician's licence is guilty of an offence if, at any time while servicing, repairing or maintaining an approved amusement device in a hotel, he or she is not wearing on his or her person a clearly visible form of identification approved by the Board.

Maximum penalty: 20 penalty units.

(2) The Board may exempt a person or the members of a class of persons from the operation of this section.

Division 3—Offences relating to approved amusement devices

Financial assistance in relation to approved amusement devices

183. (1) A holder of a gaming-related licence who enters into a transaction under which the licensee:

- (a) provides financial assistance to a hotelier or a person named in an affidavit referred to in section 163 (Sharing of receipts from approved amusement device); or
- (b) guarantees the observance by a hotelier or a person so named of a term or condition on which financial assistance is provided to the hotelier or person so named by a person other than the holder of the gaming-related licence; or
- (c) indemnifies any person against loss sustained in relation to financial assistance provided to the hotelier or person so named,

is guilty of an offence against this Act unless the transaction received the prior written approval of the Board.

Maximum penalty: 20 penalty units.

(2) A holder of a gaming-related licence who agrees to a variation of a term or condition of a transaction referred to in subsection (1) is guilty of an offence against this Act unless the variation received the prior written approval of the Board.

Maximum penalty: 20 penalty units.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(3) The holder of a gaming-related licence is guilty of an offence against this Act if:

- (a) financial arrangements made by the licensee have been approved by the Board; and
- (b) there is a change in those arrangements that has not been approved by the Board; and
- (c) the Board is not notified of the change immediately after it comes to the notice of the licensee.

Maximum penalty: 20 penalty units.

Possession of approved amusement devices

184. (1) A person knowingly in possession of an approved amusement device is guilty of an offence against this Act unless the person:

- (a) is the holder of a gaming-related licence; or
- (b) is the holder of a hotelier's licence which is subject to a condition authorising the licensee to keep in the hotel, and permit the use and operation of, the approved amusement device; or
- (c) has possession of the device in the ordinary course of a business involving the transportation or storage of goods; or
- (d) is an authorised person exercising functions under section 168 (which confers certain powers of entry and inspection and related functions); or
- (e) is in lawful possession of the device as a consequence of its seizure under the authority of a search warrant.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) This section 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) This section does not apply to a person in possession of an approved amusement device if the possession resulted from the exercise of a power conferred on the person by a

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

mortgage and has not extended beyond a reasonable time after the exercise of the power.

(4) This section does not apply to a person in possession of an approved amusement device if the person:

- (a) obtained possession of the device by exercising a power or proprietary right under financial or other arrangements approved by the Board before or after the commencement of this section; and
- (b) has not retained possession beyond a reasonable time after the exercise of the power.

Manufacture etc. of approved amusement devices

185. (1) A person who manufactures or assembles an approved amusement device is guilty of an offence against this Act unless the person:

- (a) holds an amusement device dealer's licence; or
- (b) is a director or secretary of a corporation that holds an amusement device dealer's licence; or
- (c) is an employee of the holder of an amusement device dealer's licence and is doing work as such an employee.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A holder of an amusement device dealer's licence who manufactures or assembles an approved amusement device otherwise than in accordance with the authority conferred on the holder by the licence is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(3) Subsection (2) does not apply to the manufacture or assembly of an approved amusement device by the holder of an amusement device dealer's licence if:

- (a) the Board has agreed to the making of an application by the licensee to have the device declared as an approved amusement device; and
- (b) the manufacture or assembly of the device is for the purposes of the application and its investigation.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

Compliance plate for approved amusement device

186. (1) A holder of an amusement device dealer's licence is guilty of an offence against this Act if an approved amusement device leaves the licensee's premises without a compliance plate that complies with this section and is securely attached to the device in a manner approved by the Board.

Maximum penalty: 100 penalty units.

(2) It is a defence to a prosecution for an offence under this section if it is proved that the defendant had taken all reasonable precautions aimed at ensuring attachment of a compliance plate and, at the time of the offence, did not know, and had no reason to suspect, that a compliance plate was not securely attached to the device in the manner approved by the Board.

(3) Exemption from the operation of this section may be granted by the Board in a particular case or a particular class of cases.

(4) In this section:

“**compliance plate**”, in relation to an approved amusement device, means a plate that:

- (a) is made of a substance approved by the Board; and
- (b) is of dimensions not less than dimensions approved by the Board; and
- (c) may readily be seen and inspected; and
- (d) shows the name of the dealer, the dealer's licence number, the serial number of the device and the month and year of the manufacture and assembly of the device; and
- (e) has those particulars incorporated in a manner approved by the Board and in symbols that are at least of a minimum size approved by the Board.

Supply, sale and purchase of approved amusement devices

187. (1) A person who offers to supply, or supplies, an approved amusement device otherwise than by way of sale is guilty of an offence against this Act unless the offer or

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

supply has the approval of the Board and any conditions imposed by the Board when giving the approval are complied with.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A person who offers to purchase, or purchases, an approved amusement device is guilty of an offence against this Act unless the offer is made to, or the device is purchased from, a person who is authorised by a licence, or by or under this Act, to sell the device.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(3) A person who supplies an approved amusement device to a hotelier is guilty of an offence against this Act unless the keeping of the device by the hotelier would be lawful.

Maximum penalty: 50 penalty units.

(4) A person who sells an approved amusement device is guilty of an offence against this Act unless:

- (a) the person is the holder of a current amusement device dealer's licence or a current amusement device seller's licence; or
- (b) the person is a director or secretary of a corporation that is the holder of such a licence; or
- (c) subsection (5) or (6) applies.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(5) It is, a defence to a prosecution for an offence under subsection (4) if it is proved that the defendant, without being the holder of an amusement device seller's licence, exercised a function of the holder of such a licence but did 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 such a licence.

(6) It is a defence to a prosecution for an offence under subsection (4) if it is proved that the sale is to a purchaser at a price, and on terms and conditions, approved by the Board and is:

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (a) a sale by a mortgagee of the approved amusement device in the exercise of a power conferred by the mortgage; or
- (b) a sale by, a person (other than a mortgagee) who obtained possession of the approved amusement device by exercising a power or proprietary right under financial and other arrangements approved by the Board under section 162.

(7) A holder of an amusement device dealer's licence or an amusement device seller's licence who sells an approved amusement device otherwise than as authorised by the licence is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(8) The holder of an amusement device dealer's licence is guilty of an offence against this Act if the prescribed notification is not given to the Principal Registrar within 7 days after the commencement, and within 7 days after any cessation, of employment by the licensee of a person who is, or was during the employment, the holder of an amusement device seller's licence.

Maximum penalty: 20 penalty units.

(9) A person who supplies, or offers to supply, an approved amusement device is guilty of an offence if possession of the device by the person to whom the device is supplied or offered is or would be unlawful.

Maximum penalty: 100 penalty units.

(10) This section does not apply to prohibit the sale or supply of an approved amusement device:

- (a) by the holder of a hotelier's licence in accordance with section 164 (8); or
- (b) by a person whose hotelier's licence is under suspension or has been cancelled, if the sale or supply is effected in accordance with arrangements approved by the Board; or

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (c) by the transferor of a hotelier's licence to the transferee or to a person who will be directly or indirectly interested in the business, or the profits of the business, after the transfer.

Keeping, acquisition and disposal of approved amusement devices

188. A hotelier must not:

- (a) keep an approved amusement device without complying with any conditions imposed by the Board in relation to the keeping of the device; or
- (b) acquire an approved amusement device without the authority of the Board or without complying with any conditions imposed by the Board in relation to the acquisition of the device; or
- (c) dispose of an approved amusement device without the authority of the Board or without complying with any conditions imposed by the Board in relation to the disposal of the device.

Maximum penalty: 100 penalty units.

Servicing and repair of approved amusement devices

189. (1) A person who services or repairs an approved amusement device is guilty of an offence against this Act unless the person:

- (a) holds an amusement device dealer's licence or an amusement device technician's licence; or
- (b) services or repairs the device under the supervision of the holder of such a licence for the purpose of receiving training and instruction in respect of the servicing and repair of approved amusement devices.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A holder of an amusement device dealer's licence or an amusement device technician's licence who services or repairs an approved amusement device otherwise than in accordance with the authority conferred by the licence is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

Licensee to comply with requirements of special inspector

190. (1) A special inspector may require a licensee to:

- (a) withdraw from operation an approved amusement device that, in the opinion of the inspector, is not operating properly; or
- (b) refrain from making available for operation an approved amusement device withdrawn from operation under paragraph (a) until, in the opinion of the inspector or another special inspector, it is operating properly; or
- (c) refrain from making an approved amusement device available for operation except in accordance with controls specified by the inspector in relation to the device; or
- (d) deliver to the Board, in writing in the English language and within a time specified by the inspector, such particulars relating to an approved amusement device kept by the licensee as are so specified; or
- (e) refrain from making available for operation an approved amusement device indicated by the inspector until it has been fitted with a device approved by the Board for the purposes of the secure keeping and operation of the approved amusement device.

(2) A licensee who is required by a special inspector to act under this section and fails to comply with the requirement is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

Defective approved amusement device

191. (1) A hotelier is guilty of an offence against this Act if an approved amusement device available for use on the licensed premises fails to function in the manner in which it was designed and programmed to function.

Maximum penalty: 100 penalty units.

(2) It is a defence to a prosecution for an offence under this section if it is proved:

- (a) that the operation of the device was for testing or maintenance purposes; or

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (b) that the hotelier:
- (i) had taken all reasonable precautions to ensure that the device was functioning properly; and
 - (ii) at the time of the alleged offence did not know, and could not reasonably be expected to have known, that the device was not functioning properly.

Security in relation to approved amusement devices

192. (1) A hotelier who fails to ensure that all keys and other devices related to the security of approved amusement devices on the licensed premises are kept, stored, secured, possessed and used as prescribed is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

(2) A person who possesses or uses a key or other device related to the security of approved amusement devices in a hotel is guilty of an offence against this Act unless the possession or use is in accordance with requirements prescribed in relation to the key or other device.

Maximum penalty: 50 penalty units.

Access to approved amusement devices

193. (1) A person who, in a hotel:

- (a) opens an approved amusement device; or
- (b) checks money inside an approved amusement device; or
- (c) removes money from inside an approved amusement device; or
- (d) places money inside an approved amusement device otherwise than for the purpose of operating the device,

is guilty of an offence against this Act unless the person is authorised by this section to do so.

Maximum penalty: 100 penalty units.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(2) The following persons are authorised for the purposes of subsection (1):

- (a) the hotelier;
- (b) an employee of the hotelier if a record is kept under subsection (3) in relation to the employee;
- (c) the holder of a gaming-related licence who is exercising functions authorised by the licence;
- (d) a special inspector exercising the functions of a special inspector.

(3) A hotelier is to keep a record (whether or not as part of another record) of the name, address and date of birth of each person authorised by the hotelier to:

- (a) supervise the operation of an approved amusement device; or
- (b) clear money from an approved amusement device; or
- (c) exercise a function resulting from the clearance of money from an approved amusement device; or
- (d) exercise a function in conjunction with the clearance of money from an approved amusement device; or
- (e) exercise a function referred to in subsection (1); or
- (f) exercise in the hotel a function prescribed as a function to which this section applies.

(4) A hotelier is to keep as part of his or her records details of the authorisation of a person for the purposes of subsection (3).

(5) A hotelier who fails to keep a record as required by this section is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

Approved amusement device access register

194. (1) A hotelier who keeps approved amusement devices on the licensed premises is to:

- (a) keep on the licensed premises, in a form approved by the Board, a register relating to access to the devices; and
- (b) ensure that subsection (2) is complied with.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(2) A person who opens an approved amusement device, or a part of an approved amusement device, in a hotel is to make in the register required by this section a legible entry of:

- (a) the date and time of the opening of the device or part; and
- (b) the reason for opening the device or part; and any replacement of the logic board; and
- (c) the number of the licence and details of anything done to the device, if the person holds a gaming-related licence.

(3) Subsection (2) does not apply to the opening of a device, or a part of device:

- (a) to clear the cashbox of the device, if access to the cashbox is gained without access to any other of the electronic or mechanical components of the device; or
- (b) in any other circumstances approved by the Board.

(4) If an approved amusement device in a hotel is taken out of operation without being removed from the hotel, the hotelier is to ensure that there is made in the register required by this section a legible entry of:

- (a) the reason for taking the device out of operation; and
- (b) details of the return of the device, if it is again made available for operation.

(5) A person who makes an entry in a register kept under this section is to sign the entry and have the signature witnessed by the hotelier or a person whose name is recorded by the hotelier under section 193 and is added to the signature in legible form.

(6) A hotelier is to retain each register kept under this section for at least 3 years after the making of the latest entry in the register, unless the removal of the register is authorised by this Act.

(7) A hotelier or other person who is required to act under this section and fails to do so is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

Protection of sensitive areas of approved amusement devices

195. (1) It is an offence against this Act for a person (other than a specially authorised person) to do any of the following:

- (a) break a seal securing a computer cabinet or gain access to anything within a computer cabinet;
- (b) affix a seal to a computer cabinet;
- (c) remove, replace or in any way affect or interfere with the operation of a computer cabinet or anything within a computer cabinet;
- (d) break a seal protecting the integrity of the game program of an approved amusement device;
- (e) remove, or interfere with, any security device on an approved amusement device;
- (f) remove, or interfere with, the housing protecting the meters of an approved amusement device;
- (g) remove, disconnect or interfere with a meter of an approved amusement device;
- (h) interfere with information received, stored or transmitted electronically by an approved amusement device;
- (i) remove, or interfere with, any mark or seal affixed to an approved amusement device to preserve the integrity of operation of the device.

Maximum penalty: 100 penalty units.

(2) A person (including a specially authorised person) who removes, alters or otherwise interferes with the compliance plate on an approved amusement device is guilty of an offence against this Act.

Maximum penalty: 100 penalty units.

(3) A person who authorises or permits another person to act in a way that is an offence against this Act under another provision of this section is also guilty of an offence against this Act.

Maximum penalty: 100 penalty units.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(4) In this section:

“**computer cabinet**” means the sealable part of an approved amusement device that contains the game program storage medium and the random access memory;

“**specially authorised person**” means a special inspector, the holder of an amusement device technician’s licence, a person exercising a function under section 168 or a person appointed by the Director as a specially authorised person for the purposes of this section.

Modification of approved amusement device

196. (1) A person who modifies an approved amusement device in such a way that it is in the form of a different approved amusement device is guilty of an offence against this Act unless the person holds a technician’s licence or the modification does not, as provided by section 158, preclude the device from being an approved amusement device.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A holder of a technician’s licence who modifies an approved amusement device in such a way that it is in the form of a different approved amusement device is guilty of an offence against this Act unless there is returned within a reasonable time to the supplier of the materials for the conversion so much of the device as ceased to form part of it after its conversion and comprised:

- (a) a meter, circuit board, read-only memory device or network; or
- (b) a component prescribed as a restricted component.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

Unlawful interference with approved amusement device

197. (1) A person who:

- (a) has possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of an approved amusement device in a hotel; or

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

- (b) does anything calculated, or likely, to interfere with the normal operation of an approved amusement device in a hotel; or
- (c) does anything calculated to render an approved amusement device in a hotel incapable, even temporarily, of producing a winning combination,

is guilty of an offence against this Act.

Maximum penalty: 100 penalty units.

(2) Subsection (1) does not apply to anything done in good faith in connection with:

- (a) the installation, alteration, adjustment, maintenance or repair of an approved amusement device by the holder of an amusement device technician's licence; or
- (b) the exercise by a person of a function conferred or imposed by this Act on a specially authorised person referred to in section 195.

(3) A person who, with intent to dishonestly obtain money or a financial advantage for himself or herself or another person, inserts in an approved amusement device in a hotel anything other than:

- (a) a coin or token of the denomination or type displayed on the device as that to be used to operate the device; or
- (b) a banknote of a denomination approved by the Board for use in order to operate the device; or
- (c) a card of a type approved by the Board for use in order to operate the device,

is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(4) A person who knows of any faulty or fraudulent computer programming and as a result gains, or gains for another person, an advantage in the operation of an approved amusement device is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(5) A person who authorises or permits another person to act in a way that is an offence under another provision of this section is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

Illegal advantage gained during design etc. of approved amusement device

198. (1) A person who, during the design, manufacture, assembly, maintenance or repair of an approved amusement device, dishonestly makes provision to gain an advantage (whether or not for another person) in the operation of the device is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A person who, as a result of gross negligence during the design, manufacture, assembly, maintenance or repair of an approved amusement device, makes provision to gain an advantage (whether or not for another person) in the operation of the device is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(3) A person who does anything to an approved amusement device in order to conceal anything that is an offence under another provision of this section is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(4) A person who authorises or permits another person to act in a way that is an offence under another provision of this section is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

Consignment or movement of approved amusement devices

199. (1) A holder of an amusement device dealer's licence or an amusement device seller's licence who consigns or moves an approved amusement device:

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(a) to or from any place at which the licensee carries on the business authorised by the licence; or

(b) from outside the State to a place within the State, is to give the Director a written notification stating the particulars required by this section, and is to do so not later than 3 clear days before the consignment or movement or, in a particular case or class of cases, within a time approved by the Director.

(2) The required particulars are:

(a) the number of devices; and

(b) the number of each type of device; and

(c) the manufacturer's serial number for each of the devices; and

(d) the origin and destination of the devices; and

(e) the intended dates of transportation; and

(f) the intended method of transport and the name of the carrier.

(3) The Director may, conditionally or unconditionally, grant an exemption from the operation of this section in a particular case or a particular class of cases.

(4) A licensee who fails to comply with a requirement of this section that is applicable to the licensee is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

Approved amusement devices not used for gaming

200. (1) This Part does not operate to prohibit the possession, keeping, use or operation of an approved amusement device if:

(a) it is not operated for gaming; and

(b) it is used only for therapeutic purposes with the prior written approval of the Board; and

(c) any conditions imposed by the Board when giving the approval are complied with.

SCHEDULE 1—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO APPROVED AMUSEMENT DEVICES—*continued*

(2) This Part does not operate to prohibit the possession, keeping, use or operation of an approved amusement device if:

- (a) it is not operated for gaming; and
- (b) it is used only for promotional, educational or cultural purposes; and
- (c) the Board has been given at least 3 days' written notice of the kind of use intended and the Board has not, before the period of notice expires, refused to allow the use; and
- (d) any conditions imposed by the Board within that period of notice are complied with.

(3) In a particular case or a particular class of cases, the Board may waive compliance with the requirement for giving notice under subsection (2) and may impose conditions for operation of the waiver.

SCHEDULE 2—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO KEY OFFICIALS

(Sec. 3)

(1) Section 4 (**Definitions**):

In section 4 (1), insert in alphabetical order:

“key official” means:

- (a) the Secretary, Chief Secretary's Department; or
- (b) an officer of the Chief Secretary's Department who is listed in Schedule 3B to the Public Sector Management Act 1988; or
- (c) an officer of the Chief Secretary's Department who is not referred to in paragraph (a) or (b) but is the subject of a current written order by the Secretary of the Department that has been served on the officer and is to the effect that the officer is a key official for the purposes of this Act; or
- (d) the Director of Liquor and Gaming; or
- (e) the Commissioner of Police; or

SCHEDULE 2—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO KEY OFFICIALS—*continued*

- (f) a member of the Police Service Senior Executive Service; or
- (g) a police officer who holds the position of Patrol Commander or a higher position but is not referred to in paragraph (e) or (f); or
- (h) a member of the Police Service who is not referred to in paragraph (e), (f) or (g) but is the subject of a current written order by the Commissioner of Police that has been served on the member and is to the effect that the member is a key official for the purposes of this Act;

(2) Part 6A:

After Part 6, insert:

PART 6A—KEY OFFICIALS

Restrictions relating to key officials

105A. (1) A key official must not:

- (a) hold any type of licence under this Act; or
- (b) solicit employment, in any capacity, from a licensee or a person known by the key official to be a close associate of a licensee; or
- (c) be an employee, in any capacity, of a licensee or a person known by the key official to be a close associate of a licensee.

(2) A person holding the office of Secretary, Chief Secretary's Department, or the office of Director, or the office of Commissioner of Police, must not knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a licensee or a person known by the holder of the office to be a close associate of a licensee.

(3) A key official (other than a key official who is the Secretary, Chief Secretary's Department, or is the Director, or is the Commissioner of Police) must not without the approval of the appropriate authority knowingly have, directly or indirectly, any business or financial association with, or any

SCHEDULE 2—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO KEY OFFICIALS—*continued*

business or financial interest in any matter in conjunction with, a licensee or a person known by the key official to be a close associate of a licensee.

(4) A licensee or a close associate of a licensee must not:

- (a) employ, in any capacity, a person known by the licensee or close associate to be a key official; or
- (b) knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a person known by the licensee or close associate to be the Secretary, Chief Secretary's Department, or the Director, or the Commissioner of Police; or
- (c) without the approval of the appropriate authority knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a person known by the licensee or close associate to be a key official (other than a key official who is the Secretary, Chief Secretary's Department, or is the Director, or is the Commissioner of Police).

(5) A person who contravenes a provision of this section applicable to the person is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

(6) In this section:

“appropriate authority”, in relation to a key official, means:

- (a) the Secretary, Chief Secretary's Department, unless the key official is a member of the Police Service; or
- (b) the Commissioner of Police, if the key official is a member of the Police Service.

Restrictions relating to former key officials

105B. (1) A former key official must not:

- (a) hold any type of licence under this Act; or

SCHEDULE 2—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO KEY OFFICIALS—*continued*

- (b) solicit employment, in any capacity, from a licensee or a person known by the former key official to be a close associate of a licensee; or
- (c) be an employee, in any capacity, of a licensee or a person known by the former key official to be a close associate of a licensee; or
- (d) knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a licensee or a person known by the former key official to be a close associate of a licensee.

Maximum penalty: 50 penalty units.

(2) While knowing that another person is a former key official, a person who is a licensee, or a close associate of a licensee, must not:

- (a) employ the former key official in any capacity; or
- (b) have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, the former key official.

Maximum penalty: 50 penalty units.

(3) An exemption from the application of this section in relation to a former key official (other than a person who is a former Secretary, Chief Secretary's Department, is a former Director, or is a former Commissioner of Police) in a particular case or class of cases may be granted:

- (a) by the Secretary, Chief Secretary's Department, unless the former key official was a member of the Police Service; or
- (b) by the Commissioner of Police, if the former key official was a member of the Police Service.

(4) The Secretary, Chief Secretary's Department, and the Commissioner of Police are each to keep at his or her office a register of exemptions granted by him or her under this section. The register is to contain details of each such exemption and is to be open for inspection by any person free of charge during ordinary business hours.

SCHEDULE 2—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO KEY OFFICIALS—*continued*

(5) In this section:

“**former key official**” means a person who was a key official at any time during the previous 3 years, but is no longer a key official.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO
LIQUOR ACT 1982

(Sec. 3)

(1) Section 4 (**Definitions**):

(a) In section 4 (1), insert in alphabetical order:

“**close associate**” has the meaning given by section 4A;

“**late-trading period**”, in relation to a licensed restaurant, means a period, commencing at 11 p.m. and ending no later than 3 a.m. on the next day, during which the licensee is authorised under section 32 (3) to sell or supply liquor otherwise than with or as ancillary to a meal;

(b) From section 4 (1), omit the definition of “licence”, insert instead:

“**licence**” means a licence in force under this Act;

(c) From section 4 (1), omit the definition of “licensed premises”, insert instead:

“**licensed premises**” means:

(a) in the case of an on-licence to sell liquor at a function—the premises or part of premises in which the function is held; or

(b) in the case of any other licence to sell liquor—the premises or part of premises on which the sale of liquor is authorised by the licence; or

(c) in the case of an amusement device dealer’s licence—the premises or part of premises on or from which the business or other activity authorised by the licence is carried on;

Liquor (Amendment) Act 1993 No. 28

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

- (d) In section 4 (1), after the definition of “liquor”, insert:
- “local council”**, in relation to premises or proposed premises, means the council of the city (including the City of Sydney), municipality or shire within which the premises are, or the proposed premises are to be, situated;
- (e) In section 4 (1), after “vessel” in the definition of “premises”, insert “ , a railway train”.
- (f) In section 4 (1), from paragraph (b) of the definition of “restricted area”, omit “87”, insert instead “112”.
- (g) From section 4 (1), omit the definition of “special inspector”, insert instead:
- “special inspector”** means a person (including the Director) holding office under section 109 as a special inspector;

(2) Section 4A:

After section 4, insert:

Meaning of “close associate”

4A. (1) For the purposes of sections 68, 105A and 105B, a person is a “close associate” of an applicant for a licence or a licensee if the person:

- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in his or her own right or on behalf of any other person), in the business of the applicant or licensee that is or will be carried on under the authority of the licence, and by virtue of that interest or power is or will be able (in the opinion of the court or the Director) to exercise a significant influence over or with respect to the management or operation of that business; or
- (b) holds or will hold any relevant position, whether in his or her own right or on behalf of any other person, in the business of the applicant or licensee that is or will be carried on under the authority of the licence.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(2) In this section:

“**relevant financial interest**”, in relation to a business, means:

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law or in equity or otherwise;

“**relevant position**” means:

- (a) the position of director, manager or secretary; or
- (b) any other position, however designated, if it is an executive position;

“**relevant power**” means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

- (a) to participate in any directorial, managerial or executive decision; or
- (b) to elect or appoint any person to any relevant position.

(3) Section 9 (**Constitution of court at first instance**):

In section 9 (4), after “section 67”, insert “except by leave of the Chairman given on the application of all the parties”.

(4) Section 25 (**Hotelier’s licence—variation of trading hours**):

- (a) From section 25 (2), omit “unless it is satisfied that to do so would result”, insert instead “only if satisfied that to do so would not result”.
- (b) From section 25 (7), omit “licensee or”, insert instead “licensee, the local council,”.
- (c) After section 25 (7), insert:
 - (7A) If an application under this section for extended trading hours is refused, or if an extension of trading hours is revoked or reduced:
 - (a) on the application of the local council, the Director or the Commissioner of Police; or

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(b) under section 104 (Quiet and good order of neighbourhood),

an application for the same, or a longer, extension of trading hours for the same premises may not be made during the next 6 months.

(7B) An application for an extension of trading hours may be granted for a trial period of up to 6 months ending on a specified date and, on application made at least 1 month before that date, the court may:

- (a) confirm the extension of trading hours; or
- (b) postpone expiration of the trial period; or
- (c) refuse the application.

(5) Section 27 (**Off-licence (retail)—variation of trading hours**):

(a) From section 27 (3), omit “licensee or”, insert instead “licensee, the local council,”.

(b) After section 27 (3), insert:

(4) If an application under this section for extended trading hours is refused, or if an extension of trading hours is revoked or reduced:

- (a) on the application of the local council, the Director or the Commissioner of Police; or
- (b) under section 104 (Quiet and good order of neighbourhood),

an application for the same, or a longer, extension of trading hours for the same premises may not be made during the next 6 months.

(5) An application for an extension of trading hours may be granted for a trial period ending on a specified date and, on application made at least 1 month before that date, the court may:

- (a) confirm the extension of trading hours; or
- (b) postpone expiration of the trial period; or
- (c) refuse the application.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued***(6) Section 32 (On-licence (restaurant)—variation of trading hours):**

(a) From section 32 (4), omit “licensee or”, insert instead “licensee, the local council,”.

(b) After section 32 (4), insert:

(5) If an application under this section for extended trading hours is refused, or if an extension of trading hours is revoked or reduced:

(a) on the application of the local council, the Director or the Commissioner of Police; or

(b) under section 104 (Quiet and good order of neighbourhood),

an application for the same, or a longer, extension of trading hours for the same premises may not be made during the next 6 months.

(6) An application for an extension of trading hours may be granted for a trial period ending on a specified date and, on application made at least 1 month before that date, the court may:

(a) confirm the extension of trading hours; or

(b) postpone expiration of the trial period; or

(c) refuse the application.

(7) Section 35A (On-licence (vessel)—variation of trading hours):

(a) From section 35A (4), omit “licensee or”, insert instead “licensee, the local council,”.

(b) After section 35A (4), insert:

(5) If an application under this section for extended trading hours is refused, or if an extension of trading hours is revoked or reduced:

(a) on the application of the local council, the Director or the Commissioner of Police; or

(b) under section 104 (Quiet and good order of neighbourhood),

an application for an extension of trading hours for the same premises may not be made during the next 6 months.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(6) An application for an extension of trading hours may be granted for a trial period ending on a specified date and, on application made at least 1 month before that date, the court may:

- (a) confirm the extension of trading hours; or
- (b) postpone expiration of the trial period; or
- (c) refuse the application.

(8) Section 37 (**Making of application**):

Omit section 37 (6) and (7).

(9) Section 42 (**Application on dispossession of licensee**):

- (a) From section 42 (5), omit “shall”, insert instead “is”.
- (b) From section 42 (5), omit “be deemed”, insert instead “taken”.

(10) Part 3, Division 4A:

After Division 4, insert:

Division 4A—Investigation of applications

Principal Registrar to refer certain applications to Director

42B. (1) A registrar (other than the Principal Registrar) with whom an application to the court for a licence, or for the transfer of a licence, is lodged is to refer the application to the Principal Registrar.

(2) The Principal Registrar is to refer to the Director for investigation:

- (a) each application to the court for a licence, or for the transfer of a licence, that is lodged with the Principal Registrar or referred to the Principal Registrar by another registrar; and
- (b) any changes of which the Principal Registrar is notified under section 37 in relation to such an application.

Investigations by Director

42C. (1) On receiving for investigation an application for a licence or for the transfer of a licence, the Director must carry out all such investigations and inquiries in relation to the applicant as are considered by the Director to be necessary for a proper consideration of the application.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(2) In particular, the Director must refer to the Commissioner of Police details of the applicant together with any supporting information in relation to the applicant that the Director considers to be appropriate for referral to the Commissioner.

(3) The Commissioner of Police is to inquire into, and report to the Director on, such matters concerning the applicant as the Director may request.

Director may require further information

42D. (1) The Director may, by notice in writing, require a person whose application for a licence, or for the transfer of a licence, has been referred to the Director or who, in the opinion of the Director, has some association or connection with the applicant that is relevant to the application, to do one or more of the following things:

- (a) provide, in accordance with directions in the notice, such information verified by statutory declaration as is relevant to the investigation of the application and is specified in the notice;
- (b) produce, in accordance with directions in the notice, such records as are relevant to the investigation of the application and permit examination of the records, the taking of extracts from them and the making of copies of them;
- (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b);
- (d) furnish to the Director such authorities and consents as the Director requires for the purpose of enabling the Director to obtain information (including financial and other confidential information) from other persons concerning the person and his or her associates or relations.

(2) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

(3) The court may refuse to hear an application if a requirement made under this section in relation to the application is not complied with.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*(11) Section 44 (**Right of objection to application**):

(a) After section 44 (1), insert:

(1A) An objection to an application for extension of trading hours under section 25, 27, 32 or 35A may be taken by a resident of the neighbourhood in which the licensed premises are situated.

(b) In section 44 (2), after “or (i)”, insert “or subsection (1A)”.

(12) Section 45 (**Grounds of objection**):

(a) After section 45 (3) (e), insert:

(f) that a requirement of the Director made under this Act in relation to the application and specified in the objection has not been complied with.

(b) From section 45 (5) (c), omit “, or a requirement under section 37 (6),”.

(13) Section 47 (**Grant of application is discretionary in certain cases**):

From section 47 (3) (c), omit “include”, insert instead “are included in”.

(14) Section 54 (**Grant of on-licence (theatre)**):

From section 54 (a), omit “licensed under Part 2 of the Theatres and Public Halls Act 1908”.

(15) Section 55 (**Issue of licence etc.**):

After section 55 (3), insert:

(3A) A grant of, or an authority to issue, a licence is cancelled after 3 months if the fee for the licence has not been paid.

(16) Section 66A:

After section 66, insert:

Director may investigate licensees and others

66A. (1) The Director may at any time carry out all such investigations and inquiries as are considered by the Director to be necessary in order to ascertain whether a complaint should be made against a licensee under section 67.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(2) The Commissioner of Police is to inquire into, and report to the Director on, such matters as the Director may request concerning the licensee to whom the complaint, if made, would relate.

(3) The Director may, by notice in writing, require a licensee who is the subject of an investigation under this section to do one or more of the following things:

- (a) provide, in accordance with directions in the notice, such information verified by statutory declaration as is relevant to the investigation and is specified in the notice;
- (b) produce, in accordance with directions in the notice, such records as are relevant to the investigation and permit examination of the records, the taking of extracts from them and the making of copies of them;
- (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b);
- (d) furnish to the Director such authorities and consents as the Director requires for the purpose of enabling the Director to obtain information (including financial and other confidential information) from other persons concerning the person under investigation and his or her associates or relations.

(4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

(17) Section 68 (**Grounds for complaint**):

- (a) After section 68 (1) (c), insert:
 - (c1) that a requirement of the Director made under this Act in relation to the investigation of the licensee and specified in the complaint has not been complied with;
- (b) After section 68 (1) (e), insert:
 - (e1) that the licensee has as a close associate a person named in the complaint who is not a fit and proper person to be a close associate of the licensee;

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR ACT 1982—continued**(18) Section 69 (Disciplinary powers of court):**

From section 69 (1) (b) and (1A) (b), omit “50 penalty units” wherever occurring, insert instead “500 penalty units in the case of a corporation or 200 penalty units in any other case”.

(19) Section 84 (Statement of liquor purchases):

(a) From section 84 (2), omit “by him setting forth such information as may be prescribed”, insert instead “by the person that is in the form approved by the Board and includes such information as may be required by the form”.

(b) From section 84 (2), omit “Penalty: \$2,000”, insert instead “Maximum penalty: 20 penalty units”.

(c) From section 84 (3), omit “by him setting forth”, insert instead “by the prospective transferor that is in the form approved by the Board and sets out”.

(d) From section 84 (3), omit “prescribed”, insert instead “required”.

(e) After section 84 (3), insert:

(3A) The court or the Board may exempt a prospective transferor from compliance with subsection (3) if the persons interested, as referred to in section 38 (3), in the business, or the profits of the business, carried on under the licence are the same as the persons specified in the affidavit accompanying the application for the transfer as those who will be interested in the business or the profits of the business if the application is granted.

(20) Section 85 (Sales to authorised sellers):

Omit section 85 (1), insert instead:

(1) A licensee who sells liquor to a person authorised to sell liquor must, during the month that follows an assessment period for the licence, forward to the Board a statutory declaration in the form approved by the Board specifying, in relation to that assessment period, such information in relation to liquor so sold as may be required by the form.

Maximum penalty: 20 penalty units or imprisonment for 1 year, or both.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*(21) Section 86 (**Records to be kept**):

From section 86 (1), omit “shall, as prescribed, make and keep up-to-date the prescribed records in the English language containing the prescribed particulars” wherever occurring, insert instead “must make and keep up-to-date in the manner and form approved by the Board records in the English language specifying the information required by the form”.

(22) Section 91 (**Name of licensed premises**):

(a) At the end of section 91 (1) insert:

Maximum penalty: 3 penalty units.

(b) From section 91 (2), omit “Penalty: \$250”, insert instead “Maximum penalty: 3 penalty units”.

(c) After section 91 (2), insert:

(3) It is a defence to a prosecution for an offence under this section if it is proved that:

(a) the licensee had taken all reasonable precautions to avoid commission of the alleged offence; and

(b) at the time of the alleged offence, the licensee did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

(23) Section 109 (**Special inspectors**):

At the end of the section, insert:

(2) The Director is taken to have been appointed as a special inspector.

(3) The Board is to cause each special inspector to be issued with a means of identification that is approved by the Board and includes the following information:

(a) that it is issued under this Act by the Liquor Administration Board;

(b) the name of the special inspector;

(c) that the special inspector is authorised to exercise the powers conferred on a special inspector by the Liquor Act 1982.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(4) A special inspector is not authorised to exercise the functions of a special inspector in relation to a licensee without production of his or her means of identification for inspection:

(a) by the licensee; or

(b) in the absence of the licensee, by the person believed by the inspector to be the most senior person on duty in the premises entered,

unless to do so would defeat the purpose for which the functions are to be exercised.

(24) Section 110 (**Powers of entry**):

From section 110 (5), omit “Penalty: \$2,000”, insert instead “Maximum penalty: 50 penalty units”.

(25) Section 111 (**Obstruction**):

Omit “\$2,000”, insert instead “50 penalty units”.

(26) Section 114 (**Sale or supply of liquor to a minor**):

Omit section 114 (2).

(27) Sections 116A–116D:

After section 116, insert:

Offences by minors in hotels and late-trading restaurants

116A. (1) A minor who enters or remains in a restricted area in a hotel is guilty of an offence against this Act.

Maximum penalty: 10 penalty units.

(2) A minor who for any purpose enters or remains in a part of a hotel authorised under section 112 (1) (a) for use by a minor in the company of an adult is guilty of an offence against this Act unless the minor does so in the company and immediate presence of a responsible adult.

Maximum penalty: 10 penalty units.

(3) It is a defence to a prosecution of a minor for an offence under subsection (1) or (2) if it is proved that the defendant believed on reasonable grounds that an authorisation under section 112 (1) (b) operated to authorise the use of that part at the relevant time by minors under adult supervision.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(4) A minor who for any purpose enters or remains in a licensed restaurant during a late-trading period is guilty of an offence against this Act unless the minor does so in the company and immediate presence of a responsible adult.

Maximum penalty: 10 penalty units.

Offences by licensees in relation to minors

116B. (1) If a minor:

- (a) enters a restricted area in a hotel; or
- (b) enters a part of a hotel authorised under section 112(1) (a) for use by a minor in the company of an adult but is not in the company and immediate presence of a responsible adult; or
- (c) enters a licensed restaurant during a late-trading period but is not in the company and immediate presence of a responsible adult,

the licensee is guilty of an offence against this Act.

Maximum penalty: 20 penalty units.

(2) If a minor:

- (a) is in a restricted area in a hotel; or
- (b) is in a part of a hotel authorised for use by a minor in the company of an adult but is not in the company and immediate presence of a responsible adult; or
- (c) is in a licensed restaurant during a late-trading period but is not in the company and immediate presence of a responsible adult,

the licensee is guilty of an offence against this Act unless the minor is at once removed from the licensed premises.

Maximum penalty: 20 penalty units.

(3) It is a defence to a prosecution for an offence under subsection (1) or (2) if it is proved that the minor was above the age of 14 years and that:

- (a) before the minor entered the restricted area or authorised part of the hotel, or entered the licensed restaurant; or
- (b) while the minor was in the restricted area or authorised part of the hotel, or in the licensed restaurant,

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

there was produced to the licensee, or an employee or agent of the licensee, documentary evidence that might reasonably be accepted as applying to the minor and as evidence that the minor was of or above the age of 18 years.

(4) A hotelier is guilty of an offence against this Act if liquor is sold, supplied or consumed anywhere in the hotel:

- (a) during any period for which an authorisation under section 112 (1) (b) operates to authorise the use by a minor of a part of the hotel; or
- (b) within 30 minutes before the beginning of that period or within 30 minutes after its end.

Maximum penalty: 20 penalty units.

Notices to be displayed

116C. (1) A hotelier is guilty of an offence against this Act unless there is continuously displayed:

- (a) in each restricted area in the hotel a notice in the prescribed form that relates to the exclusion of minors from the restricted area; and
- (b) in each part of the hotel in which a minor is permitted to remain only in the company and immediate presence of a responsible adult a notice in the prescribed form that relates to the presence of minors in that part of the hotel.

Maximum penalty: 20 penalty units.

(2) A separate offence is committed in respect of each restricted area or other part of a hotel for which there is a failure to display in the restricted area or other part the notice required by this section.

(3) A holder of an on-licence for a restaurant trading during a late-trading period is guilty of an offence against this Act unless there is continuously displayed during the late-trading period a notice in the prescribed form that relates to the presence of minors in the restaurant during the late-trading period.

Maximum penalty: 20 penalty units.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(4) It is a defence to a prosecution for an offence under subsection (1) or (3) if it is proved that the licensee:

- (a) had taken all reasonable precautions to avoid commission of the alleged offence; and
- (b) at the time of the alleged offence did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

Offence by adult accompanying minor

116D. If an adult in whose company a minor is lawfully in a hotel or licensed restaurant:

- (a) permits the minor to consume liquor on the licensed premises; or
- (b) leaves the minor on the licensed premises deprived of the company and immediate presence of the adult without first informing the licensee or an employee of the licensee, the adult is guilty of an offence against this Act.

Maximum penalty: 10 penalty units.

(28) Section 117 (**Minors on licensed premises**):

Omit the section.

(29) Section 117A (**Minor required to provide information**):

- (a) From section 117A (1) omit “a minor reasonably suspected of committing an offence”, insert instead “a person who is reasonably suspected of being a minor and who, if a minor, would be committing an offence”.
- (b) From section 117A (2), omit “2 penalty units”, insert instead “10 penalty units”.
- (c) From section 117A (3), omit the definition of “minor”.

(30) Section 117E (**Reasonable evidence of age**):

At the end of section 117E, insert:

- (2) A minor who:
 - (a) provides information in order to obtain evidence of a kind prescribed by the regulations for the purposes of this section; and

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(b) knows that the information is false or misleading in a material particular,

is guilty of an offence against this Act.

Maximum penalty: 10 penalty units.

(3) A person who:

(a) provides or certifies information of a kind required to enable that or any other person to obtain evidence of a kind prescribed by the regulations for the purposes of this section; and

(b) knows that the information is to be used in order to obtain evidence, or that it is required in order to obtain evidence, prescribed for those purposes; and

(c) knows that the information is intended to be used to obtain evidence that will be false or misleading in a material particular,

is guilty of an offence against this Act.

Maximum penalty: 20 penalty units.

(31) Section 125 (**Conduct on licensed premises**):

Omit “10 penalty units” wherever occurring, insert instead “20 penalty units”.

(32) Section 143 (**General penalty**):

(a) Omit “penalty” wherever occurring, insert instead “maximum penalty”.

(b) Omit “\$1,000”, insert instead “50 penalty units”.

(33) Section 145 (**Proceedings for offence**):

(a) From section 145 (1) omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.

(b) From section 145 (3), omit “stipendiary magistrate”, insert instead “Magistrate”.

(c) From section 145 (3), omit “a licensing magistrate”, insert instead “the Licensing Court”.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(34) Section 150 (**Courses of instruction**):

Omit the section.

(35) Section 150A:

After section 150, insert:

Exclusion of liability

150A. No liability is incurred by a person who is:

- (a) a member of the Board; or
- (b) a special inspector or a member of the Police Service;
or
- (c) an officer or temporary employee appointed or employed under the Public Sector Management Act 1988,

for any act done or omitted in good faith by the person in the course of the administration of this Act.

(36) Section 155A:

After section 155, insert:

Secrecy

155A. (1) A person who:

- (a) acquires information in the exercise of a function of an office held by the person in the course of administering this Act; and
- (b) directly or indirectly makes a record of the information or divulges it to another person,

is guilty of an offence against this Act unless the information is recorded or divulged in the exercise of the functions of the office or in the course of administering this Act as a holder of that or any other office.

Maximum penalty: 50 penalty units.

(2) Despite subsection (1), information may be divulged:

- (a) to a particular person or persons, if the Board certifies that is necessary in the public interest that the information be divulged to the person or persons; or

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR
ACT 1982—*continued*

(b) to a person who is expressly or impliedly authorised to obtain it by the person to whom the information relates; or

(c) to a prescribed person or a prescribed authority.

(3) It is not an offence under this section if, in legal proceedings, a person:

(a) discloses information in answer to a question that the person is compellable to answer; or

(b) produces a document or other thing that the person is compellable to produce.

(4) An authority or person to which or to whom information is divulged under this section, and a person or employee under the control of that authority or person, are, in respect of that information, subject to the same rights, privileges and duties under this section as the authority or person would be if that authority, person or employee were a person administering this Act and had acquired the information in the course of administering this Act.

(5) This section does not apply to the divulging of information to, or to the production of any document or other thing to, any of the following:

- the Independent Commission Against Corruption;
- the National Crime Authority;
- the New South Wales Crime Commission;
- the Ombudsman;
- any other person or body prescribed for the purposes of this section.

(6) This section does not prevent a person being given access to a document in accordance with the Freedom of Information Act 1989.

(7) In this section, a reference to the production of a document or other thing includes a reference to provision of access to the document or other thing.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS TO LIQUOR ACT 1982—*continued***(37) Section 156 (Regulations):**

- (a) From section 156 (2), omit “\$1,000”, insert instead “50 penalty units”.
- (b) After section 156(2), insert:
 - (2A) The regulations may provide that the form to be used for a particular purpose is to be the form approved for the purpose by the Board.

SCHEDULE 4—AMENDMENTS TO LIQUOR ACT 1982 RELATING TO SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 3)

(1) Section 3:

After section 2, insert:

Savings and transitional provisions

3. Schedule 1 has effect.

(2) Schedule 1:

After section 156, insert:

SCHEDULE 1—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 3)

Part 1—Preliminary**Regulations**

1. (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the Liquor (Amendment) Act 1993.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of amendment or repeal of the related provision of this Act or from a later date.

(3) To the extent that a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:

SCHEDULE 4—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO SAVINGS AND TRANSITIONAL
PROVISIONS—*continued*

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of the person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**Part 2—Provisions consequent on enactment of the
Liquor (Amendment) Act 1993**

Definitions

2. In this Part:

“**1993 Act**” means the Liquor (Amendment) Act 1993.

“**introduction date**” means the date on which the Bill for the 1993 Act was introduced into Parliament, whether or not the 1993 Act was enacted in the form of the Bill as introduced.

Continuation of limitation of authority

3. On the repeal of section 19A (2) and (2A) by the 1993 Act:

- (a) any restriction imposed under section 19A (2) on the authority conferred by a licence; and
- (b) any condition imposed on a licence by section 19A (2A),

continue in force as if they were conditions imposed on the licence by the Board under Part 11, as inserted by the 1993 Act.

Gaming-related licences

4. (1) Section 68 (IA), as inserted by the 1993 Act, does not, during the period of 5 years that follows its commencement, apply in relation to a gaming-related licence held immediately before the introduction date.

(2) A gaming-related licence or work permit in force immediately before the commencement of Division 2 of Part 11, as inserted by the 1993 Act, has effect on and after that commencement as if it had been granted under that Division.

SCHEDULE 4—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO SAVINGS AND TRANSITIONAL
PROVISIONS—*continued*

Approved amusement devices not used for gaming

5. An approval in force under the provisions of section 21A (10) or 138 (5) immediately before the repeal of those provisions by the 1993 Act continues after the repeal as if:

- (a) there had been no such repeal; and
- (b) those provisions had been amended by omitting, “This section” and by inserting instead “Part 11”.

Application for licence or transfer of licence

6. On the commencement of Division 4A of Part 3, as inserted by the 1993 Act, that Division applies in relation to an application for, or for transfer of, a licence made, but not determined, before that commencement in the same way as it applies in relation to such an application made after that commencement.

Licence fees

7. (1) Section 80 (2) (a) is taken not to have had any effect in so far as, at any time after 31 July 1989, it required payment of a fee of \$1,000 for a hotelier’s licence the subject of a variation of trading hours.

(2) Section 80 (2) (a) (ii), as inserted by the 1993 Act, does not affect the determination of a licence fee for a licensing period that commenced before 16 January 1993.

(3) Subclause (2) has effect subject to section 81A.

Restrictions on certain officials

8. (1) On and after the commencement of section 105A, as inserted by the 1993 Act, and despite its provisions:

- (a) section 105A (1) (a) does not apply to prohibit a key official from continuing to hold a licence if the key official held the licence immediately before the introduction date; and
- (b) section 105A (1) (c) and (4) (a) do not apply to prohibit the continuation of any employment of a key official that existed immediately before the introduction date; and

SCHEDULE 4—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO SAVINGS AND TRANSITIONAL
PROVISIONS—*continued*

(c) section 105A (2), (3) and (4) (b) and (c) do not apply to prohibit a business or financial association, or a business or financial interest, that existed immediately before the introduction date.

(2) On and after the commencement of section 105B, as inserted by the 1993 Act, and despite its provisions, a reference in that section to a former key official does not include a reference to a person who was a former key official immediately before the introduction date.

(3) This clause does not affect the operation of section 80 (1) and (2) of the Public Sector Management Act 1988, despite section 80 (3) of that Act.

Investigation of certain devices

9. On the commencement of section 157, as inserted by the 1993 Act, that section applies in relation to an application for declaration of a device as an approved amusement device made, but not decided, before that commencement in the same way as it applies in relation to such an application made after that commencement.

Declaration as approved amusement device

10. (1) If a declaration of a device as an approved amusement device is in force under this Act immediately before the commencement of section 158, as inserted by the 1993 Act, the declaration takes effect at that commencement as a declaration under that section.

(2) If, before the commencement of section 158 (2) (b) as inserted by the 1993 Act:

- (a) the Board had made in relation to a device a declaration of a kind referred to in that paragraph; and
- (b) the declaration was in force immediately before that commencement,

the declaration is taken to have been made in accordance with that paragraph.

**SCHEDULE 4—AMENDMENTS TO LIQUOR ACT 1982
RELATING TO SAVINGS AND TRANSITIONAL
PROVISIONS—*continued***

Authorised approved amusement devices

11. On the commencement of section 161, as inserted by the 1993 Act, each approved amusement device that, immediately before that commencement was authorised to be kept by a hotelier is, at that commencement, an approved amusement device authorised to be kept by the hotelier in accordance with that section.

Amendments to Liquor Regulation 1983

12. The amendments made by the 1993 Act to provisions of the Liquor Regulation 1983 do not affect the future amendment or repeal of those provisions.

General

13. (1) If anything done or commenced under a provision repealed or amended by the 1993 Act could have been done or commenced under a provision of this Act if the amendments made by the 1993 Act had been in force when the thing was done or commenced, it is taken to have been done or commenced under this Act as amended by the 1993 Act.

(2) This Schedule has effect in addition to, and does not derogate from, section 30 of the Interpretation Act 1987.

**SCHEDULE 5—OTHER AMENDMENTS TO LIQUOR
ACT 1982**

(Sec. 3)

(1) Section 4 (**Definitions**):

From section 4 (1), omit “under section 20A (1) (b)” from paragraph (e) of the definition of “sell”.

(2) Sections 21A, 138C:

In sections 21A (1) (a) and 138C (1A) (a), after “(2A)” wherever occurring, insert “, or varied under section 20 (2B)”.

SCHEDULE 5—OTHER AMENDMENTS TO LIQUOR ACT 1982
—*continued*

(3) Section 56 (**Fee for grant of licence etc.**):

Omit section 56 (5) (b), insert instead:

- (b) the Board imposes or varies a condition that authorises the keeping, use and operation of an approved amusement device,

(4) Section 80 (**Periodic licence fee**):

Omit section 80 (2) (a), insert instead:

- (a) in the case of a hotelier's licence,

(i) until 30 June 1992, 10 per cent of the applicable amount prescribed by subsection (3); and

(ii) after 30 June 1992, 13 per cent of the applicable amount prescribed by subsection (3) plus 7 per cent of the applicable amount prescribed by subsection (3A),

and, if a condition authorises the licensee to keep and to permit the use and operation of one or more approved amusement devices:

- (iii) as duty, the prescribed amount or an amount calculated as prescribed;

SCHEDULE 6—CONVERSIONS TO PENALTY UNITS

(Sec. 3)

(1) Sections 37 (5), 86, 124, 139:

Omit "Penalty: \$2,000" wherever occurring, insert instead "Maximum penalty: 20 penalty, units".

(2) Section 86A (**Keeping of records concerning low alcohol beer**):

From section 86A (1) and (2), omit "Penalty" wherever occurring, insert instead "Maximum penalty".

(3) Sections 92, 115, 128, 130, 136–138:

Omit "Penalty: \$500" wherever occurring, insert instead "Maximum penalty: 5 penalty units".

Liquor (Amendment) Act 1993 No. 28

SCHEDULE 6—CONVERSIONS TO PENALTY UNITS—*continued*

(4) Section 102 (**Register of guests etc.**):

- (a) From section 102 (2), omit “Penalty: \$500”, insert instead “Maximum penalty: 5 penalty units”.
- (b) From section 102 (3), omit “Penalty applying to this subsection: \$500”, insert instead “Maximum penalty: 5 penalty units”.

(5) Sections 105, 121, 125E, 126:

Omit “Penalty: \$1,000” wherever occurring, insert instead “Maximum penalty: 10 penalty units”.

(6) Section 122 (**Sale of liquor without licence**):

- (a) From section 122 (1), omit “Penalty: \$1,000”, insert instead “Maximum penalty: 10 penalty units”.
- (b) From section 122 (3), omit “Penalty applying to this subsection: \$1,000”, insert instead “Maximum penalty: 10 penalty units”.

(7) Section 123 (**Unlicensed premises**):

- (a) From section 123 (1), omit “Penalty: \$1,000”, insert instead “Maximum penalty: 10 penalty units”.
- (b) From section 123 (2), omit “Penalty: \$500”, insert instead “Maximum penalty: 5 penalty units”.
- (c) From section 123 (3), omit “Penalty applying to this subsection: \$200”, insert instead “Maximum penalty: 2 penalty units”.

(8) Section 127 (**Sign on unlicensed premises**):

Omit “Penalty: \$200”, insert instead “Maximum penalty: 2 penalty units”.

(9) Sections 129, 131, 132:

Omit “Penalty: \$250” wherever occurring, insert instead “Maximum penalty: 3 penalty units”.

(10) Section 133 (**Liquor in unregistered club**):

- (a) From section 133 (1), omit “Penalty: \$1,000”, insert instead “Maximum penalty: 10 penalty units”.

SCHEDULE 6—CONVERSIONS TO PENALTY UNITS—*continued*

- (b) From section 133 (2), omit “\$200”, insert instead “2 penalty units”.

**SCHEDULE 7—AMENDMENT OF THE LIQUOR
REGULATION 1983**

(Sec. 5)

(1) Clause 33A (**Fees for certain licences**):

Omit clause 33A (3), insert instead:

(3) A fee prescribed by subclause (2) is payable in respect of each of the following periods that is not a period during which the licence is granted:

- (a) the period that commences on 16 February 1987 and ends on 15 February 1988; and
- (b) the year that commences on 16 February 1988; and
- (c) each year subsequent to the year referred to in paragraph (b).

(2) Clause 33C (**Fee for grant of certain restaurant on-licences**):

Omit the clause.

(3) Clause 35 (**Assessment periods**):

Omit clause 35 (1) (c), insert instead:

- (c) a licensing period referred to in clause 34 (a) (iii) and (iv) and clause 34 (b) (iii)–(vi) is the period of 1 year that ended on the last preceding 30 June.

(4) Clause 58:

Omit the clause, insert instead:

Removal of logic board from approved amusement device

58. A hotelier is not to permit any logic board of an approved amusement device kept on the licensed premises to be replaced unless an appropriate and accurate entry has been made, immediately beforehand, in the record kept for the purposes of clause 59, of the readings of the meters of the replaced board at the time of replacement.

Liquor (Amendment) Act 1993 No. 28

SCHEDULE 7—AMENDMENT OF THE LIQUOR REGULATION
1983—*continued*

Commencement

Item (1) of the amendments to the Liquor Regulation 1983 is taken to have commenced on 15 February 1987.

Item (2) of the amendments to that Regulation is taken to have commenced on 18 February 1991.

Item (3) of the amendments to that Regulation is taken to have commenced on 15 January 1988.

Item (4) of the amendments to that Regulation commences when section 194 of the Liquor Act 1982, as inserted by Schedule 1 (12) to this Act, commences.

*[Minister's second reading speech made in—
Legislative Assembly on 2 March 1993
Legislative Council on 18 May 1993]*