



New South Wales

Casino Control Amendment (Application of Liquor Laws) Regulation (No 2) 2001

under the

Casino Control Act 1992

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

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

Explanatory note

Section 89 of the *Casino Control Act 1992* provides that the *Liquor Act 1982* does not apply to or in respect of a casino, except as provided by the regulations and that the regulations may apply to the casino, with or without modification, specified provisions of the *Liquor Act 1982*.

The *Liquor Act 1982* has been amended by the *Liquor and Registered Clubs Legislation Amendment Act 2001* and the *Liquor and Registered Clubs Legislation Further Amendment Act 2001*.

The object of this Regulation is to apply certain of the provisions of the *Liquor Act 1982* amended by those Acts to the casino. Those provisions deal with:

- (a) the handling of applications for conditional grants, and
- (b) the appointment and approval of managers by bodies corporate that are licensees, and
- (c) the prohibition of the undesirable promotion of liquor.

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Explanatory note

This Regulation is made under section 89 of the *Casino Control Act 1992* and under section 170 (the general regulation-making power).

Casino Control Amendment (Application of Liquor Laws) Regulation (No 2) 2001

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Application of Liquor Laws) Regulation (No 2) 2001*.

2 Amendment of Casino Control Regulation 2001

The *Casino Control Regulation 2001* is amended as set out in Schedule 1.

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Casino Control Amendment (Application of Liquor Laws)
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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Schedule 5 Application of Liquor Act 1982 to casino

Insert “, 117J” after “117I” in Part 1.

[2] Schedule 6 Applied provisions of Liquor Act 1982 as modified

Insert after section 40 (3):

- (3A) In proceedings under this section, the Authority is not bound to hear any submission made or receive any evidence adduced by any person (other than the Commissioner of Police or the local consent authority):
- (a) as to whether any plan on which the applicant relies is or is not an approved plan, or
 - (b) as to whether a development consent or certificate accompanying any plan on which the applicant relies was issued before or after the date of lodgment of the application, or
 - (c) as to any alleged omission, error, defect or insufficiency in any such plan or any alleged discrepancy between the plan and any approved plan, or
 - (d) generally as to any aspect of the validity or propriety of a plan or of any development consent or certificate accompanying it.

[3] Schedule 6, section 69B

Omit the section. Insert instead:

69B Appointment of managers

A body corporate that is a licensee must appoint a manager approved by the Authority under this Division for the licensed premises and must not cause or permit the conduct of business under the licence for a period in excess of 14 days except under the management of a person so approved.

Maximum penalty: 50 penalty units.

[4] Schedule 6, section 69D

Omit section 69D (1) and (2). Insert instead:

- (1) An application for the Authority's approval of a person to manage licensed premises is to be made in the form approved by the Authority.
- (2) The Authority is not to give its approval unless it is satisfied that the person concerned:
 - (a) is a fit and proper person to manage licensed premises, and
 - (b) understands his or her responsibilities in relation to, and is capable of implementing, practices in place at licensed premises for ensuring the responsible sale, supply and service of liquor and the prevention of intoxication.

[5] Schedule 6, section 69E (1)

Omit the subsection. Insert instead:

- (1) A licensee must give the Authority notice of the appointment of a person as manager of licensed premises.

Maximum penalty: 20 penalty units.

[6] Schedule 6, section 69E (2)

Insert “, accompanied by the declaration referred to in subsection (5) (b)” after “section”.

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Schedule 1 Amendments

[7] Schedule 6, section 69E (5)

Omit the subsection. Insert instead:

- (5) A notice under this section:
 - (a) must be completed in writing in the form approved by the Authority, and
 - (b) must be accompanied by a declaration in writing, in a form approved by the Authority, of the person to be appointed as manager of the premises concerned:
 - (i) signifying his or her acceptance of the appointment, and
 - (ii) certifying such matters as the form of notice may require (including matters relating to the person's responsibilities in relation to, and capacity to implement, practices in place at the premises for ensuring the responsible sale, supply and service of liquor, and the prevention of intoxication, on the premises).

[8] Schedule 6, section 117J

Insert after section 117I:

117J Authority may prohibit undesirable promotion of liquor

- (1) The Authority may, by order in writing served on a licensee, prohibit the licensee from carrying on or being involved in an activity involving the promotion of liquor described in the order if the Authority considers:
 - (a) that the promotion is likely to have a special appeal to minors:
 - (i) because of the use of designs, motifs or characters in the promotion that are, or are likely to be, attractive to minors, or
 - (ii) for any other reason, and
 - (b) that it is desirable in the public interest to prohibit the carrying on of or involvement in the activity.

- (2) Before making an order under this section, the Authority must have regard to any relevant guidelines concerning the making of orders or the promotion of liquor approved by the Minister for the purposes of this section.
- (3) A licensee who, without reasonable excuse, fails to comply with an order under this section is guilty of an offence.
Maximum penalty: 50 penalty units.

[9] Schedule 6, Schedule 1

Insert at the end of the Schedule:

**Part 19 Liquor and Registered Clubs Legislation
Amendment Act 2001**

91 Notice of appointment of manager of licensed premises

A form of notice that, immediately before the amendments made by the *Casino Control Amendment (Application of Liquor Laws) Regulation (No 2) 2001* to section 69E took effect, was the form approved for the purposes of section 69E (5) is taken to be the form approved for the purposes of subsection (5) (a) of that section, as amended by that Regulation, until such time as another form is approved.