



New South Wales

Casino Control Regulation 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

This Regulation replaces (without any major changes in substance) the *Casino Control Regulation 1995*, under the *Casino Control Act 1992*, which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation does the following:

- (a) it prescribes the matters that constitute a “major change” in the state of affairs existing in relation to a casino operator for the purposes of paragraph (b) of the definition of that term in section 35 (1) of the Act and the matters that constitute a “minor change”,
- (b) it exempts certain employees who would otherwise be “special employees” (as defined in section 43 of the Act) from that category,
- (c) it prescribes the changes in the state of affairs existing in relation to special employees, and the particulars relating to those changes, that section 63 of the Act requires the employees concerned to notify to the Casino Control Authority,
- (d) it requires employees other than special employees to wear identification while on duty in areas of a casino to which the public does not have access,

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Explanatory note

- (e) it exempts certain contracts that would otherwise be “controlled contracts” (as defined in section 36 of the Act) from that category,
- (f) it prescribes the form that controlled contracts and variations of controlled contracts must be in and the details of those contracts and variations that a casino operator must give to the Authority, and provides for other requirements for controlled contracts,
- (g) it makes various requirements in relation to “junkets” (as defined in section 76 (3) of the Act) involving the casino, and persons who organise, promote or conduct such junkets and their representatives, and in relation to casino employees’ involvement with such junkets,
- (h) it makes various requirements in relation to responsible gambling practices,
- (i) it modifies and applies certain provisions of the *Liquor Act 1982* to the casino,
- (j) it prohibits the giving of certain inducements and certain kinds of advertising in relation to the casino and prize-winners,
- (k) it makes provision as to miscellaneous other matters (including additional persons and bodies to whom information acquired in the exercise of functions under the Act may be divulged, evidence of the age of patrons of the casino, counselling services in relation to social problems that may arise in connection with gambling, notification to the Authority of the proposed delivery of gaming equipment, and the issuing of penalty notices in respect of certain offences against the Act and this Regulation, and the *Liquor Act 1982* as applied and modified by this Regulation),
- (l) it makes other provisions of an ancillary, formal or technical nature.

This Regulation is made under the *Casino Control Act 1992* and, in particular, section 170 and Schedule 3 (the general power to make regulations) and sections 35, 37, 43, 63, 68, 76, 81, 88, 89, 91, 168A and 169A.

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Clause 1 Casino Control Regulation 2001

Part 1 Preliminary

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Casino Control Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *Casino Control Regulation 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

casino environs means premises the subject of an order under section 89 (3) of the Act.

gaming machine has the meaning given by section 8 (5) of the Act.

Infringement Processing Bureau means the Infringement Processing Bureau within the Police Service.

IPB Code for an offence means the code allocated to the offence by the Infringement Processing Bureau.

liquor has the same meaning as in the *Liquor Act 1982*.

participant in a junket means a person who participates in a junket as a guest.

promoter of a junket means a person who organises, promotes or conducts a junket, but does not include a casino operator or a casino employee.

representative of a promoter means a person who is authorised by a promoter to act on the promoter's behalf in the organisation, promotion or conduct of a junket.

the Act means the *Casino Control Act 1992*.

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4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 5 Casino Control Regulation 2001

Part 2 Casino operator and casino employees

Part 2 Casino operator and casino employees

5 Major changes in state of affairs of casino operator

For the purposes of paragraph (b) of the definition of *major change* in section 35 (1) of the Act, a change in the state of affairs existing in relation to a casino operator that is described in Schedule 1 is prescribed as a major change.

6 Minor changes in state of affairs of casino operator

For the purposes of the definition of *minor change* in section 35 (1) of the Act, a change in the state of affairs existing in relation to a casino operator that is described in Schedule 2 is prescribed as a minor change.

7 Certain persons not “special employees”

(1) For the purposes of section 43 (2) of the Act, a person employed or working in a casino in a capacity relating to:

- (a) the movement of money about the casino, or
- (b) the exchange of money in the casino, or
- (c) the counting of money in the casino, or
- (d) the supervision of that movement, exchange or counting of money,

is exempt from being a special employee if the money concerned relates only to the sale of food or drink, or of souvenirs or similar merchandise, in the casino.

(2) However, subclause (1) does not operate to exempt from being a special employee an employee who is at any time responsible (whether in an acting capacity or otherwise) for the supervision and management of the sale or supply of liquor in the casino.

(3) A person employed or working in a casino in any of the following capacities is exempt from being a special employee:

- (a) as a promoter of a junket,
- (b) as a representative of such a promoter,
- (c) as a person providing a cash collection, delivery and handling service to the casino under a contract or as an employee of such a person.

8 Change in state of affairs of special employee

For the purposes of section 63 of the Act:

- (a) a change in the state of affairs existing in relation to a holder of a licence that is described in Column 1 of Schedule 3 is prescribed, and
- (b) the particulars that are specified in Column 2 of Schedule 3 opposite a change described in Column 1 of that Schedule are prescribed particulars in relation to that change.

9 Identification of employees

A casino employee who is not a licensee under Part 4 of the Act must, at all times while carrying out his or her duties in any part of a casino to which the public does not have access, wear on his or her person and so as to be clearly visible a form of identification approved by the Authority.

Maximum penalty: 1 penalty unit.

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Clause 10 Casino Control Regulation 2001

Part 3 Contracts

Part 3 Contracts

10 Certain contracts not controlled contracts

- (1) The object of this clause is to prescribe the classes of contracts that are, for the purposes of paragraph (b) of the definition of *controlled contract* in section 36 of the Act, exempt from that definition.
- (2) The following classes of contracts are prescribed:
 - (a) contracts of employment,
 - (b) contracts relating wholly or partly to the supply of goods or services to a casino, but only if the amount payable under such a contract is less than \$330,000,
 - (c) contracts relating wholly or partly to the conduct of games of Keno by a licensee under the *Public Lotteries Act 1996* in the casino,
 - (d) contracts relating to the supply to a casino of gas, water or electricity, or postal or telecommunications services,
 - (e) contracts relating to the supply of legal, accounting, financial, corporate or property advisory services to a casino,
 - (f) contracts relating to the supply of share registry services to a casino,
 - (g) contracts relating to the supply of airline services to a casino,
 - (h) contracts of insurance and contracts relating to the supply of insurance to, or the procurement of insurance for, a casino,
 - (i) contracts relating to the supply of off-site parking to a casino,
 - (j) contracts relating to the supply of ticketing agency services to a casino,
 - (k) contracts relating to the supply of superannuation services for the benefit of casino employees,
 - (l) contracts relating to the supply of banking or financial services to a casino.
- (3) However, a contract of the class specified in subclause (2) (b) is not exempt if the contract is:
 - (a) one of 2 or more contracts entered into by the same supplier during any 12 month period, if the aggregate amount payable under the contracts is \$330,000 or more, or

- (b) a contract relating to the supply of gaming equipment, if the amount payable under the contract is \$11,000 or more, or
 - (c) a contract relating to the maintenance of gaming equipment, if the amount payable under the contract is \$11,000 or more, or
 - (d) a contract relating to the supply or maintenance of security or surveillance equipment, if the amount payable under the contract is \$11,000 or more.
- (4) The class of contracts comprising such of the financial contracts relating to the establishment and operation of the casino as require the consent of the Authority is also prescribed.

11 Form of controlled contracts and variations of controlled contracts

- (1) A controlled contract must be in the following form:
- (a) it must specify an identifying serial number obtained from the Authority, and
 - (b) it must be in writing in the English language, and
 - (c) it must contain the full names, business addresses and business telephone and facsimile numbers of the parties to the contract, and
 - (d) it must contain a full description of the goods or services to be provided under the contract, and
 - (e) it must contain a full description of the nature and amount of the consideration for the provision of those goods or services, and
 - (f) it must specify the period during which the goods or services are to be provided, and
 - (g) it must specify all of the terms (other than the implied terms) of the contract, and
 - (h) it must contain a notice in the form of Notice 1 in Schedule 4.
- (2) A variation of a controlled contract must be in the following form:
- (a) it must specify the same identifying serial number as the controlled contract that it varies (the *original contract*), and
 - (b) it must be in writing in the English language, and
 - (c) it must specify any change to the names, business addresses and business telephone and facsimile numbers of the parties to the original contract, and

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Clause 11 Casino Control Regulation 2001

Part 3 Contracts

- (d) it must provide full details of the variation of the terms (other than the implied terms) of the original contract, specifying any additional terms.
- (3) If a variation of a controlled contract involves the addition or replacement of a party to the contract, the variation must contain a notice in the form of Notice 2 in Schedule 4.

12 Required details of notifiable contracts and variations of notifiable contracts

For the purposes of section 37A (1) of the Act, the following details are prescribed in relation to a notifiable contract (and a variation of a notifiable contract):

- (a) details of the full names and business addresses and business telephone and facsimile numbers of the parties to the contract (or to the contract as varied),
- (b) details of the nature and amount of the consideration for the provision of any goods and services to be provided under the contract (or under the contract as varied),
- (c) the contract's identifying serial number (allocated by the casino operator).

13 Authority to provide serial numbers for controlled contracts

The Authority must, as soon as practicable after receiving notification in accordance with section 37 (1) of the Act of details of a proposed controlled contract, provide the casino operator with an identifying serial number for the proposed contract.

14 Fee to accompany contract notice

For the purposes of section 37 (1) of the Act, the prescribed fee is \$2,000.

Part 4 Responsible gambling practices

Division 1 Junkets and inducements

15 Casino operator's involvement with junkets

- (1) A casino operator must not act as a representative of a promoter of a junket involving the casino.

Maximum penalty: 100 penalty units.

- (2) However, a casino operator may organise, promote and conduct such a junket on his or her own behalf.
- (3) The junket may be organised, promoted and conducted by the casino operator personally or by a casino employee at the direction of, and on behalf of, the operator.

16 Casino employee's involvement with junkets

A casino employee must not take part in the organisation, promotion or conduct of a junket involving the casino unless:

- (a) the junket concerned is being organised, promoted or conducted by the casino operator, and
- (b) the employee takes part only in his or her capacity as a casino employee.

Maximum penalty: 100 penalty units.

17 Representative to be authorised

- (1) A person must not act as a representative of a promoter unless the person is duly authorised by the promoter.
- (2) A promoter who authorises a person as the promoter's representative, or changes such an authority:
 - (a) must, when giving (or changing) the authorisation, provide the person with a signed statement specifying the authority (or the authority as changed) given to the person, and
 - (b) must provide a copy of the statement to the Authority within 24 hours after providing it to the person.

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Part 4 Responsible gambling practices

Division 1 Junkets and inducements

- (3) A casino operator must not allow a person to act as a representative of a promoter unless the casino operator has received a document, or a copy of a document, that:
 - (a) is signed by the promoter, and
 - (b) confirms that the person is duly authorised.
- (4) A person who contravenes a provision of this clause is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

18 Promoters and representatives to be approved

- (1) A person must not act as a promoter (or as a representative of a promoter) without the Authority's written approval.
- (2) A casino operator must not permit a person to act as a promoter (or as a representative of a promoter) unless the person has the Authority's written approval so to act.
- (3) An application for an approval referred to in this clause is to be made to the Authority in a form approved by the Authority.
- (4) The Authority must not determine an application for approval unless the application has the written endorsement of the casino operator.
- (5) The Authority may grant a provisional approval pending its determination of an application for approval.
- (6) The Authority may withdraw an approval or a provisional approval at any time by written notice to the holder of the approval or provisional approval.
- (7) The Authority must withdraw an approval or provisional approval if the casino operator requests the Authority in writing to do so.
- (8) A person who contravenes subclause (1) or (2) is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

19 Casino operator to notify Authority of conviction of promoter or representative

- (1) A casino operator who becomes aware that a promoter or a representative has been convicted of an offence (whether in New South Wales or elsewhere), or is the subject of a finding or order that, because of section 5 of the *Criminal Records Act 1991* or an equivalent provision of a law of another jurisdiction, is treated as a conviction for the purposes of that Act or law, must notify the Authority in accordance with this clause.

Maximum penalty: 50 penalty units.

- (2) The notification:
- (a) must be given within 7 days after the casino operator becomes aware of the conviction, and
 - (b) must be in writing, and
 - (c) must specify the particulars of the offence in so far as those particulars are known to the casino operator.
- (3) This clause does not apply in respect of a conviction in relation to which a pardon has been granted, a conviction that is a spent conviction (within the meaning of Part 2 of the *Criminal Records Act 1991* or an equivalent provision of a law of another jurisdiction) or a conviction that has been quashed (within the meaning of Part 4 of the *Criminal Records Act 1991* or an equivalent provision of a law of another jurisdiction).

20 Advance notice of junkets

- (1) A casino operator must provide the Authority with such written details of any proposed junket as the Authority, by notice in writing to the casino operator from time to time, requests.
- (2) The details are to be provided no later than 24 hours before any participant in a proposed junket the subject of such a notice takes part in gaming at the casino (or by such later time as the Authority may allow in a particular case).
- (3) However, if the Authority (by notice under subclause (1) or by a subsequent notice) requests the casino operator to provide a list of participants in a proposed junket, the casino operator must provide the list to the Authority as soon as practicable after receiving the notice.

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Part 4 Responsible gambling practices

Division 1 Junkets and inducements

- (4) A request under this clause may relate to junkets generally, to a particular junket or to junkets of a particular class.
- (5) A casino operator who contravenes a provision of this clause is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

21 Participants in junket to be accompanied

- (1) The promoter of a junket must ensure that the participants in the junket are accompanied, while in the casino, by the promoter or by his or her representative.

Maximum penalty: 50 penalty units.

- (2) The casino operator must ensure that the participants in a junket organised, promoted or conducted by the casino operator are accompanied, while in the casino, by the casino operator or by a casino employee on behalf of the operator.

Maximum penalty: 50 penalty units.

- (3) However, the Authority may notify the casino operator in writing that participants in a particular junket (or in junkets of a particular class) need not be accompanied while in the casino. The requirements of this clause do not apply to a junket the subject of such a notification.

22 Report on completion of junket

- (1) A casino operator must provide the Authority with a written report on each junket within 48 hours after the completion of the junket.
- (2) The report is to specify and give reasons for any variation, in the conduct of the junket, from the details of the proposed junket provided to the Authority under clause 20 (1).
- (3) A casino operator must also provide the Authority, no later than the 10th day of each month, with a written report on all junkets concluded during the previous month.
- (4) A report under this clause is to be in a form approved by the Authority.
- (5) However, the Authority may notify the casino operator in writing that a report is not required in respect of a particular junket (or in respect of junkets of a particular class). The requirements of this clause do not apply to a junket the subject of such a notification.
- (6) A casino operator who contravenes a provision of this clause is guilty of an offence and liable to a penalty not exceeding 100 penalty units.

23 Gambling inducements

A casino operator must not:

- (a) offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in any gambling activity in the casino, or
- (b) offer free credits to players, or as an inducement to persons to become players, of gaming machines in the casino, by means of letter box flyers, shopper docketts, or any other means.

Maximum penalty: 50 penalty units.

Division 2 Player information

24 Display of information concerning chances of winning prizes on gaming machines

- (1) A casino operator must display, in accordance with this clause, notices providing information about the chances of winning a major prize from the use or operation of any gaming machine in the casino.

Maximum penalty: 50 penalty units.

- (2) The information contained in the notices must be in the following form:

Your chance of winning the maximum prize on a gaming machine is generally no better than one in a million.

- (3) The notices must be:
 - (a) displayed in each part of the casino where gaming machines are located in such manner and in such a place that it would be reasonable to expect that a person entering the part of the casino in which the notices are displayed would be alerted to their contents, and
 - (b) prominently displayed on the front or top of each gaming machine kept in the casino or displayed by means of a permanently visible light emitting display that forms part of each such machine.
- (4) The matter contained in a notice must be:
 - (a) in the case of a notice displayed as referred to in subclause (3) (a)—in letters of not less than one centimetre in height, and

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Clause 24 Casino Control Regulation 2001

Part 4 Responsible gambling practices

Division 2 Player information

- (b) in the case of a notice displayed as referred to in subclause (3) (b)—in letters of not less than 0.4 centimetres in height.

25 Approval of English and other community language player information brochures

- (1) In this clause:

player information means the following:

- (a) information concerning the use and operation of gaming machines,
 - (b) information concerning the chances of winning prizes from the playing of gaming machines,
 - (c) the G-line (NSW) help line phone number operated under contractual arrangements made by the Department of Gaming and Racing.
- (2) The Minister may approve one or more pamphlets or brochures containing player information in the English language (a *player information brochure*).
 - (3) The Minister may approve one or more pamphlets or brochures containing advice in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:
 - (a) indicates the substance of the player information contained in a player information brochure, and
 - (b) advises that the information will be supplied by the casino operator in the relevant language on request by a patron of the casino.
 - (4) A pamphlet or brochure approved under subclause (3) may be combined with the player information brochure to which it relates.
 - (5) The Minister may approve one or more pamphlets or brochures (a *community language player information brochure*) containing player information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages.
 - (6) The Minister may vary or withdraw any approval given under this clause.

26 Provision of player information brochures

- (1) A casino operator must make copies of a player information brochure approved by the Minister under clause 25 (2) available to patrons of the casino in accordance with this clause.

Maximum penalty: 50 penalty units.

- (2) The brochures must be made available in each part of the casino in which gaming machines are located.
- (3) The brochures must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the casino in which the brochures are required to be available would be alerted to their presence.

27 Provision of player information brochures in community languages

- (1) A patron of a casino may request the casino operator to supply to the patron a community language player information brochure approved under clause 25 (5) in one of the languages specified in that subclause.
- (2) A casino operator must supply a brochure in accordance with a request made under subclause (1) as soon as practicable after being requested to do so.

Maximum penalty (subclause (2)): 50 penalty units.

28 Dangers of gambling—notice to be displayed on gaming machines

- (1) In this clause:

gambling warning notice means a notice containing one or more of the statements listed in subclause (5).

problem gambling notice means a notice in a form set out in subclause (6).

- (2) A casino operator must display in accordance with this clause:

- (a) a gambling warning notice, and
- (b) a problem gambling notice.

Maximum penalty: 50 penalty units.

- (3) The gambling warning notice and problem gambling notice must be prominently displayed on the front or on top of each gaming machine kept in the casino.

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Clause 28 Casino Control Regulation 2001

Part 4 Responsible gambling practices

Division 2 Player information

- (4) The wording required to appear in a gambling warning notice may appear (as a separate and distinct statement) in a problem gambling notice or with any other notice displayed on a gaming machine, provided that the requirements of this clause in relation to the gambling warning notice and the problem gambling notice are otherwise complied with.
- (5) The statements referred to in the definition of *gambling warning notice* in subclause (1) are as follows:
- DON'T LET GAMBLING TAKE CONTROL OF YOUR LIFE
GAMBLING CAN BECOME ADDICTIVE
EXCESSIVE GAMBLING CAN RUIN LIVES
EXCESSIVE GAMBLING CAN DESTROY FAMILIES AND FRIENDSHIPS
EXCESSIVE GAMBLING CAN LEAD TO THE LOSS OF YOUR HOME OR OTHER ASSETS
EXCESSIVE GAMBLING CAN AFFECT YOUR HEALTH
- (6) The notice referred to in the definition of *problem gambling notice* must be in the following form:
- Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635
- (7) The matter contained in a problem gambling notice must be in letters and figures of not less than 0.2 centimetres in height.
- (8) The matter contained in a gambling warning notice must be in capital letters of not less than 0.4 centimetres in height.
- (9) The notices may be attached to, or placed on top of, a gaming machine or may consist of a permanently visible light emitting display that forms part of the machine.
- (10) This clause commences on 1 November 2001.

29 Counselling signage—notice to be displayed

- (1) A casino operator must display a notice in the following form in the vicinity of any entrance to the casino made available to any patron in accordance with this clause:

IS GAMBLING A PROBLEM FOR YOU?

Are you in control of your gambling?

Do you gamble more than you can afford?

Do you borrow money to gamble?

Do you gamble to win back losses?

Does your gambling affect your family and friends?

FOR INFORMATION, COUNSELLING AND REFERRAL

CALL G-line (NSW)

24 hours a day, 365 days a year

1800 633 635

Maximum penalty: 50 penalty units.

- (2) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.
- (3) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person using any entrance to the casino made available to any patron would be alerted to its contents.

30 ATM signage

- (1) A casino operator must display in accordance with this clause a notice in the following form in a prominent position on the front or top, or in the immediate vicinity, of each automatic teller machine (ATM) installed in the casino environs:

Is gambling a problem for you?

CALL G-line (NSW)

counselling service

1800 633 635

Maximum penalty: 50 penalty units.

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Part 4 Responsible gambling practices

Division 2 Player information

- (2) The matter contained in the notice must be in letters and figures of not less than 0.2 centimetres in height.
- (3) The notice may be attached to an automatic teller machine or may consist of a permanently visible light emitting display that forms part of the machine.

31 Display of clocks

A casino operator must ensure:

- (a) that a clock in good working order and that is set to, or within 10 minutes of, the correct time is kept in each part of the casino where gaming machines are located, and
- (b) that the time shown on that clock can be readily viewed by any person operating a gaming machine in that part of the casino.

Maximum penalty: 50 penalty units.

32 Payment of prize money by cheque

- (1) Subject to section 70 of the Act, a casino operator must pay so much of the total prize money payable to a person as exceeds \$1,000 by means of a crossed cheque payable to the person.

Maximum penalty: 50 penalty units.

- (2) In this clause:

crossed cheque means a cheque crossed as referred to in section 53 of the *Cheques Act 1986* of the Commonwealth as in force on the commencement of this clause.

total prize money means the total amount of money payable to a person as a result of:

- (a) the person winning money on a gaming machine or winning a non-monetary prize that the person has, pursuant to section 66 (4) of the Act, chosen to be paid in money, or
 - (b) the person accumulating credits on a gaming machine, or both, on a single occasion.
- (3) This clause commences on 1 March 2002.

Division 3 Advertising**33 Prohibitions on gambling-related advertising**

- (1) A casino operator is not to publish, or cause to be published, any casino advertising:
- (a) that encourages breaches of the law, or
 - (b) that includes children, or
 - (c) that is false, misleading or deceptive, or
 - (d) that is not conducted in accordance with decency, dignity and good taste and in accordance with any relevant advertising code of practice in force at the time the advertisement is published, or
 - (e) that suggests that winning a prize is a likely outcome of participating in gambling activities, or
 - (f) that suggests that participation in gambling activities is likely to improve a person's social standing or financial prospects, or
 - (g) that suggests that a player's skill can influence the outcome of a game that is purely a game of chance, or
 - (h) that depicts or promotes the consumption of alcohol while engaging in gambling activities.

Maximum penalty: 100 penalty units.

- (2) A casino operator is not to publish, or cause to be published, any casino advertising in writing in a newspaper, magazine, poster or other printed form that does not contain the following statement:

Is gambling a problem for you?

G-line (NSW) is a counselling service

CALL 1800 633 635.

Maximum penalty: 100 penalty units.

- (3) A person (other than a casino operator) who publishes any casino advertising that does any of the things referred to in subclauses (1) (a)–(h) or (2) commits an offence against this Regulation and is liable to a penalty not exceeding 100 penalty units.
- (4) Subclause (3) does not apply if the casino operator approved in writing of the publication of the casino advertising concerned.

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Clause 33 Casino Control Regulation 2001

Part 4 Responsible gambling practices

Division 3 Advertising

- (5) A casino operator must remove any casino advertising displayed in the casino environs that does not comply with this clause.

Maximum penalty: 100 penalty units.

- (6) A casino operator must not enter into or extend the duration of any contract or arrangement for the publication of casino advertising that does not comply with this clause. Any such contract or arrangement is of no effect.

Maximum penalty: 100 penalty units.

- (7) In this clause:

casino advertising means advertising that is directly related to the operation of a casino.

publication includes dissemination of any kind, whether effected by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television).

34 Publicity for prize-winners

- (1) A casino operator or an employee of a casino operator must not publish or cause to be published anything which identifies any person who:

- (a) wins a prize of more than \$1,000 in value from playing a gaming machine located in the casino, and
- (b) when claiming the prize, requests in writing given to the casino operator or an employee of the casino operator that anything disclosing his or her identity not be published.

Maximum penalty: 50 penalty units.

- (2) A prize-winner who makes a request referred to in subclause (1) (b) may at any time revoke the request.

- (3) Subclause (1) does not apply to:

- (a) a request that has been revoked by the prize-winner, or
- (b) the publication of information relating to the type or value of the prize won and the venue or geographic location where it was won.

Part 5 Miscellaneous

35 Application of Liquor Act 1982 to casino

- (1) For the purposes of section 89 of the Act, those provisions of the *Liquor Act 1982* specified in Part 1 of Schedule 5 apply to and in respect of the licensed premises, modified to read as set out in Schedule 6.
- (2) In addition, those provisions of the *Liquor Act 1982* specified in Part 2 of Schedule 5 apply to and in respect of those parts of the licensed premises:
 - (a) that are not operated by a casino operator, or
 - (b) that are operated by a casino operator under section 42 of those applied provisions,modified to read as set out in Schedule 6.
- (3) In the provisions set out in Schedule 6:
 - (a) the expression *this Act* is taken to refer to those provisions, and
 - (b) cross-references to sections, or to other provisions within sections, that are not qualified by reference to another Act are references to those provisions as set out in that Schedule.
- (4) In this clause, *licensed premises* means the premises or part of the premises in the casino or casino environs on which the sale of liquor is authorised by a licence.

36 Gaming equipment

- (1) A casino operator must provide the Authority with written details of the following matters at least 24 hours (or within such shorter period as the Authority may allow in a particular case) before the proposed time of delivery to the casino of any gaming equipment:
 - (a) the equipment concerned,
 - (b) the method by which the equipment is to be delivered to the casino,
 - (c) the proposed date of its delivery.Maximum penalty: 50 penalty units.

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Clause 36 Casino Control Regulation 2001

Part 5 Miscellaneous

- (2) Subclause (1) applies only in respect of gaming equipment of a kind specified by the Authority by written notice given to the casino operator from time to time.

37 Detention of suspected person for certain offences

For the purposes of section 88 (2) of the Act, the following provisions of the Act are prescribed:

- (a) section 84 (Excluded person not to enter casino),
- (b) section 93 (Minors not to enter casino),
- (c) section 162 (Forgery etc).

38 Divulging of information

For the purposes of section 148 (2) of the Act, the persons and bodies listed in Schedule 7 are prescribed.

39 Evidence of age

Any of the following documents is, for the purposes of the Act, evidence that the person is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age and only if the document has not expired and otherwise appears to be in force:

- (a) a motor vehicle driver's or rider's licence or permit held by a person, being a licence or permit issued by the Roads and Traffic Authority or by a corresponding public authority of the Commonwealth, of some other State or of a Territory or of some other country,
- (b) a "proof of age" card held by a person, being a card issued by the Roads and Traffic Authority or by a corresponding public authority of the Commonwealth or of some other State or of a Territory,
- (c) a passport held by a person, being a passport issued by the Commonwealth or under the law of some other country.

40 Casino precinct

- (1) For the purposes of section 81 of the Act, the following premises are declared to form part of a casino:
- (a) the Lightning Ridge Bar,

- (b) the Star Lounge,
- (c) Lifesavers.

(2) In this clause, *the Lightning Ridge Bar, the Star Lounge, and Lifesavers* mean the premises shown marked as areas of Star City Casino of those names on the plan deposited with the Authority entitled “*Casino Precinct for the purposes of section 81 (4) of the Casino Control Act*” and dated 10 September 1998.

41 Penalty notice offences

- (1) For the purposes of section 168A of the Act:
- (a) each offence created by a provision specified in Column 1 of Part 1 or Column 1 of Part 2 of Schedule 8 is prescribed, and
 - (b) the prescribed amount of penalty for such an offence is the amount specified opposite the offence in Column 4 of Schedule 8.
- (2) For the purposes of section 145A of the *Liquor Act 1982* (as applied by this Regulation and modified to read as set out in Schedule 6):
- (a) each offence created by a provision specified in Column 1 of Part 3 of Schedule 8 is prescribed, and
 - (b) the prescribed amount of penalty for such an offence is the amount specified opposite the offence:
 - (i) in Column 4 of Schedule 8 if the person is not a minor, or
 - (ii) in Column 5 of Schedule 8 if the person is a minor.

42 Short descriptions

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 8 consists of:
- (a) if one or more IPB codes are set out in relation to the offence in Column 3 of Schedule 8, any of those IPB codes together with:
 - (i) the text set out in relation to the offence in Column 2 of Schedule 8, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or

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Clause 42 Casino Control Regulation 2001

Part 5 Miscellaneous

- (b) if no IPB code is set out in relation to the offence in Column 3 of Schedule 8:
 - (i) the text set out in relation to the offence in Column 2 of Schedule 8, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 8, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

43 Remedial orders

- (1) For the purposes of section 169A of the Act, offences against section 74 (Credit prohibited) of the Act are prescribed offences.
- (2) For the purposes of section 169A of the Act, offences against the following provisions of this Regulation are prescribed offences:
 - (a) clause 23 (Gambling inducements),
 - (b) clause 24 (Display of information concerning chances of winning prizes on gaming machines),
 - (c) clause 26 (Provision of player information brochures),
 - (d) clause 27 (Provision of player information brochures in community languages),
 - (e) clause 28 (Dangers of gambling—notice to be displayed on gaming machines),
 - (f) clause 29 (Counselling signage—notice to be displayed),
 - (g) clause 30 (ATM signage),
 - (h) clause 31 (Display of clocks),

- (i) clause 32 (Payment of prize money by cheque),
- (j) clause 33 (Prohibitions on gambling-related advertising),
- (k) clause 34 (Publicity for prize-winners).

44 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Casino Control Regulation 1995*, had effect under that Regulation continues to have effect under this Regulation.

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Casino Control Regulation 2001

Schedule 1 Description of major change in state of affairs of a casino operator

Schedule 1 Description of major change in state of affairs of a casino operator

(Clause 5)

- 1 A change in:
 - (a) the name of the casino operator, or
 - (b) the principal business address of the casino operator.
- 2 A person's ceasing to be a close associate of the casino operator.
- 3 A change in:
 - (a) the information entered in the register of members of the casino operator, or
 - (b) the beneficiaries or unitholders of the trust of the casino operator.
- 4 A change consisting of:
 - (a) the sale or purchase of 5% or more of the paid-up capital of the casino operator, or
 - (b) the acquisition by a person of a beneficial interest in the paid-up capital of the casino operator that results in that person having a beneficial interest in 5% or more of that capital.
- 5 A change in the nominal or paid-up capital of the casino operator.
- 6 A change in the objectives or main activities of the casino operator.
- 7 A change in any direct or indirect financial interest held by the casino operator in any business or enterprise (including the acquisition or disposal of such an interest).
- 8 The casino operator commencing to carry on any other business or enterprise at any place, or the appointment of a person to carry on any other business or enterprise on the casino operator's behalf.
- 9 The involvement of the casino operator or a member of the board of directors, a trustee or a close associate of the casino operator as a party to:
 - (a) any dispute or event that, in the opinion of the casino operator, is likely to give rise to criminal proceedings, or
 - (b) the commencement, discontinuance or finalisation of criminal proceedings.

-
- 10 The creation of a charge in excess of \$500,000 over any real or personal property of the casino operator.
 - 11 An increase or decrease of \$5,000,000 or more in the finance available to the casino operator.
 - 12 The entry into an arrangement under Part 5.1 of the *Corporations Act 2001* of the Commonwealth by the casino operator or a close associate of the casino operator.
 - 13 The entering into possession of, or assumption of control of, property of the casino operator, or a close associate of the casino operator, by a receiver or other controller within the meaning of the *Corporations Act 2001* of the Commonwealth.
 - 14 The commencement of the administration of the casino operator, or a close associate of the casino operator, under Part 5.3A of the *Corporations Act 2001* of the Commonwealth.
 - 15 The ending of the administration of the casino operator, or a close associate of the casino operator, under Part 5.3A of the *Corporations Act 2001* of the Commonwealth.
 - 16 The commencement of the winding up of the casino operator or a close associate of the casino operator.
 - 17 The casino operator's breach of obligations under any contract or arrangement for the provision of a loan or other financial accommodation.
 - 18 A change in constituent documents relating to the casino (such as Articles of Association, trust deed or unitholders agreement).

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Casino Control Regulation 2001

Schedule 2 Description of minor change in state of affairs of a casino operator

Schedule 2 Description of minor change in state of affairs of a casino operator

(Clause 6)

- 1 A change in:
 - (a) the postal address of the casino operator, or
 - (b) the telephone number of the casino operator, or
 - (c) the facsimile number of the casino operator.
- 2 The involvement of the casino operator or a member of the board of directors, a trustee or a close associate of the casino operator as a party to:
 - (a) any dispute or event that, in the opinion of the casino operator, is likely to give rise to civil proceedings or to alternative dispute resolution procedures, or
 - (b) the commencement, settlement, discontinuance or finalisation of civil proceedings, or
 - (c) the commencement or finalisation of alternative dispute resolution procedures.
- 3 The commencement, discontinuance or finalisation of criminal proceedings to which a casino employee of the casino operator is a party.
- 4 The repossession of any property of the casino operator.
- 5 An amendment of an assessment relating to the casino operator under the income tax laws of the Commonwealth.
- 6 The casino operator commencing to remunerate a casino employee at a remuneration level of \$150,000 a year or more (whether as salary or remuneration package), and any increase or decrease in the remuneration paid to such an employee.
- 7 The sale of any of the casino operator's assets, if the consideration for the sale exceeds \$250,000 or the asset is valued in the casino operator's books of account at more than \$250,000.

Schedule 3 Change in state of affairs of licensee

(Clause 8)

Column 1	Column 2
Description of change	Prescribed information
1 A change in: <ul style="list-style-type: none"> (a) the name of the licensee, or (b) the principal residential address of the licensee, or (c) the telephone number of the licensee. 	Particulars of those matters as changed.
2 The involvement of the licensee as a party to: <ul style="list-style-type: none"> (a) the commencement, settlement, discontinuance or finalisation of civil proceedings, or (b) the commencement or finalisation of criminal proceedings, or (c) the commencement or finalisation of alternative dispute resolution proceedings. 	Particulars of: <ul style="list-style-type: none"> (a) the nature of the proceedings, and (b) the names and addresses of the other parties to the proceedings, and (c) the date of the commencement, settlement, discontinuance or finalisation of the proceedings, and (d) the terms of the settlement (unless the terms of settlement are prohibited from being disclosed) or the result of the finalisation of the proceedings (including the making of an order under section 10 of the <i>Crimes (Sentencing Procedure) Act 1999</i>).
3 A change consisting of the obtaining of judgment against the licensee.	Particulars giving the terms of the judgment.

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Casino Control Regulation 2001

Schedule 3 Change in state of affairs of licensee

Column 1	Column 2
Description of change	Prescribed information
4 The licensee: (a) becomes bankrupt, or (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or (c) compounds with creditors or makes an assignment of remuneration for their benefit, or (d) enters into a compromise or scheme of arrangement with creditors.	Particulars of: (a) the terms, and (b) the date, of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement.

Schedule 4 Notices in controlled contracts

(Clause 11)

Notice 1

Casino Control Act 1992

This contract is a controlled contract within the meaning of the *Casino Control Act 1992 (the Act)*.

Parties to this contract may be required to provide information to the Casino Control Authority (*the Authority*).

This contract may be terminated in certain circumstances.

A party to this contract may be served with a notice in writing by the Authority affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the grounds that, for reasons specified in the notice, it is not in the public interest for the contract to remain in force.

A party served with a notice may, within the period of 14 days specified in the notice, arrange with the Authority for the making of submissions as to why the contract should not be terminated.

After considering any submissions so made, the Authority may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.

If the contract is not terminated as required by the notice it is terminated by the operation of section 39 of the Act.

If the contract is terminated in accordance with Division 2 of Part 3 (sections 36–42) of the Act:

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract, as a result of the performance before that termination of any obligation imposed by the contract, and
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination, and
- (c) neither the Crown nor the Authority incurs any liability by reason of that termination.

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Casino Control Regulation 2001

Schedule 4 Notices in controlled contracts

A party to a contract terminated in accordance with Division 2 of Part 3 of the Act commits an offence under section 41 of the Act and is liable to a penalty not exceeding 100 penalty units if the party gives any further effect to any part of the contract.

Notice 2

Casino Control Act 1992

The contract to which this variation of contract relates is a controlled contract within the meaning of the *Casino Control Act 1992 (the Act)*.

Parties to the contract may be required to provide information to the Casino Control Authority (*the Authority*).

The contract may be terminated in certain circumstances.

A party to the contract may be served with a notice in writing by the Authority affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the grounds that, for reasons specified in the notice, it is not in the public interest for the contract to remain in force.

A party served with a notice may, within the period of 14 days specified in the notice, arrange with the Authority for the making of submissions as to why the contract should not be terminated.

After considering any submissions so made, the Authority may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.

If the contract is not terminated as required by the notice it is terminated by the operation of section 39 of the Act.

If the contract is terminated in accordance with Division 2 of Part 3 (sections 36–42) of the Act:

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract, as a result of the performance before that termination of any obligation imposed by the contract, and
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination, and
- (c) neither the Crown nor the Authority incurs any liability by reason of that termination.

Casino Control Regulation 2001

Notices in controlled contracts

Schedule 4

A party to a contract terminated in accordance with Division 2 of Part 3 of the Act commits an offence under section 41 of the Act and is liable to a penalty not exceeding 100 penalty units if the party gives any further effect to any part of the contract.

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Casino Control Regulation 2001

Schedule 5 Application of Liquor Act 1982 to casino

Schedule 5 Application of Liquor Act 1982 to casino

(Clause 35)

**Part 1 Provisions of Liquor Act 1982 applying to
 licensed premises**

Sections 2A, 3, 4, 4B, 6, 6B, 12, 18, 20, 36, 69B, 69C, 69D, 69E, 69F, 69G, 69H, 91, 97, 101, 103, 104, 104E, 110, 110A, 111, 113, 114, 115, 116, 116A, 116B, 116C, 116D, 117A, 117B, 117E, 117EB, 117EC, 117ED, 117G, 117I, 121, 122, 123, 125, 125E, 129, 131, 132, 135, 139, 140, 141, 142A, 143, 144, 145, 145A, 152, 152A, 154A, 155, Schedule 1.

**Part 2 Additional provisions of Liquor Act 1982
 applying to casino premises**

Sections 4A, 19A, 21, 23, 23AD, 23AE, 37, 38, 40, 41, 42, 42A, 42B, 42C, 42D, 47, 47A, 48, 53, 55, 55A, 56, 58, 60, 61, 61A, 62A, 66, 66A, 67, 68, 68A, 69, 71, 71A, 76, 76A, 90, 104A, 112, 119, 125A, 126, 142, 151B.

Schedule 6 Applied provisions of Liquor Act 1982 as modified

(Clause 35)

Part 1 Preliminary

2A Harm minimisation is a primary object of Act

A primary object of this Act is harm minimisation, that is, the minimisation of harm associated with misuse and abuse of liquor (such as harm arising from violence and other anti-social behaviour). The Authority, the Commissioner of Police and all other persons having functions under this Act are required to have due regard to the need for harm minimisation when exercising functions under this Act.

3 Savings and transitional provisions

Schedule 1 has effect.

4 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

application includes an application for a conditional grant of the application.

authorised deposit-taking institution or **ADI** means an authorised deposit-taking institution within the meaning of the *Banking Act 1959* of the Commonwealth.

Authority means the New South Wales Casino Control Authority constituted under the *Casino Control Act 1992*.

beer means liquor which is beer, ale, lager, pilsener, porter, stout or any other fermented malt liquor or any fermented liquor made from hops or that for the purposes of sale is held out to be beer.

brewer means a person who, for the purposes of sale, makes beer.

casino has the same meaning as in the *Casino Control Act 1992*.

casino environs means premises the subject of an order under section 89 (3) of the *Casino Control Act 1992*.

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Casino Control Regulation 2001

Schedule 6

Applied provisions of Liquor Act 1982 as modified

conditional application means an application that may only be granted conditionally.

court means a Local Court established under the *Local Courts Act 1982*.

dine-or-drink authority means an authority referred to in section 23AD.

dining room, in relation to licensed premises, means a part of the licensed premises used permanently and primarily for the consumption at tables of meals served otherwise than by self-service.

employee includes a person engaged under a contract for services.

entertainment means entertainment provided by a person or persons physically present and actually providing the entertainment.

inspector means an inspector appointed under section 106 of the *Casino Control Act 1992*.

licence means a licence in force under section 18.

licensed premises means the premises or part of the premises in the casino or casino environs on which the sale of liquor is authorised by a licence.

liquor includes:

- (a) a beverage which, at 20°Celsius, contains more than 1.15 per cent ethanol by volume, and
- (b) anything that is not a beverage referred to in paragraph (a) but, for the purposes of sale, is held out to be beer or spirits.

local liquor accord means any code of practice, memorandum of understanding or other arrangement:

- (a) that affects the supply of liquor, the opening and closing of licensed premises or other aspects of the management of or conduct of business on licensed premises, and
- (b) that is entered into in writing between two or more persons licensed under this Act or under the *Liquor Act 1982* (or between one or several such persons and one or several clubs registered under the *Registered Clubs Act 1976*), with the approval of the Commissioner of Police or a delegate of the Commissioner, for the purpose of eliminating or reducing alcohol-related violence or anti-social behaviour or other alcohol-related harm.

low alcohol liquor means each of the following:

- (a) undiluted and unadulterated liquor (other than wine of the grape) which, at 20°Celsius, contains 3.5 per cent or less ethanol by volume,
- (b) undiluted and unadulterated wine of the grape which, at 20°Celsius, contains 6.5 per cent or less ethanol by volume.

manager or **manager of licensed premises** means a person appointed under Division 8A of Part 3 to manage licensed premises.

meal means a genuine meal partaken of by a person seated at a table.

minor means a person who has not attained the age of 18 years.

nightclub means premises in which liquor is sold with or as ancillary to entertainment.

owner, in relation to premises, means the person entitled to the rents or profits of the premises.

proof of age card means a document:

- (a) issued by the Roads and Traffic Authority under section 117EA of the *Liquor Act 1982*, or
- (b) issued by a public authority of the Commonwealth, or of another State or Territory, for the purpose of attesting to the identity and age of the holder.

record includes any book, account, document, paper or other source of information compiled, recorded or stored in written form or on microfilm, or by electronic process, or in any other manner or by any other means.

refreshments does not include liquor.

responsible adult, in relation to a minor, means any person who is of or above the age of 18 years and who belongs to one or more of the following classes of persons:

- (a) a parent, step-parent or guardian of the minor,
 - (b) the minor's spouse or any person who, although not legally married to the minor, ordinarily lives with the minor as the minor's spouse on a permanent and domestic basis,
 - (c) a person who is, for the time being, in loco parentis to the minor.
-

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Casino Control Regulation 2001

Schedule 6

Applied provisions of Liquor Act 1982 as modified

restaurant means premises that are licensed to sell liquor, with or as ancillary to a meal, for consumption at a table on the premises (including such premises the licence relating to which is subsequently endorsed with a dine-or-drink authority), but does not include premises that are licensed to be used as a nightclub.

restaurant restricted period, in relation to licensed premises to which a dine-or-drink authority relates, means a period, commencing no earlier than 10 pm on a day and ending no later than 6 am on the following day, during which the licensee is authorised to sell or supply liquor at the premises whether or not with or as ancillary to a meal.

restricted area means a part of licensed premises (being a part not operated by a casino operator) in which liquor is ordinarily sold or supplied for consumption on the premises, not being:

- (a) a restaurant, or
- (b) a part of the licensed premises in respect of which an authorisation under section 112 is in force whenever it operates to authorise the use by a minor of that part, or
- (c) a part of the premises in which liquor is sold or supplied exclusively to lodgers or inmates or both.

seated eating position means a seated eating position within the meaning of section 23AD.

sell includes any of the following:

- (a) barter or exchange,
- (b) offer, agree or attempt to sell,
- (c) expose, send, forward or deliver for sale,
- (d) cause or permit to be sold or offered for sale.

supply includes dispose of and deliver.

wine includes cider, perry and mead.

- (2) A requirement under this Act to produce a record is, if the record is not written or not written in the English language, a requirement to produce a statement, written in the English language, setting forth such of the particulars in the record as are not written or are not written in the English language.
- (3) In this Act, a reference to the exercise of a function includes a reference to the exercise or performance of a power, authority or duty.

4A Meaning of “close associate”

- (1) For the purposes of this Act, a person is a *close associate* of a licensee or an applicant for a licence 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 licensee or applicant 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 Authority) 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 licensee or applicant that is or will be carried on under the authority of the licence.
- (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, or to receive any other financial benefit or financial advantage from the carrying on of the business, whether the entitlement arises at law or in equity or otherwise, or
 - (c) any entitlement to receive any rent, profit or other income in connection with the use or occupation of premises on which the business is or is to be carried on (for example, an entitlement of the owner of licensed premises to receive rent as lessor of the premises).
- 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.

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Casino Control Regulation 2001

Schedule 6

Applied provisions of Liquor Act 1982 as modified

- (3) An authorised deposit-taking institution is not a close associate within the meaning of this section by reason only of having a relevant financial interest in relation to a business.

4B Corporate licences—interpretation

A reference in this Act to a position of authority in a body corporate is a reference to the position of chief executive officer, director or secretary of the body corporate.

6 Application of Act

Nothing in this Act applies to or in respect of the sale of any of the following:

- (a) spirituous or distilled perfume if the sale is as perfumery only and not for drinking,
- (b) liquor if the sale is for medicinal purposes only and is made by a registered medical practitioner or a pharmacist registered under the *Pharmacy Act 1964*,
- (c) liquor taken in execution or under similar process, or forfeited to the Crown, if the sale is by the sheriff or a sheriff's officer, or a bailiff or a police officer,
- (d) liquor if the sale is authorised by a law of the Commonwealth for the export of the liquor from the Commonwealth,
- (e) liquor if:
 - (i) the sale is made by a person other than a licensee as part of a sale of flowers or food designed to be delivered as a gift to a person (not being the purchaser) specified by the purchaser, and
 - (ii) the liquor is delivered together with the flowers or food to the person so specified, and
 - (iii) the volume of liquor supplied in respect of each gift delivered by the vendor does not exceed 2 litres.

6B Delegations

- (1) The Commissioner of Police may delegate to a person any function conferred or imposed on the Commissioner by this Act, other than this power of delegation.

- (2) The person to whom a function has been delegated by the Commissioner of Police under this section may delegate the function to another person, subject to any conditions to which the delegation by the Commissioner is subject.
- (3) The Authority may delegate to a person any function conferred or imposed on the Authority by this Act, other than this power of delegation.

12 Procedure before the Authority

- (1) In any matter before it, the Authority is not bound by the rules of evidence or natural justice and may inform itself on any matter in such manner as it sees fit.
- (2) The Authority may consider and determine a matter in the absence of the public if the Authority thinks it appropriate.

Part 3 Licence

Division 1 Class of licence

18 Authority may grant licence

The Authority may grant a licence authorising the licensee to sell or supply liquor by retail on the premises specified in the licence (being premises forming part of the casino or casino environs), but only for consumption on those premises.

Division 2 Duration and conditions of licence

19A Duration of licence

- (1) A licence remains in force until its surrender in writing is accepted by the Authority, except as provided by this section.
- (2) A licence ceases to be in force:
 - (a) for the duration of the period of suspension, if it is suspended, or
 - (b) permanently, if it is cancelled.

20 Conditions of licence

- (1) The Authority may:
 - (a) in granting a licence, or
 - (b) at any other time, of its own motion or on the application of the licensee,

impose conditions not inconsistent with this Act without prior compliance with which the grant does not take effect or to which the licence is to be subject.
- (2) A licence is subject to any conditions imposed under subsection (1), whether or not any such condition is endorsed on the licence.
- (3) Without limiting this section, a condition can be imposed under this section that prohibits or restricts activities (such as promotions or discounting) that could encourage misuse or abuse of liquor (such as binge drinking or excessive consumption).
- (4) Without limiting this section, a condition can be imposed under this section that authorises or requires a licensee, in specified circumstances:
 - (a) to cease to serve liquor at the licensed premises, or
 - (b) to restrict access to the licensed premises in a manner and to the extent provided by the condition,

or both, from a time of day that is earlier than the time at which, as otherwise required by the licence, trading must cease.
- (5) The Authority may, at any time:
 - (a) on the application of the licensee, or
 - (b) of its own motion,

vary or revoke a condition of a licence imposed by it.
- (6) The Authority must, before imposing, varying or revoking any condition:
 - (a) give the licensee details of any proposed condition, variation or revocation and allow the licensee 14 days in which to make submissions in respect of the proposal, and
 - (b) consider any submissions made by the licensee, and
 - (c) notify the licensee of its decision, which takes effect when written notice of the decision is given to the licensee, or on such later date as may be specified in the notice.

21 Licence—miscellaneous conditions

The premises to which a licence relates (except a part of the premises in which liquor is being sold or supplied with or as ancillary to a meal served on the premises or in which meals or substantial refreshments are available with or without charge) must not be open at any time for the sale or supply of liquor for consumption on the premises unless, in the casino or the casino environs, at least a light meal is available, with or without charge, for consumption by persons to whom liquor is sold or supplied.

23 Primary purpose of licensed premises relating to a restaurant

Where the premises to which a licence relates are a restaurant, the primary purpose of the licensed premises is, for the purposes of this Act, to be a restaurant, and accordingly the premises must at all times be operated consistently with this primary purpose, whether or not the licence is endorsed with a dine-or-drink authority.

23AD Restaurant licence—dine-or-drink authority

- (1) The Authority may grant an application for a licence relating to a restaurant to be endorsed with an authority (referred to in this Act as a *dine-or-drink authority*) relating to the sale, supply and consumption of liquor at the restaurant.
- (2) A dine-or-drink authority authorises liquor to be sold or supplied in the restaurant for consumption, otherwise than with or as ancillary to a meal consumed at a table in the restaurant, at no more than 30 per cent of the seated eating positions available in the restaurant at any time.
- (3) The authorisation conferred by a dine-or-drink authority is subject to such conditions as are imposed by this Act and to such conditions as are imposed by the Authority at the time of grant of the application for the authority.
- (4) The Authority may, on its own motion or on the application of the licensee or the Commissioner of Police:
 - (a) revoke a dine-or-drink authority, or
 - (b) impose any further condition to which the authority is to be subject, or
 - (c) revoke or vary any condition imposed by the Authority under this section (whether or not previously varied under this section).

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- (5) A dine-or-drink authority is in force only while all the conditions to which it is subject are being complied with.
- (6) Conditions may (without limitation) do any or all of the following:
 - (a) reduce the percentage referred to in subsection (2),
 - (b) specify the maximum number of seated eating positions that are to be available for the consumption of liquor as referred to in that subsection,
 - (c) prohibit advertising of the restaurant that is inconsistent with the primary purpose of the premises, as referred to in section 23,
 - (d) prohibit entertainment in the restaurant that is inconsistent with that primary purpose (including, for example, entertainment in the nature of pool tables or amusement devices).
- (7) The Authority may, on its own motion or on the application of the licensee or the Commissioner of Police, revoke or vary any conditions of the kind referred to in subsection (6) (a) or (b), other than conditions imposed by this Act.
- (8) **Condition—maximum number of patrons**
It is a condition of a dine-or-drink authority that the maximum number of patrons permitted on licensed premises to which the authority relates must not exceed the number of available seated eating positions on those premises.
- (9) **Condition—records of food and liquor sales**
It is a condition of a dine-or-drink authority that:
 - (a) the licensee maintains proper and accurate records that show the total monthly liquor sales and the total monthly food sales for the restaurant to which the authority relates, and
 - (b) such records are made available for inspection on request by an inspector or police officer at any reasonable time.
- (10) **Condition—advertising of restaurant**
It is a condition of a dine-or-drink authority that the licensee must not advertise the restaurant to which the authority relates in a manner that is inconsistent with the primary purpose of the licensed premises, as referred to in section 23 (including, for example, advertising the restaurant only as a drinking bar or as other such premises that have as their primary purpose the sale of liquor).

- (11) **Condition—increase in seated eating positions**
It is a condition of a dine-or-drink authority authorising 100 or fewer seated eating positions that the number of seated eating positions at the restaurant to which the authority relates may exceed 100 only if:
- (a) the increase in seated eating positions is approved by the Authority, and
 - (b) the difference between:
 - (i) the prescribed fee paid for the dine-or-drink authority under section 56 (2), and
 - (ii) the prescribed fee applicable to a dine-or-drink authority authorising over 100 seated eating positions,
 has been paid.
- (12) **Condition—display of notice advising public of dine-or-drink authority**
It is a condition of a dine-or-drink authority that:
- (a) a notice is to be displayed, at or near the main public entrance to the restaurant to which the Authority relates, that clearly indicates that the restaurant is a dine-or-drink venue, and that clearly states the percentage of seated eating positions available for diners under the authority (for example, “Dine-or-drink—This licensed restaurant serves diners and drinkers, with 70% of seats reserved for diners.”), and
 - (b) the wording in the notice is legible and prominent, and
 - (c) the notice is displayed in such a manner that it would be reasonable to expect that a person entering the restaurant would reasonably be expected to be alerted to the contents of the notice.
- (13) In this section, a reference to a seated eating position is a reference to a seated position at a table, being a position at which a meal can reasonably and comfortably be consumed.
- (14) In this section, a *licensee* means the holder of a licence relating to a restaurant, being a licence that is endorsed with a dine-or-drink authority.

23AE Restaurant licence—consumption of liquor away from table

- (1) Nothing in this Act is to be construed as preventing a person in a restaurant to which a licence relates from consuming liquor away from a table in the restaurant, or from standing while consuming liquor, so long as there is a seat for the person at a table.

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- (2) Subsection (1) has effect subject to any conditions to which the licence is subject.

Division 4 Application for licence

36 Restrictions on liquor licence application

An application for a licence may be made by a body corporate only.

37 Making of application

- (1) An application under this Act must be:
- (a) made in a form approved by the Authority, and
 - (b) lodged with the Authority in triplicate, and
 - (c) except in the case of an application for transfer of a licence, accompanied by such information as the Authority requests in relation to the proposed operation of the licensed premises, and
 - (d) except in the case of an application for transfer of a licence, accompanied by 3 copies of a plan, properly drawn to scale, of the premises in respect of which the application is made, and
 - (e) accompanied by evidence of the consent of the casino operator to the making of the application.
- (2) An application must be accompanied by \$500 and, if the application is granted, the fee specified in section 56 (if applicable) is reduced by that amount.
- (3) Where, before an application for a licence or transfer of a licence is disposed of, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection) or in the documents lodged with the application, the applicant must forthwith give the Authority a notice in writing specifying particulars of the change.
- Maximum penalty: 20 penalty units.
- (4) For the purposes of subsection (3), an application is disposed of when the application is granted or refused.

38 Statutory declaration as to interested persons

- (1) An application:
 - (a) for a licence, or
 - (b) for transfer of a licence under section 42,must be accompanied by the statutory declaration referred to in subsection (2).
- (2) The statutory declaration specified in this subsection is a statutory declaration by a person having knowledge of the facts stating:
 - (a) that the person has made all reasonable inquiries to ascertain the information required to complete the statutory declaration, and
 - (b) whether there are any persons (other than authorised deposit-taking institutions) who will be interested in the business, or the profits of the business, carried on under the licence, and
 - (c) if there are any such persons, their names and dates of birth and, in the case of a proprietary company, the names of the directors and shareholders.
- (3) For the purposes of subsection (2), a person is interested in the business, or the profits of the business, carried on under the licence if the person is entitled to receive or does receive:
 - (a) any income derived from the business, or any other financial benefit or financial advantage from the carrying on of the business (whether the entitlement arises at law or in equity or otherwise), or
 - (b) any rent, profit or other income in connection with the use or occupation of premises on which the business is to be carried on.

40 Application for conditional grant

- (1) An application for a licence may be made as a conditional application if the premises to which the licence will relate are premises proposed to be erected, or premises proposed to be added to or altered, in accordance with an approved plan lodged with the application or are premises already erected in respect of which there is lodged with the application any consent required under another Act for the proposed use, or proposed change of use, of the premises.

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- (2) Upon such terms as the Authority thinks fit, the Authority may consider and determine an application to amend a conditional grant.
- (3) Before granting a conditional application, the Authority may require to be lodged with the Authority a further approved plan that shows an amendment required by the Authority to be made to the approved plan or plans previously lodged in relation to the application.
- (4) In this section:
approved plan, in relation to proposed licensed premises, or a proposed addition to or alteration of licensed premises, means a plan of the proposed premises, or of the proposed addition or alteration, that is accompanied by any development consent required under the *Environmental Planning and Assessment Act 1979* for the carrying out of the work represented by the plan, or evidence that such consent is not required.

41 Application for transfer of licence

- (1) Application for transfer of a licence may be made by the licensee and the proposed transferee.
- (2) An application must be accompanied by the statutory declaration referred to in section 38 (2) (if applicable).

42 Application on dispossession of licensee

- (1) This section applies where a licence is current and:
 - (a) the licensee is evicted from the licensed premises, or
 - (b) to the exclusion of the licensee, the owner of the licensed premises comes into, or becomes entitled to, possession of the licensed premises.
- (2) Where this section applies, an application for a transfer of the licence may be made:
 - (a) where the licensed premises are the subject of a contract with the owner of the premises pursuant to which the licence is exercised—by the owner of the premises or by a casino operator, or
 - (b) in any other case—by a person directly or indirectly interested in the exercise of the licence.

- (3) The owner of licensed premises, a casino operator or a person interested directly or indirectly in the exercise of the licence, who comes into possession of the premises is to be taken to be the licensee of the premises until:
- (a) the day that is 28 days after this section becomes applicable, or
 - (b) the day on which an application is made under subsection (2),
- whichever first occurs.
- (4) Where an application is made under subsection (2) not later than 28 days after this section becomes applicable, the applicant is, until the application is considered and determined or otherwise disposed of, taken to be the licensee under the licence to which the application relates.
- (5) The Authority may not determine an application for transfer of a licence under this section unless, in the absence of special circumstances, it is satisfied:
- (a) that notice of the application was given to the dispossessed licensee at least 3 clear days before the consideration of the application, or
 - (b) that all reasonable steps necessary for giving notice in accordance with paragraph (a) were taken by or on behalf of the applicant and that failure to give the notice was not due to any neglect or default of the applicant or of any person employed by the applicant for the purpose of giving notice.

42A Fee for application for transfer of licence

An application for a transfer of a licence under section 41 or 42 must be accompanied by a fee of \$250.

Division 4A Investigation of application**42B Authority to investigate certain applications**

The Authority is to investigate:

- (a) each application to the Authority for a licence, or for the transfer of a licence, that is lodged with the Authority under this Act, and
- (b) any changes of which the Authority is notified under section 37 in relation to such an application.

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42C Investigations by Authority

- (1) The Authority must refer to the Commissioner of Police details of the applicant together with any supporting information in relation to the applicant that the Authority considers to be appropriate for referral to the Commissioner.
- (2) The Commissioner of Police is to inquire into, and report to the Authority on, such matters concerning the applicant as the Authority may request.
- (3) An application is to proceed to be dealt with even if any investigation, inquiry or report under this section in relation to the applicant has not been completed within 6 months after the application was lodged.

42D Authority may require further information

- (1) The Authority may by notice in writing require a person making an application for a licence or for the transfer of a licence, or a close associate of any such person, to do one or more of the following:
 - (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 Authority such authorities and consents as the Authority requires for the purpose of enabling the Authority to obtain information (including financial and other confidential information) from other persons concerning the person and his or her associates.
- (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 Authority may refuse to consider and determine an application if a requirement made under this section in relation to the application is not complied with.

Division 5 Objections to application**47 Grant of application is discretionary**

- (1) The Authority has a discretion to grant an application.
- (2) The Authority may refuse an application if it determines, after subsection (3) has been complied with:
 - (a) that the applicant is not a suitable person to be the holder of a licence, or
 - (b) that a person who is, was or will be a close associate of the applicant is not a suitable person to be a close associate of the holder of a licence, or
 - (c) in the case of an application for the grant of a licence—that a person who occupies a position of authority in the body corporate that is the applicant is not a suitable person to occupy such a position in a body that is to be the holder of a licence.
- (3) A determination under subsection (2) may not be made unless:
 - (a) the applicant has been made aware of reasons for the possibility of such a determination, and
 - (b) the applicant has been given an opportunity to make submissions, and to bring to the attention of the Authority any matter related to those reasons that the applicant thinks fit.

47A Refusal of application—responsible service standards

The Authority is to refuse an application for a licence unless satisfied that practices will be in place at the licensed premises as soon as the licence is granted that ensure as far as reasonably practicable that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place.

Division 6 Grant of application**48 Application of Division**

- (1) Subject to sections 58 and 60, the provisions of this Division apply to and in respect of the conditional grant of an application in the same way as they apply to and in respect of the unconditional grant of an application of the same kind.

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- (2) The requirements of this Division relating to premises apply to and in respect of a conditional application as if the premises to which the conditional application relates had been erected or, as the case may be, added to or altered, in accordance with the plans upon which the application is based.

53 Grounds on which dine-or-drink authority may be granted

An application for the endorsement of a licence relating to a restaurant with a dine-or-drink authority must not be granted unless the Authority is satisfied that:

- (a) the granting of the application would not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises to which the application relates, and
- (b) practices are or will be in place and will remain in place at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
- (c) the licensed premises will at all relevant times be operated consistently with the primary purpose of the premises, as referred to in section 23, and
- (d) the licensed premises have the appropriate facilities for a restaurant, including facilities to support that primary purpose and facilities for the sale, supply and consumption of liquor, and
- (e) practices are or will be in place and will remain in place at the licensed premises that ensure that no more than 30 per cent of the seated eating positions available in the restaurant will be allocated to persons not dining at the premises.

55 Issue of licence

- (1) Where the Authority grants an application for a licence, the licence must not be issued unless the fee specified in section 56 is paid to the Authority and any condition without prior compliance with which the grant does not have effect has been complied with.
- (2) A grant of a licence does not have effect while the issue of the licence is prohibited by subsection (1).

- (3) A grant of a licence is cancelled after 3 months if the fee specified in section 56 has not been paid.
- (4) This section has effect subject to section 55A.

55A Issue of licence on instalment plan

- (1) This section applies to a licence other than a licence that authorises the use of the licensed premises as a restaurant.
- (2) The licence:
 - (a) must not be issued if one-quarter of the fee prescribed by section 56 has not been paid within 3 months after the licence is granted, and
 - (b) must not be issued until one-quarter of that fee has been paid, and
 - (c) is automatically cancelled on the first anniversary of its grant if any part of that fee remains unpaid at that date.
- (3) If the licence is cancelled under subsection (2) (c), amounts paid toward the fee for the licence are not refundable to the applicant.

56 Fee for grant of licence and associated matters

- (1) The fee for the granting of a licence is:
 - (a) in the case of a licence that authorises the licensed premises to be used as a restaurant only—\$500, or
 - (b) in the case of a licence that authorises the licensed premises to be used as a nightclub only—\$60,000, or
 - (c) in any other case—\$15,000.
- (2) The following provisions have effect with respect to dine-or-drink authorities:
 - (a) The authority:
 - (i) must not be issued if one-quarter of the prescribed fee has not been paid within 3 months after the authority is granted, and
 - (ii) must not be issued until one-quarter of the prescribed fee has been paid, and
 - (iii) does not take effect until the authority has been endorsed on the licence concerned by the Authority, and

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- (iv) is automatically cancelled on the first anniversary of its grant if any part of the fee for the authority remains unpaid at that date.
- (b) If the authority is cancelled under paragraph (a) (iv), amounts paid toward the prescribed fee are not refundable to the applicant.
- (c) The prescribed fee is:
 - (i) where the licensed premises have over 100 seated eating positions—\$15,000, or
 - (ii) where the licensed premises have 100 or fewer seated eating positions—\$10,000.

58 Duration of conditional grant

If an application is conditionally granted under section 40, the grant has effect only while an approval or consent required by another Act for the use, erection, addition or alteration to which the grant relates has effect.

60 Final grant of application

- (1) The Authority may, on application, make a final grant of an application conditionally granted under section 40.
- (2) The Authority must not make a final grant of an application to erect, add to, or alter, premises unless the applicant for the final grant produces evidence by which the Authority is satisfied that the work of erection, addition or alteration has been completed substantially in accordance with the approved plan on the basis of which the conditional application was granted.
- (3) An application for a final grant of a conditional application may not be made if the applicant has any knowledge of proceedings instituted in any court as a result of which, if determined at the time of the making of the application, the Authority might be precluded from finally granting the application.

61 Grant of transfer of licence

- (1) Subject to this section, the Authority may grant an application under section 41 or 42 for the transfer of a licence to a person approved by it who would be entitled to apply for the same kind of licence in relation to the licensed premises.

- (2) Where the Authority is satisfied on the information before it that there is nothing that might preclude it from granting an application under section 41 or 42, the Authority may, at the request of the transferee and with the written consent of the transferor, make a provisional grant of the application.
- (3) A provisional grant of an application for the transfer of a licence ceases to have effect (unless the provisional grant is confirmed by the Authority beforehand):
- (a) on the expiration of a period specified by the Authority when provisionally granting the application together with such additional periods as the Authority thinks fit to allow upon application made before expiration of the period sought to be extended, or
 - (b) on the lodging of an application by the transferor for a transfer of the licence to a different transferee,
- whichever first occurs.
- (4) Subject to subsection (3), a provisional grant of an application has the same effect as a grant of the application under subsection (1).
- (5) If a provisional grant of an application for the transfer of a licence ceases to have effect because of the operation of subsection (3), the Authority may make such orders in relation to the licence as it considers appropriate in the circumstances, including any of the following orders:
- (a) an order that the licence is to revert to the transferor,
 - (b) an order treating a person (with the person's consent) as licensee until a transfer of the licence is effected,
 - (c) an order that the licence not be exercised until specified conditions are met or the Authority orders otherwise.
- (6) A transfer of a licence has effect as if the licence had been granted to the transferee.

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61A Refusal of application for transfer of licence—responsible service standards

The Authority is to refuse an application for the transfer of a licence unless satisfied:

- (a) that practices will be in place at the licensed premises of the transferee as soon as the licence is transferred that ensure as far as reasonably practicable that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
- (b) that those practices will remain in place.

62A Consideration of investigations before application may be granted

- (1) An application for a licence, or for the transfer of a licence, must not be granted by the Authority unless the Authority has considered any investigations and inquiries carried out, or reports received, under Division 4A.
- (2) However, the Authority may consider and determine such an application if any investigation, inquiry or report under that Division has not been completed or received by the Authority within 3 months after the application was lodged.

Division 8 Disciplinary provisions

66 Interpretation

- (1) For the purposes of this Division, a reference to a conviction for an offence against this Act does not include a reference to a conviction for an offence under section 91.
- (2) In this Division, a reference to a licensee includes a reference to a former licensee and a reference to a manager includes a reference to a former manager.

66A Authority may investigate licensee and others

- (1) The Authority may at any time carry out all such investigations and inquiries as are considered by the Authority to be necessary in order to ascertain whether a complaint should be made against a licensee, manager or close associate under section 67.

- (2) The Commissioner of Police is to inquire into, and report to the Authority on, such matters as the Authority may request concerning the licensee, manager or close associate to whom the complaint, if made, would relate.
- (3) The Authority may, by notice in writing, require a licensee, a manager or a close associate who is the subject of an investigation under this section, or a close associate of such a licensee or manager, 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 Authority such authorities and consents as the Authority requires for the purpose of enabling the Authority to obtain information (including financial and other confidential information) from other persons concerning the person under investigation and his or her associates.
- (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.

67 Notice to show cause against taking of disciplinary action

- (1) A complaint in relation to a licensee or manager is an authorised complaint for the purposes of this section if it is made in writing by any of the following:
 - (a) the owner of the licensed premises,
 - (b) a person authorised in writing by 3 or more persons residing in the vicinity of the licensed premises or a person who is such a resident and is authorised in writing by 2 or more other such residents,
 - (c) the Commissioner of Police,
 - (d) a person authorised by the local consent authority for the licensed premises,

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- (e) a person authorised by:
 - (i) an industrial organisation of employees registered under the *Industrial Relations Act 1996*, or
 - (ii) an association of employees registered under the *Workplace Relations Act 1996* of the Commonwealth, as from time to time in force,
 - (f) an inspector,
 - (g) a casino operator,
- and specifies as its grounds one or more of the grounds specified in section 68.
- (2) A complaint in relation to a licensee is an authorised complaint for the purposes of this section if:
 - (a) it is made in writing by a person authorised to do so by the relevant local consent authority referred to in subsection (1) (d), and
 - (b) it specifies, as the ground on which it is made, that the licensed premises are being opened for business even though the owner of the licensed premises has failed to comply with a direction or order of the local consent authority to carry out specified work on or in relation to the licensed premises.
 - (3) A complaint in relation to a person who is a close associate of a licensee is an authorised complaint for the purposes of this section if it is made in writing by the Commissioner of Police or an inspector and specifies as its grounds one or more of the grounds specified in section 68 (2).
 - (4) A complaint under subsection (3) can be made in conjunction with a complaint in relation to the licensee on the ground specified in section 68 (1) (j) or on any other ground and those complaints can be considered and determined together.
 - (5) Upon the making of an authorised complaint, the Authority may give notice of the complaint to the licensee, manager or person to whom the complaint relates and allow him or her to make submissions as to why disciplinary action should not be taken against him or her in accordance with this Act.

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- (6) A notice under subsection (5):
- (a) must specify the grounds of the complaint on which it is issued, and
 - (b) where a ground of complaint is the ground referred to in section 68 (1) (e), (i), (k) or (n) or (2) (a)—must specify the reasons given by the complainant for making the complaint on that ground, and
 - (c) must be served on the person the subject of the complaint and, if that person is not the licensee, on the licensee personally or by post, not less than 14 days before the day appointed for the consideration of the complaint.
- (7) Where a complaint is made under this section, a copy of the complaint must be served by post:
- (a) where the licensee occupies the licensed premises under a contract—on the party to the contract granting the right of occupation, and
 - (b) on each person named:
 - (i) in the statutory declaration referred to in section 38 (2) that accompanied the application for the licence, or
 - (ii) if a statutory declaration accompanied an application for transfer of the licence as referred to in section 41 (2) or has been produced to the Authority under section 101 (2)—in the later or latest of those statutory declarations, and
 - (c) if the complaint is against a licensee on the ground that a person named in the complaint is a close associate of the licensee and is not a suitable person to be a close associate of a licensee—on that person, and
 - (d) the casino operator,
- and each person served with a copy of the complaint may make submissions to the Authority within 14 days of being so served as to why the disciplinary action should not be taken.
- (8) Notwithstanding the other provisions of this section, a licensee who fails to comply with a condition of the licence is guilty of an offence against this Act but the same failure to comply with a condition of a licence may not be the subject both of proceedings under this subsection and an authorised complaint on the ground referred to in section 68 (1) (a) or (b).
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68 Grounds for complaint

- (1) The grounds upon which a complaint may be made under section 67 (1) in relation to a licensee or a manager of licensed premises are as follows:
- (a) that the licensee or manager has, while holding a licence or managing licensed premises, been convicted:
 - (i) of an offence specified in the complaint (other than an offence against this Act) for which he or she has been sentenced to imprisonment, or
 - (ii) of an offence against this Act so specified,
 - (b) that the licensee or manager has been guilty of a breach of a condition of the licence concerned,
 - (c) that the licensee or manager has failed to comply with a direction or order of the Authority given or made under this Act and specified in the complaint,
 - (d) that a requirement of the Authority made under this Act in relation to the investigation of the licensee or manager and specified in the complaint has not been complied with,
 - (e) that the continuation of the licence is not in the public interest,
 - (f) that the licensee or manager has engaged in conduct or activities that are likely to encourage misuse or abuse of liquor (such as binge drinking or excessive consumption),
 - (g) that intoxicated persons have frequently been on the licensed premises or have frequently been seen to leave those premises,
 - (h) that acts involving violence against persons or damage to property have frequently been committed on or near the licensed premises by persons who have been on the licensed premises,
 - (i) that the licensee is not a suitable person to be the holder of a licence or the manager is not a suitable person to be the manager of the licensed premises,
 - (j) that a person named in the complaint is a close associate of the licensee and is not a suitable person to be a close associate of a licensee,
 - (k) that a person named in one of the following statutory declarations made in relation to the licence held by the licensee or, where more than one such statutory declaration has been made, the later or latest of those statutory declarations, namely:

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- (i) a statutory declaration, referred to in section 38 (2), which accompanied the application for the licence,
 - (ii) a statutory declaration, referred to in section 38 (2) as applied by section 41 (2), which accompanied an application for the transfer of the licence,
 - (iii) a statutory declaration referred to in section 101 (2), produced to the Authority,
- (l) that a person who occupies a position of authority in the body corporate that is the holder of the licence is not a suitable person to occupy such a position in a body that is the holder of a licence,
 - (m) that entertainment has been conducted on the licensed premises otherwise than in accordance with the conditions of an approval under Part 1 of Chapter 7 of the *Local Government Act 1993* or the provisions of any regulation made under that Act,
 - (n) that the licence is considered not to have been exercised in the public interest,
 - (o) in the case of a licence relating to a restaurant—that the licensed premises concerned have been used for a purpose that is not consistent with their primary purpose of being a restaurant, as referred to in section 23.
- (2) The grounds on which a complaint may be made under section 67 (3) in relation to a person who is a close associate of a licensee are as follows:
 - (a) that the close associate is not a suitable person to be a close associate of a licensee,
 - (b) that a complaint against the licensee under section 67 has been established and that:
 - (i) the close associate knew or ought reasonably to have known that conduct of the kind to which the complaint relates was occurring or was likely to occur on the licensed premises, and
 - (ii) the close associate failed to take all reasonable steps to prevent conduct of that kind occurring on the licensed premises,
 - (c) that a requirement of the Authority made under this Act in relation to the investigation of the close associate and specified in the complaint has not been complied with.
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68A Complaints against close associates

- (1) For the purposes of section 68 (2), a complaint against a licensee under section 67 is taken to have been established if the Authority, when it considered the complaint and any submissions duly made in relation to the complaint, determined that the matter of the complaint had been established.
- (2) On the consideration and determination of the matter of a complaint under section 67 (3) on the ground specified in section 68 (2) (b), the onus is on the close associate to satisfy the Authority that the close associate took all reasonable steps to prevent conduct of the kind concerned occurring on the licensed premises.

69 Disciplinary powers of Authority

- (1) The Authority is to consider and determine the matter of a complaint and any submissions duly made in relation to the complaint and, if it is satisfied that the ground upon which the complaint was made has been established may, unless subsection (4) applies, do any one or more of the following:
 - (a) reprimand the licensee or manager,
 - (b) order the licensee or manager to pay to the Crown a monetary penalty not exceeding 500 penalty units or, if circumstances of aggravation exist in relation to the complaint, not exceeding 1,000 penalty units,
 - (c) impose a condition to which the licence is to be subject or revoke or vary a condition to which the licence is subject,
 - (d) suspend the licence for a specified period,
 - (e) cancel the licence,
 - (f) disqualify the licensee from holding a licence for such period as the Authority thinks fit,
 - (g) in the case of a manager of licensed premises, withdraw the manager's approval by the Authority to manage licensed premises,
 - (h) in the case of a manager of licensed premises, disqualify the manager from being the holder of an approval to manage licensed premises,

- (i) where the ground established is the ground referred to in section 68 (1) (e) or (n), give such directions as to the exercise of the licence as it thinks fit, or
 - (j) take no action.
- (2) For the purposes of this section, circumstances of aggravation exist in relation to a complaint only if:
- (a) the complaint concerns a contravention or alleged contravention of section 125 (Conduct on licensed premises) or 125E (Sale of stolen goods or drugs on licensed premises), and
 - (b) the complaint alleges that for the reasons specified in the complaint the matter of the complaint is so serious as to warrant the taking of action that is available to the Authority when circumstances of aggravation exist, and
 - (c) the Authority, in finding that the matter of the complaint has been established, is of the opinion (having regard to any matter such as the number of contraventions of the Act involved, the seriousness of the contravention involved, the number of people involved in the contravention or the seriousness of the outcome of the contravention, or any other relevant consideration) that the matter of the complaint is so serious as to warrant the taking of action that is available to the Authority when circumstances of aggravation exist.
- (3) Where the Authority determines under subsection (1) that the matter of the complaint has been established, the Authority may, whether or not it acts under that subsection:
- (a) reprimand:
 - (i) a person required by section 67 (7) (b) or (c) to be served with a copy of the complaint, or
 - (ii) a person who occupies a position of authority in the body corporate that holds the licence, or
 - (iii) a director of, or shareholder in, a proprietary company required to be so served, or
 - (iv) a director of, or shareholder in, a corporation that, within the meaning of the *Corporations Act 2001* of the Commonwealth, is a related body corporate of a proprietary company referred to in subparagraph (iii),

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- (b) order a person, director or shareholder referred to in paragraph (a) to pay to the Crown a monetary penalty not exceeding 500 penalty units or, if circumstances of aggravation exist in relation to the complaint, not exceeding 1,000 penalty units,
- (c) disqualify, for a period commencing on a specified day, a person, director or shareholder referred to in paragraph (a) from being:
 - (i) a person interested in a business, or in the profits of a business, carried on pursuant to a licence (within the meaning of section 38 (3)) or a person who occupies a position of authority in a body corporate that holds a licence, or
 - (ii) a director of, or shareholder in, a proprietary company so interested or a corporation that, within the meaning of the *Corporations Act 2001* of the Commonwealth is a related body corporate of such a proprietary company,unless it is proved that the person, director or shareholder had no knowledge of the matter upon which the complaint was made out and used all due diligence to obviate the necessity for the complaint.
- (4) If the ground of complaint as to which the Authority is satisfied under subsection (1) is the ground referred to in section 67 (2), the Authority may suspend the licence until:
 - (a) the work to which the complaint relates has been carried out, or
 - (b) the licence ceases to have effect for any reason other than suspension.
- (5) The Authority is to consider and determine the matter of a complaint under section 67 (3) and any submissions duly made and, if it is satisfied that the ground on which the complaint was made has been established, may do any one or more of the following:
 - (a) reprimand the person,
 - (b) disqualify the person from being a close associate of a licensee for such period as the Authority thinks fit,
 - (c) disqualify the person from holding a licence for such period as the Authority thinks fit,
 - (d) order the person to pay to the Crown a monetary penalty not exceeding 500 penalty units,

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- (e) take no action.
 - (6) While a person is disqualified by the Authority from being a close associate of a licensee, the person is conclusively presumed for the purposes of this Act to be a person who is not a suitable person to be a close associate of a licensee.
 - (7) The taking of action under subsection (5) in respect of a complaint does not prevent or limit the taking of any other action under this section in respect of any other complaint in relation to a licensee or manager (whether or not that other complaint is considered together with the complaint).
 - (8) When considering and determining the matter of a complaint under subsection (1) or (5), the Authority must consider any relevant findings of a court, a tribunal or a Royal Commission, the Independent Commission Against Corruption or other commission of inquiry or a coroner in any investigation, inquiry or other proceeding if those findings have been publicly released and are brought to the attention of the Authority.
 - (9) The Authority must not take action under this section unless a member of the Authority who is or has been a Judge, or is a legal practitioner of at least 7 years' standing, is present at the meeting of the Authority at which the decision to take the action is made.

Division 8A Special provisions for body corporate licensee

69B Appointment of manager

A body corporate that is a licensee must appoint a manager 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 unless there is an appointment of a manager of the licensed premises in force under this Division.

Maximum penalty: 50 penalty units.

69C Restrictions on who may be appointed as manager

- (1) The following restrictions apply to the appointment of a manager of licensed premises:
 - (a) a person may not be appointed as the manager of licensed premises unless the person is approved by the Authority to manage the licensed premises concerned,

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- (b) only a natural person may be appointed to manage licensed premises,
 - (c) a person cannot be appointed as the manager of licensed premises if at the time of the appointment he or she already holds an appointment as manager, or is a licensee, of other licensed premises, including other premises licensed to sell liquor under the *Liquor Act 1982*.
- (2) An appointment in contravention of this section is void for the purposes of this Part.

69D Authority approval of manager

- (1) An application for the Authority's approval of a person's appointment as the manager of licensed premises is to be made in the form approved by the Authority.
- (2) The Authority must not give its approval unless satisfied that the person concerned is a suitable person to manage licensed premises.
- (3) If the Authority is satisfied on the information before it that there is nothing that might preclude it from giving its approval, but requires more information before making a final decision, the Authority may give a provisional approval of the person to be such a manager.
- (4) A provisional approval is sufficient to entitle the appointment of the person, in accordance with section 69E, as manager of the licensed premises concerned for a period specified by the Authority. Any such appointment lapses, however, unless the Authority confirms its approval within that period (or within such extension of that period as the Authority may allow).

69E How appointments are made and revoked

- (1) A licensee must give the Authority notice of the appointment of a person as manager of licensed premises. The notice must give the name, address and date of birth of the person appointed and must be signed by the appointee as evidence of consent to his or her appointment as manager.

Maximum penalty: 20 penalty units.

- (2) The appointment of a manager is not in force until the licensee has given the Authority notice of the appointment as required by this section.

- (3) The appointment of a manager is revoked by the licensee giving notice under this section of the appointment of a new manager or by the licensee or manager giving the Authority notice of the manager's ceasing to act as manager. A notice of appointment of or of ceasing to act as manager may specify a day that is later than the day the notice is given as the day the notice is to take effect, and the notice takes effect accordingly.
- (4) A notice under this section must be in writing in the form approved by the Authority.
- (5) In any proceedings in which the question of whether notice was given to the Authority under this section is at issue, the party alleged to have given the notice bears the onus of establishing on the balance of probabilities that the notice was given.

69F Responsibilities and liabilities of manager of licensed premises

- (1) The person appointed as manager of licensed premises is responsible at all times for the personal supervision and management of the conduct of the business of the licensed premises under the licence.
- (2) If an element of an offence under a provision of this Act is an act or omission by a licensee, a person who is manager of the licensed premises is, while responsible under subsection (1), responsible in respect of the offence as though that person were also a licensee of those premises and is liable for the offence accordingly.
- (3) This section does not affect any liability of a licensee for a contravention by the licensee of a provision of this Act.

69G Liability of licensee for contravention by manager

The licensee of licensed premises is taken to have contravened any provision of this Act that the manager of the licensed premises contravened as a result of section 69F unless the licensee establishes that the licensee:

- (a) did not authorise or knowingly permit the contravention by the manager, and
 - (b) maintained control over and supervision of the activities of the manager of the licensed premises in an effort to prevent any such contravention occurring.
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69H Liability of persons in position of authority in body corporate licensee

- (1) If a licensee that is a body corporate contravenes (whether by act or omission) any provision of this Act, each person who occupies a position of authority in the body is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) If a licensee that is a body corporate is taken to have contravened (whether by act or omission) any provision of this Act by reason of a contravention by the manager of the licensed premises, each person who occupies a position of authority in the body is taken to have contravened the same provision unless he or she establishes that he or she:
 - (a) was not knowingly a party to any authorisation by the body corporate of the contravention by the manager, and
 - (b) took all reasonable steps (within the scope of his or her authority) to ensure that the body corporate maintained control over and supervision of the activities of the manager of the licensed premises in an effort to prevent any such contravention by the manager occurring.
- (3) A person may be proceeded against and convicted under a provision pursuant to this section whether or not the body corporate or manager of the licensed premises has been proceeded against or convicted.
- (4) This section does not affect any liability imposed on a body corporate or the manager of licensed premises for an offence committed by the body corporate or manager against this Act.
- (5) Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a body corporate (while acting in his or her capacity as such) had, at any particular time, a particular intention, is evidence that the body corporate had that intention at that time.

Division 9 General

71 Duplicate licence

The Authority may, on payment of the fee of \$50, issue a duplicate of a licence.

71A Endorsements on licence

A requirement of this Act that a condition or other matter be endorsed on a licence is sufficiently complied with if the condition or other matter is endorsed on a schedule to the licence.

76 Disposal of money by Authority

All money payable to the Authority is to be collected and received by the Authority on account of, and is to be paid into, the Consolidated Fund.

76A Date of payment to Authority by direct deposit

A payment made to the Authority for the purposes of this Act by means of payment to an authorised deposit-taking institution for direct deposit to the credit of the Authority is taken to have been paid to the Authority on the date of payment to that ADI.

Part 6 Licensed premises**90 Boundaries of licensed premises**

The Authority may define or redefine the boundaries of licensed premises or proposed licensed premises of its own motion or on the application of any of the following:

- (a) the owner of the premises,
- (b) the licensee,
- (c) the applicant for a licence,
- (d) a casino operator,

subject to each part of the licensed premises, as so defined or redefined, being in close proximity to all other parts of the licensed premises and being capable of supervision by the manager.

91 Name of licensed premises

- (1) The licensee must, before the opening of the licensed premises, cause to appear and be maintained on the front of the licensed premises, in accordance with subsection (2), a sign that specifies:
 - (a) a name for the licensed premises (not being a name that is a prohibited name for the licensed premises under this section), and

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(b) the name of the licensee.

Maximum penalty: 3 penalty units.

(2) The sign referred to in subsection (1) must so appear and be maintained near the principal public entrance to the licensed premises in such a manner that it may be read from the part of a public place on which the front of the premises abuts.

(3) The licensee must not alter the name referred to in subsection (1) (a) unless the Authority has approved in writing of the proposed new name.

Maximum penalty: 3 penalty units.

(4) The Authority must not approve an alteration of the name of the licensed premises if the name as proposed to be altered is a prohibited name for the licensed premises under this section.

(5) The licensee must not cause or permit the use on any sign displayed on the exterior of the licensed premises or in any advertising with respect to the licensed premises of a name that is a prohibited name for the licensed premises under this section.

Maximum penalty: 5 penalty units.

(6) A name is a prohibited name for the licensed premises under this section if it is a name that the Authority has notified the licensee in writing is prohibited as being objectionable, inappropriate or misleading.

(7) 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.

97 Breath analysis equipment

(1) Evidence of the results of a test indicating the presence or concentration of alcohol in the blood of a person by means of a breath analysing instrument installed on licensed premises is not admissible:

(a) in any civil proceedings against the licensee of the licensed premises (subject to subsection (2)), or

- (b) in any criminal proceedings.
- (2) This section does not prevent the admission into evidence in civil proceedings of the results of a test if it is established that at the time of the test:
- (a) the breath analysing instrument concerned did not comply with the relevant Australian Standard (as in force at the date of the manufacture of the instrument), or
 - (b) the licensee was aware or should have been aware that the instrument was not operating correctly, or
 - (c) subsection (4) was being contravened in respect of the breath analysing instrument concerned.
- (3) A breath analysing instrument is an instrument that is designed to ascertain by analysis of a person's breath the concentration of alcohol present in the person's blood, being an instrument of the type specified in Australian Standard 3547 (Breath Alcohol Testing Devices for Personal Use), published by the Standards Association of Australia. That standard, as in force from time to time, is the relevant Australian Standard for the purposes of this section.
- (4) At all times that a breath analysing instrument installed on licensed premises is available for use by customers on those premises there must be prominently displayed on or in close proximity to the instrument a sign that complies with the following requirements:
- (a) the sign must be clearly legible and in good condition and so positioned that its contents can be easily read by a person using the instrument,
 - (b) the sign must display the following matter in print of a type size and character that will be clearly legible to a person using the equipment:

IMPORTANT INFORMATION ABOUT BREATH TESTING

Readings given by this instrument are NOT ACCEPTED by the Police or the Courts.

Your blood alcohol level can rise for 1 hour or more after your last drink.

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- (5) If subsection (4) is contravened, the licensee of the licensed premises is guilty of an offence.

Maximum penalty: 20 penalty units.

101 Control of licensed premises

- (1) A licensee must not:

- (a) let or sublet the right to sell liquor on the licensed premises, or
- (b) let or sublet any part of the licensed premises on which liquor is ordinarily sold or supplied, or
- (c) without the previous written consent of the Authority:
 - (i) let or sublet any other part of the licensed premises, or
 - (ii) let or sublet the right to supply gaming or liquor-related services in the licensed premises, or
 - (iii) enter into any contract or arrangement, relating to any gaming or liquor-related services in respect of the licensed premises.

Maximum penalty: 50 penalty units.

- (2) If a person (other than a licensee or an authorised deposit-taking institution) becomes interested in the business or the conduct of the business, of the licensed premises, it is a condition of the licence that the licensee must, within 28 days after the other person's becoming so interested, produce to the Authority a statutory declaration stating:
- (a) that the licensee has made all reasonable inquiries to ascertain the information required to complete the statutory declaration, and
 - (b) the name and date of birth of the person so interested and in the case of a proprietary company, the names of the directors and shareholders.
- (3) For the purposes of subsection (2), a person is interested in the business, or the conduct of the business of the licensed premises concerned if the person is entitled to receive or does receive:
- (a) any income derived from the business, or any other financial benefit or financial advantage from the carrying on of the business (whether the entitlement arises at law or in equity or otherwise), or

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- (b) any rent, profit or other income in connection with the use or occupation of premises on which the business is to be carried on.
- (4) In this section:
- gaming machine*** means a device that is designed:
- (a) for the playing of a game of chance or a game that is partly a game of chance and partly a game requiring skill, and
 - (b) for paying out money or tokens or for registering a right to an amount of money or money's worth to be paid.
- gaming or liquor-related services*** means the following services:
- (a) services that promote the use of gaming machines or of services or facilities relating to gaming machines,
 - (b) services that promote activities, services or facilities of which gaming machines, or services or facilities relating to gaming machines, form part,
 - (c) consultancy or advisory services that include advice on the management or operation of gaming machines or of services or facilities relating to gaming machines,
 - (d) services for the management or supervision of gaming machines or of services or facilities relating to gaming machines,
 - (e) services that promote the sale or supply of liquor,
 - (f) consultancy or advisory services that include advice on the sale or supply of liquor,
 - (g) services for the management or supervision of the sale or supply of liquor.

103 Exclusion of persons from licensed premises

- (1) A licensee or his or her employee may refuse to admit to the licensed premises and may turn out, or cause to be turned out, of the licensed premises any person:
 - (a) who is then intoxicated, violent, quarrelsome or disorderly, or
 - (b) who engages or uses any part of the licensed premises for the purposes of prostitution, or
 - (c) whose presence on the licensed premises renders the licensee liable to a penalty under this Act, or

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- (d) who hawks, peddles or sells any goods on the premises, unless the person has the written permission of the Authority and the licensee to do so, or
 - (e) who uses, or has in his or her possession, while on the premises any substance that the licensee or employee suspects of being a prohibited plant or a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*, or
 - (f) whom the licensee, under the conditions of the licence or according to a term (of the kind referred to in section 104E (1)) of a local liquor accord, is authorised or required to refuse access to the licensed premises.
- (2) If, pursuant to subsection (1), a person has been refused admission to, or has been turned out of, licensed premises, the licensee or an employee of the licensee may, at any subsequent time or from time to time, refuse to admit that person into the licensed premises or may turn him or her out, or cause him or her to be turned out, of the licensed premises.
- (3) If a person to whom a licensee is, under subsection (1) or (2), entitled to refuse admission to the licensed premises is on the premises the person must, on being required so to do by the licensee, his or her employee or a police officer, quit the premises.
- Maximum penalty: 50 penalty units.
- (4) For the purposes of subsection (1) or (2), such reasonable degree of force as may be necessary may be used to turn a person out of licensed premises.
- (5) If a police officer is requested by a licensee or his or her employee to turn out, or to assist in turning out, of the licensed premises a person whom the licensee is entitled under subsection (1) or (2) to turn out of the premises, it is the duty of the police officer to comply with the request and he or she may, for that purpose, use such reasonable degree of force as may be necessary.

104 Quiet and good order of neighbourhood

- (1) If a written complaint is made to the Authority of undue disturbance to the quiet and good order of the neighbourhood of licensed premises caused by:
- (a) the manner in which the business of the licensed premises is conducted, or

- (b) the behaviour of persons after they have left the licensed premises, or
- (c) the manner in which the business of the licensed premises is conducted and the behaviour of persons after they have left the licensed premises,

the Authority may convene a conference to hear submissions relating to the complaint.

- (2) A complaint under this section can be made only by:
 - (a) a person authorised in writing by 3 or more persons residing in the neighbourhood of the licensed premises or a person who is such a resident and is authorised in writing by 2 or more other such residents, or
 - (b) the Commissioner of Police, or
 - (c) a person authorised by the council of the local government area (including the City of Sydney) in which the licensed premises are situated, or
 - (d) a person authorised by the Minister for Urban Affairs and Planning, or
 - (e) a person who satisfies the Authority that his or her interests, financial or other, are adversely affected by the undue disturbance to which the person's complaint relates, or
 - (f) an inspector.
- (3) A complaint under this section must be made or verified by statutory declaration.
- (4) A complaint may relate to more than one licensed premises.
- (5) A conference may relate to more than one complaint.
- (6) A conference convened in relation to licensed premises the subject of a complaint may be extended to include any other licensed premises if the Authority is satisfied:
 - (a) that the evidence given in support of the complaint would support a complaint against the other licensed premises, or
 - (b) that, assuming that the complaint is shown to be justified, action taken in relation to the licensed premises the subject of the complaint will be ineffective unless similar action is taken in relation to the other licensed premises.

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- (7) Any licensed premises to which a conference is extended as referred to in subsection (6) is, for the purposes of this section, taken to be the subject of a complaint, and this section applies to the complaint as if the complaint had been made under subsection (1).
- (8) Notice of the time and place for the conference is to be given to all complainants and the licensee or licensees as directed by the Authority.
- (9) The conference is to be presided over by a member of the Authority who may, in relation to a licence, after giving each complainant present and the licensee (if present) a reasonable opportunity to be heard in relation to the complaint:
 - (a) impose, vary or revoke conditions of the licence, or
 - (b) adjourn the conference subject to implementation and continuation of undertakings given by the licensee, or
 - (c) issue a warning to the licensee, or
 - (d) take no action.
- (10) The conditions that may be imposed on a licence include, but are not limited to, conditions relating to limitation of trading hours and public access as referred to in section 20 (4).
- (11) Procedure at the conference (including any decision to adjourn the conference) is to be determined by the Authority.
- (12) If a condition restricting the trading hours of a licensee is imposed under this section, an application may be made to the Authority to vary or revoke the condition. The application may not be made by or on behalf of the licensee during the period of 6 months that next succeeds the imposition of the condition, except with the leave of the Authority granted on the ground that there has been a material change in the facts or circumstances on which the imposition of the condition was based. The application may be dealt with by the Authority in such manner as the Authority determines.

104A Order by Authority for short-term closure of premises

- (1) The Authority may, by notice served on a licensee or a person apparently in charge of licensed premises, order the licensee to close the licensed premises from a time specified in the order until a later specified time.

- (2) The Authority may only make an order under this section if the Authority is satisfied:
- (a) that a serious breach of this Act has occurred, or is likely to occur, on the premises, and
 - (b) that the closure of the premises is necessary to prevent or reduce a significant threat or risk to the public interest.
- (3) Without limiting the generality of subsection (2), circumstances in which there may be a significant threat or risk to the public interest include circumstances in which there is:
- (a) a threat to public health or safety, or
 - (b) a risk of substantial damage to property, or
 - (c) a significant threat to the environment, or
 - (d) a risk of serious offences (having a maximum penalty of not less than 2 years imprisonment) being committed on the premises.
- (4) An order must not require the closure of premises for a period longer than 72 hours.
- (5) An order may require the closure of premises until specified conditions are met but must not require closure for a period longer than 72 hours.
- (6) A licensee must not fail to comply with an order made under this section.
- Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.
- (7) Two or more orders closing the same premises may not be made under this section in any period of one week.

104E Local liquor accords

- (1) Without limiting the terms that may be included in a local liquor accord, such an accord may make provision for or with respect to authorising or requiring any licensees who are parties to the accord:
- (a) to cease to serve liquor at their licensed premises, or

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- (b) to restrict the public's access to their licensed premises in a manner and to the extent provided by the accord,
- or both, from a time of day that is earlier than the time at which, as required by the relevant licence, trading must cease.
- (2) Entry by any person into a local liquor accord, and any conduct on the part of any person for the purpose of promoting or giving effect to the terms of a local liquor accord, are specifically authorised by this Act for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*.
- (3) Conduct authorised by subsection (2) is authorised only to the extent (if any) to which the conduct, so far as it consists of things done to regulate the supply of liquor or in some other respect, would otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth or the *Competition Code of New South Wales*.

Part 7 Inspectors

110 Powers of entry, inspection and seizure

- (1) If the Commissioner of Police believes on reasonable grounds that unlawful or disorderly conduct is taking place on licensed premises the Commissioner may, at any time of the day or night, enter the licensed premises with or without a police officer.
- (2) In exercising the power conferred by subsection (1), the Commissioner of Police may, with or without assistance, break into the premises if entry is refused or unreasonably delayed (whether or not by the absence of a person able to permit entry to the premises).
- (3) If an authorised officer believes on reasonable grounds that a breach of this Act has been, or is being, committed on licensed premises the officer may, at any time of the day or night, enter the licensed premises with or without a police officer.
- (4) An authorised officer may, at any reasonable time, enter and examine any part of the licensed premises and may do any or all of the following:
- (a) take an account of all liquor on the premises,
- (b) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act have been, or are being, complied with,

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- (c) having required the licensee (or any other person having them in his or her custody) to produce any registers, books, records or other documents relating to the business carried on with the authority of the licence, make copies of, or take extracts from, entries in the registers, books, records or other documents.
 - (5) In the exercise of a power conferred under this section, an authorised officer may:
 - (a) if the officer considers it necessary to do so for the purposes of obtaining evidence of the commission of an offence, seize any registers, books, records or other documents relating to the business conducted on the licensed premises, and
 - (b) require any person to answer any question relating to any such registers, books, records or other documents or any other relevant matter.
 - (6) The licensee or person in charge of licensed premises must not refuse or fail to admit to the licensed premises a person requiring entrance under subsection (1), (3) or (4) or obstruct or delay the person in the exercise of his or her powers.
Maximum penalty: 50 penalty units.
 - (7) In this section, *authorised officer* means an inspector who is authorised by the Authority for the purposes of this section.

110A Dealing with seized documents

- (1) If an authorised officer seizes any document under section 110 on licensed premises, the officer must issue the person apparently in charge of the premises with a written receipt for the document.
- (2) An authorised officer may retain any document seized under section 110 until the completion of any proceedings (including proceedings on appeal) in which it may be evidence.
- (3) A document may only be retained under subsection (2) if the person from whom the document was seized is provided, within a reasonable time after the seizure, with a copy of the document certified by an authorised officer as a true copy.
- (4) The copy is, as evidence, of equal validity to the document of which it is certified to be a copy.
- (5) In this section, *authorised officer* means an inspector who is authorised by the Authority for the purposes of this section.

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111 Obstruction

A person who hinders or obstructs an inspector, police officer or any other person in the exercise by the inspector, police officer or other person of a function conferred on him or her by or under this Act is guilty of an offence and liable, if no other penalty or punishment is provided for the offence, to a penalty not exceeding 50 penalty units.

Part 7A Minors

112 Use of licensed premises by minor

- (1) The Authority may, on the application of the licensee and subject to any conditions that the Authority may impose, authorise:
 - (a) the use by a minor in the company of a responsible adult of any part of licensed premises in the casino environs, or
 - (b) the use by minors under adult supervision of any part of licensed premises in the casino environs.
- (2) An authorisation under subsection (1) (b) must be subject to a condition as to the required level of adult supervision of minors using any part of licensed premises pursuant to the authorisation.
- (3) Authorisations may be granted under both paragraphs (a) and (b) of subsection (1) in respect of the same part of licensed premises.
- (4) If an authorisation under subsection (1) (b) is operating to authorise the use by a minor of a part of licensed premises, any authorisation under subsection (1) (a) has no operation to the extent that it applies to that part of the licensed premises.
- (5) The Authority may, on its own motion or on the application of the licensee:
 - (a) revoke or vary an authorisation under subsection (1), or
 - (b) impose any condition, or any further condition, to which such an authorisation is to be subject, or
 - (c) revoke or vary any condition imposed under subsection (1) or paragraph (b).
- (6) An authorisation under subsection (1) is in force only while all conditions to which it is subject are being complied with.

113 Minor using false evidence of age

A minor who uses any evidence purporting to be evidence of his or her age in order to obtain entry to, remain in, or obtain liquor from, licensed premises, is guilty of an offence if the evidence is false in a material particular in relation to the minor.

Maximum penalty: 10 penalty units.

114 Sale or supply of liquor to minor

- (1) A person must not, in the casino or casino environs, sell or supply liquor to a person under the age of 18 years.

Maximum penalty: 50 penalty units or, if circumstances of aggravation exist in relation to the offence, 100 penalty units or 12 months imprisonment (or both).

- (2) A licensee must not, on the licensed premises, allow liquor to be sold or supplied to a person under the age of 18 years.

Maximum penalty: 50 penalty units or, if circumstances of aggravation exist in relation to the offence, 100 penalty units or 12 months imprisonment (or both).

- (3) A person must not obtain liquor from licensed premises on behalf of a person under the age of 18 years.

Maximum penalty: 50 penalty units or, if circumstances of aggravation exist in relation to the offence, 100 penalty units or 12 months imprisonment (or both).

- (4) For the purposes of this section, circumstances of aggravation exist in relation to an offence under this section only if:

- (a) the information by which the proceedings for the offence are instituted alleges that the offence is (for the reasons specified in the information) so serious as to warrant the imposition of a penalty in excess of 50 penalty units, and
- (b) the court that convicts the person for the offence is of the opinion (having regard to the quantity or nature of the liquor involved or the young age of the person involved, or other relevant considerations) that the offence is so serious as to warrant the imposition of a penalty in excess of 50 penalty units.

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- (5) A licensee must cause a notice to be displayed on the licensed premises in accordance with subsection (6).
Maximum penalty: 20 penalty units.
- (6) The notice referred to in subsection (5) must comply with the following:
- (a) it must be in the following form:

LIQUOR ACT 1982
It is an offence to SELL or SUPPLY to or to
OBTAIN liquor on behalf of a person under
the age of 18 years.
 - (b) if liquor is sold at a bar or counter, the notice must be prominently displayed at the bar or counter, in such a manner and in such a position that a person standing at the bar or counter would reasonably be expected to be alerted to its contents,
 - (c) if liquor is not sold at a bar or counter but is otherwise sold, the notice must be prominently displayed at or near every entrance by which members of the public may enter the premises concerned, in such a manner and in such a position that a person coming in by the entrance would reasonably be expected to be alerted to its contents.
- (7) It is a defence to a prosecution for an offence under subsection (1) or (3) if it is proved that the person to whom the liquor was sold or supplied, or on whose behalf it was obtained, was of or above the age of 14 years and that, before the liquor was sold, supplied or obtained, there was produced to the defendant documentary evidence that might reasonably be accepted as applying to the person and as proving that the person was of or above the age of 18 years.
- (8) It is a defence to a prosecution for an offence under subsection (1) (except in the case of a sale or supply which took place on licensed premises) if it is proved that the defendant was a parent or guardian of the person to whom the liquor was sold or supplied or was authorised to sell or supply liquor to the person by the parent or guardian.
- (9) It is a defence to a prosecution for an offence under subsection (2) if it is proved that the liquor was supplied to the person by that person's parent or guardian.

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- (10) It is a defence to a prosecution for an offence under subsection (3) if it is proved that the defendant was a parent or guardian of the person on whose behalf the liquor was obtained or was authorised to obtain liquor on behalf of the person by the parent or guardian.
- (11) A reference in this section to the supply of liquor to a person includes a reference to the serving of liquor to a person.

115 Minor consuming, obtaining or carrying away liquor

- (1) A person under the age of 18 years must not:
- (a) consume liquor on licensed premises or on the premises of an unlicensed restaurant in the casino or casino environs, or
 - (b) obtain, or attempt to obtain, liquor for consumption on licensed premises, or
 - (c) carry liquor away, or attempt to carry liquor away, from licensed premises.

Maximum penalty: 10 penalty units.

- (2) It is a defence to a prosecution for an offence under subsection (1) of consuming liquor on the premises of an unlicensed restaurant if it is proved that the defendant consumed the liquor in the company of and with the authority of his or her parent or guardian.
- (3) It is a defence to a prosecution for an offence under subsection (1) (c) if it is proved that the defendant was ordered or requested to carry the liquor away from the licensed premises.
- (4) A person must not:
- (a) send a person under the age of 18 years to licensed premises, or
 - (b) order or request a person under the age of 18 years to go to licensed premises,

for the purpose of obtaining liquor.

Maximum penalty (subsection (4)): 20 penalty units.

116 Sale or supply of liquor by minor

- (1) Except where the Authority has given its consent (proof of which lies on the defendant), a licensee must not allow a person under the age of 18 years to sell, supply or serve liquor on the licensee's licensed premises.

Maximum penalty: 50 penalty units.

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- (2) The Authority must not give a consent under this section that would allow a person under the age of 18 years to be in the casino.

116A Offences by minor on licensed premises

- (1) A minor:
- (a) who enters or remains in a restricted area of licensed premises not operated by a casino operator, or
 - (b) who, in breach of the conditions of the licence, enters or remains in a part of licensed premises operated by a casino operator,

is guilty of an offence.

Maximum penalty: 10 penalty units.

- (2) It is a defence to a prosecution for an offence arising under subsection (1) if it is proved that the minor concerned was, at the material time, an apprentice or trainee (within the meaning of the *Industrial and Commercial Training Act 1989*) and that the minor entered or remained in the relevant area of the licensed premises for the purpose only of receiving trade training (not being training in the sale, supply or service of liquor) as such an apprentice or trainee.
- (3) A minor who for any purpose enters or remains in:
- (a) a part of licensed premises that is not operated by a casino operator and that is authorised under section 112 (1) (a) for use by a minor in the company of an adult, or
 - (b) a part of licensed premises that is operated by a casino operator and that is authorised by the conditions of the licence 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.

- (4) It is a defence to a prosecution of a minor for an offence under subsection (1) (a) or (3) (a) 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.

- (5) A minor who for any purpose enters or remains on licensed premises to which a dine-or-drink authority relates during a restaurant restricted 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.

116B Offences by licensee in relation to minor

- (1) If a minor:

- (a) enters a restricted area on licensed premises, or
- (b) enters a part of licensed premises 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, in breach of the conditions of the licence, a part of licensed premises operated by a casino operator, or
- (d) enters licensed premises to which a dine-or-drink authority relates during a restaurant restricted 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: 50 penalty units.

- (2) If a minor:

- (a) is in a restricted area on licensed premises, or
- (b) is in a part of licensed premises 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 breach of the conditions of the licence, in a part of licensed premises operated by a casino operator, or
- (d) is on licensed premises to which a dine-or-drink authority relates during a restaurant restricted 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: 50 penalty units.

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- (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 part of the licensed premises concerned, or the licensed premises to which the dine-or-drink authority relates, or
 - (b) while the minor was in the restricted area or part of the licensed premises concerned, or the licensed premises to which the dine-or-drink authority relates,
- 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) It is a defence to a prosecution for an offence arising under subsection (1) (a) or (c) or (2) (a) or (c) if it is proved that the minor concerned was, at the material time, an apprentice or trainee (within the meaning of the *Industrial and Commercial Training Act 1989*) and that the minor entered or remained in the relevant area of the licensed premises for the purpose only of receiving trade training (not being training in the sale, supply or service of liquor) as such an apprentice or trainee.
- (5) A licensee is guilty of an offence against this Act if liquor is sold, supplied or consumed anywhere on the licensed premises:
- (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 licensed premises, or
 - (b) within 30 minutes before the beginning of that period or within 30 minutes after its end.

Maximum penalty: 50 penalty units.

116C Notices to be displayed

- (1) A licensee (other than a casino operator) is guilty of an offence against this Act unless there is continuously displayed:
- (a) in each restricted area on the licensed premises a notice in accordance with subsection (3), and

- (b) in each part of the licensed premises in which a minor is permitted to remain only in the company and immediate presence of a responsible adult a notice in accordance with subsection (4).

Maximum penalty: 20 penalty units.

- (2) A licensee that is a casino operator is guilty of an offence against this Act unless there is continuously displayed:

- (a) in each part of the licensed premises from which minors are to be excluded, as required by a condition of the licence—a notice in accordance with subsection (3), and
- (b) in each part of the licensed premises in which a minor is permitted to remain only in the company and immediate presence of a responsible adult, as required by a condition of the licence—a notice in accordance with subsection (4).

Maximum penalty: 20 penalty units.

- (3) A notice referred to in subsection (1) (a) or (2) (a):

- (a) must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the licensed premises in which the notice is displayed would be quickly alerted to the contents of the notice, and
- (b) must be in the following form:

LIQUOR ACT 1982
IF YOU ARE UNDER 18
YOU ARE NOT PERMITTED BY LAW
IN THIS AREA

- (4) A notice referred to in subsection (1) (b) or (2) (b):

- (a) must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the licensed premises in which the notice is displayed would be quickly alerted to the contents of the notice, and

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(b) must be in the following form:

LIQUOR ACT 1982
IF YOU ARE UNDER 18
YOU ARE BY LAW NOT PERMITTED
TO BE IN THIS AREA
UNLESS YOU ARE IN THE COMPANY
AND IMMEDIATE PRESENCE OF
A RESPONSIBLE ADULT

(5) A holder of a licence endorsed with a dine-or-drink authority for licensed premises trading during a restaurant restricted period is guilty of an offence against this Act unless there is continuously displayed during the restaurant restricted period a notice in accordance with subsection (6).

Maximum penalty: 20 penalty units.

(6) A notice referred to in subsection (5):

(a) must be displayed at or near the main public entrance to the restaurant and in such a manner that it would be reasonable to expect that a person entering the premises of the restaurant would reasonably be expected to be alerted to the contents of the notice, and

(b) must be in the following form, using wording that is legible and prominent:

Liquor Act 1982

If you are under 18 you are by law not permitted to enter (or be in) this restaurant at any time between 10 pm and 6 am unless you are in the company and immediate presence of a responsible adult.

(7) Despite subsection (6) (b), the wording required to appear in a notice under subsection (5) may appear (as a separate and distinct statement) in a notice required under section 23AD (12), provided that the requirements under this Act in relation to each notice are otherwise complied with.

Maximum penalty: 20 penalty units.

- (8) A licensee who offers liquor for sale through an internet site is guilty of an offence against this Act unless the notice set out below is displayed on the site at all times while it is accessible. The words contained in the notice must be big enough to ensure that a person accessing the internet site would reasonably be expected to be alerted to the contents of the notice.

Maximum penalty: 20 penalty units.

LIQUOR ACT 1982

IT IS AN OFFENCE TO SELL OR SUPPLY TO OR TO
OBTAIN LIQUOR ON BEHALF OF A PERSON UNDER
THE AGE OF 18 YEARS

- (9) A separate offence is committed in respect of each restricted area or other part of the licensed premises for which there is a failure to display in the restricted area or other part the notice required by this section.
- (10) It is a defence to a prosecution for an offence under this section 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.

116D Offence by adult accompanying minor

If an adult in whose company a minor is lawfully on licensed premises including licensed premises to which a dine-or-drink authority relates:

- (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: 20 penalty units.

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117A Minor required to provide information

- (1) An authorised person may require a person who is reasonably suspected of being a minor and who, if a minor, would be committing an offence against this Act:
 - (a) to state his or her full name and residential address, and
 - (b) to produce then, or at a police station within a reasonable time, documentary evidence that might reasonably be accepted as applying to the person and as proof of his or her age.
- (2) A person the subject of a requirement under subsection (1) must not:
 - (a) refuse or fail to state his or her full name and residential address, or
 - (b) without reasonable cause, refuse or fail to produce evidence of age as referred to in subsection (1) (b).

Maximum penalty: 10 penalty units.

- (3) In this section:

authorised person means an inspector, a licensee, an employee or agent of a licensee, or a police officer.

117B Entry to licensed premises by minor

If:

- (a) a licensee, or an employee of the licensee, is aware that a person who may reasonably be suspected of being under the age of 18 years is attempting to enter the licensed premises, or a part of the licensed premises, and
- (b) the presence of the person on the licensed premises or part of the licensed premises would, if the person were under the age of 18 years, be an offence against this Act,

the licensee or employee must refuse the person entry to the licensed premises or part of the licensed premises unless there is produced to the licensee or employee documentary evidence that may reasonably be accepted as applying to the person and as proving that the person is of or above the age of 18 years.

Maximum penalty: 20 penalty units.

117E Reasonable evidence of age

- (1) Without precluding any other evidence that might reasonably be accepted as evidence that a person is at least 18 years of age, a document that belongs to one of the following classes of documents:
- (a) a motor vehicle driver's or rider's licence or permit held by a person, being a licence or permit issued by the Roads and Traffic Authority or by a corresponding public authority of the Commonwealth, of some other State or of a Territory or of some other country,
 - (b) a "proof of age" card held by a person, being a card issued by the Roads and Traffic Authority or by a corresponding public authority of the Commonwealth or of some other State or a Territory,
 - (c) a passport held by a person, being a passport issued by the Commonwealth or under the law of some other country,

is, for the purposes of this Act, evidence that the person is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age and only if the document has not expired and otherwise appears to be in force.

- (2) A minor who:
- (a) provides information in order to obtain evidence of a kind referred to in subsection (1), and
 - (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 referred to in subsection (1), 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, of the kind referred to in subsection (1), and

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- (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.

117EB Manufacturing false proof of age card

- (1) A person must not make a false document that could reasonably be taken to be a proof of age card with the intent that the document be used by any person as a proof of age card for the purposes of this Act.

Maximum penalty: 20 penalty units.

- (2) A person (*the offender*) must not give to another person a false document that could reasonably be taken to be a proof of age card with the intent that the document be used by any person as a proof of age card for the purposes of this Act, if the offender knows or could reasonably be expected to know that the document is false.

Maximum penalty: 20 penalty units.

- (3) A person is guilty of an offence under this subsection if the person commits an offence under subsection (1) or (2) in circumstances of aggravation.

Maximum penalty: 50 penalty units.

- (4) For the purposes of this section, a person commits an offence in circumstances of aggravation if:

- (a) the offence involved a high degree of planning, or
(b) the offence involved the use of other people acting at the direction of the person convicted of the offence in the commission of the offence, or
(c) the person committed the offence solely or principally for financial reward, or
(d) the offender has a previous conviction for an offence under this section.

117EC Giving or lending proof of age card

A person must not give or lend the person's proof of age card to another person, if the person giving or lending the card knows or could reasonably be expected to know that the card may be used:

- (a) as a proof of age card for the purposes of this Act by the person to whom the card was given or lent or by any other person, or
- (b) to obtain a proof of age card for the person to whom the card was given or lent, or for any other person, for the purposes of this Act.

Maximum penalty: 20 penalty units.

117ED Tampering with proof of age card

A person must not for an improper purpose wilfully or negligently alter, deface, or otherwise interfere with a proof of age card or with any of the material particulars contained on the card.

Maximum penalty: 20 penalty units.

117G Minor not to be detained

A minor may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this Act.

117I Sale of undesirable liquor products

- (1) The licensee is guilty of an offence if an undesirable liquor product is sold or supplied on licensed premises to any person.

Maximum penalty: 50 penalty units.

- (2) In this section, *undesirable liquor product* means a liquor product or class of liquor products declared, under section 117I of the *Liquor Act 1982*, to be an undesirable liquor product.

Part 8 Offences and related matters

Division 1 Offences

119 Sale of liquor outside trading hours

A licensee must not:

- (a) keep the licensed premises open for the sale or supply of liquor,
or

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(b) sell or supply liquor,

at a time at which the licensee is not, by this Act or under the conditions of the licence, permitted to effect the sale or supply.

Maximum penalty: 20 penalty units.

121 Unauthorised sale of liquor by licensee

- (1) A licensee must not sell or supply liquor, or cause or suffer liquor to be sold or supplied, otherwise than in accordance with the authority conferred by his or her licence.
- (2) An agent or servant of, or person purporting to act on behalf of, a licensee must not sell liquor, or cause or suffer liquor to be sold otherwise than in accordance with the authority conferred on the licensee by the licence.

Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.

122 Sale of liquor without licence

- (1) A person must not sell liquor, or cause or suffer liquor to be sold, in the casino or casino environs unless the person is a licensee or is the agent or servant of a licensee.

Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.

- (2) A person who is the occupier, manager or person apparently in control of any premises on or from which liquor is sold in contravention of subsection (1) is taken to have sold the liquor unless it is proved that the person:

- (a) had no knowledge of the sale, and
- (b) had used all due diligence to prevent the sale of liquor on or from the premises.

123 Unlicensed premises

A licensee must not sell, or employ or permit another person to sell, liquor on premises, or in a place, other than the premises on which, or the place at which, the licence authorises the licensee to sell the liquor.

Maximum penalty: 20 penalty units.

125 Conduct on licensed premises

- (1) A licensee must not:
- (a) permit the licensed premises to be used for the purposes of prostitution, or
 - (b) permit intoxication, or any indecent, violent or quarrelsome conduct, on the licensed premises.

Maximum penalty: 20 penalty units in the case of an offence under paragraph (a) or 50 penalty units in the case of an offence under paragraph (b).

- (2) A person must not use any part of licensed premises for the purposes of prostitution.

Maximum penalty: 20 penalty units.

- (3) A person (whether or not the person is the licensee) must not, on licensed premises, sell or supply liquor to any person who is at the time in a state of intoxication.

Maximum penalty: 50 penalty units.

- (4) If a person is intoxicated on licensed premises, the licensee is taken to have permitted intoxication on the licensed premises unless the licensee proves that the licensee and his or her employees took the steps set out in subsection (5) or all other reasonable steps to prevent intoxication on the licensed premises.

- (5) For the purposes of subsection (4), the following are the relevant steps:

- (a) asked the intoxicated person to leave the premises,
- (b) contacted, or attempted to contact, a police officer for assistance in removing the person from the premises,
- (c) refused to serve the person any alcohol after becoming aware that the person was intoxicated.

- (6) An amendment made to another provision of this section by the *Casino Control Amendment (Liquor Act Application) Regulation 1996* does not apply to proceedings for an offence alleged to have been committed before the commencement of the amendment.

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125A Production of licence

- (1) The holder of a licence who fails, without reasonable excuse, to produce the licence on demand being made on the licensed premises by an inspector is guilty of an offence.

Maximum penalty: 5 penalty units.

- (2) The onus of proving a reasonable excuse for the purposes of this section is on the licensee.

125E Sale of stolen goods or drugs on licensed premises

- (1) A licensee must not permit his or her licensed premises to be used for the sale of:

- (a) any goods that the licensee suspects of being stolen, or
- (b) any substance that the licensee suspects of being a prohibited plant or a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*.

Maximum penalty: 50 penalty units.

- (2) A licensee must not permit the possession or use on the licensed premises of any substance that the licensee suspects of being a prohibited plant or a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*.

Maximum penalty: 50 penalty units.

- (3) A servant of a licensee or a person, other than the licensee, in charge of licensed premises must not permit the licensed premises to be used for the sale of:

- (a) any goods that the servant or person suspects of being stolen, or
- (b) any substance that the servant or person suspects of being a prohibited plant or a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*.

Maximum penalty: 50 penalty units.

- (4) A servant of a licensee or a person, other than the licensee, in charge of licensed premises must not permit the possession or use on the licensed premises of any substance that the servant or person suspects of being a prohibited plant or a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*.

Maximum penalty: 50 penalty units.

- (5) It is a defence to a prosecution for an offence under this section if it is proved that the goods concerned were not stolen or that the substance concerned was not a prohibited plant or a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*.

126 Gaming on licensed premises

- (1) A licensee must not:
- (a) permit or suffer any gaming for stakes on the licensed premises, or
 - (b) permit or suffer the playing of an unlawful game on the licensed premises, or
 - (c) in contravention of the *Unlawful Gambling Act 1998*:
 - (i) open, keep or use the licensed premises, or
 - (ii) suffer the licensed premises to be opened, kept or used.

Maximum penalty: 10 penalty units.

- (2) A servant of a licensee or a person, other than the licensee, in charge of licensed premises must not permit the playing of an unlawful game on the licensed premises.

Maximum penalty: 10 penalty units.

- (3) The conduct on licensed premises of a lottery or game of chance pursuant to and in accordance with section 4 or 4A of the *Lotteries and Art Unions Act 1901* does not render a person liable to a penalty under subsection (1) or (2).

129 Failure to pay for liquor, meals or accommodation

- (1) A person supplied on licensed premises with liquor, a meal or accommodation must not:
- (a) on demand made by the licensee or the licensee's employee or agent, refuse or fail to pay a reasonable amount for the liquor, meal or accommodation, or
 - (b) avoid such a demand.

Maximum penalty: 3 penalty units.

- (2) The court before which a person is convicted of an offence under subsection (1) may, on the conviction or at any time afterwards, order the offender to pay to the licensee such amount as it thinks reasonable for the provision of the liquor, meals or accommodation concerned.

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Schedule 6

Applied provisions of Liquor Act 1982 as modified

131 Carrying away of liquor

- (1) A person must not carry away liquor from the licensed premises.
Maximum penalty: 3 penalty units.
- (2) It is a defence to a prosecution under subsection (1) if it is proved that the liquor carried away was in the possession of the defendant when he or she entered the licensed premises.
- (3) It is a defence to a prosecution for an offence under subsection (1) if it is proved that the liquor concerned was carried away by a licensee or an employee of a licensee for the purpose of taking it to another part of the licensed premises.
- (4) No offence is committed under subsection (1) if:
 - (a) the licence is a restaurant licence, and the liquor is wine, and
 - (b) the wine was purchased in a container at the restaurant and was partly consumed there, and
 - (c) the container is re-corked or otherwise resealed before being carried away.

132 Obtaining liquor by false representation

A person must not obtain, or attempt to obtain, liquor on licensed premises by falsely representing that the person:

- (a) is a lodger in, or inmate of, the premises, or
- (b) is a guest of a lodger in, or of an inmate of, the premises, or
- (c) intends to partake of, or has partaken of, a meal on those premises, or
- (d) is in attendance at a dinner, reception, convention or the like, or at a ball conducted, on those premises, or
- (e) is a guest at a function on those premises, or
- (f) is an employee of the licensee.

Maximum penalty: 3 penalty units.

135 Carrying of liquor for sale

- (1) A person must not do any of the following:
 - (a) carry liquor about for the purpose of sale in the casino or casino environs,

- (b) offer or expose liquor for sale at or on any place in the casino or casino environs other than a place at or on which liquor may lawfully be sold,
- (c) carry liquor, for the purpose of sale, to a place in the casino or casino environs other than a place at or on which liquor may lawfully be sold.

Maximum penalty: 20 penalty units.

- (2) If liquor is carried, offered or exposed by a person in contravention of subsection (1) and is so carried, offered or exposed on behalf of another person, that other person is taken to have contravened that subsection.
- (3) It is a defence to a prosecution for a contravention of subsection (1) or (2) if it is proved that the liquor was carried, offered or exposed, as the case may be, for the purpose of a sale that may lawfully be made.
- (4) In a prosecution for a contravention of subsection (1), the burden of proving that liquor that has been carried about, or carried to any place, was not so carried for the purpose of sale is on the person charged.

139 False or misleading statements

- (1) A person must not, in an official document under this Act, make a statement that the person knows, or could reasonably be expected to know:
 - (a) is false or misleading in a material respect, or
 - (b) omits material matter.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

- (2) A document is an official document under this Act if it is an application, declaration, affidavit, instrument or other document that is delivered to or lodged with the Authority or the court, for the purposes of this Act.
- (3) This section continues to apply to an affidavit or statutory declaration made before the substitution of this section by the *Casino Control Amendment (Liquor Act Application) Regulation 1996* as if this section had not been substituted.

Division 2 Evidence

140 Averments

- (1) In any proceedings under this Act, an allegation (however expressed) in an application, objection, information or complaint, as to any of the following is evidence of the truth of the allegation:
 - (a) that a liquid is liquor,
 - (b) that a specified person is the holder of a licence,
 - (c) that a specified person is not the holder of a licence,
 - (d) that a specified licence has been suspended,
 - (e) that specified premises are licensed premises,
 - (f) that specified premises are in the casino or casino environs,
 - (g) that a specified part of premises is a restricted area,
 - (h) that an authorisation under section 112 is in force in respect of a specified part of any premises,
 - (i) that a specified condition has been, and remains, imposed on a specified licence,
 - (j) that a specified person has been approved under Division 8A of Part 3 as the manager of specified licensed premises,
 - (k) that a specified person is an inspector.
- (2) In any proceedings under this Act, an allegation in an information that, at a specified time after the commencement of this Act, a person was under the age of 18 years is evidence of the truth of the allegation unless the defendant denies the allegation in accordance with subsection (3).
- (3) An allegation referred to in subsection (2) may be denied:
 - (a) at any adjournment before the commencement of the hearing of the information—by informing the court, the informant or a person appearing for the informant in writing of the denial, or
 - (b) at any time not later than 14 days before the commencement of the hearing of the information—by informing the informant or a person appearing for the informant in writing of the denial.

141 Evidence of certain matters

In any proceedings under this Act, evidence of delivery or supply of liquor is evidence of a sale of the liquor.

142 Licensee taking liquor off premises outside hours

In any proceedings for a contravention of section 119, liquor is deemed to have been sold or consumed on the licensed premises to which the proceedings relate notwithstanding that it is proved that the licensee took or carried, or employed or suffered another person to take or carry, the liquor out of the licensed premises for the purpose of being sold or consumed at a place in the occupation of the licensee or in a public street or other public place.

Division 3 General**142A Proof of certain matters**

In any proceedings for an offence under this Act, the defendant has the onus of proving that, because of section 6 (e), this Act does not apply to or in respect of the act or omission which constitutes the offence.

143 General penalty

The maximum penalty for a contravention of a provision of this Act is 50 penalty units unless some other maximum penalty or punishment is provided for the contravention.

144 Licensee or manager liable for act of agent or employee

If, in contravention of this Act, an agent or employee of the holder of a licence or the manager of licensed premises, or a person acting, or purporting to act, on behalf of the holder of a licence or the manager of licensed premises, sells or supplies liquor on the premises to which the licence relates, the licensee or manager is guilty of an offence and liable to the punishment prescribed for the contravention.

145 Proceedings for offence

- (1) Proceedings under this Act by which a person:
 - (a) may be imprisoned, or
 - (b) may be punished by the exaction of a penalty for the non-payment of which the person is liable to be imprisoned,may be disposed of summarily by a court constituted by a Magistrate sitting alone.

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Schedule 6

Applied provisions of Liquor Act 1982 as modified

- (2) Proceedings referred to in subsection (1) may be instituted by an information laid within the period of 12 months that next succeeds the act or omission giving rise to the proceedings.
- (3) Despite anything to the contrary in this section or in any other Act, proceedings for an offence referred to in the Table to this section may be instituted by information laid within the period of 3 years after the act or omission giving rise to the offence.
- (4) Subsection (3) extends to apply in respect of an act or omission giving rise to proceedings for an offence referred to in the Table to this section that occurred within 12 months before that subsection commenced.

Table (Offences to which 3 year time limit applies)

An offence against section 69B, 69E, 101, 121, 122, 123 or 139.

145A Penalty notices

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act and the offence is one that is stated by the *Casino Control Regulation 2001* to be an offence to which this section applies.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within a time and to a person specified in the notice, the amount of penalty prescribed by the *Casino Control Regulation 2001* for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence, except proceedings under Division 8 (Disciplinary provisions) of Part 3.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor does it in any way affect or prejudice, any civil proceeding arising out of the same occurrence.
- (6) However, when a penalty is paid under this section in respect of a penalty notice served on a person, the person is for the purposes of Division 8 of Part 3 taken to have been convicted of the offence to which the penalty notice related.

- (7) Payment under this section does not interfere with the operation of section 69F, 69G, 69H or 144 in respect of a contravention or alleged contravention of this Act by the person who pays the penalty.
- (8) The *Casino Control Regulation 2001* may:
- (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
 - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
 - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (9) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.
- (10) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (11) In this section, *authorised officer* means an inspector or a police officer.

Part 10 Miscellaneous

151B Service by post

A summons, notice or other instrument required or permitted to be served under this Act by post is taken to have been properly addressed for the purpose of its service by post if addressed to the person to whom it is directed at any of the following addresses:

- (a) the address of any licensed premises of which the person is licensee,
- (b) the address of the place at which the person resides, as last known to the Authority,
- (c) the address of a place at which the person carries on business, as last known to the Authority.

152 Forfeiture of liquor and associated items

- (1) If, in proceedings for an offence under section 121 (1), a licensee is proved to have sold liquor that he or she is not authorised by his or her licence to sell, there is to be forfeited to the use of the Crown all liquor (other than liquor the licensee is authorised by his or her licence to sell) found, at the time of the commission of the offence, in the licensee's possession or apparently under his or her control together with the vessels in which the liquor is contained.
- (2) If, in proceedings for an offence under section 122 (1), a person is proved to have committed the offence, there is to be forfeited to the use of the Crown all liquor found, at the time of the commission of the offence, in the person's possession or apparently under his or her control, or in the place where the offence was committed, together with the vessels in which the liquor is contained.
- (3) If, in proceedings for an offence under section 135, a person is proved to have committed the offence, there is to be forfeited to the use of the Crown:
 - (a) all liquor that, in contravention of that section, was being, by the offender, carried about for sale, offered or exposed for sale or carried to any place for the purpose of sale together with the vessels in which the liquor is contained, and
 - (b) any vehicle, boat or other conveyance in which the liquor was so carried, offered or exposed.
- (4) If a licence is cancelled under this Act, there is forfeited to the use of the Crown all liquor found, not earlier than 7 days after the cancellation takes effect, in the former licensee's possession on the former licensed premises, together with the vessels in which the liquor is contained.
- (5) A police officer may seize and carry away anything that he or she reasonably suspects may be liable to forfeiture under this section.
- (6) An inspector may seize and carry away any liquor, together with the vessels in which the liquor is contained, that the inspector reasonably suspects may be liable to forfeiture under this section.

152A Confiscation of proof of age cards

- (1) An authorised person to whom a proof of age card, or thing resembling a proof of age card, is produced by a person representing it to be the person's proof of age card (whether as proof of age or of identity) may, with no authority other than this section, seize the card or thing if he or she reasonably suspects that the card or thing:
 - (a) is not the person's proof of age card or contains information that is false or misleading as to that person's name or age, or
 - (b) has been forged or fraudulently altered, or
 - (c) is being used in contravention of any provision of this Act.
- (2) In this section:

proof of age card means a "proof of age" card issued by the Roads and Traffic Authority or by a corresponding public authority of the Commonwealth or of some other State or Territory.
- (3) A proof of age card or thing seized under this section is to be forwarded to the Commissioner of Police. The Commissioner must cause the card or article to be returned (by delivery or by post) to the person who produced it unless subsection (4) applies.
- (4) The Commissioner may retain possession of and deal with a proof of age card or thing forwarded to the Commissioner in such manner as the Commissioner thinks fit if satisfied that the card or thing:
 - (a) is not the proof of age card of the person from whom it was seized or contains information that is false or misleading as to that person's name or age, or
 - (b) has been forged or fraudulently altered, or
 - (c) is being used in contravention of any provision of this Act.
- (5) Each of the following is an authorised person for the purposes of this section:
 - (a) any police officer,
 - (b) the Authority, an inspector, the licensee and any employee of the licensee on the licensed premises concerned, but only on those licensed premises or in a place in the immediate vicinity of those licensed premises.

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Schedule 6

Applied provisions of Liquor Act 1982 as modified

154A Civil proceedings

- (1) A contract made with a licensee to sell liquor in accordance with this Act to the licensee is taken, for the purposes only of subsection (2), to be a contract made jointly and severally with the licensee and the persons directly or indirectly interested in the profits of the business carried on pursuant to the licence.
- (2) If liquor is sold to a licensee under a contract referred to in subsection (1) and the licensee defaults in payment for the liquor, civil proceedings may be taken by the vendor of the liquor against all or any of the persons so referred to for recovery of the unpaid amount.

155 Notices

- (1) Except to the extent to which this Act otherwise provides, a notice under this Act must be in writing and may be served by post.
- (2) The Authority may, at the consideration or adjourned consideration of a matter in relation to which a notice was served by post, despite that service, order the service of the notice in the manner provided by section 63 (1) of the *Justices Act 1902* in relation to service of a summons (a reference in that section to “place of abode” being construed as including licensed premises, or proposed licensed premises, to which the notice relates) and may adjourn or further adjourn the consideration of the matter to enable the notice to be served in accordance with the order.

Schedule 1 Savings and transitional provisions

(Section 3)

Part 18 Liquor and Registered Clubs Legislation Amendment Act 2000

88 Conditions of licences

The purported imposition, at a time before the commencement of this clause, of a condition on a licence that would have been valid if sections 20 and 104, as amended by the *Casino Control Amendment (Liquor Act Application) Regulation 2000*, had been in force at the time is validated.

Part 19 Casino Control Amendment Act 2001

89 Past acts and omissions of Director of Casino Surveillance

Any act or omission of the Director of Casino Surveillance under this Act that occurred before 1 July 2001 is taken to be an act or omission of the Authority.

90 Referred applications

Sections 42B, 42C and 42D, as amended by the *Casino Control Amendment (Merger of Functions) Regulation 2001*, extend to applications made before 1 July 2001, and apply to any such application despite its having been referred to the Director under section 42B, as in force immediately before 1 July 2001.

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Schedule 7

Persons and bodies prescribed for purposes of section 148 (2) of Act

Schedule 7 Persons and bodies prescribed for purposes of section 148 (2) of Act

(Clause 38)

1 Australia

New South Wales Minister for Gaming and Racing

New South Wales Director-General of the Department of Gaming and Racing

New South Wales Director of Liquor and Gaming

Queensland Office of Gaming Regulation

Victorian Office of Gaming Regulation

Gaming Commission of Western Australia

Western Australian Department of Racing, Gaming and Liquor

South Australian Gaming Supervisory Authority

South Australian Office of Liquor and Gaming Commission

Tasmanian Gaming Commission

Northern Territory Department of Industries and Business (Division of Racing, Gaming and Liquor Licensing)

Australian Capital Territory Gambling and Racing Commission

Commonwealth Casino Surveillance Authority

2 New Zealand

New Zealand Casino Control Authority

New Zealand Department of Internal Affairs

3 Great Britain

The Gaming Board for Great Britain

4 United States of America

Nevada Gaming Commission

Nevada Gaming Control Board

Casino Control Regulation 2001

Persons and bodies prescribed for purposes of section 148 (2) of Act

Schedule 7

New Jersey Casino Control Commission

New Jersey Department of Law and Public Safety—Division of
Gaming Enforcement

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Schedule 8 Penalty notice offences

Schedule 8 Penalty notice offences

(Clauses 41 and 42)

Part 1

Column 1	Column 2	Column 3	Column 4
Provision of the Act	Short description	IPB Code	Penalty
Section 86 (2)	employee gamble/solicit/accept benefit in casino	1203, 6123	\$220
Section 86 (3)	former key official gamble in casino	1289, 6124	\$220
Section 87 (1)	cheat in casino	1291, 6127	\$660
Section 87 (1A)	dishonestly retain benefit in casino	1292, 6128	\$220
Section 87 (2)	use card counting device in casino	1299, 6129	\$550
Section 87 (3)	use/possess cheating equipment in casino	1301, 6580	\$550

Part 2

Column 1	Column 2	Column 3	Column 4
Provision of this Regulation	Short description	IPB Code	Penalty
Clause 23	Offer gambling inducement	9521, 1522	\$550
Clause 24 (1)	Fail to display winning chances	9522, 1523	\$550
Clause 26 (1)	Fail to make player information available	9523, 1525	\$550
Clause 27 (2)	Fail to make player information available (other language)	9524, 1527	\$550
Clause 28 (2) (a)	Fail to display gambling warning notice	9525, 1528	\$550
Clause 28 (2) (b)	Fail to display problem gambling notice	9526, 1530	\$550

Column 1	Column 2	Column 3	Column 4
Provision of this Regulation	Short description	IPB Code	Penalty
Clause 29 (1)	Fail to display counselling notice	9527, 1537	\$550
Clause 30 (1)	Fail to display notice on ATM	9528, 1547	\$550
Clause 31	Fail to display clock	9529, 1550	\$550
Clause 32	Fail to pay prize money by required cheque	9530, 1551	\$550
Clause 33 (1)	Publish unacceptable gambling advertisement	9531, 1557	\$550
Clause 33 (2)	Gambling advertisement without warning	9532, 1563	\$550
Clause 33 (3)	Publish non-complying gambling advertisement	9533, 1564	\$550
Clause 33 (4)	Fail to remove non-complying gambling advertisement	9534, 1566	\$550
Clause 33 (5)	Enter into/extend unlawful contract/arrangement	9541, 1567	\$550
Clause 34 (1)	Publish winner's details contrary to request	9542, 1568	\$550

Part 3

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Liquor Act (as applied by this Regulation and modified as set out in Schedule 6)	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 91 (1)	Fail to display licence sign	5827, 0900	\$33	—
Section 91 (3)	Alter name of premises without approval	5829, 0901	\$33	—
Section 91 (5)	Cause/permit use of prohibited name on exterior/in advert	5830, 0904	\$55	—
Section 103 (3)	Fail to leave licensed premises	6068, 0908, 8665	\$550	\$55

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Casino Control Regulation 2001

Schedule 8 Penalty notice offences

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Liquor Act (as applied by this Regulation and modified as set out in Schedule 6)	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 113	Minor use false evidence of age to obtain entry/remain in/obtain liquor from licensed premises	6544	—	\$55
Section 114 (1)	Sell/supply liquor to minor	6535, 1572, 1574, 6555, 2198	—	\$550
Section 114 (2)	Allow liquor to be sold/supplied to minor	6513, 1573	\$550	—
Section 114 (3)	Obtain liquor on behalf of minor	6536, 1578, 5848	\$550	\$55
Section 115 (1) (a)	Minor consume liquor on licensed premises/at unlicensed restaurant	6545, 1575	—	\$55
Section 115 (1) (b)	Minor obtaining/attempting to obtain liquor on licensed premises	6546, 1576	—	\$55
Section 115 (1) (c)	Minor carrying away/attempting to carry away liquor from licensed premises	6547, 1577	—	\$55
Section 115 (4)	Send/order/request minor to obtain liquor	6537, 5890, 0910	\$220	\$55
Section 116 (1)	Licensee allow minor to sell/supply/serve liquor	6514, 1579	\$550	—
Section 116A (1)	Minor enter/remain in restricted area/casino area	6548, 1580	—	\$55
Section 116A (3)	Unacc. minor enter/remain in authorised part of casino/licensed premises	6549, 1581	—	\$55
Section 116A (5)	Unacc. minor enter/remain in restaurant in restricted period	5892, 0140	—	\$55
Section 116B (1) (a)	Allow minor to enter restricted area on licensed premises	6515, 1583	\$550	—

Casino Control Regulation 2001

Penalty notice offences

Schedule 8

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Liquor Act (as applied by this Regulation and modified as set out in Schedule 6)	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 116B (1) (b)	Allow unacc. minor to enter authorised part	6516, 1594	\$550	—
Section 116B (1) (c)	Allow unacc. minor to enter licensed premises (casino part)	6517, 1585	\$550	—
Section 116B (1) (d)	Allow unacc. minor to enter restaurant in restricted period	8663, 0147	\$550	—
Section 116B (2) (a)	Fail to remove minor from restricted area	6518, 1586	\$550	—
Section 116B (2) (b)	Fail to remove unacc. minor	6519, 1587	\$550	—
Section 116B (2) (c)	Fail to remove minor from licensed premises (casino part)	6520, 1588	\$550	—
Section 116B (2) (d)	Fail to remove minor from restaurant in restricted period	5899, 0911	\$550	—
Section 116C (1) (a)	Fail to display notice about minors in restricted area	5909, 1591	\$220	—
Section 116C (1) (b)	Fail to display notice about unacc. minors in authorised area	1592	\$220	—
Section 116C (2) (a)	Fail to display notice about minors in restricted area	6530, 1591	\$220	—
Section 116C (2) (b)	Fail to display notice about unacc. minors in authorised area	6531, 1592	\$220	—
Section 116C (5)	Fail to display notice about restricted period in restaurant	5904, 0149	\$220	—
Section 116D (a)	Permit minor to consume alcohol on premises	6542, 1594	\$220	—
Section 116D (b)	Leave minor on premises without first informing licensee	8675, 1595	\$220	—

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Schedule 8 Penalty notice offences

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Liquor Act (as applied by this Regulation and modified as set out in Schedule 6)	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 117A (2) (a)	Suspected minor refusing/failing to state name or address	6551, 1596, 8676	\$110	\$55
Section 117A (2) (b)	Suspected minor refusing/failing to produce evidence of age	6552, 1597, 6068	\$110	\$55
Section 117B	Licensee/employee fail to refuse minor entry to premises/part of premises	6522, 1598	\$220	\$55
Section 117E (2)	Minor providing false/misleading information to get age evidence	6554, 1601	—	\$110
Section 117E (3)	Providing/certifying false/misleading information for age evidence	6538, 1602, 8668, 0919	\$220	\$110
Section 117EB (1)	Make false proof of age card	8194, 0174, 8677	\$220	\$110
Section 117EB (2)	Give false proof of age card	8195, 0175, 8682	\$220	\$110
Section 117EB (3)	Make/give false proof of age card (aggravation)	8196, 0176, 8685	\$550	\$110
Section 117EC	Give/lend proof of age card	8197, 0177, 5913, 0923	\$220	\$110
Section 117ED	Tamper with proof of age card	8198, 0178, 5914, 0924	\$220	\$110
Section 119 (a)	Keep premises open for liquor sale/supply	6524, 1606	\$220	—
Section 119 (b)	Sell/supply liquor outside hours	6525, 1606	\$220	—
Section 121 (1)	Sell/supply liquor/ cause/suffer liquor to be sold/supplied contrary to authority	7490, 0655	\$550	—

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Liquor Act (as applied by this Regulation and modified as set out in Schedule 6)	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 121 (2)	Agent/servant/person on behalf of licensee sell liquor/cause/suffer liquor to be sold contrary to authority	7491, 0059, 5915, 0925	\$550	\$55
Section 122 (1)	Unauthorised sale/cause/suffer unauthorised sale of liquor	7492, 0060, 5916, 0926	\$550	\$55
Section 123	Licensee sell liquor/employ/permit person to sell liquor on unlicensed premises	7495, 0120	\$220	—
Section 125 (1) (b)	Permit intoxication/ indecent/violent/ quarrelsome conduct on premises	6526, 1608	\$550	—
Section 125 (3)	Sell/supply liquor to intoxicated person	6540, 1609	\$550	\$55
Section 125A (1)	Licensee fail to produce licence	6584, 1302	\$55	—
Section 126 (1) (a)	Permit/suffer gaming for stakes on premises	6527, 1610	\$110	—
Section 126 (1) (b)	Permit/suffer unlawful game on premises	6528, 1611	\$110	—
Section 126 (1) (c) (i)	Open/keep/use premises contrary to Unlawful Gambling Act	6529, 1612	\$110	—
Section 126 (1) (c) (ii)	Suffer premises to be opened/used/kept contrary to Unlawful Gambling Act	6529, 1612	\$110	—
Section 126 (2)	Servant/person in charge permitting unlawful game on premises	6541, 1613, 6085	\$110	\$55
Section 129 (1) (a)	Refuse/fail to pay for liquor/meal/ accommodation	6069, 1170, 6070, 1171, 6071, 1170, 0959, 0960, 0963	\$55	\$55

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Casino Control Regulation 2001

Schedule 8 Penalty notice offences

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Liquor Act (as applied by this Regulation and modified as set out in Schedule 6)	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 129 (1) (b)	Avoid demand for payment for liquor/meal/accommodation	6072, 1173, 6073, 1174, 6074, 1175, 0994, 0999, 1008	\$55	\$55
Section 135 (1) (a)	Carry liquor about for sale	7497, 0132, 6089, 1010	\$220	\$55
Section 135 (1) (b)	Unlawfully offer/expose liquor for sale	7498, 0133, 6090, 1026	\$220	\$55
Section 135 (1) (c)	Carry liquor for sale to unlawful place	7499, 0134, 6091, 1028	\$220	\$55
Section 139 (1)	Statement false/misleading/omits matter	6092, 1037	\$550	\$55

BY AUTHORITY