



# Casino Control Amendment (Liquor Act Application) Regulation 2012

under the

Casino Control Act 1992

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

GEORGE SOURIS, MP  
Minister for Tourism, Major Events, Hospitality and Racing

## **Explanatory note**

The object of this Regulation is to apply to the casino certain amendments that have been made to the *Liquor Act 2007* by the *Clubs, Liquor and Gaming Machines Legislation Amendment Act 2011* or that are consequential on recent administrative changes.

This Regulation is made under the *Casino Control Act 1992*, including section 89 (2).

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Clause 1 Casino Control Amendment (Liquor Act Application) Regulation 2012

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# **Casino Control Amendment (Liquor Act Application) Regulation 2012**

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### **1 Name of Regulation**

This Regulation is the *Casino Control Amendment (Liquor Act Application) Regulation 2012*.

### **2 Commencement**

This Regulation commences on 30 March 2012 and is required to be published on the NSW legislation website.

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## **Schedule 1      Amendment of Casino Control Regulation 2009**

**[1]      Schedule 5 Application of Liquor Act 2007 to casino**

Omit “155,” from Part 1.

**[2]      Schedule 5, Part 1**

Omit “and 26”. Insert instead “, 26 and 33”.

**[3]      Schedule 6 Applied provisions of Liquor Act 2007 as modified**

Omit section 5 (3). Insert instead:

- (3) The Director-General of the Department of Trade and Investment, Regional Infrastructure and Services is to issue guidelines to assist in determining whether or not a person is intoxicated for the purposes of this Act. Such guidelines are to be made publicly available in such manner as the Director-General considers appropriate.

**[4]      Schedule 6, section 5 (4)**

Omit “of Communities NSW”.

**[5]      Schedule 6, section 6 (1) (i)**

Omit the paragraph.

**[6]      Schedule 6, section 6 (1A)**

Insert after section 6 (1):

**(1A)      Exemption for gift services in certain circumstances**

This Act does not apply to or in respect of the sale or supply of liquor that is part of a sale of flowers or food designed to be delivered as a gift to a person (other than the purchaser) specified by the purchaser, but only if the following requirements are complied with:

- (a) the business of the vendor is promoted or marketed as a genuine gift service,
- (b) the gift is packaged and presented in such a manner that any person receiving it would assume it to be a genuine gift,
- (c) the gift is delivered to the person specified by the purchaser at a place other than the premises at which the business of the vendor is conducted,

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#### Schedule 1 Amendment of Casino Control Regulation 2009

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- (d) the person to whom the gift is delivered is an adult,
- (e) the gift is delivered between 7am and 7pm (except in the case where unforeseen circumstances have delayed the delivery of the gift during that period),
- (f) the volume of liquor supplied as part of the gift does not exceed 2 litres,
- (g) the liquor has been purchased by the vendor on a retail basis.

**[7] Schedule 6, section 53 (1)**

Omit “not inconsistent with this Act to which a licence is to be subject”.

Insert instead “on a licence”.

**[8] Schedule 6, section 53 (1A)**

Insert after section 53 (1):

- (1A) The conditions that may be imposed by the Authority on a licence under this section include, but are not limited to, conditions:
  - (a) prohibiting the sale or supply of liquor on the licensed premises before 10 am or after 11 pm (or both), and
  - (b) restricting the trading hours of, and public access to, the licensed premises.

**[9] Schedule 6, section 76 (8)**

Insert after section 76 (7):

- (8) This section does not limit or otherwise affect the civil liability of a person for negligence that causes personal injury to a person or the death of a person.

**[10] Schedule 6, section 155**

Omit the section.

**[11] Schedule 6, clause 33 of Schedule 1**

Insert after clause 26 of Schedule 1:

**33 Conditions imposed by Authority to reduce trading hours**

Any condition imposed by the Authority under section 53 that would have been validly imposed had section 53 (1A) been in force when the condition was imposed is validated.