



New South Wales

Gaming and Liquor Administration Amendment (Review of Delegated Decisions) Regulation 2016

under the

Gaming and Liquor Administration Act 2007

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming and Liquor Administration Act 2007*.

TROY GRANT, MP
Minister for Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to prescribe the classes of application in relation to which a decision made by certain Public Service employees under a delegation given by the Independent Liquor and Gaming Authority (the *Authority*) can be reviewed by the Authority,
- (b) to make amendments in respect of the time frames within which an application for review by the Authority of certain decisions must be made,
- (c) to prescribe the fees that are to accompany applications for review by the Authority of decisions made under the *Liquor Act 2007* by certain Public Service employees acting under delegation,
- (d) to prescribe certain decisions of the Authority, including those made by certain Public Service employees acting under a delegation given by the Authority, that must be published on the website of the Department of Justice.

This Regulation is made under the *Gaming and Liquor Administration Act 2007* (as amended by the *Gaming and Liquor Administration Amendment Act 2015*), including paragraph (d) of the definition of *reviewable decision* in section 36A (1), section 36C (1) and section 47 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Gaming and Liquor Administration Amendment (Review of Delegated Decisions) Regulation 2016*.

2 Commencement

This Regulation commences on 1 February 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Gaming and Liquor Administration Regulation 2008

[1] Clause 5 Application for review by Authority of certain decisions

Omit “of the Secretary” from clause 5 (1) wherever occurring.

[2] Clause 5 (1) (a)

Omit the paragraph. Insert instead:

- (a) be made within 28 days of the day on which:
 - (i) in the case of a decision of the Secretary—the decision was made, or
 - (ii) in any other case—notice of the decision was published on the website of the Department, and

[3] Clause 5 (1) (d)

Omit the paragraph. Insert instead:

- (d) be accompanied by:
 - (i) in the case of an application for review of a delegated decision (as referred to in paragraph (d) of the definition of *reviewable decision* in section 36A (1) of the Act) where the person lodging the application is the applicant under a provision of the *Liquor Act 2007*—a fee of an amount equivalent to the fee specified in Schedule 1 to the *Liquor Regulation 2008* in relation to the application the subject of the reviewable decision, or
 - (ii) in the case of an application for review of any such delegated decision where the person lodging the application for review is a person other than the applicant under a provision of the *Liquor Act 2007*—a fee of \$100, or
 - (iii) in any other case—a fee of \$500.

[4] Clause 5 (2)

Omit “the Secretary”. Insert instead “the person who made the relevant decision”.

[5] Clause 5A

Insert after clause 5:

5A Decisions of designated Public Service employee made under delegation

For the purposes of paragraph (d) of the definition of *reviewable decision* in section 36A (1) of the Act, the following classes of applications made under a provision of the gaming and liquor legislation on or after 1 February 2016 are prescribed:

- (a) an application under the *Liquor Act 2007* for the granting or removal of:
 - (i) a small bar licence, or
 - (ii) an on-premises licence relating to a restaurant that, in the case of an application for the granting of the licence, includes an application for an authorisation under section 24 (3) of the *Liquor Act 2007*, or
 - (iii) an on-premises licence relating to a karaoke bar, a catering service or a vessel, or

- (iv) a producer/wholesaler licence that, in the case of an application for the granting of the licence, includes an application for a drink on-premises authorisation under section 50 of the *Liquor Act 2007*,
- (b) an application for an ongoing extended trading authorisation in relation to a licence referred to in paragraph (a) that would result in increased trading hours allowing trading after midnight.

[6] Clause 6 Certain decisions required to be published

Omit “section 36C”. Insert instead “section 36C (1)”.

[7] Clause 6 (j) and (k)

Insert after clause 6 (i):

- (j) a decision by the Authority made in respect of an application specified in clause 5A,
- (k) a decision of the Authority made by a designated Public Service employee acting under a delegation given by the Authority in respect of an application specified in clause 5A.