



New South Wales

# Gaming and Liquor Administration 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 object of this Regulation is to remake, with minor amendments, the provisions of the *Gaming and Liquor Administration Regulation 2008*, which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the persons and bodies to whom information that is acquired in the exercise of functions under the gaming and liquor legislation may be divulged,
- (b) the requirements for making an application to the Independent Liquor and Gaming Authority (***the Authority***) for review of a decision under section 36A (2) of the *Gaming and Liquor Administration Act 2007* (***the Act***),
- (c) decisions of designated Public Service employees made under delegation that are prescribed as reviewable decisions,
- (d) classes of application under the gaming and liquor legislation in relation to which a person aggrieved by a decision of the Authority may apply to the Civil and Administrative Tribunal of New South Wales for administrative review,
- (e) decisions that are required to be published,
- (f) offences that are prescribed as penalty notice offences.

This Regulation is made under the *Gaming and Liquor Administration Act 2007*, including sections 13A, 17 (2) (b), 36A (1) and (2), 36C (1), 46 and 47 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Gaming and Liquor Administration Regulation 2016

under the

Gaming and Liquor Administration Act 2007

### 1 Name of Regulation

This Regulation is the *Gaming and Liquor Administration Regulation 2016*.

### 2 Commencement

This Regulation commences on 1 September 2016.

**Note.** This Regulation replaces the *Gaming and Liquor Administration Regulation 2008* which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

*the Act* means the *Gaming and Liquor Administration Act 2007*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Divulging of information

For the purposes of section 17 (2) (b) of the Act, the persons and bodies listed in Schedule 1 are prescribed.

### 5 Application for review by Authority of certain decisions

(1) An application to the Authority under section 36A (2) of the Act for a review of a decision must:

- (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
- (b) specify the grounds on which the application for review is made, and
- (c) be accompanied by a copy of the decision (if the decision was provided in writing to the person making the application), and
- (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 the regulations made under that Act that relates 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.
- (2) The applicant for review must provide the person who made the relevant decision with a copy of the application as soon as practicable after making the application to the Authority.

## **6 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*, or
  - (v) a packaged liquor licence that is limited to the sale of liquor only by means of taking orders over the telephone, by facsimile or mail order, or through an internet site,
- (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.

## **7 Administratively reviewable decisions**

For the purposes of section 13A of the Act, the following applications made on or after 1 March 2016 are prescribed:

- (a) an application for the granting or removal under the *Liquor Act 2007* of:
  - (i) a hotel licence, or
  - (ii) a club licence, or
  - (iii) an on-premises licence that relates to a public entertainment venue (other than a cinema or a theatre), or
  - (iv) a packaged liquor licence (other than a packaged liquor licence that is limited to the sale of liquor only by means of taking orders over the telephone, by facsimile or mail order, or through an internet site),
- (b) an application for an ongoing extended trading authorisation in relation to a licence referred to in paragraph (a) that would result in trading after midnight,
- (c) an application to vary or revoke a condition of a licence imposed by the Authority that would result in trading after midnight, in relation to a licence referred to in paragraph (a) (i)–(iii),
- (d) an application to increase a gaming machine threshold under section 34 of the *Gaming Machines Act 2001* that is required to be accompanied by a class 2 LIA under section 35 of that Act,

- (e) an application specified in clause 6 in respect of which a delegation given by the Authority to a designated Public Service employee to exercise the Authority's decision-making function is in force.

#### **8 Certain decisions required to be published**

For the purposes of section 36C (1) of the Act, the following decisions are prescribed:

- (a) a decision by the Authority under section 36A of the Act in relation to a reviewable decision within the meaning of that section,
- (b) a decision by the Secretary under section 81 of the *Liquor Act 2007*,
- (c) a decision by the Authority under section 82 or 84 of the *Liquor Act 2007*,
- (d) a decision by the Authority under section 141 of the *Liquor Act 2007*,
- (e) a decision by the Secretary under section 144D (2) of the *Liquor Act 2007*,
- (f) a decision by the Authority under section 144D (3) of the *Liquor Act 2007*,
- (g) a decision by the Authority under section 144I of the *Liquor Act 2007*,
- (h) a decision by the Authority under section 154 of the *Liquor Act 2007*,
- (i) any decision by the Authority under the *Liquor Act 2007* relating to the granting of a licence, authorisation or approval to which a relevant application (within the meaning of section 48 (2) of that Act) relates, but only if the relevant application is required to be accompanied by a category B CIS (as referred to in the regulations made under that Act),
- (j) a decision by the Authority made in respect of an application specified in clause 6,
- (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 6,
- (l) a decision by the Authority made in respect of an application specified in clause 7 (c)–(e).

#### **9 Penalty notices**

For the purposes of section 46 of the Act, an offence under section 34 (1) or (4) of the Act is prescribed as an offence for which a penalty notice may be issued and the prescribed penalty for any such offence is \$1,100.

## **Schedule 1 Persons and bodies to whom information may be divulged**

(Clause 4)

### **1 New South Wales**

Secretary of the Department of Justice

Deputy Secretary, Division of Liquor, Gaming and Emergency Management,  
Department of Justice

A person employed in Liquor and Gaming NSW, Department of Justice

A local council or any other person or body exercising functions as a consent authority under the *Environmental Planning and Assessment Act 1979*

### **2 Other Australian jurisdictions**

Queensland Office of Liquor and Gaming Regulation

Victorian Commission for Gambling and Liquor Regulation

Gaming and Wagering Commission of Western Australia

Western Australian Department of Racing, Gaming and Liquor

South Australian Independent Gambling Authority

South Australian Consumer and Business Services

Tasmanian Liquor and Gaming Commission

Tasmanian Department of Treasury and Finance (Liquor and Gaming Branch)

Northern Territory Department of Business

Australian Capital Territory Gambling and Racing Commission

Australian Transaction Reports and Analysis Centre (AUSTRAC)

### **3 New Zealand**

Gambling Commission

Department of Internal Affairs

### **4 Great Britain**

Gambling Commission

### **5 United States of America**

Nevada Gaming Commission

Nevada Gaming Control Board

New Jersey Casino Control Commission

New Jersey Department of Law and Public Safety (Division of Gaming Enforcement)

Oregon State Police (Gaming Division)

### **6 Canada**

Alcohol and Gaming Commission of Ontario

Alberta Gaming and Liquor Commission  
Liquor and Gaming Authority of Manitoba  
Saskatchewan Liquor and Gaming Authority

**7 Singapore**

Ministry of Home Affairs  
Casino Regulatory Authority