



New South Wales

Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Bill 2007

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Liquor Bill 2007*.

Overview of Bill

The object of this Bill is to make consequential amendments to the *Casino Control Act 1992*, the *Registered Clubs Act 1976* and the *Gaming Machines Act 2001*, as well as a number of other Acts, as a consequence of the proposed *Liquor Act 2007* and the proposed *Casino, Liquor and Gaming Control Authority Act 2007*.

The proposed *Liquor Act 2007* creates a new liquor licensing system to be administered by the Casino, Liquor and Gaming Control Authority (as constituted by the proposed *Casino, Liquor and Gaming Control Authority Act 2007*). The new Authority will take over the functions of the Licensing Court and the Liquor Administration Board under the *Registered Clubs Act 1976* and the *Gaming Machines Act 2001* and will replace the Casino Control Authority as the licensing and regulatory authority for the purposes of the *Casino Control Act 1992*.

In particular, the amendments to the *Registered Clubs Act 1976* remove provisions relating to the sale and supply of liquor in clubs in light of the fact that the sale and supply of liquor on club premises will be covered by the proposed *Liquor Act 2007*. Certificates of registration under the *Registered Clubs Act 1976* Act will be replaced by club licences, however clubs that hold a club licence under the proposed *Liquor*

Act 2007 will still be known as “registered clubs”. The *Registered Clubs Act 1976* will now deal mainly with the management and accountability of clubs.

The amendments made by this Bill also remove various provisions of the gaming and liquor legislation that will be consolidated in the proposed *Casino, Liquor and Gaming Control Authority Act 2007*. These provisions relate to the probity of key officials exercising functions under the gaming and liquor legislation and the investigation powers of police officers and inspectors (including powers of entry and search of premises) for the purposes of that legislation.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 is a formal provision that gives effect to the amendments to the *Casino Control Act 1992* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Registered Clubs Act 1976* set out in Schedule 2.

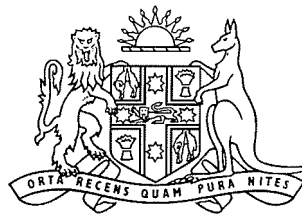
Clause 5 is a formal provision that gives effect to the amendments to the *Gaming Machines Act 2001* set out in Schedule 3.

Clause 6 is a formal provision that gives effect to the amendments to the Acts set out in Schedule 4.

Clause 7 provides for the repeal of the proposed Act after all the amendments made by it have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedules 1–3 contain the amendments to the *Casino Control Act 1992*, the *Registered Clubs Act 1976* and the *Gaming Machines Act 2001* described in the overview above.

Schedule 4 contains amendments of other Acts that are, in the main, consequential on the abolition of the Licensing Court, the Liquor Administration Board and the Casino Control Authority and the constitution of the new Casino, Liquor and Gaming Control Authority.



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New South Wales

Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Bill 2007

No. , 2007

A Bill for

An Act to amend various Acts as a consequence of the enactment of the *Liquor Act 2007* and the *Casino, Liquor and Gaming Control Authority Act 2007*.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6
3 Amendment of Casino Control Act 1992 No 15	7
The <i>Casino Control Act 1992</i> is amended as set out in Schedule 1.	8
4 Amendment of Registered Clubs Act 1976 No 31	9
The <i>Registered Clubs Act 1976</i> is amended as set out in Schedule 2.	10
5 Amendment of Gaming Machines Act 2001 No 127	11
The <i>Gaming Machines Act 2001</i> is amended as set out in Schedule 3.	12
6 Amendment of other Acts	13
Each Act specified in Schedule 4 is amended as set out in that Schedule.	14
7 Repeal of Act	15
(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.	16 17
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	18 19

Schedule 1	Amendment of Casino Control Act 1992	1
	(Section 3)	2
[1] Long title		3
	Omit “to constitute the Casino Control Authority;”.	4
[2] Section 1 Name of Act		5
	Insert at the end of the section:	6
	Note. This Act is part of the gaming and liquor legislation for the purposes of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> . That Act contains administrative and other relevant provisions that apply in relation to this Act (including investigation and enforcement powers and provisions relating to the probity of officials).	7 8 9 10 11
[3] Section 3 Definitions		12
	Omit the definitions of <i>Authority</i> , <i>close associate</i> , <i>inspector</i> and <i>key official</i> from section 3 (1).	13 14
	Insert instead:	15
	<i>Authority</i> means the Casino, Liquor and Gaming Control Authority constituted under the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	16 17 18
	<i>close associate</i> means a close associate within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	19 20
	<i>inspector</i> means an inspector within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	21 22
	<i>key official</i> means a key official within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	23 24
[4] Section 3 (1), definition of “member of staff”		25
	Insert in alphabetical order:	26
	<i>member of staff</i> means a member of staff within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	27 28
[5] Section 8 Gaming machines in casino		29
	Omit section 8 (5). Insert instead:	30
	(5) In this section, <i>gaming machine</i> means any device the Minister determines to be a gaming machine for the purposes of this section.	31 32 33
[6] Section 13 Meaning of “close associate”		34
	Omit the section.	35

[7] Section 76A Regulation of promotional prizes and player reward schemes	1
Omit the section.	2
[8] Section 89 Application of Liquor Act 2007	3
Omit “ <i>Liquor Act 1982</i> ” wherever occurring.	4
Insert instead “ <i>Liquor Act 2007</i> ”.	5
[9] Part 7 Casino surveillance	6
Omit the Part.	7
[10] Part 10, heading	8
Omit “ Administration ”.	9
Insert instead “ Additional functions of Authority and administrative matters ”.	10
[11] Sections 133–139, 144–148, 151–153, 157, 161, 164 and 165	11
Omit the sections.	12
[12] Section 140 Objects of Authority under this Act	13
Insert “under this Act” after “Authority”.	14
[13] Section 141 Functions of Authority under this Act	15
Omit section 141 (1) and (1A). Insert instead:	16
(1) The Authority has such functions as are necessary or convenient to enable it to achieve its objects under this Act.	17
[14] Section 141 (2)	18
Omit “general functions”. Insert instead “functions under subsection (1)”.	19
[15] Section 141 (2) (i)	20
Omit the paragraph.	21
[16] Section 141 (4)	22
Insert “under this Act” after “functions”.	23
[17] Section 143 Authority may hold inquiries	24
Insert “under this Act” after “functions” in section 143 (1).	25
	26
	27
	28

[18]	Section 149 Information gathering for law enforcement purposes	1
	Omit “section 148 (Secrecy)” from section 149 (5).	2
	Insert instead “section 17 of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> ”.	3
		4
[19]	Section 150 Bribery	5
	Omit section 150 (3). Insert instead:	6
	(3) This section applies to or in respect of a key official only to the extent to which the key official is exercising functions under this Act or in connection with the administration of this Act.	7
		8
		9
[20]	Section 154 Matters to be included in Authority’s annual report	10
	Insert “under this Act” after “licence” in section 154 (c).	11
[21]	Section 154 (g)	12
	Insert “under this Act” after “Authority”.	13
[22]	Section 158 Disclosure of spent convictions	14
	Omit section 158 (2).	15
[23]	Schedule 1 Provisions relating to the members and procedure of the Authority	16
		17
	Omit the Schedule.	18
[24]	Schedule 2 Provisions concerning staff of the Authority	19
	Omit the Schedule.	20
[25]	Schedule 3 Matters for regulations	21
	Insert “under this Act” after “conducted” in clause 14.	22
[26]	Schedule 4 Savings and transitional provisions	23
	Insert at the end of clause 1 (1):	24
	<i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> , to the extent that it amends this Act	25
		26

[27]	Schedule 4, Part 8	1
	Insert after Part 7:	2
	Part 8 Provisions consequent on enactment of Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007	3 4 5
	23 Definitions	6
	In this Part:	7
	<i>amending Act</i> means the <i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> .	8 9
	<i>assets</i> means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money, securities and choses in action).	10 11 12 13
	<i>document</i> means any Act (other than this Act) or statutory instrument, or any other instrument, or any other contract or agreement.	14 15 16
	<i>instrument</i> means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.	17 18 19 20
	<i>liabilities</i> means any liabilities, debts or obligations (whether present or future and whether vested or contingent).	21 22
	<i>new Authority</i> means the Casino, Liquor and Gaming Control Authority.	23 24
	<i>relevant repeal date</i> means the day on which section 133 of this Act is repealed by Schedule 1 to the amending Act.	25 26
	<i>rights</i> means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).	27 28
	24 Abolition of Casino Control Authority	29
	The Casino Control Authority is abolished on the relevant repeal date.	30 31
	25 Transfer of assets, rights and liabilities	32
	(1) The assets, rights and liabilities of the Casino Control Authority are, on the relevant repeal date, transferred to the new Authority.	33 34

(2)	The following provisions have effect in relation to the transfer of the assets, rights and liabilities of the Casino Control Authority:	1
		2
(a)	the assets vest in the new Authority without the need for any conveyance, transfer, assignment or assurance,	3
		4
(b)	the rights and liabilities become the rights and liabilities of the new Authority,	5
		6
(c)	all proceedings commenced before the transfer by or against the Casino Control Authority and pending immediately before the transfer are taken to be proceedings pending by or against the new Authority,	7
		8
		9
		10
(d)	any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the Casino Control Authority is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the new Authority.	11
		12
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(3)	The operation of this clause is not to be regarded:	17
(a)	as a breach of contract or confidence or otherwise as a civil wrong, or	18
		19
(b)	as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or	20
		21
		22
(c)	as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or	23
		24
		25
		26
(d)	as an event of default under any contract or other instrument.	27
		28
(4)	No attornment to the new Authority by a lessee from the Casino Control Authority is required.	29
		30
26	Members of Casino Control Authority	31
(1)	A person who, immediately before the relevant repeal date, held office as a member of the Casino Control Authority, ceases to hold that office on that date.	32
		33
		34
(2)	A person who ceases to hold office as such a member is not entitled to any remuneration or compensation because of the loss of that office.	35
		36
		37

27	Transfer of staff and abolition of Casino Control Authority Division	1
(1)	The group of staff employed in the Casino Control Authority Division of the Government Service are removed from that Division and added to the Department of the Arts, Sport and Recreation.	2 3 4 5
(2)	If a person who was a member of staff of the Casino Control Authority Division immediately before the commencement of this clause was entitled, as such a member, to an allowance that would not otherwise be payable to the person as a member of staff of the Department of the Arts, Sport and Recreation, the allowance continues to be payable to the person as a member of staff of the Department until such time as the entitlement is terminated in accordance with the terms under which the allowance was initially provided.	6 7 8 9 10 11 12 13 14
(3)	The removal of the group of staff from the Casino Control Authority Division and its addition to the Department of the Arts, Sport and Recreation is taken to have been done under section 104 of the <i>Public Sector Employment and Management Act 2002</i> . Accordingly, this clause does not affect the power conferred by that Act to remove the group of staff concerned from that Department and add it to another Division of the Government Service.	15 16 17 18 19 20 21 22
(4)	The Casino Control Authority Division is abolished as a Division of the Government Service.	23 24
28	References to Casino Control Authority	25
	A reference in any other Act, in any instrument made under any Act or in any document of any kind to the Casino Control Authority is to be read as (or as including) a reference to the new Authority.	26 27 28 29

Schedule 2	Amendment of Registered Clubs Act	1
	1976	2
	(Section 4)	3
[1] Long title		4
	Omit “the registration of clubs and their rules and management”.	5
	Insert instead “the rules and management of registered clubs”.	6
[2] Section 1 Name of Act		7
	Insert at the end of the section:	8
	Note. This Act is part of the gaming and liquor legislation for the purposes of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> . That Act contains administrative and other relevant provisions that apply in relation to this Act (including investigation and enforcement powers and provisions relating to the probity of officials).	9 10 11 12 13
[3] Sections 3, 4A, 4AA, 5, 5A, 6, 7, 9, 9A, 14, 16, 17, 17AAA, 17AA, 17AAB, 17AAC, 17AAD, 17AAE, 17A, 18, 19, 19A, 20, 21, 23AA, 23B, 24, 34A–34E, 35, 43, 44, 44A, 44B, 46, 48, 50, 51, 51B, 52, 52AA, 52A–52C, 53, 54, 54A–54D, 55, 57, 57B–57D, 60–62, 63A, 64, 67A, 67B, 68, 69, 72C, 74, 75, 76AA and 76A		14 15 16 17 18
	Omit the sections.	19
[4] Section 4		20
	Omit the section. Insert instead:	21
4 Definitions		22
(1) In this Act:		23
	adult means a person of or above the age of 18 years.	24
	amalgamated club means a registered club that results from the amalgamation of 2 or more registered clubs as referred to in Division 1A of Part 2.	25 26 27
	approved gaming machine has the same meaning as in the <i>Gaming Machines Act 2001</i> .	28 29
	authorised officer has the same meaning as in the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	30 31
	Authority means the Casino, Liquor and Gaming Control Authority constituted under the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	32 33 34
	close associate means a close associate within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	35 36

club licence means a club licence granted under the <i>Liquor Act 2007</i> .	1
	2
de facto partner of a person means the other party to a de facto relationship (within the meaning of the <i>Property (Relationships) Act 1984</i>) with the person.	3
	4
	5
Director means the Director of Liquor and Gaming holding office as such under Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> .	6
	7
	8
employ includes engage under a contract for services.	9
exercise a function includes perform a duty and function includes a power, authority or duty.	10
	11
financial institution means a bank or authorised deposit-taking institution.	12
	13
full member , in relation to a club, means a person who is an ordinary member or a life member of that club.	14
	15
guest :	16
(a) of a full member, provisional member or honorary member of a registered club, means a person:	17
	18
(i) whose name and address (unless the person is a minor), countersigned by the member, are entered in a register kept for the purpose by the club, and	19
	20
	21
(ii) who, at all times while on the club premises, remains in the reasonable company of the member, and	22
	23
	24
(iii) who does not remain on the club premises any longer than the member, and	25
	26
(b) of a temporary member of a registered club, means a minor:	27
	28
(i) who, at all times while on the club premises, remains in the company and immediate presence of the member, and	29
	30
	31
(ii) who does not remain on the club premises any longer than the member, and	32
	33
(iii) in relation to whom the member is a responsible adult.	34
	35
honorary member , in relation to a club, means a person who, under the rules of that club, is an honorary member of that club.	36
	37
hotel has the same meaning as in the <i>Liquor Act 2007</i> .	38
inspector means an inspector within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	39
	40

<i>life member</i> of a club means a person who is elected to membership of the club for life.	1 2
<i>liquor</i> has the same meaning as it has in the <i>Liquor Act 2007</i> .	3
<i>local consent authority</i> , in relation to premises or proposed premises of a registered club, means:	4 5
(a) the council in whose area (within the meaning of the <i>Local Government Act 1993</i>) the premises are, or will be, situated, or	6 7 8
(b) if consent to the carrying out of development on the land concerned is required from a person or body other than the council—that person or body.	9 10 11
<i>member</i> of a club means a person who is a full member, a provisional member, an honorary member or a temporary member of the club.	12 13 14
<i>ordinary member</i> of a club means a person who is elected to membership of the club in accordance with the rule of the club referred to in section 30 (1) (g).	15 16 17
<i>provisional member</i> of a club means a person who has applied for admission as a full member of the club, has paid the subscription appropriate for the membership applied for, and is awaiting a decision on the application.	18 19 20 21
<i>registered club</i> means a club that holds a club licence.	22
<i>responsible adult</i> , in relation to a minor, means an adult who is:	23
(a) a parent, step-parent or guardian of the minor, or	24
(b) the minor’s spouse or de facto partner, or	25
(c) for the time being standing in as the parent of the minor.	26
<i>secretary</i> of a club means:	27
(a) the person who, under section 33, holds an approval of the Authority to act as the secretary of the club, or	28 29
(b) if the person referred to in paragraph (a) has ceased to hold office or is absent from office—the person, if any, referred to in section 34 (3) who is appointed by the club to act as its secretary, or	30 31 32 33
(c) if:	34
(i) the person referred to in paragraph (a) has ceased to hold office or is absent from office, and	35 36
(ii) no person has been appointed as referred to in paragraph (b) to act as secretary of the club,	37 38
any person who is acting for the time being as the secretary of the club.	39 40

	<i>temporary member</i> , in relation to a club, means a person who, under the rules of the club, is a temporary member of that club.	1 2
	(2) Notes included in this Act do not form part of this Act.	3
[5]	Part 2, heading	4
	Omit “Registration of clubs”.	5
	Insert instead “Club requirements, amalgamations and certain authorities”.	6 7
[6]	Part 2, Division 1, heading	8
	Omit “Applications for certificates of registration”.	9
	Insert instead “General requirements”.	10
[7]	Section 10 Requirements to be met by clubs	11
	Omit “For the purposes of sections 9 and 17 (1AA) (a), the requirements in relation to a club are as follows:” from section 10 (1).	12 13
	Insert instead “The following requirements apply in relation to a club:”.	14
[8]	Section 10 (1) (j)	15
	Omit the paragraph. Insert instead:	16
	(j) Only the club and its members are to be entitled under the rules of the club or otherwise to derive, directly or indirectly, any profit, benefit or advantage from:	17 18 19
	(i) the fact that the club has applied for, or is granted, a licence under the <i>Liquor Act 2007</i> , or	20 21
	(ii) any added value that may accrue to the premises of the club because the club has applied for, or is granted, a licence under that Act,	22 23 24
	unless it is a profit, benefit or advantage derived from dealings reasonably carried out, or contracts reasonably made, with the club in the ordinary course of its lawful business.	25 26 27 28
[9]	Sections 10 (6) (a) and (7), 11 (3) and (4), 12 (a) (ii) and (b) (ii), 17AH (2), 36 (2), (4), (5) and (7), 41 (1) (b), 41A (1) and (2) (b), 72A (2) and 72B (1)	29 30
	Omit “Licensing Court” wherever occurring. Insert instead “Authority”.	31
[10]	Section 11 (4)	32
	Omit “On the hearing of”. Insert instead “In determining”.	33

[11] Section 11 (5)	1
Omit the subsection. Insert instead:	2
(5) An application may be made under subsection (3) in respect of a proposed amalgamated club.	3 4
[12] Section 17AB	5
Omit the section. Insert instead:	6
17AB Amalgamation of clubs effected by way of licence transfer under Liquor Act 2007	7 8
In this Division, a reference to the amalgamation of 2 or more registered clubs is a reference to an amalgamation resulting from the transfer, under section 60 of the <i>Liquor Act 2007</i> , of the club licence of one of those clubs to another one of those clubs.	9 10 11 12
[13] Section 17AC Definitions	13
Omit the definitions of <i>dissolved club</i> and <i>parent club</i> from section 17AC (1).	14
Insert instead:	15
<i>dissolved club</i> , in relation to the amalgamation or proposed amalgamation of 2 or more registered clubs, means the club whose club licence is, or is to be, transferred under section 60 of the <i>Liquor Act 2007</i> to another registered club.	16 17 18 19
<i>parent club</i> , in relation to the amalgamation or proposed amalgamation of 2 or more registered clubs, means the registered club to which the club licence of another club is, or is to be, transferred under section 60 of the <i>Liquor Act 2007</i> .	20 21 22 23
[14] Sections 17AC (1) (definition of “main premises”), 17AI (2), 32 (3), 70A, 71A and 73 (2A)	24 25
Omit “Board” wherever occurring. Insert instead “Authority”.	26
[15] Section 17AC (2)	27
Omit “Before the Licensing Court approves the amalgamation of 2 or more registered clubs”.	28 29
Insert instead “Before any 2 or more registered clubs amalgamate”.	30
[16] Section 17AE Club members to be notified of proposed amalgamation	31
Omit section 17AE (1).	32

[17] Sections 17AEA and 17AEB	1
Insert after section 17AE:	2
17AEA Submissions in relation to club amalgamations	3
(1) Any person may, subject to and in accordance with the regulations, make a written submission to the Authority in relation to a proposed amalgamation under this Division.	4 5 6
(2) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to approve the transfer of the licence of the dissolved club under section 60 of the <i>Liquor Act 2007</i> .	7 8 9 10
17AEB Other matters to be considered in relation to club amalgamations	11
Without limiting section 60 of the <i>Liquor Act 2007</i> , the Authority may not approve of the transfer of the licence of a dissolved club under that Act unless the Authority is satisfied that:	12 13 14
(a) the parent club will meet the requirements set out in section 10 (1), and	15 16
(b) the parent club will be financially viable, and	17
(c) the proposed amalgamation is in the interests of the members of each of the clubs that are amalgamating, and	18 19
(d) the proposed amalgamation has been approved in principle at separate extraordinary general meetings of the ordinary members of each of the clubs proposing to amalgamate (being in each case an approval supported by a majority of the votes cast at the meeting).	20 21 22 23 24
[18] Section 17AI Major assets of dissolved club to be kept intact	25
Omit section 17AI (1). Insert instead:	26
(1) During the period of 3 years following the amalgamation of 2 or more registered clubs, the parent club must not dispose of any of the major assets of the dissolved club unless the disposal has been approved by the Authority.	27 28 29 30
Maximum penalty: 100 penalty units.	31
[19] Part 2, Division 2, heading	32
Omit “Other applications”.	33
Insert instead “Certain authorisations in relation to clubs”.	34

[20] Section 22	1
Omit the section. Insert instead:	2
22 Non-restricted areas	3
(1) The Authority may, on application by or on behalf of a registered club, grant an authorisation (a <i>non-restricted area authorisation</i>) to the club specifying a part or parts of the premises of the club as a non-restricted area.	4 5 6 7
(2) A registered club and the secretary of the club are each guilty of an offence if any conditions of a non-restricted area authorisation held by the club are contravened.	8 9 10
Maximum penalty: 20 penalty units in the case of the registered club and 10 penalty units in the case of the secretary.	11 12
Note. Section 23A makes provision for the conditions to which a non-restricted area authorisation is subject.	13 14
[21] Section 22A	15
Omit the section. Insert instead:	16
22A Access to club premises by junior members	17
(1) The Authority may, on application by or on behalf of a registered club, grant an authorisation (a <i>junior members authorisation</i>) to allow members of the club who are under the age of 18 years access to areas of the club premises that would otherwise be restricted to those members, but only for the purpose of taking part in sporting activities or a prize-giving ceremony associated with sporting activities.	18 19 20 21 22 23 24
(2) Without limiting the conditions that may be imposed by the Authority under section 23A in relation to a junior members authorisation, any such conditions may relate to the following:	25 26 27
(a) the required level of adult supervision of members under the age of 18 years using the premises of the club under the authorisation,	28 29 30
(b) the establishment of, and the manner of keeping, a register to be signed by members under the age of 18 years each time they use the premises of the club under the authorisation and by each adult supervising them,	31 32 33 34
(c) the steps that the club must take to ensure that liquor is not sold or supplied to persons under the age of 18 years using the premises of the club under the authorisation,	35 36 37

(d)	the steps that the club must take to ensure that approved gaming machines are not used by persons under the age of 18 years using the premises of the club under the authorisation.	1 2 3 4
(3)	It is a condition of a junior members authorisation that tobacco vending machines must be unable to be operated while members under the age of 18 years are using the premises of the club under the authorisation.	5 6 7 8
(4)	A registered club and the secretary of the club are each guilty of an offence if any conditions of a junior members authorisation held by the club are contravened. Maximum penalty: 20 penalty units in the case of the registered club and 10 penalty units in the case of the secretary. Note. Section 23A also makes provision for the conditions to which a junior members authorisation is subject.	9 10 11 12 13 14 15
[22] Section 23		16
	Omit the section. Insert instead:	17
23 Functions on club premises		18
(1)	The Authority may, on application by or on behalf of a registered club, grant an authorisation (a <i>club functions authorisation</i>) to the club to permit persons:	19 20 21
(a)	who are not members of the club, or	22
(b)	who are under the age of 18 years,	23
	to attend, in a specified part of the club premises, functions of a cultural, educational, religious, patriotic, professional, charitable, political, literary, sporting, athletic, industrial or community nature. Any such function may include a wedding.	24 25 26 27
(2)	A club functions authorisation is to designate function areas (that is, each part of the club premises on which the functions concerned are permitted to be held) and access areas (that is, each part of the club premises through or by means of which persons attending those functions are to be permitted to obtain entry to or to depart from a function area).	28 29 30 31 32 33
(3)	A club functions authorisation is subject to the following conditions, but only to the extent that it authorises functions for minors on the club premises:	34 35 36
(a)	at least 7 days notice must be given to the local police before any function is held,	37 38

(b)	the notice must specify the name and nature of the function, the number of minors attending, the number of adult supervisors, details of the security arrangements and such other particulars as may be prescribed by the regulations,	1 2 3 4 5
(c)	the secretary of the club and person conducting the function must comply with any directions given by the local police or the Authority with respect to the conduct of functions for minors,	6 7 8 9
(d)	liquor must not be sold, supplied, disposed of or consumed in the area in which any function is held,	10 11
(e)	gaming machines must not be located in the area in which any function is held and any area of the club in which gaming machines are located must not be accessible to any minor attending the function,	12 13 14 15
(f)	such other conditions as may be prescribed by the regulations.	16 17
	Note. Section 23A also makes provision for the conditions to which a club functions authorisation is subject.	18 19
(4)	A registered club and the secretary of the club are each guilty of an offence if:	20 21
(a)	any conditions of a club functions authorisation held by the club are contravened, or	22 23
(b)	a function is held pursuant to the club functions authorisation otherwise than in accordance with the approval of the governing body of the club.	24 25 26
	Maximum penalty: 20 penalty units in the case of the registered club and 10 penalty units in the case of the secretary.	27 28
(5)	It is a defence to a prosecution of a secretary of a club for an offence under subsection (4) if it is proved that:	29 30
(a)	the secretary had taken all reasonable precautions to avoid commission of the alleged offence, and	31 32
(b)	at the time of the alleged offence the secretary did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.	33 34 35
[23]	Section 23A	36
	Omit the section. Insert instead:	37
	23A General provisions applying to authorisations	38
(1)	This section applies to the following authorisations:	39

- (a) a non-restricted area authorisation, 1
- (b) a junior members authorisation, 2
- (c) a club functions authorisation. 3
- (2) An application for an authorisation must: 4
 - (a) be in the form and manner approved by the Authority, and 5
 - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and 6
7
8
 - (c) if required by the regulations to be advertised—be advertised in accordance with the regulations, and 9
10
 - (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations. 11
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- (3) In determining an application for an authorisation, the Authority has the same powers in relation to the application as the Authority has under the *Liquor Act 2007* in relation to an application for a licence under that Act. 13
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- (4) If, before an application for an authorisation is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection), the applicant must immediately notify the Authority of the particulars of the change. 17
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Maximum penalty: 20 penalty units. 22
- (5) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for an authorisation. 23
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- (6) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the authorisation. 26
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- (7) The regulations may prescribe, or provide for the determination of, a fee in respect of the granting of an authorisation. If any such fee is prescribed or determined, the authorisation does not take effect until the fee has been paid. 29
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- (8) The Authority may, in granting an authorisation, specify requirements that are to be complied with before the authorisation takes effect. The authorisation does not take effect until such time as any such requirements have been complied with. 33
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- (9) An authorisation: 38
 - (a) is subject to such conditions: 39

	(i) as are imposed by the Authority (whether at the time the authorisation is granted or at a later time), or	1 2
	(ii) as are imposed by this Act or as are prescribed by the regulations, and	3 4
	(b) may be varied or revoked by the Authority on the Authority's initiative or on application by the registered club that holds the authorisation, the Director or the Commissioner of Police.	5 6 7 8
(10)	Any such application by a registered club to vary or revoke an authorisation (including any conditions to which the authorisation is subject that have been imposed by the Authority) must be accompanied by the fee prescribed by the regulations.	9 10 11 12
(11)	An authorisation has effect only while all the conditions to which it is subject are being complied with.	13 14
(12)	The Authority must not impose a condition on an authorisation or revoke or vary an authorisation unless the Authority has:	15 16
	(a) given the registered club that holds the authorisation a reasonable opportunity to make submissions in relation to the proposed decision, and	17 18 19
	(b) taken those submissions into consideration before making the decision.	20 21
(13)	Subsection (12) does not apply if the registered club has applied for the authorisation to be revoked or varied.	22 23
(14)	This section does not authorise the revocation or variation of a condition to which an authorisation is subject if the condition is imposed by this Act or is prescribed by the regulations.	24 25 26
[24]	Part 2, Divisions 3 and 4	27
	Omit the Divisions.	28
[25]	Section 30 Rules of registered clubs	29
	Omit section 30 (2) (d). Insert instead:	30
	(d) Liquor must not be sold, supplied or disposed of on the premises of the club to any person who is not a member of the club except:	31 32 33
	(i) on the invitation and in the company of a member of the club, or	34 35
	(ii) if the person is attending a function in respect of which a club functions authorisation under section 23 is in force.	36 37 38

[26]	Section 30 (6) (b)	1
	Omit “referred to in section 52 (2)”.	2
[27]	Section 33	3
	Omit the section. Insert instead:	4
	33 Approval of person to act as secretary of registered club	5
	(1) A person may apply to the Authority for approval to act as the secretary of a registered club. Any such application is to be in the form and manner approved by the Authority.	6 7 8
	(2) The Authority may grant such an approval or refuse to grant the approval.	9 10
	(3) The Authority must refuse to grant an approval of a person to act as secretary of a registered club if the Authority is satisfied that the applicant is not a fit and proper person to act as the secretary of a registered club.	11 12 13 14
	(4) The Authority must not refuse to grant an approval unless the Authority has given the applicant an opportunity to make written submissions in relation to the application and has taken any such submissions into consideration before making the decision.	15 16 17 18
[28]	Section 33A Secretary or manager of club prohibited from holding hotel licence	19 20
	Omit section 33A (1). Insert instead:	21
	(1) A person who is the secretary of a registered club or the manager (within the meaning of the <i>Liquor Act 2007</i>) of the premises of a registered club must not:	22 23 24
	(a) hold a hotel licence under the <i>Liquor Act 2007</i> , or	25
	(b) acquire any financial interest in respect of a hotel.	26
	Maximum penalty: 100 penalty units.	27
[29]	Section 33A (2)	28
	Omit “hotelier’s”. Insert instead “hotel”.	29
[30]	Sections 34 (3) and 36 (7B)	30
	Omit “Principal Registrar” wherever occurring. Insert instead “Authority”.	31

[31] Section 35A Director may carry out inquiries and investigations	1
Omit section 35A (1). Insert instead:	2
(1) The Director may carry out such investigations and inquiries as the Director considers necessary in order to ascertain:	3
(a) whether a complaint should be made under Part 6A in relation to the secretary, or a member of the governing body, of a registered club, or	4
(b) whether a registered club or member of the governing body or employee of a registered club is complying with the provisions of Part 4A.	5
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[32] Section 35A (3) (a)	11
Omit “as is relevant”.	12
Insert instead “as, in the opinion of the Director, is relevant”.	13
[33] Section 35A (3) (b)	14
Omit “as are relevant”.	15
Insert instead “as, in the opinion of the Director, are relevant”.	16
[34] Section 36 Conduct of club elections by Electoral Commissioner	17
Omit section 36 (2) (b), (3) and (11).	18
[35] Section 36 (2) (c) (ii)	19
Omit “day appointed for the commencement of the hearing of the application”.	20
Insert instead “application is made”.	21
[36] Section 36 (5)	22
Omit “in the manner referred to in subsection (2) (b) or”.	23
[37] Section 41 Registered clubs under official management or receivership or in liquidation	24
	25
Omit section 41 (2)–(5).	26
[38] Section 41A Appointment of temporary administrator	27
Omit section 41A (3).	28

[39] Section 41B Definitions	1
Omit paragraph (b) of the definition of <i>top executive</i> (as inserted by Schedule 1 [33] to the <i>Registered Clubs Amendment Act 2007</i>).	2 3
Insert instead:	4
(b) a person who is the manager (within the meaning of the <i>Liquor Act 2007</i>) of any premises of the club,	5 6
[40] Section 41D Declaration of financial interests in hotels	7
Omit section 41D (5) (and the note at the end of the subsection). Insert instead:	8
(5) This section does not apply to the secretary of a registered club or a person appointed as manager under the <i>Liquor Act 2007</i> of any premises of a registered club.	9 10 11
Note. Section 33A prohibits the secretary or manager of a registered club from holding a hotel licence under the <i>Liquor Act 2007</i> or acquiring any financial interest in respect of a hotel.	12 13 14
[41] Section 41L Contracts with secretary, manager, close relatives and others	15 16
Omit “under section 34A” from section 41L (1) (a).	17
Insert instead “under the <i>Liquor Act 2007</i> ”.	18
[42] Section 41ZA Orders in relation to registered clubs	19
Omit “either or both” from section 41ZA (1).	20
Insert instead “any one or more”.	21
[43] Section 41ZA (1) (c)	22
Insert after section 41ZA (1) (b):	23
(c) an order requiring the club to publish, in a manner determined by the Authority, a report on the findings of the inquiry, but only if, in the opinion of the Minister, it is in the public interest for the report to be published.	24 25 26 27
[44] Part 5 Appeals and reviews	28
Omit the Part.	29
[45] Section 45 Unauthorised persons using club premises	30
Omit “defined” wherever occurring in section 45 (1) and (2).	31

[46] Section 45 (1) (c)	1
Insert at the end of section 45 (1) (b):	2
or	3
(c) is not attending a function in accordance with a club	4
functions authorisation under section 23,	5
[47] Section 50B Display of notices	6
Omit section 50B (1).	7
[48] Section 56 General defence available to secretary of registered club	8
Omit section 56 (2). Insert instead:	9
(2) Subsection (1) does not apply to any other offence under this Part	10
in respect of which a defence is specifically available to the	11
secretary of a registered club.	12
[49] Part 6A	13
Insert after Part 6:	14
Part 6A Disciplinary action	15
Note. Disciplinary action may also be taken against a registered club under Part 9 of	16
the <i>Liquor Act 2007</i> in its capacity as a licensee under that Act.	17
57E Interpretation	18
(1) In this Part:	19
(a) a reference to a secretary of a registered club includes a	20
reference to a person who was the secretary of the club,	21
and	22
(b) a reference to a member of the governing body of a	23
registered club includes a reference to a person who was a	24
member of the governing body of any registered club.	25
(2) Without limiting the grounds on which disciplinary action may	26
be taken under this Part, the grounds for taking any such action	27
may relate to conduct occurring before the commencement of this	28
Part.	29
57F Grounds for making complaint	30
(1) A complaint in relation to a registered club may be made to the	31
Authority by any of the following (referred to in this Part as <i>the</i>	32
<i>complainant</i>):	33
(a) the Director,	34

- (b) the Commissioner of Police, 1
- (c) a person authorised by the regulations to make a complaint under this Part. 2
3
- (2) A complaint must be in writing and specify the grounds on which it is made. 4
5
- (3) Disciplinary action may be taken by the Authority against a registered club on any one or more of the following grounds: 6
7
 - (a) that the requirements specified in section 10 (1) are not being met, or have not been met, by or in relation to the club, 8
9
10
 - (b) that the supply of liquor to the club, or on the premises of the club, has not been under the control of the governing body of the club, 11
12
13
 - (c) that the club or the secretary of the club has contravened a condition to which any of the following authorisations held by the club is subject: 14
15
16
 - (i) a non-restricted area authorisation under section 22, 17
 - (ii) a junior members authorisation under section 22A, 18
 - (iii) a club functions authorisation under section 23, 19
 - (d) that the club has contravened a provision of this Act, whether or not it has been convicted of an offence in respect of that contravention, 20
21
22
 - (e) that a rule of the club referred to in section 30 (1) has been broken or any other rule of the club has been habitually broken, 23
24
25
 - (f) that the club has been conducted, or the premises of the club have been habitually used, for an unlawful purpose, 26
27
 - (g) that the secretary of the club or any member of the governing body of the club is not a fit and proper person to act as such, 28
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 - (h) that a requirement of the Director made under this Act in relation to the investigation of the secretary of the club or any member of the governing body of the club has not been complied with, 31
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 - (i) that the club has ceased to exist, 35
 - (j) any other ground that the complainant considers appropriate for the taking of disciplinary action against the club. 36
37
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57G	Procedure for taking disciplinary action	1
(1)	If a complaint in relation to a registered club is made under this Part, the Authority must, before taking any disciplinary action against the club, notify the registered club in writing of the grounds on which the Authority is proposing to take disciplinary action.	2 3 4 5 6
(2)	Any such notice is to invite the registered club to show cause, by way of a written submission, as to why the Authority should not take disciplinary action against the club.	7 8 9
(3)	The Authority may specify:	10
(a)	the time within which a submission under this section may be made, and	11 12
(b)	any other requirements that must be complied with in relation to the making of any such submission.	13 14
(4)	If any written submission is made in accordance with this section, the Authority must take the submission into consideration in deciding whether or not to take disciplinary action against the registered club concerned.	15 16 17 18
57H	Disciplinary powers of Authority	19
(1)	The Authority may deal with and determine a complaint that is made to it under this Part.	20 21
(2)	If the Authority is satisfied that any of the grounds on which the complaint was made apply in relation to the registered club or a person who is the secretary or member of the governing body of the club, the Authority may decide not to take any action or may decide to do any one or more of the following:	22 23 24 25 26
(a)	order the club to pay a monetary penalty not exceeding 2,500 penalty units within such time as is specified in the order,	27 28 29
(b)	suspend the club's licence for such period as the Authority thinks fit,	30 31
(c)	cancel the club's licence,	32
(d)	suspend or cancel any authorisation held by the registered club under this Act,	33 34
(e)	impose a condition on the club's licence or on any authorisation held by the club under this Act,	35 36
(f)	remove from office the secretary of the club or a member of the governing body of the club,	37 38

- (g) declare that a specified person is, for such period (not exceeding 3 years) as is specified by the Authority, ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary or member of the governing body (or both of those positions) of:
 - (i) the club, and
 - (ii) if the Authority so determines—all other registered clubs or such other registered clubs as are specified (or as are of a class specified) by the Authority,
- (h) appoint a person to administer the affairs of the club who, on appointment and until the Authority orders otherwise, has, to the exclusion of any other person or body of persons, the functions of the governing body of the club,
- (i) order the registered club to pay the amount of any costs incurred by:
 - (i) the Director in carrying out any investigation or inquiry under section 35A in relation to the club, or
 - (ii) by the Authority in connection with the taking of disciplinary action against the club or any other person under this section.

57I Procedure for implementing disciplinary action

- (1) If the Authority decides to take disciplinary action under section 57H against a registered club or against the secretary or a member of the governing body of a registered club, the Authority is required to serve on the club or the person a notice informing the club or the person of the Authority's decision.
- (2) The notice must include the reasons for the Authority's decision.
- (3) The disciplinary action specified in the notice takes effect when notice of it is given or on a later date specified in the notice.
- (4) The Authority may, by serving a further notice on the registered club or person concerned, cancel a notice under this section before the notice takes effect.
- (5) The Authority is not prevented from taking disciplinary action under this Part merely because the registered club, or the secretary or member of the governing body of the registered club concerned, as the case requires, is subject to criminal or civil proceedings that relate to the same matters or incident to which the disciplinary action relates.

57J	Declarations concerning ineligibility of persons to be secretary or member of governing body	1 2
(1)	This section applies to the power of the Authority to make a declaration under section 57H (2) (g) in relation to a person who is the secretary or a member of the governing body of a registered club.	3 4 5 6
(2)	The Authority must not make a declaration in relation to such a person unless:	7 8
(a)	it is satisfied that the person was the secretary of the club or a member of the governing body of the club at a relevant time or was materially involved in the management of the affairs of the registered club at a relevant time, and	9 10 11 12
(b)	the person has been given an opportunity to show cause why the declaration should not be made.	13 14
(3)	The Authority may make a declaration in relation to a person regardless of whether the Authority is dealing with the matter on the ground that the person is not a fit and proper person to act as the secretary or a member of the governing body of the registered club.	15 16 17 18 19
(4)	If the Authority makes a declaration in relation to a person, the position of the person as the secretary or a member of the governing body of any registered club to which the declaration relates immediately becomes vacant.	20 21 22 23
(5)	A person must not, during the period for which the person is declared ineligible for a position, stand for election or accept appointment to, or hold office in, that position. Maximum penalty: 10 penalty units.	24 25 26 27
(6)	Despite any other law, if the Authority makes a declaration in relation to a person, the person is not, in consequence of the declaration or of anything done to give effect to the declaration, entitled to compensation or damages from the club of which he or she was the secretary or a member of the governing body, unless the Authority specifies in the declaration that the declaration does not affect the rights, if any, of the person to compensation or damages from the club.	28 29 30 31 32 33 34 35
(7)	A vacancy in the position of a member of the governing body of a registered club resulting from a declaration may be filled as a casual vacancy.	36 37 38

57K	Requirement for legal member of Authority to be present	1
	The Authority cannot determine any complaint made to it under this Part (including any decision to take any disciplinary action) unless a member of the Authority who is or has been a Judge, or who has been an Australian lawyer for at least 7 years, is present at the meeting of the Authority (or the committee of the Authority) at which the complaint is determined or the decision to take the action is made.	2 3 4 5 6 7 8
57L	Review by ADT of decision by Authority under this Part	9
	(1) An application for the review of a decision by the Authority in relation to a complaint under this Part may be made to the Administrative Decisions Tribunal.	10 11 12
	(2) An application for such a review may be made by:	13
	(a) the registered club or person against whom any disciplinary action is taken by the Authority in relation to the complaint, or	14 15 16
	(b) the complainant.	17
	(3) Part 2 of Chapter 5 of the <i>Administrative Decisions Tribunal Act 1997</i> does not apply to an application to the Administrative Decisions Tribunal for a review of a decision by the Authority under this Part.	18 19 20 21
[50]	Part 7 Powers of police and of special inspectors	22
	Omit the Part.	23
[51]	Part 7A Key officials	24
	Omit the Part.	25
[52]	Part 8, heading	26
	Omit “Legal proceedings”.	27
	Insert instead “Criminal proceedings and related matters”.	28
[53]	Section 63	29
	Omit the section. Insert instead:	30
	63 Evidentiary provisions	31
	(1) In any proceedings for an offence under this Act or the regulations, any one or more of the following allegations	32 33

	(however expressed) is evidence of the truth of the allegation unless the contrary is proved:	1
	(a) that a specified club is or was a registered club,	2
	(b) that a specified person is or was the secretary of a registered club,	3
	(c) that a specified person is the Director,	4
	(d) that a specified person is a delegate of the Minister, or of the Commissioner of Police, or of the Director, to whom a specified function has been delegated under section 6A,	5
	(e) that a specified person is an inspector.	6
	(2) In any proceedings for an offence under this Act or the regulations, an allegation that, at a specified time, a person was under the age of 18 years is evidence of the truth of the allegation unless the defendant denies the allegation in the manner prescribed by the regulations.	7
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[54]	Section 65	16
	Omit the section. Insert instead:	17
	65 Proceedings for offences	18
	(1) Proceedings for an offence under this Act or the regulations are to be dealt with summarily before the Local Court.	19
		20
	(2) Except as provided by subsection (3), proceedings for an offence under this Act or the regulations may be commenced within but not later than 12 months after the date on which the offence is alleged to have been committed.	21
		22
		23
		24
	(3) Proceedings for an offence under section 32, 34, 43A, 45, 45A, 47 or 49 may be commenced within but not later than 3 years after the date on which the offence is alleged to have been committed.	25
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		28
[55]	Section 65A	29
	Omit the section. Insert instead:	30
	65A Additional penalties may be imposed by court	31
	In addition to any other penalty that a court may impose for an offence committed by a registered club under this Act or the regulations, the court may, if it thinks it appropriate, do any one or more of the following:	32
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		35
	(a) cancel or suspend the club licence held by the club,	36

(b) cancel or suspend:	1
(i) a non-restricted area authorisation held by the club under section 22, or	2
(ii) a junior members authorisation held by the club under section 22A, or	3
(iii) a club functions authorisation held by the club under section 23,	4
(c) subject the club licence, or any such authorisation, to a specified condition,	5
(d) declare that each person specified in the declaration is, for such period as is specified in the declaration, ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary or member of the governing body (or both of those positions) of:	6
(i) the club, and	7
(ii) if the court so declares—all other registered clubs or such other registered clubs as are specified or as are of a class specified in the declaration.	8
[56] Section 66 Penalty notices	9
Omit “except proceedings under section 17 or 17AAA” from section 66 (4).	10
Insert instead “except in relation to the taking of any disciplinary action under Part 6A”.	11
[57] Section 66 (6)	12
Omit “sections 17 and 17AAA”. Insert instead “Part 6A”.	13
[58] Section 66 (10)	14
Omit “, the Director or a special”. Insert instead “or an”.	15
[59] Section 67 Power to demand particulars from certain persons on club premises	16
Omit section 67 (1).	17
[60] Section 70A Additional functions of Authority	18
Omit “within its jurisdiction” from section 70A (e).	19
Insert instead “that relates to its functions under this Act”.	20

[61] Section 71	1
Omit the section. Insert instead:	2
71 Service of notices	3
(1) Any notice or other instrument to be served on a registered club under this Act may be served by leaving it with the secretary of the club, a member of the governing body or of a committee of the club or a person who is apparently an employee of the club at the premises of the club or by affixing it to a conspicuous part of the premises of the club.	4 5 6 7 8 9
(2) A 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:	10 11 12 13
(a) the address of the premises of the registered club (in the case of service on the club),	14 15
(b) the address of the place at which the person resides, as last known to the Authority,	16 17
(c) the address of a place at which the person carries on business, as last known to the Authority.	18 19
(3) The provisions of this section operate in addition to and do not derogate from the operation of a provision of any other law relating to service (such as section 109X of the <i>Corporations Act 2001</i> of the Commonwealth in respect of a registered club that is a company within the meaning of that Act).	20 21 22 23 24
[62] Section 72 Special provisions relating to Sydney Cricket Ground Club and Newcastle International Sports Centre Club	25 26
Omit section 72 (3) and (8).	27
[63] Section 73 Regulations	28
Omit section 73 (1) (a)–(d), (g), (k) and (m) and (2).	29
[64] Schedule 2 Savings, transitional and other provisions	30
Insert at the end of clause 1A (1):	31
<i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> , to the extent that it amends this Act	32 33

[65] Schedule 2, Part 20	1
Insert at the end of the Schedule as Part 20:	2
 Part 20 Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007	 3 4
92 Definitions	5
In this Part:	6
<i>amending Act</i> means the <i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> .	7 8
<i>former Board</i> means the Liquor Administration Board constituted by section 72 of the former Liquor Act.	9 10
<i>former Court</i> means the Licensing Court constituted under the former Liquor Act.	11 12
Note. The Licensing Court is abolished on the repeal of Part 2 of the former Liquor Act—see clause 23 of Schedule 1 to the <i>Liquor Act 2007</i> .	13 14
<i>former Liquor Act</i> means the <i>Liquor Act 1982</i> as in force immediately before its repeal by the <i>Liquor Act 2007</i> .	15 16
<i>relevant date</i> means the date on which section 9 of this Act is repealed by the amending Act.	17 18
 93 Existing registered clubs taken to be licensed under Liquor Act 2007	 19 20
(1) If a certificate of registration under this Act was in force in respect of a club immediately before the relevant date, the club is, on that date, taken to be the holder of a club licence. Any such club is referred to in this Part as an <i>existing registered club</i> .	21 22 23 24
(2) The club licence of an existing registered club:	25
(a) is subject to any conditions and restrictions to which the club's certificate of registration was subject under this Act (including provisions relating to trading hours) immediately before the relevant date, and	26 27 28 29
(b) may be dealt with under, and is otherwise subject to, the provisions of the <i>Liquor Act 2007</i> .	30 31
(3) If, immediately before the relevant date, an existing registered club owned or occupied more than one set of premises, each set of premises is, on the commencement of section 19 of the <i>Liquor Act 2007</i> , taken to be separately licensed under that Act.	32 33 34 35

94 Existing on-premises trading hours	1
(1) A reference in this clause to <i>on-premises trading hours</i> is a reference to the times during which liquor may be sold or supplied only for consumption on the premises concerned.	2 3 4
(2) Clubs with existing unrestricted on-premises trading hours	5
An existing registered club that, immediately before the relevant date, was not subject to restrictions under this Act in relation to its on-premises trading hours may, subject to this clause, continue to trade on that basis until such time as action (if any) is taken under the <i>Liquor Act 2007</i> to vary those on-premises trading hours.	6 7 8 9 10 11
(3) Any such club must, within 12 months of the commencement of section 18 of the <i>Liquor Act 2007</i> , provide the Authority with a statement of its current on-premises trading hours for each of its premises. The statement is to be in the form approved by the Authority and the secretary of the club must verify the statement by way of statutory declaration.	12 13 14 15 16 17
(4) If the club fails to provide the statement required under subclause (3), the on-premises trading hours for the club's premises are taken to be the standard trading period under the <i>Liquor Act 2007</i> .	18 19 20
(5) Clubs with existing restricted on-premises trading hours	21
If, immediately before the relevant date, an existing registered club was subject to restrictions imposed under this Act in relation to its on-premises trading hours, those restrictions continue to apply until such time as the Authority, on application by the registered club, varies the club's on-premises trading hours under the <i>Liquor Act 2007</i> .	22 23 24 25 26 27
95 Existing off-premises trading hours	28
(1) A reference in this clause to <i>off-premises trading hours</i> is a reference to the times during which liquor may be sold or supplied for consumption away from the premises concerned.	29 30 31
(2) Clubs with existing unrestricted off-premises trading hours	32
An existing registered club that, immediately before the relevant date, was not subject to any restrictions under this Act in relation to its off-premises trading hours may sell or supply liquor for consumption away from the club's premises only during the standard trading period under the <i>Liquor Act 2007</i> or at such other times as may be authorised by an extended trading authorisation.	33 34 35 36 37 38 39

(3)	Clubs with existing restricted off-premises trading hours	1
	If, immediately before the relevant date, an existing registered club was subject to restrictions imposed under this Act in relation to its off-premises trading hours, those restrictions continue to apply until such time as the Authority, on application by the registered club, varies the off-premises trading hours under the <i>Liquor Act 2007</i> .	2 3 4 5 6 7
(4)	No take-away sales on restricted trading days	8
	This clause does not authorise an existing registered club to sell or supply liquor on Good Friday or Christmas Day for consumption away from the licensed premises.	9 10 11
96	Superseded references in relation to certificates of registration of clubs	12 13
	A reference in any Act (other than this Act) or instrument of any kind to a registered club in respect of which a certificate of registration under this Act is in force is to be read as a reference to a registered club in respect of which a club licence under the <i>Liquor Act 2007</i> is in force.	14 15 16 17 18
97	Pending applications and proceedings under this Act	19
(1)	If any authorisation, appointment or other matter is granted or determined pursuant to this clause, it is taken to have been granted or determined under this Act (as amended by Schedule 2 to the amending Act).	20 21 22 23
(2)	Proceedings pending before the Licensing Court	24
	If, before the repeal of Part 2 of the former Liquor Act, proceedings in relation to any matter under this Act were commenced in the former Court but the former Court had not determined the matter:	25 26 27 28
	(a) the matter may continue to be dealt with and determined by the Local Court as if it were sitting as the former Court, and	29 30
	(b) the provisions of this Act (as in force immediately before being amended by Schedule 2 to the amending Act) and the former Liquor Act continue to apply, as if they had not been amended, for the purposes of:	31 32 33 34
	(i) the hearing and determination of the matter, and	35
	(ii) any appeal against the former Court's determination of the matter.	36 37

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| (3) | In hearing and determining a matter that is the subject of any such pending proceedings, the Local Court has the same jurisdiction as the former Court had immediately before it was abolished. | 1
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| (4) | Matters being dealt with by the Liquor Administration Board
If, before the repeal of section 72 of the former Liquor Act, any matter under this Act was being dealt with by the former Board (including by any person to whom the functions of the Board were delegated under section 75 of the former Liquor Act) but had not been determined by the date of that repeal: | 4
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| (a) | the former Board (or the person to whom those functions were delegated) is to continue to deal with the matter as if the former Board had not been abolished, and | 10
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| (b) | the provisions of this Act (as in force immediately before being amended by Schedule 2 to the amending Act) continue to apply in relation to the determination of the matter by the former Board (or by the person to whom those functions were delegated) as if those provisions had not been so amended. | 13
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| (5) | If any such pending matter before the former Board is not determined within such period as may be prescribed by the regulations, the Authority may deal with the matter instead under the relevant provision of this Act. | 19
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| (6) | The continuation, for the purposes of this clause, of the provisions of this Act (as in force immediately before being amended by Schedule 2 to the amending Act) and the former Liquor Act is subject to such modifications as may be prescribed by the regulations. | 23
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| (7) | For the purposes of this clause, <i>amended</i> includes repealed. | 28 |
| 98 | Existing conditions imposed by former Court or former Board | 29 |
| (1) | Any condition imposed by the former Court or the former Board (whether under the former Liquor Act or this Act) in relation to any matter under this Act, being a condition in force immediately before the repeal of Part 4 of the former Liquor Act, is taken to have been imposed by the Authority under this Act (and accordingly a reference to the former Court or the former Board in or in relation to any such condition is to be construed as a reference to the Authority). | 30
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| (2) | The Authority has such powers as are necessary to give effect to any such condition and may vary or revoke the condition. | 38
39 |

99 Existing managers	1
A person who, immediately before the repeal of section 34A of this Act by Schedule 2 to the amending Act, was a person appointed under that section as the manager (or to act as the manager) of any premises of a registered club is, on that repeal, taken to have been appointed as the manager of those premises under section 66 of the <i>Liquor Act 2007</i> .	2 3 4 5 6 7
100 General savings provision	8
(1) Subject to the regulations, anything done under or for the purposes of a provision of this Act that had effect immediately before the provision was amended by Schedule 2 to the amending Act is taken to have been done under or for the purposes of this Act as so amended.	9 10 11 12 13
(2) Without limiting subclause (1), any approval, authority or appointment in force under a provision of this Act immediately before the amendment of the provision by Schedule 2 to the amending Act is taken to be an approval, authority or appointment in force under this Act as so amended.	14 15 16 17 18
[66] Schedule 3 Transferred clubs	19
Omit the Schedule.	20

Schedule 3	Amendment of Gaming Machines Act	1
	2001	2
	(Section 5)	3
[1]	The whole Act (except sections 15, 15A, 27, 28 and 29 and Schedule 1 and except where otherwise amended by this Schedule)	4
	Omit “Board” and “Board’s” wherever occurring.	5
	Insert instead “Authority” and “Authority’s”, respectively.	6
[2]	The whole Act (except sections 15 and 27 and Schedule 1 and except where otherwise amended by this Schedule)	7
	Omit “hotelier’s licence” and “hoteliers’ licences” wherever occurring.	8
	Insert instead “hotel licence” and “hotel licences”, respectively.	9
[3]	Section 1 Name of Act	10
	Insert at the end of the section:	11
	Note. This Act is part of the gaming and liquor legislation for the purposes of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> . That Act contains administrative and other relevant provisions that apply in relation to this Act (including investigation and enforcement powers and provisions relating to the probity of officials).	12
[4]	Section 3 Gambling harm minimisation and responsible gambling conduct are primary objects of this Act	13
	Omit “Licensing Court, the Board,” from section 3 (2).	14
	Insert instead “Authority,”.	15
[5]	Section 4 Definitions	16
	Insert in alphabetical order in section 4 (1):	17
	<i>Authority</i> means the Casino, Liquor and Gaming Control Authority constituted under the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	18
[6]	Section 4 (1), definitions of “Board”, “close associate”, “Director”, “Director-General”, “gaming machine area”, “hotel, hotelier and hotelier’s licence”, “new club”, “new hotel”, “registered club”, “special inspector” and “temporary premises”	19
	Omit the definitions. Insert instead in alphabetical order:	20
	<i>Board</i> has the meaning given to it under this section immediately before the substitution of this definition by Schedule 3 to the	21

<i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007.</i>	1
	2
close associate means a close associate within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	3
	4
Director means the Director of Liquor and Gaming holding office as such under Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> .	5
	6
	7
Director-General means the Director-General of the Department of the Arts, Sport and Recreation.	8
	9
gaming machine area , in relation to a registered club, means any part of the premises of the club in which approved gaming machines are located.	10
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hotel and hotelier have the same meanings as in the <i>Liquor Act 2007</i> , and hotel licence means a hotel licence (other than a general bar licence) under that Act.	13
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hotelier's licence has the meaning given to it under this section immediately before the substitution of this definition by Schedule 3 to the <i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> .	16
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inspector means an inspector within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	20
	21
new club means:	22
(a) a club that, on or after 26 July 2001, is or was registered for the first time under the <i>Registered Clubs Act 1976</i> (other than as the result of an amalgamation under section 17A of that Act), or	23
	24
	25
	26
(b) a club whose premises become licensed for the first time under the <i>Liquor Act 2007</i> (other than as the result of the transfer of a club licence under section 60 of that Act or because of the operation of clause 93 of Schedule 2 to the <i>Registered Clubs Act 1976</i>).	27
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new hotel means:	32
(a) a hotel that became licensed for the first time under the <i>Liquor Act 1982</i> on or after 26 July 2001 or a hotel to which a licence under that Act was removed after that date, or	33
	34
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	36
(b) a hotel that becomes licensed for the first time under the <i>Liquor Act 2007</i> (otherwise than because of the operation of clause 3 of Schedule 1 to that Act), or	37
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	(c) a hotel to which a licence is removed under that Act.	1
	<i>registered club</i> means a club that holds a club licence under the <i>Liquor Act 2007</i> .	2 3
	<i>temporary premises</i> , in relation to a hotel or registered club, means any premises approved by the Authority under section 96 of the <i>Liquor Act 2007</i> .	4 5 6
[7]	Sections 4 (1) (definition of “centralised cash control equipment”), 37 (3) (b), 39 (1), 40 (2), 40A (2), 49 (3) (a), 66 (3), 75, 76 (1), 77 (2C) (a), 106 (3), 133 (1) and (2) and 134 (1) (a)	7 8 9
	Omit “in the hotel or club” wherever occurring.	10
	Insert instead “in the hotel or on the premises of the club”.	11
[8]	Sections 4 (1) (definition of “hardship gaming machine”), 7 (a), 14 (1) (b), 43 (6) (paragraph (a) of the definition of “gaming machine advertising”), 44 (6) (paragraph (a) of the definition of “gambling-related sign”), 45 (1) (definition of “player reward scheme”), 47 (2) (e), 50 (1), 60 (6), 80 (1) and (3)–(5), 126 (1), 133 (3), 133A (1), 158 (1) and 209 (4) and (5)	12 13 14 15 16
	Insert “on the premises of a” after “a hotel or” wherever occurring.	17
[9]	Section 4 (1), definitions of “Licensing Court”, “primary purpose test”, “Principal Registrar” and “registrar”	18 19
	Omit the definitions.	20
[10]	Sections 4 (1) (definitions of “liquor” and “manager”), 20 (1A), 25 (1), 30 (3), 31A (1) (b), 33 (3) (a), 52 (5) (definition of “responsible adult”), 58 (2), 60 (4) and 70 (2) (a)	21 22 23
	Omit “ <i>Liquor Act 1982</i> ” wherever occurring.	24
	Insert instead “ <i>Liquor Act 2007</i> ”.	25
[11]	Sections 5, 6, 54, 90, 93, 96–100, 103, 191–193, 195, 206A and 207	26
	Omit the sections.	27
[12]	Section 9	28
	Omit the section. Insert instead:	29
	9 Subsidiary equipment not included in calculation of gaming machine numbers	30 31
	In calculating (for the purposes of this Act) the number of approved gaming machines in a hotel or on the premises of a registered club, any subsidiary equipment:	32 33 34
	(a) kept in the hotel or on the premises of the club, and	35

	(b) approved by the Authority for use in connection with such gaming machines,	1
	is to be disregarded.	2
		3
[13]	Sections 14 (2) (b), 37 (4), 40 (3), 40A (3), 49 (2) and 60A (2)	4
	Omit “registered club” wherever occurring. Insert instead “club premises”.	5
[14]	Section 17 Allocation of free poker machine entitlements in respect of certain clubs	6
	Omit section 17 (1) (b). Insert instead:	7
	(b) a registered club that acquires additional premises (other than as the result of an amalgamation as referred to in Division 1A of Part 2 of the <i>Registered Clubs Act 1976</i>),	8
		9
		10
		11
[15]	Section 21 Other provisions relating to transfer of poker machine entitlements	12
	Omit section 21 (6) (including the note to that subsection). Insert instead:	13
	(6) If a registered club (<i>the dissolved club</i>) amalgamates with another registered club (<i>the parent club</i>) as referred to in Division 1A of Part 2 of the <i>Registered Clubs Act 1976</i> , any poker machine entitlements allocated in respect of the premises of the dissolved club are taken to be transferred to those same premises without the forfeiture of any entitlement to the Authority.	14
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[16]	Section 24	22
	Omit the section. Insert instead:	23
	24 Transfer of poker machine entitlements when licence of registered club surrendered or cancelled	24
		25
	(1) If, in relation to the premises of a registered club:	26
	(a) the licence of the club is surrendered or cancelled under the <i>Liquor Act 2007</i> , or	27
		28
	(b) the club’s authorisation under Part 5 to keep approved gaming machines is cancelled,	29
		30
	any poker machine entitlements allocated in respect of the premises may, in accordance with this Division, be transferred.	31
		32
	(2) If, at the end of the period of 12 months immediately following the surrender or cancellation of the club’s licence, or the cancellation of the club’s authorisation under Part 5, any such poker machine entitlements have not been transferred, the remaining entitlements are forfeited to the Authority.	33
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(3)	This section does not apply in relation to a registered club merely because:	1
		2
(a)	the licence of the club, or its authorisation under Part 5 to keep approved gaming machines, is suspended, or	3
		4
(b)	the club has temporarily ceased to trade on the premises to which the licence of the club relates.	5
		6
[17]	Sections 25A (1), 28 (5), 31A (2) (b), 32 (5) and 58 (3)	7
	Omit “ <i>Registered Clubs Act 1976</i> ” wherever occurring.	8
	Insert instead “ <i>Liquor Act 2007</i> ”.	9
[18]	Sections 28 (6) (definition of “existing hardship application”), 51 (1) (b), 52 (3), 141 (paragraph (b) of the definition of “authorised inter-club linked gaming system”), 149 (1), 150 (1), 151 and 152 (5)	10
	Omit “in a registered club” wherever occurring.	11
	Insert instead “on the premises of a registered club”.	12
		13
		14
[19]	Sections 29 (3), (4) and (5) (definition of “section 88AF hardship machine”) and 61 (3)	15
	Omit “kept in” wherever occurring. Insert instead “kept on the premises of”.	16
		17
[20]	Section 31A Forfeiture of other gaming machine entitlements in certain circumstances	18
	Omit section 31A (2) (a). Insert instead:	19
		20
	(a) the licence of a registered club is surrendered or cancelled under the <i>Liquor Act 2007</i> , or	21
		22
[21]	Section 31A (3)	23
	Omit the subsection. Insert instead:	24
		25
	(3) Subsection (2) does not apply in relation to the cancellation of a registered club’s licence if that cancellation is the result of an amalgamation with another registered club as referred to in Division 1A of Part 2 of the <i>Registered Clubs Act 1976</i> .	26
		27
		28
[22]	Section 32 Application and operation of Division	29
	Omit section 32 (4).	30

[23]	Section 33 Social impact assessment must be provided in connection with application for authorisation to keep gaming machines	1 2
	Omit section 33 (3) (b). Insert instead:	3
	(b) a club on whose behalf an application for a licence has been made, but has not yet been granted, under the <i>Liquor Act 2007</i> ,	4 5 6
[24]	Section 37A Restrictions on approval of social impact assessment	7
	Omit “or registered club that is”.	8
	Insert instead “that is, or on the premises of a registered club that are,”.	9
[25]	Section 38 Interim 3-hour shutdown period to operate until 1 May 2003	10
	Omit the section.	11
[26]	Sections 39 (2), 40 (2), 40A (2), 47A (2) and 49 (1) (paragraph (a) of the definition of “self-exclusion scheme”)	12 13
	Insert “the premises of a” before “registered club” wherever occurring.	14
[27]	Sections 40 (1), 40A (1), 42 (1), 44 (1), 45 (1) (definition of “promotional prize”) and (2) (c), 47 (2) (g) and 49 (4) (a) and (5) (b)	15 16
	Omit “or club” wherever occurring.	17
	Insert instead “or the premises of the club”.	18
[28]	Section 41	19
	Omit the section. Insert instead:	20
	41 Approval of different shutdown periods for “early openers”	21
	(1) This section applies in relation to a hotel or the premises of a registered club (a <i>venue</i>) if, in the opinion of the Authority, the venue:	22 23 24
	(a) was, on a regular basis before 1 January 1997, open for business before 10 am on at least one day of the week, and	25 26
	(b) was, on a regular basis before 1 January 1997, closed for business between midnight and 10 am for a minimum of 3 hours on at least one day of the week, and	27 28 29
	(c) has continued, and is continuing, to open and close on that same basis ever since.	30 31

(2)	The Authority may, on application made in respect of a venue to which this section applies, approve of the venue having:	1
	(a) a different 6-hour shutdown period to the general 6-hour shutdown period referred to in section 39, or	2
	(b) a different 3-hour shutdown period on Saturdays, Sundays and public holidays to the 3-hour shutdown period referred to in section 40, or	3
	(c) a different 3-hour shutdown period to the limited shutdown period referred to in section 40A.	4
(3)	The Authority may only approve of a venue having any such different shutdown period if the approved period is consistent with the opening and closing times (as referred to in subsection (1)) of the venue.	5
(4)	If any such different shutdown period is approved for the time being in respect of a venue, the hotelier or registered club concerned must ensure that each approved gaming machine that is kept in the venue is not operated for the purposes of gambling during the approved period. Maximum penalty: 100 penalty units.	6
(5)	Despite any other provision of this section, the Authority's approval of a venue having different shutdown periods may be given only in respect of those days of the week on which the venue has continued:	7
	(a) to close for business between midnight and 10 am for a consecutive period of at least 3 hours, and	8
	(b) to re-open for business before 10 am.	9
[29]	Section 42 General provisions	10
	Omit section 42 (2). Insert instead:	11
	(2) This Division does not affect the operation of the <i>Liquor Act 2007</i> , or of any other Act or law, in relation to the hours during which a hotel or registered club is authorised to trade.	12
[30]	Sections 47 (1) and (2) (g), 204 (1) (b), 205 (2) (a) and (6) (b) and 210 (2) (e), (f), (s) and (u)	13
	Insert "on the premises of" before "registered clubs" wherever occurring.	14

[31] Sections 47 (2) (c) (i) and 49 (1) (paragraph (b) (iv) of the definition of “responsible person”)	1
	2
Omit “in the club” wherever occurring.	3
Insert instead “on the club’s premises”.	4
[32] Section 48 Industry codes of practice	5
Omit section 48 (1). Insert instead:	6
(1) For the purpose of providing practical guidance for the promotion	7
of responsible practices and conduct in relation to approved	8
gaming machines in hotels and on the premises of registered	9
clubs, the Minister is to approve industry codes of practice that	10
set out the standards to be observed by hoteliers and registered	11
clubs.	12
[33] Section 48 (5)	13
Omit “Department of Gaming and Racing”.	14
Insert instead “NSW Office of Liquor, Gaming and Racing, Department of the	15
Arts, Sport and Recreation”.	16
[34] Section 49 Self-exclusion of patrons from hotels and clubs	17
Omit “or club” from section 49 (2).	18
Insert instead “or the entire club premises”.	19
[35] Section 51 Hoteliers and clubs liable for operation of gaming machines by minors	20
	21
Omit “documentary evidence” from section 51 (2).	22
Insert instead “an evidence of age document (within the meaning of the <i>Liquor</i>	23
<i>Act 2007)</i> ”.	24
[36] Section 52 Minors not permitted in gaming machine areas	25
Omit “of the registered club” from section 52 (4) (b).	26
[37] Section 53 Minors required to provide information	27
Omit “documentary evidence” from section 53 (1) (b).	28
Insert instead “an evidence of age document (within the meaning of the <i>Liquor</i>	29
<i>Act 2007)</i> ”.	30
[38] Sections 56 (3) and 60 (3)	31
Insert “on the premises of the” after “the hotel or” wherever occurring.	32

[39] Section 58 Cancellation of authorisations	1
Omit “the Licensing Court” from section 58 (1) (a).	2
Insert instead “a court”.	3
[40] Section 58 (3)	4
Omit “a registered club moves”.	5
Insert instead “the licence of a registered club is removed”.	6
[41] Section 58 (4)	7
Omit the subsection. Insert instead:	8
(4) A reference in subsection (2) or (3) to the removal of a licence to other premises includes a reference to the carrying on of the business under the licence on temporary premises.	9 10 11
[42] Section 59 Authorisation to keep gaming machines in hotel subject to primary purpose test	12 13
Omit “primary purpose test” from section 59 (1).	14
Insert “hotel primary purpose test (as referred to in section 15 of the <i>Liquor Act 2007</i>)”.	15 16
[43] Section 60 Gaming machines not permitted in retail shopping centres	17
Omit section 60 (2). Insert instead:	18
(2) An approved gaming machine cannot be authorised to be kept in a hotel or on the premises of a registered club:	19 20
(a) that is or are part of a retail shopping centre or proposed retail shopping centre, or	21 22
(b) that was or were part of a retail shopping centre within the previous 12 months.	23 24
[44] Section 60 (5)	25
Omit the subsection. Insert instead:	26
(5) If an application is granted under the <i>Liquor Act 2007</i> that results in the premises of a registered club being moved or extended to premises that are part of a retail shopping centre or proposed retail shopping centre, any authorisation to keep approved gaming machines in that new part of the club’s premises ceases.	27 28 29 30 31

[45]	Section 60A SIA threshold for hotel or club to be decreased if poker machine entitlements are transferred from retail shopping centre	1 2
	Omit section 60A (1). Insert instead:	3
	(1) This section applies to a hotel that is, or to licensed club premises that are, part of a retail shopping centre or proposed retail shopping centre.	4 5 6
[46]	Part 5, Division 2, heading	7
	Omit “Board”. Insert instead “Authority”.	8
[47]	Part 5, Division 3, heading	9
	Omit “Board’s”. Insert instead “Authority’s”.	10
[48]	Section 67 Transfer of Authority’s functions in relation to approved gaming machines	11 12
	Omit “section 75 of the <i>Liquor Act 1982</i> ” from section 67 (5).	13
	Insert instead “section 13 of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> ”.	14 15
[49]	Sections 70 (1) (d), 77 (2C) (b) and (6) (definition of “authorised person”), 80 (2) (b) and 194 (1) (f)	16 17
	Omit “a special inspector” wherever occurring.	18
	Insert instead “an inspector”.	19
[50]	Section 70 Possession of approved gaming machine by unauthorised persons	20 21
	Omit section 70 (2) (b). Insert instead:	22
	(b) by a club if:	23
	(i) the club has been disqualified from holding a licence under the <i>Liquor Act 2007</i> and the period of disqualification has not expired, or	24 25 26
	(ii) the licence of the club has been cancelled under the <i>Liquor Act 2007</i> ,	27 28
	and the possession has not extended beyond a reasonable time after the disqualification or cancellation.	29 30

[51] Section 71 Supply and purchase of gaming machines	1
Omit section 71 (5) (c). Insert instead:	2
(c) a club whose licence under the <i>Liquor Act 2007</i> has been cancelled (or which has been disqualified for a period from holding a club licence under that Act) if the supply is effected in accordance with arrangements approved by the Authority.	3 4 5 6 7
[52] Section 73 Sharing of receipts from gaming machines	8
Omit section 73 (3) (b). Insert instead:	9
(b) is named in the statement referred to in section 41 of the <i>Liquor Act 2007</i> , or in the information provided to the Authority under section 55 of that Act, in relation to that licence.	10 11 12 13
[53] Section 85 Sale of gaming machines	14
Omit section 85 (5) (c). Insert instead:	15
(c) a club whose licence under the <i>Liquor Act 2007</i> has been cancelled (or which has been disqualified for a period from holding a club licence under that Act) if the sale is effected in accordance with arrangements approved by the Authority.	16 17 18 19 20
[54] Sections 88 (1) and (2), 95 (3), 105 and 110 (1)	21
Omit “Licensing Court” wherever occurring. Insert instead “Authority”.	22
[55] Section 88 Applications for gaming-related licences	23
Omit section 88 (6).	24
[56] Sections 89 (1)–(3), 92, 120 and 124	25
Omit “Principal Registrar” wherever occurring. Insert instead “Authority”.	26
[57] Section 91 Disclosure of interested parties	27
Omit “an affidavit” from section 91 (1).	28
Insert instead “a written statement”.	29
[58] Section 91 (1) (a)	30
Omit “the affidavit”. Insert instead “the statement”.	31

[59] Section 94	1
Omit the section. Insert instead:	2
94 Investigations, inquiries and referrals in relation to licence applications	3
	4
(1) If the Authority receives an application for a gaming-related licence, the Authority:	5
	6
(a) may carry out such investigations and inquiries in relation to the application as the Authority considers necessary for a proper consideration of the application, and	7
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	9
(b) is to refer the application to the Director unless the regulations otherwise provide.	10
	11
(2) The Director is to inquire into, and to report to the Authority on, such matters in relation to the application as the Authority may request.	12
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(3) For the purposes of subsection (2), the Director may carry out such investigations and inquiries in relation to the application as the Director considers necessary.	15
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(4) In particular, the Director may refer to the Commissioner of Police details of the application together with any supporting information in relation to the application that the Director considers to be appropriate for referral to the Commissioner.	18
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(5) The Commissioner of Police is to inquire into, and report to the Director on, such matters concerning the application as the Director may request.	22
	23
	24
[60] Section 95A	25
Insert after section 95:	26
95A Submissions in relation to licence applications	27
(1) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for a gaming-related licence.	28
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(2) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the gaming-related licence.	31
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[61] Sections 101 and 102	1
Omit the sections. Insert instead:	2
101 Granting of gaming-related licences generally	3
(1) The Authority may, after considering an application for a gaming-related licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence.	4 5 6 7
(2) The regulations may prescribe, or provide for the determination of, a fee in respect of the granting of a gaming-related licence. If any such fee is prescribed or determined, the gaming-related licence does not take effect unless the fee has been paid.	8 9 10 11
(3) The Authority may, in granting a gaming-related licence, specify requirements that are to be complied with before the licence takes effect. The gaming-related licence does not take effect until such time as any such requirements have been complied with.	12 13 14 15
(4) A gaming-related licence is to be in the form approved by the Authority.	16 17
(5) The Authority must not grant a gaming-related licence unless the Authority is satisfied that the applicant is a fit and proper person to carry on the business or activity to which the licence relates.	18 19 20
(6) The regulations may provide mandatory or discretionary grounds for refusing the granting of a gaming-related licence.	21 22
102 Granting of testing facility licence	23
A testing facility licence:	24
(a) if granted, is to be granted in respect of premises specified in the licence, and	25 26
(b) must not be granted unless the Authority is satisfied that the premises concerned are suitable for the testing of poker machines and devices in the nature of approved amusement devices.	27 28 29 30
[62] Section 104	31
Omit the section. Insert instead:	32
104 Conditions of gaming-related licences	33
(1) A gaming-related licence is subject to:	34

- (a) such conditions as may be imposed by the Authority (whether at the time the licence is granted or at any later time) under this Act, and 1
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3
 - (b) such conditions as are imposed by this Act or prescribed by the regulations, and 4
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 - (c) such other conditions as are authorised to be imposed on the licence under this Act. 6
7
- (2) The holder of a gaming-related licence must comply with any conditions to which the licence is subject. 8
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Maximum penalty: 100 penalty units. 10
- (3) The Authority must not impose a condition on a gaming-related licence after it has been granted, or vary or revoke a condition that has been imposed by the Authority, unless the Authority has: 11
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13
 - (a) given the licensee a reasonable opportunity to make submissions in relation to the proposed decision, and 14
15
 - (b) taken those submissions into consideration before making the decision. 16
17
- (4) The Authority may vary or revoke a condition of a gaming-related licence that has been imposed by the Authority: 18
19
 - (a) at any time on the application of the licensee or the Commissioner of Police, or 20
21
 - (b) at any time on the Authority's own initiative. 22
- (5) An application by a licensee under subsection (4) to vary or revoke a condition imposed by the Authority must: 23
24
 - (a) be in the form and manner approved by the Authority, and 25
 - (b) be accompanied by the fee prescribed by the regulations, and 26
27
 - (c) if required by the regulations to be advertised—be advertised in accordance with the regulations. 28
29
- (6) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application by a licensee under subsection (4). 30
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- (7) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to vary or revoke the condition of the gaming-related licence concerned. 33
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[63] Section 110 Application for reinstatement of cancelled gaming-related licence or work permit	1 2
Omit “and lodged” from section 110 (3).	3
[64] Section 110 (4)	4
Omit section 110 (4) and (5). Insert instead:	5
(4) The Authority may reinstate the licence or work permit if the Authority is satisfied that there is a reasonable explanation for the failure to pay the licence fee that resulted in the cancellation of the licence or work permit.	6 7 8 9
[65] Part 7, Division 4 Key officials	10
Omit the Division.	11
[66] Section 118 Control of business carried on under gaming-related licence	12
Omit section 118 (1). Insert instead:	13
(1) If a person (other than the licensee or a financial institution) becomes interested in the business, or the profits of the business, carried on under a gaming-related licence, it is a condition of the gaming-related licence that the Authority is to be provided with the following information within 28 days after the other person becomes so interested:	14 15 16 17 18 19
(a) 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,	20 21 22
(b) a statement that the licensee has made all reasonable inquiries to ascertain the information referred to in paragraph (a).	23 24 25
[67] Part 8	26
Omit the Part. Insert instead:	27
Part 8 Disciplinary action	28
127 Interpretation	29
(1) In this Part:	30
<i>close associate</i> means a close associate of a hotelier or gaming-related licensee.	31 32
<i>licensee</i> means:	33
(a) a hotelier, or	34

(b)	a registered club, or	1
(c)	the holder of a gaming-related licence (referred to in this Part as <i>a gaming-related licensee</i>).	2 3
(2)	In this Part:	4
(a)	a reference to a licensee includes a reference to a former licensee, and	5 6
(b)	a reference to a conviction for an offence under this Act or the regulations does not include a reference to a conviction for an offence prescribed by the regulations for the purposes of this section.	7 8 9 10
(3)	Without limiting the grounds on which disciplinary action may be taken under this Part, the grounds for taking any such action may relate to conduct occurring before the substitution of this Part by Schedule 3 to the <i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> .	11 12 13 14 15
128	Director may carry out inquiries and investigations	16
(1)	The Director may carry out such investigations and inquiries as the Director considers to be necessary in order to ascertain whether a complaint should be made under this Part in relation to a licensee or close associate.	17 18 19 20
(2)	The Commissioner of Police is to inquire into, and report to the Director on, such matters as the Director may request concerning the licensee or close associate to whom the complaint, if made, would relate.	21 22 23 24
(3)	The Director may, by notice in writing, require a licensee or close associate who is the subject of an investigation under this section to do one or more of the following things:	25 26 27
(a)	provide, in accordance with directions in the notice, such information verified by statutory declaration as, in the opinion of the Director, is relevant to the investigation and is specified in the notice,	28 29 30 31
(b)	produce, in accordance with directions in the notice, such records as, in the opinion of the Director, are relevant to the investigation and permit examination of the records, the taking of extracts from them and the making of copies of them,	32 33 34 35 36
(c)	authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b),	37 38
(d)	furnish to the Director such authorisations and consents as the Director requires for the purpose of enabling the	39 40

Director to obtain information (including financial and other confidential information) from other persons concerning the person under investigation and the person's associates.	1 2 3 4
(4) A person who complies with a requirement of a notice under subsection (3) does not on that account incur a liability to another person.	5 6 7
(5) A person must not fail to comply with a requirement of the Director contained in a notice under subsection (3). Maximum penalty: 20 penalty units.	8 9 10
129 Grounds for making complaint	11
(1) A complaint in relation to a licensee or close associate may be made to the Authority by any of the following (referred to in this Part as <i>the complainant</i>):	12 13 14
(a) the Director,	15
(b) the Commissioner of Police,	16
(c) a person authorised by the regulations to make a complaint under this Part.	17 18
(2) A complaint must be in writing and specify the grounds on which it is made.	19 20
(3) The grounds on which a complaint in relation to a licensee or close associate may be made are as follows:	21 22
(a) that the licensee:	23
(i) has contravened a provision of this Act or the regulations, or	24 25
(ii) has failed to comply with any requirement under this Act or the regulations that relates to the licensee, or	26 27 28
(iii) has been convicted of an offence under this Act or the regulations or of an offence prescribed by the regulations for the purposes of this section,	29 30 31
(b) that the hotelier or registered club has engaged in conduct that has encouraged, or is likely to encourage, the misuse and abuse of gambling activities in the hotel or on the premises of the club concerned,	32 33 34 35
(c) that the hotelier or registered club has failed to comply with any of the conditions to which an authorisation under Part 5 is subject (including, in the case of a hotelier, the condition that the hotelier comply with the hotel primary	36 37 38 39

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- purpose test as referred to in section 15 of the *Liquor Act 2007* in respect of the hotel), 1
2
- (d) that the hotelier or registered club has failed to pay tax 3
within the meaning of the *Gaming Machine Tax Act 2001*, 4
or an instalment of any such tax, within the time allowed 5
by or under that Act, or has failed to pay a penalty or 6
interest due for late payment of any such tax or instalment, 7
- (e) that the gaming-related licensee: 8
- (i) has failed to comply with a condition of the 9
gaming-related licence, or 10
- (ii) has failed to comply with an order or direction of the 11
Authority, or 12
- (iii) has failed to make due payment of a penalty for late 13
payment of a fee in accordance with this Act, or 14
- (iv) is no longer a fit and proper person to hold a 15
gaming-related licence, 16
- (f) that the close associate is (or has become) a close associate 17
of a hotelier or gaming-related licensee while disqualified 18
by the Authority from being a close associate, 19
- (g) that the close associate is not a fit and proper person to be 20
a close associate of a hotelier or gaming-related licensee, 21
- (h) that a complaint against a hotelier or gaming-related 22
licensee under this section has been made and that: 23
- (i) the close associate knew or ought reasonably to 24
have known that the hotelier or gaming-related 25
licensee was engaging (or was likely to engage) in 26
conduct of the kind to which the complaint relates, 27
and 28
- (ii) the close associate failed to take all reasonable steps 29
to prevent the licensee from engaging in conduct of 30
that kind, 31
- (i) that a person who is interested in the business, or in the 32
conduct or profits of the business, carried on under the 33
gaming-related licence is not a fit and proper person to be 34
so interested, 35
- (j) that the gaming-related licence has not been exercised in 36
the public interest, 37
- (k) that the licensee or close associate has failed to comply 38
with a requirement of the Director made under section 128 39
in relation to the investigation of the licensee or close 40
associate. 41

130	Procedure for taking disciplinary action	1
(1)	If a complaint in relation to a licensee or close associate is made under this Part, the Authority must, before taking any disciplinary action against the licensee or close associate, notify the licensee or close associate in writing of the grounds on which the Authority is proposing to take disciplinary action.	2 3 4 5 6
(2)	Any such notice is to invite the licensee or close associate to show cause, by way of a written submission, as to why the Authority should not take disciplinary action against the licensee or close associate.	7 8 9 10
(3)	The Authority must also, before taking disciplinary action against a gaming-related licensee, invite written submissions from the following persons:	11 12 13
(a)	each person named in the written statement referred to in section 91 that accompanied the application for the licence,	14 15 16
(b)	each person named in the information provided to the Authority (as required by section 118) who has become interested in the business, or the conduct of the business, carried out on the licence.	17 18 19 20
(4)	The Authority may specify:	21
(a)	the time within which a submission under this section may be made, and	22 23
(b)	any other requirements that must be complied with in relation to the making of any such submission.	24 25
(5)	If any written submission is made in accordance with this section, the Authority must take the submission into consideration in deciding whether or not to take disciplinary action against the licensee or close associate concerned.	26 27 28 29
131	Disciplinary powers of Authority	30
(1)	The Authority may deal with and determine a complaint that is made to it under this Part.	31 32
(2)	If the Authority is satisfied that any of the grounds on which the complaint was made apply in relation to the licensee or close associate, the Authority may decide not to take any action or may decide to do any one or more of the following:	33 34 35 36
(a)	order the hotelier or gaming-related licensee to pay, within such time as is specified in the order:	37 38

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- (i) a monetary penalty not exceeding 500 penalty units (in the case of a corporation) or 200 penalty units (in any other case), or 1
2
3
 - (ii) if circumstances of aggravation exist in relation to the complaint—a monetary penalty not exceeding 1,000 penalty units (in the case of a corporation) or 400 penalty units (in any other case), 4
5
6
7
 - (b) order the registered club to pay, within such time as is specified in the order, a monetary penalty not exceeding 2,500 penalty units or, if circumstances of aggravation exist in relation to the complaint, not exceeding 5,000 penalty units, 8
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12
 - (c) if the ground that applies is any of the grounds referred to in section 129 (3) (a), (b), (c), (d) or (f): 13
14
 - (i) cancel the hotelier’s or registered club’s licence under the *Liquor Act 2007* or the gaming-related licence, or 15
16
17
 - (ii) suspend the hotelier’s or registered club’s licence under the *Liquor Act 2007* or the gaming-related licence for such period as the Authority thinks fit, or 18
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 - (iii) cancel, suspend or modify any authorisation or approval under this Act for the hotelier or registered club to keep approved gaming machines, or 21
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23
 - (iv) disqualify the hotelier or registered club from keeping approved gaming machines for such period as the Authority thinks fit, 24
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26
 - (d) cancel the gaming-related licensee’s licence or suspend the licence for such period as the Authority thinks fit, 27
28
 - (e) impose or vary a condition to which the gaming-related licence is subject, 29
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 - (f) disqualify the gaming-related licensee from holding a gaming-related licence for such period as the Authority thinks fit, 31
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 - (g) disqualify the close associate from being a close associate of a licensee for such period as the Authority thinks fit, 34
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 - (h) disqualify the close associate from holding a gaming-related licence for such period as the Authority thinks fit, 36
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 - (i) order the licensee to pay the amount of any costs incurred: 39

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| (i) | by the Director in carrying out any investigation or inquiry under section 128 in relation to the licensee or close associate, or | 1
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| (ii) | by the Authority in connection with the taking of disciplinary action against the licensee or close associate under this section, | 4
5
6 |
| (j) | reprimand the licensee or close associate. | 7 |
| (3) | If the Authority orders a licensee to pay a monetary penalty under this section and the penalty is not paid within the time specified in the order, the Authority may: | 8
9
10 |
| (a) | cancel the licence, or | 11 |
| (b) | suspend the licence until such time as the penalty is paid (or for such other period as the Authority thinks fit). | 12
13 |
| (4) | While a person is disqualified by the Authority under this section from being a close associate of a gaming-related licensee, the person is conclusively presumed for the purposes of this Act to be a person who is not a fit and proper person to be a close associate of a gaming-related licensee. | 14
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| (5) | For the purposes of this section, circumstances of aggravation exist in relation to a complaint if any of the following paragraphs applies: | 19
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21 |
| (a) | 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, | 22
23
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| (b) | the Authority, in finding that the matter of the complaint has been made out, is of the opinion (having regard to such matters as the number and seriousness of the contraventions involved, the number of people involved in the contravention, the seriousness of the outcome of the contravention, or other relevant considerations) 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. | 26
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| 131A | Procedure for implementing disciplinary action | 35 |
| (1) | If the Authority decides to take disciplinary action against a licensee or close associate under this Part, the Authority is required to serve on the licensee or close associate a notice informing the person of the Authority's decision. | 36
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39 |
| (2) | The notice must include the reasons for the Authority's decision. | 40 |
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(3)	Any disciplinary action under this Part takes effect when notice of it is given or on a later date specified in the notice.	1 2
(4)	The Authority may, by serving a further notice on the licensee or close associate concerned, cancel a notice under this section before the notice takes effect.	3 4 5
(5)	The Authority is not prevented from taking disciplinary action under this Part merely because the licensee or close associate is subject to criminal or civil proceedings that relate to the same matters or incident to which the disciplinary action relates.	6 7 8 9
131B	Requirement for legal member of Authority to be present	10
	The Authority cannot determine any complaint made to it under this Part (including any decision to take any disciplinary action) unless a member of the Authority who is or has been a Judge, or who has been an Australian lawyer for at least 7 years, is present at the meeting of the Authority (or the committee of the Authority) at which the complaint is determined or the decision to take the action is made.	11 12 13 14 15 16 17
131C	Review by ADT of decision by Authority under this Part	18
(1)	An application for the review of a decision by the Authority in relation to a complaint under this Part may be made to the Administrative Decisions Tribunal.	19 20 21
(2)	An application for such a review may be made by:	22
	(a) the licensee or person against whom any disciplinary action is taken by the Authority in relation to the complaint, or	23 24 25
	(b) the complainant.	26
(3)	Part 2 of Chapter 5 of the <i>Administrative Decisions Tribunal Act 1997</i> does not apply to an application to the Administrative Decisions Tribunal for a review of a decision by the Authority under this Part.	27 28 29 30
[68]	Section 133A Technicians required to connect gaming machines to authorised CMS	31 32
	Omit section 133A (3). Insert instead:	33
(3)	If any such details are recorded in a CMS connectivity certificate by a technician in relation to an approved gaming machine in a hotel or on the premises of a registered club, the hotelier or club must:	34 35 36 37

(a)	keep a copy of the certificate in the hotel or on the premises of the club, and	1 2
(b)	if requested to do so by an inspector, produce the copy for inspection by the inspector.	3 4
	Maximum penalty: 10 penalty units.	5
[69]	Section 140A	6
	Insert after section 140:	7
	140A Protection from personal liability	8
	Anything done or omitted to be done by a person who is an employee of the CMS licensee in exercising the functions conferred or imposed on the person by or under this Act, or in the course of the administration of this Act, does not, if it was done or omitted to be done in good faith, subject the person personally to any action, liability, claim or demand.	9 10 11 12 13 14
[70]	Section 141 Definitions	15
	Omit the definition of <i>participating club</i> . Insert instead:	16
	<i>participating club</i> means a registered club whose premises are part of an authorised inter-club linked gaming system.	17 18
[71]	Section 153 Granting of links licence	19
	Omit “or registered clubs” from section 153 (5) (d).	20
	Insert “or club premises”.	21
[72]	Part 13 Investigation and enforcement powers	22
	Omit the Part.	23
[73]	Part 14, heading	24
	Omit “Legal”. Insert instead “Criminal”.	25
[74]	Part 14, Division 1 Appeals and reviews	26
	Omit the Division.	27
[75]	Part 14, Division 2, heading	28
	Omit the heading.	29

[76] Section 194 Evidentiary provisions	1
Omit “legal proceedings under this Act” from section 194 (1).	2
Insert instead “proceedings under this Act (whether or not for an offence under this Act or the regulations)”.	3 4
[77] Section 194 (2)	5
Omit the subsection. Insert instead:	6
(2) In any proceedings for an offence under this Act or the regulations, an allegation that, at a specified time, a person was under the age of 18 years is evidence of the truth of the allegation unless the defendant denies the allegation in the manner prescribed by the regulations.	7 8 9 10 11
[78] Section 197	12
Omit the section. Insert instead:	13
197 Proceedings for offences	14
(1) Proceedings for an offence under this Act or the regulations are to be dealt with summarily before the Local Court.	15 16
(2) Proceedings for an offence under this Act or the regulations may be commenced within but not later than 12 months after the date on which the offence is alleged to have been committed.	17 18 19
[79] Section 198	20
Omit the section. Insert instead:	21
198 Additional penalties	22
In addition to any other penalty that a court may impose for an offence committed by a hotelier, registered club or holder of a gaming-related licence under this Act or the regulations, the court may, if it thinks it appropriate, do any one or more of the following:	23 24 25 26 27
(a) cancel the hotel licence, club licence or gaming-related licence concerned,	28 29
(b) cancel, suspend or modify any authorisation or approval under this Act for the hotelier or registered club to keep approved gaming machines,	30 31 32
(c) disqualify the hotelier or registered club from keeping approved gaming machines for such period as the court thinks fit,	33 34 35

(d)	impose a condition to which the hotel licence, club licence or gaming-related licence is to be subject or revoke or vary a condition to which the hotel licence, club licence or gaming-related licence is subject,	1 2 3 4
(e)	suspend the hotel licence, club licence or gaming-related licence for such period, not exceeding 12 months, as the court thinks fit,	5 6 7
(f)	disqualify the holder of the gaming-related licence from holding a gaming-related licence for such period as the court thinks fit,	8 9 10
(g)	reprimand the hotelier, registered club or holder of the gaming-related licence.	11 12
[80]	Section 199 Remedial orders	13
	Omit section 199 (1). Insert instead:	14
(1)	In addition to or as an alternative to:	15
(a)	any disciplinary action that the Authority may take under Part 8, or	16 17
(b)	any penalty that a court imposes in any proceedings in which it finds a person guilty of an offence under this Act or the regulations (being an offence that is prescribed by the regulations for the purposes of this section),	18 19 20 21
	the Authority or the court (as the case requires) may make an order requiring a responsible person to undertake any specified course of training that the Authority or the court considers will promote responsible practices in relation to the keeping and operation of approved gaming machines in the hotel or on the premises of the club concerned.	22 23 24 25 26 27
[81]	Section 199 (3)	28
	Insert after section 199 (2):	29
(3)	For the purposes of this section, <i>responsible person</i> means:	30
(a)	in the case of a hotel—the hotelier, the manager of the hotel or any other person involved in the conduct of gambling activities in the hotel, and	31 32 33
(b)	in the case of a registered club—the secretary of the club or any director or employee of the club.	34 35
[82]	Section 202 Liability of management and directors of corporate holders of gaming-related licences	36 37
	Omit “a holder” from section 202 (1). Insert instead “holder”.	38

[83] Section 203 Penalty notices	1
Omit “, the Director or a special” from the definition of <i>authorised officer</i> in section 203 (10).	2 3
Insert instead “or an”.	4
[84] Section 203A	5
Insert after section 203:	6
203A Forfeiture and seizure of gaming machines	7
(1) If, in any proceedings before it, a court determines that this Act or the regulations, or a condition of a gaming-related licence, has been contravened in relation to an approved gaming machine, the court may order the forfeiture to the Crown of the gaming machine and any money found in it.	8 9 10 11 12
(2) A police officer may seize and carry away anything that the police officer reasonably suspects may be liable to forfeiture under this section or which a court has ordered to be forfeited to the Crown, including any money in an approved gaming machine at the time of its seizure.	13 14 15 16 17
[85] Section 204 Crown not liable for any compensation	18
Omit “the Board or any officer, employee or agent of the Crown or the Board” from section 204 (2).	19 20
Insert instead “any officer, employee or agent of the Crown”.	21
[86] Section 205B	22
Insert after section 205A:	23
205B Hoteliers and clubs must comply with requirements of inspectors	24
(1) An inspector may require a hotelier or registered club to do any of the following:	25 26
(a) to withdraw from operation an approved gaming machine that, in the opinion of the inspector, is not operating properly,	27 28 29
(b) to refrain from making available for operation an approved gaming machine withdrawn from operation under paragraph (a) until, in the opinion of the inspector or another inspector, it is operating properly,	30 31 32 33

(c)	to refrain from making an approved gaming machine available for operation except in accordance with controls specified by the inspector in relation to the gaming machine,	1 2 3 4
(d)	to deliver to the Authority, in writing in the English language and within a time specified by the inspector, such particulars relating to an approved gaming machine in the hotel or club as are so specified,	5 6 7 8
(e)	to refrain from making available for operation an approved gaming machine indicated by the inspector until it has been fitted with a device approved by the Authority for the purposes of the secure keeping and operation of the gaming machine.	9 10 11 12 13
(2)	A hotelier or registered club must comply with any such requirement given to the hotelier or club. Maximum penalty: 50 penalty units.	14 15 16
[87]	Section 206 Secrecy	17
	Insert “(including any public authority of the State or the Commonwealth)” after “body” in section 206 (5) (e).	18 19
[88]	Section 209 Relationship with Environmental Planning and Assessment Act 1979	20 21
	Omit “, registered clubs” from section 209 (1).	22
	Insert instead “or on the premises of registered clubs”.	23
[89]	Section 209 (3) (a)	24
	Omit “, registered club”.	25
	Insert instead “or on the premises of a registered club”.	26
[90]	Section 209 (3) (b)	27
	Omit “in a hotel or registered club”.	28
	Insert instead “in a hotel or on the premises of a registered club”.	29
[91]	Section 210 Regulations	30
	Insert “the premises of” before “registered clubs” wherever occurring in section 210 (2) (n) and (t).	31 32
[92]	Section 210 (2) (x)	33
	Omit the paragraph.	34

[93] Schedule 1 Savings, transitional and other provisions	1
Insert at the end of clause 1 (1):	2
<i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> , to the extent that it amends this Act	3 4
[94] Schedule 1, Part 9	5
Insert after Part 8:	6
Part 9 Provisions consequent on enactment of Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007	7 8 9
33 Definitions	10
In this Part:	11
<i>amending Act</i> means the <i>Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007</i> .	12 13
<i>former Board</i> means the Liquor Administration Board constituted by section 72 of the former Liquor Act.	14 15
<i>former Court</i> means the Licensing Court constituted under the former Liquor Act.	16 17
Note. The Licensing Court is abolished on the repeal of Part 2 of the former Liquor Act—see clause 23 of Schedule 1 to the <i>Liquor Act 2007</i> .	18 19
<i>former Liquor Act</i> means the <i>Liquor Act 1982</i> as in force immediately before its repeal by the <i>Liquor Act 2007</i> .	20 21
34 Pending applications and proceedings	22
(1) If any authorisation, appointment or other matter is granted or determined pursuant to this clause, it is taken to have been granted or determined under this Act (as amended by Schedule 3 to the amending Act).	23 24 25 26
(2) Proceedings pending before the Licensing Court	27
If, before the repeal of Part 2 of the former Liquor Act, proceedings in relation to any matter under this Act were commenced in the former Court but the former Court had not determined the matter:	28 29 30 31
(a) the matter may continue to be dealt with and determined by the Local Court as if it were sitting as the former Court, and	32 33
(b) the provisions of this Act (as in force immediately before being amended by Schedule 3 to the amending Act) and	34 35

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- the former Liquor Act continue to apply, as if they had not been amended, for the purposes of:
- (i) the hearing and determination of the matter, and
 - (ii) any appeal against the former Court's determination of the matter.
- (3) In hearing and determining a matter that is the subject of any such pending proceedings, the Local Court has the same jurisdiction as the former Court had immediately before it was abolished.
- (4) **Matters being dealt with by the Liquor Administration Board**
- If, before the repeal of section 72 of the former Liquor Act, any matter under this Act was being dealt with by the former Board (including by any person to whom the functions of the Board were delegated under section 75 of the former Liquor Act) but had not been determined by the date of that repeal:
- (a) the former Board (or the person to whom those functions were delegated) is to continue to deal with the matter as if the former Board had not been abolished, and
 - (b) the provisions of this Act (as in force immediately before being amended by Schedule 3 to the amending Act) continue to apply in relation to the determination of the matter by the former Board (or by the person to whom those functions were delegated) as if those provisions had not been so amended.
- (5) If any such pending matter before the former Board is not determined within such period as may be prescribed by the regulations, the Authority may deal with the matter instead under the relevant provision of this Act.
- (6) The continuation, for the purposes of this clause, of the provisions of this Act (as in force immediately before being amended by Schedule 3 to the amending Act) and the former Liquor Act is subject to such modifications as may be prescribed by the regulations.
- (7) For the purposes of this clause, *amended* includes repealed.
- 35 Existing conditions imposed by former Court or former Board**
- (1) Any condition imposed by the former Court or the former Board (whether under the former Liquor Act or this Act) in relation to any matter under this Act, being a condition in force immediately before the repeal of Part 4 of the former Liquor Act, is taken to have been imposed by the Authority under this Act (and accordingly a reference to the former Court or the former Board

	in or in relation to any such condition is to be construed as a reference to the Authority).	1 2
(2)	The Authority has such powers as are necessary to give effect to any such condition and may vary or revoke the condition.	3 4
36	General savings provision	5
(1)	Subject to the regulations, anything done under or for the purposes of a provision of this Act that had effect immediately before the provision was amended by Schedule 3 to the amending Act is taken to have been done under or for the purposes of this Act as so amended.	6 7 8 9 10
(2)	Without limiting subclause (1), any licence, authorisation or approval that was in force under a provision of this Act immediately before the amendment of the provision by Schedule 3 to the amending Act is taken to be a licence, authorisation or approval in force under this Act as so amended.	11 12 13 14 15

Schedule 4	Amendment of other Acts	1
	(Section 6)	2
4.1	Bail Act 1978 No 161	3
[1]	Section 4 Definitions	4
	Omit “the Licensing Court” from the definition of <i>Local Court</i> in section 4 (1).	5 6
[2]	Section 4 (1), definition of “magistrate”	7
	Omit “a Licensing Magistrate under the <i>Liquor Act 1982</i> ,”.	8
4.2	Boxing and Wrestling Control Act 1986 No 11	9
	Section 62A Application of Part and definitions	10
	Omit paragraph (b) (i) of the definition of <i>public entertainment</i> in section 62A (2).	11 12
	Insert instead:	13
	(i) patrons of any premises licensed under the <i>Liquor Act 2007</i> , or	14 15
4.3	Court Security Act 2005 No 1	16
	Section 4 Definitions	17
	Omit paragraph (j) of the definition of <i>court</i> in section 4 (1).	18
4.4	Crimes (Appeal and Review) Act 2001 No 120	19
	Section 3 Definitions	20
	Omit paragraph (c) of the definition of <i>Local Court</i> in section 3 (1).	21
4.5	Criminal Procedure Act 1986 No 209	22
[1]	Section 3 Definitions	23
	Omit the definitions of <i>Licensing Court</i> and <i>Licensing Magistrate</i> from section 3 (1).	24 25
[2]	Sections 28 (2), 275 and 312 (3)	26
	Omit “, a Licensing Magistrate” wherever occurring.	27

[3] Section 170 Application	1
Omit section 170 (2) (b).	2
[4] Section 171 Definitions	3
Omit “Licensing Magistrate, a Mining Warden, and” from the definition of <i>Magistrate</i> in section 171.	4
	5
Insert instead “Mining Warden,”	6
[5] Section 171, definition of “registrar”	7
Omit paragraph (b) of the definition.	8
4.6 Environmental Planning and Assessment Act 1979 No 203	9
Section 4 Definitions	10
Omit paragraph (b) of the definition of <i>place of public entertainment</i> .	11
Insert instead:	12
(b) any premises the subject of a licence under the <i>Liquor Act 2007</i> that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement by means of an approved gaming machine within the meaning of the <i>Gaming Machines Act 2001</i> , or	13
	14
	15
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	17
	18
4.7 Fines Act 1996 No 99	19
[1] Schedule 1 Statutory provisions under which penalty notices issued	20
Insert in alphabetical order of Acts:	21
<i>Casino, Liquor and Gaming Control Authority Act 2007</i> , section 46	22
	23
[2] Schedule 1	24
Omit the matter relating to the <i>Liquor Act 1982</i> . Insert instead:	25
<i>Liquor Act 2007</i> , section 150	26

4.8 Gaming Machine Tax Act 2001 No 72	1
[1] Section 3 Definitions	2
Insert in alphabetical order in section 3 (1):	3
<i>Authority</i> means the Casino, Liquor and Gaming Control Authority constituted under the <i>Casino, Liquor and Gaming Control Authority Act 2007</i> .	4 5 6
[2] Section 3 (1)	7
Omit the definition of <i>Board</i> .	8
[3] Section 3 (1), definitions of “hotel”, “hotelier” and hotelier’s licence”	9
Omit the definitions. Insert instead:	10
<i>hotel, hotel licence</i> and <i>hotelier</i> have the same meanings as in the <i>Liquor Act 2007</i> .	11 12
[4] Section 3 (1), definition of “outgoings”	13
Omit “under Part 12 of the <i>Liquor Act 1982</i> or” from paragraph (d) of the definition.	14 15
[5] Sections 3 (1) (definition of “progressive jackpot payment”), 8 (1), 9 (2), 10 (1), 17 (1) and (3) and 23	16 17
Omit “Board” wherever occurring. Insert instead “Authority”.	18
[6] Sections 6 (3) (b), 7 (4) and 11 (1) (a) (i)	19
Omit “hotelier’s” wherever occurring. Insert instead “hotel”.	20
[7] Section 11 Apportionment of liability for tax in certain circumstances	21
Omit “under” from section 11 (1) (b) (i). Insert instead “as referred to in”.	22
[8] Section 24	23
Omit the section. Insert instead:	24
24 Proceedings for offences	25
Proceedings for an offence under this Act or the regulations are to be dealt with summarily before the Local Court.	26 27

4.9 Judicial Officers Act 1986 No 100	1
Section 3 Definitions	2
Omit “, a licensing magistrate” from the definition of <i>Magistrate</i> in section 3 (1).	3 4
4.10 Law Enforcement (Powers and Responsibilities) Act 2002 No 103	5 6
Schedule 2 Search warrants under other Acts	7
Omit the following:	8
<i>Casino Control Act 1992</i> , section 112	9
<i>Gaming Machines Act 2001</i> , section 184	10
<i>Liquor Act 1982</i> , section 151	11
<i>Registered Clubs Act 1976</i> , sections 129 and 151	12
Insert instead in alphabetical order of Acts:	13
<i>Casino, Liquor and Gaming Control Authority Act 2007</i> , section 27	14 15
4.11 Local Court Act 2007	16
[1] Section 3 Definitions	17
Omit “or” from paragraph (b) of the definition of <i>part-time Magistrate</i> in section 3 (1).	18 19
[2] Section 3 (1), definition of “part-time Magistrate”	20
Omit paragraph (c) of the definition.	21
4.12 Local Government Act 1993 No 30	22
Dictionary	23
Omit the definition of <i>licensed premises</i> . Insert instead:	24
<i>licensed premises</i> means any premises to which a licence under the <i>Liquor Act 2007</i> relates.	25 26

4.13 Parliamentary Precincts Act 1997 No 66	1
[1] Section 27A Memorandum of understanding with Director of Liquor and Gaming	2 3
Omit “of functions under the <i>Liquor Act 1982</i> by special inspectors holding office under section 109 of that Act” from section 27A (1).	4 5
Insert instead “of functions by inspectors (within the meaning of the <i>Casino, Liquor and Gaming Control Authority Act 2007</i>) in relation to any licence under the <i>Liquor Act 2007</i> that authorises the sale of liquor in the Parliamentary precincts”.	6 7 8 9
[2] Section 27A (3)	10
Omit “Functions under the <i>Liquor Act 1982</i> ”.	11
Insert instead “The functions referred to in subsection (1)”.	12
[3] Section 27A (3)	13
Omit “a special”. Insert instead “any such”.	14
4.14 Public Finance and Audit Act 1983 No 152	15
[1] Schedule 2 Statutory bodies	16
Insert in alphabetical order:	17
Casino, Liquor and Gaming Control Authority	18
[2] Schedule 2	19
Omit “New South Wales Casino Control Authority”.	20
[3] Schedule 3 Departments	21
Omit the matter relating to the Liquor Administration Board.	22
4.15 Public Sector Employment and Management Act 2002 No 43	23
[1] Schedule 1 Divisions of the Government Service	24
Omit the matter relating to the Casino Control Authority Division from Part 2 (Non-Public Service Divisions assigned to statutory corporations).	25 26
[2] Schedule 2 Executive positions (other than non-statutory SES positions)	27
Omit “Chief Executive of the Casino Control Authority” from Part 2 (Chief executive positions (heads of public authorities)).	28 29

4.16 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	1
	2
[1] Schedule 1 Public offices	3
Omit the following:	4
Chairperson of the Licensing Court of New South Wales (under the <i>Liquor Act 1982</i>)	5
	6
Deputy Chairperson of the Licensing Court of New South Wales (under the <i>Liquor Act 1982</i>)	7
	8
Licensing magistrate (under the <i>Liquor Act 1982</i>), other than the Chairperson, and the Deputy Chairperson, of the Licensing Court of New South Wales	9
	10
	11
[2] Schedule 3 Public offices	12
Omit “New South Wales Casino Control Authority” from Part 2.	13
Insert instead “Casino, Liquor and Gaming Control Authority”.	14
4.17 Unlawful Gambling Act 1998 No 113	15
[1] Section 7 Lawful forms of gambling	16
Insert “on the premises of a” before “registered club” in section 7 (f).	17
[2] Section 7 (g) (ii)	18
Omit “Liquor Administration Board”.	19
Insert instead “Casino, Liquor and Gaming Control Authority”.	20