



New South Wales

# Gaming and Liquor Administration Amendment Bill 2015

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows:

- (a) to clarify that the Independent Liquor and Gaming Authority (the **Authority**) does not employ staff (being precluded by section 47A of the *Constitution Act 1902* from doing so) but that Public Service employees may be employed to enable the Authority to exercise its functions,
- (b) to abolish the position of Chief Executive of the Authority,
- (c) to make provision with respect to the Minister's control over the Authority,
- (d) to provide for the administrative review of certain decisions of the Authority by the Civil and Administrative Tribunal of New South Wales (**NCAT**),
- (e) to provide for review by the Authority of decisions made under a delegation given by the Authority,
- (f) to allow the Secretary of the Department of Justice (the **Secretary**) to make certain submissions to the Authority and provide that the Authority is to take those submissions into consideration,
- (g) to remove certain functions that the Authority has under the *Casino Control Act 1992* and to make other miscellaneous amendments to that Act.

## 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 appointed by proclamation.

## **Schedule 1      Amendment of Gaming and Liquor Administration Act 2007 No 91**

**Schedule 1 [1]** omits the definition of *Chief Executive* so as to abolish the position of Chief Executive of the Authority. **Schedule 1 [4], [5], [7]–[9], [24] and [25]** make consequential amendments.

**Schedule 1 [2]** omits the definition of *member of staff* and inserts the definition of *designated Public Service employee* to clarify that the Authority does not employ staff but that Public Service employees may be employed to enable the Authority to exercise its functions. **Schedule 1 [3], [4], [10], [12] and [14]–[17]** make consequential amendments. **Schedule 1 [2]** also updates the definition of *Department* to refer to the Department of Justice and inserts a definition of *NCAT*.

**Schedule 1 [6]** provides that the Authority is subject to Ministerial control, except in relation to any advice, report or recommendation the Authority gives to the Minister and decisions of the Authority with respect to the following:

- (a) granting, suspending or cancelling gaming or liquor licences,
- (b) imposing, varying or revoking conditions of gaming or liquor licences,
- (c) taking disciplinary action under the gaming and liquor legislation.

**Schedule 1 [13]** inserts proposed section 13A to provide for the administrative review of decisions of the Authority by NCAT, except for decisions that confirm, vary or revoke certain decisions made by certain Public Service employees acting under a delegation given by the Authority (*delegated decisions*). **Schedule 1 [22]** makes a consequential amendment to ensure that notice of decisions that can be reviewed by NCAT under proposed section 13A are published on the website of the Department. It also provides that notice of certain other decisions of the Authority are to be published on the Department's website.

**Schedule 1 [18]** amends section 36A to enable the Authority to review delegated decisions. **Schedule 1 [20]** limits the persons who can apply for a review of a delegated decision to an applicant for, or holder of, a gaming or liquor licence, or a person who was required to be notified of the application the subject of the delegated decision, and who made a submission in respect of that application. **Schedule 1 [11]** provides that the Authority cannot delegate its function to review delegated decisions. **Schedule 1 [19] and [21]** make consequential amendments.

**Schedule 1 [23]** provides that the Secretary may make submissions to the Authority in relation to any application to the Authority under the gaming and liquor legislation and that the Authority must take any such submission into consideration, including any recommendations contained in the submission, before determining the application.

## **Schedule 2      Amendment of Casino Control Act 1992 No 15**

**Schedule 2 [1]** amends the *Casino Control Act 1992* to provide that the Authority will no longer have the functions under that Act of:

- (a) inspecting the operations and conduct of gaming in a casino, and
- (b) detecting offences committed in or in relation to a casino and prosecuting offences under the Act.

Those functions will, however, continue to be performed by inspectors appointed by the Secretary under the *Gaming and Liquor Administration Act 2007*.

**Schedule 2 [2]** provides that the Secretary may institute proceedings for an offence against the *Casino Control Act 1992*. **Schedule 2 [3]** makes a consequential amendment.