



New South Wales

Gaming and Liquor Administration Regulation 2024

under the

Gaming and Liquor Administration Act 2007

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

DAVID HARRIS, MP
Minister for Gaming and Racing

Explanatory note

The object of this regulation is to remake, with changes, the *Gaming and Liquor Administration Regulation 2016*, which will be repealed on 1 September 2024 by the *Subordinate Legislation Act*, section 10(2).

This regulation prescribes the following—

- (a) applications made under gaming and liquor legislation in relation to which a person aggrieved by a decision of the Independent Liquor and Gaming Authority (the **Authority**) may apply to NCAT for administrative review,
- (b) the persons and bodies to whom information acquired in the exercise of functions under gaming and liquor legislation may be divulged,
- (c) delegated decisions of Public Service employees that are reviewable decisions,
- (d) the way in which a person aggrieved by a reviewable decision may apply to the Authority for a review of the decision,
- (e) decisions that must be published on the website of the department in which the *Gaming and Liquor Administration Act 2007* is administered,
- (f) penalty notice offences.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Gaming and Liquor Administration Regulation 2024*.

2 Commencement

This regulation commences on 1 September 2024.

Note— This regulation replaces the *Gaming and Liquor Administration Regulation 2016*, which is repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this regulation—

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

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

4 Administratively reviewable decisions—the Act, s 13A

For the Act, section 13A(1), the following applications are prescribed—

- (a) an application for the granting, or removal to other premises, of the following under the *Liquor Act 2007*—
 - (i) a hotel licence,
 - (ii) a club licence,
 - (iii) an on-premises licence relating to a public entertainment venue other than a cinema or theatre,
 - (iv) a packaged liquor licence, other than a packaged liquor licence limited to the sale of liquor by telephone, facsimile, mail order or the internet,
- (b) an application for an ongoing extended trading authorisation in relation to a licence specified in paragraph (a), if the authorisation would allow trading after midnight,
- (c) an application to vary or revoke a condition imposed by the Authority on a licence specified in paragraph (a)(i)–(iii), if the variation or revocation would allow trading after midnight,
- (d) an application under the *Gaming Machines Act 2001*, section 34 to increase a gaming machine threshold, if the application must be accompanied by a local impact assessment under that Act, section 35,
- (e) an application specified in section 6, if a delegation given by the Authority to a Public Service employee to exercise the Authority's decision-making function in relation to the application is in force.

5 Persons and bodies to whom information may be divulged—the Act, s 17

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

6 Prescribed delegated decisions—the Act, s 36A

For the Act, section 36A(1), definition of *reviewable decision*, paragraph (d), the following applications are prescribed—

- (a) an application under the *Liquor Act 2007* for the following—
 - (i) the granting, or removal to other premises, of a small bar licence,
 - (ii) the granting of an on-premises licence relating to a restaurant, if the application is made in conjunction with an application for endorsement of the licence under the *Liquor Act 2007*, section 24(3),
 - (iii) the removal to other premises of a small bar licence relating to a restaurant,
 - (iv) the granting, or removal to other premises, of an on-premises licence relating to a karaoke bar, catering service or vessel,
 - (v) the granting of a producer/wholesaler licence, if the application is made in conjunction with an application for endorsement of the licence under the *Liquor Act 2007*, section 50,
 - (vi) the removal to other premises of a producer/wholesaler licence,
 - (vii) the granting, or removal to other premises, of a packaged liquor licence subject to a condition that the licensee may only sell liquor by telephone, facsimile, mail order or the internet,
- (b) an application under the *Liquor Act 2007* for an extended trading authorisation in relation to a licence specified in paragraph (a), if the authorisation would allow trading after midnight on a regular basis.

7 Application to Authority to review certain decisions—the Act, s 36A

- (1) For the Act, section 36A(2), an application for review must—
 - (a) be made within 28 days after the day on which—
 - (i) for a reviewable decision made by the Secretary—the decision was made, or
 - (ii) for another reviewable decision—notice of the decision was published on the Department’s website, and
 - (b) specify the grounds on which the application for review is made, and
 - (c) if the reviewable decision was provided in writing to the review applicant—be accompanied by a copy of the decision, and
 - (d) be accompanied by—
 - (i) for an application for review of a delegated decision made under the *Liquor Act 2007*, if the review applicant was also the original applicant—a fee of an amount equivalent to the fee specified in the regulations made under that Act for making the original application, or
 - (ii) for an application for review of a delegated decision made under the *Liquor Act 2007*, if the review applicant was not the original applicant—a fee of \$100, or
 - (iii) for any other application—a fee of \$500.
- (2) As soon as practicable after making the application for review, the review applicant must give a copy of the application for review to the original decision-maker.

(3) In this section—

delegated decision has the same meaning as in the Act, section 36A(1)(d).

original applicant means the person who applied for the decision the subject of an application for review under the Act, section 36A(2).

review applicant means the person applying for a review under the Act, section 36A(2).

8 Decisions that must be published—the Act, s 36C

The following decisions are prescribed—

- (a) a decision of the Authority under the Act, section 36A in relation to a reviewable decision within the meaning of that section,
- (b) a decision of the Secretary under the *Liquor Act 2007*, section 81,
- (c) a decision of the Authority under the *Liquor Act 2007*, section 82, 84, 141 or 154,
- (d) a decision of the Authority under the *Liquor Act 2007* relating to the granting of a licence, authorisation or approval to which the full notification application, within the meaning of the regulations made under that Act, relates,
- (e) a decision of the Authority made in relation to an application specified in section 6,
- (f) a decision of the Authority made by a designated Public Service employee acting under a delegation given by the Authority in relation to an application specified in section 6,
- (g) a decision of the Authority in relation to an application specified in section 4(c)–(e).

9 Penalty notices—the Act, s 46

- (1) For the Act, section 46(2), offences against the following provisions of the Act are prescribed penalty notice offences—
 - (a) section 34(1),
 - (b) section 34(4).
- (2) For the Act, section 46(4), the prescribed amount is \$1,100.

10 Savings

An act, matter or thing that, immediately before the repeal of the *Gaming and Liquor Administration Regulation 2016*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Persons and bodies to whom information may be divulged

section 5

1 New South Wales

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

A local health district within the meaning of the *Health Services Act 1997*

Greyhound Racing NSW

Harness Racing NSW

Office of the Greyhound Welfare and Integrity Commission

Revenue NSW

Racing NSW

The department in which the Act is administered

The department in which the *Crimes Act 1900* is administered

The department in which the *Health Services Act 1997* is administered

The division of the department in which the *Environmental Planning and Assessment Act 1979* is administered known as Crown Lands

The Minister administering the *Crown Land Management Act 2016*

Transport for NSW

Treasury

2 Other Australian jurisdictions

Australian Capital Territory Commissioner for Fair Trading

Australian Capital Territory Gambling and Racing Commission

Australian Transaction Reports and Analysis Centre (AUSTRAC)

Gaming and Wagering Commission of Western Australia

Northern Territory Department of Industry, Tourism and Trade

Queensland Office of Liquor and Gaming Regulation

South Australian Consumer and Business Services

South Australian Independent Gambling Authority

Tasmanian Department of Treasury and Finance

Tasmanian Liquor and Gaming Commission

The part of the Australian Capital Territory Government known as Access Canberra

Victorian Department of Justice and Community Safety

Victorian Gambling and Casino Control Commission

Victorian Liquor Commission

Western Australian Department of Local Government, Sport and Cultural Industries

3 New Zealand

Department of Internal Affairs
Gambling Commission

4 Great Britain

Gambling Commission

5 United States of America

California Bureau of Gambling Control
Nevada Gaming Commission
Nevada Gaming Control Board
New Jersey Casino Control Commission
New Jersey Office of Attorney General (Division of Gaming Enforcement)
Oregon State Police (Gaming Division)

6 Canada

Alcohol and Gaming Commission of Ontario
Alberta Gaming, Liquor and Cannabis
Liquor, Gaming and Cannabis Authority of Manitoba
Saskatchewan Liquor and Gaming Authority

7 Singapore

Casino Regulatory Authority
Gambling Regulatory Authority
Ministry of Home Affairs