

**LIQUOR (AMUSEMENT DEVICES) AMENDMENT ACT, 1984,  
No. 57**

**New South Wales**



ANNO TRICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 57, 1984.**

An Act to amend the Liquor Act, 1982, to control and regulate certain amusement devices, the granting of certain licences and the provision, on licenced premises, of entertainment. [Assented to, 19th June, 1984.]

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See also Gaming and Betting (Amusement Devices) Amendment Act, 1984; Theatres and Public Halls (Liquor) Amendment Act, 1984.

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*Liquor (Amusement Devices) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

**1.** This Act may be cited as the "Liquor (Amusement Devices) Amendment Act, 1984".

**Commencement.**

**2. (1)** Except as provided by this section, this Act shall commence on the date of assent to this Act.

**(2)** Schedule 1, and section 5 in its application to that Schedule, shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**(3)** The Minister may, by order published in the Gazette on or before the day appointed and notified under subsection (2), suspend the operation of such provision or provisions of the Principal Act, as amended by this Act, as is or are specified in the order, being a provision or provisions which has or have been inserted into the Principal Act by this Act.

**(4)** An order under subsection (3) shall take effect on and from the day appointed and notified under subsection (2).

**(5)** A provision which is suspended by operation of an order under subsection (3) has no effect while the order is in force in relation to the provision.

**(6)** Schedule 2, and section 5 in its application to that Schedule, shall commence on the day appointed and notified under section 2 (2) of the Theatres and Public Halls (Liquor) Amendment Act, 1984.

**(7)** Schedule 4, and section 5 in its application to that Schedule, shall be deemed to have commenced on 1st July, 1983.

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*Liquor (Amusement Devices) Amendment.*

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**Principal Act.**

3. The Liquor Act, 1982, is referred to in this Act as the Principal Act.

**Schedules.**

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO AMUSEMENT DEVICES.

SCHEDULE 2.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO ENTERTAINMENT.

SCHEDULE 3.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO THE GRANTING OF OFF-LICENCES.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

**Amendment of Act No. 147, 1982.**

5. The Principal Act is amended in the manner set forth in Schedules 1-4.

**Granting of certain off-licences—transitional provision.**

6. (1) Except as provided by subsection (2), section 18 (10) of the Principal Act, as amended by this Act, applies to and in respect of an application to grant an off-licence, being a licence to sell liquor by retail, whether the application was made before, on or after the date of assent to this Act.

(2) Section 18 (10) of the Principal Act, as amended by this Act, does not apply to or in respect of an application referred to in subsection (1) where the hearing of the application on the merits commenced before the date of assent to this Act.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES.

(1) Long title—

After “liquor”, insert “, to regulate the use of premises on which liquor is sold and for certain other purposes”.

(2) Section 3—

From the matter relating to Division 1 of Part III, omit “18, 19.”, insert instead “18–19A.”.

(3) (a) Section 4 (1), definitions of “amusement device dealer’s licence”, “amusement device seller’s licence”, “amusement device technician’s licence”—

After the definition of “airport”, insert:—

“amusement device dealer’s licence” means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to manufacture, assemble and sell approved amusement devices;

“amusement device seller’s licence” means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to sell approved amusement devices;

“amusement device technician’s licence” means a licence that, subject to this Act and the conditions of the licence, authorises the licensee to service, repair and maintain approved amusement devices;

(b) Section 4 (1), definition of “approved amusement device”—

After the definition of “application”, insert:—

“approved amusement device” means an electronic, or partly electronic, device declared by the regulations to be an approved amusement device for the purposes of this

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

Act or an electronic, or partly electronic, device of a class or description of electronic, or partly electronic, devices declared by the regulations to be an approved amusement device for the purposes of this Act, whether or not the device is a prohibited amusement device within the meaning of section 16A of the Gaming and Betting Act, 1912, but does not include—

- (a) an electronic, or partly electronic, device declared by the regulations not to be an approved amusement device for the purposes of this Act; or
- (b) an electronic, or partly electronic, device of a class or description of electronic, or partly electronic, devices declared by the regulations not to be an approved amusement device for the purposes of this Act;

## (c) Section 4 (8)—

After section 4 (7), insert:—

(8) In this Act, a reference to an approved amusement device includes a reference to any component of an approved amusement device.

## (4) Section 19A—

After section 19, insert:—

**Licences relating to approved amusement devices.**

19A. (1) Subject to this Act, the court may grant a licence in a form approved by the Board authorising the licensee to manufacture, assemble and sell approved amusement devices.

(2) A licence referred to in subsection (1) may be granted so as to enable the activity authorised by the licence to be carried out only on or from such premises as the court may specify.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(3) Subject to this Act, the court may grant a licence in a form approved by the Board authorising the licensee to sell approved amusement devices.

(4) Subject to this Act, the court may grant a licence in a form approved by the Board authorising the licensee to service, repair and maintain approved amusement devices.

(5) (a) Section 20 (2A)—

After section 20 (2), insert:—

(2A) The court may, subject to section 20A, impose a condition authorising the holder of a hotelier's licence to keep and to permit the use and operation of, in accordance with the provisions of this Act, such number of approved amusement devices, not exceeding 5, as the court may specify on premises to which the licence relates.

(b) Section 20 (3)—

After "21," insert "21A,".

(6) Section 20A—

After section 20, insert:—

**Ownership and acquisition of approved amusement devices.**

20A. (1) The court shall not, pursuant to section 20 (2A), impose a condition to which a hotelier's licence shall be subject relating to an approved amusement device unless the court determines that the approved amusement device—

(a) will be owned by—

(i) the holder of the hotelier's licence; or

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

- (ii) a person or persons named in an affidavit made as referred to in section 21A (8) or, where more than one such affidavit has been made, the later or latest of those affidavits; or
- (b) in such exceptional circumstances as may be approved by the Board, will be acquired by the holder of the hotelier's licence or a person or persons referred to in paragraph (a) (ii) on terms and conditions approved by the Board.

(2) Where the holder of a hotelier's licence applies to the court for the imposition, pursuant to section 20 (2A), of a condition relating to an approved amusement device, the holder of the hotelier's licence shall furnish to the court such information as may be prescribed, and such further information as may be required by the court, as to the ownership of the approved amusement device or the terms and conditions upon which the approved amusement device has been or is proposed to be acquired.

(3) The regulations may provide that information referred to in subsection (2) shall be furnished by affidavit.

## (7) Section 21A—

After section 21, insert:—

**Hotelier's licence—conditions relating to approved amusement devices.**

21A. (1) An approved amusement device shall not be kept, used or operated on any part of premises to which a hotelier's licence relates except in accordance with—

- (a) a condition imposed by the court as referred to in section 20 (2A); and
- (b) the provisions of this Act.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(2) The holder of a hotelier's licence shall not acquire an approved amusement device from a person who is not the holder of an amusement device dealer's licence or an amusement device seller's licence.

(3) The holder of a hotelier's licence shall not keep or permit the use or operation of an approved amusement device—

- (a) that is not owned by the holder of the hotelier's licence or a person or persons referred to in section 20A (1) (a) (ii); or
  - (b) that is not being acquired by the holder of the hotelier's licence or a person or persons referred to in section 20A (1) (a) (ii) on terms and conditions approved by the Board,
- as determined by the court under section 20A.

(4) An approved amusement device shall not be kept on any part of premises to which a hotelier's licence relates, other than a restricted area.

(5) An approved amusement device shall not be used or operated at any time other than a time at which liquor may be sold or supplied in the restricted area in which the approved amusement device is kept.

(6) A prize offered or given to any person in respect of the use or operation of an approved amusement device—

- (a) shall consist solely of liquor;
- (b) shall be of such type of liquor, if any, as may be prescribed and shall be not less than and shall not exceed such quantity, if any, as may be prescribed;
- (c) shall be of such value, or shall be not less than and shall not exceed such value, if any, as may be prescribed or as may be calculated or determined as prescribed; and

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(d) shall not be exchanged by the person offering the prize (or any person on that person's behalf or any person otherwise associated with that person) for money or any other valuable thing.

(7) The holder of a hotelier's licence shall not improperly interfere with or authorise or permit any person to improperly interfere with an approved amusement device.

(8) The holder of a hotelier's licence shall not—

- (a) share any receipts arising from the use or operation of an approved amusement device; or
- (b) make any payment or part payment by way of commission or allowance from or upon any such receipts,

with or to any person, other than a person named in one of the following affidavits made in relation to the licence or, where more than one such affidavit has been so made, the later or latest of those affidavits:—

- (c) an affidavit, referred to in section 38 (3), which accompanied the application for the licence;
- (d) an affidavit, referred to in section 38 (3) as applied by section 41 (4), which accompanied an application for the transfer of the licence;
- (e) an affidavit, referred to in section 101 (4), produced to the registrar.

(9) The holder of a hotelier's licence shall not keep or permit the use or operation of an approved amusement device on premises to which the licence relates at any time after the expiration of the prescribed period from the date on which the approved amusement device was manufactured.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(8) (a) Section 36 (1)—

After “licence” where firstly occurring, insert “, not being an amusement device dealer’s licence, an amusement device seller’s licence or an amusement device technician’s licence,”.

(b) Section 36 (1A), (1B)—

After section 36 (1), insert:—

(1A) Except as provided by subsection (1B), an application for an amusement device dealer’s licence, an amusement device seller’s licence or an amusement device technician’s licence may be made by a prescribed person or a person of a prescribed class or description.

(1B) An application for an amusement device seller’s licence may not be made by a person—

- (a) who is not an employee of a holder of an amusement device dealer’s licence; or
- (b) who is an employee of a holder of an amusement device dealer’s licence at the same time as the person is an employee of another such holder.

(9) Section 38 (1)—

After “in respect of” where firstly occurring, insert “an application for an amusement device seller’s licence,”.

(10) (a) Section 45 (3) (e)—

Omit “granted.”, insert instead “granted;”.

(b) Section 45 (3) (f), (g)—

After section 45 (3) (e), insert:—

- (f) that the applicant is not a fit and proper person to be the holder of a licence;

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

- (g) that a person named in an affidavit, referred to in section 38 (3), which accompanied the application is not a fit and proper person to be directly or indirectly interested in the application or in the business, or the profits of the business, to be carried on pursuant to the licence if the application is granted.
- (11) (a) Section 56 (1) (l)—  
Omit “and”.
- (b) Section 56 (1) (m)—  
Omit “\$250.”, insert instead “\$250;”.
- (c) Section 56 (1) (n)–(p)—  
After section 56 (1) (m), insert:—  
(n) in the case of an amusement device dealer’s licence—the fee prescribed by the regulations for the licence;  
(o) in the case of an amusement device seller’s licence—the fee prescribed by the regulations for the licence; and  
(p) in the case of an amusement device technician’s licence—the fee prescribed by the regulations for the licence.
- (d) Section 56 (5), (6)—  
After 56 (4), insert:—  
(5) Where the court—  
(a) varies the trading hours; or  
(b) imposes a condition under section 20 (2A),  
in respect of any licensed premises, the variation or condition, as the case may be, shall have no force or effect until—

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(c) there has been paid to the Principal Registrar or a registrar the prescribed fee for the variation or for the imposition of the condition, as the case may be; and

(d) the variation or condition, as the case may be, has been endorsed by the Principal Registrar or a registrar on the licence relating to the licensed premises.

(6) The prescribed fee payable under subsection (5) shall be payable in respect of such period or periods as may be prescribed.

(12) (a) Section 68 (1) (d)—

Omit “or”.

(b) Section 68 (1) (e)—

Omit “licence.”, insert instead “licence; or”.

(c) Section 68 (1) (f), (g)—

After section 68 (1) (e), insert:—

(f) that a person named in one of the following affidavits made in relation to the licence held by the licensee or, where more than one such affidavit has been made, the later or latest of those affidavits, namely:—

(i) an affidavit, referred to in section 38 (3), which accompanied the application for the licence;

(ii) an affidavit, referred to in section 38 (3) as applied by section 41 (4), which accompanied an application for the transfer of the licence;

(iii) an affidavit, referred to in section 101 (4), produced to the registrar,

is not a fit and proper person to be directly or indirectly interested in the licence or the business, or the profits of the business, carried on pursuant to the licence;

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(g) that the licensee has failed to pay—

- (i) a licence fee, or an instalment of a licence fee, by the time determined therefor in accordance with this Act; or
- (ii) a penalty for late payment of a licence fee or instalment.

(13) (a) Section 79 (1)—

Omit “subsections (2) and (3)”, insert instead “subsections (2), (3), (4) and (5)”.

(b) Section 79 (4), (5)—

After section 79 (3), insert:—

(4) Where a person to whom an amusement device seller's licence has been issued ceases to be an employee of the holder of an amusement device dealer's licence by whom the person was employed at the time the amusement device seller's licence was issued—

- (a) the person to whom the amusement device seller's licence was issued and the holder of the amusement device dealer's licence shall thereupon notify the registrar accordingly;
- (b) the person to whom the amusement device seller's licence was issued shall thereupon surrender the licence to the registrar; and
- (c) the amusement device seller's licence ceases to be in force.

(5) Where a person to whom an amusement device seller's licence has been issued becomes an employee of the holder of an amusement device dealer's licence at the same time as the

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

person is an employee of the holder of an amusement device dealer's licence by whom the person was employed at the time the amusement device seller's licence was issued—

- (a) the person to whom the amusement device seller's licence was issued shall thereupon notify the registrar accordingly;
- (b) the person to whom the amusement device seller's licence was issued shall thereupon surrender the licence to the registrar; and
- (c) the amusement device seller's licence ceases to be in force.

## (14) (a) Section 80 (2) (a)—

Omit "subsection (3);" where secondly occurring, insert instead:—

subsection (3),

and, in addition to the sum determined in accordance with subparagraph (i) or (ii), as the case may require, where a condition has been imposed by the court as referred to in section 20 (2A) authorising the holder of the licence to keep and to permit the use and operation of one or more approved amusement devices—

- (iii) in respect of a licence for which the amount determined in accordance with subparagraph (i) or (ii), as the case may require, is less than \$5,000—the sum of \$1,000 for the first such approved amusement device and the sum of \$4,000 for any additional approved amusement device;
- (iv) in respect of a licence for which the amount determined in accordance with subparagraph (i) or (ii), as the case may require, is not less than \$5,000 but

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

less than \$10,000—the sum of \$2,000 for the first such approved amusement device and the sum of \$4,000 for any additional approved amusement device;

- (v) in respect of a licence for which the amount determined in accordance with subparagraph (i) or (ii), as the case may require, is not less than \$10,000 but less than \$15,000—the sum of \$3,000 for the first such approved amusement device and the sum of \$4,000 for any additional approved amusement device; and
- (vi) in respect of a licence for which the amount determined in accordance with subparagraph (i) or (ii), as the case may require, is not less than \$15,000—the sum of \$4,000 for each such approved amusement device;

## (b) Section 80 (6)—

Omit “or any part thereof”, insert instead “, any part of a licence fee or any such penalty”.

## (15) Section 101 (4)—

Omit the subsection, insert instead:—

(4) Where a person other than the licensee becomes interested in the business, or the conduct of the business, of the licensed premises, it is a condition of the licence that the licensee shall, within 14 days after the other person's becoming so interested, produce to the registrar—

- (a) an affidavit stating in respect of all persons so interested—
  - (i) their names and dates of birth; and

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

- (ii) where any such person is a proprietary company—the names of the directors and principal shareholders;  
**and**
- (b) an agreement between the licensee and that other person or those other persons, being an agreement evidencing—
  - (i) that the licensee will have the full, free and unfettered control of the conduct of the business of the licensed premises; and
  - (ii) that no payment or part payment will be made to the licensee by way of commission or allowance from or upon the receipts of the business of the licensed premises for liquor sold or supplied.

## (16) Sections 125A–125D—

After section 125, insert:—

**Offence by licensee relating to use of approved amusement device by minor.**

125A. (1) If a person under the age of 18 years uses or operates an approved amusement device on premises to which a hotelier's licence relates, the licensee is guilty of an offence and liable to a penalty not exceeding \$1,000.

(2) It is a defence to a prosecution under subsection (1) if it is proved that the defendant had taken all reasonable precautions to detect the entry into, and to supervise the presence on, the licensed premises of persons under the age of 18 years and—

- (a) that the person under the age of 18 years was above the age of 14 years and was believed by the defendant on reasonable grounds to be of or above the age of 18 years; or
- (b) that there was other reasonable cause or excuse for the failure of the defendant to prevent the occurrence of the state of affairs that, but for this paragraph, would have resulted in the defendant being guilty of an offence.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.***Offence by minor relating to use of approved amusement device.**

125B. (1) A person under the age of 18 years shall not use or operate an approved amusement device which is kept on licensed premises.

Penalty: \$200.

(2) It is a defence to a prosecution under subsection (1) if it is proved that the person who used or operated the approved amusement device did so under the supervision of the holder of an amusement device technician's licence for the purpose only of receiving training and instruction in respect of the servicing, repair or maintenance of approved amusement devices.

**Use, etc., of defective approved amusement device.**

125C. (1) The holder of a hotelier's licence shall not permit the use or operation of an approved amusement device which is defective.

Penalty: \$1,000.

(2) It is a defence to a prosecution under subsection (1) if it is proved—

- (a) that the holder of the hotelier's licence had done all such things as were reasonable to ensure that the approved amusement device was not defective; and
- (b) that at the time at which the offence is alleged to have been committed, the holder of the hotelier's licence did not know and could not reasonably be expected to have known that the approved amusement device was defective.

**Improper interference with approved amusement devices.**

125D. A person shall not improperly interfere with or authorise or permit any person to improperly interfere with an approved amusement device.

Penalty: \$1,000.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(17) Section 126 (4)—

After section 126 (3), insert:—

(4) Nothing in this section affects section 126A.

(18) Section 126A—

After section 126, insert:—

**Lawful keeping, etc., of approved amusement devices.**

126A. (1) The possession, keeping, use or operation of an approved amusement device by any person under and in accordance with this Act and the conditions of a licence shall, notwithstanding anything contained in this Act, the Gaming and Betting Act, 1912, the Lotteries and Art Unions Act, 1901, or any other Act or law to the contrary, be lawful.

(2) Where the possession, keeping, use or operation of an approved amusement device by any person is lawful under subsection (1), the person and any other person who uses or operates the approved amusement device shall, in respect of the possession, keeping, use or operation of the approved amusement device, be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law any such person would be liable but for this section as being concerned in an unlawful game, or gaming, wagering or betting, or as offending against any provision of this Act, the Gaming and Betting Act, 1912, the Lotteries and Art Unions Act, 1901, or any other Act or law.

(3) The holder of a hotelier's licence is not required to hold a licence under the Theatres and Public Halls Act, 1908, in respect of the whole or any part of the premises to which the hotelier's licence relates by reason only that the holder of the hotelier's licence is authorised to keep and to permit the use and operation on those premises of an approved amusement device or approved amusement devices.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

## (19) Sections 138A–138E—

After section 138, insert:—

**Possession of approved amusement devices.**

138A. A person shall not have an approved amusement device in his or her possession unless the person is—

- (a) the holder of an amusement device dealer's licence;
- (b) the holder of an amusement device seller's licence;
- (c) the holder of an amusement device technician's licence;
- (d) the holder of a hotelier's licence which is subject to a condition authorising the holder to keep and to permit the use and operation of, in accordance with this Act, an approved amusement device or approved amusement devices on premises to which the licence relates; or
- (e) a common carrier or warehouseman, or the employee of a common carrier or warehouseman, who has possession of the approved amusement device in the ordinary course of the trade or business of that common carrier or warehouseman.

Penalty: \$5,000 or imprisonment for 12 months or both.

**Manufacture, etc., of approved amusement devices.**

138B. (1) A person shall not manufacture or assemble an approved amusement device unless the person is the holder of an amusement device dealer's licence.

Penalty: \$5,000 or imprisonment for 12 months or both.

(2) It is a defence to a prosecution under subsection (1) if it is proved that the person who manufactured or assembled the approved amusement device is an employee of the holder of an amusement device dealer's licence.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(3) The holder of an amusement device dealer's licence shall not manufacture, assemble or sell an approved amusement device otherwise than in accordance with—

- (a) the licence and any condition of the licence; and
- (b) the provisions of this Act.

Penalty applying to this subsection: \$5,000 or imprisonment for 12 months or both.

**Supply of approved amusement devices.**

138c. (1) A person shall not supply, otherwise than by sale, or offer to supply, otherwise than by sale, an approved amusement device.

Penalty: \$5,000 or imprisonment for 12 months or both.

(2) A person shall not sell an approved amusement device unless the person is the holder of—

- (a) an amusement device dealer's licence; or
- (b) an amusement device seller's licence.

Penalty: \$5,000 or imprisonment for 12 months or both.

(3) The holder of an amusement device seller's licence shall not sell an approved amusement device otherwise than in accordance with—

- (a) the licence and any condition of the licence; and
- (b) the provisions of this Act.

Penalty: \$5,000 or imprisonment for 12 months or both.

(4) The holder of an amusement device seller's licence shall not sell an approved amusement device, other than an approved amusement device which is manufactured or assembled, or is of a kind which is sold, by the holder's employer.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
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Penalty: \$5,000 or imprisonment for 12 months or both.

(5) Nothing in this section prevents the disposal, by way of sale or otherwise, of an approved amusement device by the holder of a hotelier's licence where the disposal is effected in accordance with such arrangements as may be approved by the Board.

**Servicing, repair, etc., of approved amusement devices.**

138D. (1) A person shall not service, repair or maintain an approved amusement device unless—

- (a) the person is the holder of an amusement device technician's licence; or
- (b) the person does so under the supervision of the holder of an amusement device technician's licence for the purpose only of receiving training and instruction in respect of the servicing, repair and maintenance of approved amusement devices.

(2) The holder of an amusement device technician's licence shall not service, repair or maintain an approved amusement device otherwise than in accordance with—

- (a) the licence and any condition of the licence; and
- (b) the provisions of this Act.

**Supply of certain approved amusement devices prohibited.**

138E. The holder of an amusement device dealer's licence or an amusement device seller's licence shall not sell an approved amusement device which was manufactured more than the prescribed period before the date of the sale.

Penalty: \$5,000 or imprisonment for 12 months or both.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(20) Section 140 (1) (d1)–(d5)—

After section 140 (1) (d), insert:—

- (d1) that specified premises are licensed premises;
- (d2) that a specified part of premises is a restricted area;
- (d3) that a specified device is or is not an approved amusement device;
- (d4) that a specified person is authorised to keep and to permit the use and operation of an approved amusement device or a specified number of approved amusement devices;
- (d5) that a specified person is not authorised to keep or to permit the use or operation of an approved amusement device;

(21) Section 150—

Before “instruction”, insert “training or”.

(22) Section 151A—

After section 151, insert:—

**Search warrants—approved amusement devices.**

151A. (1) Upon complaint on oath before a justice that there is reasonable ground to believe that an approved amusement device is being manufactured, assembled, supplied, offered to be supplied, sold, kept, used or operated on premises in contravention of this Act or the conditions of a licence, the justice may by warrant authorise and require any member of the police force to enter and search the premises.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

(2) The provisions of section 354 of the Crimes Act, 1900 (subsection (1) of that section excepted) apply to and in respect of a warrant issued under this section and its execution in the same way as they apply to and in respect of a warrant issued under that section and its execution.

(3) A member of the police force who enters any premises pursuant to a search warrant granted under subsection (1) may search the premises and—

- (a) may seize any approved amusement device and any money found in any approved amusement device which the member of the police force finds on those premises;
- (b) may seize any books of account and documents that may reasonably be suspected to relate to approved amusement devices; and
- (c) may require any person on the premises to state his or her name and address.

(4) Where an approved amusement device is seized under subsection (3), a licensing or stipendiary magistrate shall, on the application of a member of the police force or of the magistrate's own motion, issue a summons calling upon the owner of the approved amusement device or the owner or occupier of the premises whereon it was seized to appear before the court and show how and for what purpose the owner or occupier, as the case may be, came into possession of the approved amusement device.

(5) Where a person summoned under subsection (4) appears in response to the summons, or if the person fails to appear, the court shall inquire into the matter and shall—

- (a) if satisfied that the approved amusement device was being manufactured, assembled, supplied, kept, used or operated on the premises on which it was seized in contravention of this

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

Act or the conditions of a licence—order the forfeiture to the use of the Crown of the approved amusement device and any money found in the approved amusement device; or

- (b) if not so satisfied—order the return to the person summoned of the approved amusement device and any money found in the approved amusement device.

(23) Section 152A—

After section 152, insert:—

**Forfeiture of approved amusement devices, etc.**

152A. (1) Where, in any proceedings, the court finds that an approved amusement device has been manufactured, assembled, supplied, offered to be supplied, sold, kept, used or operated on premises in contravention of this Act or the conditions of a licence, the court may order the forfeiture to the use of the Crown of the approved amusement device.

(2) A member of the police force may seize and carry away anything that the member of the police force reasonably suspects may be liable to forfeiture under this section, including any money in any approved amusement device at the time of its seizure.

(24) (a) Section 156 (1) (j)—

Omit “and” where secondly occurring.

(b) Section 156 (1) (k)—

Omit “therewith.”, insert instead “therewith; and”.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

## (c) Section 156 (1) (l)—

After section 156 (1) (k), insert:—

- (l) the manufacture, assembly, supply, offering to supply, sale, acquisition, ownership, possession, keeping, use, operation, control, management, servicing, repair, maintenance and disposal of approved amusement devices, including—
  - (i) the design, construction, means of identification and appearance of approved amusement devices;
  - (ii) the information that may be provided on or in relation to approved amusement devices and the display of signs on or in relation to approved amusement devices;
  - (iii) the terms and conditions of acquisition, ownership and disposal of approved amusement devices, including the price at which approved amusement devices may be acquired;
  - (iv) the types of approved amusement devices which may or may not be used or operated on or in premises or parts of premises;
  - (v) the installation and location of approved amusement devices in premises or parts of premises;
  - (vi) the offering and provision of prizes relating to the use of approved amusement devices and the calculation or determination of those prizes;
  - (vii) the keeping of records in relation to approved amusement devices (including the form in which those records are to be kept), the transfer of those records and the inspection and obtaining of copies of those records;
  - (viii) the furnishing of periodic returns and other returns in relation to approved amusement devices;

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
AMUSEMENT DEVICES—*continued.*

- (ix) the tampering or interfering with approved amusement devices;
  - (x) the removal of approved amusement devices from premises or parts of premises and the disposal, by sale or otherwise, of approved amusement devices;
  - (xi) prohibiting the rebuilding or reconstruction of approved amusement devices and the distribution of used or secondhand approved amusement devices;
  - (xii) the examination and inspection of approved amusement devices;
  - (xiii) the issuing of defect notices in respect of approved amusement devices;
  - (xiv) the apportionment of fees payable in respect of approved amusement devices; and
  - (xv) the exemption of any class or description of persons, premises or approved amusement devices from any specified provision or provisions of the regulations in such circumstances, if any, and subject to such conditions, if any, as may be specified in the regulations or in any instrument granting the exemption.
- (d) Section 156 (2)—
- Omit "\$500", insert instead "\$1,000".
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*Liquor (Amusement Devices) Amendment.*

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## SCHEDULE 2.

(Sec. 5.)

## AMENDMENT TO THE PRINCIPAL ACT RELATING TO ENTERTAINMENT.

## Section 4 (4)—

Omit the subsection, insert instead:—

(4) Subject to section 3A of the Theatres and Public Halls Act, 1908, where the provision of entertainment on licensed premises would, but for this subsection, contravene that Act, that Act is not contravened if the entertainment is provided in compliance with this Act and a condition of the licence relating to those premises.

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SCHEDULE 3.

(Sec. 5.)

AMENDMENT TO THE PRINCIPAL ACT RELATING TO THE GRANTING OF  
OFF-LICENCES.

## Section 18 (10)—

After section 18 (9), insert:—

(10) Subsections (1) and (2) do not authorise the court to grant a new off-licence of the kind referred to in subsection (3) (a) unless it is satisfied that an existing off-licence of that kind is not available at a reasonable market price for removal to the premises or proposed premises to which the application for the new licence relates.

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*Liquor (Amusement Devices) Amendment.*

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SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

- (1) Section 22—  
Omit "(3)" where lastly occurring, insert instead "(4)".
  - (2) Section 37 (4)—  
Omit "for a licence".
  - (3) Section 41 (4)—  
Omit "38" where secondly occurring, insert instead "39".
  - (4) Section 88 (3)—  
Omit "authority", insert instead "authorisation".
  - (5) Section 119 (2)—  
Omit the subsection.
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