

Gaming and Liquor Administration Act 2007

Ministerial Statement of Expectations issued to the Independent Liquor & Gaming Authority

I, the Hon. David Harris MP, as Minister responsible for the *Gaming and Liquor Administration Act 2007* (GALA Act), *Liquor Act 2007* (Liquor Act), *Gaming Machines Act 2001* (GM Act) and *Registered Clubs Act 1976* (Clubs Act), issue the following Statement of Expectations to the Independent Liquor & Gaming Authority (ILGA), an independent statutory body constituted under section 6 of the GALA Act.

This statement is issued under section 6(3) of the GALA Act.

This statement provides guidance to ILGA in administering its day-to-day functions as an administrative decision-maker under the relevant legislation with support from the Office of ILGA and the Department of Enterprise, Investment and Trade (DEIT).

To support the independent operation of gaming and liquor regulation, this Statement of Expectations does not relate to any of the following:

- ILGA's advice, report or recommendation to me as the responsible Minister, or
- ILGA's decisions in relation to:
 - the granting, suspension or cancellation of a gaming or liquor licence, or
 - the imposition, variation or revocation of conditions of a gaming or liquor licence, or
 - the taking of disciplinary action under the gaming and liquor legislation.

This statement supersedes Ministerial directions issued on 4 March 2016 by the then Minister for Racing under section 6(3) of the GALA Act.

This statement applies from the date of signature.

1. General expectations

- 1.1 ILGA must consider the objects of the Acts it administers in the exercise of its functions. Specifically, these functions include, but are not limited to:
 - 1.1.1 minimising harm associated with the misuse and abuse of liquor and gambling activities; and
 - 1.1.2 facilitating the balanced development, in the public interest, of the:
 - 1.1.2.1 liquor industry,
 - 1.1.2.2 gaming industry, and
 - 1.1.2.3 the live music, entertainment, tourism and hospitality industries.
- 1.2 ILGA must consider that the sale and supply of liquor is legal, subject to the gaming and liquor legislation.
- 1.3 ILGA must consider that the operation of gaming machines in NSW is legal, subject to the gaming and liquor legislation.
- 1.4 ILGA must consider that matters of policy relating to the gaming and liquor legislation are to be set by the Government. ILGA must consider Government policy in the exercise of its functions.
- 1.5 ILGA must assess each application on its merits and not apply blanket conditions except where it is specified in legislation.

2. Working with the Hospitality and Racing Group

- 2.1 ILGA and the Hospitality and Racing Group (Group) within DEIT must work together in a collaborative and coordinated approach to the regulation of the liquor and gaming industry in NSW.
- 2.2 To ensure efficiency and coordination between ILGA and the Group, ILGA must always utilise the resources and expertise of the Group in the first instance, unless unreasonable or unable to do so, including, but not limited to, the following:
 - 2.2.1 compliance inspections, audits and investigations
 - 2.2.2 the commissioning and provision of research
 - 2.2.3 data and intelligence
 - 2.2.4 technology services
 - 2.2.5 licensing and assessment functions.

3. ILGA meetings and decisions

- 3.1 Meetings must be held, at minimum, on a monthly basis.
- 3.2 Decisions should be concise and written in plain English.
- 3.3 The following must be published on the Liquor & Gaming NSW website:
 - 3.3.1 Agenda for each meeting, must be published a minimum 5 business days before the meeting, and
 - 3.3.2 Outcome of matters considered at each meeting, must be published maximum 5 business days after each meeting.

4. Time limits for decisions on certain matters

- 4.1 ILGA must determine the following matters within the timeframes set out in the table at Annexure A to these expectations:
 - 4.1.1 gaming machine and liquor licence applications
 - 4.1.2 disciplinary complaints under the Liquor Act, the GM Act and the Clubs Act 4.1.3.
 - 4.1.3 decisions in relation to a prescribed complaint under Part 9A of the Liquor Act
 - 4.1.4 decisions to remove demerit points under Part 9A of the Liquor Act
 - 4.1.5 decisions to revoke or suspend a person's responsible service of alcohol competency card under clause 76 of the Liquor Regulation 2018
 - 4.1.6 merit reviews of prescribed decisions made by the Secretary of DEIT and delegated decisions made on behalf of ILGA by Group staff under section 36A of the GALA Act.
- 4.2 Wherever practical, where a disciplinary complaint is established, the decision must also include the disciplinary action, including any penalty, imposed by ILGA.
- 4.3 ILGA must undertake an initial assessment of matters outlined in Annexure A and determine within 14 days whether the matter should be returned to the applicant or complainant and be re-lodged.
- 4.4 Where a matter is returned to the applicant or complainant outside the 14 day timeframe, the timeframe for decision in Annexure A does not re-start.
- 4.5 Where ILGA has not dealt with applications or published reasons within the timeframes specified in Annexure A, the ILGA Chairperson must:
 - 4.5.1 arrange for a report to be published on a monthly basis detailing the overdue matters and brief reasons for the delay, and
 - 4.5.2 submit a quarterly report to the Minister on any matters that are overdue by more than 25% of the timeframe for decision or publication of reasons, including a detailed explanation of the reasons for the delay.

5. Media/public communications/engagement

- 5.1 ILGA must notify the Minister of any meetings with Members of Parliament (including other Ministers) at least 48 hours before the meeting is scheduled to take place.
- 5.2 Where ILGA requests policy changes, or changes to regulatory instruments it exercises powers under, ILGA must make such a request in writing to the Minister.

6. ILGA Members

- 6.1 ILGA must notify the Minister within five (5) business days of becoming aware of any event that would result in vacancy under clause 7 of Schedule 1 to the GALA Act, other than a removal by the Governor or Minister.

7. ILGA staffing arrangements and use of external services

- 7.1 ILGA must not make staffing arrangements under section 9 of the GALA Act without the approval of the Minister. This does not prevent ILGA's ability to manage recruitment needs within its approved staffing establishment.
- 7.2 ILGA must not obtain services external to DEIT which would duplicate roles or services provided by the DEIT, without the approval of the Minister.



21/02/2024

The Hon. David Harris MP
Minister for Gaming and Racing

Annexure A

Type of decision	Timeframe for decision	Timeframe for publication of decision
Gaming machine and liquor licence applications, including application to impose, vary or revoke licence conditions under section 53 of the Liquor Act, and gaming machine threshold applications under Division 1 Part 4 of the GM Act	120 days from the end of the submission period.	30 days from date of decision
Disciplinary complaints under Part 9 of the Liquor Act, Part 8 of the GM Act and Part 6A of the Clubs Act	180 days from the date the complaint is lodged with the Office of ILGA.	45 days from date of decision
Prescribed complaint or remedial action under Part 9A of the Liquor Act	60 days of ILGA's determination of the associated disciplinary complaint under Part 9 of the Liquor Act.	15 days from date of decision
Application to remove demerit points under Part 9A of the Liquor Act	120 days from the date the application is lodged with the Office of ILGA.	30 days from date of decision
Application to revoke or suspend a person's responsible service of alcohol competency card under clause 76 of the Liquor Regulation 2018	120 days from the date the application is lodged with the Office of ILGA.	30 days from date of decision
Review of a delegated decision under section 36A of the GALA Act	120 days from the date the review application is lodged with the Office of ILGA.	30 days from date of decision