

Queensland



*Liquor Act 1992*

# LIQUOR REGULATION 1992

**Reprinted as in force on 10 May 2002  
(includes amendments up to SL No. 92 of 2002)**

**Reprint No. 7B**

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This regulation is reprinted as at 10 May 2002. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



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# LIQUOR REGULATION 1992

[as amended by all amendments that commenced on or before 10 May 2002]

## PART 1—PRELIMINARY

### 1 Short title

This regulation may be cited as the *Liquor Regulation 1992*.

### 1A Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

## PART 2—EXEMPTIONS

### 2 Exemptions from application of Act

(1) The Act does not apply to—

- (a) a sale in good faith of spirituous or distilled perfume as perfumery; or
- (b) a sale of spirituous cooking essence, other than for use as a beverage or for manufacturing a beverage, if—
  - (i) the essence is sold in a container containing not more than—
    - (A) if the essence is vanilla essence—100 ml; or
    - (B) in any other case—50 ml; or
  - (ii) the sale is by wholesale; or
- (c) a sale of liquor in a refreshment room of Parliament House by permission and under control of the Parliament; or

- (d) a sale of liquor in the lawful operation of an Australian Defence Force canteen; or
  - (e) a sale in good faith by any apothecary, chemist or druggist of spirits or wine as medicine or for medicinal or chemical purposes; or
  - (f) a sale at auction conducted by a licensed auctioneer—
    - (i) of liquor on behalf of a person who is authorised by the Act to sell the liquor; or
    - (ii) by order of a trustee under the *Bankruptcy Act 1966* (Cwlth), of liquor held by the trustee as trustee under that Act; or
    - (iii) by order of the executor, administrator or trustee of the estate of a deceased person, of liquor that is the property of the deceased's estate; or
    - (iv) by order of the public trustee, of liquor that is the property of an estate in course of administration by the public trustee; or
  - (g) a sale during actual flight of an aircraft that is unlicensed premises of liquor to a passenger on the aircraft made by or on behalf of the operator of the aircraft and for consumption of the liquor during the flight.
- (2) The Act does not apply to the carrying or exposure in an aircraft that is unlicensed premises of liquor for sale as permitted by subsection (1)(g).

## **PART 3—APPLICATIONS**

### **3 Particulars to be stated fully**

An application for a licence or permit, or an application for an approval relating to a licence or permit, must state fully the particulars required by the form approved by the chief executive as the form of application for the licence, permit or approval concerned.



#### **4 Particulars to accompany application for licence**

(1) An application for a licence must be accompanied by—

- (a) in the case of an application for a general licence, a residential licence or a special facility licence—a typical menu of meals provided or to be provided on the premises to which the application relates; and
- (b) in the case of an application for an on-premises licence for premises where meals are to be provided—a typical menu of the meals; and
- (c) in the case of an application for any licence other than a club licence or a producer/wholesaler licence—a description of the general nature and character of the premises to which the application relates; and
- (d) in the case of an application relating to premises on land—a copy of the registered plan of survey and of the instrument of title of the land, and a description of each proposed licensed area on the premises; and
- (e) in the case of an application relating to premises where entertainment is to be provided—
  - (i) details of the type and nature of the entertainment; and
  - (ii) a written assessment of the expected acoustic qualities of the proposed premises; and
- (g) in the case of all applications for a licence—
  - (i) a plan (drawn to scale) of the premises to which the application relates, showing the general layout of the premises; and
  - (ii) a plan showing the location of the premises to which the application relates in relation to adjacent premises; and
  - (iii) verification of the identity of the applicant and the nominee, who, in either case, is a natural person by any means acceptable to the chief executive; and
  - (iv) evidence that conducting the proposed business on the premises is a permitted use under the relevant local government's planning scheme.

(2) Despite section (1)(e), the chief executive may require an applicant for a licence to give the chief executive a report of the acoustic qualities of

premises when the premises are completed if noise, from any source, is or is likely to be made at a level in excess of 75dB(C) fast response when measured about 3 m from the source.

(3) An assessment or report about the acoustic qualities, or expected acoustic qualities, of premises must—

- (a) be made by a person who has the qualifications, training or experience in providing assessments or reports about the acoustic qualities of premises; and
- (b) state the person's qualifications, training or experience.

## **5 Particulars to accompany application for transfer of licence**

An application for transfer of a licence must be accompanied by—

- (a) in the case of an application for transfer of a licence—
  - (i) if the current licensee is the holder of a licence to which section 205(2)<sup>1</sup> of the Act applies—a return of all liquor purchased or otherwise obtained for the licensed premises in the period—
    - (A) starting on the day on which the current licensee obtained the licence or 1 July before the day on which the application was made, whichever is later; and
    - (B) ending on the day on which the application is made; or
  - (ii) if the current licensee is the holder of a licence or certificate to which section 205(3) of the Act applies—a return of all liquor sold or supplied under authority of the licence or certificate in the period—
    - (A) starting on the day on which the current licensee obtained the licence or certificate or 1 July before the day on which the application was made, whichever is later; and
    - (B) ending on the day on which the application is made; and
- (b) in the case of all applications for transfer—
  - (i) the current licence; and

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<sup>1</sup> Section 205 (Filing of returns) of the Act

- (ii) verification of the identity of the transferee and the nominee, who, in either case, is a natural person, in any way acceptable to the chief executive.

## **6 Time for making applications for permits**

(1) An application for—

- (a) a general purpose permit; or
- (b) an extended hours permit (other than an extended hours permit that would extend trading hours on a regular basis); or
- (c) a permit for a temporary variation of trading hours for 1 occasion or event; or
- (d) a restricted club permit;

must be made at least 21 days before the day on which the permit is to take, or first take, effect.

(2) An application for an adult entertainment permit for 1 occasion must be made at least 8 weeks before the day on which the permit is to take effect.

## **6A Restrictions on grant of general purpose permit**

(1) The chief executive may grant a general purpose permit only—

- (a) to a non-proprietary club; or
- (b) if the chief executive is satisfied all proceeds from the sale of liquor under the permit will be used for the benefit of the community.

(2) If the applicant for the general purpose permit is a non-proprietary club that is an unincorporated association, the permit may only be granted to an individual for the non-proprietary club.

## **6AB Event management plans for catering away permits— Act, s 102F(1)**

(1) The following are matters a proposed event management plan for a public event relating to a licensee must satisfactorily provide for—

- (a) the name of the promoter of the public event;

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- (b) a plan of the site for the public event, with details of the facilities that are to be provided, including, for example, car parking, fencing, food and drink stations, lighting, security stations, stages and toilets;
- (c) the program for the public event, including, for example, details of all activities and performances;
- (d) arrangements for advertising the public event;
- (e) the number of persons expected to attend the public event, and the range of ages of the persons;
- (f) arrangements for transporting persons to and from the public event;
- (g) arrangements for liquor service at the public event, including, for example—
  - (i) areas for the consumption of liquor and how they are to be defined, including, for example, by roping off the area or using a hospitality tent; and
  - (ii) the number of staff to be employed in the service of liquor; and
  - (iii) the number of staff who have been trained in the responsible service of alcohol, and information about the training the staff have undertaken; and
  - (iv) arrangements for liquor sales and whether ticketing is to be used; and
  - (v) the type of containers to be used for dispensing liquor; and
  - (vi) hours a manager will be on duty and the names of persons who are to be on duty as managers;
- (h) arrangements for security, including, for example, the number of persons to be used for security purposes, and their location and role;
- (i) contingency plans if the public event is adversely affected by weather or other conditions.

(2) In this section—

**“public event”**, in relation to a licensee, see section 102D<sup>2</sup> of the Act.

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2 Section 102D (Definitions for div 12A) of the Act

## PART 3A—DETACHED BOTTLE SHOPS

### 6B Definitions

In this part—

**“detached bottle shop”** means premises for which an approval is given under section 59(1)(d)<sup>3</sup> of the Act.

**“main licensed premises”** see section 6C.

### 6C Restrictions on approval of premises

(1) The chief executive may approve premises under section 59(1)(d) of the Act only if—

- (a) the applicant is the licensee of licensed premises (the **“main licensed premises”**); and
- (b) the applicant has no more than 2 detached bottle shops for the main licensed premises; and
- (c) the proposed detached bottle shop—
  - (i) is no more than 10 km by road from the main licensed premises; and
  - (ii) has a floor area of not more than 150 m<sup>2</sup>; and
  - (iii) does not have direct access from any other business premises; and
  - (iv) has direct access from a public place; and
  - (v) does not have a facility ordinarily known as a drive-in or drive through.

(2) For subsection (1)(c)(i), a proposed detached bottle shop is no more than 10 km by road from the main licensed premises if either of the following distances is 10 km or less—

- (a) the distance measured between—
  - (i) the place of egress by road from the land on which the main licensed premises is located that is closest to the proposed detached bottle shop; and

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3 Section 59 (Authority of general licence) of the Act

- (ii) the place of ingress by road to the land on which the premises is located that is, or includes, the proposed detached bottle shop that is closest to the main licensed premises;
- (b) the distance measured between—
  - (i) the place of egress by road from the land on which the premises is located that is, or includes, the proposed detached bottle shop that is closest to the main licensed premises; and
  - (ii) the place of ingress by road to the land on which the main licensed premises is located that is closest to the proposed detached bottle shop.

(3) A distance mentioned in subsection (2) must be measured using the shortest route that may be taken driving a motor vehicle in compliance with the law of the State or a local law.

(4) Subsection (1)(c)(i) does not apply if the proposed detached bottle shop is in a remote area that does not have premises from which liquor is sold to the public for consumption off the premises.

*Example of subsection (4)—*

A small rural community more than 10 km from the nearest premises from which takeaway liquor is sold to the public.

## **6D Conditions on approval of premises**

(1) An applicant for approval under section 59(1)(d) of the Act must satisfy the chief executive that—

- (a) conducting the proposed business on the premises (the “**new business**”) is permitted under the planning scheme of the relevant local government for the premises; and
- (b) if the applicant is not the owner of the proposed detached bottle shop—the applicant has the owner’s written agreement to the application; and
- (c) only the applicant has a right to occupy the proposed detached bottle shop; and
- (d) the same person or entity will have the financial benefit of both the new business and the business conducted at the main licensed premises; and

- (e) the applicant will conduct the new business under the same business name as the business conducted at the main licensed premises; and
- (f) the licensee's principal place of business will be the main licensed premises.

(2) If there is a condition in the applicant's tenancy agreement for the premises that the owner will not grant anyone else the right to occupy another part of the premises as a detached bottle shop, the applicant must also satisfy the chief executive that the condition was not included in the agreement at the request of the applicant.

### **6E Licensee's right to occupy detached bottle shop ends**

If a licensee's right to occupy the detached bottle shop ends, the licensee must apply to the chief executive for approval as mentioned in section 154(1)<sup>4</sup> of the Act to change the area of the licensed premises.

### **6F Expiry of approval if business not conducted**

(1) If a licensee who has the chief executive's approval under section 59(1)(d) of the Act does not start to conduct business within 60 days after receiving the approval, the approval expires.

(2) However, if an appeal is made against the chief executive's decision and the tribunal's decision on the appeal allows the licensee to start to conduct the business, the licensee must start to conduct the business within 60 days after the day the appeal is decided.

(3) If the licensee does not start to conduct the business within 60 days after the appeal is decided, the approval expires.

### **6G Sampling of liquor at a detached bottle shop**

The holder of a general licence may supply liquor for consumption at a detached bottle shop only if—

- (a) the supply is for persons to sample the liquor; and
- (b) no charge is made for the liquor.

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4 Section 154 (Alteration etc. and maintenance of licensed premises) of the Act

**6H Application for relocation of detached bottle shop**

- (1) An application for approval to relocate a detached bottle shop must be in a form approved by the chief executive.
- (2) The application must be accompanied by—
  - (a) if the licensee is not the owner of the premises to which it is proposed to relocate the detached bottle shop, the owner's written agreement to the application; and
  - (b) evidence, satisfactory to the chief executive, that using the proposed premises as a detached bottle shop is permitted under the planning scheme of the relevant local government for the premises; and
  - (c) the fee prescribed in schedule 1 for the application.

**6I Decision by chief executive for application under s 6H**

- (1) The chief executive may—
  - (a) grant the application; or
  - (b) refuse the application.
- (2) If the chief executive grants the application, the approval is subject to conditions specified by the chief executive in the approval.
- (3) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—
  - (a) the application is refused;
  - (b) the reasons for the refusal;
  - (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
  - (d) the way in which the applicant may appeal against the refusal.



**6J Application for transfer of detached bottle shop**

(1) An application for approval to transfer a detached bottle shop must be made in a form approved by the chief executive.<sup>5</sup>

(2) The application must be accompanied by—

- (a) a copy of the assignment of the lease of, or new agreement for the use of, the premises; and
- (b) the fee prescribed in schedule 1 for the application.

**6K Decision by chief executive for application under s 6J**

(1) The chief executive may—

- (a) grant the application; or
- (b) refuse the application.

(2) If the chief executive grants the application, the approval is subject to conditions specified by the chief executive in the approval.

(3) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—

- (a) the application is refused;
- (b) the reasons for the refusal;
- (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
- (d) the way in which the applicant may appeal against the refusal.

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<sup>5</sup> Section 154B(2) of the Act—

(2) The first and second licensees must make a joint application to the chief executive for approval of the transfer.

## **PART 3B—CLUB LICENCES AND OTHER PREMISES**

### **6L Definition for pt 3B**

In this part—

“**other premises**” see section 85(1A) of the Act.

### **6M Application for inclusion or change of statement about other premises—Act, s 154C**

(1) An application for the inclusion of, or change to, a statement in a club licence that the licensed premises includes other premises must be made in a form approved by the chief executive.

(2) The application must be accompanied by—

- (a) a statement about the events for which the premises will be used infrequently, including, for example, home games or training sessions; and
- (b) evidence, satisfactory to the chief executive, of the licensee’s ownership of, or legal right to occupy, the other premises; and
- (c) a description of the area proposed for the sale and consumption of liquor on the other premises for the events; and
- (d) a statement about the hours for sale and consumption of liquor on the other premises for the events; and
- (e) a statement about the nature of noise that will be made at the area for the sale and consumption of liquor, including, for example, noise from a public address system or playing recorded music for the events; and
- (f) a plan of the site for the events, with details of the facilities that are to be provided, including, for example, car parking, fencing, food and drink stations, lighting, security stations and toilets; and
- (g) a statement about how many persons are expected to attend the events, and the range of ages of the persons; and
- (h) arrangements for liquor service at the events; and
- (i) arrangements for security at the events; and
- (j) the fee prescribed in schedule 1 for the application.

(3) In this section—

“**arrangements for liquor service**” include—

- (a) how the licensee will decide the number of staff to be employed in the service of liquor and how the staff are to be trained in the responsible service of alcohol; and
- (b) how the purchase of liquor is to be made by persons attending events, including, for example, whether ticketing is to be used; and
- (c) the type of containers to be used for dispensing liquor; and
- (d) hours a manager will be on duty and the names of persons who are to be on duty as managers.

“**arrangements for security**” include the number of persons to be used for security purposes and their location and role.

## **6N Decision by chief executive for application under s 6M**

(1) The chief executive may—

- (a) grant the application; or
- (b) refuse the application.

(2) If the chief executive grants the application, the approval is subject to conditions specified by the chief executive in the approval.

(3) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—

- (a) the application is refused;
- (b) the reasons for the refusal;
- (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
- (d) the way in which the applicant may appeal against the refusal.

## **6O Copy of licence to be displayed**

A licensee must, during every period the licensee is authorised to sell liquor on other premises, have a legible copy of the licensee’s licence—

- (a) on display in a conspicuous place on the other premises; or

(b) available for inspection by an investigator.  
Maximum penalty—25 penalty units.

## **PART 4—APPLICATIONS CONCERNING AREA OF COUNCIL**

### **7 Application of part**

This part applies to an application for—

- (a) the grant of a licence or permit; or
- (b) a variation or transfer of a licence or permit;

in relation to premises in a community area of a council.

### **8 Application of other provisions of regulation**

Parts 3 and 6 apply to an application to which this part applies.

### **9 Requirements for application**

The application must be—

- (a) made in writing to the chief executive; and
- (b) signed by the applicant.

### **10 Additional requirements for application by council**

If the application is made by the council, the application must be accompanied by—

- (a) particulars of any consultation with residents of the community area; and
- (b) particulars of any residents' opinions ascertained by the council in relation to the application.

**11 Notice of application**

(1) If the application is not an application for—

- (a) a general purpose permit; or
- (b) an extended hours permit (other than an extended hours permit that would extend trading hours on a regular basis); or
- (c) a permit for a temporary variation of trading hours for 1 occasion or event;

this section applies to the application.

(2) The applicant must—

- (a) cause notice of the application to be displayed, by way of a sign—
  - (i) on the premises to which the application relates; and
  - (ii) in at least 1 prominent place in the community area concerned; and
- (b) ensure that the notice is displayed in accordance with paragraph (a) conspicuously on the premises for 28 days immediately before the last day for making objections to the application.

(3) The notice must specify—

- (a) the type of the application; and
- (b) the location of the premises to which the application relates.

(4) The sign must be—

- (a) in a form approved by the chief executive; and
- (b) of such dimensions (including dimensions of the print) as are approved by the chief executive;

either generally or in a particular case.

(5) The applicant must give the chief executive evidence of the display of the sign.

**12 Objection to grant of application**

(1) If section 11 applies to the application, any adult resident of the community area may object to the grant of the application.

(2) The objection must be made by writing given to the council on or before the last day for making objections to the application as specified in the notice under section 11.

(3) The objection may be made individually or by petition.

(4) The grounds on which the objection may be made are that, if the application were granted—

- (a) undue offence, annoyance, disturbance or inconvenience to persons who reside or work or do business in the locality concerned, or to persons in travelling to or from an existing or proposed place of public worship, hospital or school is likely to happen; or
- (b) the amenity, quiet or good order of the locality concerned would be lessened in some way.

(5) If the application is made by the council, the council must give to the chief executive a copy of each objection given to it within 14 days after the day mentioned in subsection (2).

### **13 Requirements for objection by petition**

If an objection is by petition, the objection may be disregarded unless—

- (a) the first and each subsequent page of the petition bears an identical heading that clearly specifies the subject matter of the petition, so positioned as to be clearly legible to every person whose signature on the petition is sought; and
- (b) each signatory to the petition adds particulars of his or her address.

### **14 Council to consider all objections**

The council must consider all objections properly made to it.

### **15 Council to make submission concerning application made by another person**

(1) If the application is referred to the council for its consideration, the council must submit to the chief executive, in writing—

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- (a) its recommendation as to whether or not the application should be granted; and
- (b) the reasons for its recommendation.

**(2)** If the application is for—

- (a) a licence other than a club licence; or
- (b) an extended hours permit that would extend trading hours on a regular basis;

the applicant must satisfy the council that, having regard to—

- (c) the number and condition of licensed premises already existing in the locality to which the application relates; and
- (d) the distribution of licensed premises already existing throughout the locality; and
- (e) the extent and quality of services provided, or to be provided, by licensed premises already existing; and
- (f) whether the services that would be provided, if the application is granted, could be adequately provided through licensed premises already existing by way of orders of the chief executive or requisitions of investigators; and
- (g) any other relevant matter as to which the council seeks to be satisfied;

the licence or permit applied for is necessary to provide for the reasonable requirements of the public in the locality to which the application relates for liquor and related services that would be provided if the application were granted.

**(3)** In considering what the requirements of the public in a locality may be, the council must take into account the matters mentioned in subsection (2) and must have regard to—

- (a) the population of the locality to which the application relates and the foreseeable population growth in the locality; and
- (b) the number and kinds of persons residing in, resorting to or passing through the locality, or likely in the foreseeable future to do so, and their respective expectations; and
- (c) the extent to which any requirement or expectation—
  - (i) varies during different periods or at different times; and

(ii) is lawfully met by other premises, licensed or unlicensed;  
and

(d) the likely health and social impact that the grant of an application would have on the population of the locality to which the application relates.

(4) If the applicant fails to satisfy the council as prescribed by subsection (2), the council must recommend that the application should not be granted.

(5) The recommendation and reasons must be submitted by the council to the chief executive within 28 days after the application is referred to the council.

(6) In deciding the application, the chief executive must have regard to the recommendation and reasons.

(7) In this section—

**“licensed premises already existing”** includes premises in relation to which an application for a licence or permit to which subsection (2) applies has been granted.

## **16 Conference by chief executive**

(1) If the chief executive considers it desirable that a conference of interested persons be held, the chief executive may participate in a conference with interested persons or their representatives.

(2) For the purposes of subsection (1), an interested person includes—

(a) the council; and

(b) a person who has properly made an objection to the application;  
and

(c) any resident of the community area who has, or any body of residents of the community area that has, in the chief executive’s opinion, a proper interest in the locality concerned or is likely to be affected by the grant of the application.

## **17 Decision by chief executive**

(1) The chief executive may—

(a) grant the application; or



(b) refuse the application.

(2) If the chief executive grants the application, the licence is subject to the conditions (if any) specified in the licence or permit.

(3) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—

- (a) the application is refused;
- (b) the reasons for the refusal;
- (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
- (d) the way in which the applicant may appeal against the refusal.

## **PART 5—OBLIGATIONS OF LICENSEES AND PERMITTEES**

### **18 Application for alteration of licensed premises—Act s 154**

(1) A person may apply to the chief executive for approval to alter, rebuild, change or increase the area (“**specified changes**”) of the licensee’s licensed premises.

(2) The application must be in a form approved by the chief executive and must be made by—

- (a) for a specified change to the licensed premises if the licensee is the owner of the premises, the licensee; or
- (b) for a specified change to the licensed premises if the licensee is not the owner of the premises, the owner and the licensee; or
- (c) for a specified change to a detached bottle shop, the licensee; or
- (d) for a specified change to other premises included in a club licence, the owner and the licensee.

(3) The application must be accompanied by—

- (a) a written description of the specified changes; and
- (b) evidence of the real property description of the land on which the licensed premises are, or are to be, located; and

- (c) 2 copies of a plan of the premises drawn to a scale of 1:100 showing the specified changes; and
- (d) details of the nature of any entertainment that is, or is to be, provided on the licensed premises; and
- (e) the fee prescribed in schedule 1 for the application.

(4) If, after considering the application the chief executive considers there is, or is likely to be, a material change relating to the provision of entertainment on the licensed premises, the chief executive may, by written notice, require the applicant to provide a written assessment of the expected acoustic qualities of the premises.

(5) In this section—

“other premises” see section 85(1A) of the Act.

### **18A Decision by chief executive**

(1) The chief executive may—

- (a) grant the application; or
- (b) refuse the application.

(2) If the chief executive grants the application, the approval is subject to conditions specified by the chief executive in the approval.

(3) Without limiting the conditions the chief executive may specify in the approval, the chief executive’s approval for an application may be subject to the following conditions—

- (a) completion of the proposed work in accordance with the plans approved by the chief executive;
- (b) the applicant obtaining all stated approvals or certifications, for use of the premises as licensed premises, as required under an Act other than the Act, including, for example, development approval under the *Integrated Planning Act 1997*;
- (c) the completed premises having the acoustic qualities stated in the approval;
- (d) the time, not later than 2 years after the date of the approval, for completing the proposed alteration, rebuilding, change or increase to the licensed premises.

(4) An approval expires at the time stated in the approval.

(5) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—

- (a) the application is refused;
- (b) the reasons for the refusal;
- (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
- (d) the way in which the applicant may appeal against the decision.

### **18B Production of licence after alteration, rebuilding, change or increase after s 18A**

(1) After completing an alteration, rebuilding, change or increase of the area of licensed premises under an approval under section 18A, the licensee must give the chief executive the licensee's licence for the licensed premises.

(2) The chief executive must issue a new licence to the applicant with the altered, rebuilt, changed or increased area of the licensed premises only if the chief executive is reasonably satisfied the applicant complied with all the conditions to which the approval was subject.

(3) To remove any doubt, it is declared that if an area is not part of licensed premises but is the subject of an approval under section 18A, the licensee must not use the area as licensed premises until a licence is issued under subsection (2) that includes the area as part of the licensed premises.

### **19 Particulars required in record of transactions**

The particulars that a record of transactions must contain to satisfy the obligation prescribed for a licensee by section 217<sup>6</sup> of the Act are—

- (a) in the case of all licensees—
  - (i) the quantity of liquor (expressed in litres) purchased or otherwise obtained for the licensed premises in each of the categories—
    - beer
    - wine

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6 Section 217 (Records to be kept by licensee) of the Act

*Liquor Regulation 1992*

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- spirits; and
  - (ii) the name and business addresses of the persons from whom the liquor was purchased or obtained; and
  - (iii) the gross amount paid or payable for the liquor; and
- (b) in the case of a licensee who holds a producer/wholesaler licence, or a limited licence relating to premises used for conduct of a business selling wines by a person who holds a certificate of registration under the *Wine Industry Act 1974* as a vigneron-vintner—
- (i) the quantity of liquor, expressed in litres and a dollar amount, sold or supplied under authority of the licence in each of the following categories—
    - (A) low strength beer;
    - (B) medium strength beer;
    - (C) heavy strength beer;
    - (D) brewed products other than beer, including, for example, brewed alcoholic lemonade and cider;
    - (E) bottled wine;
    - (F) cask wine;
    - (G) bulk wine;
    - (H) fortified wine;
    - (I) fermented products other than bottled, bulk, cask or fortified wine, including, for example, wine based soda;
    - (J) spirits mixed with other beverages;
    - (K) spirits that are not mixed with other beverages; and
  - (ii) the name of the person to whom the liquor was sold or supplied; and
  - (iii) the gross amount paid or payable for the liquor.

**19A Application of Act, s 143**

Section 143<sup>7</sup> of the Act applies to the licensee of a detached bottle shop as if the detached bottle shop were the main licensed premises.

**19AB Responsible practices in the service, supply and promotion of liquor**

(1) The holder of a licence or permit must behave responsibly in the service, supply and promotion of liquor.

(2) The holder must not engage in a practice or promotion that may encourage rapid or excessive consumption of liquor.

*Examples—*

- promoting the consumption of drinks known as ‘laybacks’, ‘shooters’ or ‘test-tubes’
- promoting ‘free drinks for 2 hours’, ‘3 drinks for the price of 1’ or ‘all you can drink for \$10.00’.

(3) The holder must engage in practices and promotions that encourage the responsible consumption of liquor.

*Examples—*

- promoting the consumption of light or low alcohol drinks
- serving food with drinks to slow the rate of consumption of drinks and the absorption of alcohol
- supplying liquor in standard or recognisable quantities
- serving half measures of spirits on request.

(4) The holder must provide and maintain a safe environment in and around the licensed premises.

*Examples—*

- arranging the supply and convenient positioning of public telephones displaying taxi and emergency numbers
- providing lighting outside the external doors of the premises
- not promoting activities that might encourage harassment by patrons of the staff or other patrons.

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7 Section 143 (Particulars to be displayed on premises) of the Act

## **PART 5B—ADULT ENTERTAINMENT PERMITS**

### **19C Definitions for pt 5B**

In this part—

“**permit**” means an adult entertainment permit.

“**permittee**” means the holder of an adult entertainment permit.

### **19D Authority of permit**

For section 103G(3)<sup>8</sup> of the Act, it is a condition of a permit that—

- (a) the permittee must comply with the management plan submitted by the permittee with the application for the permit; and
- (b) the permit does not authorise adult entertainment on Christmas Day or Good Friday; and
- (c) the permittee must ensure that spruiking or touting for business must not occur at, outside or in the proximity of, the permittee’s premises; and
- (d) the permittee must keep a daily register of the name of the controller for the permittee’s premises and the controller’s hours of duty.

### **19E Approved area to conform with requirements**

(1) For section 103H(c)<sup>9</sup> of the Act, the area must consist of an open room or other area that allows a person attending the entertainment to view the entertainment from any part of the room or area.

(2) Without limiting subsection (1), the area must not—

- (a) have any walls or partitions, whether transparent or not, that separate or divide, or could be used to separate or divide, the area; or
- (b) contain furniture that screens, or could be used to screen, a part of the area from the remainder of the area.

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8 Section 103G (Authority of adult entertainment permit) of the Act

9 Section 103H (Approved area to conform with requirements) of the Act

**19F Application for permit**

For section 105(c)<sup>10</sup> of the Act, an application for a permit must be accompanied by the full name, and date and place of birth, of each of the following persons for the permit—

- (a) the applicant;
- (b) the nominee;
- (d) associates of the persons mentioned in paragraphs (a) and (b).

**19G Proposed management plan**

For section 107A(1)(d)<sup>11</sup> of the Act, a proposed management plan must provide for the following—

- (a) a layout plan of the proposed area, in a scale of 1:100, showing the following—
  - (i) the liquor service points;
  - (ii) how the area will be fully enclosed to prevent a person outside the area from seeing inside the area;
  - (iii) the audience seating area;
  - (iv) any stage area and how it will be separated from the audience;
  - (v) the performers' change rooms;
- (b) the minimum number of staff and security persons who will be on duty in the area during performances;
- (c) the name and contact details of the promoter of the adult entertainment.

**19H Suitability of applicant for permit**

(1) For section 107B(1)(h), any previous conduct of the business of providing adult entertainment by the applicant is a relevant matter.

(2) In this section—

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10 Section 105 (Requirements for applications) of the Act

11 Section 107A (Restriction on grant of adult entertainment permit) of the Act

“**adult entertainment**” includes entertainment provided before this section commenced that would constitute adult entertainment if the entertainment were provided after the commencement.

### **19I Advertising in relation to adult entertainment**

(1) A person must not publish, or cause to be published, an advertisement in relation to adult entertainment if the advertisement—

- (a) contain graphics or a photograph; or
- (b) for an advertisement in the print media—is more than 8 cm x 5 cm in size.

Maximum penalty—10 penalty units.

(2) In this section—

“**advertisement**” includes a coaster, circular, flier, matchbox, napkin or sign.

### **19J Restriction on number of permits that may be issued**

(1) The chief executive may grant only 6 one-off permits in a year for particular premises.

(2) If a person provides, or intends to provide, adult entertainment at particular premises on more than 6 occasions in a year, the person must apply for an annual permit for the premises.

(3) In this section—

“**one-off permit**”, for licensed premises, means a permit to provide adult entertainment for 1 occasion at the premises.



## **PART 6—FEES**

### **20 Particulars required in returns**

The particulars that a return under section 205<sup>12</sup> of the Act must contain are—

- (a) in the case of a return under section 205(2) of the Act—
  - (i) the quantity of liquor (expressed in litres) purchased or otherwise obtained for the licensed premises in each of the categories—
    - beer
    - wine
    - spirits; and
  - (ii) the name and business addresses of the persons from whom the liquor was purchased or obtained; and
  - (iii) the gross amount paid or payable for the liquor; and
- (b) in the case of a return filed under section 205(3) of the Act by the holder of a producer/wholesaler licence—
  - (i) the quantity of liquor, expressed in litres and a dollar amount, sold or supplied under authority of the licence in each of the following categories—
    - (A) low strength beer;
    - (B) medium strength beer;
    - (C) heavy strength beer;
    - (D) brewed products other than beer, including, for example, brewed alcoholic lemonade and cider;
    - (E) bottled wine;
    - (F) cask wine;
    - (G) bulk wine;
    - (H) fortified wine;

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12 Section 205 (Filing of returns) of the Act

- (I) fermented products other than bottled, bulk, cask or fortified wine, including, for example, wine based soda;
- (J) spirits mixed with other beverages;
- (K) spirits that are not mixed with other beverages; and
- (ii) the name of the persons to whom the liquor was sold or supplied; and
- (iii) the gross amount paid or payable for the liquor.

## **22 Fees payable for specific purposes**

(1) The fees payable to the chief executive are the fees set out in schedule 1.

(2) Subsection (3) applies to an applicant who makes an application for a general purpose permit, an extended hours permit or an approval to alter, change or increase the area of licensed premises for a club that is an RSL or Services Club for an activity on Anzac Day that relates to the commemoration of Anzac Day.

(3) The applicant is exempt from payment of a fee for the application.

## **23 Additional fee under s 204 of the Act**

(1) The additional fee under section 204<sup>13</sup> of the Act for the current licence period is—

- (a) if the approval is for the whole licence period—\$540.00; and
- (b) if the approval is not for the whole licence period—calculated using the following formula—

$$\$546.00 \times \frac{\text{number of months}}{12.}$$

(2) The additional fee is payable—

- (a) if subsection (1)(a) applies—at the beginning of the licence period; and

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13 Section 204 (Additional fee for bars in certain premises) of the Act

(b) if subsection (1)(b) applies—on the day the approval takes effect.

(3) In this section—

“**number of months**” means the number of months from and including the month in which the approval takes effect to and including the following June.

## **25 Fee payable where none is otherwise specified**

(1) A fee of \$75.50 is payable to the chief executive in relation to any application under the Act for which a fee is not otherwise specified by this regulation.

(2) Subsection (1) does not apply to an application for an on-premises licence in relation to premises of which the primary purpose is their use for the purpose mentioned in section 69(1)(g)<sup>14</sup> of the Act.

## **PART 7—MISCELLANEOUS**

### **26 Proof of age card**

For section 6(a)(i)(A)<sup>15</sup> of the Act, the department that deals with matters arising under the *Transport Operations (Road Use Management) Act 1995* may issue a proof of age card that is acceptable evidence of a person’s age.

### **27 Proposed amendment to club rules**

Sections 88(1)(b)(i) and 103D(1)(b)(i)<sup>16</sup> of the Act do not apply to amendments of the rules of a club other than amendments about—

- (a) eligibility for membership of the club; and
- (b) categories of membership of the club; and
- (c) eligibility for election to the club’s management committee; and

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14 Section 69 (Restriction on grant of on-premises licence) of the Act

15 Section 6 (Acceptable evidence of age) of the Act

16 Sections 88 and 103D (Requirements of club and secretary) of the Act

- (d) voting rights of the club's members; and
- (e) functions of the club's management committee; and
- (f) payment to an officer or employee of the club; and
- (g) the club's non-proprietary status.

**28 Unreasonable noise—Act, s 187(5)**

For section 187 of the Act, the limits for noise are—

- (a) between 6 a.m. and 10 p.m.—the adjusted maximum sound pressure level LA10, plus adjustments for tonal and impulse components, exceeding the background level LA90 by more than 10dB(A); or
- (b) between 10 p.m. and 6 a.m.—the sound pressure level LOCT10, in a full octave band with centre frequencies from 63 HZ to 2000 HZ, exceeding the background level LA90 by more than 8dB in any octave band.

**SCHEDULE 1****FEES**

section 22

\$

**Licences****1.(1) Application for—**

(a) a general licence . . . . .	1 105.00
(b) a residential licence. . . . .	1 105.00
(c) an on-premises licence . . . . .	1 105.00
(d) a club licence. . . . .	1 105.00
(e) a special facility licence . . . . .	1 105.00
(f) a limited licence . . . . .	116.50
(g) a producer/wholesaler licence. . . . .	1 105.00

**(2)** However, no fee is payable under subitem (1)(c) if the primary purpose of the premises to which the licence relates is the purpose stated in section 69(1)(g) of the Act.

**2. Application—**

(a) for a temporary variation of the trading hours stated in a licence for 1 occasion . . . . .	27.00
(b) to vary a licence in another way . . . . .	106.50
(c) to transfer a licence. . . . .	193.50
(d) for the chief executive's approval to change the area of licensed premises . . . . .	50.00
(e) for a duplicate licence. . . . .	75.50
(f) for a temporary authority under section 125 of the Act. . . . .	50.00
(g) for renewal of a temporary authority under section 125 of the Act . . . . .	50.00
(h) for approval to alter, rebuild, change or increase the area of licensed premises . . . . .	50.00
(i) for approval of a temporary change to licensed premises for 1 occasion. . . . .	27.00

## SCHEDULE 1 (continued)

	\$
(j) to renew a provisional licence . . . . .	50.00
(k) to renew a staged development approval . . . . .	50.00

**Permits****3. Application for—**

(a) an extended hours permit—	
(i) that would extend trading hours on a regular basis . . . . .	106.50
(ii) in any other case . . . . .	27.00
(b) a general purpose permit . . . . .	27.00
(c) a restricted club permit (for each period of 3 months, or part of 3 months, for which the permit is sought)—	
(i) if the times for the sale of liquor under the permit total not more than 10 hours a week . . . . .	53.50
(ii) if the times for the sale of liquor under the permit total more than 10 hours but not more than 21 hours a week . . . . .	107.50
(d) an adult entertainment permit—	
(i) to provide adult entertainment for an occasion of not more than 3 consecutive days . . . . .	200.00
(ii) to provide adult entertainment for a year . . . . .	1 200.00
(iii) to extend, on a regular basis, the hours during which adult entertainment may be provided . . . . .	106.50
(iv) to change the controller for the permit . . . . .	100.00
(v) to make another change to existing permit—	
(A) with site inspection . . . . .	150.00
(B) without site inspection . . . . .	50.00
(vi) variation of hours during which adult entertainment may be provided for 1 occasion . . . . .	27.00
(e) a catering away permit for more than 1 occasion . . . . .	50.00

## SCHEDULE 1 (continued)

	\$
(f) a variation of a catering away permit for more than 1 occasion . . . . .	50.00
(g) a catering away permit for 1 occasion . . . . .	27.00
(h) a variation of a catering away permit for 1 occasion . . . . .	27.00
<b>4.</b> Application to renew an extended hours permit . . . . .	27.00
<b>5.</b> Application for a duplicate permit . . . . .	75.50
<b>Miscellaneous applications</b>	
<b>6.</b> Application for—	
(a) acceptance of the nomination of a new or additional nominee . . . . .	193.50
(b) approval to let, sublet or enter into a franchise or management agreement for all or part of licensed premises . . . . .	193.50
(c) authority under section 131A of the Act to conduct business on licensed premises . . . . .	193.50
(d) approval under section 148(d) of the Act in relation to the gratuitous supply of liquor for a particular event or occasion in any part of the licensed premises . . . . .	27.00
(e) approval under section 152 of the Act in relation to conducting a business or supplying a service on licensed premises . . . . .	50.00
(f) approval to change the name of licensed premises	50.00
(g) an extension of the times stated in a restricted club permit for the sale and consumption of liquor . . . . .	27.00
(h) approval of premises under section 59(1)(d) of the Act for the sale of liquor under authority of a general licence . . . . .	584.50
(i) transfer of a detached bottle shop . . . . .	100.00
(j) relocation of a detached bottle shop . . . . .	100.00

## SCHEDULE 1 (continued)

	\$
(k) inclusion in a licence of a statement that the licensed premises includes other premises . . . . .	50.00
(l) change of statement in a licence that the licensed premises includes other premises . . . . .	50.00.
(m) inclusion in a licence of a statement that the licensee may sell and supply liquor to or for persons genuinely attending a function on the licensed premises . . . . .	50.00
 <b>Particulars of interest in licence</b>	
<b>7.</b> Giving particulars of an interest in a licence to the chief executive under section 44A(2) of the Act . . . . .	50.00
 <b>Summons to witness</b>	
<b>8.</b> Application for a notice under section 27(1) of the Act.	21.50
 <b>Inspection and search of records</b>	
<b>9.</b> Inspection of the register . . . . .	21.50



**SCHEDULE 2****DICTIONARY**

section 1A

**“bottled wine”** means wine sold in a bottle with a capacity of not more than 1.5 L.

**“bulk wine”** means wine sold for bottling elsewhere or for blending with another wine.

**“cask wine”** means wine sold in a container with a capacity of 2 L or more but not more than 20 L.

**“fortified wine”** includes frontignac, madeira, marsala, muscat, port, sherry and tokay.

**“heavy strength beer”** means beer in which the alcohol content by volume is 4% or more.

**“low strength beer”** means beer in which the alcohol content by volume is less than 3%.

**“medium strength beer”** means beer in which the alcohol content by volume is 3% or more but less than 4%.

**“planning scheme”** has the meaning given by the *Integrated Planning Act 1997*, section 2.1.1.

**“register”** means the Register of Licences and Permits.

**“relevant local government”**, for premises, means the local government for the area in which the premises are located.

## ENDNOTES

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	40
3	Key . . . . .	40
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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 10 May 2002. Future amendments of the Liquor Regulation 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	1 August 1992
2	to SL No. 421 of 1992	22 April 1993
3	to SL No. 249 of 1993	27 July 1993
4	to SL No. 230 of 1994	6 September 1994
5	to SL No. 410 of 1994	22 December 1994
6	to SL No. 197 of 1995	28 July 1995
6A	to SL No. 156 of 1996	26 September 1996
6B	to SL No. 174 of 1997	5 August 1997
6C	to SL No. 297 of 1998	5 November 1999
6D	to SL No. 286 of 1999	2 December 1999
6E	to SL No. 72 of 2000	21 July 2000
6F	to SL No. 325 of 2000	12 December 2000
7	to SL No. 325 of 2000	7 February 2001
7A	to SL No. 96 of 2001	13 July 2001

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1, 5

## 6 List of legislation

### **Liquor Regulation 1992 SL No. 162**

made by the Governor in Council on 18 June 1992  
 pubd gaz 19 June 1992 pp 1431–48  
 commenced on date of publication  
exp 1 September 2002 (see SIA s 54)

amending legislation—

### **Liquor Amendment Regulation (No. 2) 1992 SL No. 299**

notfd gaz 16 October 1992 pp 672–5  
 commenced on date of notification

### **Liquor Amendment Regulation (No. 3) 1992 SL No. 421**

notfd gaz 18 December 1992 pp 1988–96  
 commenced on date of notification

**Liquor Amendment Regulation (No. 1) 1993 SL No. 249**

notfd gaz 1 July 1993 pp 1129–30  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1993 (see s 2)

**Liquor Amendment Regulation (No. 1) 1994 SL No. 230**

notfd gaz 1 July 1994 pp 1170–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1994 (see s 2)

**Liquor Amendment Regulation (No. 2) 1994 SL No. 410**

notfd gaz 2 December 1994 pp 1435–7  
commenced on date of notification

**Liquor Amendment Regulation (No. 1) 1995 SL No. 164**

notfd gaz 9 June 1995 pp 1165–71  
commenced on date of notification

**Liquor Amendment Regulation (No. 2) 1995 SL No. 197**

notfd gaz 22 June 1995 pp 1281A–1281D  
commenced on date of notification

**Liquor Amendment Regulation (No. 1) 1996 SL No. 156**

notfd gaz 28 June 1996 pp 1164–70  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1996 (see s 2)

**Liquor Amendment Regulation (No. 1) 1997 SL No. 174**

notfd gaz 27 June 1997 pp 1004–1010  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1997 (see s 2)

**Liquor Amendment Regulation (No. 1) 1998 SL No. 297**

notfd gaz 13 November 1998 pp 982–3  
commenced on date of notification

**Road Transport Reform Regulation 1999 SL No. 286 ss 1, 2(2), 4 sch 2**

notfd gaz 19 November 1999 pp 1149–52  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 December 1999 (see s 2(2))

**Liquor Amendment Regulation (No. 1) 2000 SL No. 72**

notfd gaz 20 April 2000 pp 1533–6  
ss 5, 8, 10 commenced 1 July 2000 (see s 2)  
remaining provisions commenced on date of notification  
Note—An explanatory note was prepared

**Liquor Amendment Regulation (No. 2) 2000 SL No. 325**

notfd gaz 8 December 2000 pp 1374–7  
commenced on date of notification

**Liquor Amendment Regulation (No. 1) 2001 SL No. 96**

notfd gaz 29 June 2001 pp 822–5  
commenced on date of notification

**Liquor Amendment Regulation (No. 1) 2002 SL No. 92**

notfd gaz 26 April 2002 pp 1540–3

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**7 List of annotations****Definitions**

**s 1A** ins 1996 SL No. 156 s 4  
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**SCHEDULE 1—FEES**

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