



Queensland

# **Liquor and Other Acts Amendment Act 2008**

**Act No. 48 of 2008**





Queensland

# Liquor and Other Acts Amendment Act 2008

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Queensland

## **Liquor and Other Acts Amendment Act 2008**

**Act No. 48 of 2008**

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**An Act to amend the Liquor Act 1992 and the Police Powers and Responsibilities Act 2000 for particular purposes, and to make consequential amendments of other Acts as stated in schedule 1 for purposes related to those particular purposes**

**[Assented to 19 September 2008]**

[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Liquor and Other Acts Amendment Act 2008*.

### **2 Commencement**

This Act, other than sections 4, 5, 7, 8, 12, 22, 29 and 41 and part 3, commences on 1 January 2009.

## **Part 2 Amendment of Liquor Act 1992**

### **Division 1 Preliminary**

#### **3 Act amended in pt 2**

This part amends the *Liquor Act 1992*.

### **Division 2 Amendments not relating to approved managers**

#### **4 Replacement of s 3 (Objects of Act)**

Section 3—  
*omit, insert—*

---

### **‘3 Act’s objects**

‘This Act’s objects are—

- (a) to regulate the liquor industry in a way compatible with minimising harm caused by alcohol abuse and misuse; and

*Examples of harm—*

- adverse effects on a person’s health
- personal injury
- property damage
- violent or anti-social behaviour

- (b) to facilitate and regulate the optimum development of the tourist, liquor and hospitality industries of the State having regard to the welfare, needs and interests of the community and the economic implications of change; and
- (c) to provide for the jurisdiction of the tribunal to hear and decide appeals authorised by this Act; and
- (d) to provide for a flexible, practical system for regulation of the liquor industry of the State with minimal formality, technicality or intervention consistent with the proper and efficient administration of this Act; and
- (e) to regulate the sale and supply of liquor in particular areas to minimise harm caused by alcohol abuse and misuse and associated violence; and
- (f) to regulate the provision of adult entertainment; and
- (g) to provide revenue for the State to enable the attainment of this Act’s objects and for other purposes of government.’.

### **5 Amendment of s 3A (Principle underlying this Act for facilitating and regulating the liquor industry)**

Section 3A(4)—

*omit, insert—*

[s 6]

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‘(4) This section applies subject to this Act’s object mentioned in section 3(a).’

## 6 Amendment of s 4 (Definitions)

Section 4—

*insert—*

***‘approved extended trading hours***, for licensed premises, means the trading hours mentioned in an extended trading hours approval for the premises that is endorsed, under section 85(1), on the licence.

***approved risk-assessed management plan*** see section 50.

***bar licence*** means a commercial other licence for conducting a business with the principal activity mentioned in section 70.

***column 1 licence***, for part 12, division 8, see section 288.

***column 2 licence***, for part 12, division 8, see section 288.

***column 1 permit***, for part 12, division 8, see section 288.

***column 2 permit***, for part 12, division 8, see section 288.

***community impact statement*** means a statement by that name required to be given to the chief executive under section 116.

***community investment fund***, for part 9, see section 199.

***current training course certificate*** means a training course certificate that is in force.

***extended trading hours approval*** see section 84.

***fee*** includes a tax.

***industrial canteen licence*** means a commercial other licence for conducting a business with the principal activity mentioned in section 71A.

***main premises***, for part 4A, division 2, see section 101.

***producer/wholesaler licence*** means a commercial other licence for conducting a business with the principal activity mentioned in section 72.



*remote industrial locality*, for part 3A, division 4, subdivision 5, see section 71

*risk-assessed management plan* see section 50.

*subsidiary off-premises licence* means a commercial other licence for conducting a business with the principal activity mentioned in section 68.

*subsidiary on-premises licence* means a commercial other licence for conducting a business with the principal activity mentioned in section 67.

*training course certificate* means a certificate in the approved form—

- (a) given to a person, for satisfactorily completing the approved training course, by someone who holds an approval under part 5A as a trainer for the course; and
- (b) stating the certificate remains in force for 3 years after it is given to the person.’.

## 7 Amendment of s 4B (Meaning of *liquor*)

- (1) Section 4B(2)—

*insert—*

*‘Examples of other substances—*

ice confections, jellies and aerosol sprays’.

- (2) Section 4B(3)—

*renumber* as section 4B(4).

- (3) Section 4B—

*insert—*

- ‘(3) ***Liquor*** also includes any other substance containing ethyl alcohol (ethanol), which substance is prescribed under a regulation as liquor.’.

[s 8]

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**8 Amendment of s 5 (Who is a responsible adult for a minor)**

Section 5(b), from ‘, while’ to ‘places,’—  
*omit.*

**9 Amendment of s 9 (Ordinary trading hours)**

(1) Section 9—

*insert—*

‘(1A) Subject to subsections (2) and (3), on any day other than Good Friday or Christmas Day, ordinary trading hours of licensed premises, other than premises to which a producer/wholesaler licence relates or an airport or casino to which a commercial special facility licence relates, are between 10a.m. and 12 midnight.

‘(1B) Subject to subsections (2) and (3), on any day other than Good Friday or Christmas Day, ordinary trading hours of an airport or casino to which a commercial special facility licence relates are between 5a.m. and 12 midnight.’.

(2) Section 9(3)(a)(ii), ‘or (c)’—

*omit.*

(3) Section 9(3)(b)—

*omit.*

(4) Section 9(3)(c)—

*renumber* as section 9(3)(b).

(5) Section 9(5)—

*omit, insert—*

‘(5) Subject to subsection (2), on Good Friday and Christmas Day ordinary trading hours of all licensed premises, other than premises to which a producer/wholesaler licence relates, are—

(a) for sale of liquor to a person to consume on the premises in association with the consumer eating a meal in a part

of the premises ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises—between 10a.m. and 12 midnight; or

(b) for other sale of liquor—nil.’.

(6) Section 9(6) and (8) to (11)—

*omit.*

(7) Section 9(7), ‘7a.m.’—

*omit, insert—*

‘10a.m.’.

## 10 Amendment of s 12 (Exemptions)

Section 12(2)—

*insert—*

‘(j) a sale of liquor forming part of a floral arrangement or gift basket to be delivered as a gift to a person (the **relevant person**) other than the purchaser of the floral arrangement or gift basket, if—

(i) the sale is part of a florist’s business or the business of a person selling gift baskets; and

(ii) the relevant person is an adult; and

(iii) the gift is to be delivered to a place other than the place at which the business mentioned in subparagraph (i) is conducted; and

(iv) the quantity of the liquor is not more than 1L; and

(v) the total value of the liquor and the container in which it is supplied is not more than one-half of the gift’s sale price; and

(vi) the liquor had been purchased on a retail basis.’.

## 11 Amendment of s 21 (Jurisdiction and powers of tribunal)

(1) Section 21(1)—

[s 12]

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*insert—*

‘(ea) the refusal to grant an application to change an approved risk-assessed management plan; or’.

- (2) Section 21(1)(f), ‘assessment, reassessment or imposition of’—

*omit.*

## **12 Insertion of new s 42A**

After section 42—

*insert—*

### **‘42A Chief executive may issue guidelines**

- ‘(1) The chief executive may issue guidelines to inform persons about—
- (a) the attitude the chief executive is likely to adopt on a particular matter; or
  - (b) how the chief executive administers this Act.
- ‘(2) A guideline may be replaced or amended by a later guideline issued under this section.
- ‘(3) The chief executive must keep copies of the guidelines available for inspection, free of charge, by members of the public at—
- (a) the department’s head office and regional offices; and
  - (b) other places the chief executive considers appropriate.
- ‘(4) Also, the chief executive must, if asked by a person, give the person a copy of a guideline, or an extract from a guideline, free of charge.’.

## **13 Replacement of pt 4 (Licences and permits)**

Part 4—

*omit, insert—*

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## **‘Part 3A                      Risk-assessed management plans**

### **‘50      Definitions for pt 3A**

‘In this part—

*approved risk-assessed management plan*, for licensed premises or premises to which a restricted liquor permit relates, means a risk-assessed management plan approved under section 51 for the premises, and includes the plan as changed under section 52.

*risk-assessed management plan*, for licensed premises or premises to which a restricted liquor permit relates, means a document containing information about the procedures and practices, relating to the matters prescribed under a regulation, for the conduct of business at the premises.

### **‘51      Approval of plan**

- ‘(1) This section applies if the chief executive issues a licence or restricted liquor permit.
- ‘(2) The chief executive is taken to have approved the risk-assessed management plan identified in the licence or permit.
- ‘(3) The chief executive must endorse the plan with the chief executive’s written approval and give the endorsed plan to the licensee or permittee.

### **‘52      Changing plan**

- ‘(1) A licensee, or permittee for a restricted liquor permit, may apply to the chief executive to change the licensee’s, or permittee’s, approved risk-assessed management plan for the licensed premises or premises to which the permit relates.
- ‘(2) In deciding whether to grant the application, the chief executive must have regard to the requirements for a

[s 13]

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risk-assessed management plan mentioned in the definition *risk-assessed management plan* in section 50.

- ‘(3) If the chief executive decides to grant the application, the chief executive must as soon as practicable give the licensee or permittee written notice of the decision.
- ‘(4) The change takes effect on the day stated for the change in the notice and does not depend on—
  - (a) the plan being amended to incorporate the change; or
  - (b) the licence or permit being amended to identify the amended plan.
- ‘(5) If the chief executive decides not to grant the application, the chief executive must as soon as practicable give the licensee or permittee written notice of the decision and the reasons for it.
- ‘(6) If the chief executive fails to decide the application within 90 days after its receipt, the failure is taken to be a decision by the chief executive not to grant the application.

### ‘53 Recording change of plan

- ‘(1) This section applies if a licensee or permittee receives a notice under section 52(3) about a change to the licensee’s, or permittee’s, approved risk-assessed management plan for the licensed premises or premises to which the permit relates.
- ‘(2) Within 14 days after receiving the notice, the licensee or permittee must return the following documents to the chief executive—
  - (a) the plan, incorporating the change;
  - (b) the licensee’s licence, or permittee’s permit, in which the plan is identified.

Maximum penalty—25 penalty units.

- ‘(3) On receiving the plan, incorporating the change, the chief executive must immediately endorse the plan with the chief

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executive's written approval and give the endorsed plan to the licensee or permittee.

- '(4) On receiving the licence or permit, the chief executive must immediately amend the licence or permit to identify the amended plan and give the amended licence or permit to the licensee or permittee.

#### **'54 Conditions about approved plan**

- '(1) It is a condition of a licence or restricted liquor permit that the licensee or permittee—
- (a) keep the approved plan available for inspection at the licensed premises or premises to which the permit relates by an investigator and patrons of the premises; and
  - (b) display signage at the premises in a way that is likely to make the patrons aware that—
    - (i) the licensee or permittee has an approved risk-assessed management plan for the premises; and
    - (ii) the approved plan is available for inspection by the patrons; and
  - (c) ensure all staff of the premises, and crowd controllers engaged in maintaining order in and around the premises, are aware of, and perform their duties at the premises in compliance with, the approved plan.
- '(2) In this section—
- approved plan*** means the licensee's, or permittee's, approved risk-assessed management plan for the premises.

## **‘Part 4                      Licences**

### **‘Division 1                Licences under this Act**

#### **‘58      Available licences**

- ‘(1) The following licences may be granted and held under this Act—
- (a) commercial hotel licence;
  - (b) commercial special facility licence;
  - (c) commercial other licence;
  - (d) community club licence;
  - (e) community other licence.
- ‘(2) Only 1 licence may be granted or held for premises, or part of premises, but a licence may be granted or held for the premises or part even though there is a licence under the *Wine Industry Act 1994* for the premises or part.
- ‘(3) However, if a licence is granted or held for premises, or part of premises, under this Act and the *Wine Industry Act 1994*—
- (a) the licensee under both Acts must be the same person; and
  - (b) liquor may be sold under the licence under this Act only for the trading hours authorised under the licence.

### **‘Division 2                Commercial hotel licence**

#### **‘59      Principal activity of a business conducted under a commercial hotel licence**

- ‘(1) The principal activity of a business conducted under a commercial hotel licence is the sale of liquor for consumption on the licensed premises, or on and off the premises, together with—



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- (a) the provision of meals and accommodation, as required under the licence; and
  - (b) the provision of premises and catering facilities for use by persons genuinely attending a function held on the premises.
- ‘(2) The authority under a commercial hotel licence to sell liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).
- ‘(3) To remove doubt, it is declared that it is inconsistent with the principal activity of a business conducted under a commercial hotel licence to only sell liquor for consumption off the premises.

#### **‘60 Authority of commercial hotel licence**

- ‘(1) A commercial hotel licence authorises the licensee—
- (a) to sell liquor on the licensed premises, for consumption on or off the premises, during ordinary trading hours or approved extended trading hours; and
  - (b) to sell liquor on the licensed premises, for consumption on or off the premises, at any time to a resident on the premises; and
  - (c) to sell liquor on the licensed premises, for consumption on the premises, at any time to a guest of a resident on the premises while the guest is in the resident’s company; and
  - (d) to sell liquor on premises approved by the chief executive for sale of liquor under authority of the licence, for consumption—
    - (i) off the premises; or
    - (ii) on the premises in the amount and in the circumstances prescribed by regulation.

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*Note—*

Premises approved by the chief executive under subsection (1)(d) are detached bottle shops under this Act.

- ‘(2) If the chief executive states in the licence, the authority of a commercial hotel licence extends to the sale of liquor off the licensed premises, for consumption off the premises, while the licensee is catering for a function if—
  - (a) the sale is ancillary to the function at the place where the liquor is consumed; and
  - (b) the liquor is sold for consumption by persons genuinely attending the function.
- ‘(3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.
- ‘(4) Premises approved by the chief executive for sale of liquor under the authority of a commercial hotel licence are part of the licensed premises to which the licence relates.

## **‘61 Restrictions on grant of commercial hotel licence**

- ‘(1) The chief executive may grant a commercial hotel licence only if the chief executive is satisfied of the following—
  - (a) the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 59(1);
  - (b) the business to be conducted under the licence on the licensed premises will have a commercial kitchen and at least 2 of the following facilities—
    - (i) a dining, restaurant, or bistro-style, facility;
    - (ii) self-contained accommodation of at least 3 rooms for letting to travellers;
    - (iii) a function room facility available for hire by members of the public;
  - (c) the licensed premises—

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- (i) have the capacity to seat more than 60 patrons at any one time; and
  - (ii) have toilet facilities for male and female patrons of the business to be conducted under the licence on the premises.
- ‘(2) The chief executive must not grant a commercial hotel licence to a person—
- (a) for premises the chief executive reasonably considers are, or are to be, used primarily as a supermarket; or
  - (b) if the chief executive considers that the sale of liquor proposed to be carried on under authority of the licence would more appropriately be carried on under the authority of a licence of another kind.
- ‘(3) Also, the chief executive must not grant a commercial hotel licence to an incorporated association under the *Associations Incorporation Act 1981*.

**‘62 Consumption of liquor on premises by residents and guests**

‘Liquor supplied under the authority of a commercial hotel licence to a resident on the licensed premises, or to a guest of a resident in the resident’s company, for consumption on the premises at any time other than ordinary trading hours, or approved extended trading hours, must be consumed in a residential unit on the premises.

**‘Division 3 Commercial special facility licence**

**‘63 Principal activity of a business under a commercial special facility licence**

- ‘(1) The principal activity of a business conducted under a commercial special facility licence is the provision of one of the following facilities—
- (a) a casino;

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- (b) an airport;
  - (c) a convention centre;
  - (d) another type of facility, other than a sporting facility, that makes, or is likely to make, a significant contribution to the tourism development of the State.
- ‘(2) The authority under a commercial special facility licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

**‘64 Authority of commercial special facility licence**

- ‘(1) A commercial special facility licence authorises the licensee to sell liquor on the licensed premises, for consumption on or off the premises, during the times stated in the licence.
- ‘(2) The authority under subsection (1) is subject to this Act and the conditions that the chief executive has stated in the particular licence.

**‘65 Restriction on grant of commercial special facility licence**

- ‘(1) The chief executive may grant a commercial special facility licence only if the chief executive is satisfied the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 63(1).
- ‘(2) The chief executive must not grant a commercial special facility licence if the chief executive considers that the supply of liquor proposed to be provided under authority of the licence would more appropriately be carried on under the authority of a licence of another kind.
- ‘(3) Also, the chief executive must not grant a commercial special facility licence to a person for premises the chief executive reasonably considers are, or are to be, used primarily as a supermarket.

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## **‘Division 4            Commercial other licence**

### **‘Subdivision 1        General**

#### **‘66        Types of commercial other licence**

‘The following types of commercial other licence may be granted and held under this Act—

- (a) subsidiary on-premises licence;
- (b) subsidiary off-premises licence;
- (c) bar licence;
- (d) industrial canteen licence;
- (e) producer/wholesaler licence.

### **‘Subdivision 2        Subsidiary on-premises licence**

#### **‘67        Principal activity of a business under a subsidiary on-premises licence**

- ‘(1) The principal activity of a business conducted under a subsidiary on-premises licence is the provision of an activity, matter or service to which the sale of liquor for consumption on the licensed premises is a subsidiary aspect.
- ‘(2) The authority under a subsidiary on-premises licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

#### **‘67AA Principal activity is the provision of entertainment**

- ‘(1) This section applies if the principal activity of a business conducted under a subsidiary on-premises licence is the provision of entertainment on the licensed premises.

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- ‘(2) The authority of the licence is restricted to the sale and supply of liquor to a person for consumption on the premises in association with the person being provided entertainment on the premises.

**‘67A Principal activity is the provision of meals**

- ‘(1) This section applies if the principal activity of a business conducted under a subsidiary on-premises licence is the provision of meals prepared, and served to be eaten, on the licensed premises.
- ‘(2) The authority of the licence is restricted to the following—
- (a) the sale and supply of liquor for consumption on the premises—
    - (i) in association with a consumer eating a meal on the premises; and
    - (ii) to persons on the premises other than in association with the persons eating meals;
  - (b) the sale and supply of 1 opened and 1 unopened bottle of wine for consumption off the premises to each adult consumer eating a meal.

**‘67B Principal activity is the provision of accommodation**

- ‘(1) This section applies if the principal activity of a business conducted under a subsidiary on-premises licence is the provision of accommodation.
- ‘(2) The licence authorises the licensee to sell liquor on the licensed premises—
- (a) at any time—
    - (i) to a resident on the licensed premises, or a guest of a resident in the resident’s company, for consumption on the premises; or

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- (ii) to a resident on the licensed premises in a quantity of not more than 9L on any day, for consumption off the premises; and
  - (b) during ordinary trading hours or approved extended trading hours, to any person, including a person not eating a meal, for consumption in a part of the premises stated in the licence as ordinarily set aside for dining.
- ‘(3) Liquor supplied under authority of the licence to a resident on the licensed premises or a guest of a resident in the resident’s company, for consumption on the premises outside ordinary trading hours or approved extended trading hours, must be consumed in a residential unit on the premises.

### **‘67C Authority of subsidiary on-premises licence**

- ‘(1) A subsidiary on-premises licence authorises the licensee to sell liquor in association with an activity, matter or service provided on the licensed premises, or on premises of which the licensed premises form part, which activity, matter or service is the primary purpose to be served by conduct of business under authority of the licence—
- (a) for consumption on the licensed premises; and
  - (b) if the chief executive so stated in the licence—for consumption off the licensed premises;
- during ordinary trading hours or approved extended trading hours.
- ‘(2) Subject to section 67E, if the chief executive states in the licence, the authority of a subsidiary on-premises licence extends to the sale of liquor on premises other than the licensed premises for consumption on the other premises.
- ‘(3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.

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**‘67D Restriction on grant of subsidiary on-premises licence**

‘The chief executive must not grant a subsidiary on-premises licence to a person for a vehicle the chief executive reasonably considers is, or is to be, used primarily to transport persons by road between licensed premises.

**‘67E Restriction on sale of liquor for consumption off premises**

- ‘(1) The chief executive may decide that liquor may be sold under authority of a subsidiary on-premises licence for consumption off the licensed premises only if the chief executive is satisfied that sale of the liquor will be made only in the course of the licensee providing catering facilities for functions.
- ‘(2) The authority conferred by a subsidiary on-premises licence to sell liquor for consumption off the licensed premises is restricted to the sale of liquor—
- (a) as ancillary to a function that—
    - (i) happens at a place at which the liquor is consumed; and
    - (ii) includes the licensee providing food for the function of sufficient substance as to be ordinarily accepted as a meal for consumption by persons genuinely attending the function, even though the food may be eaten while standing and without cutlery; and
  - (b) for consumption by persons genuinely attending the function.
- ‘(3) Subsection (4) applies if the principal activity of a business conducted under a subsidiary on-premises licence is the provision of meals prepared, and served to be eaten, on the licensed premises.
- ‘(4) Subsections (1) and (2) do not apply to the licence in relation to a sale or supply of liquor under section 67A(2)(b).



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### **‘Subdivision 3      Subsidiary off-premises licence**

#### **‘68      Principal activity of a business under a subsidiary off-premises licence**

- ‘(1) The principal activity of a business conducted under a subsidiary off-premises licence is the provision of an activity, matter or service to which the sale of liquor for consumption off the licensed premises is a subsidiary aspect.
- ‘(2) The authority under a subsidiary off-premises licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

#### **‘69      Authority of subsidiary off-premises licence**

- ‘(1) A subsidiary off-premises licence authorises the licensee, during the times stated in the licence, to sell liquor on the licensed premises, for consumption off the premises, if the amount of each sale is not more than—
  - (i) if the chief executive stated an amount in the licence—the amount stated by the chief executive; or
  - (ii) in any other case—2L.
- ‘(2) The authority under subsection (1) is subject to this Act and the conditions stated in the particular licence.

#### **‘69A      Restriction on grant of subsidiary off-premises licence**

- ‘(1) The chief executive must not grant a subsidiary off-premises licence to a person for premises the chief executive reasonably considers are, or are to be, used primarily as a supermarket.
- ‘(2) Also, the chief executive must not grant a subsidiary off-premises licence to a person for premises the chief executive reasonably considers are, or are to be, used primarily for the hiring out of party equipment.

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## **‘Subdivision 4      Bar licence**

### **‘70      Principal activity of a business under a bar licence**

- ‘(1) The principal activity of a business conducted under a bar licence is the sale of liquor on the licensed premises having the capacity to seat not more than 60 patrons at any one time.
- ‘(2) The authority under a bar licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

### **‘70A      Authority of bar licence**

- ‘(1) A bar licence authorises the licensee to sell liquor on the licensed premises for consumption on the premises during ordinary trading hours or approved extended trading hours.
- ‘(2) The authority under subsection (1) is subject to this Act and the conditions stated in a particular licence.

## **‘Subdivision 5      Industrial canteen licence**

### **‘71      Definition for sdiv 5**

‘In this subdivision—

*remote industrial locality* means a locality at which—

- (a) there is no permanent residential population; and
- (b) mining, or rail or road construction, activities are happening.

### **‘71A      Principal activity of a business under an industrial canteen licence**

- ‘(1) The principal activity of a business conducted under an industrial canteen licence is the sale of liquor on the licensed premises located within a remote industrial locality.

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- ‘(2) The authority under an industrial canteen licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

**‘71B Authority of industrial canteen licence**

- ‘(1) An industrial canteen licence authorises the licensee to sell liquor to a relevant person on the licensed premises, for consumption on or off the premises.
- ‘(2) The authority under subsection (1) is subject to this Act and the conditions stated in a particular licence.
- ‘(3) In this section—
- relevant person* means—
- (a) a person working at the remote industrial locality within which the premises are located; or
  - (b) a member of the family, or a guest, of a person mentioned in paragraph (a).

**‘71C Restriction on grant of industrial canteen licence**

‘The chief executive may grant an industrial canteen licence in relation to a remote industrial locality only if there is no other licensed premises located within the locality.

**‘Subdivision 6 Producer/wholesaler licence**

**‘72 Principal activity of a business under a producer/wholesaler licence**

- ‘(1) The principal activity of a business conducted under a producer/wholesaler licence is either or both of the following—
- (a) the production and wholesale sale on the licensed premises of liquor made on the premises;

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- (b) the wholesale sale on the licensed premises of liquor.
- ‘(2) The authority under a producer/wholesaler licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

### **‘73 Authority of producer/wholesaler licence**

- ‘(1) A producer/wholesaler licence authorises the licensee—
  - (a) if the licensee is a producer of liquor—to sell on the licensed premises liquor produced or made on the premises, for consumption on or off the premises, during ordinary trading hours or approved extended trading hours; or
  - (b) if the licensee is a wholesale supplier of liquor—to sell liquor on the licensed premises, for consumption off the premises, during ordinary trading hours.
- ‘(2) The authority under subsection (1) is subject to this Act and the conditions stated in a particular licence.

### **‘74 Restriction on grant of producer/wholesaler licence**

‘The chief executive may grant a producer/wholesaler licence only if the chief executive is satisfied the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 72(1).

### **‘75 Restriction on sale of liquor under producer/wholesaler licence**

- ‘(1) Subject to subsection (2), the holder of a producer/wholesaler licence must not sell liquor to a person other than—
  - (a) a licensee or permittee; or
  - (b) a licensee under the *Wine Industry Act 1994*; or

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- (c) a person engaged in an activity to which this Act is prescribed not to apply, if the sale is for the purpose of that activity; or
  - (d) a person authorised by a law of the Commonwealth, another State or a Territory or foreign country to sell liquor, or the person's agent; or
  - (e) a person exempt from the application of a law of the Commonwealth, another State or a Territory relating to the sale of liquor, or the person's agent, if the sale is made in circumstances in which the person is so exempt; or
  - (f) a person who purchases the liquor for export; or
  - (g) a person who purchases the liquor for stock in a duty free store; or
  - (h) a person who purchases the liquor to provide it for consumption on ships or aircraft on international journeys; or
  - (i) a person who purchases the liquor to provide it at Government House, or at a foreign embassy or consulate, as part of official activities at the place; or
  - (j) a person who purchases the liquor for a religious entity for sacramental purposes.
- '(2) The holder of a producer/wholesaler licence who is a producer of liquor may—
- (a) sell the licensee's liquor and liquor for which the licensee is a wholesaler to a visitor to the licensed premises for consumption on the premises in association with the visitor eating a meal in a part of the premises ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises; and
  - (b) sell the licensee's liquor, for consumption on or off the licensed premises, to a visitor to the licensed premises, if the liquor is sold as a souvenir of the visit.
- '(3) The holder of a producer/wholesaler licence does not contravene this section by selling liquor during any period—

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- (a) to the holder's staff; or
  - (b) for sampling, promotions or similar purposes;  
if such sales do not exceed 2.5% by value of the holder's total sales of liquor during the period.
- '(4) This section does not apply to the holder of a producer/wholesaler licence who holds a brewery licence within the meaning of the *Excise Act 1901* (Cwlth), section 77A in relation to the sale by the licensee of the licensee's liquor.
- '(5) In this section—  
*licensee's liquor* means liquor produced on the premises to which the licence relates.

## **'Division 5                    Community club licence**

### **'76    Principal activity of business under community club licence**

- '(1) The principal activity of a business conducted under a community club licence is the provision of facilities and services to the club's members and the achievement of the club's objects.
- '(2) The authority under a community club licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the primary purpose as mentioned in subsection (1).

### **'77    Authority of community club licence**

- '(1) A community club licence authorises the licensee to sell liquor on the licensed premises—
  - (a) during ordinary trading hours, or approved extended trading hours, to—
    - (i) a member of the club, for consumption on or off the premises, or a guest of a member in the

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- member's company, for consumption on the premises; or
- (ii) a member of a reciprocal club whose members' reciprocal rights are secured by formal reciprocal arrangements for consumption on or off the premises, or a guest of a member of such a reciprocal club in the member's company for consumption on the premises; or
  - (iii) an applicant for membership of the club for a period of 30 days after receipt by the secretary of the club of the applicant's application for membership for consumption on the premises; or
  - (iv) a visitor to the club whose ordinary place of residence is in another State or a Territory or in a foreign country for consumption on the premises; or
  - (v) a visitor to the club whose ordinary place of residence is in the State at least 15km from the club's premises for consumption on the premises; or
  - (vi) a person attending a function or club activity, other than the purpose of the club, on the premises for consumption on the premises; or
  - (vii) for a club that is a RSL or Services Club—a defence member for consumption on the premises; and
- (b) at any time to a resident on the premises, or a guest of a resident in the resident's company, for consumption on the premises.
- (2) Despite subsection (1)(a)(vi), if the chief executive states in a community club licence that the licensed premises include particular premises (the *other premises*) that the club owns or has a legal right to occupy and the other premises may be used on an infrequent basis for an event, the licence authorises the licensee to sell liquor within a defined area on the other

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premises for the event for consumption within the defined area stated in the licence if—

- (a) the sale is during ordinary trading hours for the licence to members of the public attending the event on the other premises; and
- (b) the event is the playing of a sport or game for which the club is established; and

*Example of sport or game for which a club is established—*

If a rugby union club is established but the club allows other clubs to use its premises for bridge or darts, or encourages the rugby union club's members to play those games, the rugby union club is established for rugby union and not other sports or games (like bridge or darts) that may be played on its premises.

- (c) the club is catering for the event on the other premises; and
- (d) at least 14 days before the date of the event, the club gives written notice about the event to the police officer in charge of the locality in which the event is to be held.

*Example for subsection (2)—*

A football club may have premises with an adjacent field in 1 suburb that are used on a weekly basis for training and regular games. The club may also own a second field in another suburb which is used a few times a year for the club's games. The chief executive may state in the community club licence that the licensed premises includes defined areas at 1 or both fields. The community club licence authorises the club to sell liquor within the defined areas.

- '(3) For subsection (2), the area of the other premises defined in the licence forms part of the licensee's licensed premises for the period the licensee is authorised to sell liquor on the other premises.
- '(4) Despite section 76(1), a community club licence does not authorise the sale or supply of liquor from a facility ordinarily known as a drive-in or drive through bottle shop.
- '(5) The authority under subsections (1) and (2) is subject to this Act and the conditions stated in a particular licence.
- '(6) A visitor to the premises of a club who—



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- (a) with permission of an authorised agent of the management committee of the club; and
  - (b) after payment of the fee, if any, ordinarily charged for the purpose;

plays a sport or game that is part of the club's business, or that is played under the auspices of the club, is taken, for the purposes of subsection (1), to be a member of the club for the day on which the visitor so plays.

'(7) If it is a team that plays a sport or game mentioned in subsection (6) as visitors to the premises of a club, every genuine official of the team is taken to be a visitor who has played the sport or game although the official has not taken part in the sport or game.

'(8) In this section—

***defence member*** means any of the following persons in possession of a current service identity card—

- (a) a member of the Permanent Naval Forces, the Australian Regular Army, the Regular Army Supplement or the Permanent Air Force;
- (b) a member of the Emergency Forces or the Reserve Forces who is rendering continuous full-time service.

***game*** does not include a game within the meaning of the *Gaming Machine Act 1991*.

## **'78 Restrictions on grant of community club licence**

'(1) The chief executive may grant a community club licence only if the chief executive is satisfied that—

- (a) the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 76(1); and
- (b) the club in question is a non-proprietary club.

'(2) The chief executive may not grant a community club licence if—

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- (a) the premises to which the community club licence would relate are a part of larger premises, wholly or partly (the *larger premises*); and
- (b) another type of licence was formerly held in relation to the larger premises; and
- (c) another type of licence is still held in relation to the remainder of the larger premises, wholly or partly.

*Example—*

If club A applies for a community club licence in relation to a part of premises that has been excised from club B's general licence, club A's application must be refused.

## **'79 Requirements of club and secretary**

- (1) A community club licence is subject to the following conditions—
- (a) the rules of the club must comply with the schedule, except as otherwise authorised in writing by the chief executive;
  - (b) if an amendment of the rules of the club is adopted by the club—
    - (i) the club's secretary must, within 14 days after the adoption of the amendment, give to the chief executive a certified copy of the proposed amendment; and
    - (ii) the amendment takes effect at the end of 28 days after receipt by the chief executive of the certified copy, unless, within that period, the chief executive disallows the amendment by written notice given to the club's secretary;
  - (c) the club's secretary must keep on the club premises a register of—
    - (i) the name and address of each member of the club; and

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- (ii) particulars of payment of the membership subscription last paid by the member;
  - (d) the club's secretary must keep on the club premises a register of—
    - (i) the name of each guest of a member or visitor to the club premises; and
    - (ii) the current place of residence of each guest or visitor or, if the guest or visitor is a member of a reciprocal club, the name of the reciprocal club;
  - (e) the club's secretary must keep the register mentioned in paragraph (c) or (d) open for inspection at any time by an investigator.
- '(2) The regulations may prescribe amendments to which subsection (1)(b)(i) does not apply.
- '(3) An amendment to which subsection (1)(b)(i) does not apply takes effect as soon as it is adopted by the club.
- '(4) Subsection (1)(d) does not apply to a person who is—
- (a) a minor; or
  - (b) a visitor mentioned in section 77(6) or (7).
- '(5) A person must not make an entry in a register, or give information to someone else to enter in a register, mentioned in subsection (1)(c) or (d) that the person knows is false, misleading or incomplete in a material particular.
- Maximum penalty—35 penalty units.
- '(6) It is enough for a complaint against a person for an offence against subsection (5) to state that the information entered was false, misleading or incomplete to the person's knowledge.

## **‘Division 6                    Community other licence**

### **‘80        Principal activity of business under community other licence**

- ‘(1) The principal activity of a business conducted under a community other licence is the provision of facilities and services to the relevant club’s members and the achievement of the club’s objects.
- ‘(2) The authority under a community other licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the primary purpose as mentioned in subsection (1).
- ‘(3) In this section—  
*relevant club* means the club to which the licence relates.

### **‘81        Authority of community other licence**

- ‘(1) A community other licence authorises the licensee to sell and supply liquor on the licensed premises during ordinary trading hours to the following persons, for consumption on the premises—
- (a) a member of the relevant club;
  - (b) a guest of a member of the relevant club in the member’s company;
  - (c) a member of a reciprocal club;
  - (d) a guest of a member of a reciprocal club in the member’s company.
- ‘(2) The authority under subsection (1) is subject to this Act and the conditions stated in the licence.
- ‘(3) In this section—  
*relevant club* means the club to which the licence relates.

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**‘82 Restriction on grant of community other licence and other related matters**

- ‘(1) The chief executive may grant a community other licence only if the chief executive is satisfied the relevant club is a non-proprietary club.
- ‘(2) The chief executive must include the following matters in a community other licence—
- (a) the times, totalling not more than 25 hours a week, for the sale of liquor under the licence;
  - (b) the area to which the licence relates.
- ‘(3) In this section—
- relevant club* means the club to which the licence relates.

**‘83 Requirements of club and secretary**

- ‘(1) A community other licence is subject to the following conditions—
- (a) the rules of the relevant club must comply with the schedule, unless the chief executive has given written permission to the club to amend the rules;
  - (b) if an amendment of the rules of the relevant club is adopted by the club—
    - (i) within 14 days after adoption of the amendment, the club’s secretary must give the chief executive a certified copy of the amendment; and
    - (ii) the amendment takes effect at the end of 28 days after the chief executive receives the certified copy unless the chief executive has disallowed the amendment by written notice given to the club’s secretary;
  - (c) the relevant club’s secretary must keep on the club premises a register of—
    - (i) the name and address of each club member; and

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- (ii) particulars of the most recent membership subscription paid by the member;
  - (d) the relevant club's secretary must keep on the club premises a register of—
    - (i) the name and current address of each guest of a member; and
    - (ii) the name of each member of a reciprocal club, on the premises, and the name of the reciprocal club; and
    - (iii) the name and current address of each guest of a member of a reciprocal club mentioned in subparagraph (ii);
  - (e) the relevant club's secretary must keep the registers mentioned in paragraphs (c) and (d) open for inspection by an investigator at any time when the club is open.
- '(2) The regulations may prescribe amendments to which subsection (1)(b)(i) does not apply.
- '(3) An amendment to which subsection (1)(b)(i) does not apply takes effect as soon as it is adopted by the relevant club.
- '(4) A person must not make an entry in a register, or give information to someone else to enter in a register, mentioned in subsection (1)(c) or (d), that the person knows is false, misleading or incomplete in a material particular.
- Maximum penalty—35 penalty units.
- '(5) It is enough for a complaint against a person for an offence against subsection (4) to state that the information entered was false, misleading or incomplete to the person's knowledge.
- '(6) In this section—
- relevant club*** means the club to which the licence relates.

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## **‘Division 7                      Extended trading hours approval**

### **‘84      Authority of extended trading hours approval**

‘An *extended trading hours approval* authorises the licensee who is the holder of the approval to sell liquor on a regular basis under authority of the licence that relates to the licensed premises for which the approval is granted subject to this Act at the times, and subject to the conditions, stated in the approval.

### **‘85      Application for approval**

- ‘(1) An applicant for a licence, or a licensee, may apply to the chief executive for an extended trading hours approval for the premises that are, or are to be, the licensed premises.
- ‘(2) If the application is granted, the approval must be endorsed by the chief executive on the licence.

### **‘86      Hours to which application may relate etc.**

- ‘(1) An application may be made for an extended trading hours approval for a licence other than a community other licence that, if granted, would extend trading hours on a regular basis to include trading between 12a.m. and 5a.m.
- ‘(2) An application may be made for an extended trading hours approval for a licence other than a community other licence that, if granted, would extend trading hours on a regular basis to include trading between 9a.m. and 10a.m.
- ‘(3) The applicant for an application mentioned in subsection (2) must satisfy the chief executive that there is a demonstrated community need for the application to be granted.
- ‘(4) An application may be made for an extended trading hours approval for a community club licence that, if granted, would extend trading hours on a regular basis to include trading between 7a.m. and 9a.m.
- ‘(5) For an application mentioned in subsection (4)—

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- (a) the applicant must satisfy the chief executive that there is a demonstrated community need for the application to be granted; or
  - (b) the club to which the licence relates must be a sporting club for a sport prescribed under a regulation.
- ‘(6) An application may be made for an extended trading hours approval for a licence other than a community other licence that, if granted, would extend trading hours on a regular basis to include trading between 7a.m. and 9a.m. but only for the purpose of selling and supplying liquor to or for persons genuinely attending a function held on the licensed premises during those hours.

**‘87 Restriction on grant of extended trading hours approval**

‘The chief executive must not grant an extended trading hours approval that would purport to authorise the sale of liquor at any time on Good Friday, Christmas Day or Anzac Day, otherwise than as prescribed by section 9.

**‘Part 4A Permits**

**‘Division 1 Permits under this Act**

**‘100 Available permits**

‘The following permits may be granted and held under this Act—

- (a) a commercial public event permit;
- (b) a community liquor permit;
- (c) an extended hours permit;
- (d) a restricted liquor permit;



- (e) an adult entertainment permit;
- (f) a restricted area permit.

## **‘Division 2                    Commercial public event permits**

### **‘101    Definitions for div 2**

‘In this division—

*licence* means each of the following licences for which the authority under the licence is extended to allow the sale of liquor on premises that are not the licence’s main premises—

- (a) commercial hotel licence;
- (b) subsidiary on-premises licence;
- (c) subsidiary off-premises licence.

*main premises* means licensed premises described in a licence.

*private event* means an event or occasion, held at premises other than main premises, if—

- (a) the event or occasion is not publicly advertised or is not open to the public or casual attendance; or
- (b) attendance at the event or occasion is restricted by personal invitation of the function’s host; or
- (c) admission to the event or occasion does not involve paying a fee for—
  - (i) admission; or
  - (ii) entertainment or services provided at the event or occasion.

*Examples of a private event—*

a 21<sup>st</sup> birthday party, boardroom lunch, company cocktail party, wedding

*public event*, in relation to a licensee, means an event or occasion held at premises other than the licensee’s main premises, that is not a private event.

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*Examples of a public event—*

a festival, public ball, race meeting, rock concert

**‘101A Commercial public event permit issued jointly to 2 or more licensees**

- ‘(1) A reference in this division to a licensee, for a commercial public event permit issued jointly to 2 or more licensees, is a reference to each of the licensees.
- ‘(2) If a commercial public event permit is issued jointly to 2 or more licensees and one of the licences is suspended, the permit is taken to be suspended for the period of the suspension.
- ‘(3) If a commercial public event permit is issued jointly to 2 or more licensees and one of the licences is cancelled, the permit is taken to be cancelled.

**‘102 Licensee to obtain a commercial public event permit for selling or supplying liquor at public events**

- ‘(1) A licensee who proposes to sell or supply liquor at a public event under the licence must apply for the grant of a commercial public event permit to sell or supply the liquor at the public event.
- ‘(2) Without limiting section 105, an application must—
  - (a) describe the area where the liquor will be sold or supplied and consumed and the area where any catering to be provided by the licensee will take place; and
  - (b) be accompanied by a proposed event management plan for the public event addressing all matters about which the chief executive is to be satisfied under section 103(1).
- ‘(3) An application under subsection (1) may be made jointly by 2 or more licensees.

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**‘103 Restriction on grant of commercial public event permit**

- ‘(1) The chief executive must not grant a commercial public event permit for a public event unless the chief executive is satisfied about all of the following—
- (a) the licensee would, in catering for the public event, be carrying out the principal activity of the business conducted under the licence;
  - (b) premises in which liquor may be sold, supplied and consumed at the public event are properly defined and will be appropriately monitored;
  - (c) the public event will not create any undue annoyance, disturbance or inconvenience to residents of the locality in which the public event is to be held;
  - (d) the public event will not create an unsafe or unhealthy environment for persons employed at and attending the public event or residents of the locality in which the public event is to be held;
  - (e) appropriate planning for the public event has been carried out with the police service and local government for the area in which the public event is to be held;
  - (f) any other matter prescribed under a regulation.
- ‘(2) Subsection (1)(a) does not apply to an application for a commercial public event permit to extend the authority of a subsidiary on-premises licence if the principal activity of the business conducted under the licence is the provision of accommodation.
- ‘(3) The chief executive must not grant a commercial public event permit for a public event that would purport to authorise the sale of liquor at any time on Good Friday or Christmas Day or before 1.00p.m. on Anzac Day.
- ‘(4) Despite subsection (3), the chief executive may grant a commercial public event permit to authorise a licensee to sell liquor between 5a.m. and 1p.m. on Anzac Day if—
- (a) the chief executive is satisfied the licensee has entered

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into an agreement with an RSL or Services Club to sell liquor under the permit at a public event that is an Anzac Day event for the club; and

- (b) the permit authorises the sale of liquor only at the event.

**‘103A Area defined in commercial public event permit forms part of licensed premises**

‘The area defined in a commercial public event permit for a public event forms part of the licensee’s licensed premises for the period the licensee is authorised to sell or supply liquor at the event under the permit.

**‘103B Authority of commercial public event permit**

- ‘(1) Subject to this Act, a commercial public event permit authorises the licensee to sell or supply liquor—
- (a) at the public event stated in the permit; and
  - (b) at the times on the day or days stated in the permit; and
  - (c) subject to the conditions stated in the permit.
- ‘(2) The authority of a commercial public event permit for a public event extends to the sale or supply of liquor for consumption within the area defined in the permit for the event.

**‘Division 3 Community liquor permit**

**‘103C Authority of community liquor permit**

- ‘(1) Subject to this Act, a community liquor permit authorises the permittee to sell liquor—
- (a) at the event or occasion; and
  - (b) at the times on the day or days; and
  - (c) subject to the conditions;
- stated in the permit.

- ‘(2) Authority of a community liquor permit extends to sale of liquor—
  - (a) for consumption at the event or occasion stated in the permit; and
  - (b) for removal from the venue of the event or occasion, and subsequent consumption, if stated in the permit.

### **‘103D Restriction on grant of community liquor permit**

- ‘(1) The chief executive must not grant a community liquor permit—
  - (a) for licensed premises; or
  - (b) if the chief executive considers that the supply of liquor proposed to be provided under authority of the permit would more appropriately be provided under authority of a licence.
- ‘(2) The chief executive may grant a community liquor permit only to—
  - (a) a non-proprietary club; or
  - (b) another entity, if the chief executive is satisfied all the net proceeds from the sale of liquor under the permit will be used for the benefit of the community.
- ‘(3) If the applicant for a community liquor permit is a non-proprietary club that is an unincorporated association, the permit may be granted only to an individual for the non-proprietary club.

### **‘103E Identification of premises**

- ‘(1) The chief executive must—
  - (a) define an area adjacent to each premises to which a community liquor permit relates; and
  - (b) state the means by which the area must be marked out.

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- ‘(2) An area defined under subsection (1) is part of the premises to which the permit relates.

### **‘103F Restriction on consumption or possession of liquor**

- ‘(1) During continuance of a community liquor permit, a person must not—
- (a) consume liquor; or
  - (b) have liquor in possession for consumption;
- at the venue of the event or occasion stated in the permit elsewhere than in an area that is part of the premises to which the permit relates.
- ‘(2) Subsection (1) does not apply to consumption of, or having in possession, liquor supplied by the person or association of persons controlling the event or occasion in a part of the venue of the event or occasion set apart for use by that person or association and guests.

## **‘Division 4            Extended hours permit**

### **‘103G Authority of extended hours permit**

‘An extended hours permit authorises the licensee who is the holder of the permit to sell liquor on a particular day under authority of the licence that relates to the licensed premises for which the permit is granted subject to this Act at the time, and subject to the conditions, stated in the permit.

### **‘103H Restriction on grant of extended hours permit**

- ‘(1) The chief executive must not grant an extended hours permit that would purport to authorise the sale of liquor at any time on Good Friday, Christmas Day or Anzac Day, otherwise than as prescribed by section 9.

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- ‘(2) However, the chief executive may grant an extended hours permit to authorise a licensee to sell liquor between 5a.m. and 1p.m. on Anzac Day if—
- (a) the chief executive is satisfied the licensee has entered into an agreement with an RSL or Services Club to sell liquor under the permit at an Anzac Day event for the club; and
  - (b) the permit authorises the sale of liquor only at the event.

**‘103I Hours to which application may relate etc.**

- ‘(1) An application may be made for an extended trading hours permit for a licence other than a community other licence that, if granted, would extend trading hours on a particular day to include trading between 12a.m. and 5a.m.
- ‘(2) An application may be made for an extended trading hours permit for a licence other than a community other licence that, if granted, would extend trading hours on a particular day to include trading between 9a.m. and 10a.m.
- ‘(3) The applicant, for an application mentioned in subsection (2), must satisfy the chief executive that there is a demonstrated community need for the application to be granted.
- ‘(4) An application may be made for an extended trading hours permit for a community club licence that, if granted, would extend trading hours on a particular day to include trading between 7a.m. and 9a.m.
- ‘(5) For an application mentioned in subsection (4)—
- (a) the applicant must satisfy the chief executive that there is a demonstrated community need for the application to be granted; or
  - (b) the club to which the licence relates must be a sporting club for a sport prescribed under a regulation.
- ‘(6) An application may be made for an extended trading hours permit for a licence other than a community other licence that, if granted, would extend trading hours on a particular day to

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include trading between 7a.m. and 9a.m., but only for the purpose of selling and supplying liquor to or for persons genuinely attending a function held on the licensed premises during those hours.

### **‘103J Restriction on number of extended trading hours permits for particular premises**

- ‘(1) The chief executive may issue a maximum of 12 extended trading hours permits, for particular licensed premises, mentioned in section 103I(1) during a 1 year period.
- ‘(2) The chief executive may issue a maximum of 4 extended trading hours permits, for particular licensed premises, mentioned in section 103I(2), (4) or (6) during a 1 year period.

## **‘Division 5                    Restricted liquor permit**

### **‘103JA Authority of restricted liquor permit**

- ‘(1) A restricted liquor permit authorises the permittee to sell and supply liquor on the premises to which the permit relates to the following persons, for consumption on the premises—
  - (a) a member of the relevant club;
  - (b) a guest of a member of the relevant club in the member’s company;
  - (c) a member of a reciprocal club;
  - (d) a guest of a member of a reciprocal club in the member’s company.
- ‘(2) The authority under subsection (1) is subject to this Act and the conditions stated in the permit.
- ‘(3) In this section—  
*relevant club* means the club to which the permit relates.



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**‘103K Restriction on grant of restricted liquor permit and other related matters**

- ‘(1) The chief executive may grant a restricted liquor permit only if the chief executive is satisfied the relevant club is a non-proprietary club.
- ‘(2) The chief executive must include the following matters in a restricted liquor permit—
  - (a) the times, totalling not more than 25 hours a week, for the sale of liquor under the permit;
  - (b) the area to which the permit relates.
- ‘(3) In this section—  
*relevant club* means the club to which the permit relates.

**‘103L Duration of permit**

‘The chief executive may grant a restricted liquor permit for a period of at least 3 months but no longer than 6 months.

**‘103M Requirements of club and secretary**

- ‘(1) A restricted liquor permit is subject to the following conditions—
  - (a) the rules of the relevant club must comply with the schedule, unless the chief executive has given written permission to the club to vary the rules;
  - (b) if an amendment of the rules of the relevant club is adopted by the club—
    - (i) within 14 days after adoption of the amendment, the club’s secretary must give the chief executive a certified copy of the amendment; and
    - (ii) the amendment takes effect at the end of 28 days after the chief executive receives the certified copy unless the chief executive has disallowed the amendment by written notice given to the club’s secretary;

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- (c) the relevant club's secretary must keep on the club premises a register of—
    - (i) the name and address of each club member; and
    - (ii) particulars of the most recent membership subscription paid by the member;
  - (d) the relevant club's secretary must keep on the club premises a register of—
    - (i) the name and current address of each guest of a member; and
    - (ii) the name of each member of a reciprocal club, on the premises, and the name of the reciprocal club; and
    - (iii) the name and current address of each guest of a member of a reciprocal club mentioned in subparagraph (ii);
  - (e) the relevant club's secretary must keep the registers mentioned in paragraphs (c) and (d) open for inspection by an investigator at any time when the club is open.
- '(2) The regulations may prescribe amendments to which subsection (1)(b)(i) does not apply.
- '(3) An amendment to which subsection (1)(b)(i) does not apply takes effect as soon as it is adopted by the relevant club.
- '(4) A person must not make an entry in a register, or give information to someone else to enter in a register, mentioned in subsection (1)(c) or (d), that the person knows is false, misleading or incomplete in a material particular.
- Maximum penalty—35 penalty units.
- '(5) It is enough for a complaint against a person for an offence against subsection (4) to state that the information entered was false, misleading or incomplete to the person's knowledge.
- '(6) In this section—
- relevant club*** means the club to which the permit relates.

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## **‘Division 6                    Adult entertainment permit**

### **‘103N Adult entertainment code**

- ‘(1) There is to be an adult entertainment code (the *code*).
- ‘(2) The code prescribes the live entertainment that may be performed for an audience, by a person performing an act of an explicit sexual nature (*adult entertainment*), on licensed premises or premises to which a community liquor permit or restricted liquor permit relates under an adult entertainment permit.
- ‘(3) Adult entertainment does not include the performance of the following acts—
  - (a) sexual intercourse;
  - (b) masturbation;
  - (c) oral sex.
- ‘(4) The chief executive and the commissioner are to make the code.
- ‘(5) The code is not effective until it is approved by the Governor in Council under a regulation.
- ‘(6) The chief executive must ensure that a copy of the code approved under subsection (5) is made available for inspection without charge, or for purchase during normal business hours at the office of the department in which this Act is administered.
- ‘(7) In this section—  
*oral sex* has the meaning given by the Criminal Code, section 229E(5).

### **‘103O Only licensees and permittees eligible for grant of adult entertainment permit**

- ‘(1) A person is eligible to apply for, or to be granted, an adult entertainment permit only if the person is a licensee or the

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holder of a community liquor permit or restricted liquor permit.

- ‘(2) Subsection (1) does not limit another requirement about who may apply for, or the grant of, an adult entertainment permit under part 5.

### **‘103P Authority of adult entertainment permit**

- ‘(1) An adult entertainment permit authorises the permittee to provide adult entertainment only—
- (a) in an area of the permittee’s premises approved by the chief executive (the *approved area*); and
  - (b) during the hours stated in the permit.
- ‘(2) The adult entertainment permit is subject to this Act and the conditions prescribed under a regulation or imposed by the chief executive.

### **‘103Q Approved area to conform with requirements**

‘Before the chief executive approves an area as an approved area, the chief executive must be satisfied the area conforms, or will conform, with this Act and the following requirements while adult entertainment is being provided in the area—

- (a) the area must be fully enclosed in a way that prevents a person outside the area from seeing inside the area;
- (b) the area must not contain, for the private use of persons attending the entertainment, a lounge, booth, compartment or cubicle (other than a toilet cubicle);
- (c) another requirement prescribed under a regulation.

### **‘103R Duration of adult entertainment permit**

‘An adult entertainment permit—

- 
- (a) is issued for the term stated in it, not longer than 1 year, unless it is sooner surrendered, suspended or cancelled under this Act; and
  - (b) is not renewable; and
  - (c) is not transferable.

**‘103S Adult entertainment permit dependent on currency of licence or community liquor permit or restricted liquor permit**

- ‘(1) This section applies if an adult entertainment permit is issued for licensed premises or for premises to which a community liquor permit or restricted liquor permit relates and—
  - (a) the licence or community liquor permit or restricted liquor permit ends or is suspended or cancelled; or
  - (b) the licensee or permittee surrenders the licence or community liquor permit or restricted liquor permit.
- ‘(2) If the licence or community liquor permit or restricted liquor permit ends, the adult entertainment permit also ends at the same time.
- ‘(3) If the licence or community liquor permit or restricted liquor permit is suspended, the adult entertainment permit is also suspended at the same time.
- ‘(4) If the licence or community liquor permit or restricted liquor permit is surrendered or cancelled, the adult entertainment permit is also surrendered or cancelled at the same time.

**‘103T Restriction on grant of adult entertainment permit**

- ‘(1) The chief executive must not grant an adult entertainment permit that would relate to premises at which a public event or private event is to be held other than for—
  - (a) if the applicant is a licensee—the main premises under the licence; or

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- (b) if the applicant is the holder of a community liquor permit or restricted liquor permit—the premises to which the permit relates.
- ‘(2) In this section, including in the definitions *public event* and *private event* as applying for this section—
- main premises* means licensed premises described in a licence other than—
- (a) a detached bottle shop; or
  - (b) for a community club licence—premises mentioned in section 77(2).

## ‘Division 7                      Restricted area permits

### ‘103U Authority of restricted area permit

- ‘(1) A restricted area permit authorises the permittee to have in possession in a restricted area more than the prescribed quantity of a type of liquor for the area—
- (a) at the times and on the day or days, and for the purpose, stated in the permit; or
  - (b) during the period of not more than 1 year, and for the purpose, stated in the permit.
- ‘(2) The permit is subject to this Act and the conditions prescribed under a regulation or imposed by the chief executive.

### ‘103V Restriction on grant of restricted area permit

- ‘The chief executive must not grant an application for a restricted area permit unless the chief executive is satisfied—
- (a) the amount of liquor the applicant has applied to have in possession is reasonable for the purpose stated in the application; and

- 
- (b) if the purpose is not merely personal to the applicant—another restricted area permit has not been issued to another person for the purpose.’.

## 14 Amendment of s 105 (Requirements for applications)

Section 105—

*insert—*

‘(1A) Also, the application must be accompanied by—

- (a) if the application is for a licence or restricted liquor permit—the proposed risk-assessed management plan for the proposed licensed premises or premises for which the applicant wants a restricted liquor permit; or
- (b) if the application is a relevant application—the proposed revised risk-assessed management plan for the licensed premises.

‘(5) In this section—

*relevant application* means—

- (a) an application for the transfer of a licence; or
- (b) an application for a permanent variation of a licence; or
- (c) an application for an approval for a permanent change in a licensed area; or
- (d) an application for an extended trading hours approval; or
- (e) an application for an approval for a change in the principal activity of a business conducted under a licence.’.

## 15 Omission of s 109C (Application for grant of extended hours permit)

Section 109C—

*omit.*

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**16 Amendment of s 110 (Application for grant of extended hours permit not on regular basis)**

(1) Section 110, heading, ‘not on regular basis’—

*omit.*

(2) Section 110(1)—

*omit, insert—*

‘(1) A licensee may apply for an extended hours permit for the licensed premises.’.

(3) Section 110(5), ‘hours beyond 2a.m.’—

*omit, insert—*

‘trading hours on a particular day to include trading between 12a.m. and 5a.m.’.

**17 Replacement of s 116 (Public interest relevant to applications)**

Section 116—

*omit, insert—*

**‘116 When community impact statement to be given to chief executive**

‘(1) The following applications must be accompanied by a community impact statement—

(a) an application for a licence, other than a community club licence or community other licence;

(b) an application, under section 111, by a licensee for a variation of the licence;

(c) an application for an extended trading hours approval mentioned in section 86(1).

‘(2) Subsection (3) applies to the following applications—

(a) an application for a community club licence or community other licence;



- 
- (b) an application for a commercial public event permit or community liquor permit.
- ‘(3) If the chief executive reasonably believes the impact on the amenity of the community concerned would be significantly adversely affected if the application is granted, the chief executive may, by written notice given to the applicant, require the applicant to give the chief executive a community impact statement in relation to the application within 60 days after the giving of the notice.
- ‘(4) The applicant is taken to have withdrawn the application if, within the time stated in subsection (3), the applicant does not comply with the requirement under subsection (3).
- ‘(5) The purpose of a community impact statement is to help the chief executive assess the impact on the amenity of the community concerned if the application is granted.
- ‘(6) A community impact statement must address the following—
- (a) the existing and projected population and demographic trends in the locality;
  - (b) the number of persons residing in, resorting to or passing through the locality, and their respective expectations;
  - (c) the likely health and social impacts that granting the application would have on the population of the locality;
  - (d) an assessment of the magnitude, duration and probability of the occurrence of the health and social impacts;
  - (e) the proximity of the proposed licensed premises or proposed premises to which the permit is to relate to identified sub-communities within the locality, including, for example, schools and places of worship, and the likely impact on those sub-communities.
- ‘(7) In preparing a community impact statement, the applicant must have regard to relevant guidelines issued by the chief executive.’.

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**18 Amendment of s 118A (Submissions on public interest)**

- (1) Section 118A, heading, ‘on public interest’—  
*omit.*
- (2) Section 118A(1), from ‘matters’—  
*omit, insert—*  
‘matters mentioned in section 116(6).’.

**19 Replacement of s 121 (Conference of concerned persons and decision by chief executive)**

Section 121—  
*omit, insert—*

**‘121 Matters the chief executive must have regard to**

‘In deciding whether to grant the application, the chief executive must have regard to—

- (a) if the application is an application to which section 116 applies—the matters mentioned in section 116(6); and
- (b) objections made to the grant of the application; and
- (c) comments from the local government for the area to which the application relates; and
- (d) for an application for an extended trading hours approval mentioned in section 86(1), an application for an adult entertainment permit or an application relating to a restricted area—comments from the assistant commissioner for the locality to which the application relates; and
- (e) if the application relates to a community area—comments from the community justice group for the area; and
- (f) the impact on the amenity of the community concerned; and
- (g) for an application for an extended trading hours approval mentioned in section 86(1)—

- (i) the previous conduct of the applicant in discharging any duties under this Act previously placed on the applicant, especially for the premises for which the extension is sought; and
- (ii) the applicant's ability to control the noise and behaviour of the number of persons that could reasonably be expected to be on and in the vicinity of the premises if the extension were granted; and
- (iii) the suitability of the premises and its facilities for the purpose for which the extension is sought.'

## **20 Amendment of s 136 (Grounds for disciplinary action)**

Section 136(1)—

*insert—*

- '(i) the licensee is no longer eligible to hold the licence under section 106(3) or (4).'

## **21 Insertion of new s 137E**

Part 5, division 3, subdivision 3—

*insert—*

### **'137E Disciplinary action against former licensee**

- '(1) Subsection (2) applies if—
  - (a) the chief executive gives a licensee a notice about a proposed action under section 137; and
  - (b) the licensee transfers the licence before the chief executive makes a decision about the proposed action under section 137A.
- '(2) Sections 137A, 137B and 137D continue to apply in relation to the proposed action as if the licence is still held by the former licensee.
- '(3) Subsection (4) applies if—
  - (a) a licensee transfers the licence; and

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- (b) within 1 year after the transfer, the chief executive considers there is a ground to take relevant disciplinary action relating to the licence for circumstances arising before the transfer.
- ‘(4) Sections 137 to 137B and 137D apply as if the licence is still held by the former licensee.
- ‘(5) However, for subsections (2) and (4), the only disciplinary action that may be taken against the former licensee is a relevant disciplinary action.
- ‘(6) For subsections (2) and (4), this Act applies, with any necessary changes, to the former licensee as if a reference to a licensee included the former licensee.
- ‘(7) In this section—  
*relevant disciplinary action* means one of the actions mentioned in paragraphs (f), (g) and (i) of the definition *disciplinary action* in section 4.’.

## **22 Amendment of s 142 (Closure of premises in face of riot or tumult)**

- (1) Section 142(2)—  
*omit, insert—*
- ‘(4) A person must not knowingly contravene an order under subsection (1) or (2).  
Maximum penalty for subsection (4)—25 penalty units.’.
- (2) Section 142—  
*insert—*
- ‘(2) If an investigator informs the chief executive that a magistrate or 2 justices are not readily available to deal with an application under subsection (1), the chief executive may order that all or any of the licensed premises in a locality in which a riot or tumult is happening, or is reasonably expected to happen, be closed during a period of not longer than 48 hours stated in the order.

‘(3) An order under subsection (2) about licensed premises applying for a period (the *initial period*) does not preclude a magistrate or 2 justices making an order under subsection (1) about the premises applying for a period that includes part of the initial period.’.

(3) Section 142—  
*renumber* as section 141A.

### **23 Insertion of new pt 5, div 4A**

After section 141A, as renumbered—

*insert—*

#### **‘Division 4A Training course certificate requirements**

##### **‘141B Application of div 4A**

‘This division applies to licensed premises.

##### **‘141C Conditions about training course certificates for particular persons**

‘(1) It is a condition of the licensee’s licence that each of the following persons must have a current training course certificate—

- (a) if the licensee is an individual—the licensee;
- (b) a member of staff of the licensed premises who is involved in the service or supply of liquor at the premises.

*Examples of staff involved in the service or supply of liquor—*

bartenders, glass collectors, floor hostesses or room service staff

‘(2) However, the condition mentioned in subsection (1)(c) does not apply to a licence, in relation to a person who becomes a member of staff of the licensed premises after the

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commencement of this section, until 30 days after the person becomes a member of the staff.

- ‘(3) Also, it is a condition of the licensee’s licence that the licensee—
- (a) must keep a register (a *training register*) containing the information prescribed under a regulation about—
    - (i) current training course certificates kept by the licensee under subsection (4); or
    - (ii) matters relating to training persons involved in the service or supply of liquor at the licensed premises; and
  - (b) must keep the register available for inspection by an investigator at the premises.
- ‘(4) Also, subject to subsection (2), it is a condition of the licensee’s licence that the licensee must keep with the licensee’s training register a copy of the current training course certificates held by persons mentioned in subsection (1).

#### **‘141D Application of s 136**

‘For this Act, a reference in section 136(1)(a)(iii) to a condition stated in the licence is taken to include a reference to a condition of the licence imposed under section 141C.’.

#### **24 Replacement of pt 5, div 6 (Certain provisions about conditions of licences and permits for Brisbane City Council area)**

Part 5, division 6—

*omit, insert—*

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**‘Division 6                      Certain provisions about conditions  
of licences for Brisbane City  
Council area**

**‘Subdivision 1              Preliminary**

**‘142AD Definitions for div 6**

‘In this division—

*crowd controller* means the holder of a current licence issued under the *Security Providers Act 1993* for carrying out the functions of a crowd controller under that Act.

*exit*, of premises, does not include an exit that is not ordinarily used by patrons of the premises while the premises are open for business.

*Example—*

an emergency exit

*incident register* see section 142AI(1)(a).

*trading period* means the period starting at 8p.m. on any day and ending at 7a.m. on the following day.

*training register* see section 142AI(2)(a).

**‘142AE Application of div 6**

‘(1) This division applies in the area of the Brisbane City Council to licensed premises if the licensee is authorised under this Act to sell or supply liquor on the premises at any time after 1a.m. during the trading period.

‘(2) However, this division does not apply to—

(a) licensed premises if the licensee is authorised, under section 9(13), to sell or supply liquor on the premises only after 1a.m. on New Year’s Day; or

(b) that part of licensed premises that—

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- (i) is used principally for the residential accommodation of guests staying at the premises;  
or
  - (ii) is a detached bottle shop.
- ‘(3) Also, this division does not apply on Anzac Day to licensed premises on the premises of an RSL or Services Club.
- ‘(4) In addition—
  - (a) sections 142AG and 142AH do not apply to licensed premises at Brisbane Airport, Airport Drive, Brisbane known as the Brisbane International Terminal building and the Brisbane Domestic terminal building; and
  - (b) section 142AG does not apply to the following—
    - (i) licensed premises mentioned in section 67A;
    - (ii) licensed premises at Suncorp Stadium, Castlemaine Street, Milton;
    - (iii) licensed premises at the Queensland Sport and Athletics Centre, Kessels Road, Nathan;
    - (iv) licensed premises at the Brisbane Cricket Ground, Vulture Street, Woolloongabba;
    - (v) licensed premises at the Brisbane Convention and Exhibition Centre, corner of Glenelg and Merivale Streets, South Brisbane;
    - (vi) licensed premises at the Brisbane Entertainment Centre, Melaleuca Drive, Boondall; and
  - (c) section 142AG does not apply to licensed premises during a trading period in which the premises are not open for business after 1a.m.

#### ‘142AF Purpose of div 6

- ‘(1) This division has, in relation to the licensee, the same purpose as the purpose mentioned in section 148A(1).
- ‘(2) This division does not limit section 148A.



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## **‘Subdivision 2      Conditions of licences**

### **‘142AG Conditions about crowd controllers**

‘It is a condition of the licensee’s licence that the licensee—

- (a) must ensure that at least the number of crowd controllers prescribed under a regulation are engaged in maintaining order in and around the licensed premises—
  - (i) while the premises are open for business after 11p.m. during the trading period; and
  - (ii) for at least 1 hour after the premises close for business during or at the end of the trading period; and
- (b) must not allow a crowd controller to be engaged under paragraph (a) unless the crowd controller—
  - (i) has a current training course certificate; and
  - (ii) has given the licensee a copy of the certificate and the crowd controller’s licence granted under the *Security Providers Act 1993*, section 14(1); and
  - (iii) is dressed in a way that distinguishes the crowd controller from patrons of the premises; and
- (c) must keep each crowd controller’s certificate and licence, given to the licensee under paragraph (b)(ii), with the licensee’s training register while the crowd controller is engaged in maintaining order in and around the premises.

### **‘142AH Conditions about closed-circuit television equipment**

‘It is a condition of the licensee’s licence that the licensee—

- (a) must have closed-circuit television equipment at each entrance and exit of the licensed premises that provides access for patrons of the premises during the trading period; and

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- (b) must display signage at the premises in a way that is likely to make the patrons aware that closed-circuit television equipment is installed under paragraph (a); and
- (c) must ensure the equipment—
  - (i) meets the minimum requirements for the equipment prescribed under a regulation; and
  - (ii) is operational and recording for the period starting at 8p.m. in a trading period in which the premises are open for business and ending at least 1 hour after the premises close for business during or at the end of the trading period; and
- (d) must stop selling or supplying liquor on the premises, and close the premises, if the equipment is not operational and recording during the trading period while the premises are open for business at any time between 1a.m. and when the premises would ordinarily otherwise close for business; and
- (e) must not allow the equipment to be operated by anyone other than—
  - (i) the licensee for the licence; or
  - (ii) an approved manager working at the premises; and
- (f) must keep each recording made by the equipment in a secure place, and available for inspection and viewing by an investigator, at the premises until the recording—
  - (i) is erased or destroyed under paragraph (h); or
  - (ii) is earlier given to an investigator; and
- (g) must not allow a recording to be viewed at the premises by anyone other than an investigator or a person mentioned in paragraph (e); and
- (h) must ensure a recording, unless it is earlier given to an investigator, is erased or destroyed by a person mentioned in paragraph (e)—

- 
- (i) if the recording does not show an incident required to be recorded in the licensee's incident register—not earlier than 28 days after the recording is made (the *retention period*), but within 30 days after the retention period ends; or
  - (ii) otherwise—not earlier than 1 year after the retention period for the recording ends.

### **'142AI Conditions about incident and training registers**

'(1) It is a condition of the licensee's licence that the licensee—

- (a) must keep a register (an *incident register*) containing the information prescribed under a regulation about each incident at the licensed premises—
  - (i) in which a person is injured; or
  - (ii) requiring a person to be removed from the premises; and
- (b) must ensure that, for each incident recorded in the register under paragraph (a), the register is signed as correct by each crowd controller or member of staff involved in the incident; and
- (c) must keep the register in a secure place, and available for inspection by an investigator, at the premises; and
- (d) must not allow the register to be inspected at the premises by anyone other than—
  - (i) an investigator; or
  - (ii) the licensee for the licence; or
  - (iii) a crowd controller or member of staff involved in an incident recorded in the register; or
  - (iv) an approved manager working at the premises.

'(2) Also, it is a condition of the licensee's licence that the licensee—

- (a) must keep a register (a *training register*) containing the information prescribed under a regulation about—

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- (i) current training course certificates kept by the licensee under section 142AG(c); or
  - (ii) matters relating to training persons involved in the service or supply of liquor at the licensed premises; and
- (b) must keep the register available for inspection by an investigator at the premises.

### **‘142AJ Conditions about drinking practices**

‘It is a condition of the licensee’s licence that the licensee must not conduct on the licensed premises—

- (a) a competition or game in which—
- (i) contestants or players consume liquor on the premises; or
  - (ii) free or discounted liquor is given as a prize for consumption on the premises; or

*Examples of a competition or game—*

- ‘drink to win’
  - ‘last man standing’
  - ‘all you can drink’
  - ‘skolling competition’
- (b) another activity, prescribed under a regulation, that may encourage the rapid or excessive consumption of liquor or promote intoxication.

### **‘142AK Compliance with conditions**

‘The holder of a licence subject to a condition under this subdivision must comply with the condition.

Maximum penalty—100 penalty units.

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**‘Subdivision 3      Application of s 136 to conditions  
under sdiv 2**

**‘142AL Application of s 136**

‘For this Act, a reference in section 136(1)(a)(iii) to a condition stated in the licence is taken to include a reference to a condition of the licence imposed under subdivision 2.’.

**25      Amendment of s 142B (Applying for approval as trainer)**

(1) Section 142B(2)—

*omit.*

(2) Section 142B(3) and (4)—

*renumber* as section 142B(2) and (3).

**26      Insertion of new s 152A**

After section 152—

*insert—*

**‘152A Change in principal activity of business conducted  
under a licence**

‘A licensee must not, without the chief executive’s approval, change the principal activity of a business conducted under a licence.

Maximum penalty—100 penalty units.’.

**27      Insertion of new s 155AB**

Part 6, division 1—

*insert—*

**‘155AB Supervision of volunteers—community club licence,  
community other licence or restricted liquor permit**

‘(1) A licensee for a community club licence or community other licence, or permittee for a community liquor permit or

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restricted liquor permit, must take reasonable steps to ensure that a relevant volunteer is under the general supervision of a person holding a current training course certificate while the relevant volunteer is serving or supplying liquor at the licensed premises or premises to which the permit relates.

Maximum penalty—10 penalty units.

‘(2) In this section—

*relevant volunteer* means a volunteer involved in the service or supply of liquor at the premises who does not hold a current training course certificate.’.

## **28 Amendment of ss 155A and 156**

Sections 155A and 156(3), ‘40 penalty units’—

*omit, insert—*

‘80 penalty units’.

## **29 Insertion of new ss 156A–156C**

After section 156—

*insert—*

### **‘156A Irresponsible supply of liquor to a minor at a private place etc.**

‘(1) An adult must not supply liquor to a minor at a private place, unless the adult is a responsible adult for the minor.

Maximum penalty—80 penalty units.

‘(2) A responsible adult for a minor must not supply liquor to the minor at a private place, unless the supply is consistent with the responsible supervision of the minor.

Maximum penalty—80 penalty units.

‘(3) For subsection (2), in considering whether the supply is consistent with the responsible supervision of the minor, relevant factors include the following—

(a) whether the adult is unduly intoxicated;

- (b) whether the minor is unduly intoxicated;
- (c) the age of the minor;
- (d) whether the minor is consuming the liquor supplied with food;
- (e) whether the adult is responsibly supervising the minor's consumption of the liquor supplied;
- (f) the quantity of liquor supplied and the period over which it was supplied.

### **'156B Prohibition on sale of undesirable liquor product**

- '(1) A regulation may declare a particular liquor product, or class of liquor products, to be an undesirable liquor product.
- '(2) A person must not sell or supply a liquor product, or liquor product that is part of a class of liquor products, declared under subsection (1) to be an undesirable liquor product.

Maximum penalty—

- (a) if the person is the licensee or permittee of, or the nominee of, the premises to which a licence or permit relates—100 penalty units; or
  - (b) in any other case—25 penalty units.
- '(3) The Minister may recommend the making of a regulation under subsection (1) about a liquor product or class of liquor products only if, in the opinion of the Minister—
    - (a) the name, design of packaging of the liquor product or class of liquor products is likely to be attractive to minors or young people; or
    - (b) the liquor product or class of liquor products is likely to be confused with soft drinks or confectionery; or
    - (c) the liquor product or class of liquor products, for any other reason, is likely to have a special appeal to minors or young people; or

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- (d) it is otherwise in the public interest to declare the liquor product or class of liquor products to be an undesirable liquor product.
- ‘(4) The Minister must, before recommending the making of a regulation under subsection (1), make every reasonable effort to consult with—
- (a) relevant liquor industry representatives; and
  - (b) the manufacturer and distributor of the liquor product or class of liquor products proposed to be declared to be an undesirable liquor product;
- about the proposed declaration.
- ‘(5) However, failure to comply with subsection (4) does not affect the validity of the regulation.

### **‘156C Interim prohibition on sale of undesirable liquor product**

- ‘(1) The Minister may make an interim order declaring a particular liquor product, or class of liquor products, to be an undesirable liquor product.
- ‘(2) In deciding whether to make the interim order, the Minister must have regard to the matters mentioned in section 156B(3).
- ‘(3) To give effect to the interim order, the Minister must publish the order on the department’s web site on the internet.
- ‘(4) The interim order stops having effect at the end of 42 days after it is published under subsection (3).
- ‘(5) While the interim order is in force, a person must not sell or supply the liquor product, or a liquor product that is part of the class of liquor products, declared to be an undesirable liquor product.

Maximum penalty—



- 
- (a) if the person is the licensee or permittee of, or the nominee of, the premises to which a licence or permit relates—100 penalty units; or
  - (b) in any other case—25 penalty units.’.

**30 Amendment of s 173B (Consumption of liquor in certain public places prohibited)**

- (1) Section 173B(1)(a)—

*insert—*

‘(iii) relevant land prescribed under a regulation; or’.

- (2) Section 173B—

*insert—*

- ‘(3) Also, a person does not commit an offence against subsection (1) in relation to a place mentioned in subsection (1)(a)(iii) if the consumption of liquor in the place is authorised or permitted by the State or relevant statutory authority.

- ‘(4) In this section—

*relevant land* means land owned by, or under the control of, the State or a statutory authority.’.

**31 Replacement of ss 199 and 200**

Sections 199 and 200—

*omit, insert—*

**‘199 Definitions for pt 9**

‘In this part—

*community investment fund* means the fund by that name established under the *Gaming Machine Act 1991*, section 314(1).

*licence* does not include a provisional licence.

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**‘200 Licence period**

‘The licence period for a licence is a financial year.’.

**32 Amendment of s 202 (Fees payable for licences and permits)**

(1) Section 202(2)—

*renumber* as section 202(3).

(2) Section 202(1)—

*omit, insert*—

‘(1) The licence fee payable for a licence for a licence period is to be assessed in the way prescribed under a regulation.

‘(2) If the licence fee is self-assessed by the licensee under subsection (1), a regulation may—

(a) prescribe the information the licensee is to provide to the chief executive about the self-assessment; and

(b) provide for the reassessment of the fee by the chief executive.’.

**33 Replacement of ss 203–207**

Sections 203 to 207—

*omit, insert*—

**‘203 Filing of returns**

‘(1) A licensee must, within 21 days after the end of a licence period, file with the chief executive a return in relation to all liquor purchased, or otherwise obtained, for the licensed premises during the licence period.

Maximum penalty—25 penalty units.

‘(2) However, subsection (1) does not apply to a licensee if the chief executive is satisfied, and gives written notice to the licensee that, the licensee need not file a return under subsection (1), having regard to the principal activity, and the nature and extent, of the business conducted under the licence.

‘(3) Also, the licensee under a producer/wholesaler licence must, within 21 days after the end of a licence period, file with the chief executive a return in relation to all liquor sold or supplied under authority of the licence during the licence period.

Maximum penalty—25 penalty units.

‘(4) A return under subsection (1) or (3) must contain the particulars, and be accompanied by the documents, prescribed under a regulation.

‘(5) If the chief executive is not satisfied a return filed by a licensee under subsection (1) or (3) is accurate, the chief executive may, by written notice given to the licensee, require the licensee to file with the chief executive a further return of the same type, certified to be accurate by the person responsible for auditing the accounting records of the business conducted under the licence.

‘(6) A person given a notice under subsection (5) must comply with the notice within the time stated in the notice.

Maximum penalty for subsection (6)—25 penalty units.’

### **34 Amendment of s 208 (Payment of fees)**

(1) Section 208(2), from ‘stated’—

*omit, insert—*

‘prescribed under a regulation.’

(2) Section 208—

*insert—*

‘(3) A regulation may make provision for—

(a) the consequences of failing to pay a fee mentioned in subsection (2); and

(b) the appeal by a licensee to the tribunal about the failure to pay the fee.’

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**35 Omission of ss 209–214**

Sections 209 to 214—

*omit.*

**36 Amendment of s 215 (Refund of fee)**

Section 215, ‘, other than a discontinuance fee,’—

*omit.*

**37 Amendment of s 215A (Refund of fees—general)**

Section 215A(5) definition *fee*, ‘, and includes a supplementary fee’—

*omit.*

**40 Insertion of new ss 219 and 220**

Part 9—

*insert—*

**‘219 Community investment fund**

‘(1) Each month, the Minister must pay into the community investment fund all licence fees received by the chief executive during the previous month.

‘(2) The amounts paid into the fund under this Act are administered receipts.

‘(3) In this section—

*administered receipt* see the *Financial Administration and Audit Act 1977*, section 4(1).

**‘220 Disbursement of fees etc.**

‘(1) All fees and charges payable under this Act, other than a payment mentioned in subsection (2), received by the chief executive must be paid into the consolidated fund.

- 
- ‘(2) A payment for a licence fee must on its receipt be paid into one of the accounts of the departmental accounts of the department that is used only for the purpose of holding the payments until the disbursement of the amounts of the payments under section 219(1).
- ‘(3) The Minister may cause amounts to be paid out of the community investment fund for—
- (a) alcohol consumption research, and dealing with social issues arising from alcohol abuse and misuse; and
  - (b) funding that part of the department through which this Act is administered.
- ‘(4) Amounts may be paid under subsection (3) without further appropriation.
- ‘(5) In this section—
- departmental accounts*, of a department, means the accounts of the department under the *Financial Administration and Audit Act 1977*, section 12.’.

#### **41 Insertion of new ss 224 and 225**

Part 10—

*insert—*

#### **‘224 Liquor accord**

- ‘(1) Any 2 or more interested persons may be parties to a liquor accord for a locality in which licensed premises are situated.
- ‘(2) In this section—
- liquor accord*, for a locality, means an agreement, memorandum of understanding or other arrangement entered into for the purposes of—
- (a) promoting responsible practices in relation to the sale and supply of liquor at licensed premises situated in the locality; and
  - (b) minimising harm caused by alcohol abuse and misuse and associated violence in the locality; and

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- (c) minimising alcohol-related disturbances, or public disorder, in the locality.

**'225 Additional time for consumption or removal of liquor**

'A licence or permit that authorises—

- (a) the sale of liquor, during any period, for consumption on licensed premises; or
- (b) the sale of liquor, during any period, for consumption off licensed premises;

also authorises—

- (c) consumption on the premises of liquor supplied on a sale mentioned in paragraph (a); and
- (d) removal from the premises of liquor supplied on a sale mentioned in paragraph (b);

within 30 minutes after the end of the period during which the sale is made.'

**42 Amendment of s 235 (Regulation-making power)**

Section 235(2)(c)—

*omit, insert—*

- '(c) fees, including the refunding of fees, for this Act; and'

**43 Insertion of pt 12, div 8**

After section 287—

*insert—*

**'Division 8 Transitional provisions for Liquor and Other Acts Amendment Act 2008**

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**‘288 Definitions for div 8**

‘In this division—

*column 1 licence* see section 289(1).

*column 2 licence* see section 289(2).

*column 1 permit* see section 290(1).

*column 2 permit* see section 290(2).

*commencement* means commencement of this section.

*post-amended Act* means this Act as in force immediately after the commencement.

*pre-amended Act* means this Act as in force before the commencement.

**‘289 Existing licences**

- ‘(1) This section applies to a person who, immediately before the commencement, held under the pre-amended Act a licence mentioned in column 1 of the following table (a *column 1 licence*)—

**Table**

<b>column 1</b>	<b>column 2</b>
general licence	commercial hotel licence
special facility licence	commercial special facility licence
residential licence	subsidiary on-premises licence
on-premises licence	subsidiary on-premises licence
producer/wholesaler licence	producer/wholesaler licence

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**column 1**

**column 2**

limited licence relating to an activity, industrial canteen  
matter or service under section 94A licence  
of the pre-amended Act that is a  
canteen

limited licence relating to an activity, subsidiary off-premises  
matter or service under section 94A licence  
of the pre-amended Act other than a  
canteen

club licence

community club  
licence.

- ‘(2) The person is taken to be the holder of a licence mentioned in column 2 of the table (a **column 2 licence**) shown opposite the column 1 licence.
- ‘(3) If the column 1 licence held by the person immediately before the commencement was subject to a condition, the column 2 licence the person is taken to hold is taken to be subject to the condition.
- ‘(4) Subsections (5) and (6) applies to a person who, immediately before the commencement held, under the pre-amended Act, a restricted club permit that was granted for a period of 1 year.
- ‘(5) The person is taken to be the holder of a community other licence.
- ‘(6) If the restricted club permit held by the person immediately before the commencement was subject to a condition, the column 2 licence the person is taken to hold is taken to be subject to the condition.

**‘290 Existing permits**

- ‘(1) This section applies to a person who, immediately before the commencement, held under the pre-amended Act a permit mentioned in column 1 of the following table (a **column 1 permit**)—



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**Table**

<b>column 1</b>	<b>column 2</b>
general purpose permit	community liquor permit
catering away permit	commercial public event permit
restricted club permit granted for a period of less than 1 year	restricted liquor permit
extended trading hours permit for 1 occasion that extends trading hours to include trading for hours other than between 5a.m. and 7a.m.	extended hours permit for the same hours as mentioned in the corresponding column 1 permit.

- ‘(2) The person is taken to be the holder of a permit mentioned in column 2 of the table (a *column 2 permit*) shown opposite the column 1 permit.
- ‘(3) If the column 1 permit held by the person immediately before the commencement was subject to a condition, the column 2 permit the person is taken to hold is taken to be subject to the condition.

**‘291 Extended hours permit that includes trading between 5a.m. and 7a.m. or between 7a.m. and 10a.m.**

- ‘(1) If a licensee holds an extended hours permit under the pre-amended Act that extends trading hours on a regular basis, or for 1 occasion, to include trading between 5a.m. and 7a.m. or between 7a.m. and 10a.m., the permit lapses on the commencement.
- (2) Subsection (3) applies if—
- (a) a licensee has made an application under the pre-amended Act for an extended hours permit that would extend trading hours on a regular basis, or for 1 occasion, to include trading between 5a.m. and 7a.m. or between 7a.m. and 10a.m.; and

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(b) the application has not been decided before the commencement.

- ‘(3) The application lapses on the commencement.
- ‘(4) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of this section.

**‘292 Existing application for column 1 licence etc.**

- ‘(1) An application for, or relating to, a column 1 licence made under the pre-amended Act and not decided before the commencement must be decided under the pre-amended Act.
- ‘(2) The application mentioned in subsection (1) is taken to be about the column 2 licence shown opposite the column 1 licence.
- ‘(3) An application for, or relating to, a restricted club permit that for a period of 1 year made under the pre-amended Act and not decided before the commencement must be decided under the pre-amended Act.
- ‘(4) The application mentioned in subsection (2) is taken to be about a community other licence.
- ‘(5) An application for, or relating to, a column 1 permit made under the pre-amended Act and not decided before the commencement must be decided under the pre-amended Act.
- ‘(6) The application mentioned in subsection (5) is taken to be about the column 2 permit shown opposite the column 1 permit.

**‘293 Nominee for a licence or permit**

‘A person who is a nominee for a licence or permit immediately before the commencement is taken to hold an approval as an approved manager until 30 June 2010, unless the approval is cancelled or surrendered before that day.

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**‘294 Training course certificate requirement**

- ‘(1) Subsection (2) applies to a member of staff of licensed premises who immediately before the commencement—
- (a) is involved in the service or supply of liquor at the premises; and
  - (b) does not hold a current training course certificate.
- ‘(2) If the person wishes to continue to be a staff member of the premises and be involved in the service or supply of liquor at the premises until after 30 June 2010, the person must be issued with a training course certificate before that day.

**‘295 Risk-assessed management plan conditions**

- ‘(1) Subsection (2) applies to a person who, immediately before the commencement, held under the pre-amended Act—
- (a) a licence; or
  - (b) restricted club permit granted for a period of less than 1 year.
- ‘(2) Section 54 does not apply to the person in relation to the licence or permit.
- ‘(3) Subsection (4) applies to an application under the pre-amended Act for a licence, or restricted club permit for a period of less than 1 year, that has not been decided before the commencement.
- ‘(4) If the chief executive grants the application, section 54 does not apply to the licence or permit holder in relation to the licence or permit.’.

**Division 3 Amendments relating to approved managers**

**44 Amendment of s 4 (Definitions)**

Section 4—

[s 45]

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*insert—*

*‘accepted representations* see section 142ZC(2).

*current licensee’s course certificate* means a licensee’s course certificate that is in force.

*licensee’s course certificate* means a certificate in the approved form—

- (a) given to a person, for satisfactorily completing the licensee’s course, by someone who holds an approval under part 5A as a trainer for the course; and
- (b) stating the certificate remains in force for 3 years after it is given to the person.

*proposed action* see section 142ZB(2)(a).

*show cause notice* see section 142ZB(1).

*show cause period* see section 142ZB(2)(e).’.

#### **45 Amendment of s 21 (Jurisdiction and powers of tribunal)**

Section 21(1)—

*insert—*

- ‘(eb) the refusal to grant an application for an approval as an approved manager; or
- (ec) the refusal to renew an approval as an approved manager; or
- (ed) the suspension or cancellation of an approval as an approved manager; or’.

#### **46 Insertion of new pt 4, div 15**

Part 4—

*insert—*

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## **‘Division 15            Approved managers**

### **‘104A Responsibility of approved manager etc.**

- ‘(1) This section applies if an approved manager is in control of licensed premises or premises to which a permit relates.
- ‘(2) In the conduct of business on the premises, the approved manager is responsible for ensuring that—
  - (a) liquor is supplied or possessed on the premises only in accordance with the authority conferred by the licence or permit; and
  - (b) for an adult entertainment permit—the conduct of entertainment under the permit is in accordance with this Act and the conditions of the permit.
- ‘(3) The approved manager’s liability to be punished for a contravention of this Act does not affect the liability of the licensee or permittee to be punished for the contravention.’.

### **47            Replacement of ss 107A and 107B**

Sections 107A and 107B—

*omit, insert—*

### **‘107A Additional restriction on grant of licence**

- ‘(1) This section applies to an application for a licence made by an individual.
- ‘(2) The chief executive may grant the application only if the individual has, within 3 years before the day the application is granted successfully completed the licensee’s course and approved training course.
- ‘(3) Despite subsection (2), the chief executive may grant the application if the chief executive is satisfied the individual need not undertake either or both of the courses, having regard to the principal activity, and the nature and extent, of the business conducted, or to be conducted, under the licence.
- ‘(4) In this section—

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*individual* does not include an individual who is applying for the licence in the capacity of chief executive of a department.

**‘107B Additional restriction on grant of permit**

- ‘(1) This section applies to an application for a permit if the chief executive—
- (a) reasonably believes that, having regard to the nature of the activity to be conducted under the permit and to minimise harm caused by alcohol abuse or misuse and associated violence, the applicant should undertake the licensee’s course and approved training course, or either course, before the permit is granted; and
  - (b) gives the applicant a written notice stating the applicant must undertake the licensee’s course and approved training course, or either course, before the permit is granted.
- ‘(2) The chief executive may grant the application only if the applicant successfully completes the course or courses stated in the notice.
- ‘(3) In this section—
- nature*, of the activity to be conducted under the permit, includes the duration, location or size of the activity.
- permit* does not include a restricted area permit.’.

**48 Replacement of s 131A (Decision by chief executive on application to continue trading in certain circumstances)**

Section 131A—  
*omit, insert—*

**‘131A Decision by chief executive on application to continue trading in certain circumstances**

- ‘(1) This section applies if an application is made under section 129.

- 
- ‘(2) If an applicant is the occupier or is entitled to possession of the licensed premises, the chief executive may authorise the applicant to conduct business on licensed premises under authority of the licence on an interim basis.
- ‘(3) The chief executive may impose conditions on the authority under subsection (2)—
- (a) to ensure appropriate compliance with this Act; or
  - (b) to minimise harm caused by alcohol abuse and misuse and associated violence; or
  - (c) to minimise alcohol-related disturbances, or public disorder, in a locality.
- ‘(4) Without limiting subsection (3), the chief executive may impose a condition requiring the applicant to successfully complete the licensee’s course and approved training course, or either course, within 3 months after the authority is given.
- ‘(5) The authority under subsection (2) continues until the earliest of the following happens—
- (a) the application on which it is made is disposed of by the chief executive;
  - (b) the authority is revoked by the chief executive because the applicant contravenes this Act or a condition of the licence or authority;
  - (c) the authority expires.
- ‘(6) If the application is made by a person as mentioned in section 129(4), the maximum period for an authority given under subsection (2) is not for more than 6 months after the date of the application.
- ‘(7) While the authority under subsection (2) continues, the applicant is subject to liabilities under this Act as if the applicant were the licensee of the licensed premises.
- ‘(8) If the chief executive is satisfied that the applicant is not a disqualified person and is a fit and proper person to conduct the business under the authority of the licence, the chief

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executive may authorise the applicant to conduct the business under the authority of the licence.

- ‘(9) If the application was made because of an order for cancellation of the licence and the chief executive authorises the conduct of the business under subsection (8), the order for cancellation is set aside.
- ‘(10) If the chief executive is not satisfied about the matters mentioned in subsection (8), the chief executive must reject the application and may make an order under section 132.
- ‘(11) On the chief executive’s rejection of the application—
- (a) if an authority under subsection (2) is still in force—the authority is revoked; and
  - (b) if the application was made because of an order for cancellation of a licence—the chief executive’s order for cancellation of the licence takes effect.’.

#### **49 Replacement of s 132 (Discharge of licensee or permittee from obligations)**

Section 132—

*omit, insert—*

#### **‘132 Discharge of licensee or permittee from obligations**

‘If—

- (a) a licensee who is not the sole owner of licensed premises, has ceased to conduct business on the premises under authority of the licence; or
- (b) a licensee who holds the licence as a member of a partnership has ceased to be a member of the partnership;

the chief executive may, by order, do all or any of the following—

- (c) discharge the licensee prospectively from obligations under this Act in relation to the licensed premises;
- (d) suspend the licence until—



- (i) the licence has been properly transferred; or
  - (ii) a person has been authorised by the chief executive under section 131A to conduct business under authority of the licence;
- as the case may require.’

**50 Replacement of s 134 (Cancellation, suspension or variation of permits)**

Section 134—

*omit, insert—*

**‘134 Cancellation, suspension or variation of permits**

- ‘(1) The chief executive may, on the chief executive’s own initiative, cancel, suspend or vary a permit if the chief executive is satisfied that—
- (a) the permittee has contravened—
    - (i) this Act or the *Racing Act 2002*, section 321 or 323; or
    - (ii) a condition stated in the permit; or
    - (iii) an order of the chief executive or a requisition of an investigator; or
  - (b) the use of the premises in relation to which the permit is held at the times authorised by the permit, or the behaviour of persons entering or leaving the premises at or about those times—
    - (i) is causing undue annoyance or disturbance to persons living, working or doing business in the neighbourhood of the premises; or
    - (ii) is causing disorderly conduct in, or in the neighbourhood of, the premises.
- ‘(2) Also, the chief executive may vary a permit that relates to premises in a restricted area to make the conditions of the permit consistent with the conditions of licences for licensed premises in the area.

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- ‘(3) The chief executive must immediately cancel a permit if the chief executive is satisfied the permittee has become a disqualified person.
- ‘(4) Subsection (5) applies if an adult entertainment permit has been issued for licensed premises or premises to which a community liquor permit or restricted liquor permit relates, and the chief executive—
  - (a) is advised that the licensee has ceased to conduct the business authorised by the licensee’s licence on the premises; or
  - (b) receives an application to transfer the licence because of the sale of the business authorised by the licensee’s licence on the premises; or
  - (c) receives an application to conduct the business of a licensee on licensed premises under section 129; or
  - (d) receives a notice from a corporation under section 150 about a change in the controlling interest in the corporation.
- ‘(5) The chief executive must, by written notice, cancel the adult entertainment permit.
- ‘(6) If subsection (4)(a) applies, the notice must be given to the person controlling, or apparently controlling, the premises and takes effect on giving the notice.
- ‘(7) If subsection (4)(b) applies—
  - (a) if the licensee has ceased to conduct the business—the notice must be given to the person controlling, or apparently controlling, the premises and takes effect from the date of the notice; or
  - (b) if the licensee continues to conduct the business until the date of settlement of the sale—the notice must be given to the licensee and takes effect from the date of settlement.
- ‘(8) If subsection (4)(c) applies, the notice must be given to the person controlling, or apparently controlling, the premises and takes effect 28 days after the date of the notice.

‘(9) If subsection (4)(d) applies, the notice must be given to the licensee and takes effect 28 days after the date of the notice.’.

**51 Amendment of s 141 (Order to close premises for unlawful trading)**

Section 141(1)—

*omit, insert—*

‘(1) If business is conducted on licensed premises by a person who is not—

- (a) the licensee; or
- (b) an approved manager; or
- (c) a person authorised by the chief executive under section 131A;

the chief executive may give to the person conducting business on the premises an order to cease trading in liquor on the premises and to close the premises.’.

**52 Insertion of new pt 5C**

After section 142P—

*insert—*

**‘Part 5C Approval as approved manager**

**‘Division 1 Obtaining approval**

**‘142Q Applying for approval**

‘(1) A person may apply to the chief executive for an approval as an approved manager.

‘(2) The applicant—

- (a) must be an individual; and
- (b) can not be a licensee; and

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- (c) must be the holder of a current training course certificate and a current licensee's course certificate (the *relevant certificates*).
- '(3) The application must—
- (a) be in the approved form; and
  - (b) be accompanied by—
    - (i) copies of the relevant certificates; and
    - (ii) the fee prescribed under a regulation.
- '(4) The applicant also must provide any other relevant information reasonably required by the chief executive to decide the application.

#### **'142R Deciding application**

- '(1) The chief executive must consider the application and either grant, or refuse to grant, the application as soon as practicable after the last of the following events happens—
- (a) the chief executive receives the application;
  - (b) the chief executive receives all necessary information to decide the application.
- '(2) The chief executive may grant the application only if the chief executive is satisfied the applicant is a suitable person to hold the approval.
- '(3) In deciding whether the applicant is a suitable person to hold the approval, the chief executive may have regard to the following—
- (a) the applicant's knowledge of this Act;
  - (b) the applicant's understanding of an approved manager's obligations and responsibilities under this Act;
  - (c) whether the applicant is a person of good repute who does not have a history of behaviour that would render the applicant unsuitable to hold the approval.

- 
- ‘(4) The chief executive may obtain a report from the commissioner in relation to the applicant’s criminal history.
  - ‘(5) A report under subsection (4) must include reference to or disclosure of convictions mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6.

### **‘142S Grant of application**

- ‘(1) If the chief executive decides to grant the application, the chief executive must as soon as practicable give the applicant written notice of the decision.
- ‘(2) An approval for an approved manager remains in force, unless sooner cancelled, for the period of 5 years after the grant of the application for the approval.

### **‘142T Refusal to grant application**

‘If the chief executive decides to refuse to grant the application, the chief executive must as soon as practicable give the applicant a written notice stating—

- (a) the decision and reasons for the decision; and
- (b) that the applicant may appeal to the tribunal against the decision within 28 days after the applicant receives notice of the decision.

## **‘Division 2                      Renewal**

### **‘142U Applying for renewal**

- ‘(1) A person may apply to the chief executive for renewal of the person’s approval as an approved manager.
- ‘(2) The application may only be made at least 2 months, but not more than 4 months, before the last day of the period of the approval.
- ‘(3) The application must—

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- (a) be in the approved form; and
  - (b) be accompanied by the fee prescribed under a regulation.
- ‘(4) The applicant also must provide any other relevant information reasonably required by the chief executive to decide the application.

#### **‘142V Deciding application**

- ‘(1) The chief executive must consider the application and either renew, or refuse to renew, the approval as soon as practicable after the last of the following events happens—
- (a) the chief executive receives the application;
  - (b) the chief executive receives all necessary information to decide the application.
- ‘(2) In deciding whether to grant the application, the chief executive may have regard to the matters to which the chief executive may have regard, under section 142R(3), in deciding whether a proposed holder of an approval as an approved manager is a suitable person to hold the approval.

#### **‘142W Renewal of approval**

‘If the chief executive decides to renew the approval, the chief executive must as soon as practicable give the applicant written notice of the decision.

#### **‘142X Refusal to renew approval**

‘If the chief executive decides to refuse to renew the approval, the chief executive must as soon as practicable give the applicant a written notice stating—

- (a) the decision and reasons for the decision; and
- (b) that the applicant may appeal to the tribunal against the decision within 28 days after the applicant receives notice of the decision.

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### **‘142Y Approval continues pending decision about renewal**

- ‘(1) If a person applies for renewal of an approval as an approved manager under section 142U, the approval is taken to continue in force from the day it would, apart from this subsection, have ended until the day on which any of the following first happens—
- (a) the chief executive renews the approval;
  - (b) if the chief executive decides to refuse to renew the approval—the chief executive gives the person notice for the decision under section 142I;
  - (c) the person withdraws the application for renewal;
  - (d) the application lapses under section 142Z.
- ‘(2) If the chief executive renews the approval, the approval is taken to have been renewed from the day it would, apart from subsection (1), have ended.
- ‘(3) This section does not apply if the approval is cancelled.

## **‘Division 3 Lapsing of applications**

### **‘142Z Lapsing of application**

- ‘(1) This section applies if an application for an approval as an approved manager, or renewal of an approval as an approved manager, is made under this part.
- ‘(2) The chief executive may make a requirement under section 142Q(4) or 142U(4) for information to decide the application by giving the applicant a written notice stating—
- (a) the required information; and
  - (b) the time by which the information must be given to the chief executive; and
  - (c) that, if the information is not given to the chief executive by the stated time, the application will lapse.

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- ‘(3) The stated time must be reasonable and, in any case, at least 21 days after the requirement is made.
- ‘(4) The chief executive may give the applicant a further notice extending or further extending the time if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.
- ‘(5) A notice may be given under subsection (4) even if the time to which it relates has lapsed.
- ‘(6) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

## **‘Division 4                      Suspension and cancellation of approvals**

### **‘142ZA Grounds for suspension or cancellation**

- ‘(1) The chief executive may suspend or cancel a person’s approval as an approved manager if the chief executive believes on reasonable grounds—
  - (a) the approval was granted in error or because of a materially false or fraudulent document, statement or representation; or
  - (b) the holder of the approval is not, or is no longer, a suitable person to hold the approval; or
  - (c) the holder has been convicted of an offence against this Act; or
  - (d) the holder has contravened a provision of this Act (being a provision a contravention of which is not an offence against this Act).
- ‘(2) For forming a belief that the ground mentioned in subsection (1)(b) exists, the chief executive may have regard to the matters, mentioned in section 142R(3), to which the chief executive may have regard in deciding whether a proposed holder of an approval as an approved manager is a suitable person to hold the approval.



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### **‘142ZB Show cause notice**

- ‘(1) If the chief executive believes a ground exists to suspend or cancel an approval as an approved manager, the chief executive must give the holder of the approval a written notice under this section (a *show cause notice*).
- ‘(2) The show cause notice must state the following—
  - (a) the action (the *proposed action*) the chief executive proposes taking under this division;
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is suspension of the approval—the proposed suspension period;
  - (e) an invitation to the holder to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- ‘(3) The show cause period must be a period ending not less than 21 days after the show cause notice is given to the holder.

### **‘142ZC Representations about show cause notices**

- ‘(1) The holder of the approval may make representations about the show cause notice to the chief executive in the show cause period.
- ‘(2) The chief executive must consider all written representations (the *accepted representations*) made under subsection (1).

### **‘142ZD Ending show cause process without further action**

- ‘(1) This section applies if, after considering the accepted representations for the show cause notice, the chief executive no longer believes a ground exists to suspend or cancel the approval.
- ‘(2) The chief executive must not take any further action about the show cause notice.

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- ‘(3) Notice that no further action is to be taken about the show cause notice must be given to the holder of the approval by the chief executive.

### **‘142ZE Suspension or cancellation**

- ‘(1) This section applies if, after considering the accepted representations for the show cause notice, the chief executive—
- (a) still believes a ground exists to suspend or cancel the approval; and
  - (b) believes suspension or cancellation of the approval is warranted.
- ‘(2) This section also applies if there are no accepted representations for the show cause notice.
- ‘(3) The chief executive may—
- (a) if the proposed action stated in the show cause notice was to suspend the approval for a stated period—suspend the approval for not longer than the stated period; or
  - (b) if the proposed action stated in the show cause notice was to cancel the approval—either cancel the approval or suspend it for a period.
- ‘(4) The chief executive must as soon as practicable give the holder of the approval a written notice stating—
- (a) the decision and reasons for the decision; and
  - (b) that the applicant may appeal to the tribunal against the decision within 28 days after the applicant receives notice of the decision.
- ‘(5) The decision takes effect on—
- (a) the day the notice is given to the holder; or
  - (b) if a later day of effect is stated in the notice—the later day.’.

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**53 Replacement of s 149 (Licensee to exercise control over premises)**

Section 149—

*omit, insert—*

**‘149 Employment on licensed premises**

‘A licensee must not, other than with the chief executive’s prior approval, knowingly permit to be employed on the licensee’s behalf on the licensed premises a person who, because of misconduct or bad character—

- (a) has had a licence, permit or other authority relating to the sale or supply of liquor cancelled; or
- (b) has been refused a licence, permit or other authority relating to the sale or supply of liquor;

under this Act or a corresponding previous enactment or under a corresponding law of another State or a Territory.

Maximum penalty—100 penalty units.’

**54 Replacement of s 149B (Supervising adult entertainment)**

Section 149B—

*omit, insert—*

**‘149B Supervising adult entertainment**

- ‘(1) At all times when adult entertainment is being provided under an adult entertainment permit, the entertainment must be supervised by the licensee or permittee, or a controller, to ensure that it is provided in accordance with this Act and the conditions of the permit.

Maximum penalty—100 penalty units.

- ‘(2) If subsection (1) is contravened, the following persons each commit an offence—
  - (a) the licensee or permittee;
  - (b) a controller whose duty it was to supervise the entertainment at the relevant time.’

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## **55 Insertion of new pt 6, div 1A**

Part 6—

*insert—*

### **‘Division 1A Provisions binding particular licensees and permittees**

#### **‘155AC Application of div 1A**

‘This division applies to—

- (a) licensed premises, other than licensed premises to which a community club licence or community other licence relates if liquor is served or supplied at the premises only by volunteers; and
- (b) premises to which a permit relates, other than premises to which a community liquor permit or restricted liquor permit relates if liquor is served or supplied at the premises only by volunteers.

#### **‘155AD Who must be present or reasonably available at licensed premises etc.**

- ‘(1) This section applies while the licensed premises or premises to which the permit relates are open for business.
- ‘(2) If the licensee or permittee is a corporation—
  - (a) the licensee or permittee must take reasonable steps to ensure that an approved manager is present or reasonably available, during ordinary trading hours, at or in relation to the licensed premises or premises to which the permit relates; and
  - (b) the licensee or permittee must take reasonable steps to ensure that an approved manager is present, during approved extended trading hours, at the licensed premises or premises to which the permit relates.

Maximum penalty—50 penalty units.

- ‘(3) If the licensee or permittee is an individual—

- 
- (a) the licensee or permittee must be present or be reasonably available, or take reasonable steps to ensure that an approved manager is present or reasonably available, during ordinary trading hours at or in relation to the licensed premises or premises to which the permit relates; and
  - (b) the licensee or permittee must be present or take reasonable steps to ensure that an approved manager is present, during approved extended trading hours, at the licensed premises or premises to which the permit relates.

Maximum penalty—50 penalty units.

- ‘(4) Subsection (3) applies subject to section 155AF.
- ‘(5) For this section, the licensee or permittee or an approved manager is *reasonably available* in relation to the licensed premises or premises to which the permit relates if both of the following apply—
  - (a) the licensee, permittee or approved manager is readily contactable by each person involved in the service or supply of liquor at the premises;
  - (b) the time reasonably needed for the licensee, permittee or approved manager to travel from any place at which the licensee, permittee or approved manager may be present to the premises is not more than 1 hour.

### ‘155AE Approved managers register

- ‘(1) The licensee or permittee—
  - (a) must keep a register stating the following for each approved manager rostered on duty for the licensed premises or premises to which the permit relates—
    - (i) the name of the approved manager;
    - (ii) the date on which, and the starting time and finishing time of each shift for which, the approved manager is rostered on duty; and

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- (b) must keep the register available for inspection by an investigator at the premises.

Maximum penalty—100 penalty units.

‘(2) The licensee or permittee—

- (a) must keep with the register copies of the current training course certificates and current licensee’s course certificates held by approved managers rostered on duty for the premises; and
- (b) must make the copies available for inspection by an investigator at the premises.

Maximum penalty—100 penalty units.

‘(3) An approved manager rostered on duty for the premises must—

- (a) at the start of each shift for which the approved manager is rostered on duty—
  - (i) record in the register the approved manager’s name, and the date and starting time of the shift; and
  - (ii) sign the register; and
- (b) at the end of each shift for which the approved manager is rostered on duty—
  - (i) record in the register the date and finishing time of the shift; and
  - (ii) sign the register.

Maximum penalty—100 penalty units.

### **‘155AF Exemption from obligation under s 155AD(3)**

‘(1) Subsection (2) applies if—

- (a) the licensee or permittee is an individual; and
- (b) the licensee or permittee wishes to be absent from the management and supervision of the business conducted



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**57 Amendment of s 53 (Prevention of particular offences relating to liquor)**

(1) Section 53(1), ‘This section’—

*omit, insert—*

‘Subsection (2)’.

(2) Section 53(1)(a)(i), after ‘section’—

*insert—*

‘157(2)’.

(3) Section 53—

*insert—*

‘(2A) Also, if—

(a) a police officer reasonably suspects a person has committed, is committing or is about to commit an offence against the *Liquor Act 1992*, section 156(2) at a place; and

(b) the police officer reasonably suspects that liquor, whether in opened or unopened containers, in the person’s possession or under the person’s control relates to, or is contributing to, or is likely to contribute to, the commission of an offence at any place by the person or another person;

the police officer may seize the liquor, including any container of the liquor.’.

(4) Sections 53(3) and (4), after ‘subsection (2)’—

*insert—*

‘or subsection (2A)’.

(5) Section 53(5), after ‘subsection (1)’—

*insert—*

‘or subsection (2A)’.



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**58 Insertion of new ss 53A and 53B**

After section 53—

*insert—*

**‘53A Seizure of liquor from a minor in particular circumstances**

- ‘(1) This section applies if a police officer—
- (a) is lawfully at a place other than a place to which a licence or permit under the *Liquor Act 1992* relates; and
  - (b) finds a minor at the place has possession or control of liquor, whether in opened or unopened containers; and
  - (c) reasonably suspects that the minor is not being responsibly supervised by a responsible adult for the minor.
- ‘(2) The police may seize the liquor, including any container of the liquor, (the *seized thing*) and dispose of it in the way the police officer considers reasonably necessary.
- ‘(3) For subsection (2), the police officer may continue to stay at the place and re-enter the place for the time reasonably necessary to remove the seized thing, even though to continue to stay or to re-enter, apart from this section, would be trespass.
- ‘(4) For subsection (1) the following matters are to be decided on the same basis as the matters are decided under the *Liquor Act 1992*, section 156A—
- (a) whether or not a person is a minor;
  - (b) whether or not a minor is being responsibly supervised;
  - (c) whether or not an adult is a responsible adult for a minor.
- ‘(5) If the police officer exercises the power under subsection (2) to seize a thing—
- (a) the seized thing is taken to have been forfeited to the State immediately after the police officer seizes it; and

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(b) chapter 21, part 2, division 3 and chapter 21, part 3 do not apply to the seized thing.

‘(6) In this section—

*liquor* has the same meaning as it has in section 53.

### **‘53B Entry powers for vehicles referred to in ss 53 and 53A**

If a place where a police officer is exercising a power under section 53 or section 53A is outside a vehicle that is not being used as a dwelling, the police officer’s powers for the section include the power to enter the vehicle to exercise a power under the section within the vehicle.’

## **Part 4 Amendment of Acts**

### **59 Consequential and other amendments of Acts**

- (1) Schedule 1 amends the Acts mentioned in it.
- (2) Schedule 2 amends the *Liquor Act 1992*.

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## Schedule 1      Consequential and other amendments of Acts

section 59

### Cairns Casino Agreement Act 1993

**1      Section 2, definition *special facility licence*—**

*omit, insert—*

*‘special facility licence* means a commercial special facility licence under the Liquor Act.’.

### Charitable and Non-Profit Gaming Act 1999

**1      Section 110, definition *liquor*—**

*omit, insert—*

*‘liquor* see the *Liquor Act 1992*, section 4B.’.

### Gaming Machine Act 1991

**1      Sections 56, 61 and 78, ‘club liquor licence’—**

*omit, insert—*

‘community club licence’.

- 2 Sections 56, 78 and 96, ‘general liquor licence’—**  
*omit, insert—*  
‘commercial hotel licence’.
- 3 Sections 56 and 79 and schedule, definition *subsidiary operator*, ‘special facility premises’—**  
*omit, insert—*  
‘commercial special facility premises’.
- 4 Sections 56 and 96 and schedule, definition *subsidiary operator*, ‘special facility liquor licence’—**  
*omit, insert—*  
‘commercial special facility licence’.
- 5 Section 189(15), definition *eligible licensee*, paragraph (b)—**  
*omit.*
- 6 Section 189(15), definition *eligible licensee*, paragraph (c)—**  
*renumber* as paragraph (b).
- 7 Section 195(2), from ‘if,’ to ‘premises’—**  
*omit.*
- 9 Schedule, definition *club*, ‘club liquor’—**  
*omit, insert—*  
‘community club’.

**10 Schedule, definition *club liquor licence*, paragraph (a), '58(1)(e)'—**

*omit, insert—*

'58(1)(d)'.

**11 Schedule, definitions *category 1 licensed premises*, *general liquor licence*, *special facility liquor licence* and *special facility premises*—**

*omit, insert—*

'*category 1 licensed premises* means licensed premises for which one of the following licences under the *Liquor Act 1992* is in force—

- (a) a commercial hotel licence;
- (b) a commercial special facility licence, other than the commercial special facility licence held by the Gold Coast Commerce Club Inc.

*commercial hotel licence* means a licence mentioned in the *Liquor Act 1992*, section 58(1)(a).

*commercial special facility licence* means a licence mentioned in the *Liquor Act 1992*, section 58(1)(b).

*commercial special facility premises* means premises to which a commercial special facility licence relates.'

## Liquor Act 1992

**1 Section 3A(1)(b) and (2), 'primary purpose'—**

*omit, insert—*

'principal activity'.

**2 Section 4, definitions *cabaret*, *current training course certificate*, *on-premises (cabaret) licence*, *on-premises***

***(function) licence, on-premises (meals) licence, on-premises (other activity) licence, on-premises (presentations) licence, on-premises (tourist) licence, on-premises (transport) licence and training course certificate—***

*omit.*

**3 Section 4, definition *approved area*, ‘103G(1)’—**

*omit, insert—*

‘103P(1)’.

**4 Section 4, definition *adult entertainment*, ‘103E(2)’—**

*omit, insert—*

‘103N(2)’.

**5 Section 4, definition *code*, ‘103E’—**

*omit, insert—*

‘103N’.

**6 Section 4, definition *commencement*—**

*omit, insert—*

‘*commencement* means—

(a) for part 12, division 6, see section 268; or

(b) for part 12, division 8, see section 288.’.

**7 Section 4, definition *detached bottle shop*, ‘59(1)(d)’—**

*omit, insert—*

‘60(1)(d)’.

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- 8 Section 4, definition *member of a reciprocal club*, ‘club licence or restricted club permit’—**  
*omit, insert—*  
‘community club licence, community other licence or restricted liquor permit’.
- 9 Section 4, definition *post-amended Act*—**  
*omit, insert—*  
*‘post-amended Act* means—
- (a) for part 12, division 6, see section 268; or
  - (b) for part 12, division 8, see section 288.’.
- 10 Section 4, definition *pre-amended Act*—**  
*omit, insert—*  
*‘pre-amended Act* means—
- (a) for part 12, division 6, see section 268; or
  - (b) for part 12, division 8, see section 288.’.
- 11 Section 4, definitions *private event* and *public event*, ‘102D’—**  
*omit, insert—*  
‘101’.
- 12 Section 4AA, ‘an on-premises (cabaret) licence’—**  
*omit, insert—*  
‘a subsidiary on-premises licence for which the principal activity is the provision of entertainment’.
- 13 Section 42A(1)(b)—**  
*insert—*

*‘Examples—*

- 1 The chief executive might issue a guideline stating the matters that must be dealt with in a risk-assessed management plan.
- 2 The chief executive might issue a guideline stating the matters that must be dealt with in a community impact statement.’

**14 Section 46(1), ‘club’—**

*omit, insert—*

‘liquor’.

**15 Section 107C(1)(b), ‘a conference held under section 121 or’—**

*omit.*

**16 Section 107D(1)(a), ‘general purpose permit or restricted club’—**

*omit, insert—*

‘community liquor permit or restricted liquor’.

**17 Section 111(1A), (3) and (4)—**

*omit.*

**18 Sections 113(1) and 117(1)(b), ‘hours permit’—**

*omit, insert—*

‘trading hours approval’.

**19 Section 117(4), definition *relevant application*, paragraph (b), before ‘club’—**

*insert—*

‘community’.



- 
- 20 Section 118(1)(c)—**  
*omit, insert—*  
‘(c) an extended trading hours approval or variation of an extended trading hours approval;’.
- 21 Section 118(7) and (8)—**  
*omit.*
- 22 Section 118(9)—**  
*renumber* as section 118(7).
- 23 Section 121A—**  
*omit.*
- 24 Section 122(3)—**  
*omit.*
- 25 Sections 123(1)(a), 123A(1)(a) and (c) and 125(3), ‘primary purpose’—**  
*omit, insert—*  
‘principal activity’.
- 26 Section 125(3), ‘general’—**  
*omit, insert—*  
‘commercial hotel’.
- 27 Section 126, heading, ‘or permit’—**  
*omit.*

**28 Section 126(1)—**

*omit, insert—*

‘(1) If a licence is varied, the chief executive must cause an appropriate endorsement to be made on the licence.’.

**29 Section 126(3), ‘or permit’—**

*omit.*

**30 Section 136(1)(a)(ii), ‘primary purpose’—**

*omit, insert—*

‘principal activity’.

**31 Section 142K(2), ‘142B(4)’—**

*omit, insert—*

‘142B(3)’.

**32 Section 148B(4)—**

*omit, insert—*

‘(4) Subsection (2)(b) does not apply to the holder of a subsidiary on-premises licence if the principal activity of the business conducted under the licence is the principal activity mentioned in section 67A.’.

**33 Section 148B(5) and (6)—**

*renumber* as section 148B(4) and (5).

**34 Section 149A, ‘general purpose permit or restricted club’—**

*omit, insert—*

‘community liquor permit or restricted liquor’.

- 
- 35 Sections 150(2) and 153(3) and (4), before ‘special facility’—**  
*insert—*  
‘commercial’.
- 36 Sections 154(2)(a) and (4)(a), ‘primary purpose’—**  
*omit, insert—*  
‘principal activity’.
- 37 Sections 154A(1)(a) and 154B(1) and (3), ‘general’—**  
*omit, insert—*  
‘commercial hotel’.
- 38 Sections 154C, before ‘club’—**  
*insert—*  
‘community’.
- 39 Section 155(5)(b) and (c)—**  
*omit, insert—*  
    ‘(b) the premises are being used for the conduct of business for the principal activity of providing entertainment on the premises.’.
- 40 Section 155AA(1), ‘general purpose permit or restricted club’—**  
*omit, insert—*  
‘community liquor permit or restricted liquor’.
- 41 Section 162—**  
*omit, insert—*

**‘162 Taking liquor onto or away from premises subject to subsidiary on-premises licence**

‘(1) A person must not take liquor onto premises to which a subsidiary on-premises licence relates for consumption on the premises, unless the premises are premises mentioned in section 67A.

Maximum penalty—25 penalty units.

‘(2) A person must not take liquor from premises to which a subsidiary on-premises licence relates, unless the premises are premises mentioned in section 67A and—

(a) if the liquor is wine, the wine was supplied to the person on the premises lawfully under the licence as authorised under section 67A(2)(b); or

(b) the person brought the liquor onto the premises.

Maximum penalty—25 penalty units.’.

**42 Section 168A(4), ‘general purpose or restricted club’—**

*omit, insert—*

‘community liquor permit or restricted liquor’.

**43 Section 172(2), ‘84(1)’—**

*omit, insert—*

‘75(1)’.

**44 Section 187(5), definition *licensed premises*, ‘club’—**

*omit, insert—*

‘liquor’.

**45 Section 235(2)(f), ‘general purpose’—**

*omit, insert—*

‘community liquor’.

**46 Section 235(2)(h), '59'—**

*omit, insert—*

'60(1)(d)'.

**47 Schedule, heading, '88 and 103D'—**

*omit, insert—*

'79, 83 and 103M'.

## **Tobacco and Other Smoking Products Act 1998**

**1 Sections 26ZA(1)(a) and 26ZJ(2)(c), 'general licence or club'—**

*omit, insert—*

'commercial hotel licence or community club'.

**2 Sections 26ZA(1)(b) and 26ZJ(2)(d), before 'special'—**

*insert—*

'commercial'.

## **Schedule 2      Amendments of the Liquor Act 1992 relating to approved managers**

section 59

- 1      Section 4, definition *disciplinary action*, paragraph (h), ‘or nominee for the licence’—**  
*omit.*
  
- 2      Section 43(2)(b), from ‘, nominees’ to ‘permittees’—**  
*omit.*
  
- 3      Section 45(a), ‘nominees’—**  
*omit, insert—*  
‘approved managers’.
  
- 4      Section 46(1), ‘nominee,’—**  
*omit.*
  
- 5      Sections 107(3), 107E(3), 109, 109A and 115(2)—**  
*omit.*
  
- 6      Sections 108(1), from ‘if for’ to ‘other nominee’—**  
*omit.*
  
- 7      Section 115, ‘109’—**  
*omit, insert—*  
‘108’.

- 
- 8 Section 128(a), from ‘, and’ to ‘licence’—**  
*omit.*
- 9 Section 131—**  
*omit.*
- 10 Section 136(1)(e), from ‘or any’ to ‘premises,’—**  
*omit.*
- 11 Part 6, division 1, heading, ‘nominees’—**  
*omit, insert—*  
‘approved managers’.
- 12 Section 143(1)(a), from ‘and’ to ‘premises’—**  
*omit.*
- 13 Section 155AA(2), from ‘licensee’ to ‘controller’—**  
*omit, insert—*  
‘licensee or permittee, an approved manager working at the premises, or the licensee’s or permittee’s controller’.
- 14 Section 155A, from ‘a licensee’ to ‘premises’—**  
*omit, insert—*  
‘the licensee or permittee of, or an approved manager working at, the premises to which a licence or permit relates’.
- 15 Section 156(3), ‘licensee, permittee, nominee or manager of’—**  
*omit, insert—*  
‘licensee or permittee of, or an approved manager working at,’.

**16 Section 156B(2), penalty, paragraph (a), ‘the nominee of’—**

*omit, insert—*

‘an approved manager working at’.

**17 Section 156C(5), penalty, paragraph (a), ‘the nominee of’—**

*omit, insert—*

‘an approved manager working at’.

**18 Section 234(1), ‘, permittee or nominee’—**

*omit, insert—*

‘or permittee’.