

EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

Liquor Regulation 2010

Subordinate Law SL2010-

The Australian Capital Territory Executive makes the following regulation under the *Liquor Act 2010*.

Dated _____ 2010.

Minister

Minister

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Liquor Regulation 2010*.

2 Commencement

This regulation commences on the commencement of the *Liquor Act 2010*, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

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5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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Part 2 Liquor licences

6 Licence form—Act, s 30 (1) (b) (vii)

The following information is prescribed:

- (a) the licensee's ABN;
- (b) if the licensee is a corporation—the licensee's ACN;
- (c) a unique identifying number;
- (d) when the licence expires.

7 Licence conditions—Act, s 31 (2) (a)

(1) The following conditions are prescribed:

- (a) the licensee must comply with the licensing standards in schedule 1;
- (b) the licensed premises must comply with the licensing standards in schedule 1;
- (c) the *Work Safety Act 2008* must be complied with at the licensed premises;
- (d) the licensed premises must comply with the building code;

Examples

- 1 clause D1.10—discharge from exits
- 2 clause D2.20—swinging doors
- 3 clause F2.3—sanitary facilities in Class 3, 5, 6, 7, 8 and 9 buildings
- 4 clause F4.4—artificial lighting.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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- (e) the licensee must ensure that each staff member and crowd controller working at the licensed premises is aware of the contents of the approved risk-assessment management plan for the premises;
 - (f) the licensee must, at the end of each quarter, give the chief health officer the trading information for the licensed premises for the quarter;
 - (g) the licensee must, not later than 30 September, give the commissioner in writing the following information about liquor purchased for supply at the premises by the licensee in the preceding 12 months:
 - (i) the quantity of the following kinds of liquor purchased for sale at the premises:
 - (A) beer;
 - (B) wine;
 - (C) spirits;
 - (D) other liquor;
 - (ii) when the liquor was purchased;
 - (iii) the name and address of each supplier;
 - (iv) the gross price paid or payable for the liquor.
- (2) The following conditions are prescribed for a licence that authorises the licensee to sell liquor in open containers for consumption at the licensed premises:
- (a) food must be available for purchase for consumption at the licensed premises;

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- (b) the *Food Act 2001* must be complied with at the licensed premises;
- (c) water must be available for consumption free of charge at—
 - (i) each place at the premises where liquor is sold; and
 - (ii) another place at the premises that is used solely for making water available for consumption;

Example

tap water available at the bar and a freestanding water dispenser at another place at the premises

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (d) liquor that is intended to be consumed directly from a container must not be supplied in a container larger than 570ml.

Note A general licence, on licence, club licence or special licence may authorise the sale of liquor in open containers for consumption at the licensed premises.

- (3) In this section:

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

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

fortified wine includes frontignac, madeira, marsala, Muscat, port, sherry and tokay.

full-strength beer means beer in which the alcohol content by volume is 4% or more.

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gross price, for liquor, includes any duty, tax or other charge (other than a cost including freight or packaging for freight) paid or payable for in connection with the liquor.

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

mid-strength beer means beer in which the alcohol content by volume is 3% or more but less than 4%.

trading information, for licensed premises, means the following information:

- (a) the class of the licence and, for an on licence, the subclass of licence;
- (b) the name of the licensee;
- (c) if the licensee carries on business under a name other than the licensee's name—the name under which the licensee carries on business;
- (d) the address of the licensed premises;
- (e) the volume of full-strength beer supplied under the licence at the premises;
- (f) the volume of mid-strength beer supplied under the licence at the premises;
- (g) the volume of low-strength beer supplied under the licence at the premises;
- (h) the volume of regular strength bottled wine supplied under the licence at the premises;
- (i) the volume of regular strength cask wine supplied under the licence at the premises;

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- (j) the volume of low-strength wine supplied under the licence at the premises;
- (k) the volume of low-strength cask wine supplied under the licence at the premises;
- (l) the volume of fortified wine supplied under the licence at the premises;
- (m) the volume of spirit supplied under the licence at the premises;
- (n) the volume of pre-mixed spirit based drinks supplied under the licence at the premises.

8 Licence term—Act, s 32 (2)

- (1) A licence expires—
 - (a) for a licence with licensed times ending at midnight—on the day stated in the licence; or
 - (b) for a licence for licensed premises with a total occupancy loading not exceeding 80 people—on the day stated in the licence; or
 - (c) for any other licence—on the 30 November after the day the licence is issued.
- (2) The day stated in the licence must not be more than 3 years after the day the licence is issued.

9 Public notice requirements—Act, s 34 (2) (b)

- (1) A sign displayed at premises for the Act, section 34 (1) (a) must—
 - (a) state the application details; and
 - (b) state the start date and end date for the public consultation period; and

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- (c) include the written representation statement; and
- (d) be printed in—
 - (i) a colour that contrasts with the background colour of the sign; and
 - (ii) Arial typeface in a size not less than 14 point; and
- (e) be not less than A3 size; and

Note The dimensions of A3 are 297mm × 420mm.

- (f) be placed prominently at the premises so that it can be seen and read easily by a person at or near the premises.

(2) A notice published for the Act, section 34 (1) (b) must—

- (a) state the application details; and
- (b) include the written representation statement.

(3) In this section:

application details, for a sign or notice, means the following details about the application that is the subject of the notice:

- (a) the name of the applicant;
- (b) the date the application was made;
- (c) the address of the proposed licensed premises;
- (d) if the applicant proposes to carry on business under a name other than the licensee's name—the name under which the applicant proposes to carry on business;
- (e) the days and times proposed for the premises to be open to the public;

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- (f) the times proposed for liquor to be sold at the premises—
 - (i) for consumption at the premises (if any); and
 - (ii) for consumption off the premises (if any).

written representation statement means the following:

‘You may make written representations about how the applicant may not be a suitable person to hold a licence or how the proposed licensed premises may not be suitable for the licence.

For suitability information for a person—see the Liquor Act 2010, s 69.

For suitability information for premises—see the Liquor Act 2010, s 78.

Representation may be made to:
The Commissioner for Fair Trading
Office of Regulatory Services
GPO Box 158
Fyshwick ACT 2609

ORS@act.gov.au

For further information contact the office on:
telephone: 6207 3000 or
visit our offices between 9.00am and 4.30pm weekdays at
255 Canberra Avenue Fyshwick or
visit our website at www.ors.act.gov.au’

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10 Public consultation period—Act, s 36 (1) (a)

A period of 30 days starting on the day when the licence application is publicly notified is prescribed.

11 Licence amendment for change to floor plan of licensed premises—Act, s 39

If the commissioner amends a licence under the Act, section 39, the licensee must give the commissioner any new certificate of occupancy issued for the licensed premises as changed as soon as practicable after the licensee receives the certificate.

12 Licence maximum renewal period—Act, s 42 (1)

A licence may be renewed for—

- (a) for a licence with licensed times ending at midnight—a maximum period of 3 years; or
- (b) for a licence for licensed premises with a total occupancy loading not exceeding 80 people—a maximum period of 3 years; or
- (c) for any other licence—a maximum period of 1 year.

13 Wholesale sales reporting at renewal

- (1) A licensee, on an application for renewal of a licence under the Act, section 42, must give the commissioner in writing the following information:
 - (a) the quantity of liquor purchased for sale at the premises;
 - (b) when the liquor was purchased;
 - (c) the name and address of each supplier;
 - (d) the gross price paid or payable for the liquor.

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(2) In this section:

gross price, for liquor, includes any duty, tax or other charge (other than a cost including freight or packaging for freight) paid or payable for in connection with the liquor.

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Part 3 Liquor permits

14 Permit form—Act, s 54 (1) (b) (vii)

The following information is prescribed:

- (a) when the permit expires;
- (b) a unique identifying number.

15 Permit conditions—Act, s 55 (2) (a)

It is a condition of a permit that water must be made available for consumption free of charge at—

- (a) each place at the permitted premises where liquor is sold; and
- (b) at another place at the premises that is used solely for making water available for consumption free of charge.

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Part 4 Licensed and permitted premises

16 Suitability of premises—cumulative impact

The commissioner, when having regard to the harm minimisation and community safety principles in deciding the suitability of premises under the Act, section 76, must consider the impact of the premises together with other licensed and permitted premises near the premises including:

- (a) the number of licensed premises and permitted premises licensed or permitted to sell liquor at late night licensed times that are near the premises;

Note For late night licensed times—see sch 2.

- (b) the number of licensed premises and permitted premises licensed or permitted to sell liquor at standard licensed times that are near the premises;

Note For standard licensed times—see sch 2.

- (c) the total number of people allowed in public areas for all licensed and permitted premises near the premises;

Note The commissioner determines the number of people allowed in public areas for licensed and permitted premises as an occupancy loading for the premises—see the Act, pt 5 (Occupancy loading for licensed premises and permitted premises)

- (d) the total number of people allowed in public areas for all licensed and permitted premises permitted to sell liquor at standard licensed times that are near the premises;

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- (e) the number of incidents recorded in the licensee and permit-holder's incident registers of other licensed and permitted premises near the premises;

Note Licensees and permit-holders must keep an incident register—see the Act, s 130 (Incident register)

- (f) the noise from the premises and from other licensed premises and permitted premises near the premises;
- (g) how the crowd from the premises and from other licensed premises and permitted premises near the premises would impact on community safety;
- (h) the premises location with other licensed or permitted premises and their proximity to a place of public worship, a hospital, residential premises, or a school;
- (i) what transport will be available to people leaving other licensed or permitted premises;
- (j) the capacity of the area surrounding the premises to cope with increased numbers of people.

Example—par (j)

car parking

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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Part 5 Risk-assessment management plans

17 Risk-assessment management plan—Act, s 88

- (1) The following information is required in a risk-assessment management plan for licensed premises:

- (a) the kind of business to be operated under the licence;

Examples—kinds of business

- casino
- retailer
- sports club
- tavern or live music venue.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (b) the licensed times proposed for the premises;
- (c) the times and days proposed for the premises to be open to the public;
- (d) the kinds of liquor to be supplied at the premises;
- (e) the measures to be taken by the licensee to ensure responsible service of liquor at the premises;
- (f) whether video surveillance equipment or other monitoring devices are used at or for the premises;
- (g) how the licensee will ensure employees provide for the responsible service of liquor at the premises;

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- (h) how employees of the licensee and other people employed to work at the premises will undertake an approved RSA training course;
- (i) how and where water is to be made available for consumption free of charge;
- (j) the kind of food to be provided at the premises;
- (k) how children and young people in an adults only area at the premises will be dealt with;
- (l) the number of crowd controllers to be employed to work at the premises and what they will be doing;
- (m) how entry to the premises will be managed;

Example

queuing to enter the premises

- (n) how the premises will be lit when open to the public;
- (o) how intoxicated people at the premises will be dealt with;
- (p) how disorderly people at the premises will be dealt with;
- (q) what transport will be available to people leaving the premises or, if transport is not available, how the licensee will help people find transport;

Example

public transport (nearby bus stop or taxi rank)

- (r) how noise from the premises will be mitigated;
- (s) how the impact of the operation of the premises on the amenity of the area surrounding the premises will be mitigated;
- (t) a description of each liquor accord to which the licensee is a party.

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(2) In this section:

liquor accord means an agreement—

- (a) to which the licensee is a party; and
- (b) that encourages responsible practices at and around licensed premises; and
- (c) that is consistent with the objects of the Act or the harm minimisation and community safety principles.

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Part 6 Young people's events

18 Meaning of *young people's event information*—pt 5

In this part:

young people's event information, for a young people's event means the following:

- (a) the name of the event;

Examples

- private event
- after formal party
- club Manuka's young people's night

- (b) the nature of the event;

Examples

- concert
- dance
- live band performance

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (c) the number of young people expected to attend the event;
- (d) the number of adults employed or engaged to supervise young people at the event;
- (e) the number of crowd controllers employed to work at the event and what they will be doing.

**19 Young people's events—details for application—
Act, s 95 (2) (b) (v)**

The following details are prescribed:

- (a) the young people's event information for the event;
- (b) the crowd control arrangements for the proposed event that are in addition to the crowd control arrangements in the approved risk-assessment management plan for the premises;

Note The risk-assessment management plan for a licensed premises requires crowd control planning—see s 17 (1).

- (c) the steps to be taken to prevent young people accessing liquor, gaming machines and tobacco products at the proposed event;
- (d) the kind of food to be provided at the event;
- (e) what transport will be available to young people leaving the premises or, if transport is not available, how the licensee will help young people find transport.

Example

public transport (nearby bus stop or taxi rank)

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

20 Young people's events—approval criteria—Act, s 96 (2)

The following approval criteria are prescribed:

- (a) the licensee has crowd control arrangements for the proposed event that are adequate for the size and nature of the event;
- (b) the licensee will prevent young people from accessing liquor, gaming machines and tobacco products at the event;

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- (c) the licensee will make food other than liquor available to young people to consume at the event;
- (d) the kind of food to be provided by the licensee will be adequate for the size and nature of the event;
- (e) the licensee will make transport available for the use of young people when leaving the premises or, if transport is not available, the licensee help young people to find transport.

21 Young people's events form—Act, s 97 (1) (b) (vi)

The name of the event is prescribed.

22 Young people's events conditions—Act, s 98 (a)

The following conditions are prescribed:

- (a) the licensee must give the chief police officer the young people's event information for the young people's event at least 7 days before the event is to take place;
- (b) the licensee must not supply liquor at the event;
Note Supply includes sell (see Act, dict).
- (c) the licensee must not permit the supply or consumption of liquor at the event;
- (d) the licensee must cover all liquor, gaming machines and tobacco products at the premises in a way that prevents young people having access to or seeing liquor, gaming machines or tobacco products at the premises;
- (e) the licensee must not permit entry to a young person if the licensee suspects the young person has consumed liquor or is in possession of liquor;

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- (f) if the licensee believes on reasonable grounds that a young person is affected by liquor or is in possession of liquor at the event—the licensee must tell a police officer;
- (g) the licensee must make liquor-free drinks available to young people to consume at the event;
- (h) the licensee must provide food that is adequate for the size and nature of the event;
- (i) the licensee must ensure that—
 - (i) at least 1 crowd controller is employed to work at the event for every 30 young people attending the event; and
 - (ii) if both male and female young people are expected at the event—at least 1 female is employed to work at the event;
- (j) the licensee must not permit a young person who has left the premises during an event back in to the event;
- (k) the event must end no later than midnight;
- (l) the licensee must display at the entrance to the licensed premises, and publish in the public notices of a daily newspaper on the day of the event, a notice detailing the conditions for conduct of the event including—
 - (i) the time the event is to begin and to end; and
 - (ii) the particular groups (if any) of young people the event is organised for; and
 - (iii) that food and liquor-free drinks will be available at the event; and
 - (iv) that no liquor will be supplied at the event; and

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- (v) that young people affected or suspected of being affected by liquor will not be permitted to enter the event; and
 - (vi) that the licensee will tell a police officer of young people who are affected by liquor or in possession of liquor at the event;
- (m) the event must not end before the end time mentioned in paragraph (i);
- (n) the licensee must ensure that all young people attending the event leave the premises within 15 minutes after the end of the event.

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Part 7 Conduct of licensees and permit-holders

23 Abuse offence sign—Act, s 109 (1) (b) and (2) (b)

- (1) A sign about the offences in the Act, section 108 must be displayed prominently at the licensed premises so that it can be seen and read easily by a person at or near each place within the premises where liquor is supplied.
- (2) A sign about the offences in the Act, section 108 must be displayed prominently at the permitted premises so that it can be seen and read easily by a person at or near each place within the premises where liquor is supplied.

Note *Supply* includes sell (see Act, dict).

24 Marking adults-only areas—Act, s 123 (1) (b) and (2) (b)

- (1) A sign marking an adults-only area must be displayed prominently at the licensed premises so that it can be seen and read easily by a person at or near the adults-only area.
- (2) A sign marking an adults-only area must be displayed prominently at the permitted premises so that it can be seen and read easily by a person at or near the adults-only area.

25 Occupancy loading sign—Act, s 126 (1) (b) and (2) (b)

- (1) A sign about occupancy loading at the licensed premises must be displayed prominently at the licensed premises so that it can be seen and read easily by a person at or near the main entrance to the premises.

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- (2) A sign about occupancy loading at the permitted premises must be displayed prominently at the licensed premises so that it can be seen and read easily by a person at or near the main entrance to the premises.

26 Breath analysis sign—Act, s 133 (1) (c) and (2) (c)

- (1) A sign about a breath analysis instrument installed at licensed premises must be displayed prominently at the premises so that it can be seen and read easily by a person at or near the instrument.
- (2) A sign about a breath analysis instrument installed at permitted premises must be displayed prominently at the premises so that it can be seen and read easily by a person at or near the instrument.

27 Sell petrol exemption—Act, s 135 (3)

Licensed premises at Block 9, Section 8, Division of Tharwa are prescribed.

**28 Prohibited promotional or marketing activity—
Act, s 136 (4)**

- (1) The following activities are prescribed:
- (a) advertising the sale of liquor in a way that provides incentives for, or encourages, the irresponsible consumption of liquor (including the rapid or excessive consumption of liquor);

Examples

- advertising drinks known as ‘laybacks’, ‘shooters’ or ‘test tubes’
- advertising drinking games known as ‘boat races’
- advertising all you can drink for a set price

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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- (b) promoting or encouraging intoxication or anti-social behaviour;

Examples

- permitting liquor to be consumed directly from jugs
 - permitting the accumulation of large amounts of liquor by patrons
 - supplying alcoholic vapour produced by devices like the Alcohol Without Liquid (AWOL) device.
- (c) selling liquor at reduced prices—
- (i) for more than 2 hours continuously; or
 - (ii) between midnight and 5am the following day;
- (d) selling liquor at half, or less than half, the normal price;
- (e) supplying liquor free of charge;
- (f) advertising or promoting the sale or supply of liquor—
- (i) using images, symbols or figures that are directly or indirectly sexual, degrading, sexist or otherwise offensive in nature; or
 - (ii) by associating the consumption of liquor with success in the pursuit of sexual gratification; or
 - (iii) by associating the consumption of liquor with risk taking or violent, dangerous or anti-social behaviour; or
 - (iv) in a way that encourages people to commit an offence against a Territory law;
 - (v) in a way that encourages children and young people to consume liquor;
 - (vi) that targets a class or group of adult;

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- (vii) for the supply of liquor for consumption off the premises—at a place outside of the designated advertising area of the premises where the liquor is supplied.
- (g) advertising the supply of liquor in containers larger than 570ml if the liquor is intended to be consumed directly from the container;
- (h) promoting—
 - (i) the supply of liquor to children or young people; or
 - (ii) the consumption of liquor by children or young people;
- (i) promoting the sale or supply of liquor by use of the internet without the following notice being clearly displayed:

LIQUOR ACT 2010 (ACT)

IT AN OFFENCE TO SELL OR SUPPLY ALCOHOL TO
A PERSON UNDER THE AGE OF 18 YEARS

MAXIMUM PENALTY: \$2,200.

- (2) Subsection (1) (d) and (1) (e) do not apply if the liquor is—
 - (a) not more than 1 standard drink; and
 - (b) supplied with a meal on a fixed price menu.
- (3) In this section:

standard drink—see Australia New Zealand Food Standards Code—standard 2.7.1—Labelling of Alcoholic Beverages and Food Containing Alcohol, section 1 (Cwlth).

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**29 Location for sexually explicit entertainment—Act,
s 139 (3) (a)**

The following are prescribed locations:

- (a) the division of Hume in Tuggeranong district;
- (b) the division of Fyshwick in Canberra Central district;
- (c) the division of Mitchell in Gungahlin district.

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Part 8 Miscellaneous

30 Permanent alcohol free places—Act, s 197 (1)

- (1) The following places at Civic parks are prescribed:
 - (a) block 7 of section 13 in the division of City, Canberra Central district;
 - (b) block 23 of section 19 in the division of City, Canberra Central district other than the part of the block that is part of the Canberra Theatre Centre.
- (2) The following places at Phillip parks are prescribed:
 - (a) block 21 of section 80 in the division of Phillip, other than the part of the block occupied for the purposes of a child care centre;
 - (b) block 23 of section 80 in the division of Phillip, other than the part of the block occupied by Woden Community Service Incorporated;
 - (c) blocks 23, 45, 25 and 36 of section 80 in the division of Phillip;
 - (d) block 2 of section 160 in the division of Phillip;
 - (e) block 18 of section 12 in the division of Phillip.
- (3) The following places at and around skate parks are prescribed:
 - (a) the skate park and the 2m surround in blocks 59 and 61 of section 65 in the division of Belconnen and the frontage on Emu Bank, Belconnen;

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- (b) the skate park and the 2m surround in block 4 of section 62 in the division of Greenway in the Tuggeranong Town Park between the Tuggeranong Pool and Recreation Centre (corner of Athllon Drive and Anketell Street) and Lake Tuggeranong;
- (c) the skate park and the 2m surround in parkland immediately north of the intersection of Mirrabai and Gundaroo Drives in the division of Gungahlin;
- (d) the skate park and paved picnic area and the 2m surround in block 3 of section 22 in the division of Weston and the frontage on the cycle path (block 6 of section 22 in the division of Weston) beside Dillon Close.

31 Licensed and permitted times—Act, s 223 (2) (a)

- (1) The licensed times in schedule 2, part 1, column 3 are prescribed for each licence class mentioned in schedule 2, column 2.
- (2) The permitted times in schedule 2, part 2, column 3 are prescribed for commercial permits.

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Schedule 1 Licence conditions—licensing standards

(see s 7)

Part 1.1 Buildings and standards of fittings

1.1 Toilets

- (1) The licensee must ensure that toilet facilities at licensed premises meet the following standards:
 - (a) there must not be a direct line of sight into toilet facilities from anywhere outside the toilet facilities;
 - (b) there must not be a common entry to toilet facilities for men and women;
 - (c) if toilet facilities are located outside the main part of the licensed premises—
 - (i) the toilet facilities must not be more than 40m from the exit door of the main part of the licensed premise that is used to access the facilities; and
 - (ii) the passage way to the toilet facilities must be covered to exclude rain, well drained and lit; and
 - (iii) a person must not be required to travel through a staff, kitchen, storage or similar area to gain access to the facilities;
 - (d) the toilet facilities must not require a key for entry;

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- (e) there must be signs showing the location of toilet facilities visible from all parts of the licensed premises;
 - (f) hot and cold water must be available at each wash basin in the toilet facilities;
 - (g) soap and hand drying equipment must be available in the toilet facilities;
 - (h) toilet paper must be available in each toilet cubicle;
 - (i) a clothes hook must be provided in each toilet cubicle;
 - (j) a mirror must be provided in the toilet facilities;
 - (k) a garbage bin must be provided in the toilet facilities ;
 - (l) each entry door to toilet facilities must be fitted with a door closing device.
- (2) A person using the toilet facilities must not be required to pay for the use.

1.2 Surveillance of passage ways to toilets

- (1) If a passage way providing access to a toilet facility is remote or secluded, the passage way must be kept under electronic surveillance.
- (2) The electronic surveillance must:
- (a) for premises with a total occupancy loading of less than 300 people—
 - (i) include a camera; and
 - (ii) include a monitor that displays the passage way that can be seen by people employed to work at the licensed premises; and

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- (iii) be approved by the commissioner;
- (b) for premises with a total occupancy loading of 300 or more people—
 - (i) include a camera; and
 - (ii) include a monitor that displays the passage way that is observed in real time by people employed to work at the licensed premises; and
 - (iii) be approved by the commissioner;

1.3 Dance Floors

- (1) The commissioner may determine an area at licensed premises to be used for dancing (a *dance floor*).
- (2) If licensed premises include a dance floor, the licensee must ensure that the dance floor is clearly identified by a barrier, floor surface or markings on the floor.
- (3) The licensee must ensure that a dance floor does not contain furnishings, tables, chairs, or provision for placing drinks.
- (4) The licensee must take reasonable steps to ensure that drinks are not consumed or taken on to a dance floor that is being used for dancing.
- (5) In this section:
drinks includes liquor, low-alcohol liquor and liquor-free drinks.

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1.4 Serving counters at licensed premises

- (1) The licensee must ensure the following in relation to serving counters in the licensed premises:
 - (a) if beer on tap is supplied—that drip trays are directly connected to waste outlets;
 - (b) that a glass washing machine is installed in, or near, each serving counter;
 - (c) that all glasses are washed in a glass washing machine.

- (2) In this section:

serving counter means a counter or place where liquor is supplied for consumption at licensed premises.

1.5 Bottle shop required for general licensed premises

- (1) This section applies to general licensed premises.
- (2) The licensed premises must have a separate area (a *bottle shop*) for the sale of liquor in sealed containers for consumption off the premises.
- (3) Liquor sold for consumption off the premises must be sold only from the bottle shop.
- (4) The general licensee must ensure all liquor sold for consumption at the licensed premises is—
 - (a) sold in an open container from a bar; and
 - (b) consumed at a public area in the licensed premises.

1.6 Outdoor dining areas

- (1) The licensee must ensure the following for an outdoor dining area at licensed premises:
 - (a) the area is clearly defined by a wall or barrier;
 - (b) the area has seating and table spaces for the maximum number of people allowed for the area in accordance with the occupancy loading under the Act;
 - (c) at least 50% of the area has protection from direct sunlight;
 - (d) the area does not include a bar.
- (2) If an outdoor dining area uses unleased territory land the licensee must—
 - (a) have a current agreement with the Territory for the use of the area for outdoor dining; and
 - (b) keep a copy of the agreement at the licensed premises at all times; and
 - (c) give a copy of the agreement to the commissioner.
- (3) In this section:
agreement includes a licence issued under section 303 of the *Planning and Development Act 2007*.

1.7 Residential accommodation

If residential accommodation is provided at licensed premises the licensee must ensure that—

- (a) there is an entrance for the accommodation that does not require people using the accommodation to enter an adults-only area at the premises; and
- (b) if the accommodation is booked for exclusive use by people under 18 years old—liquor in mini-bars is removed from the accommodation.

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Part 1.2 Conduct of licensed premises

1.8 Occupancy loadings

The licensee must ensure that—

- (a) there are documented procedures for counting the number of people occupying public areas of the licensed premises; and
- (b) there are documented procedures for evacuating public areas of the licensed premises; and
- (c) people employed or engaged by the licensee are trained to implement the procedures; and
- (d) people employed or engaged by the licensee implement the procedures.

1.9 Provision of food

- (1) This section applies if it is a condition of a licence that food is provided at the licensed premises.
- (2) The licensed premises must have kitchen facilities that are suitable to provide food.
- (3) The kitchen facilities must include—
 - (a) 1m² of bench space for the preparation of food;
 - (b) an oven;
 - (c) a sink with hot and cold water;
 - (d) a dishwasher;
 - (e) a refrigerator.

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1.10 Identification checks

The licensee must ensure that the following steps are taken when a person conducts an identification check to establish whether or not another person at the premises is a child or young person:

- (a) the identification is removed from the card holder, wallet or purse and held by the person conducting the identification check;
- (b) the identification is checked to ensure it is current;
- (c) the date of birth is checked to establish the age of the person presenting the identification;
- (d) the date of birth is checked for any tampering;
- (e) the photo is checked to ensure that the person presenting the identification has the same physical features (including eye colour, nose, freckles, moles) as the person in the photo;
- (f) the photo is checked to ensure that it has not been substituted or tampered with;
- (g) the identification is checked for any bumps or raised areas which may indicate the identification has been tampered with.

1.11 Security

The licensee must ensure that a person who acts as a crowd controller at the licensed premises is licensed to carry on a security activity under the *Security Industry Act 2003*.

1.12 Responsible practices in the service, supply and promotion of alcohol

- (1) The licensee must engage in practices and promotions that encourage the responsible service of liquor.

Examples

- promoting the consumption of light or low alcohol drinks
- serving food with alcohol to slow the rate of consumption and the absorption of alcohol
- supplying liquor in standard or recognisable quantities
- serving half measures of spirits on request
- maintain a price differential between full strength and low alcohol beer
- supplying tap water free of charge at premises where alcohol is consumed at the premises

- (2) The licensee must provide and maintain a safe environment at and around the licensed premises.

Examples

- having a phone available for the use of patrons in a location where patrons using the phone can be heard above noise within the premises
- displaying phone numbers for taxis, police, ambulance and fire brigade adjacent to the phone
- having the name of the duty manager prominently displayed at each bar at the premises
- not promoting activities that might encourage harassment by patrons of the staff or other patrons

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Schedule 2 Licensed and permitted times

Part 2.1 Licensed times

(see s 31 (1))

column 1 item	column 2 licence class	column 3 licensed times
1	general licence (sale of liquor to be consumed at the licensed premises)	(a) 7am – 1am the next day on the following days: (i) Christmas Eve; (ii) New Years Eve; (iii) Anzac Day; (b) any other day—7am – midnight (standard licensed times)
2	on licence	(a) 7am – 1am the next day on the following days: (i) Christmas Eve; (ii) New Years Eve; (iii) Anzac Day; (b) any other day—7am – midnight (standard licensed times)

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Schedule 2
Part 2.1

Licensed and permitted times
Licensed times

column 1 item	column 2 licence class	column 3 licensed times
3	club licence	(a) 7am – 1am the next day on the following days: (i) Christmas Eve; (ii) New Years Eve; (iii) Anzac Day; (b) any other day—7am – midnight (standard licensed times)
4	off licence	7am – 11pm (standard licensed times)
5	general licence (sale of liquor to be consumed off the licensed premises)	7am – 11pm (standard licensed times)
6	general licence (sale of liquor to be consumed at the licensed premises)	7am – 2am the following day (late night licensed times)
7	on licence	7am – 2am the following day (late night licensed times)
8	club licence	7am – 2am the following day (late night licensed times)
9	general licence (sale of liquor to be consumed at the licensed premises)	7am – 4am the following day (extended late night licensed times)
10	on licence	7am – 4am the following day (extended late night licensed times)
11	club licence	7am – 4am the following day (extended late night licensed times)

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column 1 item	column 2 licence class	column 3 licensed times
12	general licence (sale of liquor to be consumed at the licensed premises)	7am – 5am the following day (5am approval licensed times)
13	on licence	7am – 5am the following day (5am approval licensed times)
14	club licence	7am – 5am the following day (5am approval licensed times)

Part 2.2 **Permitted times**

(see s 31 (2))

column 1 item	column 3 permitted times
1	7am – midnight (standard permitted times)
2	7am – 2am the following day (late night permitted times)
3	7am – 4am the following day (extended late night permitted times)

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Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- building code
- midnight

Note 3 Terms used in this regulation have the same meaning that they have in the *Liquor Act 2010* (see Legislation Act, s 148). For example, the following terms are defined in the *Liquor Act 2010*, dict:

- adults-only area
- approved risk-assessment management plan
- close associate
- commissioner
- crowd controller
- harm minimisation and community safety principles
- incident
- incident register
- influential person
- licence
- licensed premises
- liquor
- permit
- permitted premises
- public area
- supply

ABN—see the A New Tax System (Australian Business Number) Act 1999 (Cwlth), section 41.

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total occupancy loading, for licensed premises, means the sum of the occupancy loadings for each public area at the licensed premises.

young people's event information, for part 5—see section 18.

Endnotes

1 Notification

Notified under the Legislation Act on 2009.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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