



Australian Capital Territory

Liquor Act 1975

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Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Liquor Act 1975* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 1 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
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The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Liquor Act 1975

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Dictionary 2
3	Object of Act 2
4	Notes 2
5	Reference to licence 2
6	Meaning of sale of liquor to another person 3
7	Licence issued in name of 2 or more persons 3
8	Approval for training programs 3
9	Application of Act 3
Part 2	Administration
Division 2.1	Liquor Licensing Board
10	Establishment of board 6

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Liquor Act 1975
Effective: 01/04/04-08/04/04

contents 1

Contents

	Page
11	6
12	6
13	7
15	7
17	7
18	8
19	8
20	9
Division 2.2 Registrar, deputy registrar and inspectors	
21	10
22	10
23	10
24	11
Division 2.3 Enforcement	
25	11
26	13
27	14
28	15
29	16
30	17
31	20
32	23
Part 3 Standards for licensed premises	
33	24
34	25
37	25
38	25
39	26
40	26
40A	26
41	26
42	28
43	29

	Page
Part 4	Licences
Division 4.1	Classes of licences
44	Classes of licences 30
45	General licences 30
46	On licences 30
47	Off licences 31
48	Club licences 31
49	Special licences 31
Division 4.2	Issue of licences
50	Application for licence 32
51	Class of licences 33
52	Issue of licences—relevant considerations 33
53	Issue of licences—training condition 34
54	Issue and transfer of club licences—conditions 35
55	Issue of special licences 37
56	Licence not to be issued while premises incomplete 37
57	Issue of licences 37
58	Duration of licence 38
Division 4.3	Renewal of licences
59	Renewal 38
60	Duration of renewal 39
61	Failure to renew or pay instalment 39
Division 4.4	Records
62	Records of liquor transactions 39
Division 4.5	Transfer of licences
63	Transfer 40
64	Transfer—relevant considerations 41
65	Transfer of licences—training condition 43
Division 4.6	Surrender of licences
66	Definition of <i>conditional surrender</i> for div 4.6 44
67	Cancellation on surrender 44

Contents

	Page
Division 4.7 Licences held by partnerships	
68 Application of s 71 and s 72	45
69 Notice of partnership	45
70 Partnership changes—training	46
71 Rights and liabilities of partners	47
72 Suspension or cancellation of partner's licence	47
Division 4.8 Licences held by corporations	
73 Information about influential persons	47
74 Changes in influential personnel	47
75 Changes in influential personnel—training	49
Part 5 Control of conduct of licensees	
Division 5.1 Preliminary	
76 Application to partnerships	50
Division 5.2 Complaints	
77 Manner of making complaint	50
78 Consideration of complaints by registrar	51
Division 5.3 Reprimands	
79 Grounds for reprimand	52
80 Referral to board for reprimand	52
81 Action on referral for reprimand	53
Division 5.4 Directions	
82 Grounds for issue of directions	53
83 Referral to board for directions	54
84 Action on referral for directions	54
85 Types of directions	55
Division 5.5 Suspension	
86 Grounds for suspension	56
87 Referral to board for suspension	56
88 Action on referral for suspension	57
89 Period of suspension	57
90 Duration	58

	Page
Division 5.6	Cancellation
91	Grounds for cancellation 58
92	Referral to board for cancellation 59
93	Action on referral for cancellation 59
93A	Automatic cancellation of licence 60
Part 6	Alteration of licensed premises
94	Application for alteration 61
95	Decision by registrar 61
96	Decision by board 61
97	Relevant considerations 62
98	Offences 62
Part 7	Closure of licensed premises
99	Application for closure 63
100	Decision of registrar 63
101	Decision of board 64
102	Relevant considerations 64
103	Offences 64
Part 8	Temporary extension of off licence premises
104	Authorisation—off licences 66
105	Notice 66
Part 9	Permits
Division 9.1	Issue of permits
106	Authority given by permit 67
107	Application for permit 67
108	Consideration of application 67
109	Consideration by board 68
110	Direction for issue of permit 68
110A	Permit to be subject to condition about smoking 70
111	Conditions to be stated in permit 70
112	Seller of liquor to permit-holder to endorse permit 70

Contents

	Page
113 Refund of permit fees	71
114 Return of permits to registrar	71
Division 9.2 Cancellation of permits	
115 Application to partnerships	71
116 Ground for cancellation	72
116A Automatic cancellation of permit	72
117 Complaints	72
118 Referral to board	73
119 Cancellation	73
Part 10 Offences	
Division 10.1 General	
120 Definition of <i>non-trading day</i> for pt 10	75
121 General licence—minimum bar trading hours	75
122 On licence—minimum bar trading hours	76
123 Special licences—conditions	76
124 Permits—conditions	76
125 Return of licences to registrar	76
126 Provision of food	77
127 Notices about food	77
128 Cleanliness of licensed premises	78
129 Maintenance of licensed premises	78
130 Notices of bar trading hours	78
131 Sexually explicit entertainment	78
132 Notice of absence from licensed premises	79
133 Change in control of licensed premises	79
134 Sale of petrol at licensed premises	79
135 Sale of liquor—general	79
136 Supply of liquor by licensed clubs	80
137 Advertising by licensed clubs	80
138 Sale or supply of liquor to intoxicated persons	80
139 Consumption of liquor in certain public places	81
140 Obstruction of inspectors	82
141 Sale of adulterated liquor	82

	Page
142	82
143	83
144	83
145	84
146	84
147	85
148	85
149	85
150	85
Division 10.2	
Under-age drinking	
151	86
152	87
153	87
154	88
155	89
156	89
157	89
158	90
Part 11	
Evidence	
159	92
160	93
161	93
Part 12	
Inquiries and hearings by board	
162	94
163	94
164	95
165	95
166	96
167	96
168	97
169	97

Contents

	Page
170	Witnesses 98
171	Evidence at hearings 99
172	Protection of members and witnesses 99
Part 13	Review of decisions
173	Review by administrative appeals tribunal 100
174	Notification of decisions 102
Part 14	Miscellaneous
175	Proof of age cards 103
176	Commissioner to be notified 103
177	Conduct of directors, servants and agents 103
177A	Breath analysis tests on licensed premises 104
178	Institution of proceedings for offences 106
179	Determination of fees 106
180	Approved forms 106
181	Regulation-making power 106
Dictionary	107
Endnotes	
1	About the endnotes 112
2	Abbreviation key 112
3	Legislation history 113
4	Amendment history 120
5	Earlier republications 155
6	Uncommenced amendments 156



Australian Capital Territory

Liquor Act 1975

An Act relating to the sale of liquor, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Liquor Act 1975*.

2 Dictionary

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

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act.

For example, the signpost definition ‘*building code*—see the *Building Act 1972*, subsection 5 (1) (Interpretation).’ means that the expression ‘building code’ is defined in that subsection and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

3 Object of Act

The object of this Act is to promote and encourage responsibility in the sale and consumption of liquor through the establishment of a scheme of liquor licences and permits.

4 Notes

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

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

5 Reference to licence

A reference in this Act to a licence, except in part 4, includes a reference to a renewal of a licence.

6 Meaning of sale of liquor to another person

For this Act, a person shall be deemed to sell liquor to another person if he or she supplies liquor to that person for, or in expectation of, any reward or benefit to be paid or provided by that person or any other person, whether or not any person is under an obligation to pay or provide a reward or benefit.

7 Licence issued in name of 2 or more persons

If a licence is issued in the names of 2 or more persons, a reference in this Act to a *licensee* includes a reference to each of those persons.

8 Approval for training programs

The registrar may, in writing, approve a person or body to conduct a training program for this Act.

9 Application of Act

- (1) Subject to this section, the provisions of this Act relating to the sale of liquor do not apply to or in relation to—
 - (a) the duty-free sale of liquor; or
 - (b) the administration, dispensing or sale of liquor for medicinal purposes—
 - (i) by or under the direction of a doctor; or
 - (ii) by a pharmacist; or
 - (c) the sale of liquor in a Defence Force mess, canteen, camp or post by the permission, and under the control, of the Defence Force authorities; or
 - (d) the sale, at a canteen or club established or conducted under the *Army and Air Force Canteen Service Regulations 1959*, (Cwlth) of liquor by the Army and Air Force Canteen Service Board of Management to a person—

- (i) who is a member of the Australian Defence Force or the naval, military or air force of a foreign country; or
 - (ii) who is an officer or employee of the Department of Defence; or
 - (iii) who is employed by the Army and Air Force Canteen Service Board of Management; or
 - (iv) who is employed at a special defence undertaking within the meaning of the *Defence (Special Undertakings) Act 1952* (Cwlth), section 6; or
 - (v) who is in the canteen or club at the invitation of a person referred to in subparagraph (i), (ii), (iii) or (iv); or
 - (e) the sale of liquor in Parliament House; or
 - (f) the sale by auction by an auctioneer licensed under the *Auctioneers Act 1959*, in good faith and in the course of his or her business, of liquor on account of another person; or
 - (g) the sale by, or on behalf of, the Commonwealth or the Territory of liquor seized under a law in force in the ACT; or
 - (h) the sale of liquor in an exempt university building.
- (2) A person shall not sell or purchase liquor in an exempt university building in contravention of a statute of that university.

Maximum penalty: 10 penalty units.

(3) In this section:

exempt university building means a building that is occupied by—

- (a) a university; or
- (b) a residential college affiliated with a university under a statute of that university;

in which the sale of liquor is authorised by a statute of that university.

Part 2 Administration

Division 2.1 Liquor Licensing Board

10 Establishment of board

For this Act, the Liquor Licensing Board is established by this section.

11 Functions of board

The board shall promote and encourage responsibility in the sale and consumption of liquor by—

- (a) considering and determining applications or other matters referred to it under this Act; and
- (b) conducting inquiries, including hearings, in relation to applications or other matters referred to it under this Act; and
- (c) advising the Minister, as required, on matters of policy and administration; and
- (d) exercising the other functions given to it under this Act or any other Territory law.

12 Membership of board

- (1) The board shall consist of—
 - (a) a chairperson appointed by the Minister; and
 - (b) the registrar; and
 - (c) 3 other members appointed by the Minister.
- (2) The registrar holds office as a non-voting member of the board.

13 Appointment of members

- (1) The Minister shall not appoint a person to be the chairperson unless the person has been a lawyer for not less than 5 years.
- (2) A member other than the registrar—
 - (a) shall be appointed in writing; and
 - (b) holds office for such period (not exceeding 5 years) as is specified in the instrument of appointment or the instrument evidencing the appointment.
- (3) A member holds office on a part-time basis.

Note 1 A power to appoint a person to a position includes the power to appoint a person to act in the position (see *Legislation Act 2001*, s 209).

Note 2 A power to appoint a person to a position includes the power to reappoint a person if the person is eligible to be reappointed to the position (see *Legislation Act 2001*, s 208 (1) (c)).

15 Leave of absence

The Minister may grant leave of absence to a member of the board on the terms and conditions the Minister considers appropriate.

17 Disclosure of interest

- (1) A member who has or acquires any interest, pecuniary or otherwise, in a matter being considered or about to be considered by the board shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board.
- (2) A disclosure shall be noted in the record of the meeting and, except with the consent of all the parties to the matter before the board, the member shall not—
 - (a) be present during any deliberation of the board with respect to that matter; or

- (b) take part in any decision of the board with respect to that matter.

Note A person's appointment also ends if the person resigns (see *Legislation Act 2001*, s 210).

18 Termination of appointment

- (1) The Minister may terminate the appointment of an appointed member of the board for misbehaviour or physical or mental incapacity.
- (2) If an appointed member—
- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of those creditors; or
 - (b) is absent, except on leave granted under section 15, from 2 consecutive meetings of the board; or
 - (c) fails, without reasonable excuse, to comply with an obligation imposed by section 17; or
 - (d) is convicted, in Australia or elsewhere, of an offence punishable by imprisonment for 1 year or longer;

the Minister shall, by written notice served on the member, terminate the appointment of the member.

Note The appointment of an appointed member ends if the member resigns by signed notice of resignation given to the Minister (see *Legislation Act 2002*, s 210 (1)).

19 Convening meetings

- (1) The chairperson of the board shall convene the meetings of the board that the chairperson considers necessary for the efficient performance of its functions.

- (2) If the chairperson proposes to convene a meeting of the board, the chairperson shall, not later than 7 days before the date of the proposed meeting, give each member of the board written notice specifying—
 - (a) the date, time and place of the meeting; and
 - (b) the matters to be considered at the meeting.
- (3) Notwithstanding subsection (2), a meeting of the board may be convened by prior consultation and agreement between the members.

20 Procedure at meetings

- (1) The chairperson shall preside at all meetings of the board.
- (2) A quorum is constituted by 3 appointed members, subject to subsection (3).
- (3) If, during a meeting, a quorum ceases to be constituted by an appointed member's ceasing to be available in relation to a matter before the board, the remaining members may continue to deal with that matter subject to the agreement of all the parties to the matter.
- (4) If the chairperson is unavailable in circumstances referred to in subsection (3) another appointed member elected by the appointed members present shall preside at the meeting.
- (5) Matters arising for decision at a meeting of the board shall be determined by a majority of votes of the appointed present and voting.
- (6) The member presiding at a meeting of the board has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (7) Subject to this Act, a member presiding at a meeting of the board may determine the procedure to be followed at or in connection with the meeting.
- (8) The board shall keep a record in writing of its proceedings.

Division 2.2 Registrar, deputy registrar and inspectors

21 Registrar

- (1) There shall be a Registrar of Liquor Licences.
- (2) The chief executive shall create and maintain an office in the public service the duties of which include exercising the functions of the registrar.
- (3) The registrar shall be the public servant for the time being exercising the duties of the public service office referred to in subsection (2).

22 Deputy registrar

- (1) There shall be a Deputy Registrar of Liquor Licences.
- (2) The deputy registrar may exercise any function of the registrar, subject to any direction of the registrar.
- (3) The chief executive shall create and maintain an office in the public service the duties of which include exercising the functions of the deputy registrar.
- (4) The deputy registrar shall be the public servant for the time being exercising the duties of the public service office referred to in subsection (3).

23 Inspectors of licensed premises

- (1) There may be 1 or more inspectors of licensed premises.
- (2) An inspector shall exercise the functions required by this Act, or as the registrar directs for this Act.
- (3) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include exercising the functions of an inspector of licensed premises.

- (4) An inspector shall be any public servant for the time being exercising the duties of a public service office referred to in subsection (3).

24 Identity cards

- (1) The chief executive shall issue to an inspector an identity card specifying the inspector's name and office, and on which appears a recent photograph of the inspector.
- (2) On ceasing to occupy, or to act in, an office of inspector, a person shall not, without reasonable excuse, fail to return his or her identity card to the chief executive.

Maximum penalty (subsection (2)): 1 penalty unit.

Division 2.3 Enforcement

25 Powers of entry

- (1) An inspector may, at any time when the sale of liquor is authorised by a licence or permit, enter and inspect the premises in respect of which the licence or permit was issued.
- (2) An inspector may enter and inspect any premises at any time when there are reasonable grounds for suspecting that liquor is being sold on the premises.
- (3) An inspector who enters premises under this section is not entitled to remain on the premises if, on request by the occupier or licensee of the premises, the inspector does not produce his or her identity card.
- (4) An inspector who enters premises under this section may—
- (a) examine, take stock of and take samples of any liquor on the premises; and
 - (b) inspect any books, documents or other papers on the premises; and

- (c) remove any books, documents or papers from the premises for the purpose of having copies made; and
 - (d) take reasonable measures to count the persons in a public area within the premises; and
 - (e) if the inspector believes on reasonable grounds that the number of persons in a public area within the premises exceeds the occupancy loading determined under section 41 or 42 for that public area—direct the licensee to require persons to leave that public area; and
 - (f) if—
 - (i) the licensee fails to comply with a direction under paragraph (e); or
 - (ii) persons remain in the public area of the premises after being required by the licensee to leave that area;with the force and assistance that is necessary and reasonable, remove persons from that public area.
- (5) An inspector may retain a book, document or paper removed from premises under subsection (4) for so long as is reasonably necessary for the purpose of having copies of the book, document or paper made.
- (6) An inspector who takes a sample of liquor under subsection (4) shall—
- (a) divide the sample so taken into approximately equal parts and put each part in a sealed container to which is affixed a label bearing—
 - (i) the signature of the inspector; and
 - (ii) particulars of the premises where the sample was taken; and

- (iii) particulars of the date and time when the sample was taken; and
- (b) deliver 1 of the containers to the person apparently in charge of the premises for the time being and the other container to an approved analyst.
- (7) In any proceedings in a court, a certificate signed by an approved analyst and stating the result of analysis of the contents of a container delivered to the analyst by an inspector is evidence of the matters stated in the certificate.
- (8) For subsection (7), a document that purports to be signed by an approved analyst shall be taken to be so signed unless the contrary is proved.
- (9) A person shall not, except for this Act or in the course of proceedings in a court in respect of an offence, make a record of, or divulge to another person, information acquired by reason of the inspection of books, documents or papers under this section.
- (10) This section, other than subsection (3), applies to and in relation to a police officer as if the officer were an inspector.
- (11) In this section:
- approved analyst* means a person approved by the registrar for this section.
- liquor*, for subsections (4) and (6), includes any liquid in respect of which there are reasonable grounds for believing the liquid to contain alcohol.

26 Production of licences and permits

- (1) An inspector or police officer may, while lawfully on licensed premises or premises specified in a permit, demand that the licensee or permit-holder produce the licence or permit.

- (2) A licensee or permit-holder shall not, without reasonable excuse, fail to comply with a demand made under subsection (1).

Maximum penalty (subsection (2)): 10 penalty units.

27 Seizure

- (1) An inspector or police officer may seize as much of any liquor that he or she has reasonable grounds for suspecting to be connected with the commission of an offence against this Act as is, in the opinion of the inspector or officer, necessary for the purposes of adducing evidence of the commission of the offence at the hearing of a prosecution for the offence.
- (2) Subject to subsection (3), an inspector or police officer may seize any liquor that he or she has reasonable grounds for suspecting to be connected with the commission of an offence against section 139, 152, 153, 154 or 155, being liquor within the meaning of that section.
- (3) An inspector or police officer shall not seize liquor that he or she has reasonable grounds for suspecting to be connected with the commission of an offence against section 139 unless he or she has informed the person in possession of the liquor of the reason why the liquor is being seized.
- (4) An inspector is not authorised to seize liquor from a person if, on being requested by the person to produce his or her identity card, the inspector fails to do so.
- (5) For this section—
- (a) a beverage in a container that purports to contain liquor; or
 - (b) a beverage that there are reasonable grounds for believing has been taken from a container that purports to contain liquor; or
 - (c) a beverage that is held out as being liquor and that is or has been sold or held for the purpose of sale in premises where the sale of liquor is authorised;

shall be taken to be liquor unless the contrary is established.

28 Return or forfeiture

- (1) An inspector or police officer who seizes liquor in accordance with section 27 shall give a receipt for the liquor to the person from whom it was seized as soon as is practicable unless in all the circumstances it would be unreasonable to expect a receipt to be given.
- (2) On the request, made within 14 days after the liquor is seized—
 - (a) if the person is, or is reasonably believed to be, under 18 years of age—of the person or a parent or guardian of the person; or
 - (b) in any other case—of the person from whom it was seized;the inspector or police officer shall give a sample of the liquor to the person who made the request.
- (3) When giving a sample, the inspector or police officer shall—
 - (a) put the sample (being a quantity of the liquor that is sufficient for the purposes of analysis) in a container; and
 - (b) seal the container and affix to it a label bearing—
 - (i) the signature of the inspector or officer; and
 - (ii) particulars of the place where the liquor was seized; and
 - (iii) particulars of the date and time when the liquor was seized.
- (4) If a prosecution for an offence in relation to the liquor is not instituted within the period of 60 days after its seizure—
 - (a) if the inspector or officer who seized the liquor is satisfied that the person from whom it was seized is 18 years of age or more—reasonable steps shall be taken to return the liquor to the person within the period of 120 days after its seizure; or

- (b) if the person from whom the liquor was seized is, or is reasonably believed to be, under 18 years of age—on the request (made within that period of 120 days) of a parent or guardian of the person, the liquor shall be returned to the parent or guardian, within 14 days after the request was made, or within 14 days after the end of that period of 60 days, whichever is later.
- (5) If a person is convicted of an offence in relation to the seized liquor, or the liquor is not returned under subsection (4), the liquor is forfeited to the Territory and may be disposed of as the registrar directs.
- (6) For this section—
 - (a) a beverage in a container that purports to contain liquor; or
 - (b) a beverage that there are reasonable grounds for believing has been taken from a container that purports to contain liquor; or
 - (c) a beverage that is held out as being liquor and that is or has been sold or held for the purpose of sale in premises where the sale of liquor is authorised;shall be taken to be liquor unless the contrary is established.
- (7) This section does not apply in relation to liquor dealt with in accordance with section 29.

29 Summary disposal

- (1) If an inspector or police officer has informed a person in accordance with section 27 (3) of the reason why liquor is being seized, the inspector or officer may dispose of the liquor as soon as is practicable unless the person indicates by any means whatever that he or she believes that the reason given by the inspector or officer is incorrect.
- (2) If liquor is disposed of under subsection (1)—

- (a) the person from whom it was seized shall not be prosecuted for an offence in relation to the liquor; and
- (b) a caution shall not be issued to the person in relation to any act done in relation to the liquor.

30 Persons under 18—powers of inspectors and police officers

- (1) If—
 - (a) an inspector or police officer has reasonable grounds for suspecting that a person (the *young person*) has done or is doing anything that—
 - (i) would constitute an offence against section 154 or 156 if the young person were under the age of 18 years; or
 - (ii) constitutes an offence against section 158; and
 - (b) the inspector or officer has reasonable grounds for suspecting that the young person is under the age of 18 years;
the inspector or officer may—
 - (c) subject to subsection (3), require the young person to give his or her name, address and age to the inspector or officer; and
 - (d) if—
 - (i) the young person refuses to give his or her name, address or age; or
 - (ii) the inspector or officer has reasonable grounds for suspecting that the young person has not given his or her correct name, address or age; or
 - (iii) the inspector or officer is not satisfied that the young person is 18 years of age or more;apprehend the young person using reasonable and necessary force.

- (2) If—
- (a) an inspector or police officer has reasonable grounds for suspecting that a person has done or is doing anything in relation to another person (the *young person*) that would constitute an offence against section 152 or 155 if the young person were under 18 years old; and
 - (b) the inspector or officer has reasonable grounds for suspecting that the young person is under that age;
- the inspector or officer may—
- (c) subject to subsection (3), require the young person to give his or her name, address and age to the inspector or officer; and
 - (d) if—
 - (i) the young person refuses to give his or her name, address or age; or
 - (ii) the inspector or officer has reasonable grounds for suspecting that the young person has not given his or her correct name, address or age; or
 - (iii) the inspector or officer is not satisfied that the young person is 18 years old or older;
- apprehend the young person using reasonable and necessary force.
- (3) An inspector shall not make a requirement of a person under subsection (1) (c) or (2) (c) unless immediately before making the request the inspector displays his or her identity card to the person.
- (4) A person shall not, without reasonable excuse, contravene a requirement made of him or her in accordance with subsection (1) (c) or (2) (c).

Maximum penalty: 5 penalty units.

- (5) If, in response to a requirement made of him or her under subsection (1) (c) or (2) (c), a young person produces to an inspector or police officer a form of identification (other than a passport) that the inspector or officer has reasonable grounds for suspecting does not belong to the young person or is forged, the inspector or officer may seize that form of identification.
- (6) If an inspector apprehends a young person, the inspector shall—
- (a) deliver the young person to a police officer as soon as practicable; and
 - (b) deliver to the police officer any liquor seized under section 27 (2) from the young person or the person first mentioned in subsection (2) of this section; and
 - (c) deliver to the police officer any form of identification seized under subsection (5).
- (7) If—
- (a) a police officer apprehends a young person; or
 - (b) an inspector delivers a young person to a police officer who is not at a police station;
- the officer shall take the young person to a police station as soon as practicable.
- (8) If—
- (a) an inspector seizes a form of identification under subsection (5) and does not apprehend the young person from whom the identification is seized; or
 - (b) a police officer seizes a form of identification under subsection (5); or
 - (c) a police officer has a form of identification delivered to him or her in accordance with subsection (6) (c);

the inspector or police officer shall take necessary and reasonable force to determine whether the form of identification belongs to the young person from whom it was seized or is forged.

- (9) If, after taking action under subsection (8), the inspector or officer is satisfied that the form of identification does belong to the young person from whom it was seized and is not forged, he or she shall return the form of identification to the young person as soon as practicable.

31 Cautioning young persons

- (1) If—
- (a) a young person has been apprehended under section 30 (1) or (2); and
 - (b) it appears from the police records that a caution has not been issued to the young person within the last 12 months; and
 - (c) the police officer who apprehended the young person, or to whom the young person was delivered, is not satisfied that the young person is 18 years of age or more;
- the officer may issue a caution to the young person.
- (2) If a caution is issued to a young person the young person shall not be prosecuted for an offence constituted by the thing done by the young person as mentioned in section 30 (1) (a).
- (3) If—
- (a) a young person has been apprehended under section 30 (1) or (2); and
 - (b) it appears from the police records that a caution has not been issued to the young person within the last 12 months; and
 - (c) the young person is prosecuted for an offence constituted by the thing done by the young person as mentioned in section 30 (1) (a);

any particulars of the young person's name, address or age given by the young person to an inspector or police officer in relation to that thing (whether or not the particulars were given in compliance with a requirement made of the young person under section 30 (1) (c) or (2) (c)) shall not be used in evidence against the young person except in proceedings for an offence against section 30 (4).

- (4) If—
- (a) a young person has been apprehended under section 30 (1) or (2); and
 - (b) it appears from the police records that a caution has been issued to the young person within the last 12 months; and
 - (c) the police officer who apprehended the young person, or to whom the young person was delivered, is not satisfied that the young person is 18 years of age or more;
- then—
- (d) subject to any other law in force in the ACT, the young person may be prosecuted for the offence constituted by the thing done by the young person as mentioned in section 30 (1) (a); and
 - (e) any particulars of the young person's name, address or age given by the young person at any time (whether or not the particulars were given in compliance with a requirement made of the young person under section 30 (1) (c) or (2) (c)) may be used in evidence against the young person in proceedings for that offence.
- (5) If a caution is issued to a young person, or a young person is charged with an offence against this Act, the caution shall be issued, or the young person shall be charged, within a reasonable time after the young person is delivered to a police officer at a police station or taken by a police officer to a police station.

- (6) As soon as practicable—
- (a) if a caution is issued to a young person, or a young person is charged with an offence against this Act—after the caution is issued or the young person is charged; or
 - (b) in any other case—after the young person is delivered to a police officer at a police station or taken by a police officer to a police station;
- the police officer shall—
- (c) release the young person; or
 - (d) arrange for the young person to be escorted to the young person's home; or
 - (e) arrange for a parent or guardian of the young person to come to the police station to take charge of the young person.
- (7) A caution shall—
- (a) be in writing; and
 - (b) specify the date when it is issued; and
 - (c) specify the thing done by the young person as mentioned in section 30 (1) (a); and
 - (d) warn the young person that if the young person does anything that constitutes an offence against section 154 or 156 within 12 months after the date when the caution is issued—
 - (i) the young person may be prosecuted for an offence against the relevant section; and
 - (ii) any particulars of the young person's name, address or age given by the young person at any time (whether or not the particulars were given in compliance with a requirement made of the young person under section 30 (1) (c) or (2) (c)) may be used in evidence

against the young person in proceedings for that offence;
and

(e) be signed by the police officer who issued it.

(8) A police officer who issues a caution shall—

(a) cause the original caution to be kept in police records; and

(b) give a copy of the caution—

(i) to the young person or a parent or guardian of the young person; and

(ii) to the registrar.

32 Revocation of cautions

(1) If the commissioner of police is satisfied that a caution was not issued in accordance with section 31 or that the young person to whom the caution was issued was not apprehended in accordance with section 30 (1) or (2), the commissioner may revoke the caution.

(2) If the commissioner revokes a caution, he or she shall—

(a) cause the caution to be removed from police records and destroyed; and

(b) take reasonable steps to notify the person to whom the caution was issued of the revocation; and

(c) notify the registrar of the revocation.

Part 3 Standards for licensed premises

33 Licensing standards manual

- (1) The board shall, in writing, make a manual (the *licensing standards manual*, or *manual*).
- (2) The board shall set out in the manual the general standards, approved in writing by the Minister, with which licensed premises and their licensees are required to comply.
- (3) Without limiting subsection (2), the general standards shall deal with—
 - (a) the construction of licensed premises and their fittings; and
 - (b) the conduct of licensed premises by licensees.
- (4) Without limiting subsections (2) and (3), the general standards may deal with—
 - (a) occupancy loadings; and
 - (b) security; and
 - (c) toilet facilities; and
 - (d) entry and exit doors; and
 - (e) lighting and heating, cooling and ventilating of premises; and
 - (f) the display of notices and signs; and
 - (g) checking people's proof of age; and
 - (h) the conduct of functions for persons under 18 years old; and
 - (i) bars and counters for serving or drinking liquor; and
 - (j) facilities and equipment for preparing or eating food; and
 - (k) outdoor areas; and

- (l) guest accommodation for premises that include guest accommodation; and
 - (m) areas for dancing.
- (5) The manual is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

34 Amendment and repeal of manual

- (1) With the Minister's written approval, the board may, in writing, amend or repeal the manual.
- (2) An amendment or repeal is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

37 Inspection of manual

- (1) The registrar shall keep a copy of the manual at his or her office at all times.
- (2) Any person may, on request made at any time during the hours during which the office of the registrar is open for business, inspect the copy of the manual kept by the registrar.

38 Evidence of requirements

- (1) In any proceedings in a court, a book purporting to be a copy of the manual and bearing a certificate signed by the registrar and stating that the book is a true copy of the manual as in force on that day or during a specified period is evidence of the manual as in force on that day or during that period.
- (2) For subsection (1), a certificate that purports to be signed by the registrar shall, unless the contrary is proved, be deemed to have been signed by the registrar.

39 Saving of operation of Building Act

Nothing in this Act affects the operation of the *Building Act 1972*.

40 Public areas

- (1) The relevant decision-maker shall, by written notice, determine in respect of premises—
 - (a) in respect of which a general, club, on or special licence is in force; or
 - (b) in respect of which an application for a general, club, on or special licence has been made;

which parts of those premises are indoor public areas and which are outdoor public areas for this Act.

- (2) If the relevant decision-maker has made a determination under subsection (1) of an indoor public area, the registrar shall, in writing, notify the fire commissioner of that determination.

40A Bar-rooms

- (1) This section applies to premises—
 - (a) in relation to which a general, club, on or special licence is in force; or
 - (b) in relation to which an application for a general, club, on or special licence has been made.
- (2) The relevant decision-maker must, in writing, decide which areas of the premises are bar-rooms and which are not bar-rooms for this Act.

41 Occupancy loadings—indoor public areas

- (1) In this section:

occupancy loading, in relation to an indoor public area, means the maximum number of persons that the area can accommodate without involving a contravention of the building code, part D1.6.

- (2) The fire commissioner shall, on receiving notice of the determination of the relevant decision-maker under section 40 (1), notify the registrar in writing of the fire commissioner's recommendation, made having regard to the building code, part D1.13, as to the occupancy loading of each relevant indoor public area.
- (3) On receiving the fire commissioner's recommendation, the registrar shall, by written notice given to the relevant licensee or applicant for a licence, decide the occupancy loading for each relevant indoor public area.
- (4) In deciding the occupancy loading for an indoor public area, the registrar—
 - (a) shall have regard to the fire commissioner's recommendation; and
 - (b) may have regard to any other relevant matter, including, for example, the following:
 - (i) the fittings and standard of fittings available for the area; or
 - (ii) the location, standard and number of toilets available for the area.
- (5) For subsection (1), the fire commissioner may, by written notice to the licensee or applicant for a licence in respect of whose premises an occupancy loading for an indoor public area is to be determined, require that person to provide the commissioner with a fire engineering study prepared in accordance with the notice within the period specified in the notice, or within any extended period approved by the commissioner in writing.

- (6) A notice under subsection (5) shall require the fire engineering study to be prepared by a specified person, or by a person chosen from a specified list of persons.
- (7) If a person fails to comply with a notice under subsection (5), the fire commissioner may cause a fire engineering study to be prepared for subsection (1).
- (8) For the purposes of preparing a fire engineering study under subsection (7), a person authorised by the commissioner in writing for the purpose may conduct the investigation that he or she considers necessary and reasonable.
- (9) The licensee or the applicant for a licence whose premises are the subject of a fire engineering study being prepared under subsection (7) shall cause to be given to a person carrying out an investigation under subsection (6) all reasonable assistance, and all reasonable information, requested by the person.
- (10) The amount of any expenses necessarily and reasonably incurred by or on behalf of the Territory in the course of the preparation of a fire engineering study under subsection (7) is a debt due to the Territory by the licensee or the applicant for the licence whose premises are the subject of the study.

42 Occupancy loadings—outdoor public areas

- (1) In this section:
occupancy loading, in relation to an outdoor public area, means the maximum number of persons that the area can accommodate, in the opinion of the registrar, having regard to the matters referred to in this section.
- (2) If a relevant decision-maker has made a determination in relation to an outdoor public area under section 40 (1), the registrar shall, by written notice, determine the occupancy loading for the area.

- (3) In making a determination under subsection (2), the registrar shall have regard to the standard and availability of any facilities for patrons of the licensee using the outdoor public area (or proposed outdoor public area) that affect, or that would affect, the amenity of the area or the health or safety of the patrons or members of the public.
- (4) Without limiting subsection (3), the matters the registrar may have regard to in making a determination under subsection (2) include the following:
- (a) the location of the area;
 - (b) the standard and availability of furnishings for the use of patrons in the area;
 - (c) the location, standard and number of toilets available (or to be made available) for the use of patrons using the area;
 - (d) the appropriateness and adequacy of the barrier that delineates (or that is to delineate) the boundaries of the area.

43 Display of signs

If the registrar has made a determination of an occupancy loading under section 41 (3) or 42 (2) in relation to a public area within premises, the licensee shall, once a licence is in force in respect of those premises, display at each entrance to the public area a sign, approved by the registrar, stating the occupancy loading for the public area.

Part 4 Licences

Division 4.1 Classes of licences

44 Classes of licences

The relevant decision-maker may authorise the issue of licences of the following classes:

- (a) general licences;
- (b) on licences;
- (c) off licences;
- (d) club licences;
- (e) special licences.

45 General licences

- (1) A general licence authorises the licensee to sell liquor on the licensed premises—
 - (a) in relation to a sale for consumption on the premises—at any time or, if times are prescribed, at those times; and
 - (b) in relation to a sale for consumption away from the premises—at any time or, if times are prescribed, at those times.
- (2) However, the regulations may provide that a general licence does not authorise the licensee to sell liquor, or liquor of a prescribed kind, in a container of a prescribed kind within a prescribed period.

46 On licences

An on licence authorises the licensee to sell liquor on the licensed premises at any time or, if times are prescribed, at those times to persons for consumption on those premises.

47 Off licences

- (1) An off licence authorises the licensee to sell liquor on the licensed premises at any time or, if times are prescribed, at those times in sealed containers to persons for consumption away from those premises.
- (2) However, the regulations may provide that an off licence does not authorise the licensee to sell liquor, or liquor of a prescribed kind, in a container of a prescribed kind within a prescribed period.

48 Club licences

- (1) A club licence authorises the club by which the licence is held to supply liquor on the licensed premises of the club to—
 - (a) members of the club; and
 - (b) persons on those premises at the invitation of a member of the club who is present on those premises.
- (2) The supply of liquor under subsection (1) may be—
 - (a) in relation to the supply for consumption on the licensed premises—at any time or, if times are prescribed, at those times; and
 - (b) in relation to the supply for consumption away from the premises—at any time or, if times are prescribed, at those times.
- (3) However, the regulations may provide that a club licence does not authorise the licensee to sell liquor, or liquor of a prescribed kind, in a container of a prescribed kind within a prescribed period.

49 Special licences

- (1) A special licence authorises the sale of liquor—
 - (a) at the times specified in the licence other than prescribed times; and

- (b) on the premises and in the places, and subject to the conditions, specified in the licence.
- (2) However, the regulations may provide that a special licence does not authorise the licensee to sell liquor, or liquor of a prescribed kind, in a container of a prescribed kind within a prescribed period.

Division 4.2 Issue of licences

50 Application for licence

- (1) An application for the issue of a licence must be made to the registrar.
- (2) For the purpose of making a decision in relation to an application, the registrar may direct the deputy registrar to investigate the application and prepare a written report of the results of that investigation.
- (3) As soon as is reasonably practicable, the registrar shall consider the application and the report (if any) of the deputy registrar and, subject to the requirements of this Act in relation to the application, shall, in writing—
 - (a) if satisfied that, on the material being considered, there is no substantial ground on which to refuse to issue the licence applied for—agree to the issue of the licence; and
 - (b) if satisfied that, on the material being considered, there is no substantial ground on which to issue the licence applied for—refuse to issue the licence; and
 - (c) in any other case—refer the application to the board for consideration in accordance with part 12.
- (4) An application referred to the board by the registrar shall be considered by the board in accordance with part 12 and, subject to the requirements of this Act in relation to the application, the board shall, in writing—

- (a) agree to the issue of the licence; or
- (b) refuse to issue the licence.

51 Class of licences

If a decision is made for the issue of a licence to an applicant, the licence shall be issued for the class applied for, unless the relevant decision-maker considers, on reasonable grounds, that a licence of a different class should be issued.

52 Issue of licences—relevant considerations

- (1) For the purposes of making a decision in relation to an application for a licence, the relevant decision-maker shall consider the following matters:
 - (a) whether the applicant is a fit and proper person to hold a licence;
 - (b) whether the premises in respect of which the licence is sought are fit and proper premises for the purpose of the licence;
 - (c) whether the conditions of the Crown lease over the premises are appropriate conditions for the purpose of the licence applied for;
 - (d) the applicant's age;
 - (e) the applicant's understanding of the obligations of a licensee under this Act;
 - (f) whether the applicant has been convicted of a defined offence;
 - (g) whether the applicant has contravened a provision of this Act, or a direction;
 - (h) whether the applicant is an undischarged bankrupt;
 - (i) if the applicant is a body corporate—whether the body is in liquidation;

- (j) the provisions of the manual as they relate to the premises in relation to which the licence is sought, and to any proposed alterations to those premises.
- (2) If the relevant decision-maker has reasonable grounds for believing that an applicant intends to hold the licence for the purposes of a partnership, a reference in this section to the applicant includes a reference to each of the partners who the relevant decision-maker has reasonable grounds for believing intends to be concerned in, or to take part in, the management of the partnership's business in relation to the licence, whether or not the partner's name appears on the application.
- (3) If an applicant for a licence is a body corporate, a reference in this section to the applicant (including a reference under subsection (2) to a partner of an applicant) includes a reference to a defined influential person in relation to the body.

53 Issue of licences—training condition

- (1) If the relevant decision-maker in relation to the issue of a licence considers on reasonable grounds that an applicant for a licence does not sufficiently understand the obligations of a licensee under this Act, the decision-maker may issue the licence subject to the condition that the applicant undertake a specified approved training program in relation to those obligations within a reasonable specified time after the issue of the licence.
- (2) If the relevant decision-maker has reasonable grounds for believing that an applicant intends to hold the licence for the purposes of a partnership, a reference in this section to the applicant includes a reference to each of the partners who the relevant decision-maker has reasonable grounds for believing intends to be concerned in, or to take part in, the management of the partnership's business in relation to the licence, whether or not the partner's name appears on the application.

- (3) If an applicant for a licence is a body corporate, a reference in this section to the applicant (including a reference under subsection (2) to a partner of an applicant) includes a reference to a defined influential person in relation to the body.

54 Issue and transfer of club licences—conditions

- (1) The relevant decision-maker shall not agree to the issue, or approve the transfer, of a club licence except to a club that is a body corporate.
- (2) The relevant decision-maker shall not agree to the issue, or approve the transfer, of a club licence to a club unless—
- (a) the club is established for the purpose of recreation or for promoting social, religious, political, literary, scientific, artistic, sporting or athletic purposes or other purposes approved by the Minister; and
 - (b) the constitution or rules of the club provide for the nomination or election of financial members (other than foundation members) and for the keeping of a record of each such nomination and election for a period not less than 2 years; and
 - (c) the constitution or rules of the club provide that a person who is not a member of the club shall not be supplied with liquor on the premises of the club unless the person is on the premises of the club at the invitation of a member of the club who is present on the premises of the club; and
 - (d) the constitution or rules of the club provide that the club shall hold a meeting of the members of the club once at least in every 3 calendar years for the purpose of electing members of a committee to manage the affairs of the club; and
 - (e) the constitution or rules of the club provide that the club shall not make to any officer, member or employee of the club any payment by way of commission, profit or allowance from or on

the receipts from the supply of liquor on the premises of the club.

- (3) The relevant decision-maker shall not agree to the issue of a club licence unless the applicant club, on the day immediately before the day when application was made for the licence, had not less than 200 financial members who were at least 18 years old.
- (4) The relevant decision-maker shall not approve the transfer of a club licence to a club unless the club, on the day immediately before the day when application was made for the transfer of the licence, had not less than 200 financial members who were at least 18 years old.
- (5) If, in respect of premises situated on land held under a lease granted by or in the name of the Commonwealth, there is in force a general licence, the relevant decision maker shall not agree to the issue, or approve the transfer, of a club licence to a club if the premises of the club are situated on that land.
- (6) Except with the consent of the registrar, the constitution or rules of a club that is the holder of a club licence shall not be amended in relation to—
 - (a) the objects of the club; or
 - (b) the admission of persons to membership of the club; or
 - (c) the supply of liquor, on the premises of the club, to persons who are not members of the club; or
 - (d) the holding of meetings of members of the club for the purpose of electing a committee to manage the affairs of the club; or
 - (e) the making of payments to officers, members or employees of the club by way of commission, profit or allowance from or on the receipts from the supply of liquor on the premises of the club.
- (7) An amendment of the constitution or rules of a club made in contravention of subsection (6) is of no effect for any purpose.

55 Issue of special licences

- (1) If the relevant decision-maker authorises the issue of a special licence, the licence shall be issued subject to the conditions the relevant decision-maker considers to be in the public interest.
- (2) A special licence shall specify the conditions subject to which it is issued.

56 Licence not to be issued while premises incomplete

- (1) If the relevant decision-maker agrees to the issue of a licence in respect of premises the erection or alteration of which in accordance with plans and specifications lodged with the application for the licence is not complete, the registrar shall not issue the licence until the person to whom the licence is to be issued produces a certificate issued under the *Building Act 1972*, part 5 in respect of the premises.
- (2) If, in a case to which subsection (1) applies, a certificate referred to in that subsection is not produced to the registrar before the end of a period of 12 months after the date when the relevant decision-maker agreed to the issue of the licence or any further time the registrar allows, the authority for the issue of the licence shall be deemed to have been revoked.

57 Issue of licences

- (1) If the relevant decision-maker agrees to the issue of a licence to an applicant, the registrar must issue the licence.

Note A fee may be determined under s 179 (Determination of fees) for the issue of a licence.

- (2) The registrar shall endorse on the licence any relevant particulars about the applicant that were in the application or were given to the registrar under division 4.7 or 4.8.

58 Duration of licence

- (1) A licence comes into force on the day when it is issued.
- (2) Subject to this Act, a licence, unless renewed, remains in force—
 - (a) if, on the day when the issue of the licence is approved, a determination under subsection (3) is in force in relation to the licence—until the end of the day specified in that determination; and
 - (b) if, at the request of the applicant for the licence, the registrar has directed that the licence expire on a day earlier than the day when, but for the direction, the licence would have expired—until the end of the day specified in the direction; and
 - (c) in any other case—until the end of the 30 November next following the day when the licence was issued.
- (3) The registrar may determine that licences, or licences of a class specified by the registrar shall cease to be in force on a day other than the day referred to in subsection (2) (c).

Division 4.3 Renewal of licences

59 Renewal

- (1) The registrar must renew a licence on a written application by the licensee made while the licence is in force.

Note A fee may be determined under s 179 (Determination of fees) for the renewal of a licence.

- (2) Also, the registrar may renew a club licence only if—
 - (a) for a licence originally issued before 1 June 1979—the club had at least 150 adult financial members on the day immediately before the day the application for renewal was made; or

- (b) for a licence originally issued on or after 1 June 1979—the club had at least 200 adult financial members on the day immediately before the day the application for renewal was made.

60 Duration of renewal

If the registrar renews a licence, it continues in force, subject to this Act, for a period of 12 months commencing on the day immediately following the day when, but for its renewal, the licence would have expired.

61 Failure to renew or pay instalment

- (1) This section applies if—
- (a) a licence is not renewed while it is in force under section 58 or 60; or
 - (b) the fee determined under section 179 (Determination of fees) is being paid by instalments under the determination and the licensee fails to pay an instalment in accordance with the determination.
- (2) The licence remains in force under this section for a further month, but is taken to be suspended.

Division 4.4 Records

62 Records of liquor transactions

- (1) For this Act, a licensee shall make a record of all liquor held for sale by the licensee.

Maximum penalty: 20 penalty units.

- (2) A licensee shall keep a record made under subsection (1), and any record given to the licensee under section 63 (7), for at least 6 years at the required place.

Maximum penalty: 20 penalty units.

- (3) In subsection (2):

required place means—

- (a) the licensed premises; or
(b) if there is in force written approval by the registrar for the records to be kept at another place—that place.

Division 4.5 Transfer of licences

63 Transfer

- (1) An application for the transfer of a licence shall be made to the registrar.

Note A fee may be determined under s 179 (Determination of fees) for the transfer of a licence.

- (2) For the purpose of making a decision in relation to an application, the registrar may direct the deputy registrar to investigate the application and prepare a written report of the results of that investigation.
- (3) As soon as is reasonably practicable, the registrar shall consider the application and the report (if any) of the deputy registrar and, subject to the requirements of this Act in relation to the application, shall, in writing—
- (a) if satisfied that, on the material being considered, there is no substantial ground on which to refuse to authorise the transfer of the licence—authorise the transfer of the licence; and

- (b) if satisfied that, on the material being considered, there is no substantial ground on which to authorise the transfer of the licence—refuse to authorise the transfer of the licence; and
 - (c) in any other case—refer the application to the board for consideration in accordance with part 12.
- (4) An application referred to the board by the registrar shall be considered by the board in accordance with part 12 and, subject to the requirements of this Act in relation to the application, the board shall, in writing—
- (a) authorise the transfer of the licence; or
 - (b) refuse to authorise the transfer.
- (5) The transfer of a licence takes effect from the date the relevant decision-maker authorises the transfer, or from a later date fixed by the relevant decision-maker.
- (6) If the relevant decision-maker authorises the transfer of a licence, the licensee shall give the licence, and any records kept by the licensee under section 62, to the registrar.
- (7) The registrar shall endorse the transfer on the licence, and give the endorsed licence and the records to the new licensee.

64 Transfer—relevant considerations

- (1) The relevant decision-maker shall not authorise the transfer of a licence if it is satisfied on reasonable grounds that—
- (a) the proposed transferee is not a fit and proper person to hold a licence; or
 - (b) if the licensee has been charged with a defined offence in respect of which proceedings are not completed—
 - (i) the proposed transferee is a body corporate in relation to which the licensee is a defined influential person; or

- (ii) the licensee is a body corporate in relation to which the proposed transferee is a defined influential person; or
 - (iii) if the licensee and the proposed transferee are partners—the proposed transferee intends to hold the licence for the purposes of the partnership; or
 - (iv) if the licensee and the proposed transferee are bodies corporate—there is a defined influential person in common between the 2 bodies.
- (2) The matters that the relevant decision-maker shall consider in deciding whether to refuse to authorise the transfer of a licence under subsection (1) (a) include the following:
- (a) the proposed transferee's age;
 - (b) the proposed transferee's understanding of the obligations of a licensee under this Act;
 - (c) whether the proposed transferee has been convicted of a defined offence;
 - (d) whether the proposed transferee has contravened a provision of this Act, or a direction;
 - (e) whether the proposed transferee is an undischarged bankrupt;
 - (f) if the proposed transferee is a body corporate—whether the body is in liquidation.
- (3) If a licence is held for the purposes of a partnership, a reference in this section to the licensee includes a reference to each of the partners who is concerned in, or takes part in, the management of the partnership's business in relation to the licence—
- (a) whether or not the partner's name appears on the licence; and
 - (b) whether or not section 69 (1), (2) or (3) has been complied with in relation to the partner.

- (4) If the relevant decision-maker has reasonable grounds for believing that a proposed transferee intends to hold the licence for the purposes of a partnership, a reference in this section to the proposed transferee includes a reference to each of the partners who, the relevant decision-maker has reasonable grounds for believing, intends to be concerned in, or to take part in, the management of the partnership's business in relation to the licence, whether or not the partner's name appears on the application.
- (5) If a licence is held by a body corporate, a reference in this section to the licensee (including a reference under subsection (3) to a partner of the licensee) includes a reference to a defined influential person in relation to the body.
- (6) If a licence is proposed to be transferred to a body corporate, a reference in this section to the proposed transferee (including a reference under subsection (4) to a partner of the proposed transferee) includes a reference to a defined influential person in relation to the body.

65 Transfer of licences—training condition

- (1) If the relevant decision-maker in relation to the transfer of a licence considers on reasonable grounds that the proposed transferee does not sufficiently understand the obligations of a licensee under this Act, the decision-maker may transfer the licence subject to the condition that the proposed transferee undertake a specified approved training program in relation to those obligations within a reasonable specified time after the transfer of the licence.
- (2) If the relevant decision-maker has reasonable grounds for believing that a proposed transferee intends to hold the licence for the purposes of a partnership, a reference in subsection (1) to the proposed transferee includes a reference to each of the partners who the relevant decision-maker has reasonable grounds for believing intends to be concerned in, or to take part in, the management of the partnership's business in relation to the licence, whether or not the

partner's name appears on the application for the transfer of the licence.

- (3) If a proposed transferee is a body corporate, a reference in this section to the proposed transferee (including a reference under subsection (2) to a partner of the proposed transferee) includes a reference to a defined influential person in relation to the body.

Division 4.6 Surrender of licences

66 Definition of *conditional surrender* for div 4.6

In this division:

conditional surrender, in relation to a licence, means the surrender of the licence on the condition that a licence of a different class is issued.

67 Cancellation on surrender

- (1) The holder of a licence may apply to the registrar for the surrender, or the conditional surrender, of the licence.
- (2) The registrar shall cancel the licence, by written notice given to the applicant, if—
 - (a) the registrar is satisfied that appropriate arrangements have been made by the applicant for the disposal of any liquor held under the licence; and
 - (b) for an application for conditional surrender—a licence of a different kind is to be issued to the applicant.
- (3) The cancellation takes effect—
 - (a) for an application for conditional surrender—on the day the new licence applied for is issued to the applicant; or
 - (b) in any other case—14 days after the application is made to the registrar.

Division 4.7 Licences held by partnerships

68 Application of s 71 and s 72

If a licence is held by 1 or more partners for the purposes of the partnership, sections 71 and 72 apply in relation to the licensee and to each partner—

- (a) whether or not the partner's name appears on the licence; and
- (b) whether or not section 69 (1), (2) or (3) has been complied with in relation to the partner.

69 Notice of partnership

- (1) If 1 or more partners applies for a licence or renewal of a licence for the purposes of the partnership, the applicant or applicants shall attach to the application written particulars of—
 - (a) the name and residential address of each partner; and
 - (b) the business name (if any) under which the partners are or shall be carrying on business at the premises in respect of which the application is made.
- (2) If a licensee enters into partnership with another person or persons after the licence is issued or renewed, and the licence is to be held for the purposes of the partnership, the licensee shall, within 1 month after the partnership was formed—
 - (a) give the registrar written particulars of—
 - (i) the name and residential address of each partner; and
 - (ii) the business name (if any) under which the partners are or shall be carrying on business at the premises to which the licence relates; and
 - (b) if the licence has been issued—lodge the licence with the registrar.

- (3) If any change occurs in the particulars referred to in subsection (1) (whether before or after the licence is issued) or in the particulars referred to in subsection (2), the applicant or the licensee—
- (a) shall give the registrar particulars of the change within 1 month after its occurrence; and
 - (b) if the licence has been issued—lodge the licence with the registrar.
- (4) If a licence has been lodged with the registrar under subsection (2) or (3), the registrar shall endorse on the licence the particulars most recently given to the registrar and shall, as soon as practicable, send the licence to the licensee.
- (5) An applicant or licensee shall not, without reasonable excuse, contravene subsection (1), (2) or (3).

Maximum penalty (subsection (5)): 10 penalty units.

70 Partnership changes—training

- (1) This section applies if—
- (a) a licensee enters into partnership with another person or persons after the licence is issued; and
 - (b) the licence is to be held for the purposes of the partnership; and
 - (c) the registrar considers on reasonable grounds that a new partner does not sufficiently understand the obligations of a licensee under this Act.
- (2) If this section applies, the registrar may, by written notice to the new partner (a copy of which is given to the licensee), require the new partner to undertake a specified approved training program in relation to the obligations of a licensee under this Act within a reasonable specified time after the issue of the notice.
- (3) If this section applies in relation to a new partner that is a body corporate, a reference in this section to the new partner includes a

reference to a defined influential person in relation to the new partner.

71 Rights and liabilities of partners

If a licence issued in the name or names of 1 or more partners is held for the purposes of the partnership, each partner has, in relation to the licence, all the rights and duties of the licensee.

72 Suspension or cancellation of partner's licence

If a licence held by 1 or more partners for the purposes of the partnership is suspended or cancelled as a result of an act or omission, the licence shall not be transferred, and a licence shall not be issued, to any person who was or is, at the time of the act or omission, or while the suspension or cancellation is in force, a member of the partnership.

Division 4.8 Licences held by corporations

73 Information about influential persons

- (1) If a body corporate applies for a licence, the body shall attach to the application written particulars of the name, residential address and relationship to the body of each defined influential person in relation to the body.
- (2) A body corporate shall not, without reasonable excuse, contravene subsection (1).

Maximum penalty (subsection (2)): 10 penalty units.

74 Changes in influential personnel

- (1) Within 28 days after a person becomes a defined influential person in relation to a body corporate that holds, or that has applied for, a licence, the body shall—

- (a) give the registrar written notice of the person's name, residential address and relationship to the body; and
 - (b) if the body is a licensee—lodge the licence with the registrar.
- (2) Within 28 days after a substantial change in the relationship of a defined influential person to a body corporate that holds, or that has applied for, a licence, the body shall—
 - (a) give the registrar written notice specifying that change; and
 - (b) if the body is a licensee—lodge the licence with the registrar.
- (3) Within 28 days after a person ceases to be a defined influential person in relation to a body corporate that holds, or that has applied for, a licence, the body shall—
 - (a) give the registrar written notice specifying the person's former relationship with the corporation; and
 - (b) if the body is a licensee—lodge the licence with the registrar.
- (4) If a licence is lodged with the registrar under this section, the registrar shall amend it accordingly and return it to the licensee.
- (5) If—
 - (a) a licence is applied for, or is held, for the purposes of a partnership; and
 - (b) a body corporate is 1 of the partners;this section applies to that body as if it were the sole applicant for the licence, or the sole licensee, whether or not the body's name appears on the application or the licence.
- (6) A body corporate shall not, without reasonable excuse, contravene subsection (1), (2) or (3).

Maximum penalty (subsection (6)): 10 penalty units.

75 Changes in influential personnel—training

- (1) This section applies if—
 - (a) a person becomes a defined influential person in relation to a licensee that is a body corporate; and
 - (b) the registrar considers on reasonable grounds that the person does not sufficiently understand the obligations of a licensee under this Act.
- (2) If this section applies, the registrar may, by written notice to the person who has become a defined influential person in relation to the body corporate (a copy of which is given to the body), require the person to undertake a specified approved training program in relation to the obligations of a licensee under this Act within a reasonable specified time after the issue of the notice.
- (3) If—
 - (a) a licence is held for the purposes of a partnership; and
 - (b) a body corporate is 1 of the partners;this section applies to that body as if it were the sole licensee, whether or not the body's name appears on the licence.

Part 5 Control of conduct of licensees

Division 5.1 Preliminary

76 Application to partnerships

If a licence is held for the purposes of a partnership, a reference in this part to a licensee includes a reference to each of the partners who is concerned in, or takes part in, the management of the partnership's business in relation to the licence—

- (a) whether or not the partner's name appears on the licence; and
- (b) whether or not section 69 (1), (2) or (3) has been complied with in relation to the licence.

Division 5.2 Complaints

77 Manner of making complaint

- (1) A person may make a complaint to the registrar regarding—
 - (a) any matter arising out of the conduct, at the licensed premises, of the business of a person who holds a licence; or
 - (b) any matter arising out of the conduct of the affairs of a club at the licensed premises of the club; or
 - (c) without limiting paragraphs (a) and (b), any loss of amenity in the vicinity of the licensed premises arising from a matter referred to in either of those paragraphs.
- (2) A complaint under this section shall—
 - (a) be in writing; and
 - (b) be signed by the person making the complaint; and
 - (c) be lodged with the registrar.

- (3) If a complaint is made to the registrar under subsection (1), the registrar shall direct the deputy registrar to make investigations of the subject matter of the complaint and prepare a written record of the results of the investigations.

78 Consideration of complaints by registrar

- (1) As soon as is reasonably practicable after a complaint has been made, the registrar shall consider the complaint and the report from the deputy registrar and shall, in writing—
- (a) if satisfied that, on the material being considered, there are reasonable grounds on which the board might decide to cancel a licence under division 5.6—refer the matter to the board under section 92 for consideration under part 12; or
 - (b) if satisfied that, on the material being considered, there are reasonable grounds on which the board might decide to suspend a licence under division 5.5—refer the matter to the board under section 87 for consideration under part 12; or
 - (c) if satisfied that, on the material being considered, there are reasonable grounds on which the board might be authorised to issue directions under division 5.4—refer the matter to the board under section 83 for consideration under part 12; or
 - (d) if satisfied that, on the material being considered, there are reasonable grounds on which the board might be authorised to issue a reprimand under division 5.3—refer the matter to the board under section 80 for consideration under part 12; or
 - (e) in any other case—inform the person by whom the complaint was made that the complaint has been investigated but no further action is warranted.
- (2) If a complaint is made under section 77 (1) (c), the registrar may convene a meeting between the complainant and the licensee for the purpose of attempting to settle the matter.

- (3) If, at or after a meeting convened under subsection (2), the complainant and the licensee agree on how to resolve the matter the subject of the complaint, the registrar may give to the licensee directions for the implementation of the resolution and for this Act the directions shall have effect as if they had been issued by the board under section 84.

Division 5.3 Reprimands

79 Grounds for reprimand

For this division, the grounds for the issue of a reprimand to a licensee are as follows:

- (a) the licensee has contravened a provision of this Act;
- (b) the licensee has permitted the licensed premises to be used so as to cause undue disturbance or inconvenience to persons lawfully on the premises;
- (c) the licensee has permitted the licensed premises to be used so as to cause undue disturbance or inconvenience to persons occupying premises in the neighbourhood;
- (d) the licensed premises do not comply with the licensing standards manual;
- (e) the licensee's conduct of the licensed premises has not complied with the manual;
- (f) the licensee has, in the licensed premises, created a fire hazard to life or property or permitted such a hazard to develop;
- (g) a loss of amenity in the vicinity of licensed premises arises from a matter referred to in section 77 (1) (a) or (b).

80 Referral to board for reprimand

If, after investigation (whether following a complaint under section 77 or otherwise), the registrar is satisfied that, on the

material being considered, there are reasonable grounds on which the board might decide to issue a reprimand to a licensee, the registrar shall, in writing, refer the matter to the board for consideration under part 12 (Inquiries and hearings by the board).

81 Action on referral for reprimand

- (1) On referral of a matter under section 80, the board shall—
 - (a) if satisfied, on reasonable grounds, that the facts set out in the documents provided to the board by the registrar would not, if proved, establish any ground for the issue of a reprimand to the licensee—dismiss the matter; or
 - (b) in any other case—consider the matter in accordance with part 12 (Inquiries and hearings by the board).
- (2) After considering the matter, the board shall, in writing—
 - (a) issue a reprimand to the licensee; or
 - (b) dismiss the matter.
- (3) The board shall not issue a reprimand to the licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 79.

Division 5.4 Directions

U 82 Grounds for issue of directions

For this part, the grounds for the issue of directions to a licensee are as follows:

- (a) a licensee has contravened a provision of this Act;
- (b) a licensee has permitted the licensed premises to be so used as to cause undue disturbance or inconvenience to persons lawfully on the premises;

- (c) a licensee has permitted the licensed premises to be used so as to cause undue disturbance or inconvenience to persons occupying premises in the neighbourhood;
- (d) the licensed premises do not comply with the licensing standards manual;
- (e) the licensee's conduct of the licensed premises has not complied with the manual;
- (f) a licensee has, in the licensed premises, created a fire hazard to life or property or permitted such a hazard to develop;
- (g) a loss of amenity in the vicinity of licensed premises arises from a matter referred to in section 77 (1) (a) or (b).

83 Referral to board for directions

If, after investigation (whether following a complaint under section 77 or otherwise), the registrar is satisfied that, on the material being considered, there are reasonable grounds on which the board might decide to issue directions to a licensee, the registrar shall, in writing, refer the matter to the board for consideration under part 12.

84 Action on referral for directions

- (1) On referral of a matter in accordance with section 83, the board shall—
 - (a) if satisfied, on reasonable grounds, that the facts set out in the documents provided to the board by the registrar would not, if proved, establish a ground for the issue of directions or a reprimand to the licensee—dismiss the matter; or
 - (b) in any other case—consider the matter in accordance with part 12.
- (2) After considering the matter the board shall, in writing—
 - (a) issue directions to the licensee; or

- (b) issue a reprimand to the licensee, whether or not the board also issues directions to the licensee; or
 - (c) dismiss the matter.
- (3) The board shall not issue a direction to a licensee under subsection (2) unless the board is satisfied, on reasonable grounds, that there is a ground for doing so under section 82.
- (4) The board shall not issue a direction to a licensee under this part by reason of the licensee's contravention of section 126 (1) if the board is satisfied that the licensee took reasonable measures to avoid the contravention.
- (5) The board shall not issue a reprimand to the licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 79.

U 85 **Types of directions**

- (1) The board may issue the types of directions under this part that it thinks appropriate in any particular case.
- (2) Without limiting subsection (1), the directions the board may issue under this part include the following:
- (a) a direction restricting the trading hours of the licensee;
 - (b) a direction that the licensee pay a specified monetary penalty to the Territory not exceeding—
 - (i) if the licensee is an individual—\$1 000; or
 - (ii) if the licensee is a body corporate—\$5 000;
 - (c) a direction requiring the licensee to do, or not do, something to comply with the licensing standards manual.
- (3) Directions issued under this part shall specify a period within which the licensee is to comply with the directions.

- (4) The board may extend the period for compliance specified in directions issued under this part either before or after the end of the specified period.
- (5) A monetary penalty directed to be paid under this part is a debt payable by the licensee to the Territory and due at the end of the period specified in the direction, or at the end of any extended period approved under subsection (4).

Division 5.5 Suspension

86 Grounds for suspension

For this part, the grounds for the suspension of a licence are as follows:

- (a) the licensee has contravened a provision of this Act;
- (b) the licensee has contravened—
 - (i) a direction; or
 - (ii) a training condition or requirement imposed under section 53, 65, 70 or 75;and it is in the public interest to suspend the licence;
- (c) having regard to a matter referred to in section 91 (2), it is more appropriate to suspend the licence rather than cancel the licence.

87 Referral to board for suspension

If, on investigation (whether following a complaint under section 77 or otherwise), the registrar is satisfied that, on the material being considered, there are reasonable grounds on which the board might decide to suspend a licence, the registrar shall, in writing, refer the matter to the board for consideration under part 12.

88 Action on referral for suspension

- (1) On referral of a matter under section 87, the board shall—
 - (a) if satisfied, on reasonable grounds, that the facts set out in the documents provided to the board by the registrar would not, if proved, establish any ground for the suspension of the licence or the issue of directions or a reprimand to the licensee—dismiss the matter; or
 - (b) in any other case—consider the matter in accordance with part 12 (Inquiries and hearings by the board).
- (2) After considering the matter, the board shall, in writing—
 - (a) suspend the licence for a specified period; or
 - (b) issue directions to the licensee, whether or not the board also suspends the licence; or
 - (c) issue a reprimand to the licensee, whether or not the board also suspends the licence or issues directions to the licensee; or
 - (d) dismiss the matter.
- (3) The board shall not suspend a licence unless satisfied, on reasonable grounds, that there is a ground for doing so under section 86.
- (4) The board shall not issue a direction to the licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 82.
- (5) The board shall not issue a reprimand to a licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 79.

89 Period of suspension

- (1) The board may, before the end of the period of suspension of a licence specified under section 88 (2) (a) or 93 (2) (b), by written

notice to the licensee extend that period for a further specified period.

- (2) For section 88 (2) (a) or 93 (2) (b), a period of suspension of a licence may be specified by reference to the occurrence of a specified event.

90 Duration

The suspension of a licence has effect until—

- (a) the suspension is set aside; or
- (b) the end of the period—
 - (i) specified under section 88 (2) (a) or 93 (2) (b); or
 - (ii) if that period is extended under section 89—specified under that section.

Division 5.6 Cancellation

91 Grounds for cancellation

- (1) For this division, the grounds for the cancellation of a licence are as follows:
- (a) the licensee is not a fit and proper person to hold a licence;
 - (b) the licensed premises are not fit and proper premises for the purposes of the licence.
- (2) The matters to be considered in determining whether a ground for cancellation referred to in subsection (1) exists include the following:
- (a) if the licence has previously been suspended for the contravention of a direction—whether, after the end of the period of suspension the licensee has again contravened that direction, or has contravened a direction to the same or similar effect;

- (b) whether the licensee has been convicted of a defined offence;
- (c) whether the licensee is bankrupt;
- (d) if the licensee is a body corporate—
 - (i) whether the body goes into liquidation; or
 - (ii) whether, in consideration of the matters referred to in paragraphs (b) or (c) or otherwise, any defined influential person in relation to the body would not be a fit and proper person to hold a licence;
- (e) whether the licensed premises comply with the licensing standards manual;
- (f) whether the licensee's conduct of the licensed premises has complied with the manual.

92 Referral to board for cancellation

If, on investigation (whether following a complaint under section 77 or otherwise), the registrar is satisfied that, on the material being considered, there are reasonable grounds on which the board might decide to cancel a licence, the registrar shall, in writing, refer the matter to the board for consideration under part 12.

93 Action on referral for cancellation

- (1) On referral of a matter under section 92, the board shall—
 - (a) if satisfied, on reasonable grounds, that the facts set out in the documents provided to the board by the registrar would not, if proved, establish any ground for the cancellation of the licence, the suspension of the licence or the issue of directions or a reprimand to the licensee—dismiss the matter; or
 - (b) in any other case—consider the matter in accordance with part 12 (Inquiries and hearings by the board).
- (2) After considering the matter, the board shall, in writing—

- (a) cancel the licence; or
 - (b) suspend the licence for a specified period; or
 - (c) issue directions to the licensee, whether or not the board also suspends the licence; or
 - (d) issue a reprimand to the licensee, whether or not the board also suspends the licence or issues directions to the licensee; or
 - (e) dismiss the matter.
- (3) The board shall not cancel a licence unless satisfied, on reasonable grounds, that there is a ground for doing so under section 91.
 - (4) The board shall not suspend a licence unless satisfied, on reasonable grounds, that there is a ground for doing so under section 86.
 - (5) The board shall not issue a direction to the licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 82.
 - (6) The board shall not issue a reprimand to a licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 79.

U 93A Automatic cancellation of licence

Part 6 Alteration of licensed premises

94 Application for alteration

- (1) The licensee of licensed premises may apply to the registrar for permission to alter the licensed premises.
- (2) The application shall be accompanied by 2 copies of the plans and specifications for the alteration.
- (3) For the purpose of making a decision in relation to an application, the registrar may direct the deputy registrar to investigate the application and prepare a written report of the results of that investigation.

95 Decision by registrar

As soon as is reasonably practicable, the registrar shall consider the application and the report (if any) of the deputy registrar and, subject to the requirements of this Act in relation to the application, the registrar shall, in writing—

- (a) if satisfied that, on the material being considered, there is no substantial ground on which to refuse to approve the alteration—approve the alteration; and
- (b) if satisfied that, on the material being considered, there is no substantial ground on which to approve the alteration—refuse to approve the alteration; and
- (c) in any other case—refer the application to the board for consideration under part 12.

96 Decision by board

On referral of an application under section 95, the board shall consider the matter in accordance with part 12 and, subject to the

requirements of this Act in relation to the application, the board shall, in writing—

- (a) approve the alteration; or
- (b) refuse to approve the alteration.

97 Relevant considerations

For the purposes of making a decision in relation to an application for alteration to the licensed premises, the relevant decision-maker shall consider whether the licensed premises would, if the proposed alteration were made, substantially comply with the manual.

98 Offences

- (1) A licensee shall not, except with the approval of the relevant decision-maker under this part, alter the licensed premises.

Maximum penalty: 50 penalty units.

- (2) If the relevant decision-maker under this part approves an alteration of licensed premises, the licensee shall not, until the relevant decision-maker under this part declares that the alteration is complete, conduct any business in relation to the licence on the licensed premises except in accordance with arrangements approved by the relevant decision-maker under this part.

Maximum penalty: 50 penalty units.

- (3) A licensee shall not, without reasonable excuse, fail to tell the registrar in writing about any alteration of fittings prescribed under the regulations.

Maximum penalty: 10 penalty units.

Part 7 Closure of licensed premises

99 Application for closure

- (1) A holder of a general licence, an on licence or a special licence may apply to the registrar for the closure of the licensed premises—
 - (a) on any 1 or more days; or
 - (b) for specified periods.
- (2) An application shall be—
 - (a) in writing signed by the licensee; and
 - (b) lodged with the registrar—
 - (i) not less than 21 days before the first day in respect of which approval is sought; or
 - (ii) before a later date (before that first day) that the registrar allows.
- (3) For the purposes of making a decision in relation to an application, the registrar may direct the deputy registrar to investigate the application and prepare a written report of the results of that investigation.

100 Decision of registrar

As soon as is reasonably practicable, the registrar shall consider the application and report (if any) of the deputy registrar and, subject to the requirements of this Act in relation to the application, the registrar shall, in writing—

- (a) if satisfied that, on the material being considered, there is no substantial ground on which to refuse to approve the closure—approve the closure; and

- (b) if satisfied that, on the material being considered, there is no substantial ground on which to approve the closure—refuse to approve the closure; and
- (c) in any other case—refer the application to the board for consideration under part 12.

101 Decision of board

On referral of an application under section 100, the board shall consider the matter in accordance with part 12 and, subject to the requirements of this Act in relation to the application, the board shall, in writing—

- (a) approve the closure; or
- (b) refuse to approve the closure.

102 Relevant considerations

For the purposes of making a decision in relation to an application for closure of licensed premises, the relevant decision-maker shall consider whether the licensed premises would, if the proposed closure were made, cease to meet the reasonable requirements of the public.

103 Offences

- (1) If the relevant decision-maker under this part approves the closure of licensed premises, the licensee shall not, without reasonable excuse, for not less than 7 days before the first day when the closure of the premises has been approved, fail to display in the premises a notice setting out particulars of the day or days and times when the premises will be closed under the approval.

Maximum penalty: 5 penalty units.

- (2) A licensee shall not open any part of the licensed premises for the sale of liquor on a day in respect of which an approval has been granted under this part.

Maximum penalty: 5 penalty units.

Part 8 Temporary extension of off licence premises

104 Authorisation—off licences

For this Act, on notice by the holder of an off licence to the registrar in accordance with section 105, the specified premises are, during the specified period, to be taken to be part of the licensed premises.

105 Notice

- (1) For section 104, a licensee shall give the registrar written notice specifying—
 - (a) the period during which the licensee intends to sell liquor on unlicensed premises; and
 - (b) those unlicensed premises.
- (2) The period specified in a notice shall—
 - (a) commence at least 24 hours after the end of the period for which any previous notice has been given for this part; and
 - (b) not exceed 6 days.
- (3) A licensee shall give notice no later than 7 days before the commencement of the specified period.

Part 9 **Permits**

Division 9.1 **Issue of permits**

106 **Authority given by permit**

- (1) Subject to this Act, a permit authorises the holder of the permit, during the period or periods, and at the place or premises, specified in the permit, to sell liquor, being liquor in respect of which the amount paid or payable by the holder of the permit does not exceed the amount specified in the permit.
- (2) A permit does not authorise the holder of the permit—
 - (a) to sell liquor in a closed container; or
 - (b) to sell liquor in a container together with the means of closing the container.

107 **Application for permit**

A person may apply to the registrar for a permit.

Note A fee may be determined under s 179 (Determination of fees) for the issue of a permit.

108 **Consideration of application**

- (1) For the purpose of considering an application for the issue of a permit, the registrar may direct the deputy registrar to investigate the application and prepare a written report of the results of that investigation.
- (2) As soon as is reasonably practicable, the registrar shall consider the application and the report (if any) from the deputy registrar and, subject to the requirements of this Act in relation to the application, shall in writing—

- (a) if satisfied that, on the material being considered, there is no substantial ground on which to refuse to issue a permit requested by the applicant—issue the permit; and
 - (b) if satisfied that, on the material being considered, there is no substantial ground on which to issue a permit requested by the applicant—refuse to issue the permit; and
 - (c) in any other case—refer the application to the board for consideration under part 12.
- (3) Notwithstanding section 21 (3), the registrar may direct the deputy registrar to exercise the functions of the registrar under this division in relation to applications, and in relation to those applications—
- (a) a reference in this division to the registrar is a reference to the deputy registrar; and
 - (b) a reference in this division to the deputy registrar is a reference to an inspector.

109 Consideration by board

An application for a permit referred to the board by the registrar shall be considered by the board in accordance with part 12 and, subject to the requirements of this Act in relation to the application, the board shall, in writing—

- (a) authorise the issue of the permit; or
- (b) refuse to authorise the issue of the permit.

110 Direction for issue of permit

- (1) In considering an application for a permit, the relevant decision-maker shall refuse to make a decision to issue the permit sought by the applicant if satisfied on reasonable grounds that—
- (a) there shall not be, on the premises or at the place to which the application relates, adequate toilet facilities for persons

- attending the entertainment or entertainments specified in the application; or
- (b) the conduct of the entertainment or entertainments specified in the application is likely to result in undue disturbance or inconvenience to persons occupying premises in the neighbourhood of the premises or place to which the application relates; or
 - (c) the quantity of liquor in respect of which the permit is sought exceeds the quantity reasonably required for the purpose of the entertainment or entertainments specified in the application; or
 - (d) the applicant has been convicted of a defined offence, and it would be contrary to the public interest for the application to be granted; or
 - (e) if the applicant is a body corporate—paragraph (d) applies to a defined influential person in relation to the body, and it would be contrary to the public interest for the application to be granted; or
 - (f) it would otherwise be contrary to the public interest for the permit to be granted.
- (2) If, in relation to an application for a permit, the relevant decision-maker is satisfied that a ground specified in subsection (1) (a) or (b) has been established but that the public interest could be adequately protected by the issue of a permit subject to conditions, the relevant decision-maker may agree to the issue of a permit that is subject to the conditions the relevant decision maker thinks necessary to protect the public interest.
- (3) If, in relation to an application for a permit, the relevant decision-maker is satisfied that a permit should be issued to the applicant but that the permit should specify a period or periods different for those sought by the applicant, the relevant decision-maker may agree to the issue of a permit specifying the period or periods the relevant decision-maker thinks appropriate.

- (4) If, in relation to an application for a permit, the relevant decision-maker is satisfied that the ground specified in subsection (1) (c) has been established, the relevant decision-maker may agree to the issue of a permit that specifies the amount for section 106 (1) the relevant decision-maker thinks appropriate.
- (5) If the relevant decision-maker has reasonable grounds for believing that an applicant intends to hold the permit for the purposes of a partnership, a reference in subsection (1) to the applicant includes a reference to each of the partners the relevant decision-maker has reasonable grounds for believing intends to be concerned in, or to take part in, the management of the partnership's business in relation to which the permit is applied for, whether or not the partner's name appears on the application.

U 110A Permit to be subject to condition about smoking

111 Conditions to be stated in permit

A permit shall state the conditions subject to which it is issued.

112 Seller of liquor to permit-holder to endorse permit

If the holder of a permit produces the permit to a person in connection with the purchase, by the holder of the permit, of liquor from that person, the person shall—

- (a) endorse on the permit particulars of—
- (i) the name of the person; and
 - (ii) the type and quantity of liquor purchased; and
 - (iii) the price paid for the liquor; and
- (b) sign the endorsement.

113 Refund of permit fees

If—

- (a) for any reason other than the cancellation of the permit, a permit-holder does not conduct any entertainment in respect of which the permit was issued; and
- (b) the permit-holder gives the permit to the registrar with a signed statement to the effect that—
 - (i) the liquor purchased for sale under the permit has been returned to each person from whom it was purchased; or
 - (ii) no liquor was purchased for sale under the permit;

the Territory shall pay the permit-holder an amount equal to the amount by which the fee paid for the issue of the permit exceeded the minimum fee determined under section 179 (Determination of fees) for an application for a permit.

114 Return of permits to registrar

Within 7 days after—

- (a) the end of the period, or the last period when the sale of liquor is authorised by a permit; or
- (b) the cancellation of a permit;

the permit-holder shall not, without reasonable excuse, fail to return the permit to the registrar.

Maximum penalty: 10 penalty units.

Division 9.2 Cancellation of permits

115 Application to partnerships

If a permit is held for the purposes of a partnership, a reference in this division to a permit-holder includes a reference to each of the

partners who is concerned in, or takes part in, the management of the partnership's business in relation to the permit, whether or not the partner's name appears on the permit.

U 116 Ground for cancellation

- (1) The board shall cancel a permit if it would be in the public interest to do so.
- (2) For this division, the matters to be considered in determining whether it would be in the public interest to cancel a permit include the following:
 - (a) whether the permit-holder has permitted the premises or place in relation to which the permit is issued to be used so as to cause disturbance or inconvenience to persons occupying premises in the neighbourhood;
 - (b) whether the permit-holder has contravened a provision of this Act;
 - (c) whether the permit-holder has been convicted of a defined offence;
 - (d) if the permit-holder is a body corporate—whether paragraph (b) or (c) applies to a defined influential person in relation to the body.

U 116A Automatic cancellation of permit

117 Complaints

- (1) If a person makes a complaint in accordance with subsection (2) about how the premises specified in a permit are being used, the registrar shall direct the deputy registrar to—
 - (a) investigate the complaint; and
 - (b) prepare a written report of the results of the investigation.

- (2) A complaint under subsection (1) shall be—
- (a) in writing and signed by the person making the complaint; and
 - (b) lodged with the registrar.

118 Referral to board

- (1) If the registrar—
- (a) is satisfied that, on the material being considered, there are reasonable grounds on which the board might decide to cancel a permit; or
 - (b) after investigating a complaint under section 117, is satisfied that the complaint is not frivolous or unreasonable;
- the registrar shall, in writing, refer the matter to the board for consideration under part 12.
- (2) If, after investigation of a complaint, the registrar decides not to proceed under subsection (1), the registrar shall inform the person by whom the complaint has been made that the complaint has been investigated but no further action is warranted.

119 Cancellation

- (1) In considering a matter referred to it by the registrar under section 118, the board shall—
- (a) if the board believes on reasonable grounds that the facts set out in the documents provided to the board by the registrar would not, if proved, establish that it would be in the public interest to cancel a permit—in writing, dismiss the matter; or
 - (b) in any other case—consider the matter in accordance with part 12.
- (2) After considering the matter, the board shall, in writing—

- (a) if satisfied, on reasonable grounds, that it would be in the public interest to do so—cancel the permit; or
- (b) in any other case—dismiss the matter.

Part 10 Offences

Division 10.1 General

120 Definition of *non-trading day* for pt 10

In this part:

non-trading day means—

- (a) a public holiday; or
- (b) a Sunday; or
- (c) in relation to a licensee—a day in respect of which an approval under part 7 has been granted to the licensee.

121 General licence—minimum bar trading hours

- (1) The holder of a general licence shall, on each day that is not a non-trading day for that licensee, open the licensed premises for the sale of liquor, unless the licensee has a reasonable excuse for closing the premises.

Maximum penalty: 20 penalty units.

- (2) The holder of a general licence shall, on each day when the licensed premises are open for the sale of liquor, keep open, at all times between noon and 8 pm, at least 1 public bar-room for the sale of liquor to members of the public.

Maximum penalty: 20 penalty units.

- (3) The holder of a general licence shall not have a bar-room open for the sale of liquor unless that bar-room is open for the sale of liquor to persons of both sexes.

Maximum penalty: 20 penalty units.

122 On licence—minimum bar trading hours

- (1) The holder of an on licence shall, on each day that is not a non-trading day for that licensee, open the licensed premises for the sale of liquor, unless the licensee has a reasonable excuse for closing the premises.

Maximum penalty: 20 penalty units.

- (2) The holder of an on licence shall, on each day when the licensed premises are open for the sale of liquor, keep open, for a period not less than, or for periods that, in the aggregate, are not less than, 6 hours, at least 1 bar-room for the sale of liquor to members of the public of both sexes.

Maximum penalty: 20 penalty units.

123 Special licences—conditions

The holder of a special licence shall not, without reasonable excuse, contravene a condition specified in the licence.

Maximum penalty: 50 penalty units.

124 Permits—conditions

A permit-holder shall not, without reasonable excuse, contravene a condition specified in the permit.

Maximum penalty: 50 penalty units.

125 Return of licences to registrar

If a licence is suspended or cancelled under part 5 (Control of conduct of licensees), the licensee shall give the licence to the registrar within 3 days after the licensee is told in writing to return the licence.

Maximum penalty: 20 penalty units.

126 Provision of food

- (1) At all times when a bar-room is open for the sale of liquor, the holder of a general licence or an on licence shall have available for sale, at a place on the licensed premises approved by the registrar in relation to that bar-room, an adequate supply of food of a standard and variety approved by the registrar.

Maximum penalty: 20 penalty units.

- (2) The registrar shall not approve a place in relation to a bar-room for subsection (1) unless the registrar is satisfied that the situation of the place is such as to meet the reasonable requirements of the members of the public.

127 Notices about food

- (1) The holder of a general licence or an on licence shall at all times when a bar-room, other than a public bar-room, is open for the sale of liquor, display a sign at each public entrance to that bar-room stating the types of food that the licensee shall supply and the prices that will be charged.

Maximum penalty: 5 penalty units.

- (2) A sign referred to in subsection (1) shall be deemed not to be displayed at an entrance to a bar-room unless it is clearly visible to persons entering the bar-room through that entrance.
- (3) The holder of a general licence shall, at all times when a public bar-room is open for the sale of liquor, display a sign in that public bar-room stating the types of food that the licensee shall supply and the prices that will be charged.

Maximum penalty: 5 penalty units.

- (4) A sign referred to in subsection (3) shall not be taken to be displayed in a public bar-room unless the sign is so placed that it is reasonably capable of being read by a person purchasing food in that bar-room.

128 Cleanliness of licensed premises

A licensee shall keep the licensed premises in a clean condition at all times.

Maximum penalty: 20 penalty units.

129 Maintenance of licensed premises

A licensee shall maintain the licensed premises and all equipment, appliances, fittings, furniture and floor coverings in, or used in, the premises in good repair.

Maximum penalty: 20 penalty units.

130 Notices of bar trading hours

The holder of a general licence or an on licence shall not, without reasonable excuse, fail to display at each public entrance to each bar-room a notice stating the hours when the bar-room shall be open for the sale of liquor.

Maximum penalty: 5 penalty units.

131 Sexually explicit entertainment

- (1) A licensee or permit-holder shall not permit sexually explicit entertainment on premises to which the licence or permit relates unless the premises are in a prescribed location.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply in relation to a room on licensed premises used for accommodation.

- (3) In this section:

sexually explicit entertainment means any performance or other entertainment—

- (a) in the course of which a person displays genitalia; or

(b) that includes sexual intercourse within the meaning of the *Crimes Act 1900*, section 50;

and includes a performance or entertainment of a prescribed kind.

132 Notice of absence from licensed premises

A licensee shall not, without reasonable excuse, be absent from the licensed premises for a period exceeding 28 days unless the licensee has given to the registrar written notice setting out particulars of—

- (a) the period when the licensee shall be absent from the licensed premises; and
- (b) the full name and residential address of the person who will be in charge of the licensed premises during the absence of the licensee.

Maximum penalty: 10 penalty units.

133 Change in control of licensed premises

If a licensee ceases to control the licensed premises, the licensee shall, within 28 days, notify the registrar accordingly in writing, unless the registrar approves the transfer or the surrender of the licence before the end of that period.

Maximum penalty: 10 penalty units.

134 Sale of petrol at licensed premises

A licensee shall not sell petrol at the licensed premises, except if the premises are on Block 72 in Paddys River District.

Maximum penalty: 20 penalty units.

135 Sale of liquor—general

A person shall not sell or expose for sale any liquor except—

- (a) in accordance with a licence or permit; or

- (b) at a private entertainment at which not more than 30 persons are present.

Maximum penalty: 50 penalty units.

136 Supply of liquor by licensed clubs

- (1) A club that is the holder of a club licence shall not supply liquor to a person otherwise than on the licensed premises of the club.

Maximum penalty: 50 penalty units.

- (2) A club that is the holder of a club licence shall not supply liquor to a person unless—

- (a) the person is a member of the club; or
- (b) the person is on the licensed premises of the club at the invitation of a member of the club who is present on those premises.

Maximum penalty: 50 penalty units.

137 Advertising by licensed clubs

A club that is the holder of a club licence shall not publish a statement that constitutes, or could reasonably be understood as, an invitation to the public to attend at the licensed premises of the club.

Maximum penalty: 50 penalty units.

138 Sale or supply of liquor to intoxicated persons

- (1) A licensee or permit-holder shall not sell or supply liquor to a person if there are reasonable grounds for believing that the person is intoxicated.

Maximum penalty: 50 penalty units.

- (2) It is not an element of an offence against subsection (1) that the licensee or permit-holder charged with the offence should actually have believed that the relevant person was intoxicated.

- (3) For subsection (1), there are to be taken to be reasonable grounds for believing that a person is intoxicated if (irrespective of the actual belief of the licensee or permit-holder) there are reasonable grounds for believing that the person's speech, balance, coordination or behaviour is seriously affected by the consumption of liquor.

139 Consumption of liquor in certain public places

- (1) A person shall not consume liquor in a prescribed public place.
Maximum penalty: 5 penalty units.
- (2) A person shall not possess an open container of liquor in a prescribed public place with the intention of consuming the liquor in that place.
Maximum penalty: 2 penalty units.
- (3) For subsection (2), a container shall be taken to be open if a manufacturer's seal is broken or the contents of the container are otherwise accessible.
- (4) Subsections (1) and (2) do not apply to the consumption or possession of liquor—
- (a) on licensed premises or on premises where food is sold for consumption on those premises; or
 - (b) within 50m of premises referred to in paragraph (a) by a person using furniture or other facilities lawfully provided by the proprietor or lessee of those premises for that purpose; or
 - (c) in a place and during a period specified in a permit.
- (5) In this section:
- liquor*** means a beverage that contains more than 0.5% by volume of ethyl alcohol.
- prescribed public place*** means a public place that—
- (a) is, or is within 50m of, a bus interchange; or

- (b) is within 50m of a shop or licensed premises; or
 - (c) is declared by the regulations to be a public place to which this section applies.
- (6) Regulations made for subsection (5), definition of *prescribed public place*, paragraph (c) may provide that a public place specified in the regulations shall be taken to be a public place to which this section applies only at specified times or during specified periods, and if the regulations so provide, subsections (1) and (2) apply in relation to that public place accordingly.

140 Obstruction of inspectors

A person shall not, without reasonable excuse, obstruct or hinder an inspector in the exercise of his or her powers under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

141 Sale of adulterated liquor

The holder of a licence or permit shall not sell, offer for sale or expose for sale adulterated liquor.

Maximum penalty: 50 penalty units.

142 Persons on licensed premises after hours

- (1) A person shall not enter, or remain on, licensed premises to which a general licence relates unless a bar-room on those premises is open for the sale of liquor.

Maximum penalty: 10 penalty units.

- (2) A person does not commit an offence against subsection (1) by remaining in a bar-room on licensed premises for a period not exceeding 15 minutes after the bar-room ceases to be open for the sale of liquor.

- (3) Nothing in this section applies to, or in relation to—

- (a) the licensee of premises; or
- (b) a member of the family of the licensee; or
- (c) a person who enters, or remains on, licensed premises in the course of his or her employment; or
- (d) a person who enters, or remains on, licensed premises at the invitation of, and as a guest of, the licensee or a member of the family of the licensee; or
- (e) a lodger occupying residential accommodation provided on the licensed premises; or
- (f) a person who enters licensed premises at the invitation, and as a guest, of such a lodger.

143 Exclusion of persons from licensed premises

A holder of a general licence, an on licence or a special licence may exclude or remove a person from the licensed premises if—

- (a) the person is drunk, violent, quarrelsome or disorderly; or
- (b) the person is using disgusting, profane or foul language; or
- (c) the presence or continued presence of the person on the licensed premises would render the licensee liable to a penalty under this Act or another law in force in the ACT.

144 Persons on licensed premises for unlawful purposes

A licensee shall not permit a person to remain on the licensed premises if the licensee believes on reasonable grounds that the person is there for an unlawful purpose.

Maximum penalty: 20 penalty units.

145 Keeping licences on licensed premises

A licensee shall not, without reasonable excuse, fail to keep the licence on the licensed premises.

Maximum penalty: 5 penalty units.

146 Consumption of liquor on off licence premises

- (1) A person shall not consume liquor on the premises to which an off licence relates except in accordance with subsection (3).

Maximum penalty: 10 penalty units.

- (2) The holder of an off licence shall not permit a person to consume liquor on the licensed premises except in accordance with subsection (3).

Maximum penalty: 20 penalty units.

- (3) A person may consume liquor on the premises to which an off licence relates—

(a) if the person is the licensee, an employee of the licensee, or a member of the licensee's family; or

(b) if—

(i) the liquor was supplied for consumption as a sample of liquor available for sale; and

(ii) no charge was made for the sample; and

(iii) the sample was consumed in a part of the licensed premises specified in the licence as a sampling area.

147 Consumption of liquor on business premises

- (1) A person shall not consume liquor on unlicensed premises where a business is conducted except at the express invitation of the person responsible for the conduct of the business at those premises.

Maximum penalty: 5 penalty units.

- (2) A person who consumes liquor on premises referred to in subsection (1) shall not remain on the premises after the person responsible for the conduct of the business at those premises has requested him or her to leave.

Maximum penalty: 5 penalty units.

148 Exceeding occupancy loading

A licensee shall not, without reasonable excuse, permit a number of persons in excess of the occupancy loading determined under section 41 or 42 to be in a public area within the licensed premises.

Maximum penalty: 50 penalty units.

149 Failing to display occupancy loading signs

A licensee shall not, without reasonable excuse, fail to display a sign in accordance with section 43.

Maximum penalty: 10 penalty units.

150 Failing to require patrons to leave

A licensee shall not, without reasonable excuse, fail to comply with a direction under section 25 (4) (e) to require patrons to leave a public area within the licensed premises.

Maximum penalty: 50 penalty units.

Division 10.2 Under-age drinking

151 Definitions for div 10.2

In this division:

document of identification, of a person, means a document that—

- (a) is a driver licence, proof of age card or passport; and
- (b) contains a photograph that could reasonably be taken to be of the person; and
- (c) indicates that the person to whom the document was issued is at least 18 years old.

driver licence means an Australian driver licence or a licence to drive a motor vehicle (however described) issued under the law of an external Territory or a foreign country.

liquor means a beverage that contains more than 0.5% by volume of ethyl alcohol.

proof of age card includes a document corresponding to a proof of age card that has been issued under the law of a State.

responsible adult, for another person, means an adult who—

- (a) is a parent, step-parent, guardian, person acting in place of a parent, carer or domestic partner of the other person; and
- (b) could reasonably be expected to exercise responsible supervision of the other person.

Note For the meaning of ***domestic partner***, see Legislation Act, s 169.

152 Sale or supply of liquor to under-age persons

- (1) A person shall not sell or supply liquor to a person under 18 years old on premises where the sale or supply of liquor is authorised or in a public place.

Maximum penalty: 50 penalty units.

- (2) In a proceeding for an offence against subsection (1) it is a defence if the defendant proves that—

(a) the person to whom the liquor was sold or supplied was at least 16 years old; and

(b) when the liquor was sold or supplied, the person had shown a document of identification to the person selling or supplying the liquor.

- (3) The holder of a licence or permit, or an employee of the holder of a licence or permit, may refuse to sell or supply liquor to a person unless the person satisfies the holder of the licence or permit, or the employee, of his or her age by showing a document of identification.

- (4) Subsection (3) does not limit the circumstances in which a person may refuse to sell or supply liquor.

153 Offence by licensee for possession or consumption of liquor by under-age persons

- (1) The licensee commits an offence if a person under 18 years old possesses or consumes liquor on the licensed premises.

Maximum penalty: 50 penalty units.

- (2) In a proceeding for an offence against subsection (1) it is a defence if the licensee proves that—

(a) the person was at least 16 years old; and

- (b) the person had shown a document of identification to the licensee (or an employee of the licensee).
- (3) This section does not apply to the possession of liquor by a person—
 - (a) in the course of the person’s employment; or
 - (b) in the course of a training program conducted by—
 - (i) the Canberra Institute of Technology; or
 - (ii) a person approved in writing by the registrar.

154 Buying, possession and consumption of liquor by under-age persons

- (1) A person under 18 years old shall not—
 - (a) buy liquor; or
 - (b) possess or consume liquor on premises where the sale or supply of liquor is authorised or in a public place.

Maximum penalty: 5 penalty units.
- (2) This section does not apply to the possession of liquor by a person—
 - (a) in the course of the person’s employment; or
 - (b) in the course of a training program conducted by—
 - (i) the Canberra Institute of Technology; or
 - (ii) a person approved in writing by the registrar.

155 Sending under-age persons to obtain liquor

A person shall not, without reasonable excuse, send a person under 18 years old to buy or collect liquor on or from premises to which a licence or permit relates.

Maximum penalty: 10 penalty units.

156 Entry to bar-rooms by under-age persons etc

- (1) A person under 18 years old commits an offence if the person enters or remains in a bar-room on licensed premises except in the care of a responsible adult.

Maximum penalty: 5 penalty units.

- (2) This section does not apply if the person is attending a function in the bar-room for persons under 18 years old that is conducted by the licensee.
- (3) This section does not apply if the person enters the bar-room—
- (a) in the course of the person's employment; or
 - (b) in the course of a training program conducted by—
 - (i) the Canberra Institute of Technology; or
 - (ii) a person approved in writing by the registrar.

157 Licensee allowing entry to bar-rooms by under-age persons

- (1) The licensee commits an offence if a person under 18 years old is in a bar-room on the licensed premises except in the care of a responsible adult.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to a licensee if the person under 18 years old enters the bar-room—

- (a) in the course of the person's employment; or
- (b) in the course of a training program conducted by—
 - (i) the Canberra Institute of Technology; or
 - (ii) a person approved in writing by the registrar.
- (3) In a proceeding for an offence against subsection (1), it is a defence, if the licensee proves that—
 - (a) the person was at least 16 years old; and
 - (b) the person had shown a document of identification to the licensee or an employee of the licensee on or after entering the bar-room.
- (4) In a proceeding for an offence against subsection (1), it is also a defence if the licensee proves that the person was attending a function in the bar-room for persons under 18 years old that was conducted by the licensee in accordance with the licensing standards manual.

158 False identification

- (1) A person shall not use someone else's identification, or a form of identification that is forged or fraudulently altered—
 - (a) to obtain entry to or remain in a bar-room on licensed premises; or
 - (b) to buy liquor; or
 - (c) to obtain a proof of age card.

Maximum penalty: 10 penalty units.

- (2) If the holder of a licence or permit, or an employee of the holder of a licence or permit, believes on reasonable grounds that a document shown to the person is a false document of identification, the person may seize the document.

- (3) If a person seizes a document under subsection (2), the person shall give the document to the registrar within 72 hours.

Maximum penalty: 5 penalty units.

- (4) The holder of a licence or permit shall make a record of—
- (a) each document seized by the holder, or an employee of the holder, under subsection (2); and
 - (b) the date and time when, and the person who, seized the document; and
 - (c) the reason the document was seized; and
 - (d) the date and time when the document was given to the registrar under subsection (3).

Maximum penalty: 5 penalty units.

- (5) The holder of a licence or permit shall keep a record made under subsection (4) for at least 2 years—
- (a) for the holder of a licence—at the licensed premises; or
 - (b) for the holder of a permit—at the place approved in writing by the registrar.

Maximum penalty: 5 penalty units.

- (6) In this section:

false document of identification, for a person, means—

- (a) a proof of age card that has been forged, fraudulently altered or obtained, or issued to someone else; or
- (b) a driver licence that has expired or has been forged or fraudulently altered.

Part 11 Evidence

159 Liquor

- (1) This section applies in relation to a container that purports to contain, or apparently contains—
 - (a) liquor within the meaning of the relevant offence provision referred to in subsection (2); or
 - (b) beer, wine, spirits or any other alcoholic beverage.
- (2) In proceedings for an offence against this Act, if a beverage is contained in, or dispensed or consumed from, a container in relation to which this section applies, that beverage is to be taken to be liquor within the meaning of the relevant offence provision unless the contrary is established by the defendant on the balance of probabilities.
- (3) Without limiting subsection (1), for subsection (1) (a), a container is to be taken to purport to contain liquor within the meaning of an offence provision if the container purports, whether by marking on the container or on its label, or otherwise, to contain a beverage having a percentage by volume of alcohol exceeding the percentage of ethyl alcohol referred to in the definition of liquor that applies to that provision.
- (4) For this section, a reference on a container or on its label to a percentage by volume of alcohol, in whatever form that reference may be, is a reference to the same percentage of ethyl alcohol by volume.
- (5) This section does not apply in relation to an offence against section 139, 146 (1), 147, 154 or 155.

160 Licensees and permit-holders

In any court proceedings, a certificate signed by the registrar, stating—

- (a) that, on each specified day, a specified person was or was not the holder of a licence of the specified kind in relation to the specified premises; or
- (b) that, on each specified day, a specified person was or was not the holder of a permit in relation to the specified premises;

is evidence of the matters so stated.

161 Occupancy loading

In any court proceedings, a certificate signed by the registrar specifying in relation to a public area on a particular day the occupancy loading determined under section 41 or 42 that was applicable to that area on that day, is evidence of the matter so specified.

Part 12 Inquiries and hearings by board

162 Definition of *matter* for pt 12

In this part:

matter means a matter referred to the board for consideration under this part, being a matter relating to—

- (a) an application for a licence; or
- (b) the issue of a reprimand to a licensee; or
- (c) the issue of directions to a licensee; or
- (d) the suspension of a licence; or
- (e) the cancellation of a licence; or
- (f) an application for an alteration of licensed premises under part 6; or
- (g) an application for an approval under part 7; or
- (h) an application for a permit; or
- (i) the cancellation of a permit.

163 Inquiry by board

- (1) For the purpose of making a decision in relation to a matter, the board shall inquire into the matter and for that purpose may inform itself in the manner it considers appropriate having regard to—
 - (a) the issues arising for decision in the matter; and
 - (b) the need to ensure procedural fairness to persons likely to be affected by a decision of the board in relation to the matter; and
 - (c) the due administration of this Act.

- (2) For the purpose of inquiring into a matter, the registrar shall provide the board with—
 - (a) copies of all documentary evidence lodged with, or obtained by, the registrar in relation to the matter; and
 - (b) copies of the written record of results of investigations (if any) conducted by the deputy registrar in relation to the matter.
- (3) If the board is of the opinion that further investigation of the matter is desirable, the board may direct the deputy registrar to make any further investigations the board specifies and report the results of the investigations to the board.

164 Standard of proof

The board shall determine all matters that come before it, and the existence of facts relevant to those matters, on the basis of proof on the balance of probabilities.

165 Notice of hearing

- (1) If the board considers it appropriate to conduct a hearing in relation to a matter, the chairperson of the board shall fix a time, date and place for the hearing and the deputy registrar shall, not less than 7 days before that date, serve on—
 - (a) for a matter relating to the cancellation or suspension of a licence, the issue of a reprimand to a licensee or the cancellation of a permit—each relevant licensee or holder; and
 - (b) in any other case—the applicant;notice of that time, date and place.
- (2) For an application under part 6 or 7, the notice under subsection (1) shall be accompanied by a copy of the deputy registrar's report (if any) in relation to the application.

- (3) If a matter relates to the cancellation or suspension of a licence, the issue of a reprimand to a licensee or cancellation of a permit, the notice under subsection (1) shall be accompanied by a copy of—
 - (a) a statement of facts giving rise to the matter being referred to the board; and
 - (b) for a matter relating to cancellation of a permit—the deputy registrar’s report (if any) about any relevant complaints.

166 Procedure

- (1) At a hearing, the procedure shall be at the discretion of the board.
- (2) At a hearing, the board shall give the applicant and, for a matter relating to the cancellation or suspension of a licence, the issue of a reprimand to a licensee or the cancellation of a permit, each relevant licensee or permit-holder, an opportunity to be heard.
- (3) At a hearing, the board is not bound by the rules of evidence, but may inform itself in the manner it thinks fit.
- (4) At a hearing, the board may take evidence on oath, or affirmation, administered by a member of the board.
- (5) The board may adjourn a hearing from time to time and from place to place.

167 Prohibition of publication of names and evidence

- (1) If the board believes on reasonable grounds that—
 - (a) the publication of evidence given, or intended to be given, in a hearing; or
 - (b) the publication of the name of any person involved in the hearing, or involved in a matter raised during the hearing;

is likely to cause undue hardship to, or to unduly prejudice, any person, the board may, at any time during or after the hearing, make an order—

- (c) forbidding the publication of the evidence or a specified part of the evidence, or of a report of the evidence, either absolutely or subject to the conditions the board specifies or for the period specified; or
 - (d) forbidding the publication of the name of the firstmentioned person.
- (2) A person shall not contravene an order under subsection (1).
Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (3) For this section, the publication of a reference or allusion to a person, if the publication would be likely to disclose the identity of the person, is a publication of the name of the person.

168 Private hearings

- (1) A hearing shall be in public, unless the board directs that the hearing be in private.
- (2) The board shall only make a direction under subsection (1) if it is satisfied on reasonable grounds that the conduct of the hearing in public would be likely to cause undue hardship to, or to unduly prejudice, any person.
- (3) If the board makes a direction under subsection (1), a person shall not enter, or remain in, the room in which a hearing is being conducted except with the permission of the board.

Maximum penalty (subsection (3)): 10 penalty units.

169 Legal representation

At a hearing in relation to a matter—

- (a) a person appearing before the board; or
- (b) the board;

may be represented by a lawyer who may examine witnesses and address the board—

- (c) if representing a person referred to in paragraph (a)—on behalf of that person; or
- (d) if representing the board—on behalf of the board.

170 Witnesses

- (1) The chairperson of the board may, by writing, summon a person to attend a hearing at a time and place specified in the summons to give evidence and to produce any books and documents in that person's custody or control that are—
 - (a) relevant to any matter at issue in the hearings; and
 - (b) specified in the summons.

- (2) A person served with a summons under subsection (1) shall not, without reasonable excuse, fail to comply with the summons.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A witness at a hearing shall not, without reasonable excuse, refuse both to be sworn and to make an affirmation.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) A person who attends a hearing to give evidence is entitled to receive the fees and travelling expenses that the chairperson of the board directs in accordance with the scale and conditions applying to persons who attend as witnesses before the Supreme Court.

Note For the Supreme Court scale, see *Supreme Court Rules*, sch 3, pt 3.8.

- (5) The fees and expenses are payable—

- (a) if the person attended the hearing, whether on summons or not, at the request of someone who is not a member of the board—by the person who made the request; or
- (b) in any other case—by the Territory.

171 Evidence at hearings

- (1) A witness at a hearing shall not knowingly give false evidence about any matter material to the hearing.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A witness at a hearing shall not refuse to give evidence about any matter material to the hearing.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A statement made by a witness at a hearing is not, except in proceedings for an offence against this section, or against the *Crimes Act 1900*, section 167 admissible as evidence against that person in criminal proceedings.

172 Protection of members and witnesses

- (1) An action or proceeding, civil or criminal, does not lie against a member for or in respect of an act or thing done in good faith by the member in his or her capacity as a member.
- (2) A lawyer appearing at a hearing conducted by the board has the same protection and immunity as a barrister has when appearing for a party in proceedings in the Supreme Court.
- (3) A witness summonsed to attend or appear at a hearing has the same protection as a witness in proceedings in the Supreme Court.

Part 13 Review of decisions

173 Review by administrative appeals tribunal

Application may be made to the administrative appeals tribunal for review of a decision by the relevant decision-maker—

- (a) approving a person to conduct a training program under section 8; or
- (b) determining an indoor or an outdoor public area under section 40; or
- (c) deciding an area is or is not a bar-room under section 40A; or
- (d) determining an occupancy loading under section 41; or
- (e) determining an occupancy loading under section 42; or
- (f) refusing to issue a licence under section 50 (3) (b) or (4) (b); or
- (g) issuing a licence under section 51 of a class different from that applied for; or
- (h) issuing a licence subject to a condition that the licensee undertake training, under section 53 (1); or
- (i) issuing a licence subject to a condition that the licensee undertake training of a particular type, under section 53 (1); or
- (j) issuing a licence subject to a condition that the licensee undertake training within a specified time, under section 53 (1); or
- (k) issuing a special licence under section 55 (1) subject to conditions; or
- (l) refusing to authorise the transfer of a licence under section 63 (3) (b) or (4) (b); or

- (m) transferring a licence subject to a condition that the transferee undertake training, under section 65 (1); or
- (n) transferring a licence subject to a condition that the licensee undertake training of a particular type, under section 65 (1); or
- (o) transferring a licence subject to a condition that the licensee undertake training within a specified time, under section 65 (1); or
- (p) refusing to cancel a licence under section 67 (2); or
- (q) requiring a new partner of a licensee to undertake training, under section 70 (2); or
- (r) requiring a new partner of a licensee to undertake training of a particular type, under section 70 (2); or
- (s) requiring a new partner of a licensee to undertake training within a specified time, under section 70 (2); or
- (t) requiring a person who has become a defined influential person in relation to a body corporate that holds a licence to undertake training, under section 75 (2); or
- (u) requiring a person who has become a defined influential person in relation to a body corporate that holds a licence to undertake training of a particular type, under section 75 (2); or
- (v) requiring a person who has become a defined influential person in relation to a body corporate that holds a licence to undertake training within a specified time, under section 75 (2); or
- (w) issuing directions to a licensee under section 84 (2) (a), 88 (2) (b) or 93 (2) (c); or
- (x) suspending a licence under section 88 (2) (a) or 93 (2) (b); or
- (y) suspending a licence for a specified period, under section 88 (2) (a) or 93 (2) (b); or

- (z) issuing a reprimand to a licensee under section 81 (2) (a), 84 (2) (b), 88 (2) (c) or 93 (2) (d); or
- (za) cancelling a licence under section 93 (2) (a); or
- (zb) refusing to approve an alteration under section 95 (b) or 96 (b); or
- (zc) refusing to declare that an alteration is complete for section 98 (2); or
- (zd) refusing to approve a closure under section 100 (b) or 101 (b); or
- (ze) refusing to issue a permit under section 108 (2) (b) or authorise the issue of a permit under section 109 (b); or
- (zf) agreeing to issue a permit subject to conditions under section 110 (2); or
- (zg) cancelling a permit under section 119 (2) (a).

174 Notification of decisions

- (1) If a decision referred to in section 173 has been made, the relevant decision-maker shall cause notice of the decision to be given to the applicant, licensee or permit-holder concerned.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Part 14 Miscellaneous

175 **Proof of age cards**

- (1) The road transport authority may, on receiving an application in accordance with this section, issue the applicant with a card to assist in establishing his or her age.
- (2) An application for a proof of age card shall be in the form approved by the road transport authority.

Note A fee may be determined under s 179 (Determination of fees) for the issue of a proof of age card.

- (3) A form approved by the road transport authority is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

176 **Commissioner to be notified**

The registrar shall, within 48 hours after a licence has been issued or transferred or ceases to be in force, advise the commissioner for revenue in writing of—

- (a) the name and address of the licensee, transferor and transferee, or former licensee; and
- (b) the licence number.

177 **Conduct of directors, servants and agents**

- (1) If, for this Act, it is necessary to establish the state of mind of a body corporate or an individual in relation to particular conduct, it is sufficient to show—
 - (a) that a director, servant or agent of the body, or a servant or agent of the person, had that state of mind; and

- (b) that the conduct was engaged in by that director, servant or agent within the scope of his or her actual or apparent authority.
- (2) A reference in subsection (1) to the state of mind of a body or person includes a reference to—
 - (a) the knowledge, intention, opinion, belief or purpose of the body or person; and
 - (b) the body's or person's reasons for the intention, opinion, belief or purpose.
- (3) Any conduct engaged in on behalf of a body corporate or an individual by a director, servant or agent of the body, or a servant or agent of the person, within the scope of his or her actual or apparent authority is to be taken, for this Act, to have been engaged in also by the body or person.
- (4) A reference in this section to *engaging* in conduct includes a reference to failing or refusing to engage in conduct.

177A Breath analysis tests on licensed premises

- (1) Evidence of the results of a test, that indicates the presence or concentration of alcohol in the blood of a person, performed on a breath analysing instrument installed on licensed premises is not admissible —
 - (a) subject to subsection (2), in any civil proceedings against the licensee of the licensed premises; or
 - (b) in any criminal proceedings.
- (2) This section does not prevent the admission into evidence in civil proceedings of the results of such a test if it is established that at the time of the test—
 - (a) the breath analysing instrument concerned did not comply with the Australian Standard; or

- (b) the licensee was aware, or should have been aware, that the instrument was not operating correctly; or
 - (c) subsection (3) was being contravened in respect of the breath analysing instrument concerned.
- (3) At all times when a breath analysing instrument installed on licensed premises is available for use by customers on the premises there must be displayed on or in close proximity to the instrument a sign that complies with the following requirements:
- (a) the sign must be clearly legible and in good condition and so positioned that its contents can be easily read by a person using the instrument;
 - (b) the sign must display the following matter in print of a type size and character that shall be clearly legible to a person using the equipment:

IMPORTANT INFORMATION ABOUT BREATH TESTING

Readings given by this instrument **MAY NOT BE ACCURATE** and are **NOT ACCEPTED** by the police or the courts.

Your blood alcohol level can rise for 1 hour or more after your last drink.

- (4) If subsection (3) is contravened, the licensee commits an offence.

Maximum penalty: 20 penalty units.

- (5) In this section:

Australian Standard means Australian Standard 3547-1993 (Breath Alcohol Testing Devices for Personal Use) as in force from time to time.

breath analysing instrument means an instrument that is—

- (a) designed to ascertain by means of analysis of a person's breath the concentration of alcohol present in the person's blood; and

(b) of a type specified in the Australian Standard.

178 Institution of proceedings for offences

Proceedings in respect of an offence against this Act shall not be instituted except by the registrar or a police officer.

179 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

180 Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form shall be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

181 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Dictionary

(see s 2)

appointed member means a member of the board other than the registrar.

approved training program means a training program conducted by a person or body approved for the purpose by the registrar under section 8.

authorised means authorised under this Act.

bar-room, for licensed premises, means a part of the premises that the relevant decision-maker has decided under section 40A (Bar-rooms) is a bar-room.

board means the Liquor Licensing Board.

building code—see the *Building Act 1972*, section 5 (1) (Interpretation).

caution means a caution issued under section 31 (1).

conditional surrender, for division 4.6 (Surrender of licences)—see section 66.

defined influential person, in relation to a body corporate, means—

- (a) a director or secretary of the body; or
- (b) a person who is—
 - (i) substantially concerned in the management of the body; or
 - (ii) able to control, or to substantially influence, the body's activities or internal affairs.

defined offence means an offence against this Act, the *Crimes Act 1914* (Cwlth), the *Unlawful Games Act 1984* or the *Crimes Act 1900*.

deputy registrar means the Deputy Registrar of Liquor Licences under section 22.

direction means a direction issued under section 84 (2) (a), 88 (2) (b) or 93 (2) (c).

director, for a body incorporated for a public purpose by a Territory, Commonwealth or State law, includes a member of the body.

duty-free sale means sale in relation to which a Collector within the meaning of the *Customs Act 1901* (Cwlth) gives permission in accordance with that Act, section 96A (2).

exempt person means any of the following people:

- (a) the Governor-General;
- (b) a member of the staff of the Governor-General who is not an Australian citizen;
- (c) the diplomatic representative in Australia of a foreign country;
- (d) a consular representative or trade commissioner in Australia of a foreign country if the person is a citizen of the foreign country and is not otherwise engaged in a business, occupation or profession;
- (e) a member of the staff of a person mentioned in paragraph (c) if the person is a citizen of the country represented;
- (f) a member of the family of a person mentioned in paragraphs (a) to (e) who ordinarily lives with the person.

exempt wholesale liquor sale, in relation to the sale of liquor by the holder of an off licence, means the sale of liquor by wholesale by the licensee under the licence to—

- (a) a licensee; or
- (b) a person who, under the law of a State, is authorised to sell liquor; or
- (c) a permit-holder; or

- (d) a person for the purpose of the duty-free sale of the liquor by the person; or
- (e) a university; or
- (f) an exempt person.

fittings includes furnishings.

function includes power.

hearing, in relation to the consideration of a matter by the board under part 12, means a meeting of the board to hear oral argument or receive evidence in relation to that matter.

identity card means an identity card issued to an inspector under section 24 (1).

inspector means an inspector of licensed premises under section 23.

licence means a licence under this Act.

licensed premises means premises in respect of which a licence is in force.

licensee means—

- (a) in relation to a licence—the holder of the licence; and
- (b) in relation to licensed premises—the holder of the licence in force in relation to those premises.

licensing standards manual—see section 33.

Note A reference to an instrument (including the licensing standards manual) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

liquor means a beverage that contains more than 1.15% by volume of ethyl alcohol.

manual means the licensing standards manual (see section 33).

matter, for part 12 (Inquiries and hearings by the board)—see section 162.

member means a member of the board.

non-trading day, for part 10 (Offences)—see section 120.

permit means a permit under this Act.

premises includes a boat.

proof of age card means a card issued under section 175 (1).

public area, in relation to premises, is any area within those premises determined under section 40 (1) to be—

- (a) an indoor public area; or
- (b) an outdoor public area.

public bar-room means a bar-room where liquor is served to the public at a bar, not being—

- (a) a bar-room of a type commonly known as a ‘private bar’ or ‘saloon bar’ or by a similar name; or
- (b) a bar-room in relation to which there is any restriction as to the type of liquor that will be served or in which the lowest price at which liquor is served exceeds the lowest price at which liquor is served in a bar-room on the same premises.

public place means any street, road, public park within the meaning of the *Public Parks Act 1928*, reserve or other place which the public is entitled to use or which is open to, or used by, the public (whether or not on payment of money) and, without limiting the foregoing, includes—

- (a) any shop, and any place occupied in connection with, or for the purposes of, a shop; and
- (b) any factory, and any place occupied in connection with, or for the purposes of, a factory; and
- (c) any building or part of a building occupied by a club, and any place occupied in connection with, or for the purposes of, a club; and

- (d) any place, being private property, which is commonly used by the public, whether as trespassers or otherwise.

registrar means the Registrar of Liquor Licences under section 21.

relevant decision-maker means, in relation to a decision made, or required to be made, under this Act, the registrar or the board, as the case requires.

university means—

- (a) the Australian National University; or
(b) the University of Canberra.

Endnotes

1 About the endnotes

Endnotes

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Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Liquor Ordinance (No 3) 1975* No 19 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

Legislation before becoming Territory enactment

Liquor Act 1975 No 19

notified 5 August 1975

s 3 and pts 5 (ss 44-60), 7 (ss 67-75), 9 (ss 77-93) and 11 (s 99)

commenced 1 November 1975 (s 2 (2) and Cwlth Gaz 1975 No S201)

remainder commenced 5 August 1975 (s 2 (1))

as amended by

Liquor Ordinance 1976 No 6

notified 24 February 1976

commenced 24 February 1976

Ordinances Revision (Remuneration) Ordinance 1976 No 61

notified 16 November 1976

commenced 16 November 1976

Liquor (Amendment) Ordinance 1976 No 63

notified 17 November 1976

commenced 17 November 1976

Endnotes

3 Legislation history

Liquor (Amendment) Ordinance 1977 No 53

notified 27 September 1977
commenced 27 September 1977

Liquor (Amendment) Ordinance (No 2) 1977 No 66

notified 30 December 1977
commenced 30 December 1977

Liquor (Amendment) Ordinance 1978 No 35

notified 29 November 1978
commenced 29 November 1978

Ordinances Revision Ordinance 1978 No 46

notified 28 December 1978
commenced 28 December 1978

Liquor (Amendment) Ordinance 1979 No 10

notified 30 May 1979
commenced 1 June 1979 (s 3)

Liquor (Amendment) Ordinance (No 2) 1979 No 24

notified 21 August 1979
commenced 21 August 1979

Liquor (Amendment) Ordinance (No 3) 1979 No 34

notified 28 November 1979
commenced 28 November 1979

Australian Capital Territory Gaming and Liquor Authority Act 1981 (Cwth) No 116

notified 24 June 1981
commenced 1 September 1981 (s 2 and Cwlth Gaz 1981 No S179)

Liquor (Amendment) Ordinance 1982 No 59

notified 13 August 1982
commenced 13 August 1982

Liquor (Amendment) Ordinance (No 2) 1982 No 87

notified 29 October 1982
commenced 1 November 1982 (s 2)

Liquor (Amendment) Ordinance 1984 No 22

notified 29 June 1984

commenced 1 July 1984 (s 2 and Cwlth Gaz 1984 No S244)

Liquor (Amendment) Ordinance 1986 No 41

notified 20 August 1986

commenced 20 August 1986 (s 2 and Cwlth Gaz 1986 No S412)

Liquor (Amendment) Ordinance 1987 No 33

notified 30 June 1987

commenced 30 June 1987 (s 2 and Cwlth Gaz 1987 No S159)

Liquor (Amendment) Ordinance (No 2) 1987 No 72 (as am by Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1)

notified 22 December 1987

commenced 22 December 1987

Liquor (Amendment) Ordinance 1988 No 27

notified 30 June 1988

commenced 1 July 1988 (s 2)

Self-Government (Consequential Amendments) Ordinance 1989 No 38 pt 2 div 16 and sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S164)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

pt 2 div 16 and sch 1 commenced 11 May 1989 (s 2 (2) and Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment**Liquor (Amendment) Act 1990 No 50**

notified 12 December 1990 (Gaz 1990 No S90)

s 1, s 2 commenced 12 December 1990 (s 2 (1))

remainder commenced 19 December 1990 (s 2 (2) and Gaz 1990 No S95)

Liquor (Amendment) Act (No 2) 1990 No 56

notified 21 December 1990 (Gaz 1990 No S92)

s 1, s 2 commenced 21 December 1990 (s 2 (1))

remainder commenced 1 January 1991 (s 2 (2))

Endnotes

3 Legislation history

Liquor (Amendment) Act 1991 No 76

notified 11 December 1991 (Gaz 1991 No S139)
commenced 11 December 1991

Liquor (Amendment) Act (No 2) 1991 No 82

notified 11 December 1991 (Gaz 1991 No S139)
commenced 11 December 1991 (s 2)

Liquor Tax (Consequential Provisions) Act 1991 No 111

notified 30 December 1991 (Gaz 1991 No S161)
s 1, s 2 commenced 30 December 1991 (s 2 (1))
s 4 (2), s 14 commenced 1 July 1992 (s 2 (2))
remainder commenced 1 January 1992 (s 2 (3))

Statute Law Revision (Miscellaneous Provisions) Act 1993 No 1 sch 1

notified 1 March 1993 (Gaz 1993 No S23)
commenced 1 March 1993

Business Franchise (Liquor) (Consequential Amendments) Act 1993 No 18

notified 9 March 1993 (Gaz 1993 No S26)
s 1, s 2 commenced 9 March 1993 (s 2 (1))
remainder commenced 17 March 1993 (s 2 (3))

Liquor (Amendment) Act 1993 No 28

notified 21 May 1993 (Gaz 1993 No S83)
ss 1-3 commenced 21 May 1993 (s 2 (1))
remainder commenced 14 June 1993 (s 2 (2) and Gaz 1993 No S103)

Liquor (Amendment) Act 1994 No 51

notified 5 October 1994 (Gaz 1994 No S196)
commenced 5 October 1994 (s 2)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and Gaz 1994 No S250)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994
No S293)

Liquor (Amendment) Act (No 2) 1994 No 111

notified 16 December 1994 (Gaz 1994 No S288)
ss 1-3 commenced 16 December 1994 (s 2 (1))
remainder commenced 19 December 1994 (s 2 (2) and Gaz 1994
No S296)

**Liquor (Amendment) Act 1996 No 8 (as am by Liquor (Amendment)
Act 1997 No 4; Liquor (Amendment) Act (No 2) 1997 No 35)**

notified 10 April 1996 (Gaz 1996 No S59)
ss 1-3 commenced 10 April 1996 (s 2 (1))
remainder commenced 1 October 1996 (s 2 (2) and Gaz 1996 No S38)

Liquor (Amendment) Act (No 2) 1996 No 44

notified 9 September 1996 (Gaz 1996 No S231)
ss 1-4 commenced 9 September 1996 (s 2 (1))
remainder commenced 1 October 1996 (s 2 (2) and Gaz 1996 No 38)

**Liquor (Amendment) Act 1997 No 4 (as am by Liquor (Amendment)
Act (No 3) 1997 No 56)**

notified 5 March 1997 (Gaz 1997 No S60)
commenced 5 March 1997 (s 2)

**Remuneration Tribunal (Consequential Amendments) Act 1997 No 41
sch 1 (as am by Act 2002 No 49 amdt 3.222)**

notified 19 September 1997 (Gaz 1997 No S264)
commenced 24 September 1997 (s 2 as am by Act 2002 No 49
amdt 3.222)

Liquor (Amendment) Act (No 3) 1997 No 56

notified 29 September 1997 (Gaz 1997 No S290)
ss 1-3 commenced 29 September 1997 (s 2 (1))
remainder commenced 7 October 1997 (s 2 (2) and Gaz 1997
No S302)

Endnotes

3 Legislation history

Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch 1 commenced 1 June 1998 (s 2 (2))

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Liquor (Amendment) Act 1998 No 69

notified 23 December 1998 (Gaz 1998 No S212)
commenced 23 December 1998 (s 2)

Taxation Administration (Consequential and Transitional Provisions) Act 1999 No 5 sch 2

notified 1 March 1999 (Gaz 1999 No S8)
commenced 1 March 1999 (s 2)

Liquor (Amendment) Act 1999 No 51

notified 17 September 1999 (Gaz 1999 No S54)
ss 1-3 commenced 17 September 1999 (s 2 (1))
ss 4-32 (in part), 33-36, 38 and 39 commenced 20 October 1999 (s 2 (2) and Gaz 1999 No 42)
s 32 (in part) commenced 29 October 1999 (s 2 (2) and Gaz 1999 No S61)
remainder commenced 30 November 1999 (s 2 (2) and Gaz 1999 No 47)

Road Transport Legislation Amendment Act 1999 No 79 sch 3

notified 23 December 1999 (Gaz 1999 No S65)
s 1, s 2 commenced 23 December 1999 (IA s 10B)
sch 3 commenced 1 March 2000 (s 2 and Gaz 2000 No S5)

Liquor Amendment Act 2000 No 54

notified 5 October 2000 (Gaz 2000 No 40)
commenced 5 October 2000 (s 2)

Liquor Amendment Act 2000 (No 2) No 64

notified 20 December 2000 (Gaz 2000 No 68)
commenced 20 December 2000 (s 2)

Statute Law Amendment Act 2000 No 80 amdts 3.11-3.14

notified 21 December 2000 (Gaz 2000 No 69)
commenced 21 December 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 224

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
amdts 1.2652, 1.2654-1.2657, 1.2660, 1.2662-1.2666 commenced
14 September 2001 (amdts 1.2652, 1.2654-1.2657, 1.2660, 1.2662-
1.2666)
pt 224 remainder commenced 12 September 2001 (s 2 and see Gaz
2001 No S65)

**Justice and Community Safety Legislation Amendment Act 2001
No 70 sch 1**

notified LR 14 September 2001
commenced 14 September 2001 (s 2 (5))

Legislation Amendment Act 2002 No 11 pt 2.34

notified LR 27 May 2002
s 1, s 2 commenced 27 May 2002 (LA s 75)
pt 2.34 commenced 28 May 2002 (s 2 (1))

Statute Law Amendment Act 2002 No 30 pt 3.44

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.44 commenced 17 September 2002 (s 2 (1))

Statute Law Amendment Act 2002 (No 2) No 49 amdt 3.222

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
amdt 3.222 commenced 24 September 1997 (s 2 (3))

Note This Act only amends the Remuneration Tribunal
(Consequential Amendments) Act 1997 No 41.

**Justice and Community Safety Legislation Amendment Act 2003
A2003-2 pt 13**

notified LR 3 March 2003
s 1, s 2 commenced 3 March 2003 (LA s 75 (1))
pt 13 commenced 31 March 2003 (s 2 (2))

Endnotes

4 Amendment history

Legislation (Gay, Lesbian and Transgender) Amendment Act 2003 A2003-14 sch 1 pt 1.23

notified LR 27 March 2003

s 1, s 2 commenced 27 March 2003 (LA s 75 (1))

sch 1 pt 1.23 commenced 28 March 2003 (s 2)

Smoking (Prohibition in Enclosed Public Places) Act 2003 A2003-51 div 5.3

notified LR 25 November 2003

s 1, s 2 commenced 25 November 2003 (LA s 75 (1))

div 5.3 commences 1 December 2006 (s 2 (1))

4 Amendment history

Title

title sub 1994 No 51

Name of Act

s 1 sub 2001 No 70 amdt 1.16

Dictionary

s 2 sub 2001 No 70 amdt 1.16

Object of Act

s 3 orig s 3 om 1999 No 51 sch
(prev s 3A) ins 1996 No 44
renum as s 3 R6 LRA (see 1999 No 51 s 39)

Object of Act

s 3A renum as s 3

Notes

s 4 am 1979 No 10; 1981 No 116; 1986 No 41; 1987 No 33; 1987 No 72; 1990 No 50; 1990 No 56; 1991 No 111; 1993 No 18; 1993 No 28; 1994 No 51; 1994 No 97; 1994 No 111; 1996 No 44; 1999 No 5; 1999 No 51 s 4 and sch; pars renum R6 LRA; 2000 No 80 sch 3; 2001 No 70 amdt 1.17
 def **approved form** om 2001 No 70 amdt 1.17
 def **building code** om 2001 No 70 amdt 1.17
 def **director** om 2001 No 70 amdt 1.17
 def **exempt person** om 2001 No 70 amdt 1.17
 def **exempt wholesale liquor sale** om 2001 No 70 amdt 1.17
 def **fire commissioner** om 2001 No 70 amdt 1.17
 def **State** om 2001 No 70 amdt 1.17
 remaining defs reloc to dict 2001 No 70 amdt 1.18
 sub 2001 No 70 amdt 1.19

Reference to licence

s 4AA renum as s 5

Meaning of sale of liquor to another person

s 4AB renum as s 6

Licence issued in the name of 2 or more persons

s 4AC renum as s 7

Approval for training programs

s 4A renum as s 8

Reference to licence

s 5 orig s 5 renum as s 9
 (prev s 4 (2) and s 4AA) renum as s 4AA 1999 No 51 sch
 renum as s 5 R6 LRA (see 1999 No 51 s 39)
 am 2001 No 70 amdt 1.20

Meaning of sale of liquor to another person

s 6 orig s 6 om 1981 No 116
 (prev s 4 (3) and s 4AB) renum as s 4AB 1999 No 51 sch
 renum as s 6 R6 LRA (see 1999 No 51 s 39)

Licence issued in the name of 2 or more persons

s 7 orig s 7 am 1979 No 10
 om 1981 No 116
 (prev s 4 (4) and s 4AC) renum as s 4AC 1999 No 51 sch
 renum as s 7 R6 LRA (see 1999 No 51 s 39)

Approval for training programs

s 8 orig s 8 sub 1979 No 10
 om 1981 No 116
 (prev s 4A) ins 1996 No 44
 renum as s 8 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Application of Act

s 9 orig s 9 sub 1976 No 61
om 1981 No 116
(prev s 5) am 1977 No 66; 1979 No 10; 1986 No 41; 1987 No
33; 1987 No 72; 1989 No 38; 1990 No 50; 1991 No 111;
1994 No 111; 1998 No 54; 1999 No 51 s 5 and sch
renum as s 9 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.21, amdt 1.22

Liquor Licensing Board

div 2.1 hdg (prev pt 2 div 1 hdg) om 1987 No 33
ins 1990 No 56 s 5
renum R6 LRA (see 1999 No 51 s 39)

Establishment of board

s 10 orig s 10 om 1981 No 116
(prev s 12A) ins 1990 No 56
renum as s 10 R6 LRA (see 1999 No 51 s 39)

Functions of board

s 11 orig s 11 om 1981 No 116
(prev s 12B) ins 1990 No 56
am 1996 No 44
renum as s 11 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.23

Membership of board

s 12 orig s 12 am 1979 No 10
om 1981 No 116
(prev s 12C) ins 1990 No 56
am 1994 No 97; 1996 No 44
renum as s 12 R6 LRA (see 1999 No 51 s 39)

Establishment of board

s 12A renum as s 10

Functions of board

s 12B renum as s 11

Membership of board

s 12C renum as s 12

Appointment of members

s 12D renum as s 13

Acting appointments

s 12E renum as s 14

Remuneration and allowances

s 12F ins 1990 No 56
om 1997 No 41

Leave of absence

s 12G renum as s 15

Resignation

s 12H renum as s 16

Disclosure of interest

s 12J renum as s 17

Termination of appointment

s 12K renum as s 18

Convening meetings

s 12L renum as s 19

Procedure at meetings

s 12M renum as s 20

Appointment of members

s 13 orig s 13 am 1987 No 33
om 1990 No 56
(prev s 12D) ins 1990 No 56
am 1997 No 96
renum as s 13 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdts 1.24-1.27

Acting appointments

s 14 orig s 14 ins 1979 No 10
om 1981 No 116
ins 1990 No 56
renum as s 21
(prev s 12E) ins 1990 No 56
renum as s 14 R6 LRA (see 1999 No 51 s 39)
om 2001 No 70 amdt 1.28

Leave of absence

s 15 orig s 15 renum as s 22
(prev s 12G) ins 1990 No 56
renum as s 15 R6 LRA (see 1999 No 51 s 39)

Resignation

s 16 orig s 16 renum as s 23
(prev s 12H) ins 1990 No 56
renum as s 16 R6 LRA (see 1999 No 51 s 39)
om 2001 No 70 amdt 1.29

Identity cards

s 16A renum as s 24

Endnotes

4 Amendment history

Disclosure of interest

s 17 orig s 17 renum as s 25
(prev s 12J) ins 1990 No 56
renum as s 17 R6 LRA (see 1999 No 51 s 39)

Production of licences and permits

s 17AA renum as s 26

Seizure

s 17A renum as s 27

Return or forfeiture

s 17AB renum as s 28

Summary disposal

s 17AC renum as s 29

Persons under 18—powers of inspectors and police officers

s 17B renum as s 30

Cautioning young persons

s 17C renum as s 31

Revocation of cautions

s 17D renum as s 32

Termination of appointment

s 18 orig s 18 renum as s 33
(prev s 12K) ins 1990 No 56
renum as s 18 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.30

Convening meetings

s 19 orig s 19 renum as s 34
(prev s 12L) ins 1990 No 56
renum as s 19 R6 LRA (see 1999 No 51 s 39)

Procedure at meetings

s 20 orig s 20 am 1979 No 10; 1982 No 59; 1987 No 33; 1989 No
38; 1990 No 56
om 1999 No 51 s 7
(prev s 12M) ins 1990 No 56
am 1996 No 44
renum as s 20 R6 LRA (see 1999 No 51 s 39)

Publication, tabling and disallowance of manual

s 20A renum as s 35

Registrar, deputy registrar and inspectors

div 2.2 hdg (prev pt 2 div 2 hdg) om 1987 No 33
ins 1990 No 56
renum R6 LRA (see 1999 No 51 s 39)

Registrar

s 21 orig s 21 renum as s 36
(prev s 14) ins 1990 No 56
sub 1994 No 97
renum as s 21 R6 LRA (see 1999 No 51 s 39)

Deputy registrar

s 22 orig s 22 renum as s 37
(prev s 15) am 1979 No 10; 1987 No 33; 1989 No 38
sub 1990 No 56; 1994 No 97
renum as s 22 R6 LRA (see 1999 No 51 s 39)

Inspectors of licensed premises

s 23 orig s 23 renum as s 38
(prev s 16) am 1987 No 33 s 6 (om 1994 No 97 sch pt 1);
1990 No 56
sub 1994 No 97
renum as s 23 R6 LRA (see 1999 No 51 s 39)

Identity cards

s 24 orig s 24 renum as s 39
(prev s 16A) ins 1987 No 72
sub 1994 No 97
am 1998 No 54
renum as s 24 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.31

Public areas

s 24A renum as s 40

Occupancy loadings—indoor public areas

s 24B renum as s 41

Occupancy loadings—outdoor public areas

s 24BA renum as s 42

Display of signs

s 24C renum as s 43

Enforcement

div 2.3 hdg (prev pt 2 div 3 hdg) ins 1996 No 44
renum R6 LRA (see 1999 No 51 s 39)

Powers of entry

s 25 orig s 25 renum as s 44
(prev s 17) sub 1979 No 10
am 1987 No 33; 1987 No 72; 1990 No 50; 1990 No 56; 1993
No 28; 1994 No 111; 1996 No 44
renum as s 25 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Production of licences and permits

s 26 orig s 26 renum as s 45
(prev s 17AA) ins 1990 No 50
am 1998 No 54
renum as s 26 R6 LRA (see 1999 No 51 s 39)

Seizure

s 27 orig s 27 renum as s 46
(prev s 17A) ins 1987 No 72
am 1989 No 38
sub 1994 No 111
am 1999 No 51 s 38 sch
renum as s 27 R6 LRA (see 1999 No 51 s 39)

Return or forfeiture

s 28 orig s 28 renum as s 47
(prev s 17AB) ins 1994 No 111
am 1999 No 51 s 6
renum as s 28 R6 LRA (see 1999 No 51 s 39)

Summary disposal

s 29 orig s 29 renum as s 48
(prev s 17AC) ins 1994 No 111
renum as s 29 R6 LRA (see 1999 No 51 s 39)

Special licences

s 29A renum as s 49

Persons under 18—powers of inspectors and police officers

s 30 orig s 30 renum as s 50
(prev s 17B) ins 1987 No 72
am 1990 No 50; 1994 No 111; 1996 No 44; 1998 No 54; 1999
No 51 s 38 sch
renum as s 30 R6 LRA (see 1999 No 51 s 39)

Cautioning young persons

s 31 orig s 31 am 1987 No 33
om 1990 No 50
(prev s 17C) ins 1987 No 72
am 1990 No 50; 1999 No 51 s 38 sch
renum as s 31 R6 LRA (see 1999 No 51 s 39)

Revocation of cautions

s 32 orig s 32 am 1987 No 33
om 1990 No 56
(prev s 17D) ins 1987 No 72
renum as s 32 R6 LRA (see 1999 No 51 s 39)

Licensing standards manual

s 33 orig s 33 renum as s 51
(prev s 18) am 1987 No 33; 1990 No 56; 1994 No 111
sub 1999 No 51 s 7
renum as s 33 R6 LRA (see 1999 No 51 s 39)
am 2001 No 44 amdt 1.2650, amdt 1.2651

Issue of licences—relevant considerations

s 33A renum as s 52

Issue of licences—training condition

s 33AA renum as s 53

Amendment and repeal of manual

s 34 orig s 34 renum as s 54
(prev s 19) am 1987 No 33; 1990 No 56
sub 1999 No 51 s 7
renum as s 34 R6 LRA (see 1999 No 51 s 39)
sub 2001 No 44 amdt 1.2652

Issue of special licences

s 34A renum as s 55

Publication, tabling and disallowance of manual

s 35 orig s 35 renum as s 56
(prev s 20A) ins 1989 No 38
renum as s 35 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.32
om 2001 No 44 amdt 1.2652

Interpretation of manual

s 36 orig s 36 renum as s 57
(prev s 21) renum as s 36 R6 LRA (see 1999 No 51 s 39)
om 2001 No 44 amdt 1.2652

Inspection of manual

s 37 orig s 37 renum as s 58
(prev s 22) am 1994 No 111
renum as s 37 R6 LRA (see 1999 No 51 s 39)

Evidence of requirements

s 38 orig s 38 renum as s 59
(prev s 23) renum as s 38 R6 LRA (see 1999 No 51 s 39)

Saving of operation of Building Act

s 39 orig s 39 renum as s 60
(prev s 24) renum as s 39 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Public areas

s 40 orig s 40 sub 1990 No 50
om 1991 No 111
ins 1999 No 51
renum as s 61
(prev s 24A) ins 1993 No 28
am 1996 No 44
renum as s 40 R6 LRA (see 1999 No 51 s 39)

Bar-rooms

s 40A orig s 40A ins 1990 No 50
om 1991 No 111
prev s 40A ins 1999 No 51 s 13
renum as s 62
ins A2003-2 s 63
(3)-(6) exp 31 March 2004 (s 40A (6))

Effect of lapse of licence for failure to pay renewal fees

s 40B ins 1990 No 50
am 1990 No 56; 1991 No 111; 1993 No 18; 1996 No 44
om 1999 No 51 s 13

Occupancy loadings—indoor public areas

s 41 orig s 41 renum as s 63
(prev s 24B) ins 1993 No 28
am 1994 No 51; 1996 No 44; 1999 No 51 s 8
renum as s 41 R6 LRA (see 1999 No 51 s 39)

Occupancy loadings—outdoor public areas

s 42 orig s 42 renum as s 64
(prev s 24BA) ins 1996 No 44
renum as s 42 R6 LRA (see 1999 No 51 s 39)

Transfer of licences—training condition

s 42AA renum as s 65

Definition of *conditional surrender* for div 4.6

s 42A renum as s 66

Cancellation on surrender

s 42B renum as s 67

Cancellation on surrender

s 42C ins 1990 No 50
am 1990 No 56; 1991 No 111; 1993 No 18
om 1999 No 51 s 16

Termination fees

s 42D ins 1990 No 50
om 1991 No 111

Failure to pay termination fees

s 42E ins 1990 No 50
am 1990 No 56; 1991 No 111
om 1999 No 51 s 17

Return of licences to registrar

s 42F ins 1990 No 50
am 1998 No 54
om 1999 No 51 s 17

Display of signs

s 43 orig s 43 sub 1990 No 50
om 1991 No 111
(prev s 24C) ins 1993 No 28
am 1996 No 44
renum as s 43 R6 LRA (see 1999 No 51 s 39)

Application of s 71 and s 72

s 43A renum as s 68

Notice of partnership

s 43B renum as s 69

Partnership changes—training

s 43BA renum as s 70

Rights and liabilities of partners

s 43C renum as s 71

Offences by partners

s 43D ins 1987 No 72
om 1990 No 50

Suspension or cancellation of partner's licence

s 43E renum as s 72

Information about influential persons

s 43F renum as s 73

Changes in influential personnel

s 43G renum as s 74

Changes in influential personnel—training

s 46GA renum as s 75

Application to partnerships

s 43H renum as s 76

Classes of licences

div 4.1 hdg (prev pt 4 div 1 hdg) renum R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Classes of licence

s 44 orig s 44 renum as s 77
(prev s 25) sub 1990 No 50
am 1994 No 111
renum as s 44 R6 LRA (see 1999 No 51 s 39)

General licences

s 45 orig s 45 renum as s 78
(prev s 26) am 1990 No 50
sub 1994 No 111
am 1997 No 56
renum as s 45 R6 LRA (see 1999 No 51 s 39)
am 2000 No 64 s 4

Grounds for reprimand

s 45A renum as s 79

Referral to board for reprimand

s 45B renum as s 80

Action on referral for reprimand

s 45C renum as s 81

On licences

s 46 orig s 46 renum as s 82
(prev s 27) am 1990 No 50; 1994 No 111; 1997 No 56
renum as s 46 R6 LRA (see 1999 No 51 s 39)

Referral to board for directions

s 46A renum as s 83

Action on referral for directions

s 46B renum as s 84

Types of directions

s 46C renum as s 85

Off licences

s 47 orig s 47 renum as s 86
(prev s 28) am 1990 No 50; 1994 No 111
renum as s 47 R6 LRA (see 1999 No 51 s 39)
am 2000 No 64 s 5

Club licences

s 48 orig s 48 renum as s 87
(prev s 29) sub 1979 No 10
am 1990 No 50
sub 1994 No 111
am 1997 No 56
renum as s 48 R6 LRA (see 1999 No 51 s 39)
am 2000 No 64 s 6

Special licences

s 49 orig s 49 renum as s 88
(prev s 29A) ins 1990 No 50
am 1994 No 111
sub 1997 No 56
renum as s 49 R6 LRA (see 1999 No 51 s 39)
am 2000 No 64 s 7

Issue of licences

div 4.2 hdg (prev pt 4 div 2 hdg) renum R6 LRA (see 1999 No 51 s 39)

Application for licence

s 50 orig s 50 am 1987 No 33
sub 1990 No 50
am 1990 No 56
om 1996 No 44
(prev s 30) am 1987 No 33
sub 1990 No 56
am 1991 No 111; 1993 No 18; 1999 No 51 s 9
renum as s 50 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.33

Class of licences

s 51 orig s 51 renum as s 89
(prev s 33) am 1987 No 33
sub 1990 No 50; 1990 No 56
renum as s 51 R6 LRA (see 1999 No 51 s 39)

Issue of licences—relevant considerations

s 52 orig s 52 renum as s 90
(prev s 33A) ins 1990 No 50
am 1990 No 56; 1996 No 44; 1999 No 51 s 10
renum as s 52 R6 LRA (see 1999 No 51 s 39)

Issue of licences—training condition

s 53 orig s 53 renum as s 91
(prev s 33AA) ins 1996 No 44
renum as s 53 R6 LRA (see 1999 No 51 s 39)

Issue and transfer of club licences—conditions

s 54 orig s 54 renum as s 92
(prev s 34) am 1978 No 35
sub 1979 No 10
am 1979 No 24; 1979 No 34; 1987 No 33; 1988 No 27; 1990
No 56
renum as s 54 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Issue of special licences

s 55 orig s 55 renum as s 93
(prev s 34A) ins 19 90 No 50
am 1990 No 56
renum as s 55 R6 LRA (see 1999 No 51 s 39)

Licence not to be issued while premises incomplete

s 56 orig s 56 renum as s 94
(prev s 35) am 1987 No 33; 1990 No 56
renum as s 56 R6 LRA (see 1999 No 51 s 39)

Issue of licences

s 57 orig s 57 renum as s 95
(prev s 36) am 1987 No 33; 1987 No 72; 1990 No 50; 1990 No
56; 1993 No 18
sub 1999 No 51 s 11
renum as s 57 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.34; 2001 No 44 amdt 1.2653,
amdt 1.2654

Decision by board

s 57A renum as s 96

Relevant considerations

s 57B renum as s 97

Duration of licence

s 58 orig s 58 renum as s 98
(prev s 37) sub 1979 No 10
am 1987 No 33; 1990 No 56
renum as s 58 R6 LRA (see 1999 No 51 s 39)

Renewal of licences

div 4.3 hdg (prev div 3 of pt 4) renum R6 LRA (see 1999 No 51 s 39)

Renewal

s 59 orig s 59 renum as s 99
(prev s 38) am 1979 No 34; 1990 No 50
sub 1999 No 51 s 12
renum as s 59 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.35, amdt 1.36; 2001 No 44 amdt
1.2655

Duration of renewal

s 60 orig s 60 renum as 100
(prev s 39) sub 1990 No 50
renum as s 60 R6 LRA (see 1999 No 51 s 39)

Decision of board

s 60AA renum as s 101

Relevant considerations

s 60AB renum as s 102

Offences

s 60A renum as s 103

Authorisation—off licences

s 60B renum as s 104

Notice

s 60C renum as s 105

Failure to renew or pay instalment

s 61 orig s 61 renum as s 106
(prev s 40) ins 1999 No 51 s 13
renum as s 61 R6 LRA (see 1999 No 51 s 39)
sub 2001 No 70 amdt 1.37
am 2001 No 44 amdt 1.2656

Records

div 4.4 hdg prev hdg renum as div 4.5 hdg
(prev pt 4 div 3A hdg) ins 1999 No 51 s 13
renum as div 4.4 hdg R6 LRA (see 1999 No 51 s 39)

Records of liquor transactions

s 62 orig s 62 renum as s 107
(prev s 40A) ins 1999 No 51 s 13
renum as s 62 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.38

Transfer of licences

div 4.5 hdg (prev pt 4 div 5 hdg) orig hdg renum as div 4.7 hdg
ins 1990 No 50
renum as div 4.6 hdg
(prev div 4.4 hdg) sub 1990 No 50
renum as div 4.5 hdg R6 LRA (see 1999 No 51 s 39)

Transfer

s 63 orig s 63 renum as s 108
(prev s 41) am 1987 No 33
sub 1990 No 50
am 1990 No 56; 1991 No 111; 1993 No 18; 1999 No 51 s 14
renum as s 63 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.39; 2001 No 44 amdt 1.2657-1.2659

Transfer—relevant considerations

s 64 orig s 64 renum as s 109
(prev s 42) am 1987 No 33
sub 1990 No 50
am 1990 No 56; 1996 No 44; 1999 No 51 s 15
renum as s 64 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Transfer of licences—training condition

s 65 orig s 65 renum as s 110
(prev s 42AA) ins 1996 No 44
renum as s 65 R6 LRA (see 1999 No 51 s 39)

Form of permit

s 65A renum as s 111

Fee for permit

s 65B ins 1979 No 10
am 1982 No 87
om 1986 No 41

Return of permit to registrar

s 65C ins 1979 No 10
om 1990 No 50

Seller of liquor to permit-holder to endorse permit

s 65D renum as s 112

Refund of permit fees

s 65E renum as s 113

Return of permits to registrar

s 65F renum as s 114

Surrender of licences

div 4.6 hdg (prev pt 4 div 6 hdg) orig hdg ins 1990 No 50
om 1999 No 51 s 17
(prev pt 4 div 5 hdg) ins 1990 No 50
renum as div 4.6 hdg R6 LRA (see 1999 No 51 s 39)

Definition of *conditional surrender* for div 4.6

s 66 hdg sub 2001 No 70 amdt 1.40
s 66 orig s 66 renum as s 115
(prev s 42A) ins 1990 No 50
renum as s 66 R6 LRA (see 1999 No 51 s 39)

Ground for cancellation

s 66A renum as s 116

Complaints

s 66B renum as s 117

Referral to board

s 66C renum as s 118

Cancellation

s 66D renum as s 119

Definition of *non-trading day* for pt 10

s 66E renum as s 120

Cancellation on surrender

s 67 orig s 67 renum as s 121
(prev s 42B) ins 1990 No 50
am 1990 No 56; 1991 No 111
sub 1999 No 51 s 16
renum as s 67 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.41

Licences held by partnerships

div 4.7 hdg (prev pt 4 div 5 hdg) ins 1987 No 72
renum as pt 4 div 7 hdg 1990 No 50
renum as div 4.7 hdg R6 LRA (see 1999 No 51 s 39)

Application of s 71 and s 72

s 68 orig s 68 renum as s 122
(prev s 43A) ins 1987 No 72
am 1991 No 111; 1994 No 111
renum as s 68 R6 LRA (see 1999 No 51 s 39)

Special licences—conditions

s 68A renum as s 123

Permits—conditions

s 68B renum as s 124

Return of licences to registrar

s 68C renum as s 125

Notice of partnership

s 69 orig s 69 renum as s 126
(prev s 43B) ins 1987 No 72
am 1990 No 50; 1993 No 18; 1994 No 111; 1998 No 54; 1999
No 51 s 38 sch
renum as s 69 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.42

Partnership changes—training

s 70 orig s 70 renum as s 127
(prev s 43BA) ins 1996 No 44
renum as s 70 R6 LRA (see 1999 No 51 s 39)

Rights and liabilities of partners

s 71 orig s 71 renum as s 128
(prev s 43C) ins 1987 No 72
am 1994 No 111
renum as s 71 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Suspension or cancellation of partner's licence

s 72 orig s 72 renum as s 129
(prev s 43E) ins 1987 No 72
am 1994 No 111
renum as s 72 R6 LRA (see 1999 No 51 s 39)

Licences held by corporations

div 4.8 hdg (prev pt 4 div 8 hdg) ins 1990 No 50
renum as div 4.8 hdg R6 LRA (see 1999 No 51 s 39)

Information about influential persons

s 73 orig s 73 renum as s 130
(prev s 43F) ins 1990 No 50
am 1993 No 18; 1998 No 54; 1999 No 51 s 38 sch
renum as s 73 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.43

Changes in influential personnel

s 74 orig s 74 renum as s 131
(prev s 43G) ins 1990 No 50
am 1994 No 111; 1998 No 54
renum as s 74 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.44

Changes in influential personnel—training

s 75 orig s 75 renum as s 132
(prev s 43GA) ins 1996 No 44
renum as s 75 R6 LRA (see 1999 No 51 s 39)

Preliminary

div 5.1 hdg orig pt 5 div 1 hdg om 1990 No 50 s 27
ins 1990 No 50 s 26
renum as div 5.1 hdg R6 LRA (see 1999 No 51 s 39)

Application to partnerships

s 76 orig s 76 renum as s 133
(prev s 43H) ins 1990 No 50
renum as s 76 R6 LRA (see 1999 No 51 s 39)

Records of liquor transactions

s 76A ins 1990 No 50
om 1991 No 111

Annual certificates of liquor transactions

s 76B ins 1990 No 50
am 1990 No 56
om 1991 No 111

Sale of petrol at licensed premises

s 76C renum as s 134

Complaints

div 5.2 hdg orig pt 5 div 2 hdg om 1990 No 50 s 29
ins 1990 No 50 s 27
renum as div 5.2 hdg R6 LRA (see 1999 No 51 s 39)

Manner of making complaint

s 77 orig s 77 renum as s 135
(prev s 44) am 1990 No 56; 1993 No 28
renum as s 77 R6 LRA (see 1999 No 51 s 39)

Consideration of complaints by registrar

s 78 orig s 78 renum as s 136
(prev s 45) am 1987 No 33; 1990 No 50
sub 1990 No 56
am 1993 No 28; 1996 No 44; 1999 No 51 s 38 sch
renum as s 78 R6 LRA (see 1999 No 51 s 39)

Advertising by licensed clubs

s 78A renum as s 137

Reprimands

div 5.3 hdg (prev pt 5 div 3 hdg) orig hdg om 1990 No 50 s 31
ins 1990 No 50 s 29
renum as div 5.4 hdg
(prev pt 5 div 2A) ins 1999 No 51 s 39
renum as div 5.3 hdg R6 LRA (see 1999 No 51 s 39)

Grounds for reprimand

s 79 orig s 79 renum as s 138
(prev s 45A) ins 1999 No 51 s 18
renum as s 79 R6 LRA (see 1999 No 51 s 39)

Referral to board for reprimand

s 80 orig s 80 am 1987 No 72; 1990 No 50; 1994 No 111; 1998
No 54
om 1999 No 51 s 31
(prev s 45B) ins 1999 No 51 s 18
renum as s 80 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.45

Action on referral for reprimand

s 81 orig s 81 am 1987 No 72; 1990 No 50; 1994 No 111; 1998
No 54
om 1999 No 51 s 31
(prev s 45C) ins 1999 No 51 s 18
renum as s 81 R6 LRA (see 1999 No 51 s 39)

Directions

div 5.4 hdg (prev pt 5 div 4 hdg) orig hdg renum as div 5.5 hdg
(prev pt 5 div 3 hdg) ins 1990 No 50 s 29
renum as div 5.4 hdg R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Grounds for issue of directions

s 82 orig s 82 am 1987 No 72; 1990 No 50; 1998 No 54
om 1999 No 51 s 31
(prev s 46) am 1979 No 10; 1987 No 33; 1987 No 72; 1990 No
50; 1990 No 56; 1993 No 28; 1996 No 44; 1999 No 51 s 19
renum as s 82 R6 LRA (see 1999 No 51 s 39)
am [A2003-51 ss 26-29](#)

Referral to board for directions

s 83 orig s 83 am 1990 No 50; 1994 No 111; 1998 No 54
om 1999 No 51 s 31
(prev s 46A) ins 1996 No 44 s 27
renum as s 83 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.46

False identification

s 83A ins 1994 No 111
am 1998 No 54
om 1999 No 51 s 31

Action on referral for directions

s 84 orig s 84 renum as s 139
(prev s 46B) ins 1996 No 44
am 1999 No 51 s 20
renum as s 84 R6 LRA (see 1999 No 51 s 39)

Failure to give name, address or age

s 84A ins 1987 No 72
om 1990 No 50

Types of directions

s 85 orig s 85 renum as s 140
(prev s 46C) ins 1996 No 44
am 1999 No 51 s 21
renum as s 85 R6 LRA (see 1999 No 51 s 39)
am [A2003-51 s 30](#)

Suspension

div 5.5 hdg (prev pt 5 div 5 hdg) orig hdg renum as div 5.6 hdg
(prev pt 5 div 4 hdg) ins 1990 No 50 s 31
am 1999 No 51 sch
renum as div 5.5 hdg R6 LRA (see 1999 No 51 s 39)

Grounds for suspension

s 86 orig s 86 renum as s 141
(prev s 47) sub 1990 No 50
am 1990 No 56
sub 1996 No 44
am 1999 No 51 sch
renum as s 85 R6 LRA (see 1999 No 51 s 39)

Referral to board for suspension

s 87 orig s 87 renum as s 142
(prev s 48) am 1984 No 22; 1987 Nos 33 and 72
sub 1990 Nos 50 and 56
am 1996 No 44; 1999 No 51 s 38 sch
renum as s 87 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.47

Action on referral for suspension

s 88 orig s 88 renum as s 143
(prev s 49) am 1987 No 33
sub 1990 No 50 s 31
am 1990 No 56; 1996 No 44
sub 1999 No 51 s 22
renum as s 88 R6 LRA (see 1999 No 51 s 39)

Period of suspension

s 89 orig s 89 renum as s 144
(prev s 51) am 1976 No 6; 1984 No 22; 1987 No 33; 1987
No 72
sub 1990 No 50
am 1990 No 56; 1996 No 44
renum as s 89 R6 LRA (see 1999 No 51 s 39)

Duration

s 90 orig s 90 renum as s 145
(prev s 52) am 1987 No 33
sub 1990 No 50 s 31
am 1996 No 44
renum as s 90 R6 LRA (see 1999 No 51 s 39)

Cancellation

div 5.6 hdg (prev pt 5 div 5 hdg) ins 1990 No 50 s 31
renum as div 5.6 hdg R6 LRA (see 1999 No 51 s 39)

Grounds for cancellation

s 91 orig s 91 renum as s 146
(prev s 53) am 1987 No 33
sub 1990 No 50 s 31
am 1999 No 51 s 23
renum as s 91 R6 LRA (see 1999 No 51 s 39)

Referral to board for cancellation

s 92 orig s 92 om 1990 No 50 s 62
(prev s 54) sub 1990 Nos 50 and 56
am 1996 No 44
renum as s 92 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.48

Endnotes

4 Amendment history

Action on referral for cancellation

s 93 orig s 93 renum as s 147
(prev s 55) am 1987 No 33
sub 1990 No 50 s 31
am 1990 No 56; 1996 No 44
sub 1999 No 51 s 24
renum as s 93 R6 LRA (see 1999 No 51 s 39)

Automatic cancellation of licence

s 93A orig s 93A renum as s 148
ins A2003-51 s 31

Failing to display occupancy loading signs

s 93B renum as s 149

Failing to require patrons to leave

s 93C renum as s 150

Definitions for div 10.2

s 93D renum as s 151

Sale or supply of liquor to under-age persons

s 93E renum as s 152

Offence by licensee for possession or consumption of liquor by under-age persons

s 93F renum as s 153

Buying, possession and consumption of liquor by under-age persons

s 93G renum as s 154

Sending under-age persons to obtain liquor

s 93H renum as s 155

Entry to bar-rooms by under-age persons etc

s 93I renum as s 156

Licensee allowing entry to bar-rooms by under-age persons

s 93J renum as s 157

False identification

s 93K renum as s 158

Alteration of licensed premises

pt 6 hdg sub 1990 No 50

Application for alteration

s 94 orig s 94 renum as s 159
(prev s 56) am 1987 No 33
sub 1990 No 50
am 1990 No 56; 1999 No 51 s 25
renum as s 94 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.49, amdt 1.50; A2003-2 s 64; ss renum
R11 LA (see A2003-2 s 65)

Payment of balance of renewal fee

s 94A ins 1979 No 10
am Cwith 1981 No 116; 1986 No 41; 1989 No 38
om 1990 No 50

Decision by registrar

s 95 orig s 95 renum as s 160
(prev s 57) am 1987 No 33
sub 1990 Nos 50 and 56
renum as s 95 R6 LRA (see 1999 No 51 s 39)

Occupancy loading

s 95A renum as s 161

Decision by board

s 96 orig s 96 renum as s 162
(prev s 57A) ins 1990 No 56
renum as s 96 R6 LRA (see 1999 No 51 s 39)

Inquiry by board

s 96A renum as s 163

Standard of proof

s 96AA renum as s 164

Relevant considerations

s 97 orig s 97 renum as s 165
(prev s 57B) ins 1990 No 56
renum as s 97 R6 LRA (see 1999 No 51 s 39)

Offences

s 98 orig s 98 renum as s 166
(prev s 58) sub 1990 No 50
am 1990 No 56; 1998 No 54; 1999 No 51 s 26
renum as s 98 R6 LRA (see 1999 No 51 s 39)

Closure of licensed premises

pt 7 hdg sub 1990 No 50

Endnotes

4 Amendment history

Application for closure

s 99 orig s 99 renum as s 167
(prev s 59) am 1987 No 33
sub 1990 No 50
am 1990 No 56
renum as s 99 R6 LRA (see 1999 No 51 s 39)

Decision of registrar

s 100 orig s 100 renum as s 168
(prev s 60) am 1987 No 33; 1989 No 38
sub 1990 Nos 50 and 56
renum as s 100 R6 LRA (see 1999 No 51 s 39)

Decision of board

s 101 orig s 101 renum as s 169
(prev s 60AA) ins 1990 No 56
renum as s 101 R6 LRA (see 1999 No 51 s 39)

Payment of amount where licence ceases to be in force

s 101A ins 1976 No 63
am 1977 No 66; 1979 No 10; 1982 No 87; 1986 No 41; 1987
No 33; 1989 No 38
om 1990 No 50

Relevant considerations

s 102 orig s 102 renum as s 170
(prev s 60AB) ins 1990 No 56
renum as s 102 R6 LRA (see 1999 No 51 s 39)

Petrol not to be sold at licensed premises

s 102A ins 1979 No 10
om 1990 No 50

Offences

s 103 orig s 103 renum as s 171
(prev s 60A) ins 1990 No 50
am 1990 No 56; 1998 No 54
renum as s 103 R6 LRA (see 1999 No 51 s 39)

Protection of members and witnesses

s 103A renum as s 172

Temporary extension of off licence premises

pt 8 hdg sub 1990 No 50; 1996 No 44

Authorisation—off licences

s 104 orig s 104 renum as s 173
(prev s 60B) ins 1990 No 50
am 1996 No 44
renum as s 104 R6 LRA (see 1999 No 51 s 39)

Notification of decisions

s 104A renum as s 174

Proof of age cards

s 104AA renum as s 175

Commissioner to be notified

s 104AB renum as s 176

Conduct of directors, servants and agents

s 104B renum as s 177

Corporations—penaltiess 104C ins 1990 No 50
om 1998 No 54**Notice**s 105 orig s 105 renum as s 178
(prev s 60C) ins 1990 No 50
renum as s 105 R6 LRA (see 1999 No 51 s 39)**Determination of fees**

s 105A renum as s 179

Approved forms

s 105B renum as s 180

Permits

pt 9 hdg sub 1990 No 50

Issue of permitsdiv 9.1 hdg (prev pt 9 div 1 hdg) ins 1990 No 50
renum as div 9.1 hdg R6 LRA (see 1999 No 51 s 39)**Authority given by permit**s 106 orig s 106 renum as s 181
(prev s 61) sub 1979 No 10
am 1994 No 111
renum as s 106 R6 LRA (see 1999 No 51 s 39)**Application for permit**s 107 orig s 107 om 1990 No 50
ins 1999 No 51 s 36
renum as s 182
(prev s 62) sub 1979 No 10
am Cwlt 1981 No 116; 1986 No 41; 1989 No 38
sub 1999 No 51 s 27
renum as s 107 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.51
sub 2001 No 44 amdt 1.2660

Endnotes

4 Amendment history

Consideration of application

s 108 orig s 108 om 1990 No 50
(prev s 63) sub 1979 No 10; 1990 No 56
am 1993 No 28
renum as s 108 R6 LRA (see 1999 No 51 s 39)

Consideration by board

s 109 orig s 109 om 1990 No 50
(prev s 64) sub 1979 No 10
am 1987 No 33; 1990 No 50
sub 1990 No 56
renum as s 109 R6 LRA (see 1999 No 51 s 39)

Direction for issue of permit

s 110 orig s 110 om 1979 No 10
(prev s 65) sub 1979 No 10
am 1987 No 33; 1990 Nos 50 and 56
renum as s 110 R6 LRA (see 1999 No 51 s 39)

Permit to be subject to condition about smoking

s 110A ins A2003-51 s 32

Conditions to be stated in permit

s 111 orig s 111 am 1987 No 33
om 1990 No 50
(prev s 65A) ins 1979 No 10
am 1987 No 33; 1990 No 56
sub 1999 No 51 s 28
renum as s 111 R6 LRA (see 1999 No 51 s 39)
sub 2001 No 70 amdt 1.52

Seller of liquor to permit-holder to endorse permit

s 112 (prev s 65D) ins 1979 No 10
renum as s 112 R6 LRA (see 1999 No 51 s 39)

Refund of permit fees

s 113 (prev s 65E) ins 1979 No 10
sub 1990 No 50
renum as s 113 R6 LRA (see 1999 No 51 s 39)
am 2001 No 44 amdt 1.2661

Return of permits to registrar

s 114 (prev s 65F) ins 1990 No 50
am 1998 No 54
renum as s 114 R6 LRA (see 1999 No 51 s 39)

Cancellation of permits

div 9.2 hdg (prev pt 9 div 2 hdg) ins 1990 No 50
renum as div 9.2 hdg R6 LRA (see 1999 No 51 s 39)

Application to partnerships

s 115 (prev s 66) am 1984 No 22; 1987 No 33
 sub 1990 No 50
 renum as s 115 R6 LRA (see 1999 No 51 s 39)

Ground for cancellation

s 116 (prev s 66A) ins 1990 No 50
 am 1990 No 56
 renum as s 116 R6 LRA (see 1999 No 51 s 39)
 am A2003-51 s 33

Automatic cancellation of permit

s 116A ins A2003-51 s 35

Complaints

s 117 (prev s 66B) ins 1990 No 50
 am 1990 No 56
 renum as s 117 R6 LRA (see 1999 No 51 s 39)

Referral to board

s 118 (prev s 66C) ins 1990 No 50
 am 1990 No 56
 renum as s 118 R6 LRA (see 1999 No 51 s 39)

Cancellation

s 119 (prev s 66D) ins 1990 No 50
 am 1990 No 56
 renum as s 119 R6 LRA (see 1999 No 51 s 39)

Offences

pt 10 hdg sub 1990 No 50

General

div 10.1 hdg (prev pt 10 div 1 hdg) ins 1999 No 51 s 29
 renum as div 10.1 hdg R6 LRA (see 1999 No 51 s 39)

Definition of *non-trading day* for pt 10

s 120 hdg sub 2001 No 70 amdt 1.53
 s 120 (prev s 66E) ins 1990 No 50
 renum as s 120 R6 LRA (see 1999 No 51 s 39)

General licence—minimum bar trading hours

s 121 (prev s 67) sub 1979 No 10
 am 1990 No 50; 1994 No 111; 1998 No 54
 renum as s 121 R6 LRA (see 1999 No 51 s 39)

On licence—minimum bar trading hours

s 122 (prev s 68) sub 1979 No 10
 am 1990 No 50; 1994 No 111; 1998 No 54
 renum as s 122 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Special licences—conditions

s 123 (prev s 68A) ins 1979 No 10
am 1987 No 33
sub 1990 No 50
am 1998 No 54
renum as s 123 R6 LRA (see 1999 No 51 s 39)

Permits—conditions

s 124 (prev s 68B) ins 1979 No 10
am 1987 No 33
sub 1990 No 50
am 1998 No 54
renum as s 124 R6 LRA (see 1999 No 51 s 39)

Return of licences to registrar

s 125 (prev s 68C) ins 1999 No 51 s 30
renum as s 125 R6 LRA (see 1999 No 51 s 39)

Provision of food

s 126 (prev s 69) am 1979 No 10; 1987 No 33; 1990 Nos 50 and 56;
1998 No 54
renum as s 126 R6 LRA (see 1999 No 51 s 39)

Notices about food

s 127 (prev s 70) am 1990 No 50; 1998 No 54
renum as s 127 R6 LRA (see 1999 No 51 s 39)

Cleanliness of licensed premises

s 128 (prev s 71) am 1979 No 10; 1990 No 50; 1998 No 54
renum as s 128 R6 LRA (see 1999 No 51 s 39)

Maintenance of licensed premises

s 129 (prev s 72) am 1990 No 50; 1998 No 54; 1999 No 51 s 38 sch
renum as s 129 R6 LRA (see 1999 No 51 s 39)

Notices of bar trading hours

s 130 (prev s 73) sub 1990 No 50
am 1998 No 54
renum as s 130 R6 LRA (see 1999 No 51 s 39)

Sexually explicit entertainment

s 131 (prev s 74) am 1987 No 33
om 1990 No 50
ins 1997 No 4
am 1998 No 54
renum as s 131 R6 LRA (see 1999 No 51 s 39)

Notice of absence from licensed premises

s 132 (prev s 75) am 1987 No 33; 1990 No 50; 1998 No 54
renum as s 132 R6 LRA (see 1999 No 51 s 39)

Change in control of licensed premises

s 133 (prev s 76) am 1979 No 10; 1987 No 33
sub 1990 No 50
am 1990 No 56; 1998 No 54
renum as s 133 R6 LRA (see 1999 No 51 s 39)

Sale of petrol at licensed premises

s 134 (prev s 76C) ins 1990 No 50
am 1998 No 54
renum as s 134 R6 LRA (see 1999 No 51 s 39)

Sale of liquor—general

s 135 (prev s 77) sub 1979 No 10; 1990 No 50
am 1998 No 54
renum as s 135 R6 LRA (see 1999 No 51 s 39)

Supply of liquor by licensed clubs

s 136 (prev s 78) sub 1979 No 10
am 1990 No 50; 1998 No 54
renum as s 136 R6 LRA (see 1999 No 51 s 39)

Advertising by licensed clubs

s 137 (prev s 78A) ins 1979 No 10
am 1990 No 50; 1998 No 54
renum as s 137 R6 LRA (see 1999 No 51 s 39)

Sale or supply of liquor to intoxicated persons

s 138 (prev s 79) sub 1990 No 50
am 1996 No 44; 1998 No 54
renum as s 138 R6 LRA (see 1999 No 51 s 39)

Consumption of liquor in certain public places

s 139 (prev s 84) sub 1987 No 72
om 1990 No 50
ins 1991 No 76
am 1991 No 82; 1994 No 111; 1998 No 54
renum as s 139 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.54

Obstruction of inspectors

s 140 (prev s 85) sub 1987 No 72
am 1990 No 50; 1998 No 54
renum as s 140 R6 LRA (see 1999 No 51 s 39)

Sale of adulterated liquor

s 141 (prev s 86) am 1990 No 56; 1998 No 54
renum as s 141 R6 LRA (see 1999 No 51 s 39)

Persons on licensed premises after hours

s 142 (prev s 87) am 1990 No 56; 1998 No 54
renum as s 142 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Exclusion of persons from licensed premises

s 143 (prev s 88) am 1990 No 56
renum as s 143 R6 LRA (see 1999 No 51 s 39)

Persons on licensed premises for unlawful purposes

s 144 (prev s 89) sub 1990 No 50
am 1998 No 54
renum as s 144 R6 LRA (see 1999 No 51 s 39)

Keeping licences on licensed premises

s 145 (prev s 90) sub 1990 No 50
am 1998 No 54
renum as s 145 R6 LRA (see 1999 No 51 s 39)

Consumption of liquor on off licence premises

s 146 (prev s 91) sub 1990 No 50
am 1998 No 54
renum as s 146 R6 LRA (see 1999 No 51 s 39)

Consumption of liquor on business premises

s 147 (prev s 93) am 1990 No 50; 1998 No 54
renum as s 147 R6 LRA (see 1999 No 51 s 39)

Exceeding occupancy loading

s 148 (prev s 93A) ins 1987 No 72
om 1990 No 50
ins 1993 No 28
am 1994 No 111; 1996 No 44; 1998 No 54
renum as s 148 R6 LRA (see 1999 No 51 s 39)

Failing to display occupancy loading signs

s 149 (prev s 93B) ins 1993 No 28
am 1998 No 54
renum as s 149 R6 LRA (see 1999 No 51 s 39)

Failing to require patrons to leave

s 150 (prev s 93C) ins 1993 No 28
am 1998 No 54
renum as s 150 R6 LRA (see 1999 No 51 s 39)

Under-age drinking

div 10.2 hdg (prev pt 10 div 2 hdg) ins 1999 No 51 s 32
renum as div 10.2 hdg R6 LRA (see 1999 No 51 s 39)

Definitions for div 10.2

s 151 (prev s 93D) ins 1999 No 51 s 32
renum as s 151 R6 LRA (see 1999 No 51 s 39)
am 1999 No 79 sch 3
def **driver licence** am 2002 No 30 amdt 3.579
def **responsible adult** am A2003-14 amdt 1.76, amdt 1.77
def **spouse** om A2003-14 amdt 1.78

Sale or supply of liquor to under-age persons

s 152 (prev s 93E) ins 1999 No 51 s 32
renum as s 152 R6 LRA (see 1999 No 51 s 39)

Offence by licensee for possession or consumption of liquor by under-age persons

s 153 (prev s 93F) ins 1999 No 51 s 32
renum as s 153 R6 LRA (see 1999 No 51 s 39)

Buying, possession and consumption of liquor by under-age persons

s 154 (prev s 93G) ins 1999 No 51 s 32
renum as s 154 R6 LRA (see 1999 No 51 s 39)

Sending under-age persons to obtain liquor

s 155 (prev s 93H) ins 1999 No 51 s 32
renum as s 155 R6 LRA (see 1999 No 51 s 39)

Entry to bar-rooms by under-age persons etc

s 156 (prev s 93I) ins 1999 No 51 s 32
renum as s 156 R6 LRA (see 1999 No 51 s 39)

Licensee allowing entry to bar-rooms by under-age persons

s 157 (prev s 93J) ins 1999 No 51 s 32
renum as s 157 R6 LRA (see 1999 No 51 s 39)

False identification

s 158 (prev s 93K) ins 1999 No 51 s 32
renum as s 158 R6 LRA (see 1999 No 51 s 39)

Evidence

pt 11 hdg sub 1990 No 50

Liquor

s 159 (prev s 94) sub 1979 No 10
am Cwlt 1981 No 116
sub 1986 No 41
am 1989 No 38
sub 1990 No 50; 1996 No 44
am 1999 No 51 sch
renum as s 159 R6 LRA (see 1999 No 51 s 39)

Licensees and permit-holders

s 160 (prev s 95) om 1986 No 41
ins 1990 No 50
renum as s 160 R6 LRA (see 1999 No 51 s 39)

Occupancy loading

s 161 (prev s 95A) ins 1994 No 111
am 1996 No 44
renum as s 161 R6 LRA (see 1999 No 51 s 39)

Endnotes

4 Amendment history

Inquiries and hearings by board

pt 12 hdg sub 1990 No 56
am 1996 No 44

Definition of *matter* for pt 12

s 162 hdg sub 2001 No 70 amdt 1.55
s 162 (prev s 96) am 1977 No 66; 1979 No 10; 1982 Nos 59 and 87
om 1986 No 41
ins 1990 No 50
sub 1990 No 56
am 1996 No 44; 1999 No 51 sch
renum as s 162 R6 LRA (see 1999 No 51 s 39)

Inquiry by board

s 163 (prev s 96A) ins 1990 No 56
renum as s 163 R6 LRA (see 1999 No 51 s 39)

Standard of proof

s 164 (prev s 96AA) ins 1996 No 44
renum as s 164 R6 LRA (see 1999 No 51 s 39)

Notice of hearing

s 165 (prev s 97) sub 1986 No 41; 1990 No 50
am 1990 No 56
renum as s 165 R6 LRA (see 1999 No 51 s 39)

Procedure

s 166 (prev s 98) om 1982 No 87
ins 1990 No 50
am 1990 No 56
renum as s 166 R6 LRA (see 1999 No 51 s 39)

Prohibition of publication of names and evidence

s 167 (prev s 99) am 1978 No 46; 1979 No 10; 1987 No 33
sub 1990 No 50
am 1990 No 56; 1998 No 54
renum as s 167 R6 LRA (see 1999 No 51 s 39)

Private hearings

s 168 (prev s 100) am 1979 No 10; 1986 No 41
sub 1990 No 50
am 1990 No 56; 1998 No 54
renum as s 168 R6 LRA (see 1999 No 51 s 39)

Legal representation

s 169 (prev s 101) am 1979 No 10; 1987 No 33
sub 1990 Nos 50 and 56
am 1997 No 96
renum as s 169 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.56

Witnesses

s 170 (prev s 102) sub 1990 No 50
am 1990 No 56; 1998 No 54; 1999 No 51 s 33
renum as s 170 R6 LRA (see 1999 No 51 s 39)
am 2002 No 30 amdt 3.580

Evidence at hearings

s 171 (prev s 103) am 1979 No 10
sub 1990 No 50
am 1998 No 54
renum as s 171 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.57

Protection of members and witnesses

s 172 (prev s 103A) ins 1979 No 10
sub 1990 No 50
am 1997 No 96
renum as s 172 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.58

Review of decisions

pt 13 hdg sub 1990 No 50; 1990 No 56

Review by administrative appeals tribunal

s 173 (prev s 104) sub 1990 Nos 50 and 56; 1993 No 1
am 1993 No 28; 1994 No 60; 1996 No 44; 1999 No 51 s 38
sch
renum as s 173 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.59; A2003-2 s 66; pars renum R11 LA
(see A2003-2 s 67)

Notification of decisions

s 174 (prev s 104A) ins 1990 No 50
sub 1990 No 56
am 1993 No 28; 1994 No 60; 1996 No 44
renum as s 174 R6 LRA (see 1999 No 51 s 39)

Miscellaneous

pt 14 hdg (prev pt 12 hdg) ins 1990 No 50 s 64
renum 1990 No 50 s 65

Proof of age cards

s 175 (prev s 104AA) ins 1994 No 111
renum as s 175 R6 LRA (see 1999 No 51 s 39)
am 1999 No 79 sch 3; 2000 No 80 sch 3; 2001 No 70
amdt 1.60, amdt 1.61; 2001 No 44 amdt 1.2662

Endnotes

4 Amendment history

Commissioner to be notified

s 176 (prev s 104AB) ins 1991 No 111
am 1993 No 18; 1999 No 51 s 34
renum as s 176 R6 LRA (see 1999 No 51 s 39)
am 2000 No 80 sch 3; 2001 No 70 amdt 1.62

Conduct of directors, servants and agents

s 177 (prev s 104B) ins 1990 No 50
am 1998 No 69
renum as s 177 R6 LRA (see 1999 No 51 s 39)

Breath analysis tests on licensed premises

s 177A ins 2000 No 54 s 4

Institution of proceedings for offences

s 178 (prev s 105) sub 1979 No 10; 1990 No 50; 1993 No 28
renum as s 178 R6 LRA (see 1999 No 51 s 39)

Determination of fees

s 179 (prev s 105A) ins 1986 No 41
am 1990 No 50; 1991 No 111
renum as s 179 R6 LRA (see 1999 No 51 s 39)
sub 2001 No 70 amdt 1.63; 2001 No 44 amdt 1.2663

Approved forms

s 180 (prev s 105B) ins 1999 No 51 s 35
renum as s 180 R6 LRA (see 1999 No 51 s 39)
am 2001 No 70 amdt 1.64
sub 2001 No 44 amdt 1.2663

Regulation-making power

s 181 (prev s 106) am 1989 No 38
renum as s 181 R6 LRA (see 1999 No 51 s 39)
sub 2001 No 70 amdt 1.65; 2001 No 44 amdt 1.2663

Transitional provisions

pt 15 hdg ins 1999 No 51 s 36
om R7 LA

Transitional—prescribed forms

s 182 (prev s 107) ins 1999 No 51 s 36
renum as s 182 R6 LRA (see 1999 No 51 s 39)
exp 20 October 2001 (s 182 (4))

Repealed ordinances

sch om R6 LRA

Dictionary
dict

ins 2001 No 70 amdt 1.66
 def **appointed member** reloc from s 4 2001 No 70 amdt 1.18
 def **approved training program** reloc from s 4 2001 No 70 amdt 1.18
 def **authorised** reloc from s 4 2001 No 70 amdt 1.18
 def **bar-room** reloc from s 4 2001 No 70 amdt 1.18
 sub A2003-2 s 68
 def **board** reloc from s 4 2001 No 70 amdt 1.18
 def **building code** ins 2001 No 70 amdt 1.66
 def **caution** reloc from s 4 2001 No 70 amdt 1.18
 def **conditional surrender** ins 2001 No 70 amdt 1.66
 def **defined influential person** reloc from s 4 2001 No 70 amdt 1.18
 def **defined offence** reloc from s 4 2001 No 70 amdt 1.18
 def **deputy register** reloc from s 4 2001 No 70 amdt 1.18
 def **determined fee** reloc from s 4 2001 No 70 amdt 1.18
 om 2001 No 44 amdt 1.2664
 def **direction** reloc from s 4 2001 No 70 amdt 1.18
 def **director** ins 2001 No 70 amdt 1.66
 def **duty-free sale** reloc from s 4 2001 No 70 amdt 1.18
 def **exempt person** ins 2001 No 70 amdt 1.66
 def **exempt wholesale liquor sale** ins 2001 No 70 amdt 1.66
 def **fittings** reloc from s 4 2001 No 70 amdt 1.18
 def **function** ins 2001 No 70 amdt 1.66
 def **hearing** reloc from s 4 2001 No 70 amdt 1.18
 def **identity card** reloc from s 4 2001 No 70 amdt 1.18
 def **inspector** reloc from s 4 2001 No 70 amdt 1.18
 def **licence** reloc from s 4 2001 No 70 amdt 1.18
 def **licensed premises** reloc from s 4 2001 No 70 amdt 1.18
 def **licensee** reloc from s 4 2001 No 70 amdt 1.18
 def **licensing standards manual** reloc from s 4 2001 No 70 amdt 1.18
 sub 2001 No 44 amdt 1.2665
 def **liquor** reloc from s 4 2001 No 70 amdt 1.18
 def **manual** ins 2001 No 44 amdt 1.2666
 def **matter** ins 2001 No 70 amdt 1.66
 def **member** reloc from s 4 2001 No 70 amdt 1.18
 def **non-trading day** ins 2001 No 70 amdt 1.66
 def **offence against this Act** reloc from s 4 2001 No 70 amdt 1.18
 om 2002 No 11 amdt 2.71

Endnotes

4 Amendment history

def **permit** reloc from s 4 2001 No 70 amdt 1.18
def **premises** reloc from s 4 2001 No 70 amdt 1.18
def **proof of age card** reloc from s 4 2001 No 70 amdt 1.18
def **public area** reloc from s 4 2001 No 70 amdt 1.18
def **public bar-room** reloc from s 4 2001 No 70 amdt 1.18
def **public place** reloc from s 4 2001 No 70 amdt 1.18
def **registrar** reloc from s 4 2001 No 70 amdt 1.18
def **relevant decision-maker** reloc from s 4 2001 No 70
amdt 1.18
def **university** reloc from s 4 2001 No 70 amdt 1.18

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 56	30 September 1991
2	Act 1993 No 28	14 June 1993
3	Act 1994 No 111	31 January 1996
4	Act 1997 No 4	5 March 1997
5	Act 1999 No 5	31 March 1999
6	Act 1999 No 51	31 October 1999
7	Act 2001 No 70	7 March 2002
8	Act 2002 No 11	30 May 2002
9	Act 2002 No 30	27 September 2002
9 (RI)	Act 2002 No 30 ‡	11 February 2003
10	A2003-14	28 March 2003
11	A2003-14	31 March 2003

‡ includes retrospective amendments by Act 2002 No 49

Endnotes

6 Uncommenced amendments

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Smoking (Prohibition in Enclosed Public Places) Act 2003 A2003-51 div 5.3
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Division 5.3 Liquor Act 1975

26 Grounds for issue of directions Section 82

omit

For this part,

substitute

(1) For this part,

27 New section 82 (1) (ca) and (cb)

insert

(ca) a licensee has permitted people to smoke in a part of the licensed premises that is an enclosed public place;

(cb) the licensee has failed to take reasonable steps to prevent smoke from another area occupied by the licensee entering an enclosed public place;

28 Section 82 (1)

renumber paragraphs when Act next republished under Legislation Act

29 New section 82 (2)

(2) In this section:

enclosed public place—see the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, dictionary.

smoke—see the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, dictionary.

30 **Types of directions** **Section 85 (2) (c)**

substitute

- (c) a direction requiring the licensee to do, or not to do, something to comply with the licensing standards manual;
- (d) if section 82 (1) (ca) or (cb) applies—a direction to ensure that the licensee complies with the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, section 8 (Offence by occupier) or section 9 (Offence by neighbouring occupier).

31 **New section 93A**

93A **Automatic cancellation of licence**

A licence is cancelled automatically if the licensee is found guilty or convicted of an offence against the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, section 8 (Offence by occupier) in relation to any part of the licensed premises.

32 **New section 110A**

insert

110A **Permit to be subject to condition about smoking**

- (1) It is a condition of a permit that the permit-holder must not permit people to smoke in a part of the premises for which the permit is issued that is an enclosed public place.
- (2) The condition under subsection (1) is in addition to any condition to which the permit is subject under section 110 (2).

Endnotes

6 Uncommenced amendments

33 Ground for cancellation New section 116 (2) (ab)

insert

- (ab) whether the permit-holder has permitted people to smoke in a part of the premises for which the permit is issued that is an enclosed public place;

34 Section 116 (2)

renumber paragraphs when Act next republished under Legislation Act

35 New section 116A

insert

116A Automatic cancellation of permit

A permit is cancelled automatically if the permit holder is found guilty or convicted of an offence against the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, section 8 (Offence by occupier) in relation to any part of the premises for which the permit is issued.

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