



Australian Capital Territory

# **Liquor Act 1975**

**A1975-19**

**Republication No 30**

**Effective: 22 September 2009 – 16 December 2009**

Republication date: 22 September 2009

Last amendment made by A2009-20

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 22 September 2009. It also includes any amendment, repeal or expiry affecting the republished law to 22 September 2009.

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](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

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 does not include 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.



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Australian Capital Territory

# Liquor Act 1975

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

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Liquor Act 1975*.

### 2 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.

### 3 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 terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*licensing standards manual*—see section 33.' means that the term 'licensing standards manual' is defined in that section.

*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, s 155 and s 156 (1)).

### 4 Notes

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

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

## 5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 139 (Consumption of liquor in certain public places).

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

*Note 2 Penalty units*

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

## 6 Meaning of sale of liquor to another person

For this Act, a person is taken to sell liquor to another person if the person 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 people

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

## 8 Approval for training programs

The commissioner 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 mentioned in subparagraph (i), (ii), (iii) or (iv); or
  - (e) the sale of liquor in Parliament House; or

- (f) the honest sale by auction by an auctioneer, in the ordinary course of the auctioneer's business, of liquor on account of someone else; 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 must 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 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 relation to 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 people in a public area within the premises; and
  - (e) if the inspector believes on reasonable grounds that the number of people in a public area within the premises exceeds the occupancy loading decided under section 41 or section 42 for that public area—direct the licensee to require people to leave that public area; and
  - (f) if—



- (i) the licensee fails to comply with a direction under paragraph (e); or
  - (ii) people 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 people from that public area.
- (5) An inspector may keep 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) must—
  - (a) divide the sample so taken into approximately equal parts and put each part in a sealed container to which is attached 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) give 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 given 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 is taken to be so signed unless the contrary is proved.

- (9) A person must not, except for this Act or in the course of proceedings in a court in relation to an offence, make a record of, or divulge to another person, information acquired because 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 commissioner for this section.

*liquor*, for subsections (4) and (6), includes any liquid in relation to 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 must 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 within the meaning of any of the following sections that the inspector or police officer has reasonable grounds for suspecting

to be connected with the commission of an offence against the section:

- (a) section 139 (Consumption of liquor in certain public places);
  - (b) section 152 (Sale or supply of liquor to under-age people);
  - (c) section 153 (Offence by licensee for possession or consumption of liquor by under-age people);
  - (d) section 154 (Buying, possession and consumption of liquor by under-age people);
  - (e) section 155 (Sending under-age people to obtain liquor).
- (3) An inspector or police officer must 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;

is 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 must 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 old—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 must give a sample of the liquor to the person who made the request.
- (3) When giving a sample, the inspector or police officer must—
  - (a) put a sample of the liquor that is sufficient for the purposes of analysis in a container; and
  - (b) seal the container and attach 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 at least 18 years old—reasonable steps must 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 old—on the request

(made within that period of 120 days) of a parent or guardian of the person, the liquor must 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 commissioner 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;
- is 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 must not be prosecuted for an offence in relation to the liquor; and

- (b) a caution must not be issued to the person in relation to any act done in relation to the liquor.

**30 People 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 section 156 if the young person were under 18 years old; 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 18 years old;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.

- (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 section 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 must 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 must 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 must—
- (a) deliver the young person to a police officer as soon as practicable; and
  - (b) give 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) give 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 must 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 given to him or her in accordance with subsection (6) (c);



the inspector or police officer must take necessary and reasonable force to decide 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 must return the form of identification to the young person as soon as practicable.

### **31 Cautioning young people**

- (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 old or older;

the officer may issue a caution to the young person.

- (2) If a caution is issued to a young person, the young person must 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)) must 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 old or older;
- 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 must be issued, or the young person must 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 must—
- (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 must—
- (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 section 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 must—
- (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 commissioner.

### **32 Revocation of cautions**

- (1) The chief police officer may revoke a caution if satisfied that—
- (a) the caution was not issued in accordance with section 31; or
  - (b) the young person to whom the caution was issued was not apprehended in accordance with section 30 (1) or (2) (People under 18—powers of inspectors and police officers).
- (2) If the chief police officer revokes a caution, the chief police officer must—
- (a) arrange for 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 commissioner of the revocation.

## Part 3 Standards for licensed premises

### 33 Licensing standards manual

- (1) The commissioner must, in writing, make a manual (the *licensing standards manual*, or *manual*).
- (2) The commissioner must 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 must 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 people 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 1* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

*Note 2* The *Evidence Act 1971*, s 15 sets out when a machine copy or reproduction of a document is admissible as evidence.

### **34 Amendment and repeal of manual**

- (1) With the Minister's written approval, the commissioner 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.

### **37 Inspection of manual**

- (1) The commissioner must keep a copy of the manual at the commissioner's office at all times.
- (2) Any person may, on request made when the office of the commissioner is open for business, inspect the copy of the manual kept by the commissioner.

### **39 Saving of operation of Building Act**

This Act does not affect the operation of the *Building Act 2004*.

### **40 Public areas**

- (1) This section applies to premises if—
  - (a) a general, club or special licence is in force for the premises; or

- (b) an application for a general, club, on or special licence has been made for the premises.
- (2) The commissioner must, in writing, decide which parts of the premises are indoor public areas and which are outdoor public areas for this Act.
- (3) If the commissioner makes a decision under subsection (2) in relation to an indoor public area, the commissioner must give the chief officer (fire brigade) written notice of the decision.

#### **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 commissioner 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 people that the area can accommodate without involving a contravention of the building code, part D1.6.
- (2) The chief officer (fire brigade) must, on receiving notice of the commissioner's decision under section 40 (2), give the commissioner the chief officer's written recommendation, made having regard to the building code, part D1.13, about the occupancy loading of each relevant indoor public area.
- (3) On receiving the recommendation of chief officer (fire brigade), the commissioner must, 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 commissioner—
- (a) must have regard to the recommendation of chief officer (fire brigade); 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.
- Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).
- (5) For subsection (1), the chief officer (fire brigade) may, by written notice to the licensee or applicant for a licence in relation to whose premises an occupancy loading for an indoor public area is to be decided, require that person to provide the chief officer (fire brigade) 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 chief officer (fire brigade) in writing.
- (6) A notice under subsection (5) must require the fire engineering study to be prepared by a specified person, or by a person chosen from a specified list of people.
- (7) If a person fails to comply with a notice under subsection (5), the chief officer (fire brigade) 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 chief officer (fire brigade) 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) must give 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 owing 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 people that the area can accommodate, in the commissioner's opinion, having regard to the matters mentioned in this section.

- (2) If the commissioner has made a decision in relation to an outdoor public area under section 40 (2), the commissioner must, by written notice, decide the occupancy loading for the area.
- (3) In making a decision under subsection (2), the commissioner must 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 commissioner may have regard to in making a decision 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 commissioner has decided an occupancy loading under section 41 (3) or section 42 (2) in relation to a public area within premises, the licensee must, while a licence is in force in relation to the premises, display at each entrance to the public area a sign, approved by the commissioner, stating the occupancy loading for the public area.

## **Part 4                      Licences**

### **Division 4.1              Classes of licences**

#### **44                      Classes of licences**

The commissioner 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 people 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) people 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 commissioner.
- (2) As soon as reasonably practicable, the commissioner must consider the application and, subject to the requirements of this Act in relation to the application, must, 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 issue 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.

### **51 Class of licences**

If a decision is made to issue a licence to an applicant, the licence must be issued for the class applied for, unless the commissioner believes 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 commissioner must consider the following matters:
  - (a) whether the applicant is a fit and proper person to hold a licence;

- (b) whether the premises in relation to 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 corporation—whether the applicant 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 commissioner 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 commissioner 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 corporation, 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 corporation.

**53 Issue of licences—training condition**

- (1) If the commissioner believes on reasonable grounds that an applicant for a licence does not sufficiently understand the obligations of a licensee under this Act, the commissioner may issue the licence subject to the condition that the applicant undertake a stated approved training program in relation to the obligations within a stated reasonable time after the issue of the licence.
- (2) If the commissioner believes on reasonable grounds that an applicant for a licence intends to hold the licence for a partnership, a reference in this section to the applicant includes a reference to each of the partners the commissioner believes on reasonable grounds 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 corporation, 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 corporation.

**54 Issue and transfer of club licences—conditions**

- (1) The commissioner must not agree to the issue, or approve the transfer, of a club licence except to a club that is a corporation.
- (2) The commissioner must 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 must 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 must 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 must 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 commissioner must 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 commissioner must 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 relation to 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 commissioner must 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 commissioner, the constitution or rules of a club that is the holder of a club licence must not be amended in relation to—
    - (a) the objects of the club; or



- (b) the admission of people to membership of the club; or
  - (c) the supply of liquor, on the premises of the club, to people 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 commissioner authorises the issue of a special licence, the licence must be issued subject to the conditions the commissioner considers to be in the public interest.
- (2) A special licence must specify the conditions subject to which it is issued.

#### **56 Licence not to be issued if premises incomplete**

- (1) This section applies if—
  - (a) the commissioner agrees to issue a licence for premises; and
  - (b) the premises have not been erected or altered in accordance with plans and specifications lodged with the application for the licence.
- (2) The commissioner must not issue the licence until the person to whom the licence is to be issued produces a certificate (a *completion certificate*) issued under the *Building Act 2004*, part 5 (Building occupancy) for the premises.

- (3) If a completion certificate is not produced to the commissioner before the end of 1 year after the day the commissioner agreed to issue the licence, or any further time the commissioner allows, the authority for the issue of the licence is taken to have been revoked.

## **57 Issue of licences**

- (1) If the commissioner agrees to issue a licence to an applicant, the commissioner must issue the licence.

*Note* A fee may be determined under s 179 for the issue of a licence.

- (2) The commissioner must endorse on the licence any relevant particulars about the applicant that were in the application or were given to the commissioner under division 4.7 (Licences held by partnerships) or division 4.8 (Licences held by corporations).

## **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 decision under subsection (3) is in force in relation to the licence—until the end of the day specified in the decision; and
  - (b) if, at the request of the applicant for the licence, the commissioner directs that the licence end on a day earlier than the day when, apart from the direction, the licence would have ended—until the end of the day stated in the direction; and
  - (c) in any other case—until the end of the 30 November after the day when the licence was issued.

- (3) The commissioner may by notice in writing decide that licences cease to be in force on a day other than the day mentioned in subsection (2) (c).

*Note* The power of the commissioner to decide that licences cease to be in force includes the power to decide in relation to a particular class of licence (see Legislation Act, s 48).

- (4) A notice under subsection (3) in relation to a class of licence is a notifiable instrument.

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

## **Division 4.3                      Renewal of licences**

### **59                      Renewal**

- (1) The commissioner 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 for the renewal of a licence.

- (2) Also, the commissioner 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 commissioner renews a licence, the licence continues in force, subject to this Act, for 1 year beginning on the day after the day, apart from its renewal, the licence would have ended.

**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 section 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 must make a record of all liquor held for sale by the licensee.  
Maximum penalty: 20 penalty units.
- (2) A licensee must 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 commissioner 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 must be made to the commissioner.

*Note*        A fee may be determined under s 179 for the transfer of a licence.

- (2) As soon as reasonably practicable, the commissioner must consider the application and, subject to the requirements of this Act in relation to the application, must, 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.
- (3) The transfer of a licence takes effect on the day after the day the commissioner authorises the transfer, or on a later day fixed by the commissioner.
- (4) If the commissioner authorises the transfer of a licence, the licensee must give the licence, and any records kept by the licensee under section 62, to the commissioner.
- (5) The commissioner must endorse the transfer on the licence, and give the endorsed licence and the records to the new licensee.

### **64                      Transfer—relevant considerations**

- (1) The commissioner must 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 relation to which proceedings are not completed—
  - (i) the proposed transferee is a corporation in relation to which the licensee is a defined influential person; or
  - (ii) the licensee is a corporation 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 corporations—there is a defined influential person in common between the 2 corporations.
- (2) The matters that the commissioner must 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 corporation—whether the proposed transferee 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 commissioner 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 commissioner 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 corporation, 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 corporation.
- (6) If a licence is proposed to be transferred to a corporation, 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 corporation.

## **65 Transfer of licences—training condition**

- (1) If the commissioner believes on reasonable grounds that the proposed transferee does not sufficiently understand the obligations of a licensee under this Act, the commissioner may transfer the licence subject to the condition that the proposed transferee undertake a stated approved training program in relation to the obligations within a reasonable stated time after the transfer of the licence.
- (2) If the commissioner believes on reasonable grounds that a proposed transferee intends to hold the licence for a partnership, a reference in subsection (1) to the proposed transferee includes a reference to

each of the partners the commissioner believes on reasonable grounds 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 corporation, 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 corporation.

## 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 commissioner for the surrender, or the conditional surrender, of the licence.
- (2) The commissioner must cancel the licence, by written notice given to the applicant, if—
- (a) the commissioner 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 commissioner.

## **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, section 71 and section 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 must 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 will be carrying on business at the premises in relation to which the application is made.
- (2) If a licensee enters into partnership with another person or other people after the licence is issued or renewed, and the licence is to be held for the purposes of the partnership, the licensee must, within 1 month after the partnership was formed—
- (a) give the commissioner 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 will 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 commissioner.
- (3) If any change happens in the particulars mentioned in subsection (1) (whether before or after the licence is issued) or in the particulars mentioned in subsection (2), the applicant or the licensee—
  - (a) must give the commissioner particulars of the change within 1 month after it happens; and
  - (b) if the licence has been issued—lodge the licence with the commissioner.
- (4) If a licence has been lodged with the commissioner under subsection (2) or (3), the commissioner must endorse on the licence the particulars most recently given to the commissioner and must, as soon as practicable, send the licence to the licensee.
- (5) An applicant or licensee must 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 other people after the licence is issued; and
  - (b) the licence is to be held for the purposes of the partnership; and
  - (c) the commissioner 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 commissioner 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 corporation, 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 must not be transferred, and a licence must 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 people**

- (1) If a corporation applies for a licence, the corporation must attach to the application written particulars of the name, residential address and relationship to the corporation of each defined influential person in relation to the corporation.
- (2) A corporation must 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 corporation that holds, or that has applied for, a licence, the corporation must—
  - (a) give the commissioner written notice of the person's name, residential address and relationship to the corporation; and
  - (b) if the corporation is a licensee—lodge the licence with the commissioner.
- (2) Within 28 days after a substantial change in the relationship of a defined influential person to a corporation that holds, or that has applied for, a licence, the corporation must—
  - (a) give the commissioner written notice specifying that change; and
  - (b) if the corporation is a licensee—lodge the licence with the commissioner.
- (3) Within 28 days after a person ceases to be a defined influential person in relation to a corporation that holds, or that has applied for, a licence, the corporation must—
  - (a) give the commissioner written notice specifying the person's former relationship with the corporation; and
  - (b) if the corporation is a licensee—lodge the licence with the commissioner.
- (4) If a licence is lodged with the commissioner under this section, the commissioner must 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 corporation is 1 of the partners;

this section applies to the corporation as if it were the sole applicant for the licence, or the sole licensee, whether or not the corporation's name appears on the application or the licence.

- (6) A corporation must 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 corporation; and
  - (b) the commissioner 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 commissioner may, by written notice to the person who has become a defined influential person in relation to the corporation (a copy of which is given to the corporation), 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 corporation is 1 of the partners;

this section applies to the corporation as if it were the sole licensee, whether or not the corporation's name appears on the licence.

## Part 5 Control and conduct of licensees

### Division 5.1 Preliminary

#### 76 Application to partnerships

If a licence is held for 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) (Notice of partnership) has been complied with in relation to the licence.

### Division 5.2 Complaints

#### 77 Who may complain?

A person who believes on reasonable grounds that a ground for occupational discipline exists in relation to a licensee may complain to the commissioner.

**Examples—people who may complain**

- 1 a member of the public
- 2 a user of a service

*Note 1* **Ground for occupational discipline**—see s 84.

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

#### 78 Form of complaint

- (1) A complaint must—
  - (a) be in writing; and

- (b) be signed by the person (the *complainant*) making the complaint; and
  - (c) include the complainant's name and address.
- (2) However, the commissioner may accept a complaint for consideration even if it does not comply with subsection (1).
- (3) If the commissioner accepts for consideration a complaint that is not in writing, the commissioner must require the complainant to put the complaint in writing unless there is a good reason for not doing so.

## **79 Withdrawal of complaints**

- (1) A complainant may withdraw the complaint at any time by written notice to the commissioner.
- (2) If the complainant withdraws the complaint, the commissioner—
- (a) need not take further action on the complaint; and
  - (b) may take further action on the complaint if the commissioner considers it appropriate to do so; and
  - (c) need not report to the complainant under section 83 (Action after investigating complaint) on the results of taking the action.

## **80 Further information about complaint etc**

- (1) The commissioner may, at any time, require a complainant—
- (a) to give the commissioner further information about the complaint; or
  - (b) to verify all or part of the complaint by statutory declaration.
- (2) When making a requirement under this section, the commissioner must give the complainant a reasonable period of time to satisfy the requirement and may extend that period, whether before or after it ends.

- (3) If the complainant does not comply with a requirement under subsection (1), the commissioner need not, but may, take further action in relation to the complaint.

### **81 Investigation of complaint**

The commissioner must take reasonable steps to investigate each complaint the commissioner accepts for consideration.

### **82 No further action on complaint**

The commissioner must not take further action on a complaint if satisfied that—

- (a) the complaint lacks substance; or
- (b) the complaint is frivolous, vexatious or was not made genuinely; or
- (c) the complaint has been adequately dealt with.

*Note* The commissioner may also take no further action on a complaint if the complainant has not complied with a requirement made under s 80 (see s 80 (3)).

### **83 Action after investigating complaint**

- (1) After investigating a complaint against a licensee, the commissioner must—
- (a) if satisfied on reasonable grounds that a ground for occupational discipline exists in relation to the complaint—
    - (i) apply to the ACAT for an occupational discipline order in relation to the licensee; and
    - (ii) tell the complainant in writing that the application has been made; or
  - (b) if not satisfied that a ground for occupational discipline exists in relation to the complaint—



- (i) tell the complainant in writing that the commissioner will not take further action on the complaint; and
  - (ii) not take further action on the complaint.
- (2) Subsection (1) (b) (ii) does not prevent the commissioner from taking further action in relation to a complaint if the commissioner becomes satisfied that a ground for occupational discipline exists in relation to the complaint.

*Note* The commissioner need not notify the complainant under s (1) if the complainant has withdrawn the complaint (see s 79).

## **Division 5.3 Occupational discipline—licensees**

### **84 Grounds for occupational discipline**

- (1) Each of the following is a *ground for occupational discipline* in relation to a licensee:
- (a) the licensee has contravened, or is contravening, a provision of this Act;
  - (b) the licensee has allowed the licensed premises to be used in a way that causes undue disturbance or inconvenience to people lawfully on the premises;
  - (c) the licensee has allowed the licensed premises to be used in a way that causes undue disturbance or inconvenience to people 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 allowed the hazard to develop;

- (g) a loss of amenity has arisen in the vicinity of the licensed premises that is attributable to the premises and about which there has been a complaint;
- (h) a licensee has allowed people to smoke in a part of the licensed premises that is an enclosed public place;
- (i) the licensee has failed to take reasonable steps to prevent smoke from another area occupied by the licensee entering an enclosed public place;
- (j) there are grounds to suspend the licensee's licence;
- (k) the licensee is not a suitable person to hold a licence;

*Note* For what to consider in deciding whether a licensee is suitable, see s (3).

- (l) the licensed premises are not suitable for the purposes of the licence.

*Note* For what to consider in deciding whether premises are suitable, see s (4).

- (2) There are grounds to suspend a licence if—
  - (a) the licensee has contravened—
    - (i) a direction; or
    - (ii) a training condition, or requirement, imposed under section 53, section 65, section 70 or section 75 (which are about training on the issue or transfer of licences, partnership change or the change of an influential person); and
  - (b) it is in the public interest to suspend the licence; and
  - (c) it is not appropriate to cancel the licence.

- (3) In deciding whether a licensee is a suitable person to hold a licence, the ACAT must consider 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 corporation—
    - (i) whether the corporation has been placed in liquidation; or
    - (ii) whether, in consideration of the matters mentioned in paragraphs (b) or (c) or otherwise, any defined influential person in relation to the corporation would not be a suitable person to hold a licence.
- (4) In deciding whether premises are suitable for the purpose of the licence, the ACAT must consider the following:
- (a) whether the licensed premises comply with the licensing standards manual;
  - (b) whether the licensee’s conduct of the licensed premises has complied with the manual.
- (5) 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.

## **85 Application to ACAT for occupational discipline**

If the commissioner believes on reasonable grounds that a ground for occupational discipline exists in relation to a licensee, the commissioner may apply to the ACAT for an occupational discipline order in relation to the licensee.

*Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 65 sets out when the ACAT may make an occupational discipline order, and s 66 sets out the orders the ACAT may make.

## Part 6                      Alteration of licensed premises

### 86                      Application for alteration

- (1) The licensee of licensed premises may apply to the commissioner for permission to alter the licensed premises.
- (2) The application must be accompanied by 2 copies of the plans and specifications for the alteration.

### 87                      Decision by commissioner

As soon as is reasonably practicable, the commissioner must consider the application and, subject to the requirements of this Act in relation to the application, the commissioner must, 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; or
- (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.

### 88                      Relevant considerations

In making a decision in relation to an application for alteration of the licensed premises, the commissioner must consider whether the licensed premises would, if the proposed alteration were made, substantially comply with the licensing standards manual.

**89 Offences**

- (1) A licensee must not, except with the approval of the commissioner, alter the licensed premises.

Maximum penalty: 50 penalty units.

- (2) If the commissioner approves an alteration of licensed premises, the licensee must not, until the commissioner 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 commissioner.

Maximum penalty: 50 penalty units.

- (3) A licensee must not, without reasonable excuse, fail to tell the commissioner in writing about any alteration of fittings prescribed by regulation.

Maximum penalty: 10 penalty units.

## Part 7 Closure of licensed premises

### 90 Application for closure

- (1) The holder of a general licence, an on licence or a special licence may apply to the commissioner to close the licensed premises—
  - (a) on 1 or more days; or
  - (b) for stated periods.
- (2) The application must—
  - (a) be in writing signed by the licensee; and
  - (b) be lodged with the commissioner—
    - (i) not less than 21 days before the first day for which approval is sought; or
    - (ii) before a later date (before the first day) that the commissioner allows.

### 91 Decision of commissioner

As soon as is reasonably practicable, the commissioner must consider the application and, subject to the requirements of this Act in relation to the application, the commissioner must, 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; or
- (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.

**92 Relevant considerations**

In making a decision in relation to an application for closure of licensed premises, the commissioner must consider whether the licensed premises would, if the proposed closure were made, stop meeting the reasonable requirements of the public.

**93 Offences**

- (1) If the commissioner approves the closure of licensed premises, the licensee must 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 the day or days and times when the premises will be closed under the approval.

Maximum penalty: 5 penalty units.

- (2) A licensee must not open any part of the licensed premises for the sale of liquor on a day for 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 commissioner in accordance with section 105, the stated premises are, during the stated period, taken to be part of the licensed premises.

### 105            Notice

- (1) For section 104, a licensee must give the commissioner written notice stating—
  - (a) the period when the licensee intends to sell liquor on unlicensed premises; and
  - (b) those unlicensed premises.
- (2) The period specified in a notice must—
  - (a) begin 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 must give notice no later than 7 days before the beginning of the specified period.

## Part 9 Permits

### Division 9.1 Kinds of permits

#### 106 What is a *permit*?

In this Act:

*permit* means—

- (a) a liquor permit; or
- (b) a non-profit organisation wine permit; or
- (c) a tourism wine permit.

#### 106A What is a *liquor permit*?

- (1) A *liquor permit* authorises the permit-holder to sell the amount of liquor stated in the permit, at the event stated in the permit, at the times and places stated in the permit.
- (2) A liquor permit does not authorise the permit-holder to sell liquor—
  - (a) in a closed container; or
  - (b) in a container together with the means of closing the container.

#### 106B What is a *non-profit organisation wine permit*?

A *non-profit organisation wine permit* authorises the permit-holder to sell, in closed containers, the amount of wine stated in the permit, at the event stated in the permit, at the times and places stated in the permit.

**106C**      **What is a *tourism wine permit*?**

A *tourism wine permit* authorises the permit-holder to sell, in closed containers, the amount of wine stated in the permit, at the event stated in the permit, at the times and places stated in the permit.

**106D**      **Meaning of *amount* in a permit**

The *amount* of liquor stated in the permit must be stated by reference to a stated dollar figure.

**Examples of stated amount**

- 1 a dollar figure for the wine acquired for sale under the permit
- 2 a dollar figure for the total sales of wine under the permit

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

**Division 9.2**                      **Issue of permits**

**107**              **Application for permit**

A person may apply to the commissioner for a permit.

*Note 1* A fee may be determined under s 179 for this provision.

*Note 2* If a form is approved under s 180 for this provision, the form must be used.

**108**              **Consideration of application**

As soon as is reasonably practicable, the commissioner must consider an application for a permit and, subject to the requirements of this Act in relation to the application, must, 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; or

- (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.

### 109A Criteria for liquor permit

- (1) The commissioner may issue a liquor permit to an applicant only if satisfied on reasonable grounds that—
  - (a) there will be adequate toilet facilities for the people attending the event to which the permit would apply; and
  - (b) the event is not likely to result in disturbance or inconvenience to people occupying premises in the neighbourhood of the event; and
  - (c) the amount of liquor for which the permit is sought is not more than the amount reasonably needed for the event; and
  - (d) it is in the public interest to issue the permit.

#### Examples of when it may not be in public interest to issue permit

- 1 if the applicant has been convicted of a defined offence
- 2 if the applicant is a corporation and a defined influential person in relation to the corporation has been convicted of a defined offence
- 3 if the applicant is a partner in a partnership and intends to hold the permit for the partnership and another partner has been convicted of a defined offence

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

- (2) If the commissioner is satisfied on reasonable grounds that the amount of liquor for which the permit is sought is more than the amount reasonably needed for the event to which the permit would apply, a permit may be issued to the applicant authorising the sale of the amount of liquor the commissioner considers appropriate for the event.

**109B Criteria for non-profit organisation wine permit**

- (1) The commissioner may issue a non-profit organisation wine permit to an applicant only if satisfied on reasonable grounds that—
  - (a) the applicant is, or represents, a non-profit organisation; and
  - (b) all profits from the sale of the wine will directly benefit a non-profit organisation; and
  - (c) the applicant is not the holder of a club licence under section 48; and
  - (d) it is in the public interest to issue the permit.
- (2) The stated amount of wine that may be sold under the permit must not exceed the applicant's annual quota.
- (3) In this section:

*annual quota*, for an applicant, means the amount of wine that—

- (a) is bought by the applicant in the financial year in which the event to which the permit would apply happens; and
- (b) is authorised for sale by the applicant under the permit, or any other non-profit organisation wine permit, in the same financial year; and
- (c) does not exceed the price cap.

*non-profit organisation* means an organisation that is not carried on for profit or gain to its individual members and does not make any distribution, whether in money, property or otherwise, to its members.

*price cap* means—

- (a) \$10 000; or
- (b) if another amount is prescribed by regulation—that amount.

**109C Criteria for tourism wine permit**

- (1) The commissioner may issue a tourism wine permit to an applicant only if satisfied on reasonable grounds that—
  - (a) the applicant holds—
    - (i) a licence or permit under this Act to sell wine; or
    - (ii) a licence, permit or other authority (however described) under the law of another State or Territory to sell wine; and
  - (b) the applicant was involved in the production or processing of the wine; and
  - (c) the wine to be sold under the permit is to be sold at a tourism or promotional event; and
  - (d) it is in the public interest to issue the permit.
- (2) The stated amount of wine that may be sold under the permit must not exceed the applicant's annual quota.
- (3) In this section:

***annual quota***, in relation to a tourism wine permit for an applicant, means the amount of wine that—

- (a) is authorised for sale by the applicant—
  - (i) in the financial year in which the event to which the permit would apply happens; and
  - (ii) under the permit or any other tourism wine permit; and
- (b) does not exceed the price cap.

***tourism or promotional event*** includes an exhibition, festival, trade fair and show.

***price cap*** means—

- (a) \$15 000; or

(b) if another amount is prescribed by regulation—that amount.

**110 Permit conditions may differ from application**

- (1) If the commissioner is satisfied on reasonable grounds that the times for which the permit is sought are not appropriate, the commissioner may issue a permit to the applicant for the times the commissioner considers appropriate.
- (2) If the commissioner is satisfied on reasonable grounds that aspects of the sale of liquor for which the permit is sought would not be in the public interest, the commissioner may issue a permit to the applicant subject to the conditions the commissioner considers necessary to protect the public interest.

**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).

**111 Conditions to be stated in permit**

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

**112 Source of liquor to be endorsed on permit**

- (1) If a permit-holder buys liquor from someone else (the *seller*), the permit-holder must give the permit to the seller for endorsement.
- (2) The seller must, on receiving the permit—
  - (a) endorse on the permit—
    - (i) the name of the seller; and
    - (ii) the kind and amount of liquor bought; and

- (iii) the price paid for the liquor; and
  - (b) sign the endorsement.
- (3) If a permit-holder acquires liquor to be sold under the permit without buying it, the permit-holder must—
- (a) endorse on the permit—
    - (i) how the liquor was acquired; and
    - (ii) the kind and amount of liquor acquired; and
    - (iii) the total amount received from the sale of liquor under the permit at the event; and
  - (b) sign the endorsement.

**Examples of how permit-holder may acquire liquor otherwise than by buying it**

- 1 the permit-holder may produce the liquor
- 2 the liquor may be donated to the permit-holder

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

### **113 Refund of permit fees**

- (1) This section applies if—
- (a) for any reason other than the cancellation of a permit, a permit-holder does not conduct any entertainment in relation to which the permit was issued; and
  - (b) the permit-holder gives the permit to the commissioner 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.



- (2) The Territory must pay to the permit-holder the amount by which the fee paid for the issue of the permit exceeded the minimum fee determined under section 179 for an application for a permit.

**114 Return of permits to commissioner**

A permit-holder must not without reasonable excuse fail to return a permit to the commissioner within 7 days after—

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

Maximum penalty: 10 penalty units.

**Division 9.3 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.

**116 Ground for cancellation**

- (1) The commissioner must cancel a permit if it would be in the public interest to do so.
- (2) For this division, the matters to be considered in deciding 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 people occupying premises in the neighbourhood;

- (b) 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;
- (c) whether the permit-holder has contravened a provision of this Act;
- (d) whether the permit-holder has been convicted of a defined offence;
- (e) if the permit-holder is a corporation—whether paragraph (c) or (d) applies to a defined influential person in relation to the corporation.

### **117 Complaints**

- (1) A person may make a complaint about how the premises stated in a permit are being used.
- (2) The complaint must—
  - (a) be in writing; and
  - (b) be signed by the person making the complaint; and
  - (c) be lodged with the commissioner.

### **118 Decision of commissioner**

- (1) In considering a complaint under section 117, the commissioner must—
  - (a) if the commissioner believes on reasonable grounds that it would be in the public interest to cancel the permit—cancel the permit; or
  - (b) in any other case—dismiss the complaint.
- (2) If the commissioner decides to dismiss the complaint, the commissioner must tell the complainant that the complaint has been investigated but no further action is required.

## **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 for 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 must, 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 must, 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 must not have a bar-room open for the sale of liquor unless that bar-room is open for the sale of liquor to people of both sexes.

Maximum penalty: 20 penalty units.

**122 On licence—minimum bar trading hours**

- (1) The holder of an on licence must, 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 must, 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 must not, without reasonable excuse, contravene a condition specified in the licence.

Maximum penalty: 50 penalty units.

**124 Permits—conditions**

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

Maximum penalty: 50 penalty units.

**125 Return of licences to commissioner**

If a licence is suspended or cancelled under part 5 (Control and conduct of licensees), the licensee must give the licence to the commissioner within 3 days after the day 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 must have available for sale, at a place on the licensed premises approved by the commissioner in relation to that bar-room, an adequate supply of food of a standard and variety approved by the commissioner.

Maximum penalty: 20 penalty units.

- (2) The commissioner must not approve a place in relation to a bar-room for subsection (1) unless the commissioner is satisfied that the situation of the place meets the reasonable requirements of the members of the public.

**127 Notices about food**

- (1) The holder of a general licence or an on licence must 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 will supply and the prices that will be charged.

Maximum penalty: 5 penalty units.

- (2) A sign mentioned in subsection (1) is taken not to be displayed at an entrance to a bar-room unless it is clearly visible to people entering the bar-room through that entrance.

- (3) The holder of a general licence must, 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 will supply and the prices that will be charged.

Maximum penalty: 5 penalty units.

- (4) A sign mentioned in subsection (3) is not 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 must keep the licensed premises in a clean condition at all times.

Maximum penalty: 20 penalty units.

### **129 Maintenance of licensed premises**

A licensee must 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 must not, without reasonable excuse, fail to display at each public entrance to each bar-room a notice stating the hours when the bar-room will be open for the sale of liquor.

Maximum penalty: 5 penalty units.

**131 Sexually explicit entertainment**

- (1) A licensee or permit-holder must 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 must not, without reasonable excuse, be absent from the licensed premises for a period longer than 28 days unless the licensee has given to the commissioner written notice setting out details of—

- (a) the period when the licensee will 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 stops controlling the licensed premises, the licensee must, within 28 days after the day the licensee stops controlling the premises, give the commissioner notice in writing, unless the commissioner approves the transfer or the surrender of the licence before the end of the 28-day period.

Maximum penalty: 10 penalty units.

**134 Sale of petrol at licensed premises**

A licensee must 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 must 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 people 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 must 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 must 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 must 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 people**

- (1) A licensee or permit-holder must 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 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 must not consume liquor in a prescribed public place.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if the person—
- (a) possesses an open container of liquor in a prescribed public place; and
  - (b) intends to consume the liquor in the place.

Maximum penalty: 2 penalty units.

- (3) An offence against subsection (1) is a strict liability offence.
- (4) For subsection (2), a container is taken to be open if a manufacturer's seal is broken or the contents of the container are otherwise accessible.
- (5) 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 mentioned 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) at a time and place stated in a liquor permit.

- (6) 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.

- (7) Regulations made for subsection (6), definition of *prescribed public place*, paragraph (c) may provide that a public place specified in the regulations is 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.

**141                      Sale of adulterated liquor**

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

Maximum penalty: 50 penalty units.

**142                      People on licensed premises after hours**

- (1) A person must 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 longer than 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 a lodger mentioned in paragraph (e).

**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 People on licensed premises for unlawful purposes**

A licensee must 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 must 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 must 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 must 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 must 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 mentioned in subsection (1) must 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 must not, without reasonable excuse, permit a number of persons in excess of the occupancy loading decided under section 41 or section 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 must 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 must not, without reasonable excuse, fail to comply with a requirement under section 25 (4) (e) that patrons 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 people**

- (1) A person must 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 people**

- (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 commissioner.

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

- (1) A person under 18 years old must 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 commissioner.

### **155 Sending under-age people to obtain liquor**

A person must 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 people 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 people 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 commissioner.

**157 Licensee allowing entry to bar-rooms by under-age people**

- (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 commissioner.
- (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 people under 18 years old that was conducted by the licensee in accordance with the licensing standards manual.

**158 False identification**

- (1) A person must 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 must give the document to the commissioner within 72 hours.

Maximum penalty: 5 penalty units.

- (4) The holder of a licence or permit must 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 commissioner under subsection (3).

Maximum penalty: 5 penalty units.

- (5) The holder of a licence or permit must 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 commissioner.

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 mentioned in subsection (2); or
  - (b) beer, wine, spirits or any other alcoholic beverage.
- (2) In a proceeding 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 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 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 mentioned 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 (2), section 146 (1), section 147, section 154 or section 155.

**160 Licensees and permit-holders**

In a court proceeding, a certificate signed by the commissioner stating any of the following matters is evidence of the matters:

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

**161 Occupancy loading**

In a court proceeding, a certificate signed by the commissioner stating in relation to a public area on a particular day the occupancy loading decided under section 41 or section 42 that was applicable to the area on the day, is evidence of the matter.

## Part 12 Notification and review of decisions

### 162 Meaning of *reviewable decision*—pt 12

In this part:

*reviewable decision* means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

### 163 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

*Note 1* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 164 Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

## 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 must be in the form approved by the road transport authority.

*Note* A fee may be determined under s 179 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.

### 177 Acts and omissions of representatives

- (1) In this section:

***person*** means an individual.

*Note* See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.

***representative***, of a person, means an employee or agent of the person.

***state of mind***, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.



- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
  - (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.
- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
- (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

#### **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 proceeding against the licensee of the licensed premises; or
  - (b) in any criminal proceeding.
- (2) This section does not prevent the admission into evidence in a civil proceeding 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 relation to 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 is 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 Proceedings for offences**

A proceeding in relation to an offence against this Act must not be begun except by the commissioner or a police officer.

**179 Determination of fees**

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

*Note* The Legislation Act 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.

**180 Approved forms**

- (1) The commissioner may, in writing, approve forms for this Act.
- (2) If the commissioner approves a form for a particular purpose, the approved form must be used.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

- (3) An approved form is a notifiable instrument.

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

**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.

## Schedule 1 Reviewable decisions

(see pt 12)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	8	refuse to approve person or body to conduct training program	person or body refused approval
2	40	which parts of licensed premises are indoor public areas or outdoor public areas	licensee or applicant for licence
3	40A	which area of licensed premises is bar-room	licensee or applicant for licence
4	41	occupancy loading for indoor public area on licensed premises	licensee or applicant for licence
5	42	occupancy loading for outdoor public area on licensed premises	licensee or applicant for licence
6	50	refuse to issue licence	applicant for licence
7	51	issue licence of different class from that applied for	applicant for licence
8	53 (1)	issue licence subject to condition that licensee undertake training or training of stated kind	applicant for licence

column 1 item	column 2 section	column 3 decision	column 4 entity
9	53 (1)	issue licence subject to condition that licensee undertake training within stated time	applicant for licence
10	55 (1)	issue special licence subject to conditions	applicant for licence
11	63 (2) (b)	refuse to authorise transfer of licence	applicant for transfer
12	65 (1)	transfer licence subject to condition that transferee undertake training or training of stated kind	applicant for transfer of licence
13	65 (1)	transfer licence subject to condition that transferee undertake training within stated time	applicant for transfer of licence
14	67 (2)	refuse to cancel licence	licensee
15	70 (2)	require new partner of licensee to undertake training or training of stated kind	new partner of licensee
16	70 (2)	require new partner of licensee to undertake training within stated time	new partner of licensee
17	75 (2)	require person who has	defined influential

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column 1 item	column 2 section	column 3 decision	column 4 entity
		become defined influential person to undertake training or training of stated kind	person
18	75 (2)	require person who has become defined influential person to undertake training within stated time	defined influential person
19	87 (b)	refuse to approve an alteration to licensed premises	licensee
20	89 (2)	refuse to declare alteration of licensed premises complete	licensee
21	91 (b)	refuse to approve closure of licensed premises	licensee
22	108 (b)	refuse to issue permit	applicant for permit
23	110 (2)	issue permit subject to conditions	applicant for permit

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## Dictionary

(see s 3)

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

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

- ACAT
- chief executive (see s 163)
- chief police officer
- commissioner for fair trading
- corporation
- exercise
- function
- in relation to
- occupational discipline order
- reviewable decision notice
- road transport authority
- Territory

***amount***, for part 9 (Permits)—see section 106D.

***approved training program*** means a training program conducted by a person or body approved by the commissioner under section 8.

***authorised*** means authorised under this Act.

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

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

***commissioner*** means the commissioner for fair trading.

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

***defined influential person***, in relation to a corporation, means—

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

***defined offence*** means an offence against any of the following Acts:

- (a) this Act;
- (b) the *Crimes Act 1900*;
- (c) the *Criminal Code*;
- (d) the *Unlawful Games Act 1984*;
- (e) the *Crimes Act 1914* (Cwlth);
- (f) the *Criminal Code Act 1995* (Cwlth).

*Note* A reference to a law (including a Commonwealth law) includes a reference to the statutory instruments made or in force under the law, including any regulation (see Legislation Act, s 104).

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

***document of identification***, of a person, for division 10.2 (Under-age drinking)—see section 151.

***driver licence***, for division 10.2 (Under-age drinking)—see section 151.

***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).



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**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.

**identity card**—see the *Fair Trading (Consumer Affairs) Act 1973*, dictionary.

**inspector** means an investigator under the *Fair Trading (Consumer Affairs) Act 1973*.

**licence** means a licence under this Act, and includes (except in part 4 (Licences)) the renewal of a licence.

**licensed premises** means premises for 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, s 102).

**liquor**—

- (a) for this Act generally, means a beverage that contains more than 1.15% by volume of ethyl alcohol; and
- (b) for division 10.2 (Under-age drinking)—see section 151.

**liquor permit**, for part 9 (Permits)—see section 106A.

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

**non-profit organisation wine permit**, for part 9 (Permits)—see section 106B.

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

**permit**—see section 106.

**premises** includes a boat.

**proof of age card**—

- (a) for this Act generally, means a card issued under section 175 (1); and

(b) for division 10.2 (Under-age drinking)—see section 151.

**public area**, in relation to premises, is any area within those premises decided 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, other than—

- (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 about the type of liquor that will be served or where 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, reserve or other place that the public is entitled to use or that is open to, or used by, the public (whether or not for payment), including—

- (a) a shop, and any place occupied in relation to a shop; and
- (b) a factory, and any place occupied in relation to, a factory; and
- (c) a building or part of a building occupied by a club, and any place occupied in relation to a club; and
- (d) any private property that is commonly used by the public, whether as trespassers or otherwise.

**responsible adult**, for another person, for division 10.2 (Under-age drinking)—see section 151.

**reviewable decision**, for part 12 (Notification and review of decisions)—see section 162.

**tourism wine permit**, for part 9 (Permits)—see section 106C.

***university*** means—

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

## Endnotes

### 1 About the endnotes

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
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
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

## Endnotes

3 Legislation history

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### 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

**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)

## Endnotes

3 Legislation history

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**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 S160)

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))



**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)

## Endnotes

3 Legislation history

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**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)

**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)

## Endnotes

3 Legislation history

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**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))

**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 (as am by A2005-5 pt 14)**

notified LR 25 November 2003  
s 1, s 2 commenced 25 November 2003 (LA s 75 (1))  
div 5.3 commenced 1 December 2006 (s 2 (1))

**Construction Occupations Legislation Amendment Act 2004  
A2004-13 sch 2 pt 2.21**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.21 commenced 1 September 2004 (s 2 and see  
Construction Occupations (Licensing) Act 2004 A2004-12, s 2 and  
CN2004-8)

**Criminal Code (Theft, Fraud, Bribery and Related Offences)  
Amendment Act 2004 A2004-15 sch 1 pt 1.29, sch 2 pt 2.51**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.29, sch 2 pt 2.51 commenced 9 April 2004 (s 2 (1))

**Emergencies Act 2004 A2004-28 pt 3.13**

notified LR 29 June 2004  
s 1, s 2 commenced 29 June 2004 (LA s 75 (1))  
pt 3.13 commenced 1 July 2004 (s 2 (1) and CN2004-11)

**Court Procedures (Consequential Amendments) Act 2004 A2004-60  
sch 1 pt 1.38**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
sch 1 pt 1.38 commenced 10 January 2005 (s 2 and see Court  
Procedures Act 2004 A2004-59, s 2 and CN2004-29)

## Endnotes

3 Legislation history

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### **Justice and Community Safety Legislation Amendment Act 2005 A2005-5 pt 14**

notified LR 23 February 2005

s 1, s 2 commenced 23 February 2005 (LA s 75 (1))

pt 14 commenced 24 February 2005 (s 2 (2), (3))

*Note* This Act only amends the Smoking (Prohibition in Enclosed Public Places) Act 2003 A2003-51.

### **Justice and Community Safety Legislation Amendment Act 2005 (No 2) A2005-11 pt 5**

notified LR 11 March 2005

s 1, s 2 commenced 11 March 2005 (LA s 75 (1))

pt 5 commenced 12 March 2005 (s 2)

### **Criminal Code (Administration of Justice Offences) Amendment Act 2005 A2005-53 sch 1 pt 1.19**

notified LR 26 October 2005

s 1, s 2 commenced 26 October 2005 (LA s 75 (1))

sch 1 pt 1.19 commenced 23 November 2005 (s 2)

### **Justice and Community Safety Legislation Amendment Act 2006 A2006-40 sch 1 pt 1.9**

notified LR 28 September 2006

s 1, s 2 commenced 28 September 2006 (LA s 75 (1))

sch 1 pt 1.9 commenced 29 September 2006 (s 2 (1))

### **Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.61**

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.61 commenced 12 April 2007 (s 2 (1))

### **Statute Law Amendment Act 2007 (No 2) A2007-16 sch 3 pt 3.24**

notified LR 20 June 2007

s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))

sch 3 pt 3.24 commenced 11 July 2007 (s 2 (1))

### **Regulatory Services Legislation Amendment Act 2008 A2008-5 pt 6**

notified LR 15 April 2008

s 1, s 2 commenced 15 April 2008 (LA s 75 (1))

pt 6 commenced 1 July 2008 (s 2 and CN2008-7)

**Crimes Amendment Act 2008 A2008-6 pt 4**

notified LR 15 April 2008  
 s 1, s 2 commenced 15 April 2008 (LA s 75 (1))  
 pt 4 commenced 16 April 2008 (s 2)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.35**

notified LR 4 September 2008  
 s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
 sch 1 pt 1.35 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.68**

notified LR 4 September 2008  
 s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
 sch 1 pt 1.68 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

**Justice and Community Safety Legislation Amendment Act 2009 A2009-7 sch 1 pt 1.7**

notified LR 5 March 2009  
 s 1, s 2 commenced 5 March 2009 (LA s 75 (1))  
 sch 1 pt 1.7 commenced 6 March 2009 (s 2 (1))

**Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.50**

notified LR 1 September 2009  
 s 1, s 2 commenced 1 September 2009 (LA s 75 (1))  
 sch 3 pt 3.50 commenced 22 September 2009 (s 2)

**4 Amendment history****Title**

title sub 1994 No 51

**Name of Act**

s 1 sub 2001 No 70 amdt 1.16

**Object of Act**

s 2 **orig s 2**  
 sub 2001 No 70 amdt 1.16  
 am A2004-13 amdt 2.81  
 om A2007-3 amdt 3.334  
**pres s 2**

## Endnotes

### 4 Amendment history

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(prev s 3A) ins 1996 No 44  
renum as s 3 R6 LRA (see 1999 No 51 s 39)  
renum as s 2 A2007-3 amdt 3.335

#### Dictionary

s 3

**orig s 3**  
om 1999 No 51 sch  
**prev s 3**  
renum as s 2  
**pres s 3**  
ins A2007-3 amdt 3.336

#### Object of Act

s 3A

renum as s 3 and then s 2

#### 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  
remaining defs reloc to dict 2001 No 70 amdt 1.18  
sub 2001 No 70 amdt 1.19; A2007-3 amdt 3.336  
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

#### 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 people

s 4AC

renum as s 7

#### Approval for training programs

s 4A

renum as s 8

#### Offences against Act—application of Criminal Code etc

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  
om A2007-3 amdt 3.337  
ins A2008-6 s 14



**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 people**

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)  
sub A2008-36 amdt 1.415

**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; A2007-3 amdt 3.338

**Enforcement**

pt 2 hdg sub A2008-36 amdt 1.416

**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)  
om A2008-36 amdt 1.417

**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)  
om A2008-36 amdt 1.417

**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; A2007-16 amdt 3.110  
om A2008-36 amdt 1.417

## Endnotes

### 4 Amendment history

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#### **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)  
om A2008-36 amdt 1.417

#### **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

#### **Calling 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  
sub A2007-16 amdt 3.111

om A2008-36 amdt 1.417

**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)  
om A2008-36 amdt 1.417

**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

**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)  
om A2008-36 amdt 1.417

**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

**People under 18—powers of inspectors and police officers**

s 17B renum as s 30

**Cautioning young people**

s 17C renum as s 31

**Revocation of cautions**

s 17D renum as s 32

## Endnotes

### 4 Amendment history

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#### **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; A2007-16 amdt 3.112  
om A2008-36 amdt 1.417

#### **Calling 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)  
om A2008-36 amdt 1.417

#### **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)  
om A2008-36 amdt 1.417

#### **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)  
om A2008-36 amdt 1.417

#### **Appointment of registrar and deputy 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)  
sub A2006-40 amdt 1.26  
(4)-(7) exp 29 September 2007 (s 21 (7) (LA s 88 declaration  
applies))  
om A2008-36 amdt 1.417

#### **Delegation by 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)  
sub A2006-40 amdt 1.26  
om A2008-36 amdt 1.417

**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)  
sub A2006-40 amdt 1.26  
(3)-(5) exp 29 September 2007 (s 23 (5) (LA s 88 declaration  
applies))  
om A2008-36 amdt 1.417

**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  
om A2008-36 amdt 1.417

**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)  
om A2008-36 amdt 1.418

**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)  
am A2008-37 amdt 1.302

**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)

## Endnotes

### 4 Amendment history

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#### **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)  
am A2007-3 amdt 3.339

#### **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)  
am A2007-3 amdt 3.340; A2008-37 amdt 1.302

#### **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

#### **People 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 people**

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)  
am A2008-37 amdt 1.302

#### **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)  
sub A2007-16 amdt 3.113  
am A2009-20 amdt 3.125

**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; A2008-36  
amdt 1.419, amdt 1.420

**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  
am A2008-36 amdt 1.421

**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)  
sub A2008-36 amdt 1.422

**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)  
om A2008-36 amdt 1.423

## Endnotes

### 4 Amendment history

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#### **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)  
sub A2004-13 amdt 2.82

#### **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)  
am A2004-28 amdt 3.40  
sub A2008-36 amdt 1.424

#### **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))  
am A2008-36 amdt 1.425

#### **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)  
am A2004-28 amdts 3.40-3.45; A2008-36 amdt 1.426,  
amdt 1.427

#### **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)  
am A2008-36 amdt 1.428, amdt 1.478

#### **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)  
sub A2008-36 amdt 1.429

**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 people**

s 43F renum as s 73

## Endnotes

4 Amendment history

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### **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)

### **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)  
am A2008-36 amdt 1.430

### **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  
sub A2008-36 amdt 1.431

**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)  
sub A2008-36 amdt 1.431

## Endnotes

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### **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)  
am A2008-36 amdt 1.479

### **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)  
am A2008-36 amdt 1.432

### **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)  
am A2008-36 amdt 1.433, amdt 1.479

### **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)  
am A2008-36 amdt 1.434

### **Licence not to be issued if 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)  
am A2004-13 amdt 2.83  
sub A2008-36 amdt 1.435

### **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  
sub A2008-36 amdt 1.435

### **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)  
am A2008-36 amdt 1.436, amdt 1.437

**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; A2008-36 amdt 1.478

**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)  
sub A2008-36 amdt 1.438

**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

## Endnotes

### 4 Amendment history

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#### **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; A2009-20 amdt 3.125

#### **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 amdts 1.2657-1.2659  
sub A2008-36 amdt 1.439

#### **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)  
am A2008-36 amdt 1.479

#### **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)  
am A2008-36 amdt 1.440

#### **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; A2008-36 amdt 1.478

**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)

## Endnotes

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### **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; A2008-36 amdt 1.478

### **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)  
am A2008-36 amdt 1.478

### **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)

### **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; A2008-36 amdt 1.478

**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)  
am A2008-36 amdt 1.478

**Control and conduct of licensees**

pt 5 hdg sub A2008-36 amdt 1.441

**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)  
sub A2008-36 amdt 1.441

**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)  
sub A2008-36 amdt 1.441

**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)  
sub A2008-36 amdt 1.441

**Who may complain?**

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)  
sub A2008-36 amdt 1.441

## Endnotes

### 4 Amendment history

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#### **Form of complaint**

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)  
sub A2008-36 amdt 1.441

#### **Advertising by licensed clubs**

s 78A renum as s 137

#### **Withdrawal of complaints**

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)  
sub A2008-36 amdt 1.441

#### **Further information about complaint etc**

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  
sub A2008-36 amdt 1.441

#### **Investigation of complaint**

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)  
sub A2008-36 amdt 1.441

#### **No further action on complaint**

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 s 26, s 27, s 29; pars renum R21 LA (see  
A2003-51 s 28)  
sub A2008-36 amdt 1.441

**Action after investigating complaint**

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  
sub A2008-36 amdt 1.441

**False identification**

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

**Occupational discipline—licensees**

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)  
sub A2008-36 amdt 1.441

**Grounds for occupational discipline**

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)  
sub A2008-36 amdt 1.441

**Failure to give name, address or age**

s 84A ins 1987 No 72  
om 1990 No 50

**Application to ACAT for occupational discipline**

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  
sub A2008-36 amdt 1.441

**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)  
om A2008-36 amdt 1.441

## Endnotes

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#### **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)  
om A2008-36 amdt 1.441

#### **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)  
om A2008-36 amdt 1.441

#### **Alteration of licensed premises**

pt 6 hdg sub 1990 No 50; A2008-36 amdt 1.441

#### **Application for alteration**

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)  
sub A2008-36 amdt 1.441

#### **Decision by commissioner**

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  
sub A2008-36 amdt 1.441

#### **Relevant considerations**

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)  
sub A2008-36 amdt 1.441

#### **Offences**

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)  
sub A2008-36 amdt 1.441

**Closure of licensed premises**

pt 7 hdg sub 1990 No 50; A2008-36 amdt 1.441

**Application for closure**

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)  
sub A2008-36 amdt 1.441

**Decision of commissioner**

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)  
sub A2008-36 amdt 1.441

**Relevant considerations**

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  
sub A2008-36 amdt 1.441

**Offences**

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)  
sub A2008-36 amdt 1.441

**Exceeding occupancy loading**

s 93A orig s 93A renum as s 148  
ins A2003-51 s 31 (s 31 om before commenced by A2005-5  
s 47)

**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

## Endnotes

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### **Sale or supply of liquor to under-age people**

s 93E renum as s 152

### **Offence by licensee for possession or consumption of liquor by under-age people**

s 93F renum as s 153

### **Buying, possession and consumption of liquor by under-age people**

s 93G renum as s 154

### **Sending under-age people to obtain liquor**

s 93H renum as s 155

### **Entry to bar-rooms by under-age people etc**

s 93I renum as s 156

### **Licensee allowing entry to bar-rooms by under-age people**

s 93J renum as s 157

### **False identification**

s 93K renum as s 158

### **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)  
om A2008-36 amdt 1.441

### **Payment of balance of renewal fee**

s 94A ins 1979 No 10  
am Cwlth 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)  
om A2008-36 amdt 1.441

### **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)  
om A2008-36 amdt 1.441

**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)  
om A2008-36 amdt 1.441

**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)  
om A2008-36 amdt 1.441

**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)  
om A2008-36 amdt 1.441

**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)  
om A2008-36 amdt 1.441

**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)  
om A2008-36 amdt 1.441

**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)  
om A2008-36 amdt 1.441

## Endnotes

### 4 Amendment history

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#### **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)  
om A2008-36 amdt 1.441

#### **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)  
sub A2008-36 amdt 1.442

#### **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—penalties**

s 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)  
am A2008-36 amdt 1.443

#### **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

**Kinds of permits**

div 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)  
sub A2005-11 s 19

**What is a 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)  
sub A2005-11 s 20

**What is a liquor permit?**

s 106A ins A2005-11 s 20

**What is a non-profit organisation wine permit?**

s 106B ins A2005-11 s 20

**What is a tourism wine permit?**

s 106C ins A2005-11 s 20

**Meaning of amount in a permit**

s 106D ins A2005-11 s 20

**Issue of permits**

div 9.1A hdg renum as div 9.2 hdg

**Issue of permits**

div 9.2 hdg orig div 9.2 hdg renum as div 9.3 hdg  
(prev div 9.1A hdg) ins A2005-11 s 20  
renum as div 9.2 hdg R17 LA (see A2005-11 s 24)

**Application for permit**

s 107 hdg sub A2008-36 amdt 1.444  
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 Cwlth 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  
am A2005-11 s 21; A2008-36 amdt 1.444

## Endnotes

### 4 Amendment history

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#### **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)  
am A2006-40 amdt 1.27  
sub A2008-36 amdt 1.445

#### **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)  
om A2008-36 amdt 1.446

#### **Criteria for liquor permit**

s 109A ins A2005-11 s 22  
am A2008-36 amdt 1.447, amdt 1.448

#### **Criteria for non-profit organisation wine permit**

s 109B ins A2005-11 s 22  
am A2008-36 amdt 1.449

#### **Criteria for tourism wine permit**

s 109C ins A2005-11 s 22  
am A2008-36 amdt 1.450

#### **Permit conditions may differ from application**

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)  
sub A2005-11 s 22; A2008-36 amdt 1.451

#### **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

#### **Source of liquor to be endorsed on permit**

s 112 (prev s 65D) ins 1979 No 10  
renum as s 112 R6 LRA (see 1999 No 51 s 39)  
sub A2005-11 s 23

**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  
sub A2008-36 amdt 1.452

**Return of permits to commissioner**

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)  
sub A2008-36 amdt 1.452

**Cancellation of permits**

div 9.3 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)  
renum as div 9.3 hdg R17 LA (see A2005-11 s 24)

**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; pars renum R21 LA (see A2003-51 s 34);  
A2008-36 amdt 1.453

**Automatic cancellation of permit**

s 116A ins A2003-51 s 35 (s 35 om before commenced by A2005-5  
s 47)

**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)  
sub A2008-36 amdt 1.454

**Decision of commissioner**

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)  
sub A2008-36 amdt 1.454

**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)  
om A2008-36 amdt 1.455

## Endnotes

### 4 Amendment history

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#### **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)

#### **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 commissioner**

s 125 (prev s 68C) ins 1999 No 51 s 30  
renum as s 125 R6 LRA (see 1999 No 51 s 39)  
sub A2008-36 amdt 1.456

#### **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)  
am A2008-36 amdt 1.478

#### **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)  
am A2008-36 amdt 1.457

**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)  
sub A2008-36 amdt 1.458

**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)

## Endnotes

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### **Sale or supply of liquor to intoxicated people**

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; A2005-11 s 25; A2008-6 s 15;  
ss renum R25 LA

### **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)  
om A2004-15 amdt 2.112

### **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)

### **People 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)

### **Exclusion of people from licensed premises**

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

### **People 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)  
sub A2008-36 amdt 1.459

**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 people**

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 people**

s 153 (prev s 93F) ins 1999 No 51 s 32  
renum as s 153 R6 LRA (see 1999 No 51 s 39)  
am A2008-36 amdt 1.460

**Buying, possession and consumption of liquor by under-age people**

s 154 (prev s 93G) ins 1999 No 51 s 32  
renum as s 154 R6 LRA (see 1999 No 51 s 39)  
am A2008-36 amdt 1.461

**Sending under-age people 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)

## Endnotes

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### **Entry to bar-rooms by under-age people etc**

s 156 (prev s 93I) ins 1999 No 51 s 32  
renum as s 156 R6 LRA (see 1999 No 51 s 39)  
am A2008-36 amdt 1.462

### **Licensee allowing entry to bar-rooms by under-age people**

s 157 (prev s 93J) ins 1999 No 51 s 32  
renum as s 157 R6 LRA (see 1999 No 51 s 39)  
am A2008-36 amdt 1.463

### **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)  
am A2008-36 amdt 1.478

### **Evidence**

pt 11 hdg sub 1990 No 50

### **Liquor**

s 159 (prev s 94) sub 1979 No 10  
am Cwlth 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)  
am A2008-6 s 16

### **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)  
sub A2008-36 amdt 1.464

### **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)  
sub A2008-36 amdt 1.464

### **Notification and review of decisions**

pt 12 hdg sub 1990 No 56  
am 1996 No 44  
sub A2008-36 amdt 1.465



**Meaning of *reviewable decision*—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)  
am A2007-16 amdt 3.114  
sub A2008-36 amdt 1.465

**Reviewable decision notices**

s 163 (prev s 96A) ins 1990 No 56  
renum as s 163 R6 LRA (see 1999 No 51 s 39)  
sub A2008-36 amdt 1.465

**Applications for review**

s 164 (prev s 96AA) ins 1996 No 44  
renum as s 164 R6 LRA (see 1999 No 51 s 39)  
sub A2008-36 amdt 1.465

**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)  
om A2008-36 amdt 1.465

**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)  
am A2005-53 amdt 1.99; ss renum A2005-53 amdt 1.100  
om A2008-36 amdt 1.465

**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)  
om A2008-36 amdt 1.465

**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)  
om A2008-36 amdt 1.465

## Endnotes

### 4 Amendment history

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#### **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  
om A2008-36 amdt 1.465

#### **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; A2004-60 amdt 1.179; A2005-53  
amdt 1.101, amdt 1.102; ss renum A2005-53 amdt 1.103  
om A2008-36 amdt 1.465

#### **Application of Criminal Code, ch 7**

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  
sub A2005-53 amdt 1.104  
om A2008-36 amdt 1.465

#### **Privileges against selfincrimination and exposure to civil penalty**

s 171A ins A2005-53 amdt 1.104  
om A2008-36 amdt 1.465

#### **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; A2005-53 amdt 1.105; A2007-16  
amdt 3.115  
om A2008-36 amdt 1.465

#### **References to subpoena**

s 172A ins A2005-53 amdt 1.106  
exp 23 November 2006 (s 172A (2))

#### **Review of decisions**

pt 13 hdg sub 1990 No 50; 1990 No 56  
om A2008-36 amdt 1.465

**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)  
om A2008-36 amdt 1.465

**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)  
om A2008-36 amdt 1.465

**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

**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  
om A2005-11 s 26

**Acts and omissions of representatives**

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)  
sub A2004-15 amdt 1.33

**Breath analysis tests on licensed premises**

s 177A ins 2000 No 54 s 4

**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)  
sub A2008-36 amdt 1.466

## Endnotes

### 4 Amendment history

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#### **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  
am A2008-36 amdt 1.467

#### **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))

#### **Validation**

pt 16 hdg ins A2009-7 amdt 1.31  
exp 6 March 2009 (s 184)

#### **Validation of appointment**

s 183 ins A2009-7 amdt 1.31  
exp 6 March 2009 (s 184)

#### **Expiry—pt 16**

s 184 ins A2009-7 amdt 1.31  
exp 6 March 2009 (s 184)

#### **Repealed ordinances**

sch om R6 LRA

#### **Reviewable decisions**

sch 1 ins A2008-36 amdt 1.468

#### **Dictionary**

dict ins 2001 No 70 amdt 1.66  
am A2007-3 amdt 3.341, amdt 3.342; A2008-36 amdt 1.469  
def **amount** ins A2005-11 s 27  
def **appointed member** reloc from s 4 2001 No 70 amdt 1.18  
om A2008-36 amdt 1.470

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- def **approved training program** reloc from s 4 2001 No 70  
amdt 1.18  
sub A2008-36 amdt 1.471
- 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; A2008-36 amdt 1.471
- def **board** reloc from s 4 2001 No 70 amdt 1.18  
om A2008-36 amdt 1.472
- def **building code** ins 2001 No 70 amdt 1.66  
om A2004-13 amdt 2.84
- def **caution** reloc from s 4 2001 No 70 amdt 1.18
- def **commissioner** ins A2008-36 amdt 1.473
- 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  
sub A2008-5 s 33
- def **deputy registrar** reloc from s 4 2001 No 70 amdt 1.18  
am A2006-40 amdt 1.28  
om A2008-36 amdt 1.474
- 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  
om A2008-36 amdt 1.474
- def **director** ins 2001 No 70 amdt 1.66
- def **document of identification** ins A2009-20 amdt 3.126
- def **driver licence** ins A2009-20 amdt 3.126
- 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  
om R15 LA
- def **hearing** reloc from s 4 2001 No 70 amdt 1.18  
om A2008-36 amdt 1.474
- def **identity card** reloc from s 4 2001 No 70 amdt 1.18  
sub A2008-36 amdt 1.475
- def **inspector** reloc from s 4 2001 No 70 amdt 1.18  
sub A2008-36 amdt 1.475
- def **licence** reloc from s 4 2001 No 70 amdt 1.18  
sub A2007-3 amdt 3.343
- 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

## Endnotes

### 4 Amendment history

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- def **liquor** reloc from s 4 2001 No 70 amdt 1.18  
sub A2009-20 amdt 3.127
- def **liquor permit** ins A2005-11 s 27
- def **manual** ins 2001 No 44 amdt 1.2666
- def **matter** ins 2001 No 70 amdt 1.66  
om A2008-36 amdt 1.476
- def **member** reloc from s 4 2001 No 70 amdt 1.18  
om A2008-36 amdt 1.476
- def **non-profit organisation wine permit** ins A2005-11 s 27
- 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
- def **permit** reloc from s 4 2001 No 70 amdt 1.18  
sub A2005-11 s 28
- 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  
sub A2009-20 amdt 3.128
- 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  
sub A2007-3 amdt 3.344
- def **registrar** reloc from s 4 2001 No 70 amdt 1.18  
am A2006-40 amdt 1.29  
om A2008-36 amdt 1.476
- def **relevant decision-maker** reloc from s 4 2001 No 70  
amdt 1.18  
om A2008-36 amdt 1.476
- def **responsible adult** ins A2009-20 amdt 3.129
- def **reviewable decision** ins A2008-36 amdt 1.477
- def **tourism wine permit** ins A2005-11 s 29
- 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. 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
12	<u>A2003-51</u>	1 April 2004
13	A2004-15	9 April 2004
14	A2004-28	1 July 2004
15	A2004-28	1 September 2004
16	A2004-60	10 January 2005
17*	A2005-11	12 March 2005
18	A2005-53	23 November 2005
19	A2006-40	29 September 2006
20	A2006-40	24 November 2006

## Endnotes

### 5 Earlier republications

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<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
21	A2006-40	1 December 2006
22	A2007-3	12 April 2007
23	A2007-16	11 July 2007
24	A2007-16	30 September 2007
25	A2008-6	16 April 2008
26	A2008-6	1 July 2008
27	A2008-37	2 February 2009
28	A2009-7	6 March 2009
29	A2009-7	7 March 2009

‡ includes retrospective amendments by Act 2002 No 49

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