

2010

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Liquor (Consequential Amendments) Bill 2010

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(As presented)

(Attorney-General)

## **Liquor (Consequential Amendments) Bill 2010**

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### **A Bill for**

An Act to amend legislation because of the enactment of the *Liquor Act 2010*,  
and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as  
follows:

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J2010-317

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

1 **1 Name of Act**

2 This Act is the *Liquor (Consequential Amendments) Act 2010*.

3 **2 Commencement**

4 (1) Schedule 1, amendment 1.19 commences on the day after this Act's  
5 notification day.

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

8 (2) Schedule 1, amendment 1.43 commences on the commencement of  
9 the *Personal Property Securities Act 2010*, schedule 1,  
10 amendment 1.1.

11 (3) Schedule 2 commences on the commencement of the *Smoking*  
12 *(Prohibition in Enclosed Public Places) Amendment Act 2009*,  
13 schedule 1, part 1.2 (Liquor Act 1975).

14 (4) The remaining provisions commence on the commencement of the  
15 *Liquor Act 2010*, section 3.

16 **3 Legislation amended—schs 1 and 2**

17 This Act amends the legislation mentioned in schedule 1 and  
18 schedule 2.

1 **Schedule 1**            **Consequential amendments**

2 (see s 3)

3 **Part 1.1**                **Associations Incorporation**  
4 **Regulation 1991**

5 **[1.1] Section 12 (3) (b)**

6 *omit*

7 *Liquor Act 1975*

8 *substitute*

9 *Liquor Act 2010*

10 **Part 1.2**                **Boxing Control Act 1993**

11 **[1.2] Section 8 (4) (f)**

12 *substitute*

13 (f) if the contest is to be conducted on licensed premises or  
14 permitted premises—conditions about the age of the  
15 contestants.

16 *Note*    *Licensed premises* and *permitted premises*—see s (9).

17 **[1.3] New section 8 (9)**

18 *insert*

19 (9) In this section:

20 *licensed premises*—see the *Liquor Act 2010*, dictionary.

21 *permitted premises*—see the *Liquor Act 2010*, dictionary.

1 **Part 1.3 Building (General) Regulation**  
2 **2008**

3 **[1.4] Section 22 (2) (b)**

4 *substitute*

5 (b) if it is proposed that the new building, or new part of the  
6 building, is to be used as licensed premises—consultation with  
7 the commissioner for fair trading in relation to—

8 (i) occupancy loading for public areas at the premises; and

9 (ii) kitchen facilities at the premises; and

10 (iii) liquor serving counters at the premises; and

11 (iv) toilet facilities and toilet rooms at the premises;

12 (ba) if it is proposed that the new building, or new part of the  
13 building, is to be used as permitted premises—consultation  
14 with the commissioner for fair trading in relation to occupancy  
15 loading for public areas at the premises;

16 **[1.5] Section 22 (6), new definitions**

17 *insert*

18 *licensed premises*—see the *Liquor Act 2010*, dictionary.

19 *liquor serving counter*, at premises—see the *Liquor Regulation*  
20 *2010*, dictionary.

21 *occupancy loading*, for a public area at licensed premises or  
22 permitted premises—see the *Liquor Act 2010*, dictionary.

23 *permitted premises*—see the *Liquor Act 2010*, dictionary.

24 *toilet facility*—see the *Liquor Regulation 2010*, schedule 1,  
25 section 1.1.

1            *toilet room*—see the *Liquor Regulation 2010*, schedule 1,  
2            section 1.1.

3            **Part 1.4    Children and Young People Act**  
4            **2008**

5            **[1.6]            Section 877 (4), definition of *document of identification*,**  
6            **paragraph (a) (ii)**

7            *omit*

8            *Liquor Act 1975*

9            *substitute*

10          *Liquor Act 2010*

11          **Part 1.5    Crimes Act 1900**

12          **[1.7]            Section 252F (3) (c)**

13          *omit*

14          **Part 1.6    Dangerous Substances**  
15          **(Explosives) Regulation 2004**

16          **[1.8]            Dictionary, definition of *identification papers*, example**

17          *omit*

18          under the *Liquor Act 1975*, s 175

19          *substitute*

20          issued under the *Liquor Act 2010*, s 210

1 **Part 1.7 Dangerous Substances (General)**  
2 **Regulation 2004**

3 **[1.9] Dictionary, definition of *identification papers*, example**

4 *omit*  
5 under the *Liquor Act 1975*, section 175  
6 *substitute*  
7 issued under the *Liquor Act 2010*, s 210

8 **Part 1.8 Discrimination Act 1991**

9 **[1.10] Dictionary, definition of *club***

10 *substitute*  
11 *club* means a club that holds a club licence.  
12 *club licence*—see the *Liquor Act 2010*, section 20.

13 **Part 1.9 Electoral Act 1992**

14 **[1.11] Section 232 (4) (a)**

15 *omit*  
16 *Liquor Act 1975*  
17 *substitute*  
18 *Liquor Act 2010*



1 **Part 1.10** **Exhibition Park Corporation Act**  
2 **1976**

3 **[1.12] Section 13 (2) (a)**

4 *omit*

5 within the meaning of the *Liquor Act 1975*

6 **[1.13] New section 13 (4)**

7 *insert*

8 (4) In this section:

9 *liquor*—see the *Liquor Act 2010*, section 11.

10 **Part 1.11** **Fair Trading (Consumer Affairs)**  
11 **Act 1973**

12 **[1.14] Section 8 (2), definition of *consumer and trader***  
13 ***legislation*, paragraph (c)**

14 *substitute*

15 (c) the *Liquor Act 2010*;

1 **Part 1.12 Gaming Machine Act 2004**

2 **[1.15] Section 63**

3 *substitute*

4 **63 Suspension of licences because of suspension of general**  
5 **and on licences**

- 6 (1) This section applies if—
- 7 (a) a gaming machine licence is in force for premises; and
- 8 (b) a general licence or on licence is also in force for the premises.
- 9 (2) If the general licence or on licence is suspended, the gaming
- 10 machine licence is also suspended for the period of suspension of
- 11 the general licence or on licence.

12 *Note* A general licence or on licence may be suspended under the *Liquor*  
13 *Act 2010* or the *ACT Civil and Administrative Tribunal Act 2008*.

14 **[1.16] Section 64**

15 *substitute*

16 **64 Cancellation of licences because of cancellation etc of**  
17 **general and on licences**

- 18 (1) This section applies if—
- 19 (a) a gaming machine licence is in force for premises; and
- 20 (b) a general licence or on licence is also in force for the premises.
- 21 (2) If the general licence or on licence is not renewed under the
- 22 *Liquor Act 2010*, the gaming machine licence is cancelled.
- 23 (3) If the general licence or on licence is cancelled, the gaming machine
- 24 licence is also cancelled.

25 *Note* A general licence or on licence may be cancelled under the *ACT Civil*  
26 *and Administrative Tribunal Act 2008*.

- 1 (4) However, a gaming machine licence cancelled under this section is  
2 taken to be in force again if the decision to cancel the general  
3 licence or on licence is reversed on appeal.

4 **[1.17] Dictionary, definition of *general licence* and note**

5 *substitute*

6 *general licence*—see the *Liquor Act 2010*, section 17.

7 **[1.18] Dictionary, definition of *on licence* and note**

8 *substitute*

9 *on licence*—see the *Liquor Act 2010*, section 18.

10 *Note* Subclasses of on licences are dealt with in the *Liquor Act 2010*, div 2.2.

11 **Part 1.13 Liquor Act 2010**

12 **[1.19] Section 2**

13 *substitute*

14 **2 Commencement**

- 15 (1) Division 8.1 (Responsible service of alcohol) commences 12 months  
16 after this Act's notification day.
- 17 (2) Part 12 (Responsible service of alcohol (RSA) training courses)  
18 commences 6 months after this Act's notification day.
- 19 (3) The remaining provisions commence on a day fixed by the Minister  
20 by written notice.

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

23 *Note 2* A single day or time may be fixed, or different days or times may be  
24 fixed, for the commencement of different provisions (see Legislation  
25 Act, s 77 (1)).

1 *Note 3* If a provision has not commenced within 6 months beginning on the  
2 notification day, it automatically commences on the first day after that  
3 period (see Legislation Act, s 79).

4 **[1.20] Section 25 (2) (f) and notes**

5 *substitute*

6 (f) if the application is for a licence that authorises the licensee to  
7 sell liquor in open containers for consumption at the licensed  
8 premises—include a risk-assessment management plan for the  
9 premises.

10 *Note 1* A general licence, on licence, club licence or special licence may  
11 authorise the sale of liquor in open containers for consumption at the  
12 licensed premises—see div 2.1.

13 *Note 2* *Risk-assessment management plan*, for licensed premises or permitted  
14 premises—see s 88.

15 *Note 3* Giving false or misleading information is an offence against the  
16 Criminal Code, s 338.

17 *Note 4* If a form is approved under s 228 for this provision, the form must be  
18 used.

19 *Note 5* A fee may be determined under s 227 for this provision.

20 **[1.21] Section 39 (1), new notes**

21 *insert*

22 *Note 1* If a form is approved under s 228 for an application, the form must be  
23 used.

24 *Note 2* A fee may be determined under s 227 for this provision.

25 **[1.22] Section 50 (2) (c)**

26 *substitute*

27 (c) if the premises are wholly or partly enclosed, include the  
28 following documents (if applicable in relation to the premises):

29 (i) an ACTPLA certificate for the premises dated not earlier  
30 than 3 months before the date of the application;

1 (ii) the final floor plans of the premises approved by the  
2 planning and land authority in the development approval  
3 for the premises;

4 (iii) a certificate of occupancy for the premises; and

5 **[1.23] Section 55 (2) (b)**

6 *omit*

7 licence

8 *substitute*

9 permit

10 **[1.24] Section 78, definition of *suitability information*, new note**

11 *insert*

12 *Note 2* The commissioner must consider suitability of premises when deciding  
13 to issue, amend or renew a licence or permit.

14 **[1.25] Section 84, example**

15 *substitute*

16 **Example**

17 an outdoor dining area

18 **[1.26] Section 90 (2)**

19 *substitute*

20 (2) If the commissioner decides to approve a risk-assessment  
21 management plan for licensed premises or permitted premises, the  
22 commissioner must give the licensee or permit-holder written notice  
23 that the plan has been approved.

- 1 **[1.27] Section 91 heading**  
2 *substitute*
- 3 **91 Approved risk-assessment management plan—**  
4 **amendment on application**
- 5 **[1.28] Section 92 heading**  
6 *substitute*
- 7 **92 Approved risk-assessment management plan—decision**  
8 **on amendment**
- 9 **[1.29] Section 92 (4), definition of *required time*, paragraph (a)**  
10 *omit*  
11 receives the application  
12 *substitute*  
13 receives the additional information or documents
- 14 **[1.30] Section 124 (4) (c)**  
15 *substitute*  
16 (c) for a receipt by—  
17 (i) a staff member—the staff member’s name and how to  
18 contact the staff member; or  
19 (ii) a crowd controller—the crowd controller’s identification  
20 number under the *Security Industry Regulation 2003*,  
21 section 10, and how to contact the crowd controller;

1 **[1.31] Section 125 (2)**

2 *substitute*

3 (2) A person commits an offence if—

4 (a) the person is a permit-holder; and

5 (b) the commissioner has decided an occupancy loading for a  
6 public area at the permitted premises; and

7 (c) the number of people in the public area is more than the  
8 number allowed under the occupancy loading for the area.

9 Maximum penalty: 50 penalty units.

10 **[1.32] Section 126 (2)**

11 *substitute*

12 (2) A person commits an offence if—

13 (a) the person is a permit-holder; and

14 (b) the commissioner has decided an occupancy loading for a  
15 public area at the permitted premises; and

16 (c) the person fails to display a sign about the occupancy loading  
17 at the permitted premises in the way prescribed by regulation.

18 Maximum penalty: 10 penalty units.

19 **[1.33] Section 128**

20 *omit*

21 **[1.34] Section 129**

22 *omit*

1 **[1.35] New section 136 (2A)**

2 *insert*

3 (2A) A person commits an offence if—

4 (a) the person is a licensee; and

5 (b) another person conducts a prohibited promotional activity; and

6 (c) the person knows about the activity; and

7 (d) the activity is conducted at the licensed premises.

8 Maximum penalty: 50 penalty units.

9 **[1.36] New section 154 (1) (ba)**

10 *insert*

11 (ba) enter premises at any time when there are reasonable grounds  
12 for suspecting that liquor is being sold on the premises; or

13 **[1.37] Section 156 (1)**

14 *omit*

15 section 154 (1) (b)

16 *substitute*

17 section 154 (1) (d)

18 **[1.38] Section 183 (1) (a) and (b)**

19 *substitute*

20 (a) the licensee has contravened, or is contravening, a provision of  
21 1 or more of the following Acts:

22 (i) this Act;

23 (ii) the *Building Act 2004*;

24 (iii) the *Environment Protection Act 1997*;



- 1 (iv) the *Food Act 2001*;
- 2 (v) the *Roads and Public Places Act 1937*;
- 3 (vi) the *Smoking (Prohibition in Enclosed Public Places)*  
4 *Act 2003*;
- 5 (vii) the *Work Safety Act 2008*;
- 6 *Note* A reference to an Act includes a reference to the statutory  
7 instruments made or in force under the Act, including any  
8 regulation (see Legislation Act, s 104).
- 9 (b) the licensed premises do not comply with 1 or more of the  
10 following Acts:
- 11 (i) this Act;
- 12 (ii) the *Building Act 2004*;
- 13 (iii) the *Environment Protection Act 1997*;
- 14 (iv) the *Food Act 2001*;
- 15 (v) the *Roads and Public Places Act 1937*;
- 16 (vi) the *Smoking (Prohibition in Enclosed Public Places)*  
17 *Act 2003*;
- 18 (vii) the *Work Safety Act 2008*;

19 **[1.39] Section 184 (1) (a) and (b)**

20 *substitute*

- 21 (a) the permit-holder has contravened, or is contravening, a  
22 provision of 1 or more of the following Acts:
- 23 (i) this Act;
- 24 (ii) the *Building Act 2004*;
- 25 (iii) the *Environment Protection Act 1997*;
- 26 (iv) the *Food Act 2001*;

- 1 (v) the *Roads and Public Places Act 1937*;
- 2 (vi) the *Smoking (Prohibition in Enclosed Public Places)*  
3 *Act 2003*;
- 4 (vii) the *Work Safety Act 2008*;
- 5 *Note* A reference to an Act includes a reference to the statutory  
6 instruments made or in force under the Act, including any  
7 regulation (see Legislation Act, s 104).
- 8 (b) the permitted premises do not comply with 1 or more of the  
9 following Acts:
- 10 (i) this Act;
- 11 (ii) the *Building Act 2004*;
- 12 (iii) the *Environment Protection Act 1997*;
- 13 (iv) the *Food Act 2001*;
- 14 (v) the *Roads and Public Places Act 1937*;
- 15 (vi) the *Smoking (Prohibition in Enclosed Public Places)*  
16 *Act 2003*;
- 17 (vii) the *Work Safety Act 2008*;

18 **[1.40] New section 187 (2)**

19 *after the note, insert*

- 20 (2) For an application in relation to a permit-holder, the ACAT Act  
21 applies as if a reference in the ACAT Act to—
- 22 (a) a person who is licensed includes a reference to a person who  
23 is a commercial permit-holder; and
- 24 (b) a licence includes a reference to a commercial permit.

1 **[1.41] Section 207 (1)**

2 *omit*

3 person show

4 *substitute*

5 person to show

6 **[1.42] New section 223 (1A)**

7 *insert*

8 (1A) Without limiting subsection (1), a liquor guideline may make  
9 provision in relation to the following:

10 (a) advertising liquor;

11 (b) intoxication;

12 (c) crowd management at and near licensed premises;

13 (d) RSA training.

14 **[1.43] New section 224A**

15 *insert*

16 **224A Licences and permits not personal property—PPS Act**

17 For the *Personal Property Securities Act 2009* (Cwlth), section 10,  
18 definition of *personal property*, a licence or permit is not personal  
19 property.

1 **[1.44] New part 20**

2 *insert*

3 **Part 20 Transitional**

4 **250 Definitions—pt 20**

5 In this part:

6 *commencement day* means the day section 3 commences.

7 *new licence* means a licence under this Act.

8 *old licence* means a licence under the repealed Act.

9 *repealed Act* means the *Liquor Act 1975*.

10 **251 Transitional—old licensees applying for new licences**

11 (1) This section applies if a person—

12 (a) holds an old licence before the commencement day; and

13 (b) applies for a new licence—

14 (i) before the old licence expires; and

15 (ii) before the commencement day.

16 (2) The application need not include—

17 (a) a police certificate for the licensee, required under  
18 section 25 (2) (d) (i) (Licence—application), if the licensee has  
19 provided a police certificate for the licensee to the  
20 commissioner on or after 1 July 2010; or

21 (b) the certificates and plans required under section 25 (2) (e).

- 1           (3) At the time of making the application, the application need not  
2 include any other police certificate that is required under  
3 section 25 (2) (d), however—
- 4           (a) the commissioner must not decide the application until the  
5 police certificate is provided; and
- 6           (b) the *required time* for the application under section 27 (4) (b)  
7 (Licence—decision on application) is taken to include a police  
8 certificate to be provided under this subsection.
- 9           (4) The application must include the following information about liquor  
10 purchased for supply at the licensed premises during the term of the  
11 old licence:
- 12           (a) the volume in litres of the following kinds of liquor purchased:
- 13               (i) beer;
- 14               (ii) wine;
- 15               (iii) spirits;
- 16               (iv) other liquor;
- 17           (b) each date of purchase of the liquor;
- 18           (c) the name and address of each person who supplied the  
19 purchased liquor;
- 20           (d) the gross price paid or payable for the purchased liquor.
- 21           (5) In this section:
- 22           ***gross price***, for liquor—
- 23           (a) includes any duty, tax or other charge paid or payable for the  
24 liquor; but
- 25           (b) does not include the costs for freight, or packaging for freight,  
26 for the liquor.

1 **252 Transitional—old licences and new applications**

- 2 (1) This section applies if a person applies for a new licence in  
3 accordance with section 251 (1).
- 4 (2) The licensee need not comply with the public consultation  
5 provisions required under section 26 (Licence—public  
6 consultation).
- 7 (3) The *required time* for the application under section 27 (4) (e)  
8 (Licence—decision on application) is taken to be 6 months after the  
9 day the commissioner receives the application.
- 10 (4) The old licence remains in force until the application is decided and  
11 is, on the commencement day, taken to be a new licence of the same  
12 class and—
- 13 (a) the new licence is taken to be—
- 14 (i) in the same terms as the old licence; and
- 15 (ii) subject to the same conditions as the old licence; and
- 16 (b) a bar room at the licensed premises under the old licence is  
17 taken to be an adults-only area at the licensed premises under  
18 the new licence; and
- 19 (c) an occupancy loading for the licensed premises under the old  
20 licence is taken to be an occupancy loading for the licensed  
21 premises under the new licence.

22 **253 Transitional—old licences and occupancy loading**

- 23 (1) This section applies if—
- 24 (a) a person applies for a new licence in accordance with  
25 section 251 (1); and
- 26 (b) the commissioner decides to issue the new licence under  
27 section 27 (Licence—decision on application); and

- 1 (c) the commissioner must decide the occupancy loading for each  
2 public area at the licensed premises under section 28  
3 (Licence—occupancy loading).
- 4 (2) The following sections do not apply to the decision under  
5 section 28:
- 6 (a) section 85 (Occupancy loading decision);  
7 (b) section 86 (Fire engineering study and inspection).
- 8 (3) In deciding the occupancy loading for a public area at the licensed  
9 premises, the commissioner must consider—
- 10 (a) the occupancy loading under the old licence for the area; and  
11 (b) anything else the commissioner considers relevant.
- 12 **254 Transitional—old liquor permits taken to be commercial**  
13 **permits**
- 14 (1) This section applies if a person holds a liquor permit under the  
15 repealed Act immediately before the commencement day.
- 16 (2) The liquor permit is, on the commencement day, taken to be a  
17 commercial permit—
- 18 (a) in the same terms as the liquor permit; and  
19 (b) subject to the same conditions as the liquor permit.
- 20 (3) The commercial permit is taken to expire—
- 21 (a) on the day stated in the liquor permit; or  
22 (b) if no date is stated in the liquor permit—3 months after the  
23 commencement day.
- 24 (4) The commercial permit must not be amended, transferred or  
25 renewed.

- 1 **255 Transitional—old non-profit organisation wine permits**  
2 **taken to be non-commercial permits**
- 3 (1) This section applies if a person holds a non-profit organisation wine  
4 permit under the repealed Act immediately before the  
5 commencement day.
- 6 (2) The non-profit organisation wine permit is, on the commencement  
7 day, taken to be a non-commercial permit—
- 8 (a) in the same terms as the non-profit organisation wine permit;  
9 and
- 10 (b) subject to the same conditions as the non-profit organisation  
11 wine permit.
- 12 (3) The non-commercial permit is taken to expire—
- 13 (a) on the day stated in the non-profit organisation wine permit; or  
14 (b) if no date is stated in the non-profit organisation wine permit—  
15 3 months after the commencement day.
- 16 (4) The non-commercial permit must not be amended, transferred or  
17 renewed.
- 18 **256 Transitional—old tourism wine permits taken to be**  
19 **commercial permits**
- 20 (1) This section applies if a person holds a tourism wine permit under  
21 the repealed Act immediately before the commencement day.
- 22 (2) The tourism wine permit is, on the commencement day, taken to be  
23 a commercial permit—
- 24 (a) in the same terms as the tourism wine permit; and  
25 (b) subject to the same conditions as the tourism wine permit.



- 1 (3) The commercial permit is taken to expire—  
2 (a) on the day stated in the tourism wine permit; or  
3 (b) if no date is stated in the tourism wine permit—3 months after  
4 the commencement day.
- 5 (4) The commercial permit must not be amended, transferred or  
6 renewed.

7 **257 Transitional—RSA certificates**

- 8 (1) This section applies if—  
9 (a) a person holds an old RSA certificate immediately before  
10 division 8.1 (Responsible service of alcohol) commences; and  
11 (b) the certificate was issued to the person not more than 2 years  
12 before division 8.1 commences.
- 13 (2) The old RSA certificate is, on the commencement of division 8.1,  
14 taken to be a new RSA certificate that expires 1 year after  
15 division 8.1 commences.
- 16 (3) In this section:  
17 *new RSA certificate*, for a person, means an RSA certificate issued  
18 under this Act for the person.  
19 *old RSA certificate*, for a person—  
20 (a) means a certificate stating—  
21 (i) that the person satisfactorily completed a course about  
22 the responsible service of alcohol on a stated day; and  
23 (ii) when the certificate was issued to the person; but  
24 (b) does not include a new RSA certificate.

1 **258 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or  
3 convenient to be prescribed because of the enactment of this Act.
- 4 (2) A regulation may modify this chapter (including in relation to  
5 another territory law) to make provision in relation to anything that,  
6 in the Executive's opinion, is not, or is not adequately or  
7 appropriately, dealt with in this chapter.
- 8 (3) A regulation under subsection (2) has effect despite anything  
9 elsewhere in this Act.

10 **259 Expiry—pt 20**

11 This part expires 3 years after the day it commences.

12 **[1.45] Schedule 1, item 11**

13 *substitute*

11	92 (2)	refuse to amend approved risk-assessment management plan	licensee or permit-holder
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14 **[1.46] Dictionary, new definition of ACAT Act**

15 *insert*

16 *ACAT Act* means the *ACT Civil and Administrative Tribunal*  
17 *Act 2008*.

18 **[1.47] Dictionary, definition of *confidential provision***

19 *omit*

20 **[1.48] Dictionary, new definition of *licensed premises***

21 *insert*

22 *licensed premises* means premises that are the subject of a licence.

1 **[1.49] Dictionary, definition of *low-alcohol liquor***

2 *omit*

3 ethyl alcohol

4 *substitute*

5 ethanol

6 **[1.50] Dictionary, new definition of *permitted premises***

7 *insert*

8 *permitted premises* means premises that are the subject of a permit.

9 **Part 1.14 Medicines, Poisons and**  
10 **Therapeutic Goods Regulation**  
11 **2008**

12 **[1.51] Section 173 (2), definition of *proof of age card***

13 *substitute*

14 *proof of age card* means a proof of age card issued under—

15 (a) the *Liquor Act 2010*, section 210 (Proof of age cards); or

16 (b) the law of a state, an external territory or New Zealand.

1 **Part 1.15** **Planning and Development**  
2 **Regulation 2008**

3 **[1.52] Dictionary, definition of *community organisation*,**  
4 **paragraph (c)**

5 *omit*

6 *Liquor Act 1975*

7 *substitute*

8 *Liquor Act 2010*

9 **Part 1.16** **Road Transport (Alcohol and**  
10 **Drugs) Act 1977**

11 **[1.53] Section 4A (1), definition of *public place*, paragraph (b)**

12 *substitute*

13 (b) an area for the parking of motor vehicles on, or in the vicinity  
14 of, licensed premises or permitted premises; or

15 **[1.54] Section 4A (2), definition of *licensed premises***

16 *substitute*

17 *licensed premises*—see the *Liquor Act 2010*, dictionary.

18 **[1.55] Section 4A (2), new definition of *permitted premises***

19 *insert*

20 *permitted premises*—see the *Liquor Act 2010*, dictionary.

1 **Part 1.17** **Road Transport (Driver**  
2 **Licensing) Act 1999**

3 **[1.56] Section 39 (2) (a)**

4 *substitute*

5 (a) for the administration or enforcement of—

6 (i) the road transport legislation; or

7 (ii) the *Liquor Act 2010*, section 210 (Proof of age cards); or

8 **[1.57] Section 39 (3) (a)**

9 *substitute*

10 (a) for the administration or enforcement of—

11 (i) the road transport legislation; or

12 (ii) the *Liquor Act 2010*, section 210 (Proof of age cards); or

13 **[1.58] Dictionary, definition of *proof of age card***

14 *substitute*

15 *proof of age card* means a proof of age card issued under the *Liquor*  
16 *Act 2010*, section 210 (Proof of age cards).

17 **Part 1.18** **Road Transport (Driver**  
18 **Licensing) Regulation 2000**

19 **[1.59] Section 138B (2) (c)**

20 *omit*

21 *Liquor Act 1975*

22 *substitute*

23 *Liquor Act 2010*

1 **Part 1.19 Road Transport (Public**  
2 **Passenger Services) Regulation**  
3 **2002**

4 **[1.60] Dictionary, definition of *liquor***

5 *omit*

6 *Liquor Act 1975*

7 *substitute*

8 *Liquor Act 2010*

9 **Part 1.20 Second-hand Dealers Regulation**  
10 **2002**

11 **[1.61] Dictionary, definition of *proof of age card***

12 *substitute*

13 *proof of age card* means a proof of age card issued under—

- 14 (a) the *Liquor Act 2010*, section 210 (Proof of age cards); or  
15 (b) the law of a state, an external territory or New Zealand.

16 **Part 1.21 Security Industry Regulation**  
17 **2003**

18 **[1.62] Section 6 (1) (g)**

19 *substitute*

20 (g) an investigator under the *Fair Trading (Consumer Affairs)*  
21 *Act 1973*;

1 **Part 1.22** **Tobacco Act 1927**

2 **[1.63] Section 8 (4), definition of *licensed premises***

3 *omit*

4 *Liquor Act 1975*

5 *substitute*

6 *Liquor Act 2010*

7 **[1.64] Section 14 (6), definition of *document of identification*,**  
8 **paragraph (a) (ii)**

9 *omit*

10 under the *Liquor Act 1975*

11 *substitute*

12 issued under the *Liquor Act 2010*, section 210 (Proof of age cards),

13 **Part 1.23** **Trustee Act 1925**

14 **[1.65] Section 36 (6)**

15 *omit*

16 *Liquor Act 1975*

17 *substitute*

18 *Liquor Act 2010*

1 **Schedule 2** **Consequential amendments**  
2 **related to the Smoking**  
3 **(Prohibition in Enclosed Public**  
4 **Places) Amendment Act 2009**

5 **Part 2.1** **Liquor Act 2010**

6 **[2.1] Section 183 (1) (a) (vi)**

7 *substitute*

8 (vi) the *Smoke-Free Public Places Act 2003*;

9 **[2.2] Section 183 (1) (b) (vi)**

10 *substitute*

11 (vi) the *Smoke-Free Public Places Act 2003*;

12 **[2.3] Section 183 (1) (i) and (j)**

13 *substitute*

14 (i) the licensee has allowed people to smoke in a part of the  
15 licensed premises that is—

16 (i) an enclosed public place; or

17 (ii) an outdoor eating or drinking place (other than a  
18 designated outdoor smoking area);

19 (j) the licensee has failed to take reasonable steps to prevent  
20 smoke from another area occupied by the licensee entering—

21 (i) an enclosed public place; or

22 (ii) an outdoor eating or drinking place (other than a  
23 designated outdoor smoking area).



- 1 **[2.4] Section 184 (1) (a) (vi)**
- 2 *substitute*
- 3 (vi) the *Smoke-Free Public Places Act 2003*;
- 4 **[2.5] Section 184 (1) (b) (vi)**
- 5 *substitute*
- 6 (vi) the *Smoke-Free Public Places Act 2003*;
- 7 **[2.6] Section 184 (1) (i) and (j)**
- 8 *substitute*
- 9 (i) the permit-holder has allowed people to smoke in a part of the
- 10 permitted premises that is—
- 11 (i) an enclosed public place; or
- 12 (ii) an outdoor eating or drinking place;
- 13 (j) the permit-holder has failed to take reasonable steps to prevent
- 14 smoke from another area occupied by the permit-holder
- 15 entering—
- 16 (i) an enclosed public place; or
- 17 (ii) an outdoor eating or drinking place.
- 18 **[2.7] Dictionary, new definition of *designated outdoor smoking***
- 19 ***area***
- 20 *insert*
- 21 *designated outdoor smoking area*—see the *Smoke-Free Public*
- 22 *Places Act 2003*, section 9F (2).
- 23 **[2.8] Dictionary, definition of *enclosed public place***
- 24 *substitute*
- 25 *enclosed public place*—see the *Smoke-Free Public Places Act 2003*,
- 26 dictionary.

**Schedule 2** Consequential amendments related to the Smoking (Prohibition in Enclosed Public Places) Amendment Act 2009  
**Part 2.2** Smoke-Free Public Places Act 2003

Amendment [2.9]

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1 **[2.9] Dictionary, new definition of *outdoor eating or drinking***  
2 ***place***  
3 *insert*  
4 *outdoor eating or drinking place*—see the *Smoke-Free Public*  
5 *Places Act 2003*, section 9A.

6 **[2.10] Dictionary, definition of *smoke***  
7 *substitute*  
8 *smoke*—see the *Smoke-Free Public Places Act 2003*, section 5B.

9 **Part 2.2** **Smoke-Free Public Places Act**  
10 **2003**

11 **[2.11] Section 9F (1) (a) and (b)**  
12 *omit*  
13 *Liquor Act 1975*  
14 *substitute*  
15 *Liquor Act 2010*

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2010.

**2 Notification**

Notified under the Legislation Act on 2010.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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