



Australian Capital Territory

Liquor Regulation 2010

SL2010-40

made under the

Liquor Act 2010

Republication No 1

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(republication for new regulation and amendments
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Not all provisions and amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Liquor Regulation 2010*, made under the *Liquor Act 2010* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 December 2010. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 December 2010.

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

Kinds of republications

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

Editorial changes

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

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

Uncommenced provisions and amendments

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

Modifications

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

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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Contents

	Page
Part 1	Preliminary
1	Name of regulation 2
2	Commencement 2
3	Dictionary 2
4	Notes 2
5	Offences against regulation—application of Criminal Code etc 3
Part 2	Liquor licences
6	Licence form—Act, s 30 (1) (b) (vii) 4
7	Licence conditions—Act, s 31 (2) (a) 4
8	Licence term—Act, s 32 (2) 4
9	Public notice requirements—Act, s 34 (2) (b) 5

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01/12/10

Liquor Regulation 2010
Effective: 01/12/10-08/12/10

contents 1

Contents

		Page
10	Public consultation period—Act, s 36 (1) (a)	7
11	Licence amendment for change to floor plan—Act, s 39	7
12	Licence maximum renewal period—Act, s 42 (1)	7
Part 3	Liquor permits	
13	Permit form—Act, s 54 (1) (b) (vii)	8
14	Permit conditions—Act, s 55 (2) (a)	8
Part 4	Suitability of premises for licences and permits	
15	Suitability of premises—cumulative impact	9
Part 5	Risk-assessment management plans	
16	Risk-assessment management plan—Act, s 88	11
Part 6	Young people’s events	
17	Meaning of <i>young people’s event information</i> —pt 6	15
18	Young people’s events—details for application—Act, s 95 (2) (b) (v)	15
19	Young people’s events—approval criteria—Act, s 96 (2)	16
20	Young people’s events form—Act, s 97 (1) (b) (vi)	17
21	Young people’s events conditions—Act, s 98 (a)	17
Part 7	Conduct of licensees and permit-holders	
22	Abuse offence sign—Act, s 109 (1) (b) and (2) (b)	20
23	Marking adults-only areas—Act, s 123 (1) (b) and (2) (b)	20
24	Occupancy loading signs—Act, s 126 (1) (b) and (2) (c)	20
25	Incident register—electronic video surveillance	20
26	Incident register—commissioner may require inspection	21
27	Breath analysis sign—Act, s 134 (1) (c) and (2) (c)	21
28	Sell petrol exemption—Act, s 136 (3)	21
29	Prohibited promotional activity—Act, s 137 (5)	21
30	Location for sexually explicit entertainment—Act, s 140 (3) (a)	24
Part 8	Miscellaneous	
31	Permanent alcohol-free places—Act, s 198 (1)	25

	Page
32	Licensed times and permitted times—definitions—Act, s 229 (2) (a) 26
33	Licensed times and permitted times—Act, s 229 (2) (a) 27
34	Legislation amended—sch 3 27
Part 20	Transitional—Liquor Amendment Regulation 2010
100	Transitional—annual sales report to chief health officer—Act, s 258 (1) 28
101	Transitional modification of Act, pt 20—Act, s 258 (2) 28
102	Expiry—pt 20 28
Schedule 1	Licence conditions 29
Part 1.1	Toilets 29
1.1	Definitions 29
1.2	Toilet facilities and toilet rooms 29
1.3	Toilet cubicles and toilet rooms 30
1.4	Toilet facilities and toilet rooms outside premises 31
1.5	Surveillance of path to toilet facilities and toilet rooms outside premises 31
Part 1.2	Buildings and fittings 32
1.6	Dance floors 32
1.7	General licensed premises—separate areas 32
1.8	Liquor displays at off licence supermarkets 33
1.9	Outdoor dining areas 33
1.10	Residential accommodation 34
Part 1.3	Conduct of licensed premises 35
1.11	Approved risk-assessment management plan 35
1.12	Examination of identification documents 35
1.13	Crowd controllers 35
Part 1.4	Responsible practices in the service, supply and promotion of liquor 36
1.14	Responsible practices and promotion of liquor 36
1.15	Safety 36
1.16	Telephones 36

Contents

	Page
1.17 Licensee's name sign must be displayed	37
1.18 Harassing behaviour etc must not be encouraged	37
Part 1.5 Reporting requirements	38
1.19 Annual purchase report to commissioner	38
1.20 Annual sales report to chief health officer	38
Part 1.6 Additional conditions for licences to sell liquor in open containers for consumption at licensed premises	40
1.21 Additional conditions for certain licences	40
1.22 Food service	40
1.23 Water	40
1.24 Maximum glass size	41
1.25 Drip trays	41
1.26 Glasswashers	41
Part 1.7 Liquor guidelines	42
1.27 Liquor guidelines	42
Schedule 2 Licensed times and permitted times	43
Part 2.1 Licensed times	43
Part 2.2 Permitted times	45
Schedule 3 Consequential amendments related to the Smoking (Prohibition in Enclosed Public Places) Amendment Act 2009	46
Part 3.1 Liquor Regulation 2010	46
Schedule 4 Modification of Act	47
Dictionary	48
Endnotes	

Contents

		Page
1	About the endnotes	51
2	Abbreviation key	51
3	Legislation history	52
4	Amendment history	52
5	Uncommenced provisions and amendments	53



Australian Capital Territory

Liquor Regulation 2010

made under the

Liquor Act 2010

Part 1 Preliminary

1 Name of regulation

This regulation is the *Liquor Regulation 2010*.

2 Commencement

- (1) This Regulation (other than Schedule 3) commences on the commencement of the *Liquor Act 2010*, section 3.

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

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

3 Dictionary

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

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere..

For example, the signpost definition ‘*ABN*—see the *A New Tax System (Australian Business Number) Act 1999* (Cwlth), section 41.’ means that the term ‘*ABN*’ is defined in that section and the definition applies to this regulation.

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

4 Notes

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

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

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

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

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

Note 2 Penalty units

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

Part 2 Liquor licences

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

- (1) A licence must include the following information:
 - (a) the licensee's ABN;
 - (b) if the licensee is a corporation—the licensee's ACN;
 - (c) a unique identifying number for the licence;
 - (d) when the licence expires.
- (2) A licence must also include a floor plan (a *licensed premises plan*) of the licensed premises, with the following identified:
 - (a) each area at the premises to which the licence applies;
 - (b) each public area at the premises and the occupancy loading for each public area;
 - (c) each adults-only area at the premises;
 - (d) each outdoor dining area at the premises, including whether a public place permit or unleased land licence is in force for the area.

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

The conditions in schedule 1 are prescribed.

8 Licence term—Act, s 32 (2)

- (1) A licence expires—
 - (a) for a licence with standard licensed times—on the day stated in the licence; or
 - (b) for a licence for licensed premises with a total occupancy loading not exceeding 80 people—on the day stated in the licence; or

- (c) for any other licence—on the 30 November after the licence is issued.
- (2) The day stated in the licence must not be more than 3 years after the licence is issued.

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

- (1) A sign displayed at premises for the Act, section 34 (1) (a) must—
 - (a) state the application details; and
 - (b) state the start date and end date for the public consultation period; and
 - (c) include the written representation statement; and
 - (d) be printed in—
 - (i) a colour that contrasts with the background colour of the sign; and
 - (ii) Arial typeface in a size not less than 14 point; and
 - (e) be not less than A3 size; and

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

 - (f) be placed prominently at the premises so that it can be seen and read easily by a person at or near the premises.
- (2) A notice published for the Act, section 34 (1) (b) must—
 - (a) state the application details; and
 - (b) include the written representation statement.

- (3) In this section:

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

- (a) the name of the applicant;

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

written representation statement means the following statement:

'You may make written representations about why the proposed licensed premises may not be suitable for the licence or why any of the following people may not be a suitable person to hold a licence:

- the applicant;
- a close associate of the applicant;
- an influential person for the applicant;
- a person who is to have day-to-day control of the business operated under the licence (see *Liquor Act 2010*, s 35).

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

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

Representation may be made to:
The Commissioner for Fair Trading

Office of Regulatory Services
GPO Box 158
Canberra ACT 2600

ORS@act.gov.au

Visit our website at www.ors.act.gov.au'.

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

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

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

- (1) This section applies if—
- (a) the commissioner amends a licence under the Act, section 39 (Licence—amendment for change to floor plan of licensed premises); and
 - (b) a new certificate of occupancy is issued for the licensed premises because of the change to the floor plan.
- (2) The licensee must give the commissioner the new certificate of occupancy as soon as practicable after the licensee receives the certificate.

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

A licence may be renewed for—

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

Part 3 Liquor permits

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

The following information is prescribed:

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

U 14 Permit conditions—Act, s 55 (2) (a)

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

- (a) each place at the permitted premises where liquor is sold; and
- (b) if the occupancy loading for the premises is at least 300 people—another place at the premises that is used solely for making water available for consumption free of charge.

Part 4 Suitability of premises for licences and permits

15 Suitability of premises—cumulative impact

- (1) This section applies if the commissioner is having regard to the harm minimisation and community safety principles in deciding whether premises (the *proposed premises*) are suitable premises for a licence or permit under the Act, section 76 (Commissioner must consider suitability information, etc).
- (2) The commissioner must consider the impact of the proposed premises together with existing licensed premises and existing permitted premises near the proposed premises including:
 - (a) the licensed times and permitted times for existing licensed premises and existing permitted premises near the proposed premises;
 - (b) the total occupancy loadings for existing licensed premises and existing permitted premises near the proposed premises;
 - (c) the number of incidents recorded in the incident registers of existing licensed premises and existing permitted premises near the proposed premises;

Note **Incident register**—see the Act, s 131.

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- (d) the noise from existing licensed premises and existing permitted premises near the proposed premises;

Note Noise standards for different noise zones are dealt with in the *Environment Protection Regulation 2005*.

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-
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- (e) the impact on community safety of people gathering outside, entering and leaving existing licensed premises and existing permitted premises near the proposed premises;

- (f) the proximity to places of public worship, hospitals, residential premises, and schools of existing licensed premises and existing permitted premises near the proposed premises;
- (g) the transport options available to people leaving existing licensed premises and existing permitted premises near the proposed premises including—
 - (i) public transport available near existing licensed premises and existing permitted premises near the proposed premises; and
 - (ii) other transport options made available by existing licensees or existing permit-holders of premises near the proposed premises;
- (h) the facilities available for people attending existing licensed premises and existing permitted premises near the proposed premises.

Example

car parking

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

Part 5 Risk-assessment management plans

16 Risk-assessment management plan—Act, s 88

(1) The following information must be included in a risk-assessment management plan for licensed premises or permitted premises:

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

Examples—kinds of business

- hotel
- club
- tavern or live music venue
- food and wine stall

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

(b) the licensed times or permitted times proposed for the premises;

(c) the times and days proposed for the premises to be open to the public;

(d) the kinds of liquor to be supplied at the premises;

(e) the measures to be taken by the licensee or permit-holder to ensure responsible service of liquor at the premises;

(f) whether electronic video surveillance equipment or other monitoring devices are used at the premises;

(g) how the licensee or permit-holder will ensure employees provide for the responsible service of liquor at the premises;

(h) how staff members at the premises will undertake an approved RSA training course;

- (i) procedures for ensuring compliance with the occupancy loading for each public area at the premises, including—
 - (i) how the number of people in each public area at the premises is to be counted; and
 - (ii) how the people in each public area at the premises may be evacuated; and
 - (iii) which staff members at the premises are trained to implement the procedures mentioned in subparagraphs (i) and (ii);
- (j) how and where water is to be made available for consumption free of charge;
- (k) the kind of food service to be provided at the premises;
- (l) procedures for—
 - (i) ensuring that children and young people are not in adults-only areas at the premises in contravention of the Act; and
 - (ii) removal of children and young people from adults-only areas at the premises if they are in the areas in contravention of the Act;
- (m) the number of crowd controllers to be employed to work at the premises and what they will be doing;
- (n) how entry to the premises will be managed;
 - Example**
queuing to enter the premises
- (o) how the premises will be lit when open to the public;
- (p) how intoxicated people at the premises will be dealt with;
- (q) how disorderly people at the premises will be dealt with;

- (r) the transport options available to people leaving the premises including—
 - (i) public transport available near the premises; and
 - (ii) other transport options made available by the licensee or permit-holder;
 - (s) how noise from the premises will be mitigated;
- Note* Noise standards for different noise zones are dealt with in the *Environment Protection Regulation 2005*.
- (t) how the impact of the operation of the premises on the amenity of the area surrounding the premises will be mitigated;
 - (u) a description of each liquor accord to which the licensee or permit-holder is a party.

(2) In this section:

liquor accord means a voluntary agreement—

- (a) between any of the following:
 - (i) licensees;
 - (ii) permit-holders;
 - (iii) community entities;

Examples—community entities

- 1 chamber of commerce
- 2 security service providers
- 3 bus companies
- 4 taxi industry

(iv) government entities; and

Examples—government entities

- 1 ACT Policing
- 2 ACTION buses

(b) that aims to minimise harm and promote community safety in the area near licensed premises and permitted premises.

Part 6 Young people's events

17 Meaning of *young people's event information*—pt 6

In this part:

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

- (a) the name of the event;

Examples

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

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

- (b) the nature of the event;

Examples

- concert
- dance
- live band performance

- (c) the number of young people expected to attend the event;

- (d) the number of adults employed or engaged to supervise young people at the event;

- (e) the number of crowd controllers employed to work at the event and what they will be doing.

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

The following details are prescribed:

- (a) the young people's event information for the event;

- (b) the crowd control arrangements for the event that are in addition to the crowd control arrangements in the approved risk-assessment management plan for the premises;

Note The risk-assessment management plan for a licensed premises requires crowd control planning—see s 16 (1).

- (c) the steps to be taken to prevent young people accessing liquor, gaming machines and tobacco products at the event;
- (d) the kind of food service to be provided at the event;
- (e) the transport options available to young people leaving the premises including—
 - (i) public transport near the premises; and
 - (ii) other transport options to be made available by the licensee.

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

The following approval criteria are prescribed:

- (a) the commissioner is satisfied that, having regard to each person's police certificate, each person who is to work at the event is an appropriate person to work at the event;
- (b) the licensee has crowd control arrangements for the event that are adequate for the size and nature of the event;
- (c) the licensee will prevent young people from accessing liquor, gaming machines and tobacco products at the event;
- (d) the kind of food service to be provided by the licensee will be adequate for the size and nature of the event;
- (e) that transport will be available to young people leaving the premises either by way of—
 - (i) public transport available near the premises; or

- (ii) another transport option to be made available by the licensee.

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

The name of the event is prescribed.

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

- (1) The following conditions are prescribed:
 - (a) the licensee must give the chief police officer the young people's event information for the young people's event at least 7 days before the event is to take place;
 - (b) the licensee must not allow anyone to participate in the event other than—
 - (i) young people; and
 - (ii) people who the commissioner has approved under section 19 (a) as appropriate people to work at the event;
 - (c) the licensee must not supply liquor at the event;

Note **Supply** includes sell (see Act, dict).
 - (d) the licensee must not permit the supply or consumption of liquor at the event;
 - (e) the licensee must cover all liquor, gaming machines and tobacco products at the premises in a way that prevents young people having access to or seeing liquor, gaming machines or tobacco products at the premises;
 - (f) the licensee must not permit entry to a young person if the licensee suspects the young person has consumed liquor or is in possession of liquor;
 - (g) if the licensee believes on reasonable grounds that a young person is affected by liquor or is in possession of liquor at the event, the licensee must tell a police officer;

- (h) the licensee must make non-alcoholic drinks available to young people to consume at the event;
- (i) the licensee must provide food service that is adequate for the size and nature of the event;
- (j) the licensee must ensure that—
 - (i) at least 1 crowd controller is employed to work at the event for every 30 young people attending the event; and
 - (ii) if female young people are expected at the event—at least 1 female crowd controller is employed to work at the event;
- (k) the licensee must not permit a young person who has left the premises during an event back in to the event;
- (l) the event must end no later than midnight;
- (m) the licensee must display at the entrance to the licensed premises, and publish in the public notices of a daily newspaper on the day of the event, a notice detailing the conditions for conduct of the event including—
 - (i) the time the event is to begin and to end; and
 - (ii) the particular groups (if any) of young people the event is organised for; and
 - (iii) that no-one will be allowed to participate in the event other than—
 - (A) young people; and
 - (B) people who the commissioner has approved as appropriate people to work at the event;
 - (iv) that food service and non-alcoholic drinks will be available at the event; and
 - (v) that no liquor will be supplied at the event; and

- (vi) that young people affected or suspected of being affected by liquor will not be permitted to enter the event; and
 - (vii) that the licensee will tell a police officer about young people who are affected by liquor, or in possession of liquor, at the event;
 - (n) the event must not end before the end time mentioned in paragraph (m) (i);
 - (o) the licensee must ensure that all young people attending the event leave the premises within 15 minutes after the end of the event.
- (2) However, subsection (1) (m) and (n) do not apply to a private event.

Part 7 Conduct of licensees and permit-holders

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

A sign about the offences in the Act, section 108 must be displayed prominently at licensed premises and permitted premises so that it can be seen and read easily by a person at or near each liquor serving counter at the premises.

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

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

24 Occupancy loading signs—Act, s 126 (1) (b) and (2) (c)

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

25 Incident register—electronic video surveillance

The incident register for licensed premises or permitted premises must include, for each incident, information about whether the incident was recorded by electronic video surveillance equipment or another monitoring device at the premises.

26 Incident register—commissioner may require inspection

- (1) The commissioner may, by written notice given to a licensee, require the licensee to give a copy of an incident register for the licensed premises to the commissioner within a stated reasonable time.
- (2) The commissioner may, by written notice given to a permit-holder, require the permit-holder to give a copy of an incident register for the permitted premises to the commissioner within a stated reasonable time.

27 Breath analysis sign—Act, s 134 (1) (c) and (2) (c)

A sign about the effect of the Act, section 135 (Evidence of breath tests) must be displayed prominently at licensed premises and permitted premises so that it can be seen and read easily by a person at or near each breath analysis instrument installed at the premises.

28 Sell petrol exemption—Act, s 136 (3)

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

29 Prohibited promotional activity—Act, s 137 (5)

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

Examples

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

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

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

Examples

- permitting liquor to be consumed directly from jugs
- encouraging people to stockpile drinks
- supplying alcoholic vapour produced by devices like the Alcohol Without Liquid (AWOL) device
- encouraging public drunkenness

- (c) advertising or promoting the supply of liquor—

- (i) using images, symbols or figures that are directly or indirectly sexual, degrading, sexist or otherwise offensive in nature; or
- (ii) by associating the consumption of liquor with success in the pursuit of sexual gratification; or
- (iii) by associating the consumption of liquor with risk-taking or violent, dangerous or anti-social behaviour; or
- (iv) in a way that encourages people to commit an offence against a Territory law; or
- (v) using images, symbols, designs, names or characters that have special appeal to children or young people; or
- (vi) in a way that encourages children and young people to consume liquor; or
- (vii) in a way that targets a class or group of people;

Example

a cocktail for sale only to women

- (d) advertising the supply of liquor in containers larger than 570ml if the liquor is intended to be consumed directly from the container;

Note It is a condition of a licence that liquor intended to be consumed directly from a container must not be supplied in a container larger than 570ml (see sch 1, s 1.24).

- (e) promoting—
- (i) the supply of liquor to children or young people; or
 - (ii) the consumption of liquor by children or young people;
- (f) advertising the supply of liquor on the internet without a statement, clearly displayed in the advertisement so that it can be seen and read easily by a person viewing the advertisement, that contains at least the following information:

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

PENALTIES APPLY

- (g) selling liquor for consumption at the premises at reduced prices—
- (i) for more than 2 hours in a day; or
 - (ii) between midnight and 5am the following day;
- (h) selling liquor for consumption at the premises at half, or less than half, the usual price;
- (i) supplying liquor for consumption at the premises free of charge.
- (2) Subsection (1) (h) and (i) do not apply if the liquor is—
- (a) not more than the smaller of:
 - (i) 1.5 standard drinks; and
 - (ii) 425ml; and

(b) supplied either—

(i) with a meal on a fixed price menu; or

(ii) as part of a promotion that limits the sale or supply to 1 drink for a person in any 1-day period.

(3) In this section:

standard drink means the amount of a beverage that contains 10 grams of ethanol, measured at 20°C.

**30 Location for sexually explicit entertainment—
Act, s 140 (3) (a)**

The following are prescribed locations:

(a) the division of Hume in Tuggeranong district;

(b) the division of Fyshwick in Canberra Central district;

(c) the division of Mitchell in Gungahlin district.

Part 8 Miscellaneous

31 Permanent alcohol-free places—Act, s 198 (1)

- (1) The following places at Civic parks are prescribed:
 - (a) block 7 of section 13 in the division of City, Canberra Central district;
 - (b) block 23 of section 19 in the division of City, Canberra Central district other than the part of the block that is part of the Canberra Theatre Centre.
- (2) The following places at Phillip parks are prescribed:
 - (a) block 21 of section 80 in the division of Phillip, other than the part of the block occupied for the purposes of a child care centre;
 - (b) block 23 of section 80 in the division of Phillip, other than the part of the block occupied by Woden Community Service Incorporated;
 - (c) blocks 23, 25, 36 and 45 of section 80 in the division of Phillip;
 - (d) block 2 of section 160 in the division of Phillip;
 - (e) block 18 of section 12 in the division of Phillip.
- (3) The following places at and around skate parks are prescribed:
 - (a) the skate park and the 2m surround in block 2 of section 97 in the division of City and the frontage on Cooyong Street, City;
 - (b) the skate park and the 2m surround in blocks 59 and 61 of section 65 in the division of Belconnen and the frontage on Emu Bank, Belconnen;
 - (c) the skate park and the 2m surround in section 176 in the division of Phillip in Eddison Park;

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

**32 Licensed times and permitted times—definitions—
Act, s 229 (2) (a)**

In this regulation:

5am approval licensed times, for a licence, means the licensed times in schedule 2, part 2.1, column 6 for the class of licence mentioned in schedule 2, part 2.1, column 2.

extended late night licensed times, for a licence, means the licensed times in schedule 2, part 2.1, column 5 for the class of licence mentioned in schedule 2, part 2.1, column 2.

extended late night permitted times, for a permit, means the permitted times in schedule 2, part 2.2, column 5 for the class of permit mentioned in schedule 2, part 2.2, column 2.

late night licensed times, for a licence, means the licensed times in schedule 2, part 2.1, column 4 for the class of licence mentioned in schedule 2, part 2.1, column 2.

late night permitted times, for a permit, means the permitted times in schedule 2, part 2.2, column 4 for the class of permit mentioned in schedule 2, part 2.2, column 2.

standard licensed times, for a licence, means the licensed times in schedule 2, part 2.1, column 3 for the class of licence mentioned in schedule 2, part 2.1, column 2.

standard permitted times, for a permit, means the permitted times in schedule 2, part 2.2, column 3 for the class of permit mentioned in schedule 2, part 2.2, column 2.

33 Licensed times and permitted times—Act, s 229 (2) (a)

- (1) This section applies if the commissioner is deciding licensed times for a licence or permitted times for a permit.
- (2) The commissioner must decide 1 of the following kinds of licensed times for the licence:
 - (a) standard licensed times;
 - (b) late night licensed times;
 - (c) extended late night licensed times;
 - (d) 5am approval licensed times.
- (3) The commissioner must decide 1 of the following kinds of permitted times for the permit:
 - (a) standard permitted times;
 - (b) late night permitted times;
 - (c) extended late night permitted times.

34 Legislation amended—sch 3

This regulation amends the legislation mentioned in Schedule 3.

Part 20 Transitional—Liquor Amendment Regulation 2010

100 Transitional—annual sales report to chief health officer—Act, s 258 (1)

- (1) Schedule 1, section 1.20 (Annual sales report to chief health officer) does not apply to the financial year beginning on 1 July 2010.
- (2) This section expires on 1 July 2011.

101 Transitional modification of Act, pt 20—Act, s 258 (2)

- (1) The Act, part 20 is modified by schedule 4.
- (2) This section, and schedule 4, expire 3 years after the day this section commences.

102 Expiry—pt 20

This part expires 3 years after the day it commences.

Schedule 1 Licence conditions

(see s 7)

Part 1.1 Toilets

1.1 Definitions

In this part:

licensed premises does not include off licensed premises.

toilet cubicle means a room or booth containing a toilet, inside a toilet facility.

toilet facility means a room containing a toilet cubicle.

toilet room means a room that—

- (a) contains 1 toilet; but
- (b) does not contain a toilet cubicle.

1.2 Toilet facilities and toilet rooms

- (1) There must not be a direct line of sight into a toilet facility or toilet room at licensed premises from outside the facility or room.
- (2) Toilet facilities for licensed premises must not have a common entry for men and women unless the toilet facility is a unisex toilet facility.
- (3) The licensee must not require a person to—
 - (a) pay to use a toilet facility or toilet room for the licensed premises; or
 - (b) use a key to enter a toilet facility or toilet room for the licensed premises during the licensed times.

- (4) However, subsection (3) (b) does not apply to licensed premises if—
- (a) the licence for the premises is a restaurant and café licence; and
 - (b) the toilet facility or toilet room is located in common property of a units plan.
- (5) A sign showing the location of a toilet facility or toilet room for licensed premises must be displayed prominently at the premises so that it can be seen and read easily by a person anywhere at the premises.
- (6) The following items must be provided in a toilet facility or toilet room for licensed premises:
- (a) a wash basin with hot and cold running water;
 - (b) soap, hand wash or hand sanitiser;
 - (c) hand drying equipment;
 - (d) a mirror;
 - (e) a garbage bin.
- (7) In this section:

common property—see the *Unit Titles Act 2001*, section 13.

units plan—see the *Unit Titles Act 2001*, dictionary

1.3 Toilet cubicles and toilet rooms

The following items must be provided in a toilet cubicle or toilet room for licensed premises:

- (a) toilet paper;
- (b) a clothes hook;
- (c) a lock on the door of the cubicle or room that can be operated from inside the cubicle or room without a key.

1.4 Toilet facilities and toilet rooms outside premises

- (1) This section applies if a toilet facility or toilet room for licensed premises is located outside the premises.
- (2) The toilet facility or toilet room must not be more than 40m from an exit door of the premises.
- (3) The path to the toilet facility or toilet room must be—
 - (a) covered to exclude rain; and
 - (b) well drained; and
 - (c) well lit.
- (4) The path to the toilet facility or toilet room must not be through—
 - (a) a staff area; or
 - (b) a kitchen area; or
 - (c) a storage area.

1.5 Surveillance of path to toilet facilities and toilet rooms outside premises

- (1) This section applies if—
 - (a) a toilet facility or toilet room for licensed premises is located outside the premises; and
 - (b) the path to the toilet facility or toilet room is secluded.
- (2) The path must be kept under electronic video surveillance.
- (3) The electronic video surveillance must—
 - (a) include a camera; and
 - (b) include a monitor displaying the path that can be seen by a staff member at the premises; and
 - (c) be approved by the commissioner.

Part 1.2 Buildings and fittings

1.6 Dance floors

- (1) The commissioner may determine an area at licensed premises to be used for dancing (a *dance floor*).
- (2) A dance floor must be clearly identified by a barrier, floor surface or markings on the floor.
- (3) A dance floor must not contain furnishings, tables, chairs, or provision for placing drinks.
- (4) The licensee must take reasonable steps to ensure that drinks are not consumed or taken on to a dance floor that is being used for dancing.

1.7 General licensed premises—separate areas

- (1) This section applies to general licensed premises.
- (2) The licensed premises must have separate areas for—
 - (a) the sale of liquor in open containers for consumption at the premises (an *on area*); and
 - (b) the sale of liquor in sealed containers for consumption off the premises (an *off area*).
- (3) Liquor sold in open containers for consumption at the premises must only be sold in an on area.
- (4) Liquor sold in sealed containers for consumption off the premises must only be sold in an off area.

1.8 Liquor displays at off licence supermarkets

If an off licensed premises is a supermarket, liquor may be displayed for sale in only 1 part of the supermarket (the *liquor display area*).

1.9 Outdoor dining areas

- (1) An outdoor dining area at licensed premises must—
 - (a) be clearly defined by a wall or barrier; and
 - (b) have enough tables and chairs for the maximum number of people allowed in the area under the occupancy loading for the area; and
 - (c) have at least half of the area protected from direct sunlight.
- (2) An outdoor dining area at licensed premises must not include a liquor serving counter.
- (3) If an outdoor dining area at licensed premises is located on unleased territory land, the licensee must—
 - (a) hold—
 - (i) a public place permit for the area; or
 - (ii) an unleased land licence for the area; and
 - (b) keep a copy of the public place permit or unleased land licence at the licensed premises.
- (4) If a public place permit or unleased land licence ceases to be in force for an outdoor dining area at licensed premises, the licensee must apply to the commissioner for amendment of the licence under the Act, section 39 (Licence—amendment for change to floor plan of licensed premises).

1.10 Residential accommodation

If residential accommodation is provided at licensed premises—

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

Part 1.3 Conduct of licensed premises

1.11 Approved risk-assessment management plan

The licensee must ensure that each staff member and crowd controller working at the licensed premises is aware of the contents of the approved risk-assessment management plan for the premises.

1.12 Examination of identification documents

The licensee must ensure that each staff member or crowd controller at the licensed premises who is to examine an identification document to decide whether the document identifies a person as an adult, is aware of the need to establish whether or not—

- (a) the document has expired; and
- (b) the date of birth on the document identifies the person as an adult; and
- (c) the document has been forged or fraudulently altered; and
- (d) the person presenting the document is the person in the photo on the document.

Note It is an exception to an offence against the following sections of the Act if the young person involved in the offence had, before the time of the offence, shown a staff member or crowd controller an identification document identifying the young person as an adult:

- s 110, s 111 and s 112 (about supplying liquor to a young person)
- s 114 (about a young person consuming liquor)
- s 116 (about a young person possessing liquor)
- s 120 (about a young person in an adults-only area).

1.13 Crowd controllers

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

Part 1.4 Responsible practices in the service, supply and promotion of liquor

1.14 Responsible practices and promotion of liquor

The licensee must engage in practices and promotions that encourage the responsible supply and consumption of liquor.

Examples

- promoting the consumption of light or low-alcohol drinks
- providing food with liquor to slow the rate of consumption and absorption of alcohol
- supplying liquor in standard or recognisable quantities
- serving half measures of spirits on request
- charging less for low-alcohol beer than full-strength beer

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

1.15 Safety

The licensee must provide and maintain a safe environment at and around the licensed premises.

1.16 Telephones

- (1) The licensee must make a telephone available for use by people at the premises.
- (2) The telephone must be located in a place at the premises where a person using the telephone can hear and be heard above the noise of the premises.
- (3) Telephone numbers for the following entities must be displayed near the telephone:
 - (a) police;

- (b) ambulance;
- (c) fire brigade;
- (d) taxi companies servicing the premises.

1.17 Licensee's name sign must be displayed

A sign displaying the name of the licensee of the premises must be displayed prominently at the premises so that it can be seen and read easily by a person at or near each liquor serving counter at the premises.

1.18 Harassing behaviour etc must not be encouraged

The licensee must ensure that activities carried out at the licensed premises do not encourage people at the premises to engage in harassing, abusive, threatening or intimidating behaviour towards other people at the premises.

Part 1.5 Reporting requirements

1.19 Annual purchase report to commissioner

- (1) The licensee must, not later than 1 month after the end of each financial year, give the commissioner the following information, in writing, about liquor purchased by the licensee during the financial year to be sold at the licensed premises:
 - (a) the name and address of the wholesaler from whom the licensee purchased the liquor;
 - (b) the gross wholesale price paid or payable by the licensee for the liquor.

Note If a form is approved under the Act, s 228, for this provision, the form must be used.

- (2) In this section:

gross wholesale price, for liquor—

- (a) includes any duty, tax or other charge paid or payable for the liquor; but
- (b) does not include the costs for freight, or packaging for freight, for the liquor.

1.20 Annual sales report to chief health officer

- (1) The licensee must, not later than 1 month after the end of each financial year, give the chief health officer the following information, in writing:
 - (a) the volume in litres of the following kinds of liquor sold at the licensed premises during the financial year:
 - (i) full-strength beer;
 - (ii) mid-strength beer;
 - (iii) low-strength beer;

- (iv) regular strength bottled wine;
 - (v) regular strength cask wine;
 - (vi) low-strength wine;
 - (vii) low-strength cask wine;
 - (viii) fortified wine;
 - (ix) spirits;
 - (x) pre-mixed spirit based drinks;
- (b) whether the licensee operates under the licence as—
- (i) a retailer; or
 - (ii) a wholesaler; or
 - (iii) a manufacturer.

Note If a form is approved under the Act, s 228, for this provision, the form must be used.

(2) In this section:

fortified wine includes apera, frontignac, madeira, muscat, and tokay.

full-strength beer means beer that contains at least 4% by volume of ethanol.

low-strength beer means beer that contains less than 3% by volume of ethanol.

low-strength wine means wine that contains less than 3.5% by volume of ethanol.

mid-strength beer means beer that contains at least 3%, but less than 4%, by volume of ethanol.

regular-strength wine means wine that contains at least 3.5% by volume of ethanol.

Part 1.6 Additional conditions for licences to sell liquor in open containers for consumption at licensed premises

1.21 Additional conditions for certain licences

The conditions in this part are prescribed for a licence that authorises the licensee to sell liquor in open containers for consumption at the licensed premises.

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

1.22 Food service

The licensee must provide food service at the premises.

Note It is a ground for occupational discipline in relation to a licensee if the licensee contravenes a provision of the *Food Act 2001* (see *Liquor Act 2010*, s 183).

1.23 Water

Water must be available for consumption free of charge at—

- (a) each place at the premises where liquor is sold; and
- (b) if the occupancy loading for the premises is at least 300 people—another place at the premises that is used solely for making water available for consumption.

Example

tap water available at the liquor serving counter and a freestanding water dispenser at another place at the premises

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

1.24 Maximum glass size

Liquor that is intended to be consumed directly from a container must not be supplied in a container larger than 570ml.

1.25 Drip trays

If liquor is supplied on tap at the premises, each tap must have a drip tray connected directly to a waste outlet underneath the tap.

1.26 Glasswashers

- (1) A glasswasher must be located at or near each liquor serving counter at the premises.
- (2) Glasses used at the premises must be washed in a glasswasher.
- (3) A combined glasswasher-dishwasher may be used for washing glasses only if—
 - (a) the combined glasswasher-dishwasher is designed for commercial glass washing and dish washing; and
 - (b) the commissioner has approved the use of the combined glasswasher-dishwasher.

Note It is a ground for occupational discipline in relation to a licensee if the licensee contravenes a provision of the *Food Act 2001* (see *Liquor Act 2010*, s 183).

Part 1.7 Liquor guidelines

1.27 Liquor guidelines

The licensee must—

- (a) comply with the liquor guidelines; and
- (b) ensure staff members at the licensed premises comply with the liquor guidelines; and
- (c) ensure the licensed premises comply with the liquor guidelines.

Schedule 2 Licensed times and permitted times

Part 2.1 Licensed times

(see s 32)

column 1 item	column 2 licence class and case (if any)	column 3 standard licensed times	column 4 late night licensed times	column 5 extended late night licensed times	column 6 5am approval licensed times
1	general licence <ul style="list-style-type: none"> sale of liquor to be consumed at the premises 	7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> 25 April 24 December 31 December 	7am – 2am the following day	7am – 4am the following day	7am – 5am the following day
	<ul style="list-style-type: none"> sale of liquor to be consumed off the premises 	7am – 11pm			
2	on licence	7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> 25 April 24 December 31 December 	7am – 2am the following day	7am – 4am the following day	7am – 5am the following day
3	off licence	7am – 11pm			

Schedule 2
Part 2.1

Licensed times and permitted times
Licensed times

column 1 item	column 2 licence class and case (if any)	column 3 standard licensed times	column 4 late night licensed times	column 5 extended late night licensed times	column 6 5am approval licensed times
4	club licence	7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> • 25 April • 24 December • 31 December 	7am – 2am the following day	7am – 4am the following day	7am – 5am the following day
5	special licence <ul style="list-style-type: none"> • sale of liquor to be consumed at the premises 	7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> • 25 April • 24 December • 31 December 	7am – 2am the following day	7am – 4am the following day	7am – 5am the following day
	<ul style="list-style-type: none"> • sale of liquor to be consumed off the premises 	7am – 11pm			

Part 2.2 **Permitted times**

(see s 32)

column 1 item	column 2 permit class	column 3 standard permitted times	column 4 late night permitted times	column 5 extended late night permitted times
1	commercial permit	7am – midnight	7am – 2am the following day	7am – 4am the following day
2	non- commercial permits	7am – midnight	7am – 2am the following day	7am – 4am the following day

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

(see s 34)

U **Part 3.1** **Liquor Regulation 2010**

U **[3.1] New section 14 (2)**

insert

- (2) It is a condition of a permit that the permit-holder must not allow a person to smoke in a part of the permitted premises that is—
- (a) an enclosed public place; or
 - (b) an outdoor eating or drinking place.

U **[3.2] Dictionary, note 3**

insert

- outdoor eating or drinking place

Schedule 4 Modification of Act

(see s 101)

[4.1] New section 250A

insert

250A Modification—s 2 (Commencement)

Section 2 (1) and (2) apply as if they were omitted and the following substituted:

- ‘(1) Division 8.1 (Responsible service of alcohol) commences 12 months after the day section 3 commences.
- (1A) Section 118 (Offence—child or young person supply liquor—licensee or permit holder) commences 6 months after the day section 3 commences.
- (2) Part 12 (Responsible service of alcohol (RSA) training courses) commences 6 months after the day section 3 commences.’

[4.2] New section 251 (4A)

insert

- (4A) However, if the new licence is an off licence and the gross wholesale price paid or payable by the licensee for liquor purchased by the licensee during the previous financial year to be sold at the licensed premises was more than \$3 000 000, the application need not include the name and address of the wholesaler from whom the licensee purchased the liquor.

U Dictionary

(see s 3)

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

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

- daily newspaper
- financial year
- midnight.

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

- adults-only area
- approved risk-assessment management plan
- approved RSA training course
- close associate (see s 14)
- commissioner
- crowd controller
- enclosed public place
- harm minimisation and community safety principles (see s 10)
- incident
- incident register
- influential person
- licence (see s 16)
- licensed premises
- licensed times
- liquor (see s 11)
- occupancy loading
- permit (see s 47)
- permitted premises
- permitted times
- public area
- Restaurant and café licence (see s 24)
- sell

- staff member
- supply.

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

food service, for premises—

- (a) means the service of food for consumption at the premises; but
- (b) does not include the service of liquor, low-alcohol liquor or non-alcoholic drinks.

licensed premises plan—see section 6.

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

non-alcoholic drink means a drink that is not liquor or low-alcohol liquor.

public place permit, for an outdoor dining area, means a permit under the *Roads and Public Places Act 1937*, section 15A (Objects in public places) permitting a licensee to use the area for outdoor dining.

Note The *Roads and Public Places Act 1937*, s 15A, provides for the Minister to grant a person a permit to place an object in, over or across a public place.

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

unleased land licence, for an outdoor dining area, means a licence under the *Planning and Development Act 2007*, section 303 (Decision on licence applications for unleased land) authorising a licensee to occupy or use the area for outdoor dining.

Note The *Planning and Development Act 2007*, s 303, provides for the planning and land authority to grant a person a licence to occupy or use an area of unleased territory land for a stated purpose.

young people's event information, for part 5—see section 17.

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

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

Endnotes

3 Legislation history

3 Legislation history

Liquor Regulation 2010 SL2010-40

notified LR 20 October 2010

s 1, s 2 commenced 20 October 2010 (LA s 75 (1))

sch 3 commences 9 December 2010 (s 2 (2) and see Smoking (Prohibition in Enclosed Public Places) Amendment Act 2009 A2009-51 s 2 (1) (b) and CN2010-4)

remainder commenced 1 December 2010 (s 2 (1) and see Liquor Act 2010 A2010-35, s 2 (3) (as am by A2010-43 amdt 1.19) and CN2010-14)

as amended by

Liquor Regulation Amendment Resolution 2010 AR2010-1

notified LR 19 November 2010

commenced 1 December 2010 (LA s 79A and see SL2010-40)

Liquor Amendment Regulation 2010 (No 1) SL2010-48

notified LR 30 November 2010

s 1, s 2 commenced 30 November 2010 (LA s 75 (1))

remainder commenced 1 December 2010 (s 2 and see Liquor Act 2010 A2010-35, s 2 (3) (as am by A2010-43 amdt 1.19) and CN2010-14)

4 Amendment history

Permit conditions—Act, s 55 (2) (a)

s 14 am SL2010-40 amdt 3.1

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

s 21 am AR2010-1 amdt 1

Prohibited promotional activity—Act, s 137 (5)

s 29 am AR2010-1 amdt 2; pars renum R1 LA

Transitional—Liquor Amendment Regulation 2010

pt 20 hdg ins SL2010-47 s 4
exp 1 December 2013 (s 102)

Transitional—annual sales report to chief health officer—Act, s 258 (1)

s 100 ins SL2010-47 s 4
exp 1 July 2011 (s 100 (2))

Transitional modification of Act, pt 20—Act, s 258 (2)

s 101 ins SL2010-47 s 4
exp 1 December 2013 (s 101 (2))

Expiry—pt 20

s 102 ins SL2010-47 s 4
exp 1 December 2013 (s 102)

Toilet facilities and toilet rooms

sch 1 s 1.2 am AR2010-1 amdt 3, amdt 4; ss renum R1 LA

Surveillance of path to toilet facilities and toilet rooms outside premises

sch 1 s 1.5 am AR2010-1 amdt 5

Licensee's name sign must be displayed

sch 1 s 1.17 sub AR2010-1 amdt 6

Food service

sch 1 s 1.22 am AR2010-1 amdt 7

Modification of Act

sch 4 ins SL2010-47 s 5
exp 1 December 2013 (s 101 (2))

Dictionary

dict am AR2010-1 amdt 8; SL2010-40 amdt 3.2

5 Uncommenced provisions and amendments

Schedule 3 was uncommenced at the republication date but has been included in this republication with the symbol **U** immediately before the provision headings. Schedule 3 makes amendments to s 14 and dict of this regulation.

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