

2017

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Attorney-General)

## Liquor Amendment Bill 2017

### Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Legislation amended 3
<b>Part 2</b>	<b>Liquor Act 2010</b>
4	Application of Act—generally Section 6, example 2 4
5	New section 8A 4
6	What is a <i>licence</i> ? Section 16, definition of <i>licence</i> , new paragraph (da) 6

---

J2015-330

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

## Contents

---

	Page	
7	What is a <i>club licence</i> ?	
	Section 20, definition of <i>club licence</i> , new paragraph (d) (ia)	6
8	New section 20A	6
9	Licence—application	
	Section 25 (2) (c) (v)	7
10	New section 25 (2) (da)	7
11	Section 25 (2) (da)	7
12	Section 25 (2) (e) (i)	8
13	Section 25 (2) (f)	8
14	Licence—decision on application	
	Section 27 (2) (d) and (f)	8
15	Licence—form	
	Section 30 (1) (b) (iv)	8
16	Section 30 (1) (b) (v)	8
17	Licence—conditions	
	Section 31 (1), new note	9
18	Section 31 (2), examples and note 1	9
19	Section 31 (2), note 2	9
20	Section 31 (2), note 3	9
21	New section 31 (3) and (4)	9
22	Licence—term	
	Section 32 (2) and (3)	10
23	New section 32 (5)	11
24	Division 2.4 heading	11
25	Section 33	11
26	New sections 33A and 33B	12
27	Sections 37 (1) (c) and 38 (4) (c)	14
28	Licence—amendment for change to floor plan of licensed premises	
	New section 39 (2) (aa)	15
29	Section 39 (2) (b) (i)	15
30	Section 39 (2) (b) (iii)	15
31	Licence—application for renewal	
	Section 42 (1)	15
32	New section 42 (5)	16
33	New section 46A	16

## Contents

---

	Page	
34	Permit—application	
	New section 50 (2) (ba)	17
35	Section 50 (2) (c) (i)	17
36	Permit—conditions	
	Section 55 (1), new note	17
37	Section 55 (2), examples and notes	17
38	New section 55 (3)	17
39	What is an <i>eligible club</i> ?	
	Section 70, definition of <i>eligible club</i> , paragraph (b) (iv)	18
40	Section 70, definition of <i>eligible club</i> , new paragraph (ba)	18
41	Section 79 heading	19
42	Section 79 (2) (a)	19
43	Risk-assessment management plan—availability	
	Section 90A	19
44	New sections 90B and 90C	19
45	New sections 92A and 92B	21
46	Offence—supply liquor without RSA certificate—licensee or permit-holder	
	Section 100 (1) (c) and (3) (c)	22
47	New section 100 (6)	22
48	Offence—supply liquor without RSA certificate—employee	
	Section 101 (1) (c)	22
49	Offence—fail to keep RSA certificates	
	Section 103 (1) (b) and (2) (b)	23
50	Section 103 (1) (b) (ii)	23
51	What is <i>intoxicated</i> ?	
	Section 104 (b)	23
52	Sections 105 (1) (d) and (3) (d) and 106 (1) (d)	24
53	Offence—supply liquor to intoxicated person—other person	
	New section 107 (1) (c) (ia)	24
54	Section 107 (3) (a)	24
55	Offence—fail to display sign about abuse offence	
	Section 109	24
56	Sections 110 (1) (d) and (3) (d) and 111 (1) (d)	25
57	Section 111 (4)	25

## Contents

---

	Page	
58	Offence—supply liquor to child or young person—other person New section 112 (1) (c) (ia)	25
59	Section 112 (1) (d) (i)	25
60	Section 112 (3)	26
61	Offence—child or young person consume liquor—licensee or permit-holder Section 114 (1) (b)	26
62	Offence—child or young person consume liquor New section 115 (b) (ia)	26
63	Offence—child or young person possess liquor—licensee or permit-holder Section 116 (1) (b)	27
64	Section 116 (4) (a)	27
65	Offence—child or young person possess liquor New section 117 (1) (b) (ia)	27
66	Section 117 (2) (a)	27
67	Offence—send child or young person to obtain liquor New section 119 (1) (a) (ia) and (2) (a) (ia)	28
68	Section 119 (3) (a)	28
69	Section 131	28
70	Section 132 heading	29
71	Section 132 (1) (b) and (2) (b)	29
72	Section 138	30
73	New section 139A	31
74	New section 143A	32
75	New division 8.9	33
76	Section 143B (1) to (3)	34
77	Section 143B (4), definition of <i>authorised person</i>	34
78	Commissioner may direct licensee, permit-holder, employee etc Section 144 (2), new example	34
79	New division 9.1A	35
80	Form of complaint Section 177 (3)	36
81	Grounds for occupational discipline—licensee New section 183 (3)	36

	Page	
82	New part 11A	36
83	Section 193	42
84	Prohibited liquor products Section 213 (1) and examples	43
85	New division 14.4	43
86	New section 224B	45
87	Dictionary, definitions of <i>ACTPLA certificate</i> and <i>applicant</i>	45
88	Dictionary, new definitions	46
89	Dictionary, definition of <i>authorised person</i>	46
90	Dictionary, new definitions	46
91	Dictionary, new definition of <i>compliance test</i>	46
92	Dictionary, definition of <i>incident register</i>	46
93	Dictionary, definition of <i>licensed premises</i>	47
94	Dictionary, definition of <i>licensed times</i>	47
95	Dictionary, new definition of <i>purchase assistant</i>	47
96	Further amendments, mentions of <i>hold an RSA certificate</i>	47
97	Further amendments, mentions of <i>section 79</i>	48
<b>Part 3</b>	<b>Liquor Regulation 2010</b>	
98	New section 5A	49
99	New section 7A	49
100	Licence term—Act, s 32 (2) Section 8 (1)	51
101	New section 8 (3)	51
102	Public notice requirements—Act, s 34 (2) (b) Section 9 (2)	51
103	Licence maximum renewal period—Act, s 42 (1) Section 12	51
104	New section 12 (2)	52
105	Suitability of premises—cumulative impact Section 15 (2) (c)	52
106	New section 15 (3)	52
107	Abuse offence sign—Act, s 109 (1) (b) and (2) (b) Section 22	52
108	Sections 25 and 26	53

## Contents

---

	Page	
109	Section 32	53
110	Licensed times and permitted times—Act, s 229 (2) (a) New section 33 (2) (aa)	54
111	Toilet facilities and toilet rooms Schedule 1, section 1.2 (5) and (6) (d)	54
112	Toilet cubicles and toilet rooms Schedule 1, section 1.3 (b)	54
113	Toilet facilities and toilet rooms outside premises Schedule 1, section 1.4 (2)	55
114	Telephones Schedule 1, section 1.16	55
115	Purchase report to commissioner—off licensees Schedule 1, section 1.19 (2)	55
116	Schedule 1, section 1.19 (3), definitions of <i>relevant date</i> and <i>reporting period</i>	55
117	Schedule 1, section 1.26	55
118	Schedule 2, part 2.1	56
119	Dictionary, note 3	60
<b>Schedule 1</b>	<b>Consequential Amendments</b>	<b>61</b>
<b>Part 1.1</b>	<b>Magistrates Court (Liquor Infringement Notices) Regulation 2010</b>	<b>61</b>
<b>Part 1.2</b>	<b>Major Events Act 2014</b>	<b>61</b>

2017

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Attorney-General)

## Liquor Amendment Bill 2017

---

### A Bill for

An Act to amend the *Liquor Act 2010* and the *Liquor Regulation 2010*, and for other purposes

---

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Liquor Amendment Act 2017*.

4 **2 Commencement**

5 (1) The following provisions commence on 1 July 2017:

- 6 • section 6
- 7 • sections 8 and 9
- 8 • section 11
- 9 • sections 14 to 16
- 10 • section 19
- 11 • sections 22 to 27
- 12 • sections 31 and 32
- 13 • sections 46, 48 and 50
- 14 • sections 52 to 54
- 15 • sections 56 to 71
- 16 • sections 76 and 77
- 17 • sections 85 and 90
- 18 • sections 92 to 94
- 19 • sections 100 to 106
- 20 • sections 108 to 110
- 21 • sections 115, 116, 118 and 119.

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

24 (2) The remaining provisions commence on the day after this Act's  
25 notification day.



1 **3 Legislation amended**

2 This Act amends the *Liquor Act 2010* and the  
3 *Liquor Regulation 2010*.

4 *Note* This Act also amends other legislation (see sch 1).

1 **Part 2** **Liquor Act 2010**

2 **4 Application of Act—generally**  
3 **Section 6, example 2**

4 *substitute*

5 2 *Army and Air Force (Canteen) Regulation 2016* (Cwlth), s 34

6 **5 New section 8A**

7 *in division 1.1, insert*

8 **8A Application of Act—supply of liquor by exempt business**

9 (1) The provisions of this Act relating to the supply of liquor do not  
10 apply if—

11 (a) the supply is in the course of conducting an exempt business;  
12 and

13 (b) the liquor is not supplied to a child or young person.

14 (2) In this section:

15 ***exempt business*** means any of the following:

16 (a) a business providing traveller accommodation that, in an  
17 accommodation unit operated by the business, supplies liquor  
18 to a member of the travelling public;

19 **Examples—supply of liquor in accommodation unit**

- 20 • minibar  
21 • room service

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

- 1 (b) a florist or gift maker business that packages liquor together  
2 with flowers, food or other gifts where the liquor supplied with  
3 each package—
- 4 (i) does not exceed 1.5L; and
- 5 (ii) has a value not exceeding half the sale price of the  
6 package;
- 7 (c) a hairdressing or barber business that supplies liquor without  
8 charge for consumption at the business' premises where the  
9 supply is ancillary to the business' services;
- 10 (d) any of the following if the supply of liquor does not exceed  
11 2 standard drinks per person per day:
- 12 (i) a hospital;
- 13 (ii) a home or residential care service provider;
- 14 (iii) a retirement village;
- 15 (iv) a hospice;
- 16 (e) a limousine or tour business if—
- 17 (i) the business provides services to no more than 12 adults;  
18 and
- 19 (ii) the supply does not exceed 2 standard drinks per person;  
20 and
- 21 (iii) the supply is ancillary to the business' services and  
22 without charge.
- 23 **traveller accommodation**—see the *Civil Law (Wrongs) Act 2002*,  
24 section 145.

- 1     **6            What is a *licence*?**  
2                      **Section 16, definition of *licence*, new paragraph (da)**
- 3                      *insert*
- 4                      (da) a catering licence; or
- 5     **7            What is a *club licence*?**  
6                      **Section 20, definition of *club licence*,**  
7                      **new paragraph (d) (ia)**
- 8                      *insert*
- 9                                      (ia) who is at the licensed premises as a temporary member of  
10                                      the club under the *Gaming Machine Act 2004*; or
- 11    **8            New section 20A**
- 12                      *insert*
- 13    **20A        What is a *catering licence*?**
- 14                      (1) In this Act:
- 15                                      *catering licence* means a licence that authorises the licensee to sell  
16                                      liquor—
- 17                                      (a) in the course of conducting a catering business; and
- 18                                      (b) in open containers for consumption at premises where the  
19                                      business is being conducted; and
- 20                                      (c) at the licensed times; and
- 21                                      (d) where the predominant activity at the licensed times is the  
22                                      serving of food for consumption at the premises.

1 (2) In this section:

2 *catering business* means a food business providing a food catering  
3 service.

4 *food business* means a food business under the *Food Act 2001*,  
5 whether or not the business is required to be registered under that  
6 Act.

7 **9 Licence—application**  
8 **Section 25 (2) (c) (v)**

9 *before*  
10 the proposed licensed premises; and  
11 *insert*  
12 for a licence other than a catering licence—

13 **10 New section 25 (2) (da)**

14 *insert*  
15 (da) include evidence that the operation of the business at the  
16 premises under the proposed licence complies with—  
17 (i) the lease where the premises are located; and  
18 (ii) the [territory plan](#); and

19 **11 Section 25 (2) (da)**

20 *before*  
21 include evidence that  
22 *insert*  
23 for a licence other than a catering licence—

1    **12            Section 25 (2) (e) (i)**

2                      *omit*

3    **13            Section 25 (2) (f)**

4                      *substitute*

5                      (f) for an application prescribed by regulation—include a  
6                                      risk-assessment management plan for the premises.

7    **14            Licence—decision on application**  
8                      **Section 27 (2) (d) and (f)**

9                      *before*

10                     the proposed licensed premises

11                     *insert*

12                     for a licence other than a catering licence—

13    **15            Licence—form**  
14                      **Section 30 (1) (b) (iv)**

15                     *before*

16                     the address of the licensed premises

17                     *insert*

18                     for a licence other than a catering licence—

19    **16            Section 30 (1) (b) (v)**

20                     *substitute*

21                     (v) the licensed times when—

22                                      (A) for a licence other than a catering licence—liquor to  
23    be consumed at the licensed premises may be sold  
24    (if any); and

- 1 (B) for a licence other than a catering licence—liquor to  
2 be consumed off the licensed premises may be sold  
3 (if any); and
- 4 (C) for a catering licence—liquor to be consumed at the  
5 premises where the catering business is being  
6 conducted may be sold;

7 **17 Licence—conditions**  
8 **Section 31 (1), new note**

9 *insert*

10 *Note* A reference to an Act includes a reference to the statutory instruments  
11 made or in force under the Act, including any regulation (see  
12 [Legislation Act](#), s 104).

13 **18 Section 31 (2), examples and note 1**

14 *omit*

15 **19 Section 31 (2), note 2**

16 *omit*

17 Licences may be renewed under s 43.

18 **20 Section 31 (2), note 3**

19 *omit*

20 **21 New section 31 (3) and (4)**

21 *after the note, insert*

- 22 (3) Without limiting subsection (2) (b), the commissioner may impose  
23 1 or more of the following conditions on a licence:
- 24 (a) that stated inspection requirements must be complied with;
- 25 (b) that stated reporting requirements must be complied with;
- 26 (c) that stated records must be kept;

- 1           (d) that security guards or additional security guards must be  
2           engaged generally or for stated events;
- 3           (e) that staff and security guards must be trained to a required  
4           level of competency;
- 5           (f) that people must not be allowed to enter the licensed premises  
6           after a stated time;
- 7           (g) for an on licence—that liquor must not be served in glass after  
8           midnight;
- 9           (h) for an on licence—that shots of liquor must not be served after  
10          midnight;
- 11          (i) that security cameras must be fitted on the licensed premises or  
12          on other land under the control of the licensee in the vicinity of  
13          the licensed premises;
- 14          (j) that stated requirements about security cameras must be  
15          complied with.
- 16          (4) A regulation may prescribe requirements in relation to a security  
17          camera mentioned in subsection (3) (i) and (j).

18      **22           Licence—term**  
19      **Section 32 (2) and (3)**

- 20           *substitute*
- 21          (2) A licence issued on or after the commencement day continues in  
22          force until it is cancelled or surrendered.
- 23          (2A) A licence issued before the commencement day expires on the day  
24          prescribed by regulation.
- 25          (3) However, the commissioner may decide on reasonable grounds that  
26          a licence mentioned in subsection (2A) expires on an earlier day.



**23 New section 32 (5)**

*after the note, insert*

(5) In this section:

*commencement day* means the day the *Liquor Amendment Act 2017*, section 22 commences.

**24 Division 2.4 heading**

*substitute*

**Division 2.4 Licences—notification and public consultation****25 Section 33**

*substitute*

**33 Application and definition—div 2.4**

(1) This division applies to the following applications:

- (a) an application under section 25 (Licence—application) for a licence;
- (b) an application under section 38 (Licence—amendment on application by licensee)—
  - (i) to amend a licence from 1 subclass of on licence to another subclass of on licence; or
  - (ii) to increase the occupancy loading for a public area at the licensed premises; or
  - (iii) to increase the licensed times for the sale of liquor at the licensed premises.

- 1 (2) In this division:  
2 *relevant premises* means—  
3 (a) for an application mentioned in subsection (1) (a)—the  
4 proposed licensed premises; and  
5 (b) for an application mentioned in subsection (1) (b)—the  
6 licensed premises.

7 **26 New sections 33A and 33B**

8 *insert*

9 **33A Licence—notice of application to certain entities**

- 10 (1) The commissioner must give written notice of an application to the  
11 following:  
12 (a) the chief health officer;  
13 (b) the chief police officer;  
14 (c) the director-general of the administrative unit responsible for  
15 the *Children and Young People Act 2008*;  
16 (d) the director-general of the administrative unit responsible for  
17 the *Education Act 2004*;  
18 (e) the director-general of the administrative unit responsible for  
19 the *Environment Protection Act 1997*;  
20 (f) the director-general of the administrative unit responsible for  
21 the *Litter Act 2004*;  
22 (g) the director-general of the administrative unit responsible for  
23 the *Road Transport (Public Passenger Services) Act 2001*;  
24 (h) any other person prescribed by regulation.

- 1 (2) If a place (an *adjoining place*) other than unleased land adjoins the  
2 relevant premises, the commissioner must also give the notice to the  
3 registered proprietor of the lease of the adjoining place.

4 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- 5 (3) The notice must comply with the requirements prescribed by  
6 regulation.

- 7 (4) The commissioner is taken to have given notice to the registered  
8 proprietor of a lease that is a lease of a unit identified in a units plan  
9 if the notice is given to the owners corporation for the units plan.

- 10 (5) In this section:

11 *adjoins*—a place *adjoins* relevant premises if the place touches the  
12 premises, or is separated from the premises only by a road, reserve,  
13 river, watercourse or similar division.

14 *lease*, of a unit—see the [Unit Titles Act 2001](#), dictionary.

15 *registered proprietor*, in relation to a lease, means the person who is  
16 registered under the [Land Titles Act 1925](#) as proprietor of the lease.

17 *units plan*—see the [Unit Titles Act 2001](#), dictionary.

18 **33B Commissioner may ask for information from**  
19 **commissioner for revenue**

- 20 (1) This section applies if—  
21 (a) the commissioner is required to give notice of an application to  
22 the registered proprietor of a lease under section 33A; and  
23 (b) the registered proprietor is uncontactable or the commissioner  
24 reasonably believes the registered proprietor is uncontactable.

- 1           (2) The commissioner may, in writing, ask the commissioner for  
2           revenue for either of the following:
- 3               (a) the person's name;
- 4               (b) the person's home address or other contact address.
- 5           (3) The commissioner for revenue must disclose the information  
6           required in a request made in accordance with subsection (2).
- 7           (4) In this section:
- 8               *uncontactable*—a registered proprietor is *uncontactable* if the  
9               commissioner does not have, or only has incomplete or outdated  
10              information about, either of the following:
- 11               (a) the registered proprietor's name;
- 12               (b) a home address or other contact address for the registered  
13               proprietor.

14   **27           Sections 37 (1) (c) and 38 (4) (c)**

- 15           *before*
- 16           the licensed premises
- 17           *insert*
- 18           for a licence other than a catering licence—

1 **28 Licence—amendment for change to floor plan of licensed**  
2 **premises**  
3 **New section 39 (2) (aa)**

4 *insert*

5 (aa) include evidence that the operation of the business under the  
6 licence at the premises, as intended to be changed, complies  
7 with—

8 (i) the lease where the premises are located; and

9 (ii) the [territory plan](#); or

10 **29 Section 39 (2) (b) (i)**

11 *omit*

12 **30 Section 39 (2) (b) (iii)**

13 *after*

14 on licence

15 *insert*

16 (other than a restaurant and cafe licence that is not required to have  
17 an approved risk-assessment management plan)

18 **31 Licence—application for renewal**  
19 **Section 42 (1)**

20 *omit*

21 A licensee

22 *substitute*

23 The licensee of a licence issued before the commencement day

1   **32           New section 42 (5)**

2                   *insert*

3           (5) In this section:

4                   *commencement day* means the day the *Liquor Amendment*  
5                   *Act 2017*, section 31 commences.

6   **33           New section 46A**

7                   *in division 2.5, insert*

8   **46A          Licence—immediate suspension for failure to pay fee**

9           (1) This section applies if—

10                   (a) the commissioner gives a licensee a written notice to pay a fee  
11                   payable under this Act; and

12                   (b) the licensee fails to pay the fee within 7 days after the day the  
13                   notice is given.

14           (2) The commissioner may give the licensee a written notice (the  
15                   *immediate suspension notice*) suspending the licence.

16           (3) The suspension takes effect when the immediate suspension notice  
17                   is given to the licensee.

18           (4) The suspension ends when the fee is paid.

19           *Note*        A failure to pay a fee within 28 days after the day an immediate  
20                   suspension notice is given is a ground to cancel a licence (see s 183 (3)).

1 **34 Permit—application**  
2 **New section 50 (2) (ba)**

3 *insert*

4 (ba) if the premises are wholly or partly enclosed, include evidence  
5 that the operation of the business at the premises under the  
6 proposed permit complies with—

- 7 (i) the lease where the premises are located; and  
8 (ii) the [territory plan](#); and

9 **35 Section 50 (2) (c) (i)**

10 *omit*

11 **36 Permit—conditions**  
12 **Section 55 (1), new note**

13 *insert*

14 *Note* A reference to an Act includes a reference to the statutory instruments  
15 made or in force under the Act, including any regulation (see  
16 [Legislation Act](#), s 104).

17 **37 Section 55 (2), examples and notes**

18 *omit*

19 **38 New section 55 (3)**

20 *insert*

21 (3) Without limiting subsection (2) (b), the commissioner may impose  
22 1 or more of the following conditions on a permit:

- 23 (a) that stated inspection requirements must be complied with;  
24 (b) that stated reporting requirements must be complied with;  
25 (c) that stated records must be kept;

- 1 (d) that security guards or additional security guards must be  
2 engaged generally or for stated events;
- 3 (e) that staff and security guards must be trained to a required  
4 level of competency;
- 5 (f) that people must not be allowed to enter the permitted premises  
6 after a stated time;
- 7 (g) that any liquor guidelines made by the commissioner under  
8 section 223 must be complied with;
- 9 (h) that liquor must not be served in glass after midnight;
- 10 (i) that shots of liquor must not be served after midnight.
- 11 *Note* Permits may be amended under s 57 or 58.  
12 Non-commercial permits may be renewed under s 62.

13 **39 What is an *eligible club*?**  
14 **Section 70, definition of *eligible club*, paragraph (b) (iv)**

15 *before*  
16 prohibits the supply  
17 *insert*  
18 subject to paragraph (ba),

19 **40 Section 70, definition of *eligible club*, new paragraph (ba)**

20 *insert*  
21 (ba) may allow the supply of liquor to a person who is on the club  
22 premises as a temporary member of the club under the *Gaming*  
23 *Machine Act 2004*; and



- 1 **41 Section 79 heading**
- 2 *substitute*
- 3 **79 Commissioner may require plan etc for premises**
- 4 **42 Section 79 (2) (a)**
- 5 *substitute*
- 6 (a) evidence that the operation of the business at the premises
- 7 under the proposed licence or permit complies with—
- 8 (i) the lease where the premises are located; and
- 9 (ii) the [territory plan](#);
- 10 **43 Risk-assessment management plan—availability**
- 11 **Section 90A**
- 12 *after*
- 13 an approved risk-assessment
- 14 *insert*
- 15 a management
- 16 **44 New sections 90B and 90C**
- 17 *insert*
- 18 **90B Risk-assessment management plan—direction to prepare**
- 19 **plan**
- 20 (1) This section applies if—
- 21 (a) a licensed premises operated under a restaurant or cafe licence
- 22 does not have an approved risk-assessment management plan;
- 23 and

- 1 (b) the commissioner is satisfied that the premises requires an  
2 approved risk-assessment management plan.
- 3 (2) The commissioner may, by written notice given to the licensee,  
4 direct the licensee to—
- 5 (a) prepare a risk-assessment management plan; and  
6 (b) submit the plan for approval under section 90.
- 7 (3) In giving the notice to the licensee, the commissioner must tell the  
8 licensee that the plan must be submitted to the commissioner before  
9 the end of a stated period of at least 14 days after the day the notice  
10 is given.
- 11 (4) In responding to a notice under this section, the licensee must  
12 comply with any requirements prescribed by regulation.
- 13 (5) The commissioner may, in writing, require the licensee to allow the  
14 commissioner to inspect the premises within a stated reasonable  
15 time.

16 **90C Approved risk-assessment management plan—**  
17 **amendment on direction from commissioner**

- 18 (1) This section applies if an approved risk-assessment management  
19 plan is in force for licensed premises or permitted premises.
- 20 (2) The commissioner may, by written notice (an *amendment notice*)  
21 given to the licensee or permit-holder, direct the licensee or  
22 permit-holder to amend the plan in the way stated in the notice.
- 23 (3) In giving the notice to the licensee or permit-holder  
24 (the *respondent*), the commissioner must tell the respondent that an  
25 amendment of the plan must be submitted to the commissioner  
26 before the end of a stated period of at least 14 days after the day the  
27 notice is given.
- 28 (4) In responding to a notice under this section, the respondent must  
29 comply with any requirements prescribed by regulation.

- 1           (5) The commissioner may, in writing, require the respondent to allow  
2           the commissioner to inspect the premises within a stated reasonable  
3           time.

4           **45           New sections 92A and 92B**

5           *in part 6, insert*

6           **92A           Offence—licensee fail to comply with direction to prepare**  
7           **approved risk-assessment management plan**

8           A licensee commits an offence if—

- 9           (a) the licensee is given a direction to prepare an approved  
10           risk-assessment management plan under section 90B; and  
11           (b) the licensee fails to comply with the direction.

12           Maximum penalty: 20 penalty units.

13           **92B           Offence—failure to amend approved risk-assessment**  
14           **management plan**

15           (1) A licensee commits an offence if—

- 16           (a) the licensee is given an amendment notice under  
17           section 90C (2) (Approved risk-assessment management  
18           plan—amendment on direction from commissioner); and  
19           (b) the licensee fails to comply with the notice.

20           Maximum penalty: 20 penalty units.

21           (2) A permit-holder commits an offence if—

- 22           (a) the permit-holder is given an amendment notice under  
23           section 90C (2); and  
24           (b) the permit-holder fails to comply with the notice.

25           Maximum penalty: 20 penalty units.

1 **46 Offence—supply liquor without RSA certificate—licensee**  
2 **or permit-holder**  
3 **Section 100 (1) (c) and (3) (c)**

4 *substitute*

5 (c) the supply happens at—

6 (i) if the licensee holds a catering licence—the catered  
7 premises; or

8 (ii) in any other case—the licensed premises; and

9 **47 New section 100 (6)**

10 *insert*

11 (6) For this section, a licensee or commercial permit-holder that is a  
12 corporation *holds a current RSA certificate*, if each person in the  
13 corporation having day-to-day control of the premises operated  
14 under the licence or commercial permit holds a current RSA  
15 certificate.

16 **48 Offence—supply liquor without RSA certificate—**  
17 **employee**  
18 **Section 101 (1) (c)**

19 *substitute*

20 (c) the supply happens at—

21 (i) if the licensee holds a catering licence—the catered  
22 premises; or

23 (ii) in any other case—the licensed premises; and

1 **49 Offence—fail to keep RSA certificates**  
2 **Section 103 (1) (b) and (2) (b)**

3 *omit*

4 copy of an

5 *insert*

6 copy of a current

7 **50 Section 103 (1) (b) (ii)**

8 *substitute*

9 (ii) each person employed to supply liquor at—

10 (A) if the licensee holds a catering licence—the catered  
11 premises; or

12 (B) in any other case—the licensed premises;

13 **51 What is *intoxicated*?**  
14 **Section 104 (b)**

15 *substitute*

16 (b) it is reasonable in the circumstances to believe that the affected  
17 speech, balance, coordination or behaviour is the result of the  
18 consumption of—

19 (i) liquor; or

20 (ii) a drug; or

21 (iii) a combination of liquor and a drug.

22 (2) In this section:

23 *drug*—see the *Road Transport (Alcohol and Drugs) Act 1977*,  
24 dictionary, definition of *drug*, paragraphs (a) and (b).

- 1   **52       Sections 105 (1) (d) and (3) (d) and 106 (1) (d)**
- 2       *substitute*
- 3       (d) the supply happens at—
- 4           (i) if the licensee holds a catering licence—the catered
- 5           premises; or
- 6           (ii) in any other case—the licensed premises.
- 7   **53       Offence—supply liquor to intoxicated person—other**
- 8       **person**
- 9       **New section 107 (1) (c) (ia)**
- 10       *insert*
- 11       (ia) catered premises; or
- 12   **54       Section 107 (3) (a)**
- 13       *after*
- 14       licensed premises
- 15       *insert*
- 16       or catered premises
- 17   **55       Offence—fail to display sign about abuse offence**
- 18       **Section 109**
- 19       *omit*

1 **56 Sections 110 (1) (d) and (3) (d) and 111 (1) (d)**

2 *substitute*

3 (d) the supply happens at—

4 (i) if the licensee holds a catering licence—the catered  
5 premises; or

6 (ii) in any other case—the licensed premises.

7 **57 Section 111 (4)**

8 *after*

9 licensed premises

10 *insert*

11 or catered premises

12 **58 Offence—supply liquor to child or young person—other**  
13 **person**  
14 **New section 112 (1) (c) (ia)**

15 *insert*

16 (ia) catered premises; or

17 **59 Section 112 (1) (d) (i)**

18 *after*

19 licensed premises

20 *insert*

21 or catered premises

- 1   **60           Section 112 (3)**
- 2           *after*
- 3           licensed premises
- 4           *insert*
- 5           or catered premises
- 6   **61           Offence—child or young person consume liquor—**  
7           **licensee or permit-holder**  
8           **Section 114 (1) (b)**
- 9           *omit everything after*
- 10          low-alcohol liquor
- 11          *substitute*
- 12          at—
- 13           (i) if the licensee holds a catering licence—the catered premises;
- 14           or
- 15           (ii) in any other case—the licensed premises; and
- 16   **62           Offence—child or young person consume liquor**  
17           **New section 115 (b) (ia)**
- 18          *insert*
- 19           (ia) catered premises; or



1 **63 Offence—child or young person possess liquor—licensee**  
2 **or permit-holder**  
3 **Section 116 (1) (b)**

4 *omit everything after*

5 low-alcohol liquor

6 *substitute*

7 at—

8 (i) if the licensee holds a catering licence—the catered premises;  
9 or

10 (ii) in any other case—the licensed premises; and

11 **64 Section 116 (4) (a)**

12 *omit everything after*

13 employment at the

14 *substitute*

15 premises; or

16 **65 Offence—child or young person possess liquor**  
17 **New section 117 (1) (b) (ia)**

18 *insert*

19 (ia) catered premises; or

20 **66 Section 117 (2) (a)**

21 *omit everything after*

22 employment at the

23 *substitute*

24 premises; or

1 **67 Offence—send child or young person to obtain liquor**  
2 **New section 119 (1) (a) (ia) and (2) (a) (ia)**

3 *insert*

4 (ia) catered premises; or

5 **68 Section 119 (3) (a)**

6 *omit everything after*

7 employment at the

8 *substitute*

9 premises; or

10 **69 Section 131**

11 *substitute*

12 **131 Incident reporting**

13 (1) A licensee or permit-holder must give the commissioner a written  
14 report about any incident that happens at licensed premises or  
15 permitted premises.

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

18 (2) The report must include the following details:

19 (a) a description of the incident;

20 (b) the date and time the incident happened;

21 (c) the name, address and contact details of each person connected  
22 with the incident including—

23 (i) each employee of the licensee or permit-holder connected  
24 with the incident; and



1 **72 Section 138**

2 *substitute*

3 **138 Offence—remain in or re-enter vicinity of premises**

- 4 (1) A person commits an offence if—
- 5 (a) the person has been refused admission to or turned out of
- 6 premises under section 143B; and
- 7 (b) the person—
- 8 (i) remains in the vicinity of the premises; or
- 9 (ii) re-enters the vicinity of the premises within 6 hours after
- 10 being refused admission or turned out.

11 Maximum penalty: 20 penalty units.

- 12 (2) Subsection (1) does not apply if the person—
- 13 (a) reasonably fears for the person's safety if the person does not
- 14 remain in or re-enter the vicinity of the premises; or
- 15 (b) must remain in or re-enter the vicinity of the premises to get
- 16 transport; or
- 17 (c) lives in the vicinity of the premises.

18 *Note* The defendant has an evidential burden in relation to the matters

19 mentioned in s (2) (see [Criminal Code](#), s 58).

- 20 (3) An offence against this section is a strict liability offence.

- 21 (4) In this section:

22 ***vicinity*** of premises means any place that is less than 50m from any

23 point on the boundary of the premises.

**73 New section 139A**

*insert*

**139A Offence—take liquor from on licensed premises**

- (1) A person commits an offence if—
- (a) the person is an on licensee; and
  - (b) another person—
    - (i) buys liquor at the on licensed premises; and
    - (ii) takes the liquor away from the premises.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
- (a) bought liquor at on licensed premises; and
  - (b) takes the liquor away from the premises.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

- (4) This section does not apply if—
- (a) the person taking the liquor away from the premises is—
    - (i) the on licensee; or
    - (ii) an employee of the licensee; or
    - (iii) a family member of the licensee; or
  - (b) the liquor is the unconsumed portion of wine in an opened bottle that the person bought for consumption on the premises with a meal.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

1 **74 New section 143A**

2 *in division 8.8, insert*

3 **143A Offence—fail to comply with direction to display sign**

4 (1) A person commits an offence if the person—

5 (a) is a licensee; and

6 (b) the person is directed, in writing, by the commissioner to  
7 display a sign at the licensed premises of the licensee; and

8 (c) the person fails to—

9 (i) display the sign; or

10 (ii) display the sign in accordance with the direction.

11 Maximum penalty: 10 penalty units.

12 (2) A person commits an offence if the person—

13 (a) is a permit-holder; and

14 (b) the person is directed, in writing, by the commissioner to  
15 display a sign at the permitted premises of the permit-holder;  
16 and

17 (c) the person fails to—

18 (i) display the sign; or

19 (ii) display the sign in accordance with the direction.

20 Maximum penalty: 10 penalty units.

21 (3) An offence against this section is a strict liability offence.

**75 New division 8.9***insert***Division 8.9 Excluding people from premises****143B Excluding people from premises**

(1) An authorised person may refuse to admit to, or may turn out of, licensed premises or permitted premises a person who is intoxicated, violent, quarrelsome or disorderly.

(2) An authorised person may use reasonable force to turn a person out of licensed premises or permitted premises under subsection (1).

(3) This section does not limit any other right a person has to refuse to admit a person to, or to turn a person out of, licensed premises or permitted premises.

(4) In this section:

*authorised person* means—

(a) a police officer; and

(b) for licensed premises—

(i) the licensee; or

(ii) an employee or agent of the licensee; or

(iii) a person working as a crowd controller at the premises;  
and

(c) for permitted premises—

(i) the permit-holder; or

(ii) an employee or agent of the permit-holder; or

(iii) a person working as a crowd controller at the premises.





---

**79 New division 9.1A**

*insert*

**Division 9.1A Direction to give security camera images****145A Commissioner or police may direct licensee to give security camera images**

- (1) This section applies if—
- (a) a licensee has, in accordance with a condition imposed under section 31 (2) (b), fitted 1 or more security cameras; and
  - (b) the commissioner or a senior police officer believes on reasonable grounds that there is, or is likely to be—
    - (i) a contravention of this Act; or
    - (ii) a breach of the licence.

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

- (2) The commissioner or senior police officer may, in writing, direct the licensee to give the commissioner or senior police officer images recorded by a security camera within 5 days after the direction is given.

**145B Offence—fail to comply with direction to give security camera images**

A licensee commits an offence if—

- (a) the licensee is given a direction under section 145A; and
- (b) the licensee fails to comply with the direction.

Maximum penalty: 100 penalty units, 12 months imprisonment or both.

1 **80 Form of complaint**  
2 **Section 177 (3)**

3 *omit*

4 **81 Grounds for occupational discipline—licensee**  
5 **New section 183 (3)**

6 *insert*

- 7 (3) There are grounds to cancel a licence if—
- 8 (a) the licensee was given an immediate suspension notice under  
9 section 46A (Licence—immediate suspension for failure to pay  
10 fee); and
- 11 (b) the licensee failed to pay the fee within 28 days after the  
12 immediate suspension notice was given.

13 **82 New part 11A**

14 *insert*

15 **Part 11A Compliance testing**

16 **187A Definitions—pt 11A**

17 In this part:

18 *approved procedures* means procedures approved under  
19 section 187D (1) for carrying out an approved program of  
20 compliance testing.

21 *approved program* means a program of compliance testing  
22 approved under section 187C (1).

1 *authorised person* does not include a police officer.

2 *compliance test*—see section 187B.

3 *purchase assistant*—see section 187B (a).

#### 4 **187B What is a *compliance test*?—pt 11A**

5 For this part, a *compliance test*—

6 (a) involves a young person (a *purchase assistant*), under the  
7 supervision of an authorised person, purchasing, or trying to  
8 purchase, liquor from a licensee; and

9 (b) is carried out to obtain evidence that may lead to the  
10 prosecution of a person, or other action being taken against a  
11 person, for an offence against section 110 (Offence—supply  
12 liquor to child or young person—licensee or permit-holder);  
13 and

#### 14 **Example—other action**

15 action under pt 11 (Complaints and occupational discipline)

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

19 (c) may involve the purchase assistant and the authorised person  
20 engaging in conduct that would, apart from section 187F  
21 (Lawfulness of compliance testing), be an offence against a  
22 territory law.

#### 23 **187C Approval of compliance testing programs**

24 (1) The Minister may approve a program of compliance testing.

25 (2) However, the Minister must not approve a program of compliance  
26 testing unless—

27 (a) the Minister is satisfied that the program is necessary to deter  
28 the sale of liquor to children and young people in the area  
29 where the program will operate; and

- 1 (b) the program states the area where the program will operate and  
2 when the program begins and ends; and
- 3 (c) the program is not longer than 3 months; and
- 4 (d) the Minister has approved procedures under section 187D.

5 **Examples—considerations—par (a)**

- 6 1 evidence of sales to children in the area where the program will operate  
7 2 the success of other enforcement methods  
8 3 the results of previous compliance tests in the area where the program will  
9 operate  
10 4 the period since compliance testing was previously carried out in the area  
11 where the program will operate

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

15 **187D Approval of compliance testing procedures**

- 16 (1) The Minister may approve procedures for carrying out approved  
17 programs of compliance testing.
- 18 (2) The Minister must not approve procedures under subsection (1)  
19 unless satisfied that the procedures—
- 20 (a) provide that, in carrying out a compliance test, a purchase  
21 assistant's welfare is paramount; and
- 22 (b) appropriately protect a purchase assistant's health and safety;  
23 and
- 24 (c) allow a purchase assistant to stop taking part in a compliance  
25 test at any time during the test; and
- 26 (d) ensure that, as far as practicable, a purchase assistant's identity  
27 is protected during a compliance test; and

- 1 (e) require a purchase assistant to be, as far as practicable,  
2 indistinguishable from other purchasers and to look like a  
3 young person; and
- 4 (f) require a purchase assistant not to lie to anyone about how old  
5 the assistant is during a compliance test; and
- 6 (g) only allow a compliance test to take place during normal  
7 business hours or at any other time when the premises where  
8 the test takes place is being used in relation to the licensee's  
9 normal business; and
- 10 (h) comply with anything else prescribed by regulation.
- 11 (3) An approval is a disallowable instrument.

12 *Note* A disallowable instrument must be notified, and presented to the  
13 Legislative Assembly, under the [Legislation Act](#).

14 **187E Carrying out compliance testing**

- 15 (1) An authorised person may carry out a compliance test in accordance  
16 with an approved program and the approved procedures.
- 17 (2) An authorised person may use a young person as a purchase  
18 assistant in a compliance test only if the young person, and at least  
19 1 person who has parental responsibility under the [Children and](#)  
20 [Young People Act 2008](#), division 1.3.2 for the young person, have  
21 given informed consent to the young person being a purchase  
22 assistant.
- 23 *Note* If 2 or more people share parental responsibility for a child or young  
24 person, any of them may discharge the responsibility (see [Children and](#)  
25 [Young People Act 2008](#), s 18 (2)).
- 26 (3) Each consent under subsection (2) must be in writing.

- 1           (4) In this section:
- 2                 *informed consent*, by a person, means consent given by the person
- 3                 after the following matters have been explained to the person:
- 4                 (a) a purchase assistant's role in a compliance test, including the
- 5                     assistant's role in any prosecution of a person for an offence
- 6                     against section 110 (Offence—supply liquor to child or young
- 7                     person—licensee or permit-holder);
- 8                 (b) the effect of section 187F and section 187G (Indemnification
- 9                     of authorised people and purchase assistants);
- 10                (c) anything else required by the approved procedures.
- 11   **187F        Lawfulness of compliance testing**
- 12           (1) Despite any other territory law, conduct engaged in honestly by an
- 13                 authorised person is not unlawful, and is not an offence by the
- 14                 person, if the conduct is engaged in for the purpose of carrying out a
- 15                 compliance test in accordance with an approved program and the
- 16                 approved procedures.
- 17           (2) Despite any other territory law, conduct engaged in honestly by a
- 18                 purchase assistant is not unlawful, and is not an offence by the
- 19                 assistant, if—
- 20                 (a) the conduct is engaged in for the purpose of carrying out a
- 21                     compliance test; and
- 22                 (b) the assistant acts in accordance, or substantially in accordance,
- 23                     with the instructions (if any) of an authorised person
- 24                     supervising the compliance test.
- 25           (3) However, this section does not—
- 26                 (a) authorise a purchase assistant to enter or be in a place that
- 27                     would be otherwise unlawful for the assistant to enter or be in;
- 28                     or

- 1 (b) prevent action being taken against an authorised person under  
2 the *Public Sector Management Act 1994* in relation to a failure  
3 by the authorised person or a purchase assistant to comply with  
4 approved procedures.

5 **Example—par (a)**  
6 an adults-only area

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

10 **187G Indemnification of authorised people and purchase**  
11 **assistants**

- 12 (1) An authorised person is not civilly liable for conduct engaged in for  
13 the purpose of carrying out a compliance test in accordance with an  
14 approved program and the approved procedures.
- 15 (2) A purchase assistant is not civilly liable for conduct engaged in for  
16 the purpose of carrying out a compliance test if the assistant acts in  
17 accordance, or substantially in accordance, with the instructions (if  
18 any) of an authorised person for the test.
- 19 (3) However, this section does not prevent action being taken against an  
20 authorised person under the *Public Sector Management Act 1994* in  
21 relation to a failure of the authorised person or a purchase assistant  
22 to comply with approved procedures.
- 23 (4) Any liability that would, apart from this section, attach to an  
24 authorised person or purchase assistant attaches instead to the  
25 Territory.

**83 Section 193**

*substitute*

**193 What is an RSA certificate?**

(1) In this Act:

***RSA certificate***, for a person, means—

(a) a certificate by an approved RSA training provider for an approved RSA training course—

(i) certifying that the person satisfactorily completed the course on a stated day; and

(ii) stating when the certificate expires; or

(b) an interstate RSA certificate.

(2) In this section:

***interstate RSA training provider*** means a registered training organisation that holds an approval (however described), under a law in force in Australia relating to the supply or consumption of liquor, to provide a training course about the responsible service of alcohol.

***interstate RSA certificate***, for a person, means a certificate issued by an interstate RSA training provider or under a law in force in Australia relating to the supply or consumption of liquor—

(a) certifying that the person satisfactorily completed, on a stated day, a course about the responsible service of alcohol; and

(b) stating when the certificate expires.



1 **84 Prohibited liquor products**  
2 **Section 213 (1) and examples**

3 *substitute*

4 (1) The Minister may declare a thing containing liquor to be a  
5 prohibited liquor product if satisfied that—

6 (a) the thing is likely to—

7 (i) have a special appeal to children or young people; or

8 (ii) be confused with confectionery or a non-alcoholic drink;  
9 or

10 (b) the thing's name or packaging—

11 (i) is indecent or offensive; or

12 (ii) is likely to encourage irresponsible, rapid or excessive  
13 consumption of the contents; or

14 (c) it is otherwise in the public interest to do so.

15 **Examples—par (a)**

16 1 a thing with packaging that would appeal to children

17 2 a thing with a name that could be confused with confectionery

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

21 **85 New division 14.4**

22 *insert*

23 **Division 14.4 Authorisation for extended trading**

24 **214A Extended trading—application**

25 (1) This section applies to a licensee who holds any of the following:

26 (a) a general licence;

- 1 (b) an on licence;
- 2 (c) a club licence;
- 3 (d) a special licence.
- 4 (2) The licensee may apply to the commissioner for an extended trading
- 5 authorisation for the licensed premises.
- 6 (3) The application must—
- 7 (a) be in writing; and
- 8 (b) include the following:
- 9 (i) a description of the special event;
- 10 (ii) the date the person intends to sell liquor under the
- 11 authorisation;
- 12 (iii) the period during which the person intends to sell liquor
- 13 under the authorisation;
- 14 (iv) how the licensee intends to limit the impact of the
- 15 extended trading on occupants of premises near the
- 16 licensed premises.
- 17 (4) In this section:
- 18 ***extended trading authorisation***, for licensed premises, means an
- 19 authorisation for the licensee to supply liquor at the premises on the
- 20 date and during the extended hours stated in the authorisation.
- 21 ***special event*** means a unique or infrequent event of significance in
- 22 the ACT, the region or nationally that people independent of the
- 23 licensee and anyone connected with the licensee wish to celebrate or
- 24 mark on the licensed premises.

- 1 **214B Extended trading—decision on application**
- 2 The commissioner may approve an application under section 214A
- 3 only if satisfied that—
- 4 (a) the event stated in the application is a special event; and
- 5 (b) the licensee is capable of managing any additional risks
- 6 involved in the sale of liquor during the extended trading
- 7 period; and
- 8 (c) the licensee is capable of minimising the impact of the
- 9 extended trading on occupants of premises near the licensed
- 10 premises; and
- 11 (d) no more than 5 extended trading authorisations have been
- 12 granted for the licensed premises in the preceding 12 months.

13 **86 New section 224B**

14 *insert*

15 **224B Evidentiary certificates—licensees and permit holders**

16 In a court proceeding, a certificate signed by the commissioner

17 stating either of the following matters is evidence of the matters:

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

23 **87 Dictionary, definitions of ACTPLA certificate and**

24 ***applicant***

25 *omit*

- 1    **88        Dictionary, new definitions**
- 2                      *insert*
- 3                      *approved procedures*, for part 11A (Compliance testing)—see
- 4                      section 187A.
- 5                      *approved program*, for part 11A (Compliance testing)—see
- 6                      section 187A.
- 7    **89        Dictionary, definition of *authorised person***
- 8                      *substitute*
- 9                      *authorised person*—
- 10                     (a) for this Act generally, means—
- 11                            (i) an investigator; or
- 12                            (ii) a police officer; and
- 13                     (b) for part 11A (Compliance testing)—see section 187A.
- 14    **90        Dictionary, new definitions**
- 15                      *insert*
- 16                      *catered premises* means premises where liquor is authorised to be
- 17                      sold under a catering licence.
- 18                      *catering licence*—see section 20A.
- 19    **91        Dictionary, new definition of *compliance test***
- 20                      *insert*
- 21                      *compliance test*, for part 11A (Compliance testing)—see
- 22                      section 187B.
- 23    **92        Dictionary, definition of *incident register***
- 24                      *omit*

1 **93 Dictionary, definition of *licensed premises***

2 *after*

3 licence

4 *insert*

5 (other than a catering licence)

6 **94 Dictionary, definition of *licensed times***

7 *after*

8 licensed premises

9 *insert*

10 or catered premises

11 **95 Dictionary, new definition of *purchase assistant***

12 *insert*

13 *purchase assistant*, for part 11A (Compliance testing)—see  
14 section 187B (a).

15 **96 Further amendments, mentions of *hold an RSA certificate***

16 *omit*

17 hold an RSA certificate

18 *substitute*

19 hold a current RSA certificate

20 *in*

21 • sections 100 to 102

- 1   **97    Further amendments, mentions of *section 79***
- 2           *omit*
- 3           section 79 (Commissioner may require certificate, plan, etc for
- 4           premises)
- 5           *substitute*
- 6           section 79 (Commissioner may require plan etc for premises)
- 7           *in*
- 8           • section 27
- 9           • sections 38 and 39
- 10          • section 43
- 11          • section 51
- 12          • section 58
- 13          • section 62
- 14          • sections 76 and 77
- 15          • section 186

---

1 **Part 3** **Liquor Regulation 2010**

2 **98** **New section 5A**

3 *in part 2, insert*

4 **5A** **Licence application—Act, s 25 (2) (f)**

5 An application for any of the following licences is prescribed:

- 6 (a) a general licence for the sale of liquor in open containers for  
7 consumption at licensed premises;
- 8 (b) an on licence (other than a restaurant and cafe licence with  
9 standard licensed times);
- 10 (c) a club licence for the sale of liquor in open containers for  
11 consumption at the licensed premises;
- 12 (d) a special licence for the sale of liquor in open containers for  
13 consumption at the licensed premises.

14 **99** **New section 7A**

15 *insert*

16 **7A** **Licence conditions—requirements for security cameras—**  
17 **Act, s 31 (4)**

- 18 (1) A security camera must—
- 19 (a) capture images continuously at a minimum rate of 6 frames per  
20 second; and
- 21 (b) be connected to a video recorder that—
- 22 (i) stores images captured by the camera; and
- 23 (ii) complies with subsection (2).

- 1           (2) A video recorder must—
- 2               (a) for a digital video recorder—
- 3                   (i) record continuously at a minimum rate of 6 frames per
- 4                   second for each security camera connected to the video
- 5                   recorder; and
- 6                   (ii) be in open format whether or not the recorder can
- 7                   produce exported images in a proprietary format; and
- 8               (b) for a video cassette recorder—record continuously the images
- 9               captured by each security camera connected to the video
- 10              recorder; and
- 11              (c) put the following on the recording in legible and retrievable
- 12              form:
- 13                   (i) the time and date of the capture of images;
- 14                   (ii) the identity of the camera that captured the images,
- 15                   sufficient to identify the camera's location.
- 16           (3) Security camera images must—
- 17               (a) be of adequate quality and detail to enable identification of a
- 18               person; and
- 19               (b) be recorded from the time the licensed premises is open to the
- 20               public until 1 hour after the licensed premises is closed; and
- 21               (c) be stored by the licensee for at least 30 days.
- 22           (4) In this section:
- 23               ***video recorder*** means a digital video recorder or video cassette
- 24               recorder that records video images from a security camera.



1 **100 Licence term—Act, s 32 (2)**  
2 **Section 8 (1)**

3 *after*

4 A licence

5 *insert*

6 issued before the commencement day

7 **101 New section 8 (3)**

8 *insert*

9 (3) In this section:

10 *commencement day* means the day the *Liquor Amendment*  
11 *Act 2017*, section 100 commences.

12 **102 Public notice requirements—Act, s 34 (2) (b)**  
13 **Section 9 (2)**

14 *omit everything before*

15 section 34 (1) (b)

16 *substitute*

17 A notice given for the [Act](#), section 33A (1) or published for the [Act](#),

18 **103 Licence maximum renewal period—Act, s 42 (1)**  
19 **Section 12**

20 *after 1st mention of*

21 A licence

22 *insert*

23 issued before the commencement day

1 **104 New section 12 (2)**

2 *insert*

3 (2) In this section:

4 *commencement day* means the day the *Liquor Amendment*  
5 *Act 2017*, section 103 commences.

6 **105 Suitability of premises—cumulative impact**  
7 **Section 15 (2) (c)**

8 *substitute*

9 (c) the number of incidents recorded in the incident registers of  
10 existing licensed premises and existing permitted premises  
11 near the proposed premises;

12 (ca) the number of incidents reported after the commencement date  
13 for existing licensed premises and existing permitted premises  
14 near the proposed premises;

15 *Note* A licensee or permit-holder must give the commissioner a report about  
16 any incident that happens at premises—see the [Act](#), s 131.

17 **106 New section 15 (3)**

18 *insert*

19 (3) In this section:

20 *incident register* means the incident register required under the [Act](#),  
21 section 131 as in force immediately before the commencement of  
22 the *Liquor Amendment Act 2017*, section 105.

23 **107 Abuse offence sign—Act, s 109 (1) (b) and (2) (b)**  
24 **Section 22**

25 *omit*

1 **108 Sections 25 and 26**

2 *omit*

3 **109 Section 32**

4 *substitute*

5 **32 Licensed times and permitted times—definitions—**  
6 **Act, s 229 (2) (a)**

7 In this regulation:

8 *1am licensed times*, for a licence, means the licensed times in  
9 schedule 2, part 2.1, column 5 for the class of licence and case (if  
10 any) mentioned in column 2.

11 *1am permitted times*, for a permit, means the permitted times in  
12 schedule 2, part 2.2, column 4 for the class of permit mentioned in  
13 column 2.

14 *2am licensed times*, for a licence, means the licensed times in  
15 schedule 2, part 2.1, column 6 for the class of licence and case (if  
16 any) mentioned in column 2.

17 *2am permitted times*, for a permit, means the permitted times in  
18 schedule 2, part 2.2, column 5 for the class of permit mentioned in  
19 column 2.

20 *3am licensed times*, for a licence, means the licensed times in  
21 schedule 2, part 2.1, column 7 for the class of licence and case (if  
22 any) mentioned in column 2.

23 *3am permitted times*, for a permit, means the permitted times in  
24 schedule 2, part 2.2, column 6 for the class of permit mentioned in  
25 column 2.

26 *4am licensed times*, for a licence, means the licensed times in  
27 schedule 2, part 2.1, column 8 for the class of licence and case (if  
28 any) mentioned in column 2.

1            *4am permitted times*, for a permit, means the permitted times in  
2            schedule 2, part 2.2, column 7 for the class of permit mentioned in  
3            column 2.

4            *5am licensed times*, for a licence, means the licensed times in  
5            schedule 2, part 2.1, column 9 for the class of licence and case (if  
6            any) mentioned in column 2.

7            *5am permitted times*, for a permit, means the permitted times in  
8            schedule 2, part 2.2, column 8 for the class of permit mentioned in  
9            column 2.

10           *early licensed times*, for a licence, means the licensed times in  
11           schedule 2, part 2.1, column 3 for the class of licence and case (if  
12           any) mentioned in column 2.

13           *standard licensed times*, for a licence, means the licensed times in  
14           schedule 2, part 2.1, column 4 for the class of licence and case (if  
15           any) mentioned in column 2.

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

19           **110           Licensed times and permitted times—Act, s 229 (2) (a)**  
20           **New section 33 (2) (aa)**

21           *before paragraph (a), insert*

22           (aa) early licensed times;

23           **111           Toilet facilities and toilet rooms**  
24           **Schedule 1, section 1.2 (5) and (6) (d)**

25           *omit*

26           **112           Toilet cubicles and toilet rooms**  
27           **Schedule 1, section 1.3 (b)**

28           *omit*

1 **113 Toilet facilities and toilet rooms outside premises**  
2 **Schedule 1, section 1.4 (2)**

3 *omit*

4 **114 Telephones**  
5 **Schedule 1, section 1.16**

6 *omit*

7 **115 Purchase report to commissioner—off licensees**  
8 **Schedule 1, section 1.19 (2)**

9 *omit*

10 1 month after the relevant date, give the commissioner the following  
11 information, in writing, about liquor purchased by the licensee  
12 during the reporting period

13 *substitute*

14 2 months after the end of each financial year, give the commissioner  
15 the following information, in writing, about liquor purchased by the  
16 licensee during the financial year

17 **116 Schedule 1, section 1.19 (3), definitions of *relevant date***  
18 **and *reporting period***

19 *omit*

20 **117 Schedule 1, section 1.26**

21 *substitute*

22 **1.26 Glasswashers**

23 Glasses used at the premises must be washed in a glasswasher.

**118 Schedule 2, part 2.1***substitute***Part 2.1 Licensed times**

(see s 32)

column 1 item	column 2 licence class and case (if any)	column 3 early licensed times	column 4 standard licensed times	column 5 1am licensed times	column 6 2am licensed times	column 7 3am licensed times	column 8 4am licensed times	column 9 5am licensed times
1	general licence <ul style="list-style-type: none"> <li>sale of liquor to be consumed at the premises</li> </ul>		7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> <li>25 April</li> <li>24 December</li> <li>31 December</li> </ul>	7am – 1am the following day	7am – 2am the following day	7am – 3am the following day	7am – 4am the following day	7am – 5am the following day

column 1 item	column 2 licence class and case (if any)	column 3 early licensed times	column 4 standard licensed times	column 5 1am licensed times	column 6 2am licensed times	column 7 3am licensed times	column 8 4am licensed times	column 9 5am licensed times
	<ul style="list-style-type: none"> <li>sale of liquor to be consumed off the premises</li> </ul>		7am – 11pm					
2	on licence		7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> <li>25 April</li> <li>24 December</li> <li>31 December</li> </ul>	7am – 1am the following day	7am – 2am the following day	7am – 3am the following day	7am – 4am the following day	7am – 5am the following day
3	off licence	7am – 6pm	7am – 11pm					

## Section 118

column 1 item	column 2 licence class and case (if any)	column 3 early licensed times	column 4 standard licensed times	column 5 1am licensed times	column 6 2am licensed times	column 7 3am licensed times	column 8 4am licensed times	column 9 5am licensed times
4	club licence		7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> <li>• 25 April</li> <li>• 24 December</li> <li>• 31 December</li> </ul>	7am – 1am the following day	7am – 2am the following day	7am – 3am the following day	7am – 4am the following day	7am – 5am the following day
5	special licence <ul style="list-style-type: none"> <li>• sale of liquor to be consumed at the premises</li> </ul>		7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> <li>• 25 April</li> <li>• 24 December</li> <li>• 31 December</li> </ul>	7am – 1am the following day	7am – 2am the following day	7am – 3am the following day	7am – 4am the following day	7am – 5am the following day



column 1 item	column 2 licence class and case (if any)	column 3 early licensed times	column 4 standard licensed times	column 5 1am licensed times	column 6 2am licensed times	column 7 3am licensed times	column 8 4am licensed times	column 9 5am licensed times
	<ul style="list-style-type: none"> <li>sale of liquor to be consumed off the premises</li> </ul>		7am – 11pm					
6	catering licence		7am – midnight 7am – 1am the following day on: <ul style="list-style-type: none"> <li>25 April</li> <li>24 December</li> <li>31 December</li> </ul>	7am – 1am the following day	7am – 2am the following day	7am – 3am the following day	7am – 4am the following day	7am – 5am the following day

1   **119   Dictionary, note 3**

2           *omit*

- 3                   •   incident register

1 **Schedule 1** **Consequential Amendments**

2 (see s 3)

3 **Part 1.1** **Magistrates Court (Liquor**  
4 **Infringement Notices)**  
5 **Regulation 2010**

6 **[1.1] Schedule 1, item 38**

7 *omit*

8 **[1.2] Schedule 1, new items 40A and 40B**

9 *insert*

40A	139A (1)	20	440
40B	139A (2)	10	220

10 **[1.3] Schedule 1, new items 44A and 44B**

11 *insert*

44A	143A (1)	10	220
44B	143A (2)	10	220

12 **Part 1.2** **Major Events Act 2014**

13 **[1.4] Section 24 (8), definition of *ban order offence*,**  
14 **paragraph (c) (ii)**

15 *substitute*

16 (ii) section 138 (Offence—remain in or re-enter vicinity of  
17 premises).

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 23 March 2017.

**2 Notification**

Notified under the [Legislation Act](#) on 2017.

**3 Republications of amended laws**

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

---

© Australian Capital Territory 2017