

1994—No. 610

LIQUOR ACT 1982—REGULATION

(Relating to penalty notices)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Liquor Act 1982, has been pleased to make the Regulation set forth hereunder.

Anne Cohen, MP
Chief Secretary.

Commencement

1. This Regulation commences on 1 December 1994.

Amendments

2. The Liquor Regulation 1983 is amended:

(a) by inserting after clause 68 the following clause:

Penalty notices

69. (1) For the purposes of section 145A of the Act, an offence under the Act specified in Schedule 3 is a prescribed offence.

(2) For the purposes of that section, the amount of penalty prescribed for an offence specified in Schedule 3, if that offence is dealt with under section 145A of the Act, is:

(a) one tenth of the applicable maximum penalty under the Act for the offence, unless paragraph (b) applies; or

(b) in the case of a penalty notice issued to a minor, 0.5 penalty units, or one tenth of the applicable maximum penalty for the offence under the Act, whichever is the lesser.

(3) Matter following a reference to a provision of the Act in Schedule 3 is inserted as a general guide to the offence covered by the provision and does not form part of the Schedule.

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(b) by inserting after Schedule 2 the following Schedule:

SCHEDULE 3—PENALTY NOTICE OFFENCES

(Cl. 69)

- Section 84 (2)—fail to lodge statutory declaration in relation to sales and purchases of liquor
- Section 85(1)—fail to lodge statutory declaration in relation to sales of liquor made to persons authorised to sell liquor
- Section 86 (1)—fail to keep proper record of liquor sales and purchases and authorised deductions
- Section 86 (2)—fail to retain record of liquor sales and purchases and authorised deductions as required
- Section 86 (2A)—fail to retain document relating to the business carried on pursuant to the licence as required
- Section 86 (4)—fail to comply with a requirement of an inspector concerning the production and inspection of records
- Section 86A (1)—fail to keep full and accurate record of amounts paid or payable for low alcohol liquor
- Section 86A (2)—fail to keep record in relation to the sale or supply of low alcohol liquor to persons authorised to sell liquor
- Section 113—minor using false evidence of age
- Section 114 (1)—sell or supply liquor to a minor
- Section 114 (3)—allow liquor to be sold or supplied to a minor on licensed premises
- Section 114 (4)—obtain liquor from licensed premises on behalf of a minor
- Section 115 (1)—minor obtaining, consuming or carrying away liquor on or from licensed premises
- Section 115 (3)—send, order or request a minor to enter licensed premises for the purpose of obtaining liquor
- Section 116—licensee allowing sale or supply of liquor by a minor
- Section 116A (1)—minor entering or remaining in a restricted area of a hotel
- Section 116A (2)—unaccompanied minor entering or remaining in an area in a hotel authorised for use by minors in the company of adults

Section 116A (4)—unaccompanied minor entering or remaining in a licensed restaurant during late trading period

Section 116B (1)—offence by licensee in relation to unaccompanied minor entering licensed premises

Section 116B (2)—failure by licensee to remove unaccompanied minor from licensed premises

Section 116B (4)—offence by hotelier relating to sale, supply or consumption of liquor in hotel during or 30 minutes before or after authorisation period for minors

Section 116C (1)—hotelier failing to display required signs concerning minors on hotel premises

Section 116C (3)—restaurant licensee failing to display required signs concerning presence of minors in restaurant during late trading period

Section 116D—adult permitting minor to consume alcohol on licensed premises or leaving minor on licensed premises without first informing the licensee

Section 117A (2)—person suspected of being a minor refusing or failing to supply name or address or to produce proof of age to an authorised person

Section 117B—offence by licensee or employee of licensee in relation to entry on licensed premises by minor

Section 117C (1)—offence by hotel licensee relating to minor operating an approved amusement device on hotel premises

Section 117D (1)—minor operating an approved amusement device on licensed premises

Section 117E (2)—minor providing false or misleading information in order to obtain evidence of age

Section 117E (3)—person providing or certifying information known to be false or misleading to enable a person to obtain evidence of age

Section 118 (1)—hotelier failing to close or keep closed restricted area or area where liquor is sold or supplied as required

Section 118 (2)—retail licensee failing to close or keep closed counter or other place where liquor is sold or supplied as required

Section 119 (1)—keep licensed premises open for sale or supply of liquor, or sell or supply liquor, outside trading hours

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Section 124—carry on business as a brewer without a brewer's licence

Section 125 (1) (b)—permit intoxication or indecent, violent or quarrelsome conduct on licensed premises

Section 125 (3)—sell or supply liquor to a person who is intoxicated on licensed premises

Section 126 (1)—permit or suffer gaming or playing of unlawful games on licensed premises

Section 126 (2)—servant or person in charge of licensed premises (other than licensee) permitting playing of unlawful games on licensed premises

EXPLANATORY NOTE

The object of this Regulation is to prescribe the offences under the Liquor Act 1982 that may be dealt with by the issue of a penalty notice. The Regulation prescribes the amount of penalty for an offence if it is dealt with in that manner as one tenth of the maximum penalty for that offence under the Act, except in the case of a penalty notice issued to a minor, in which case the prescribed penalty is a maximum of 0.5 penalty units (currently \$50).

This Regulation is made under section 145A (Penalty notices) of the Liquor Act 1982.
