



New South Wales

Liquor Amendment (Enforcement and Minors' Entertainment) Regulation 1996

under the
Liquor Act 1982

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is:

- (a) to prescribe conditions for minors functions authorities (that is, authorities authorising the holding of functions for persons under the age of 18 years on licensed premises), and
- (b) to prescribe fees relating to minors functions authorities, and
- (c) to prescribe the appropriate member of the Police Service to whom notice of the grant of a minors functions authority is to be given, and
- (d) to prescribe Kings Cross as a special area so that a licensee of premises in that area will be required to appoint a manager to be in charge of the premises whenever the licensee is absent, and
- (e) to prescribe a maximum period of 6 months that closure orders for licensed premises made by the Licensing Court can operate, and
- (f) to require certain information relating to the reading of meters for approved amusement devices to be recorded, and
- (g) to remove an obsolete provision.

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Explanatory note

This Regulation is made under the *Liquor Act 1982*, including section 156 (the general regulation-making power) and sections 69EA, 104C, 111B, 111C and 111E and clause 42 of Schedule 1.

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1 Name of Regulation

This Regulation is the *Liquor Amendment (Enforcement and Minors' Entertainment) Regulation 1996*.

2 Commencement

This Regulation commences on 1 October 1996.

3 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 11 Application fees (sections 39 (4) and 111E of the Act)

Insert at the end of the Table to that clause:

Application for a minors functions authority \$50

[2] Clause 32A

Insert after clause 32:

32A Minors functions authority

- (1) For the purposes of section 111B of the Act, the appropriate member of the Police Service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the relevant licensed premises are located.

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Schedule 1 Amendments

(2) For the purposes of section 111C of the Act, a minors functions authority is subject to the following conditions:

- (a) no liquor in the possession or under the control of the licensee is to be located in any function area or access area specified in the authority while a function is being held under the authority unless it is kept in a locked storage facility to which only the licensee or any employee of the licensee has access,
- (b) the licensee is to take all reasonable steps to prevent liquor from being brought into any function area or access area specified in the authority while a function is being held under the authority,
- (c) the licensee and any employee of the licensee must refuse to admit a minor to a function being held under the authority if the licensee or the employee reasonably suspects that the minor has recently consumed liquor,
- (d) the licensee is to take all reasonable steps to ensure that no person under the age of 15 years is admitted to a function held under the authority,
- (e) the licensee is to ensure that, while a function is being held under the authority, signs are displayed at any means of access from a function area or access area specified in the authority to any other area of the licensed premises indicating that minors attending the function must not enter that other area,
- (f) the licensee is to ensure that, while a function is being held under the authority, signs are displayed at any means of access to a function area or access area specified in the authority from any other area of the licensed premises indicating that liquor must not be brought into the function area or access area,

- (g) the licensee must ensure that no person (other than an adult who will be supervising the function, a person providing services for the function or an employee of the licensee) is admitted to a function held under the authority without a ticket purchased from the licensee or an agent of the licensee before the function,
- (h) the licensee must ensure that at any time during a function held under the authority the number of persons in any function area or access area specified in the authority does not contravene any requirement of the relevant approval of the area as a place of public entertainment under the *Local Government Act 1993*,
- (i) any function held under the authority is to end no later than midnight on the day on which the function is held unless the court imposes a condition on the authority requiring such functions to end earlier than that time,
- (j) the licensee is to ensure that all minors attending any function held under the authority leave the licensed premises within 15 minutes after the end of the function,
- (k) any advertising for a function to be held under the authority is to indicate that the function will be alcohol-free, that adult supervision will be provided, that entry will be by way of pre-sold ticket only and that any minor who is suspected of having consumed alcohol or of being under the age of 15 years will not be admitted to the function,
- (l) the licensee is to keep a register specifying the dates on which functions are held under the authority, the nature of each of the functions, the number of minors who attended each of the functions and the number of adults supervising each of the functions,

(m) the licensee is to give written notice of the holding of a function under the authority to the appropriate member of the Police Service referred to in subclause (1) at least 7 clear days before the function is held.

[3] Clause 49 Reading of meters

Omit clause 49 (3) and (4). Insert instead:

(3) At the time that a hotelier reads and records the meter readings for a device as required by subclause (1), the hotelier must compare the incrementation of the electronic meter readings with the incrementation of the electro-mechanical meter readings and, if there is a difference in the incremental values:

- (a) determine which meter reading the hotelier believes to be the correct reading, and
- (b) record that reading for the purposes of subclause (2), and
- (c) estimate the reading for the meter that the hotelier believes has given an incorrect reading by using the incrementation of the meter referred to in paragraph (a), and
- (d) record the estimated meter reading for the purposes of subclause (2) and endorse the word "estimate" against the record.

Maximum penalty: 20 penalty units.

(4) If a meter reading that is required to be included in:

- (a) a quarterly return referred to in section 86L (5) of the Act, or
- (b) particulars to be furnished under clause 50,

has been estimated in accordance with subclause (3), the word "estimate" must be endorsed against the reading where it appears in the return or those particulars.

Maximum penalty: 20 penalty units.

(5) Subclauses (3) and (4) take effect on 1 November 1996.

[4] Part 6, heading

Omit the heading. Insert instead “**Part 6 Fees**”.

Part 6 Fees

[5] Part 6, Division 3A

Insert after Division 3:

Division 3A Miners functions authority fees

70A Fee payable for minors functions authority

- (1) For the purposes of section 111B (4) of the Act, the prescribed fee for the issue of a minors functions authority is \$50.
- (2) The fee payable for the issue of a minors functions authority is to be reduced by the amount of the fee lodged with the application for the authority.

[6] Clause 72 Redefinition of boundaries

Omit the clause.

[7] Clauses 86A and 86B

Insert after clause 86:

86A Managers for licensed premises in special areas

- (1) The parts of avenues, streets, lanes and roads specified in Schedule 2 (Kings Cross) to the Act are prescribed as a special area for the purposes of Division 8B of Part 3 of the Act.
- (2) Section 69EB (a) of the Act does not affect the appointment of a manager of existing licensed premises that took place before the commencement of that section so long as the appointment is notified in accordance with section 69EC of the Act before 1 November 1996.

86B Maximum period for which court may order closure of premises

The period prescribed for the purposes of section 104C (5) of the Act is 6 months.