



New South Wales

Liquor Amendment Regulation 1999

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 to amend the *Liquor Regulation 1996*:

- (a) to make provision for public notification and display of applications for community liquor licences and dine-or-drink authorities relating to nightclub licences, and
- (b) to allow premises that are the subject of a community liquor licence to use the terms “bar” and “community hotel” in their names and signage, and
- (c) to prescribe the form of notice relating to the presence of minors on premises that must be displayed on premises that are the subject of a community liquor licence, and
- (d) to provide that clauses 24C (Advertising of restaurant) and 24D (Increase in seated dining positions) of the *Liquor Regulation 1996* apply only to restaurants whose on-licence is endorsed with a dine-or-drink authority and not to nightclubs, and to provide that clause 24E (Display of notice advising public of dine-or-drink authority) applies to both restaurants and nightclubs with such authorities, and
- (e) to prescribe additional offences as penalty notices offences for the purposes of section 145A of the *Liquor Act 1982*, being offences under sections 121 (Unauthorised sale of liquor by licensee), 122 (Sale of liquor without licence), 123 (Unlicensed premises) and 135 (Carrying of liquor for sale) of that Act,

1999 No 655

Liquor Amendment Regulation 1999

Explanatory note

and to amend the schedule of penalty notice provisions (Schedule 3) to include the Infringement Processing Bureau Codes for each offence listed in the schedule, and

(f) to make other amendments of a minor or consequential nature.

This Regulation is made under the *Liquor Act 1982*, including sections 23AD, 37, 54BA, 91, 116C, 145A and 156 (the general regulation-making power).

Liquor Amendment Regulation 1999

1 Name of Regulation

This Regulation is the *Liquor Amendment Regulation 1999*.

2 Commencement

This Regulation commences on 17 December 1999.

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 3 Definitions

Insert in clause 3 (1) in alphabetical order:

Infringement Processing Bureau means the Infringement Processing Bureau within the Police Service.

IPB Code, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

[2] Clause 15 Definition

Insert after clause 15 (1) (c1):

- (c2) an application for a dine-or-drink authority:
 - (i) that is intended to be endorsed on an existing nightclub licence, or
 - (ii) that is made in conjunction with an application for a nightclub licence (being a nightclub licence on which the authority is intended to be endorsed), or

[3] Clause 16 Applications to be advertised in newspapers

Omit clause 16 (1A). Insert instead:

- (1A) This clause applies to an application other than:
 - (a) an application for a dine-or-drink authority that is intended to be endorsed on:
 - (i) an existing on-licence relating to a restaurant, or
 - (ii) an existing nightclub licence, or
 - (b) an application that relates to a community liquor licence.

[4] Clause 16 (4)

Omit the subclause. Insert instead:

(4) For the purposes of subclause (1):

- (a) an application for a dine-or-drink authority made in conjunction with an application for an on-licence relating to a restaurant and an application for an on-licence to which the authority relates, or
- (b) an application for a dine-or-drink authority made in conjunction with an application for a nightclub licence and an application for a nightclub licence to which the authority relates,

may be contained in the same advertisement.

[5] Clause 16A

Insert after clause 16:

16A Advertising of community liquor licence applications

An applicant must advertise an application that relates to a community liquor licence:

- (a) in a local newspaper that circulates in the area in which the licensed premises to which the application relates are, or will be, located, and
- (b) in accordance with clause 16 (2) and (3).

[6] Clause 20 Prohibited names

Insert “premises to which a community liquor licence relates,” after “nightclub,” in clause 20 (2) (a).

[7] Clause 20 (6)

Insert after clause 20 (5):

(6) For the purposes of section 91 (2E) of the Act, the name “community hotel” is permitted for use in relation to licensed premises to which a community liquor licence relates.

[8] Clause 24C Advertising of restaurant

Insert “that is endorsed on an on-licence relating to a restaurant” after “dine-or-drink authority”.

[9] Clause 24D Increase in seated dining positions

Omit “authorising”.

Insert instead “that is endorsed on an on-licence relating to a restaurant and that authorises”.

[10] Clause 24E Display of notice advising public of dine-or-drink authority

Insert “(whether endorsed on an on-licence relating to a restaurant or on a nightclub licence)” after “dine-or-drink authority” where firstly occurring.

[11] Clause 24E (a)

Omit the paragraph. Insert instead:

- (a) a notice is to be displayed, at or near the main public entrance to the restaurant or nightclub, that clearly indicates that the restaurant or nightclub is a dine-or-drink venue, and that clearly states the percentage of seated dining positions available for diners under the authority (for example, in the case of a restaurant, “Dine-or-drink-This licensed restaurant serves diners and drinkers, with 70% of seats reserved for diners.” or, in the case of a nightclub, “Dine-or-drink-Prior to 8pm, this nightclub serves diners and drinkers, with 70% of seats reserved for diners.”), and

[12] Clause 29 Restrictions on selling or supplying liquor under licences

Omit clause 29 (a) (ii).

[13] Clause 36B

Insert after clause 36A:

36B Community liquor licence—notice to be displayed

- (1) For the purposes of section 116C (3B) of the Act, a notice referred to in that subsection must be in the following form:

Liquor Act 1982

If you are under 18 you are by law not permitted to enter (or be in) these premises at any time they are open for the sale or supply of liquor unless you are in the company and immediate presence of a responsible adult.

- (2) The wording in the notice must be legible and prominent.
- (3) The notice must be displayed at or near the main public entrance to the premises and in such a manner that it would be reasonable to expect that a person entering the premises would reasonably be expected to be alerted to the contents of the notice.

[14] Clause 86 On-licence (restaurant) or nightclub licence with a motel—number of rooms

Insert “, 54BA (1A)” after “sections 53 (2)”.

[15] Clause 88 Short descriptions of offences

Omit clause 88 (1) (a) and (b). Insert instead:

- (a) if one or more IPB codes are set out in relation to the offence in Column 3 of Schedule 3, any of those IPB codes together with:
 - (i) the text set out in relation to the offence in Column 2 of Schedule 3, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
- (b) if no IPB code is set out in relation to the offence in Column 3 of Schedule 3:
 - (i) the text set out in relation to the offence in Column 2 of Schedule 3, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.

1999 No 655

Liquor Amendment Regulation 1999

Schedule 1 Amendments

[16] Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Penalty notice offences

(Clauses 87, 88)

Column 1	Column 2	Column 3
Offences	Short descriptions	IPB Codes
Section 103 (3)	fail to leave licensed premises	1169, 6069
Section 113	minor using false evidence of age to obtain entry/remain/obtain liquor	1571, 6544
Section 114 (1)	sell/supply liquor to a minor	1572, 6535
Section 114 (3)	allow liquor to be sold/supplied to minor	1573, 6513, 2198, 6555
Section 114 (4)	obtain liquor on behalf of minor	1574, 6536
Section 115 (1)	minor consuming/obtaining/attempts to obtain/carrying away/attempts to carry away liquor on/from licensed premises	1575, 6545, 1576, 6546, 1577, 6547
Section 115 (3)	send/order/request minor to/go to licensed premises to obtain liquor	1578, 6537

1999 No 655

Liquor Amendment Regulation 1999

Amendments

Schedule 1

Column 1	Column 2	Column 3
Offences	Short descriptions	IPB Codes
Section 116	licensee allowing minor to sell/ supply/serve liquor	1579, 6514
Section 116A (1)	minor entering/ remaining in restricted area of hotel	1580, 6548
Section 116A (2)	unaccompanied minor entering/ remaining in unauthorised part of hotel	1581, 6549
Section 116A (4)	unaccompanied minor entering/ remaining in nightclub	1582, 6550
Section 116A (5)	minor entering/ remaining in restaurant during restricted period	
Section 116A (6)	minor entering/ remaining in community liquor licence premises	
Section 116B (1) (a)	minor entering restricted area of hotel	1583, 6515
Section 116B (1) (b)	minor entering unauthorised part of hotel	1584, 6516
Section 116B (1) (c)	minor entering nightclub (nightclub trading period)	1585, 6517

1999 No 655

Liquor Amendment Regulation 1999

Schedule 1 Amendments

Column 1	Column 2	Column 3
Offences	Short descriptions	IPB Codes
Section 116B (1) (d)	minor entering restaurant during restricted period	
Section 116B (1) (e)	minor entering community liquor licence premises	
Section 116B (2) (a)	fail to remove minor (restricted area of hotel)	1586, 6518
Section 116B (2) (b)	fail to remove minor (hotel authorised area)	1587, 6519
Section 116B (2) (c)	fail to remove minor (nightclub)	1588, 6520
Section 116B (2) (d)	failure to remove minor (restaurant restricted period)	
Section 116B (2) (e)	fail to remove minor (community liquor licence)	
Section 116C (1)	fail to display notice about minors in restricted area/part	1591, 6530, 1592, 6531
Section 116C (3)	fail to display minors notice (nightclub trading period)	1593, 6521
Section 116C (3A)	fail to display minors notice (restaurant restricted period)	

1999 No 655

Liquor Amendment Regulation 1999

Amendments

Schedule 1

Column 1	Column 2	Column 3
Offences	Short descriptions	IPB Codes
Section 116C (3B)	fail to display minors notice (community liquor licence)	
Section 116D (a)	permit minor to consume alcohol on premises	1594, 6542
Section 116D (b)	leave minor on premises without first informing licensee	1595, 6543
Section 117A (2)	suspected minor refusing/failing to state name or address/produce evidence of age	1596, 6551, 1697, 6552
Section 117B	licensee/employee failing to refuse minor entry to premises/part of premises	1598, 6522
Section 117C (1)	minor using/operating amusement device (offence by licensee)	1599, 6532
Section 117D (1)	minor using/operating amusement device	1600, 6553
Section 117E (2)	minor providing false/misleading information to get age evidence	1601, 6554

1999 No 655**Liquor Amendment Regulation 1999****Schedule 1** **Amendments**

Column 1	Column 2	Column 3
Offences	Short descriptions	IPB Codes
Section 117E (3)	person providing/ certifying false/misleading information for age evidence	1602, 6538
Section 118 (1)	fail to close/keep closed restricted area/area where liquor sold or supplied	1603, 6533
Section 118 (2)	fail to close/keep closed counter/place where liquor sold or supplied	1604, 6523
Section 119 (1)	keep premises open for liquor sale or supply/sell or supply liquor outside hours	1605, 6524, 1606, 6525
Section 121 (1)	unauthorised sale/ supply of liquor	0055, 7490
Section 121 (2)	unauthorised sale/ supply of liquor by agent/servant/ person on behalf of authorised person	0059, 7491
Section 122 (1)	sell liquor/cause/ suffer liquor to be sold without licence	0060, 7492

1999 No 655

Liquor Amendment Regulation 1999

Amendments

Schedule 1

Column 1	Column 2	Column 3
Offences	Short descriptions	IPB Codes
Section 122 (3)	advertise for purchase/supply/delivery of liquor from unlicensed premises	0082, 7493
Section 123 (1)	unlicensed premises	0118, 7494
Section 123 (2)	licensee sell/employ/permit another person to sell/liquor on/in unauthorised premises/place	0120, 7495
Section 123 (3)	be on unlicensed premises	0131, 7496
Section 124	carry on business as brewer without brewer's licence	1607, 6539
Section 125 (1) (b)	permit intoxication/indecent/violent/quarrelsome conduct on premises	1608, 6526
Section 125 (3)	sell/supply liquor to intoxicated person on premises	1609, 6540
Section 126 (1)	permit/suffer gaming/unlawful game on premises	1610, 6527, 1611, 6528, 1612, 6529
Section 126 (2)	servant/person in charge permitting unlawful game on premises	1613, 6541

1999 No 655

Liquor Amendment Regulation 1999

Schedule 1 Amendments

Column 1	Column 2	Column 3
Offences	Short descriptions	IPB Codes
Section 129 (1) (a)	fail/refuse to pay for liquor/meal/ accommodation	1170, 6069, 1171, 6070, 1171, 6071
Section 129 (1) (b)	avoid demand to pay for liquor/meal/ accommodation	1173, 6072, 1174, 6073, 1175, 6074
Section 135 (1) (a)	carry liquor about for sale	0132, 7497
Section 135 (1) (b)	unlawfully offer/expose liquor for sale	0133, 7498,
Section 135 (1) (c)	carry liquor for sale to unlawful place	0134, 7499

BY AUTHORITY