



New South Wales

# Liquor 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 to repeal the *Liquor Regulation 1983* and to remake, with modifications, the provisions of that Regulation which are still required. The new Regulation contains provisions in respect of the following matters:

- (a) the making of applications (for licences, or in respect of other matters) under the Act, including:
  - (i) the form of applications,
  - (ii) the affidavits and plans to accompany applications,
  - (iii) application fees,
  - (iv) the places for lodgment and hearing of applications,
  - (v) the advertisement of applications (Part 2),
- (b) the conditions attaching to various licences (Part 3),
- (c) the sale or supply of liquor to minors and the entry of minors to licensed premises (Part 4),
- (d) the operating of approved amusement devices in hotels (including provisions relating to approved amusement device dealers and technicians) (Part 5),

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Explanatory note

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- (e) the fees applicable to licences and work permits under the Act (Part 6),
- (f) the proceedings of the Licensing Court (Part 7),
- (g) other matters of a minor, consequential or ancillary nature (Parts 1 and 8).

This Regulation is made under the *Liquor Act 1982*, including section 156 (the general regulation making power) and various other provisions referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Clause 1           Liquor Regulation 1996

Part 1             Preliminary

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# Liquor Regulation 1996

## Part 1       Preliminary

### 1   Name of Regulation

This Regulation is the *Liquor Regulation 1996*.

### 2   Commencement

This Regulation commences on 1 September 1996.

### 3   Definitions

(1) In this Regulation:

***local consent authority***, in relation to premises or proposed premises, means:

- (a) (unless paragraph (b) applies) the council in whose area (within the meaning of the *Local Government Act 1993*) the premises are, or will be, situated, or
- (b) if consent to the carrying out of development on the land concerned is required from a person or body other than the council (such as the Darling Harbour Authority, for example)—that person or body.

***local court district*** means a district appointed under section 6 (1) of the *Local Courts Act 1982* for which a local court may be held.

***Sydney Metropolitan Area*** means the local court districts of Eastern Metropolitan, Manly-Warringah, Northern Metropolitan, Parramatta, Southern Metropolitan and Western Metropolitan.

***the Act*** means the *Liquor Act 1982*.

(2) Expressions used in this Regulation which are defined in the Act have the meanings set out in the Act.

### 4   Notes

The explanatory note and table of contents do not form part of this Regulation.



## 5 Persons authorised to sell liquor

- (1) For the purposes of paragraph (d) of the definition of *person authorised to sell liquor* in section 4 (1) of the Act, the holder of a licence issued under section 18 of the Act (as modified and applied to and in respect of a casino by the *Casino Control Regulation 1995* made under the *Casino Control Act 1992*) is prescribed.
- (2) Subclause (1) does not apply in respect of the term person authorised to sell liquor as used in section 80 (3) (b) of the Act.

## 6 Wine

For the purposes of the definition of *wine* in section 4 (1) of the Act, cider, perry and mead are prescribed as wine.

## 7 Prescribed places

In accordance with section 5 (2) of the Act, the cities and towns specified in Schedule 1 are declared to be prescribed places for the purposes of the Act.

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Part 2             Applications  
Division 1

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## **Part 2       Applications**

### **Division 1   Lodgment of applications**

#### **8   Form of application**

- (1) An application under the Act must be made in a form approved by the Board.
- (2) An application must be lodged in triplicate. If the application is required to be advertised, the notice of hearing of the application must be lodged in quadruplicate.
- (3) An application (other than an application for transfer of a licence) must be accompanied by an affidavit setting out the facts on which the applicant proposes to rely.
- (4) Any affidavit required by this Regulation or the Act to accompany an application must be lodged in triplicate.

#### **9   Application for on-licence (function)—additional requirements**

- (1) The affidavit accompanying an application for an on-licence to sell liquor at a function must include:
  - (a) a statement in relation to each function to which the application relates:
    - (i) specifying the nature of the function, and
    - (ii) specifying the proposed date of the function, and
    - (iii) describing and identifying the exact location where the function is proposed to be held, and
    - (iv) specifying the manner in which it is proposed to sell and supply liquor at the function, and
    - (v) specifying the proposed trading hours, and
    - (vi) if the application is made by the holder of a hotelier's licence—the name and address of the premises to which the licence relates, and
    - (vii) specifying the estimated quantity of each kind of liquor that will be purchased for sale or supply under the authority of the licence (except where the application is made by the holder of a hotelier's licence), and

- (viii) if the application is made by or on behalf of a non-proprietary association—specifying particulars of each on-licence to sell liquor at a function granted during the last preceding period of one year on an application made by or on behalf of that association, and
- (b) if the function is a trade fair—a statement to that effect specifying the name of the trade fair, and
- (c) if any function to which the application relates is a function of a non-proprietary association—a statement to that effect in relation to each such function, specifying the name of the association, indicating why it is claimed to be a function of the association and confirming that the association, by its constitution or any law that governs its activities:
  - (i) is required to apply its profits, if any, and other income to the promotion of its objects or to purposes provided for by any such law, and
  - (ii) is prohibited from paying dividends or distributing profits or income to its shareholders or members.
- (2) The affidavit accompanying an application to the Licensing Court for approval to sell liquor at an additional function or functions (section 18 (5) (b) of the Act) need only include (in relation to each function) a statement as to the matters set out in subclause (1) (a) (i)–(v).
- (3) An application for an on-licence to sell liquor at a function other than a trade fair must be accompanied by a copy of the constitution of the non-proprietary association on whose behalf the application is made.

## 10 Plans to accompany certain applications

An application:

- (a) for a licence other than:
  - (i) an off-licence to auction liquor, or
  - (ii) an on-licence for an aircraft, or
  - (iii) an on-licence to sell liquor at fewer than 4 functions, or
  - (iv) an amusement device seller's licence or an amusement device technician's licence, or

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Part 2          Applications  
Division 1

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- (b) for an authorisation under section 88 or 112 of the Act, or
- (c) for a variation of trading hours under section 25 (except subsection (4)) or 32 (3) of the Act, or
- (d) under section 49 (2) of the Act (modification of accommodation requirements), or
- (e) for removal of a licence,

must be accompanied by 3 copies of a plan, properly drawn to scale, of the premises in respect of which the application is made or, in the case of an application for removal of a licence, of the premises to which it is desired to remove the licence.

### 11 Application fees (section 37 (4) of the Act)

The fees to accompany applications are as follows:

<b>Application</b>	<b>Fee</b>
Application for hotelier's licence	\$500
Application for off-licence to sell liquor by retail	\$500
Application for removal of hotelier's licence	\$500
Application for removal of off-licence to sell liquor by retail	\$500
Application for removal of a licence to which section 21A of the Act (Australian wine licences) applies	\$500
Application for a variation of trading hours as referred to in section 25 (2) or (2B) or 32 (3) of the Act	\$1,000
Application for a variation of trading hours as referred to in section 25 (4) or 32 (2) of the Act	\$25
Application for amusement device dealer's licence	\$500
Any other application (other than an application for transfer of a licence)	\$50

### 12 Lodgment of applications

- (1) An application must be lodged with the Principal Registrar if the licensed premises to which the application relates are, or will be, in the Sydney Metropolitan Area.

- (2) An application for a gaming-related licence must be lodged with the Principal Registrar.
- (3) Any other application must be lodged:
  - (a) with the registrar at the prescribed place at, or nearest to which, the licensed premises to which the application relates are, or will be, located, or
  - (b) with the consent of the Principal Registrar—with the Principal Registrar, or
  - (c) as the Licensing Court directs.
- (4) Immediately after fixing the date for the hearing of an application, the Principal Registrar or registrar must send a copy of the application to the Commissioner of Police and the Director of Liquor and Gaming.

### 13 Venue for hearing of applications (section 11 (3) of the Act)

- (1) The venue for the hearing of an application is:
  - (a) Sydney (if the application is required by this Regulation to be lodged with the Principal Registrar), or
  - (b) if the application is required by this Regulation to be lodged with the registrar at a prescribed place—that prescribed place or, with the consent of the Principal Registrar, Sydney.
- (2) An application is to be heard at another venue if the Licensing Court so directs.

### 14 Grounds of objections to applications

A notice of objection to an application must specify the ground or grounds on which the objection is taken.

## Division 2 Advertisement of applications

### 15 Definition

In this Division:

*application* means:

- (a) an application for a licence other than:
  - (i) an on-licence for an aircraft or to sell liquor at a function, or

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Division 2

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- (ii) an amusement device seller's licence or an amusement device technician's licence, or
- (b) an application for removal of a licence, or
- (c) an application for revocation or variation of a condition of a licence (other than an application for the revocation or variation of a condition imposed under section 161 (1) of the Act), or
- (d) an application under section 25 of the Act (except subsection (4)) for a variation of hotel trading hours, or
- (e) an application under section 27 of the Act to extend Sunday trading hours under an off-licence to sell liquor by retail, or
- (f) an application for a variation of trading hours (on-licence restaurant)) under section 32 (1) or (3) of the Act, or
- (g) except where, in a particular case, a licensing magistrate otherwise directs—an application under section 49 of the Act to dispense with a requirement or condition for the provision of residential or other accommodation, or
- (h) if a licensing magistrate or the Licensing Court directs that this clause applies to some other specified application—that application.

### 16 Applications to be advertised in newspapers

- (1) An applicant must advertise the application in a newspaper that circulates throughout New South Wales and:
  - (a) in the case of an application for removal of a licence:
    - (i) if a local newspaper circulates both in the area from which, and in the area to which, the licence is proposed to be removed—in such a newspaper, and
    - (ii) in any other case—in a local newspaper that circulates in the area from which the licence is proposed to be removed and in a local newspaper that circulates in the area to which the licence is proposed to be removed, or
  - (b) in the case of any other application—in a local newspaper that circulates in the area in which the licensed premises to which the application relates are, or will be, located.

- (2) The advertisement must be published 14 clear days before the date fixed by the registrar for the hearing of the application.
- (3) The advertisement must include the following:
  - (a) the full name and address of the applicant,
  - (b) the purpose of the application,
  - (c) the name and location of the licensed premises or proposed licensed premises,
  - (d) the date and place fixed for the hearing of the application.

#### **17 Fixing of copies of applications to premises**

- (1) A copy of an application, with the date for hearing inserted in it, must be fixed by the applicant:
  - (a) in the case of an application for removal of a licence—to the premises from which, and to the premises to which, it is proposed to remove the licence, and
  - (b) in any other case—to the licensed premises, or proposed licensed premises, to which the application relates.
- (2) The copy must be at least of the same print and paper size as the application.
- (3) The copy must be fixed to the premises for the whole of the period of 14 days preceding the date for hearing.
- (4) If premises have not been erected, the requirement to fix a copy of an application to premises may be satisfied by fixing the copy to a notice board erected on the land on which it is proposed to erect the premises.
- (5) A copy of an application is not fixed to premises or land in accordance with this clause unless:
  - (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
  - (b) if the Board has directed that it also be fixed in another specified position—it is also fixed in that other position.

#### **18 Service of copies of applications on local authorities**

- (1) An applicant must serve a copy of the application, with the date of hearing inserted in it:

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Part 2            Applications  
Division 2

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- (a) in the case of an application for removal of a licence—on the local consent authority for the area in which the premises from which it is proposed to remove the licence are situated and on the local consent authority for the area in which the premises to which it is proposed to remove the licence are, or will be, situated, and
  - (b) in any other case—on the local consent authority for the area in which the premises to which the application relates are, or will be, situated.
- (2) The copy must be served not later than 14 days before the date of hearing of the application.



## **Part 3      Conditions of licences**

### **Division 1    General**

#### **19    Display of name of licensed premises**

The sign required by section 91 (1) of the Act to appear and be maintained on the front of licensed premises:

- (a) must appear and be maintained near the principal public entrance to the premises in such a manner that it may be read from the part of a public place to which the front of the premises abuts, and
- (b) must, in addition to the name for the premises and the name of the licensee, specify the type of licence held.

#### **20    Prohibited names**

- (1) This clause commences on 1 September 1997.
- (2) For the purposes of section 91 of the Act, the following are prohibited names:
  - (a) for licensed premises except a hotel, wine bar, or restaurant that has an authorised reception area: a name that uses the word “bar” in such a manner as to suggest that liquor may be sold or supplied for consumption on the premises without a meal,
  - (b) for any licensed premises: a name that uses the word “club” in such a manner as to suggest that the premises are a registered club,
  - (c) for any licensed premises except a hotel: a name that uses the words “night spot” or “night club” or other words that suggest a night club.
- (3) Despite subclause (2), a name that immediately before 1 September 1997 was a name noted on the licence relating to licensed premises is not a prohibited name for those premises until the licence is surrendered or cancelled.
- (4) Nothing in subclause (2) is to be taken as prescribing any prohibited names for premises that are licensed premises only because there is an on-licence in force to sell liquor at a function held on those premises.

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Division 1

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- (5) Despite subclause (2) (a), for the purposes of section 91 of the Act, a name is a prohibited name for a restaurant that has an authorised reception area if the name uses the word “bar” in such a manner as to suggest that the restaurant has a bar at which liquor may be sold or supplied in a manner that would not be consistent with the conditions of the licence for the premises.
- (6) Despite subclause (2) (c), a name that uses words that suggest a night club is not a prohibited name for licensed premises that are a restaurant in which liquor is authorised under section 32 (3) of the Act to be sold or supplied during a late-trading period if the name does not suggest that liquor may be sold or supplied on the premises in a manner contrary to the conditions of the licence for the premises.
- (7) In subclause (2) (a), *wine bar* means premises in respect of which a licence referred to in section 21A of the Act is in force.

### 21 Display of licence

- (1) Every licence (other than a gaming-related licence) is subject to a condition that the licence must at all times be prominently displayed on a part of the licensed premises accessible to the public during trading hours.
- (2) This clause does not apply to a licence during any time when it is in, or in transit to or from, the custody of the Licensing Court.

### 22 Affidavit that a person other than the licensee has become interested in the business

An affidavit required by the condition imposed by section 101 (4) of the Act must be lodged in triplicate.

## Division 2 On-licence (function)

### 23 Number of functions under on-licence

For the purposes of section 51 (3) of the Act, the prescribed limits for the number of functions at which liquor may be sold or supplied under an on-licence to sell liquor at a function are:

- (a) not more than one function during any period of 7 days and not more than 26 functions during any period of one year, or
- (b) in relation to a licence in respect of which the Licensing Court has specified other limits—those other limits.

#### **24 Details of liquor sold at functions**

- (1) This clause applies to an on-licence to sell liquor at a function of a non-proprietary association which authorises liquor to be sold at fewer than 4 functions.
- (2) A licence is subject to a condition that the licensee must, if the Board so requires in respect of a particular function or a particular association's functions, lodge with the Board a statutory declaration specifying in respect of the function or each function:
  - (a) the expenditure on the liquor sold or supplied and the receipts from the sale of liquor, and
  - (b) the person to whom any profits from the sale of liquor have been paid.
- (3) Any such declaration must be lodged within a time specified by the Board.

### **Division 3 On-licence (restaurant)**

#### **25 Reception areas**

- (1) Application for authority to establish or alter a reception area in a restaurant may not be made if the granting of the application would result in there being more than one reception area in the restaurant.
- (2) A reception area must be physically defined in a manner approved by the Licensing Court to distinguish it from the part of the restaurant in which meals are served to customers.
- (3) A reception area must be so located that the principal public entrance to the restaurant is not within the reception area.

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Part 3            Conditions of licences  
Division 3

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- (4) The maximum number of seats in a reception area must be in accordance with the following Table:

**Table**

Seating capacity of restaurant	Maximum number of seats in reception area
100 or less	12
101–150	20
151 or more	26

- (5) An on-licence relating to a restaurant in which there is a reception area is subject to a condition that the number of persons (excluding employees of the licensee) in the reception area at any one time must not exceed:
- (a) in the case of a reception area authorised before the commencement of the Act—the number that is greater by 50 per cent than the maximum number of seats that would be permitted in the reception area if it had been authorised after that commencement, or
  - (b) in the case of a reception area authorised after that commencement—the number that is greater by 50 per cent than the maximum number of seats permitted in the reception area.
- (6) Subclauses (2)–(4) do not apply to reception areas authorised before the commencement of the Act.

## 26 Sanitary facilities

- (1) In this clause:

*prescribed number* means:

- (a) in relation to a restaurant with a seating capacity of 1 000 or less—the number specified in the Table to this clause opposite the reference in that Table to the seating capacity of the restaurant, or
- (b) in relation to a restaurant with a seating capacity of more than 1 000—the number determined by the Board in relation to the restaurant for the purposes of this clause.

*restaurant* means the premises to which an application for an on-licence for a restaurant relates.

*seating capacity*, in relation to a restaurant, means the maximum number of persons who may, at any one time, be seated at tables in the restaurant for the service of meals at those tables.

- (2) For the purposes of section 53 (1) (b) of the Act, the prescribed standard of sanitary facilities for a restaurant is that the restaurant must have not less than the prescribed number of each of the following classes of sanitary facilities:
- (a) closets for women,
  - (b) closets for men,
  - (c) urinal stalls for men.

**Table**

Seating capacity	Number
50 or less	1
51–150	2
151–300	3
301–450	4
451–600	5
601–750	6
751–1000	7

#### **Division 4 Caterer's licences**

##### **27 Notice to be given of proposals to provide catering services on premises other than the premises comprising the commercial kitchen specified in the licence**

- (1) A caterer's licence is subject to a condition that the licensee must give written notice of any proposal to provide catering services at a function, occasion or event to be held on premises other than the premises comprising the commercial kitchen specified in the licence (or premises contiguous with that commercial kitchen) to:
- (a) the local consent authority, and
  - (b) the police patrol commander,
- for the area in which the other premises are situated.

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Part 3               Conditions of licences  
Division 4

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- (2) The notice must include the following details:
  - (a) the address of the premises on which the function, occasion or event is to be held,
  - (b) the name of the occupier of those premises,
  - (c) the nature of the function, occasion or event,
  - (d) the number of persons for whom catering services are to be provided at the function, occasion or event,
  - (e) the date on which, and the hours during which, the function, occasion or event is to be held.
- (3) The notice must be given not less than 14 days before the date on which the function, occasion or event is to be held.

### **28 Objections to the sale or supply of liquor under a caterer's licence at premises other than the premises comprising the commercial kitchen specified in the licence**

- (1) An objection to the proposed sale or supply of liquor under a caterer's licence at a function, occasion or event to be held on premises other than the premises comprising the commercial kitchen specified in the licence (or premises contiguous with that commercial kitchen) may be made:
  - (a) by a person authorised by the local consent authority, or
  - (b) by the police patrol commander,for the area in which the other premises are situated.
- (2) Any objection must be lodged with the Licensing Court within 7 days after notice of the proposal has been given under clause 27.
- (3) An objection may be taken:
  - (a) on the ground that the premises on which the function, occasion or event is to be held are in the immediate vicinity of a place of public worship, a hospital or a school, or
  - (b) on the ground that the quiet and good order of the neighbourhood in which those premises are situated are likely to be disturbed if liquor is sold or supplied at the function, occasion or event, or
  - (c) on any other ground that the Licensing Court is satisfied is not frivolous or vexatious.

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- (4) An objection may not be heard unless a copy of the objection has been given to:
- (a) the holder of the caterer's licence, and
  - (b) the occupier of the premises on which the function, occasion or event is to be held,
- at least 3 days before the hearing.
- (5) After hearing an objection under this clause, the Licensing Court may:
- (a) dismiss the objection, or
  - (b) make an order prohibiting the holder of the licence from selling or supplying liquor under the licence at the function, occasion or event, or
  - (c) make an order imposing conditions on the sale or supply of liquor under the licence at the function, occasion or event.

## **29 Restrictions on selling or supplying liquor under licences**

A caterer's licence is subject to the following conditions:

- (a) that the licensee must not (otherwise than with the consent of the Board) sell or supply liquor under the licence at any function, occasion or event:
  - (i) if the licensee is the holder of any other licence under the Act which authorises the licensee to sell or supply liquor, or
  - (ii) if the licensee's principal business is other than that of providing catering services for fee, gain or reward,
- (b) that the licensee must not sell or supply liquor under the licence at any function, occasion or event if the Licensing Court has (not less than 7 days before the date on which the function, occasion or event is to be held) made an order prohibiting the selling or supplying of liquor under the licence at that function, occasion or event.

## **Division 5 Off-licences**

### **30 Off-licence (vigneron)—maximum quantities of liquor which may be sold or supplied**

For the purposes of section 22 (1) (d) of the Act, the quantities prescribed are quantities that do not exceed 45 litres.

**1996 No 417**

Clause 31      Liquor Regulation 1996

Part 3            Conditions of licences  
Division 5

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**31 Off-licence to auction liquor—keeping of records**

An off-licence to auction liquor is subject to a condition that all records required to be kept by the licensee by or under the Act must be kept at a place approved by the Board.



## Part 4 Minors

### 32 Definition

For the purposes of the definition of *responsible adult* in section 4 (1) of the Act, a person who is of or above the age of 18 years and who, in relation to a minor, belongs to one or more of the following classes of persons is, in relation to the minor, a responsible adult for the purposes of the Act:

- (a) a parent, step-parent or guardian of the minor,
- (b) the minor's spouse or any person who, although not legally married to the minor, ordinarily lives with the minor as the minor's spouse on a permanent and domestic basis,
- (c) a person who is, for the time being, in loco parentis to the minor.

### 33 Sale or supply of liquor to minors—notice to be displayed

- (1) A licensee must cause a notice in the following form to be displayed in the licensed premises:

LIQUOR ACT 1982

IT IS AN OFFENCE TO SELL OR SUPPLY TO OR TO  
OBTAIN LIQUOR ON BEHALF OF A PERSON UNDER THE  
AGE OF 18 YEARS

- (2) The words contained in the notice must be in capital letters not less than one centimetre in height.
- (3) The notice must be prominently displayed:
  - (a) in the case of premises where liquor is sold at a bar or counter—at the bar or counter, in such a manner and in such a position that a person standing at the bar or counter would reasonably be expected to be alerted to its contents, and
  - (b) in the case of premises where liquor is not sold at a bar or counter but is otherwise sold—at or near every entrance by which members of the public may enter the premises, in such a manner and in such a position that a person coming in by the entrance would reasonably be expected to be alerted to its contents.

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Clause 33      Liquor Regulation 1996

Part 4          Minors

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- (4) Despite subclause (1), a notice that complied with clause 24A of the *Liquor Regulation 1983*, as in force immediately before 1 September 1996, may continue to be used until the expiration of 3 years from that date or until the date the notice is replaced, whichever happens first.

Maximum penalty (subclauses (1)–(3)): 20 penalty units.

**34 Restricted areas in hotels—notice to be displayed**

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

LIQUOR ACT 1982



IF YOU ARE UNDER 18 YOU ARE NOT PERMITTED BY  
LAW IN THIS AREA OF THE HOTEL

- (2) The words contained in the notice must be in capital letters not less than one centimetre in height.
- (3) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents.
- (4) Despite subclause (1), a notice that complied with clause 25 of the *Liquor Regulation 1983*, as in force immediately before 1 September 1996, may continue to be used until the expiration of 3 years from that date or until the date the notice is replaced, whichever happens first.

**35 Use of part of hotel by accompanied minors—notice to be displayed**

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

## LIQUOR ACT 1982

IF YOU ARE UNDER 18 YOU ARE BY LAW NOT PERMITTED TO BE IN THIS AREA OF THE HOTEL UNLESS YOU ARE IN THE COMPANY AND IMMEDIATE PRESENCE OF A RESPONSIBLE ADULT

- (2) The words contained in the notice must be in capital letters not less than one centimetre in height.
- (3) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents.
- (4) Despite subclause (1), a notice that complied with clause 26 of the *Liquor Regulation 1983*, as in force immediately before 1 September 1996, may continue to be used until the expiration of 3 years from that date or until the date the notice is replaced, whichever happens first.

**36 Restaurant trading during a late-trading period—notice to be displayed**

- (1) For the purposes of section 116C (3) 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) THIS RESTAURANT BETWEEN 11 PM AND 3 AM UNLESS YOU ARE IN THE COMPANY AND IMMEDIATE PRESENCE OF A RESPONSIBLE ADULT

- (2) The words contained in the notice must be in capital letters not less than one centimetre in height.
- (3) The notice must be displayed at or near the entrance to the restaurant and in such manner that it would be reasonable to expect that a person entering the restaurant would reasonably be expected to be alerted to its contents.

## 1996 No 417

Clause 36      Liquor Regulation 1996

Part 4          Minors

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- (4) Despite subclause (1), a notice that complied with clause 26A of the *Liquor Regulation 1983*, as in force immediately before 1 September 1996, may continue to be used until the expiration of 3 years from that date or until the date the notice is replaced, whichever happens first.

### 37 Evidence of age

A document of one of the following classes is, for the purposes of section 117E of the Act, evidence that a person holding the document is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age (and only if the document has not expired and otherwise appears to be in force):

- (a) a motor vehicle driver's or rider's licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth, of some other State or Territory or of some other country,
- (b) a "proof of age" card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth or of some other State or Territory,
- (c) a passport issued by the Commonwealth or under the law of some other country.

### 38 Denial of allegation as to age

For the purposes of section 140 (2) of the Act, an allegation in an information is denied as prescribed if it is denied:

- (a) at any adjournment prior to the Commencement of the hearing of the information—by informing the court, the informant or a person appearing for the informant in writing of the denial, or
- (b) at any time not later than 14 days before the hearing of the information—by informing the informant or a person appearing for the informant in writing of the denial.

## Part 5 Approved amusement devices

### Division 1 Preliminary

#### 39 Definitions

In this Part:

*dealer* means the holder of an approved amusement device dealer's licence.

*dealer's premises*, in relation to a dealer, means the premises or part of premises on or from which the dealer is authorised by the dealer's licence to carry on the business or other activity authorised by the licence.

*device* means an approved amusement device.

*hotelier* means the holder of a hotelier's licence.

*logic board* means a logic board of, or for incorporation into, a device.

*memory chip* means that verifiable read only memory component of a device which stores the executable program or other fixed data.

*seller* means the holder of an approved amusement device seller's licence.

*serial number*, in relation to a device, means the serial number uniquely allocated by a dealer to the device under Division 2.

*technician* means the holder of an approved amusement device technician's licence.

*technician's place of business*, in relation to a technician, means the premises:

- (a) approved by the Licensing Court at the time of grant of the technician's licence, or
- (b) subsequently approved by the Board in accordance with this Part,

as the premises at and from which activities authorised by the licence are carried on.

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Clause 40           Liquor Regulation 1996

Part 5               Approved amusement devices  
Division 1

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### **40 Board's approval**

Where the Board is required or permitted by a provision of this Part to approve of any matter or thing or the form of any matter or thing, the Board:

- (a) may approve of the matter, thing or form generally in relation to all persons to whom the provision applies, or
- (b) may approve of different matters, things or forms according to different circumstances specified in relation to persons to whom the provision applies, or
- (c) if, in relation to any such provision, an approval in accordance with paragraph (a) or (b) has not been given in relation to a particular person, may approve of the matter, thing or form in relation to that person, or
- (d) may withdraw any such approval.

### **Division 2 Provisions relating to dealers**

#### **41 Allocation of serial numbers for devices**

- (1) The Board must, on granting a dealer's licence and afterwards, from time to time as may be necessary allocate to the dealer a code consisting of 2 alphabetical characters that are unique to that dealer.
- (2) A dealer must allocate a serial number to each device manufactured, assembled or sold by the dealer.
- (3) For the purpose of this clause, serial numbers will consist of 8 alphanumeric characters of the form "DDnnnnnn". "DD" represents the unique dealer code referred to in subclause (1), and "nnnnnn" represents unique numeric digits allocated by the dealer.
- (4) Serial numbers to identify devices declared to be approved amusement devices on or after 1 July 1995 must be preceded by the letter "X".
- (5) Under special circumstances the Board may require additional information to be included in a serial number.

#### **42 Manufacture, assembly and repair of devices**

- (1) A dealer must not permit the manufacture and assembly or repair of a device to be undertaken on the dealer's premises except under the supervision of a technician.
- (2) A person must not remove a memory chip from a logic board unless the person is a technician employed by a dealer and does so in the course of the person's employment.

Maximum penalty: 20 penalty units.

#### **43 Records and returns**

- (1) A dealer must keep a record, in the form approved by the Board, in respect of every device or logic board sold by the dealer.
- (2) The record must contain such of the following information as is relevant to the activities carried on by the dealer under the authority of the licence:
  - (a) the serial number of each device,
  - (b) the month and year of manufacture and assembly of each device or board,
  - (c) the name of the person to whom each device or board is sold,
  - (d) the date of sale, and the sale price, of each device or board,
  - (e) if a device or board that has not been sold leaves the dealer's premises:
    - (i) the reason why it is not on the premises, and
    - (ii) the name of the person who took it away, and
    - (iii) a description of any licence or other authority which authorises that person to have possession of the device or board under the Act.
- (3) At such times as the Board may determine and notify by notice in writing served on the dealer, a dealer must:
  - (a) extract from the record made by the dealer under this clause such particulars as may be required by the notice, and

## **1996 No 417**

Clause 43           Liquor Regulation 1996

Part 5               Approved amusement devices  
Division 2

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- (b) furnish to the Board:
  - (i) those particulars, and
  - (ii) a certificate that they are true and correct.

Maximum penalty (subclauses (1)–(3)): 20 penalty units.

### **44 Use of devices or logic boards for sales promotions**

A dealer must not permit the sales promotion, by a seller, of a device or logic board under an arrangement by which the dealer parts with possession of the device or board for more than one month.

Maximum penalty: 20 penalty units:

## **Division 3 Provisions relating to technicians**

### **45 Technician's place of business**

- (1) A technician must not, without the approval of the Board, conduct the technician's business at or from premises other than the premises approved by the Licensing Court, at the time of grant of the technician's licence, as the premises at and from which activities authorised by the licence were to be carried on.

Maximum penalty: 20 penalty units.

- (2) This clause does not prevent:
  - (a) a technician from conducting business at or from premises approved by the Board, or
  - (b) a technician from carrying out the service, repair or maintenance of a device at a place where the device is lawfully in the possession of the holder of a gaming-related licence or hotelier's licence.

## **Division 4 Provisions relating to hoteliers**

### **46 Types of devices**

- (1) The only types of devices that the Board may authorise the use or operation of on hotel premises are ones by means of which player interactive draw poker, or some player interactive game derived from draw poker, is the only game that can be played.



- (2) This clause does not prevent the Board from authorising the use or operation of a device with features supplementary to a draw poker game, or to a game derived from a draw poker game.

#### **47 Qualifications for keeping devices**

For the purposes of section 162 (2) (b) of the Act, the prescribed terms and conditions for a contract to acquire or modify a device are terms and conditions setting out:

- (a) the serial number of the device, and
- (b) the place where the device is to be installed, and
- (c) the period the contract is to be in force, and
- (d) the consideration and the interest rate (if any) chargeable, and
- (e) if there is an option to purchase, the residual value required to exercise that option.

#### **48 Record of access to devices**

- (1) A hotelier must keep in loose-leaf form a record of access to each device on the licensed premises.
- (2) A hotelier must ensure that at all times a page (to be incorporated in the record) with sufficient space for the making of the entries required to be made by this clause is installed within each device, or to each part of the device to which access may separately be gained.
- (3) Every person opening up a device or any part of a device for any reason:
  - (a) must record the date and time of opening up the device or part and the reason for the opening, and
  - (b) must sign the record opposite the entry he or she makes (and, if a technician, record his or her licence number), and
  - (c) must ensure that, when the device or part is next closed up, the record is enclosed within the device or part.
- (4) Subclause (3) does not apply to the opening up of a device only to clear the cashbox if access to the cashbox is gained without gaining access to any of the device's electronic or mechanical components.

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Clause 48           Liquor Regulation 1996

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Division 4

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- (5) A hotelier must not permit a logic board of a device kept on the licensed premises to be replaced unless an appropriate and accurate entry has been made, immediately beforehand, in the record kept for the purposes of clause 49, of the readings of the meters of the replaced board at the time of replacement.
- (6) A hotelier must take all reasonable steps to ensure that a device on the licensed premises is not improperly interfered with.

Maximum penalty (subclauses (1)–(3), (5) and (6)): 20 penalty units.

### 49 Reading of meters

- (1) A hotelier must, on occasions not more than one calendar month apart (one such occasion being the end of each quarter for which duty is payable), read and immediately record all the electronic and electro-mechanical meter readings of each device kept on the licensed premises.

Maximum penalty: 20 penalty units.

- (2) The record must be kept in a manner and form approved by the Board and show the following particulars in respect of each device:
- (a) the total number of credits risked by players (turnover meter reading),
  - (b) the total credits credited to the players' credit meter as a result of credits won during the course of play (total wins meter reading),
  - (c) the total cash input (cash in, coins input or cash box meter reading),
  - (d) the total number of credits redeemed by players as a result of book payments (cancelled credit meter reading),
  - (e) the total amount of credit transferred into the device through the use of centralised cash control equipment (money in meter reading),
  - (f) the total amount of credit transferred out from the device through the use of centralised cash control equipment (money out meter reading).

Maximum penalty: 20 penalty units.

- (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 electronic meter readings with 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 endorse the words “hotelier’s determination” against it, and
  - (c) keep a record of the amount of the difference with the records kept under subclause (2) in respect of the device.

Maximum penalty: 20 penalty units.

- (4) Subclause (3) commences on 1 November 1996.

## 50 Returns

- (1) The Board may at any time, by notice in writing served on a hotelier, require the hotelier to furnish to the Board, in the form approved by the Board, particulars of the meter readings taken in accordance with clause 49 during a period specified in the notice.
- (2) A hotelier must comply with a requirement made by a notice within the time specified in the notice.

Maximum penalty: 20 penalty units.

## 51 Faulty devices

- (1) A hotelier must cause any device kept on the licensed premises to be inspected daily to ascertain its working condition.
- (2) On finding a fault that affects the playing or result of any game playable by means of a device, or the accuracy of any reading of any meter in a device, the hotelier:
- (a) must switch off the device, and
  - (b) must cause a notice to be attached to the device indicating that it is faulty, and

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Clause 51           Liquor Regulation 1996

Part 5               Approved amusement devices  
Division 4

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- (c) must not permit a member of the public to play or attempt to play a game by means of the device until the fault has been rectified, and
- (d) must cause the device to be repaired as soon as practicable.

Maximum penalty (subclauses (1) and (2)): 20 penalty units.

### **52 Prizes**

- (1) If a player accumulates credits to a value of \$6 or more, the hotelier, or an employee of the hotelier, is obliged, on request by the player, to pay the player the value of those credits as a prize.
- (2) The hotelier is not obliged to pay such a prize immediately but must pay it within 48 hours after being requested to do so by the player entitled to the prize.
- (3) If a prize is not paid immediately after a player has claimed it, the hotelier, or an employee of the hotelier, must give the player a written acknowledgment of the player's entitlement to the prize.
- (4) The market value of any liquor given as a prize or part of a prize is the lowest price at which it is currently sold in any part of the licensed premises.
- (5) If the market value of any liquor specified by a player exceeds the value of the player's prize, the player must make up the difference in value.

## **Division 5 General**

### **53 Security of devices**

A gaming-related licence is subject to a condition that the licensee must take all reasonable steps to ensure that devices in the licensee's possession are stored in a secure manner.

### **54 Keeping of records**

- (1) A person required by this Part to keep a record must preserve the record for a period of not less than 5 years and provide for the safe keeping of the record throughout that time.

- (2) A person who is a dealer, hotelier or technician must keep any records relating to the person's business (in so far as the person's business relates to any devices) at the dealer's premises, the hotelier's licensed premises or the technician's place of business, or at such other place as the Board approves.

Maximum penalty (subclauses (1) and (2)): 20 penalty units.

#### **55 Service agreements**

- (1) A hotelier must not, nor must a dealer or technician, do or suffer any thing in, or for the purposes of, the performance of an agreement between a hotelier and a dealer, or between a hotelier and a technician, providing for the service, repair or maintenance during an agreed period of devices kept on the hotelier's licensed premises, unless the terms and conditions of the agreement have been reduced to writing and approved by the Board.
- (2) A hotelier, dealer or technician who is a party to such an agreement must keep a copy of it at the hotelier's licensed premises, the dealer's premises or the technician's place of business, as the case may be.

Maximum penalty (subclauses (1) and (2)): 20 penalty units.

#### **56 Furnishing of records, reports or other information**

- (1) A requirement of this Part to furnish particulars of any record or to furnish a report or any other information, or any certificate, to the Board may be complied with by delivering or posting a written statement of the particulars or the report or other information, or the certificate, to the Secretary of the Board.
- (2) Any particulars which are stored wholly or partly by electronic means must be reduced to writing before being furnished to the Board.
- (3) The particulars, information, report or certificate must be furnished in a form approved by the Board if the Board so requires.

#### **57 Amendment of specification documents for devices**

- (1) The Board may, from time to time, amend the specification document for a device by endorsing on it such modifications to the specifications as the Board may allow.

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Division 5

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- (2) The specification document for a device is a document relating to the device deposited in the office of the Board and entitled *Approved Amusement Device Specification Document*.

**58 Notification of change in the state of affairs of gaming-related licensee**

For the purposes of section 181 of the Act:

- (a) a prescribed change in the state of affairs of the holder of a gaming-related licence is any change referred to in Column 1 of Schedule 2 that the licensee is aware of, and
- (b) the prescribed particulars in respect of that change are those particulars set out next to the change concerned in Column 2 of Schedule 2 that the licensee knows or could find out by reasonable inquiry.

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## Part 6 Licence and permit fees

### Division 1 Licences other than gaming-related licences

#### 59 Assessment periods for the calculation of periodic licence fees under section 80 of the Act

For the purposes of the definition of *assessment period* in section 4 (1) of the Act, a period of one year that ends on 30 June that last preceded the licensing period commencing on the following 16 January is prescribed.

#### 60 Periods in respect of which periodic licence fees are payable (licensing periods)

For the purposes of section 80 (1) of the Act, a period of one year that commences on 16 January is prescribed.

#### 61 Time for payment of periodic licence fees (section 80 (6) of the Act)

- (1) A periodic licence fee payable in respect of a licensing period must be paid by one of the following methods:
- (a) **Payment in full.** The licence fee is paid in full before the licensing period commences.
  - (b) **Payment in 2 instalments.** The licence fee is paid in 2 instalments, calculated in accordance with subclause (2). The first instalment is payable on or before 15 January in the year the licensing period commences and the second instalment is payable on or before 15 May in that year.
  - (c) **Payment in 6 instalments.** The licence fee is paid in 6 instalments, calculated in accordance with subclause (3). The first instalment is payable on or before 15 January in the year the licensing period commences and the remaining instalments are payable on or before 15 February, 15 March, 15 April, 15 May and 15 June in that year.

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Clause 61           Liquor Regulation 1996

Part 6               Licence and permit fees  
Division 1

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- (2) **Payment in 2 instalments.** If a licence fee is paid as provided for by subclause (1) (b):
- (a) the amount of the first instalment is:
    - (i) if the licence fee is an even number of dollars—half the licence fee, or
    - (ii) if the licence fee is an odd number of dollars—an amount that would be half the licence fee if the licence fee were increased by 1 dollar, and
  - (b) the amount of the second instalment is the balance of the licence fee after payment of the first instalment.
- (3) **Payment in 6 instalments.** If a licence fee is paid as provided for by subclause (1) (c):
- (a) the amount of each of the first 5 instalments is:
    - (i) if the licence fee is a multiple of 6 dollars—one sixth of the licence fee, or
    - (ii) if the licence fee is not a multiple of 6 dollars—an amount that would be one sixth of the licence fee if the licence fee were increased by the amount (of less than 6 dollars) necessary to make the licence fee a multiple of 6 dollars, and
  - (b) the amount of the last instalment is the balance of the licence fee after payment of the first 5 instalments.

## 62 Minimum licence fees

For the purposes of section 82 (4A) of the Act, the minimum licence fees for the following classes of licences are:

- (a) hotelier's licence—\$2,000,
- (b) on-licence relating to a restaurant (where a variation of trading hours is in effect under section 32 (3) of the Act)—\$1,000,
- (c) off-licence to sell liquor by retail—\$600,



- (d) on-licence to sell liquor at a function—\$100,
- (e) any other licence in respect of which the licence fee is required to be assessed on a percentage basis—\$250.

## **Division 2 Gaming-related licences**

### **63 Fees for the grant of licences**

In accordance with section 56 (1) (n) of the Act, the following fees are prescribed:

- (a) for the grant of an amusement device dealer's licence—\$5,000,
- (b) for the grant of an amusement device seller's licence—\$250,
- (c) for the grant of an amusement device technician's licence—\$100.

### **64 Periods in respect of which periodic licence fees are payable (licensing periods)**

For the purposes of section 180 (1) of the Act, a period of one year that commences on 16 February (other than the period of one year during which the licence concerned is granted) is prescribed in respect of gaming-related licences.

### **65 Amount of periodic licence fees**

In accordance with section 180 (2) of the Act, the following periodic licence fees are prescribed:

- (a) for an amusement device dealer's licence—\$5,000,
- (b) for an amusement device seller's licence—\$250,
- (c) for an amusement device technician's licence—\$100.

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Clause 66      Liquor Regulation 1996

Part 6            Licence and permit fees  
Division 2

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### **66 Time for payment of periodic licence fees (section 180 (2) (a) of the Act)**

A periodic licence fee payable in respect of a licensing period must be paid in full on or before the commencement of that period.

## **Division 3 Work permits**

### **67 Periods in respect of which periodic permit fees are payable**

For the purposes of section 180 (1) of the Act, the following periods are prescribed in respect of a work permit:

- (a) a period that commences on the date of issue of the work permit and ends on the following 15 February,
- (b) a period of one year that commences on 16 February (other than the period of one year during which the permit was issued).

### **68 Amount of periodic permit fees**

In accordance with section 180 (2) of the Act, \$50 is prescribed as the periodic fee payable for a work permit.

### **69 Time for payment of periodic permit fees (section 180 (2) (a) of the Act)**

A periodic permit fee payable in respect of a permit period must be paid in full on or before the commencement of that period.

## **Division 4 General**

### **70 On-licence (vessel)—variation of trading hours**

For the purposes of section 35A (1) of the Act, the prescribed fee is \$1,000.

## **71 Transfer of licences**

For the purposes of section 42A of the Act, the prescribed fee for an application for the transfer of a licence is:

- (a) in the case of a hotelier's licence or an off-licence to sell liquor by retail—\$250, and
- (b) in any other case—\$50.

## **72 Redefinition of boundaries**

For the purposes of section 90 (3) of the Act, the prescribed fee is \$1,000.

## **73 Payment of fees and duties**

Any fees or duties provided for under the Act or this Regulation which are payable at the Principal Registry of the Licensing Court or at the office of the Board must be paid during the hours that the Registry or office is open to the public for business.

## **74 Reinstatement of licences cancelled for late payment**

For the purposes of section 86F of the Act, a person is permitted to apply for the reinstatement of a licence cancelled for late payment (section 86E of the Act) if the person:

- (a) was, immediately before the licence was cancelled, directly or indirectly interested in the business or the profits of the business carried on under the licence, or
- (b) has been or may be adversely affected financially by the cancellation of the licence.

**1996 No 417**

Clause 75      Liquor Regulation 1996

Part 7          Licensing Court proceedings

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## **Part 7    Licensing Court proceedings**

### **75    Hearing of applications**

- (1)    At the hearing of an application, the applicant and any person who has lodged an objection to the application may appear in person or by the person's counsel or attorney.
- (2)    The business of the Licensing Court may be conducted in the absence of the public:
  - (a)    in the case of an application to which no objection has been taken (as provided in section 12 (6) (a) of the Act), and
  - (b)    in the case of an application to which all objections taken have subsequently been withdrawn.

### **76    Appeals to the Licensing Court**

- (1)    An appeal under section 148 of the Act must be made by:
  - (a)    lodging written notice of the appeal with the Principal Registrar not later than 21 days after the adjudication appealed against, and
  - (b)    serving copies of that notice on all other parties to the proceedings.
- (2)    The copies of the notice must be served not later than 7 days after lodgment of the appeal.
- (3)    A fee of \$100 is payable on lodgment of an appeal.

### **77    Affidavits**

- (1)    An affidavit for use in proceedings before the Licensing Court must:
  - (a)    identify the proceedings to which it relates, and
  - (b)    if a solicitor is acting in the proceedings for the party who files the affidavit—contain the name, address and telephone number of the solicitor, and
  - (c)    be signed at the end, and on each page, by the deponent and the person before whom it is sworn, and

- (d) have each alteration, interlineation or erasure initialled by the deponent and the person before whom it is sworn, and
  - (e) have any annexure or attachment certified by the person before whom it is sworn.
- (2) The name of the person before whom an affidavit is sworn must be written or printed legibly below the person's signature at the end of the affidavit.
  - (3) The Licensing Court may order any material in an affidavit to be struck out.
  - (4) Except to the extent that the Licensing Court otherwise directs, an affidavit may be admitted in evidence despite any irregularity in its form.

## **78 Admissions**

- (1) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, admit, in favour of that other party and for the purpose only of the proceedings, facts specified in the notice.
- (2) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, require that other party to admit, in favour of the party serving the notice and for the purpose only of the proceedings, facts specified in the notice.
- (3) A fact specified in a notice served under subclause (2) is, in favour of the party who served the notice and for the purpose only of the proceedings to which the notice relates, admitted by the party on whom the notice was served unless, within the period of 14 days after that service, that party serves on the party who served the notice a notice disputing the fact.
- (4) A party to proceedings who serves a notice disputing a fact which is later proved in the proceedings is liable for the costs of proving the fact (except to the extent that the Licensing Court otherwise directs).

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- (5) An admission under this clause for the purpose of any proceedings must not be used:
- (a) against the admitting party in any other proceedings, or
  - (b) in favour of any person other than the person in whose favour the admission is made.

### 79 Procedural directions

- (1) In relation to any proceedings before the Licensing Court (other than proceedings for an offence):
- (a) a licensing magistrate may, before hearing the proceedings, and
  - (b) the Licensing Court may, of its own motion or on application,
- give such directions (not inconsistent with the Act or this Regulation) as the magistrate or Court thinks necessary or desirable for the proper disposal of the proceedings.
- (2) The directions may include a direction that an application be heard and determined with any other specified application, even though the applications to which the direction relates:
- (a) are in respect of premises situated in different neighbourhoods, or
  - (b) are subject to objections that are based on different grounds, or
  - (c) are subject to objections that are based on the same grounds for different reasons, or
  - (d) were made on different dates.
- (3) The Licensing Court may give directions under this clause in respect of a class of proceedings.

## Part 8 Miscellaneous

### 80 Seal of Licensing Court (section 7 (1) of the Act)

The seal of the Licensing Court is:



### 81 Enforcement of orders for payment of certain amounts

- (1) For the purposes of sections 16 (3) and 69 (3) of the Act, the prescribed documents are:
  - (a) a copy of the order to pay the costs or penalty, certified as a true copy by the registrar of the court, and
  - (b) an affidavit as to the amount owing under the order at the time of filing of the documents.
- (2) For the purposes of section 99 (4) of the Act, an affidavit as to the amount owing under the order at the time of filing of a copy of the order is prescribed as a document to be filed with the copy.

### 82 Notice of intention to raise objection or question (section 18 (11) of the Act)

- (1) For the purposes of section 18 (11) of the Act, notice of intention to raise an objection or question based on section 18 (9) or (10) of the Act:
  - (a) must be made in writing, and
  - (b) must identify the licence that is allegedly available as referred to in section 18 (9) or (10) of the Act, and
  - (c) must be lodged with the Principal Registrar.
- (2) A copy of the notice must be served on the applicant concerned.

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Part 8          Miscellaneous

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### **83 Exceptions from section 23 (3A) of the Act**

For the purposes of section 23 (3A) of the Act, the following business may include a business limited at any time only to selling or supplying liquor to the class of persons resorting to the premises comprised of the staff and students of the Academy and their guests:

The business carried on under an on-licence relating to premises that the Board is satisfied are used and occupied at the Australian Air Academy at Basil Brown Drive, Tamworth, by Australian Air Academy Pty Limited.

### **84 Application to amend a conditional grant of an application—notice to objectors**

For the purposes of section 40 (3) of the Act, the prescribed notice is 14 clear days.

### **85 Transfer of on-licence (function) on change of secretary—time for lodgment**

For the purposes of section 41 (3) of the Act, the time for lodgment of the licence and the notification of the name of the successor to the secretary of the non-proprietary association is 14 days after the new secretary's succession to office.

### **86 On-licence (restaurant) with a motel—number of rooms**

For the purposes of sections 53 (2) and 90 (2) of the Act, the prescribed number of bedrooms or rooms is 15.

### **87 Penalty notice offences**

For the purposes of section 145A of the Act:

- (a) each offence created by a provision of the Act specified in Column 1 of Schedule 3 is stated to be an offence to which that section applies, and
- (b) the prescribed penalty for such an offence if dealt with under that section is:
  - (i) one-tenth of the applicable maximum penalty under the Act for the offence, or



- (ii) 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.

### **88 Short descriptions of offences**

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 3 is:
  - (a) the expression specified in Column 2 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 3, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

### **89 Completion of course of instruction (section 150 of the Act)**

Unless the court otherwise determines in relation to a particular applicant or class of applicants, an application for, or for the transfer of, a hotelier's licence, an on-licence (restaurant), an on-licence (motel) or a caterer's licence must not be granted unless the applicant has attended a course of training or instruction approved by the Board.

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Part 8          Miscellaneous

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### **90 Divulging of information**

For the purposes of section 155A (2) (c) of the Act, the following persons are prescribed:

- (a) the Director of Liquor and Gaming,
- (b) the Director of Casino Surveillance (under the *Casino Control Act 1992*).

### **91 Repeal**

- (1) The *Liquor Regulation 1983* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Liquor Regulation 1983*, had effect under that Regulation continues to have effect under this Regulation.

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**Schedule 1 Prescribed places**

(Clause 7)

Albury	Goulburn	Parkes
Armidale	Grafton	Penrith
Ballina	Griffith	Port Macquarie
Balranald	Gunnedah	Queanbeyan
Bathurst	Hay	Quirindi
Bega	Inverell	Singleton
Bourke	Katoomba	Tamworth
Broken Hill	Kempsey	Taree
Campbelltown	Lismore	Temora
Casino	Lithgow	Tenterfield
Cobar	Maitland	Tumut
Coffs Harbour	Moree	Tweed Heads
Condobolin	Moruya	Wagga Wagga
Cooma	Moss Vale	Walgett
Coonabarabran	Mudgee	Wellington
Coonamble	Murwillumbah	Wentworth
Cootamundra	Muswellbrook	West Wyalong
Cowra	Narrabri	Windsor
Deniliquin	Narrandera	Wollongong
Dubbo	Newcastle	Yass
Forbes	Nowra	Young
Glen Innes	Nyngan	
Gosford	Orange	

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Schedule 2 Prescribed changes and particulars

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**Schedule 2 Prescribed changes and particulars**

(Clause 58)

<b>Column 1</b>	<b>Column 2</b>
<b>Prescribed change</b>	<b>Prescribed particulars</b>
A change in: (a) the name of the licensee, or (b) the principal residential address of the licensee, or (c) the business or private telephone number of the licensee.	Particulars of those matters as changed.
In the case of a seller or technician, a change in the business address of the seller or technician.	Particulars of the address as changed.
The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which the licensee is a party.	Particulars of: (a) the nature of the proceedings, and (b) the names and addresses of the other parties to the proceedings, and (c) the date of the commencement, settlement, discontinuance or finalisation of the proceedings, and (d) the terms of the settlement (unless the terms of settlement are prohibited from being disclosed) or the result of the finalisation of the proceedings (including the making of an order under section 556A of the <i>Crimes Act 1900</i> ).

Liquor Regulation 1996

Prescribed changes and particulars

Schedule 2

Column 1	Column 2
Prescribed change	Prescribed particulars
<p>A change consisting of</p> <ul style="list-style-type: none"> <li>(a) the obtaining of judgment against the licensee, or</li> <li>(b) the creation of a charge over any property of the licensee, or</li> <li>(c) repossession of any property of the licensee.</li> </ul>	<p>Particulars giving:</p> <ul style="list-style-type: none"> <li>(a) the terms of the judgment or charge, and</li> <li>(b) the reasons for and circumstances of the repossession, and</li> <li>(c) a description of the property affected.</li> </ul>
<p>The licensee:</p> <ul style="list-style-type: none"> <li>(a) becomes bankrupt, or</li> <li>(b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or</li> <li>(c) compounds with creditors or makes an assignment of remuneration for their benefit, or</li> <li>(d) enters into a compromise or scheme of arrangement with creditors.</li> </ul>	<p>Particulars of:</p> <ul style="list-style-type: none"> <li>(a) the terms, and</li> <li>(b) the date,</li> </ul> <p>of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement.</p>
<p>A person obtains a direct or indirect interest in the business that is carried on under the authority of the licence.</p>	<p>Particulars of</p> <ul style="list-style-type: none"> <li>(a) the name of the person obtaining the direct or indirect interest, and</li> <li>(b) that person's date of birth, and</li> <li>(c) that person's residential address, and</li> <li>(d) the nature of that person's interest, and</li> <li>(e) the details of any offence that person has been convicted of (in New South Wales or elsewhere), other than parking and traffic offences, and</li> <li>(f) the details of any charges pending against that person (in New South Wales or elsewhere), other than parking or traffic charges.</li> </ul>

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Schedule 3 Penalty notice offences

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**Schedule 3 Penalty notice offences**

(Clauses 87, 88)

<b>Column 1</b>	<b>Column 2</b>
Section 84 (2)	fail to lodge declaration for liquor sales and purchases
Section 85 (1)	fail to lodge declaration for liquor sales to other sellers
Section 86 (1)	fail to keep record of liquor purchased/acquired/sold/ supplied/liquor authorised deductions
Section 86 (2)	fail to retain record of liquor purchased/acquired/sold/ supplied/liquor authorised deductions
Section 86 (2A)	fail to retain business document as required
Section 86 (4)	fail to produce/permit inspection of/permit copying of/permit extracts from/permit removal of/permit retention of record of liquor purchased/acquired/sold/supplied/business record
Section 86A (1)	fail to keep low alcohol liquor payments record
Section 86A (2)	fail to keep record of low alcohol liquor sales/supplies to others
Section 113	minor using false evidence of age to obtain entry/remain/ obtain liquor
Section 114 (1)	sell/supply liquor to a minor
Section 114 (3)	allow liquor to be sold/supplied to minor
Section 114 (4)	obtain liquor on behalf of minor
Section 115 (1)	minor consuming/obtaining/attempting to obtain/carrying away/attempting to carry away liquor on/from licensed premises
Section 115 (3)	send/order/request minor to/to go to licensed premises to obtain liquor
Section 116	licensee allowing minor to sell/supply/serve liquor
Section 116A (1)	minor entering/remaining in restricted area of hotel
Section 116A (2)	unaccompanied minor entering/remaining in unauthorised part of hotel
Section 116A (4)	unaccompanied minor entering/remaining in restaurant in late trading

Liquor Regulation 1996

Penalty notice offences

Schedule 3

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Column 1	Column 2
Section 116B (1)	minor entering restricted area of hotel/unauthorised part of hotel/restaurant in late trading
Section 116B (2)	failure by licensee to remove unaccompanied minor
Section 116B (4)	sale/supply/consumption of liquor during/before/after authorisation period for minors
Section 116C (1)	fail to display notice about minors in restricted arealpart
Section 116C (3)	fail to display notice about minors during late trading
Section 116D	permit minor to consume alcohol on premises/leave minor on premises without first informing licensee
Section 117A (2)	suspected minor refusing/failing to state name or address/produce evidence of age
Section 117B	licensee/employee failing to refuse minor entry to premises/part of premises
Section 117C (1)	minor using/operating amusement device (offence by licensee)
Section 117D (1)	minor using/operating amusement device
Section 117E (2)	minor providing false/misleading information to get age evidence
Section 117E (3)	person providing/certifying false/misleading information for age evidence
Section 118 (1)	fail to close/keep closed restricted area/area where liquor sold or supplied
Section 118 (2)	fail to close/keep closed counter/place where liquor sold or supplied
Section 119 (1)	keep premises open for liquor sale or supply/sell or supply liquor outside hours
Section 124	carry on business as brewer without brewer's licence
Section 125 (1) (b)	permit intoxication/indecent/violent/quarrelsome conduct on premises
Section 125 (3)	sell/supply liquor to intoxicated person on premises
Section 126 (1)	permit/suffer gaming/unlawful game on premises
Section 126 (2)	servant/person in charge permitting unlawful game on premises

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