

# **LIQUOR (FURTHER AMENDMENT) ACT 1990 No. 61**

NEW SOUTH WALES



## **'TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Liquor Act 1982 No. 147

SCHEDULE 1 - AMENDMENTS

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# LIQUOR (FURTHER AMENDMENT) ACT 1990 No. 61

NEW SOUTH WALES



**Act No. 61, 1990**

An Act to amend the Liquor Act 1982 to make further provision with respect to the use by minors of parts of licensed premises; and for other purposes. [Assented to 23 October 1990]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Liquor (Further Amendment) Act 1990.

**Commencement**

2. This Act commences on the date of assent.

**Amendment of Liquor Act 1982 No. 147**

3. The Liquor Act 1982 is amended as set out in Schedule 1.

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**SCHEDULE 1 - AMENDMENTS**

**(1) Section 4 (Definitions):**

(Sec. 3)

From the definition of "restricted area" in section 4 (1), omit paragraph (b), insert instead:

- (b) a part of the premises in respect of which an authorisation under section 87 is in force whenever it operates to authorise the use by a minor of that part; or

**(2) Section 87 (Authority for use of part of premises by minor):**

Omit section 87 (1), insert instead

(1) The Board may, on the application of the licensee or the licensing inspector and subject to any conditions that it may impose, authorise:

- (a) the use by a minor in the company of an adult of a part of the premises to which a hotelier's licence relates; or
- (b) the use by minors under adult supervision of a part of the premises to which a hotelier's licence relates.

(1A) An authorisation under subsection (1)(b) must be subject to a condition as to the required level of adult supervision of minors using a part of licensed premises pursuant to the authorisation.

SCHEDULE 1 - AMENDMENTS - *continued*

(1B) Authorisations can be granted under both paragraphs (a) and (b) of subsection (1) in respect of the same part of premises.

(1C) Whenever an authorisation under subsection (1) (b) is operating to authorise the use by a minor of a part of premises, any authorisation under subsection (1) (a) has no operation to the extent that it applies to that part of the premises.

(3) Section 117 (**Minors on licensed premises**):

(a) From section 117 (3), (4) and (5), omit "section 87" wherever occurring, insert instead "section 87 (1) (a)".

(b) At the end of section 117 (3), insert:

Maximum penalty: 10 penalty units.

(c) After section 117 (4), insert:

(4A) A licensee is guilty of an offence if liquor is sold, supplied or consumed anywhere on the licensed premises:

(a) during any period that an authorisation under section 87 (1) (b) operates to authorise the use by a minor of a part of the premises; or

(b) within 30 minutes before the start of, or within 30 minutes after the end of, that period.

Maximum penalty: 20 penalty units.

(4B) It is a defence to a prosecution under subsection (2) or (3) in respect of a person's entering or remaining in a part of licensed premises if it is proved that the person believed on reasonable grounds that an authorisation under section 87 (1) (b) operated to authorise the use of that part at the relevant time by minors under adult supervision.

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*[Minister's second reading speech made in -  
Legislative Assembly on 24 May 1990  
Legislative Council on 13 September 1990]*