

Liquor Regulation 1996

[1996-417]



New South Wales

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New South Wales

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Liquor Regulation 1996



New South Wales

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:

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.

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—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.

4A Prescribed substances

- (1) For the purposes of paragraph (c) of the definition of **liquor** in section 4 (1) of the Act, an alcohol-based food essence that is packaged:
 - (a) in the case of vanilla essence (whether natural or imitation)—in a container of more than 100 millilitres capacity, or
 - (b) in any other case—in a container of more than 50 millilitres capacity,is prescribed, except in circumstances where the alcohol-based food essence is sold in that container by wholesale.

- (2) In this clause:

alcohol-based food essence means a food flavouring preparation in liquid form that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume.

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.

5A Auction of liquor

For the purposes of section 6 (e) of the Act, the prescribed circumstances are as follows:

- (a) where the liquor is auctioned as part of an auction held to dispose of all or part of the contents of a warehouse or similar commercial premises (being premises where auctions are not regularly held), and the auction is held at those premises,
- (b) where the liquor is auctioned as part of an auction held to dispose of all or part of the contents of a private dwelling (being a dwelling where auctions are not regularly held), and the auction is held at the dwelling.

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.

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 (5B) (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.

9A Application by hotelier for authorisation to sell liquor at function held at other premises (section 18 (6) of the Act)

- (1) This clause applies to an application by a hotelier under section 18 (6) of the Act for authorisation to sell liquor at a function that is to be held on premises (***the other premises***) other than the premises to which the hotelier's licence relates (***the applicant's premises***).
- (2) In dealing with an application to which this clause applies, the Licensing Court or registrar is not to grant the application unless satisfied:
- (a) that practices will be in place at the other premises as soon as the function concerned commences that ensure, as far as reasonably practicable, that liquor is sold, supplied and served responsibly on the other premises and that all reasonable steps are taken to prevent intoxication on the other premises, and
 - (b) that those practices will remain in place.
- (3) For the purposes of section 18 (6) of the Act, the other premises must be situated within 50 kilometres by road of the applicant's premises.

- (4) However, subclause (3) does not apply if there is no hotel situated within 50 kilometres by road of the other premises.

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) a temporary on-licence (function), or
 - (iv) (Repealed)
- (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 35D 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 (sections 37 (4) and 111E of the Act)

The fees to accompany applications are as follows:

Application	Fee
Application for hotelier's licence	\$500
Application for nightclub 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) 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
Any other application (other than an application for transfer of a licence)	\$50
Application for a minors functions authority	\$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) (Repealed)
- (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

(1) 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
- (ii) (Repealed)

(b) an application for removal of a licence, or

(c) an application for revocation or variation of a condition of a licence, or

(c1) an application for a dine-or-drink authority:

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

(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

(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) of the Act, or

(f1) an application for a variation of trading hours (nightclub licence) under section 35D of the Act or under clause 63 of Schedule 1 to the Act,

(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.

(2) Despite paragraph (a) of the definition of **application**, an application for an on-licence to sell liquor at a function is an application for the purposes of this Division to the extent that such an application is expressly referred to in this Division.

16 Applications to be advertised in newspapers

(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.

(1) An applicant must advertise an application to which this clause applies 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.

(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) An applicant for a permanent on-licence (function) must advertise the application:

- (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 subclauses (2) and (3).

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).

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 and police

- (1) An applicant must serve a copy of the application, with the date of hearing inserted in it:
 - (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.
- (3) An applicant for a permanent on-licence (function) must serve a copy of the application, with the date of hearing inserted in it, in accordance with subclauses (1) (b) and (2).
- (4) For the purposes of section 51 (3) (a) of the Act, an applicant for a temporary on-licence (function), or an approval of an additional function under a permanent on-licence (function), must provide:
 - (a) a copy of the application to the local consent authority for the area in which the premises to which the application relates are situated, not later than 3 working days after the application is lodged in accordance with clause 12, and
 - (b) a copy of the application to the Patrol Commander at the police station nearest to the premises to which the application relates, not later than 3 working days after the application is lodged in accordance with clause 12.

Part 3 Conditions of licences and dine-or-drink authorities

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, nightclub, premises to which a community liquor licence relates, restaurant the on-licence relating to which is endorsed with a dine-or-drink authority, 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 or nightclub: a name that uses the words “night spot” or “nightclub” or other words that suggest a nightclub.
- (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.
- (5) Despite subclause (2) (a), for the purposes of section 91 of the Act, a name is a prohibited name for a restaurant the on-licence relating to which is endorsed with a dine-or-drink authority, or 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) 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.
- (7) In subclause (2):

nightclub means premises in respect of which a nightclub licence is in force.

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 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 person other than licensee is interested in business

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

Division 2

23, 24 (Repealed)

Division 2A Dine-or-drink authority

24A Definition

For the purposes of this Division, a **licensee** means the holder of an on-licence relating to a restaurant, being an on-licence that is endorsed with a dine-or-drink authority.

24B Records of food and liquor sales

For the purposes of section 23AD (3) of the Act, it is a condition of a dine-or-drink authority that:

- (a) the licensee maintains proper and accurate records that show the total monthly liquor sales and the total monthly food sales for the restaurant to which the authority relates, and
- (b) such records are made available for inspection on request by a police officer or special inspector at any reasonable time.

24C Advertising of restaurant

For the purposes of section 23AD (3) of the Act, it is a condition of a dine-or-drink authority that is endorsed on an on-licence relating to a restaurant that the licensee is not to advertise the restaurant to which the authority relates in a manner that is inconsistent with the primary purpose of the premises, as referred to in section 23 (2A) of the Act (including, for example, advertising the restaurant only as a drinking bar or as other such premises that have as their primary purpose the sale of liquor).

24D Increase in seated dining positions

For the purposes of section 23AD (3) of the Act, it is a condition of a dine-or-drink

authority that is endorsed on an on-licence relating to a restaurant and that authorises 100 or fewer seated dining positions that the number of seated dining positions at the restaurant to which the authority relates may exceed 100 only if:

- (a) the increase in seated dining positions is otherwise authorised under the Act, and
- (b) the difference between:
 - (i) the prescribed fee paid for the dine-or-drink authority under section 56 (9) of the Act, and
 - (ii) the prescribed fee applicable to a dine-or-drink authority authorising over 100 seated dining positions for premises in the same area as the restaurant concerned, has been paid.

24E Display of notice advising public of dine-or-drink authority

For the purposes of section 23AD (3) of the Act, it is a condition of a dine-or-drink authority (whether endorsed on an on-licence relating to a restaurant or on a nightclub licence) that:

- (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
- (b) the wording in the notice is legible and prominent, and
- (c) the notice is displayed 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.

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.

- (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 (Repealed)

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.
- (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.
- (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) (Repealed)
- (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.

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.

32A Minors functions authority

- (1) For the purposes of section 111B of the Act, the appropriate member of the Police Service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the relevant licensed premises are located.
- (2) For the purposes of section 111C of the Act, a minors functions authority is subject to the following conditions:
 - (a) no liquor in the possession or under the control of the licensee is to be located in any function area or access area specified in the authority while a function is being held under the authority unless it is kept in a locked storage facility to which only the licensee or any employee of the licensee has access,
 - (b) the licensee is to take all reasonable steps to prevent liquor from being brought into any function area or access area specified in the authority while a function is being held under the authority,
 - (c) the licensee and any employee of the licensee must refuse to admit a minor to a function being held under the authority if the licensee or the employee reasonably suspects that the minor has recently consumed liquor,
 - (d) the licensee is to take all reasonable steps to ensure that no person under the age of 15 years is admitted to a function held under the authority,
 - (e) the licensee is to ensure that, while a function is being held under the authority, signs are displayed at any means of access from a function area or access area specified in the authority to any other area of the licensed premises indicating that minors attending the function must not enter that other area,
 - (f) the licensee is to ensure that, while a function is being held under the authority, signs are displayed at any means of access to a function area or access area specified in the authority from any other area of the licensed premises indicating that liquor must not be brought into the function area or access area,
 - (g) the licensee must ensure that no person (other than an adult who will be supervising the function, a person providing services for the function or an employee of the licensee) is admitted to a function held under the authority

without a ticket purchased from the licensee or an agent of the licensee before the function,

- (h) the licensee must ensure that at any time during a function held under the authority the number of persons in any function area or access area specified in the authority does not contravene any requirement of the relevant approval of the area as a place of public entertainment under the [Local Government Act 1993](#),
- (i) any function held under the authority is to end no later than midnight on the day on which the function is held unless the court imposes a condition on the authority requiring such functions to end earlier than that time,
- (j) the licensee is to ensure that all minors attending any function held under the authority leave the licensed premises within 15 minutes after the end of the function,
- (k) any advertising for a function to be held under the authority is to indicate that the function will be alcohol-free, that adult supervision will be provided, that entry will be by way of pre-sold ticket only and that any minor who is suspected of having consumed alcohol or of being under the age of 15 years will not be admitted to the function,
- (l) the licensee is to keep a register specifying the dates on which functions are held under the authority, the nature of each of the functions, the number of minors who attended each of the functions and the number of adults supervising each of the functions,
- (m) the licensee is to give written notice of the holding of a function under the authority to the appropriate member of the Police Service referred to in subclause (1) at least 7 clear days before the function is held.

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.

- (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 4 years and 6 months from that date or until the date the notice is replaced, whichever happens first.

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

33A Sale of liquor through an internet site—notice to be displayed

- (1) For the purposes of section 116C (3C) of the Act, the prescribed form of notice that must be displayed at all times on an internet site through which a licensee offers liquor for sale is as follows:

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 prescribed form must be big enough to ensure that a person accessing the internet site would reasonably be expected to be alerted to the contents of the sign.

Note—

Schedule 1 to the Act (Savings and transitional provisions) provides that section 116C (3C) of the Act does not apply to an internet site that existed at the date of commencement of that subsection (that is, at 1 September 2000) until 6 months after that date (that is, 1 March 2001).

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 4 years and 6 months 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 4 years and 6 months from that date or until the date the notice is replaced, whichever happens first.

36 Nightclub trading during nightclub 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 NIGHTCLUB AFTER 8 PM 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 nightclub and in such manner that it would be reasonable to expect that a person entering the nightclub would reasonably be expected to be alerted to its contents.

- (4) (Repealed)

36A Restaurant trading during restaurant restricted period—notice to be displayed

- (1) For the purposes of section 116C (3A) 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 at any time between 10 pm and 6 am 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 restaurant 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.
- (4) Despite subclause (1), the wording required to appear in a notice under this clause may appear (as a separate and distinct statement) in a notice required under clause 24E (Display of notice advising public of dine-or-drink authority), provided that the requirements of both clauses are otherwise complied with.

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.

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

39-58K (Repealed)

Part 6 Fees

Divisions 1-3

59-69 (Repealed)

Division 3A Minors functions authority fees

70A Fee payable for minors functions authority

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

Division 3B Proof of age cards

70B Fees payable for proof of age card

For the purposes of section 117EA (2) (b) of the Act, the following fees are prescribed:

- (a) \$23, in the case of an application for the issue of a proof of age card to a person for the first time,
- (b) \$34, in the case of an application for the issue of a proof of age card to a person for the second time,
- (c) \$44, in the case of an application for the issue of a proof of age card to a person for the third or a subsequent time.

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 (Repealed)

73 Payment of fees

Any fees 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 (Repealed)

Part 6A

74A-74ZB (Repealed)

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).
- (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.

79A Application of provisions of *Justices Act 1902*: section 145C

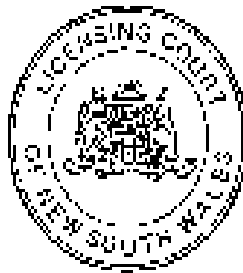
- (1) The following provisions of the *Justices Act 1902* apply to and in respect of the Licensing Court, subject to the modifications set out in Schedule 6:
 - (a) section 3 (in its application to the other provisions set out in this clause),
 - (b) section 20,
 - (c) Divisions 2–4 of Part 4 (other than sections 56 (1), 60 (2) and (3), 66A–66H, 84A and 98),
 - (d) Part 4A,
 - (e) section 113,
 - (f) Part 5A (other than section 133D),
 - (g) Part 6,
 - (h) Part 7 (other than section 145B and 152).
- (2) The following provisions of the *Justices (General) Regulation 1993* apply to and in respect of the Licensing Court:
 - (a) clauses 3–6,
 - (b) clauses 21A–23A,
 - (c) Schedule 1,
 - (d) Schedule 2, Form 6.
- (3) For the purposes of the application of the provisions of the *Justices Act 1902* and the *Justices (General) Regulation 1993*:
 - (a) a reference in that Act or that Regulation to a justice is taken to include a reference to a licensing magistrate, and
 - (b) a reference in that Act or that Regulation to a Local Court is taken to include a reference to the Licensing Court, and
 - (c) a reference in that Act or that Regulation to a clerk of a Local Court is taken to include a reference to a registrar of the Licensing Court, and
 - (d) a reference in that Act or that Regulation to a complaint:
 - (i) is taken to be a reference to a complaint that commences proceedings for an offence, and

- (ii) does not include a reference to a complaint under section 67, 104 or 111D of the *Liquor Act 1982* or section 17, 23B, 35 or 108 of the *Registered Clubs Act 1976*.

Part 8 Miscellaneous

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

The seal of the Licensing Court is:



80A Maintenance of records

For the purposes of clause 54 of Schedule 1 to the Act, the prescribed date is 31 December 1998.

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.

81A Matters that may be dealt with by Principal Registrar (section 17 (4) of the Act)

For the purposes of section 17 (4) of the Act, the Principal Registrar may exercise the jurisdiction of the court in relation to the following matters, being matters to which there has been no objection:

- (a) the jurisdiction of the court under section 32 of the Act with respect to an application to vary the trading hours for licensed premises to which an on-licence (restaurant) relates,

- (b) the jurisdiction of the court under section 33 (b) of the Act with respect to an application for an order that fixes the trading hours in respect of licensed premises to which an on-licence (theatre) relates,
- (c) the jurisdiction of the court under section 34 of the Act with respect to an application for an order that fixes the trading hours in respect of licensed premises to which an on-licence (university) relates,
- (d) the jurisdiction of the court under section 35A of the Act with respect to an application for a variation of the trading hours for licensed premises to which an on-licence (vessel) relates,
- (e) the jurisdiction of the court under section 51 of the Act with respect to an application for a permanent on-licence (function),
- (f) the jurisdiction of the court under section 61 of the Act with respect to an application for the transfer of a licence, including the jurisdiction of the court under that section to make a provisional grant of the application, but only if:
 - (i) the proposed transferee has completed a course of training approved by the Board that promotes the responsible sale, supply and service of liquor, and
 - (ii) the proposed transferee has completed any course of training or instruction required by or under the Act or the court has determined that the proposed transferee is not required to complete such a course of training,
- (g) the jurisdiction of the court to allow additional periods in which the provisional grant of an application for the transfer of a licence has effect (as referred to in section 61 (4) (b) of the Act),
- (h) the jurisdiction of the court under section 69D of the Act with respect to an application for the approval of a person's appointment as the manager of licensed premises, including the jurisdiction of the court under that section to grant a provisional approval.

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.

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

For the purposes of section 23 (3A) of the Act, each of the businesses specified in column 1 of the following Table may be or include a business limited at any time only to selling or supplying liquor to the particular class or classes of persons specified in column 2 opposite the business concerned.

Table

Column 1	Column 2
Business	Class/classes of persons
The business carried on under an on-licence relating to premises that the Board is satisfied are used and occupied at the British Aerospace Flight Training Academy at Basil Brown Drive, Tamworth, by British Aerospace Flight Training (Australia) Pty Limited.	The class of persons resorting to the premises comprising the staff and students of the Academy and their guests.
The business carried on under an on-licence relating to the premises that the Board is satisfied are used and occupied by or on behalf of GIO Australia Limited and being the Mona Vale Conference Centre located at 33 Bassett Street, Mona Vale, Sydney.	The class of persons resorting to the premises comprising those persons who are attending a conference or function on or at the premises.
The business carried on under an on-licence relating to premises within a hospital, nursing home, aged care facility or retirement village.	The class of persons resorting to the premises comprising the staff, patients and residents of the hospital, nursing home, aged care facility or retirement village, and their guests.
The business carried on under a hotelier's licence relating to premises that are used and occupied at The Station Resort, Jindabyne at Lot 13 Dalgety Road, Jindabyne, by Perisher Blue Pty Limited.	The class of persons resorting to the premises comprising the staff and guests of the hotel.
The business carried on under an on-licence relating to premises operated by a surf life saving club.	The class of persons resorting to the premises comprising staff, members and guests of the club.

83A Date prescribed for special events Sunday hotel trading

The following dates are prescribed for the purposes of section 24B of the Act:

Sunday 6 October 2002.

Sunday 26 January 2003.

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) or nightclub licence with a motel—number of rooms

For the purposes of sections 53 (2), 54BA (1A) and 90 (2) of the Act, the prescribed number of bedrooms or rooms is 15.

86A Managers for licensed premises in special areas

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

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

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

86C Gaming or liquor-related services

- (1) For the purposes of section 101 (9) of the Act, the following services are prescribed as gaming or liquor-related services (but not to the extent that the services are provided for the purposes of an authorised CMS within the meaning of the [Gaming Machines Act 2001](#), or an authorised inter-hotel linked gaming system within the meaning of Part 9 of that Act, conducted at the licensed premises):
 - (a) services that promote the use of gaming machines or of services or facilities relating to gaming machines,
 - (b) services that promote activities, services or facilities of which gaming machines, or services or facilities relating to gaming machines, form part,
 - (c) consultancy or advisory services that include advice on the management or operation of gaming machines or of services or facilities relating to gaming machines,
 - (d) services for the management or supervision of gaming machines or of services or

facilities relating to gaming machines,

- (e) services that promote the sale or supply of liquor,
- (f) consultancy or advisory services that include advice on the sale or supply of liquor, and
- (g) services for the management or supervision of the sale or supply of liquor.

(2) In this clause:

gaming machine means an approved gaming machine within the meaning of the [*Gaming Machines Act 2001*](#).

86D Sale of undesirable liquor products

- (1) For the purposes of section 117I of the Act, the following are declared to be undesirable liquor products:
 - (a) alcoholic iceblock—a product that is sold in an individual package or individual packages for consumption in frozen form and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (b) a product that is sold in an aerosol container for consumption by humans and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (c) any milk product that is sold or supplied under a name that consists of, or includes, the words “Moo Joose” and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume.
- (2) In subclause (1) (c), ***milk product*** includes any product made from reconstituted milk (that is, any substance in the nature of milk that has been prepared from milk concentrate or milk powder).

86E Wharves at which berthed vessels may sell or supply liquor

For the purposes of section 35 (2) (a) of the Act, the following wharves are prescribed:

- (a) King Street Wharf, Darling Harbour,
- (b) Sydney Aquarium Wharf, Pier 26, Darling Harbour,
- (c) Pyrmont Wharves 12 and 13, Pyrmont,
- (d) the wharf located at Sans Souci Park adjacent to the north end of the Captain Cook Bridge, known as the Sans Souci Wharf,
- (e) the wharf in Nelson Bay Harbour located at Victoria Parade, Nelson Bay, adjacent to the eastern rock groyne, known as the Cruise Passenger Terminal Wharf,

- (f) the wharf in Nelson Bay Harbour located at Teramby Road, Nelson Bay, within the marina known as the d'Albora Marina,
- (g) the wharf located at 91 Hannell Street, Wickham, within the marina known as the Newcastle Cruising Yacht Club Marina,
- (h) Dolphin Watch Cruises Wharf, Currumbene Creek, Huskisson,
- (i) Tuna Wharf, Ulladulla Harbour,
- (j) Port Venture Wharf, Clarence Street, Port Macquarie.

86F Drinking water to be available where liquor served

- (1) Every licence (except an off-licence) is subject to a condition that, at all times at which liquor is sold or supplied on the licensed premises, drinking water for consumption by patrons of the licensed premises:
 - (a) must be available to be sold or supplied to patrons at or near the point of service at which, or by the same means of service by which, liquor is sold or supplied on the licensed premises, and
 - (b) must be supplied to patrons free of charge or sold to patrons at a price that does not exceed a reasonable price for that water.
- (2) The Minister may from time to time issue guidelines to licensees as to what constitutes a reasonable price for drinking water. A reasonable price set by or determined in accordance with those guidelines is taken to be a reasonable price for the purposes of subclause (1).

87 Penalty notice offences

For the purposes of section 145A of the Act:

- (a) each offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 3 is stated to be an offence to which that section applies, and
- (b) the prescribed penalty payable for such an offence if dealt with under that section is:
 - (i) in the case of a person other than a minor—the amount specified in Column 4 of Schedule 3 (if any), or
 - (ii) in the case of a minor—the amount specified in Column 5 of Schedule 3 (if any).

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) 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.
- (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, a nightclub 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.

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 Casino Control Authority.

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.

92 Transitional provisions

- (1) In this clause, **licence** means a licence in respect of which a variation of trading hours under section 32 (3) of the Act is in force because of clause 47 of Schedule 1 to the Act.
- (2) Clauses 20, 36 and 62, as in force immediately before the commencement of this clause, continue to apply to a licence, a licensee and premises the subject of a licence while the licence remains in force.

Part 9

93-119 (Repealed)

Schedule 1 Prescribed places

(Clause 7)

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

Forbes	Newcastle	Yass
Glen Innes	Nowra	Young
Gosford	Nyngan	

Schedule 2 (Repealed)

Schedule 3 Penalty notice offences

(Clauses 87 and 88)

Offences under the Act

Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 91 (1)	Fail display name of the premises and the licensee	5827, 0900	\$33	—
Section 91 (2)	Alter name of premises without approval	5829, 0901	\$33	—
Section 91 (2B)	Use prohibited name	5830, 0904	\$55	—
Section 103 (3)	Fail to leave licensed premises	6068, 0908	\$550	\$55
Section 113	Minor use false evidence of age to obtain entry to/remain in/obtain liquor from licensed premises	6544	—	\$55
Section 114 (1)	Sell/supply liquor to minor	6535, 1572, 1574, 6555, 2198	\$550	\$55
Section 114 (3)	Allow liquor to be sold/supplied to minor	6513, 1573	\$550	—
Section 114 (4)	Obtain liquor on behalf of minor	6536, 1578	\$550	\$55
Section 115 (1) (a)	Minor consume liquor on licensed premises/at unlicensed restaurant	6545, 1575	—	\$55
Section 115 (1) (b)	Minor obtaining/attempting to obtain liquor on licensed premises	6546, 1576	—	\$55
Section 115 (1) (c)	Minor carrying away/attempting to carry away liquor from licensed premises	6547, 1577	—	\$55

Section 115 (3)	Send/order/request minor to obtain liquor	6537, 5890, 0910	\$220	\$55
Section 116	Licensee allow minor to sell/supply/serve liquor	6514, 1579	\$550	—
Section 116A (1)	Minor enter/remain in restricted area of hotel	6548, 1580	—	\$55
Section 116A (2)	Unacc. minor enter/remain in authorised part of hotel	6549, 1581	—	\$55
Section 116A (4)	Unacc. minor enter/remain in nightclub	6550, 1582	—	\$55
Section 116A (5)	Unacc. minor enter/remain in restaurant during restricted period	5892, 0140	—	\$55
Section 116A (6)	Unacc. minor enter/remain in community liquor licence premises	5895, 0144	—	\$55
Section 116B (1) (a)	Allow minor to enter restricted area of licensee's hotel	6515, 1583	\$550	—
Section 116B (1) (b)	Allow unaccompanied minor to enter unauthorised part of hotel	6516, 1594	\$550	—
Section 116B (1) (c)	Allow unaccompanied minor to enter nightclub	6517, 1585	\$550	—
Section 116B (1) (d)	Allow unaccompanied minor to enter restaurant during restricted period	5895, 0147	\$550	—
Section 116B (1) (e)	Allow unaccompanied minor to enter community liquor licence premises	5898, 0147	\$550	—
Section 116B (2) (a)	Fail to remove minor (restricted area of hotel)	6518, 1586	\$550	—
Section 116B (2) (b)	Fail to remove unacc. minor (hotel authorised area)	6519, 1587	\$550	—
Section 116B (2) (c)	Fail to remove unacc. minor (nightclub)	6520, 1588	\$550	—
Section 116B (2) (d)	Fail to remove unacc. minor (restaurant restricted period)	5899, 0911	\$550	—
Section 116B (2) (e)	Fail to remove unacc. minor (community liquor licence)	5903, 0912	\$550	—

Section 116C (1) (a)	Fail to display notice about minors in restricted area	6530, 1591	\$220	—
Section 116C (1) (b)	Fail to display notice about unacc. minors in authorised area	6531, 1592	\$220	—
Section 116C (3)	Fail to display minors notice (nightclub)	6521, 1593	\$220	—
Section 116C (3A)	Fail to display minors notice (restaurant restricted period)	5904, 0149	\$220	—
Section 116C (3B)	Fail to display minors notice (community liquor licence)	5909, 0151	\$220	—
Section 116D (a)	Permit minor to consume alcohol on premises	6542, 1594	\$220	—
Section 116D (b)	Leave minor on premises without first informing licensee	6543, 1595	\$220	—
Section 117A (2) (a)	Suspected minor refusing/ failing to state name or address	6551, 1596	\$110	\$55
Section 117A (2) (b)	Suspected minor refusing/ failing to produce evidence of age	6552, 1597	\$110	\$55
Section 117B	Licensee/employee fail to refuse minor entry premises/ part of premises	6522, 1598	\$220	\$55
Section 117E (2)	Minor providing false/ misleading information to get age evidence	6554, 1601	—	\$110
Section 117E (3)	Providing/certifying false/ misleading information for age evidence	6538, 1602, 5909, 0919	\$220	\$110
Section 117EB (1)	Make false proof of age card	8194, 0174	\$220	\$110
Section 117EB (2)	Give false proof of age card	8195, 0175	\$220	\$110
Section 117EB (3)	Make/give false proof of age card (aggravation)	8196, 0176	\$550	\$110
Section 117EC	Give/lend proof of age card	8197, 0177, 5913, 0923	\$220	\$110
Section 117ED	Tamper with proof of age card	8199, 8198, 0178, 5914, 0924	\$220	\$110

Section 118 (1)	Fail to close/keep closed restricted area/area where liquor sold or supplied	6533, 1603	\$220	—
Section 118 (2)	Fail to close/keep closed counter/place where liquor sold or supplied	6523, 1604	\$220	—
Section 119 (1) (a)	Keep premises open for liquor sale/supply outside hours	6524, 1606	\$220	—
Section 119 (1) (b)	Sell/supply liquor outside hours	6525, 1606	\$220	—
Section 121 (1)	Sell/supply liquor/cause/suffer liquor to be sold/supplied contrary to authority	7490, 0055	\$550	—
Section 121 (2)	Agent/servant/person on behalf of licensee sell/supply liquor/ cause/suffer liquor to be sold/ supplied contrary to authority	7491, 0059, 5915, 0925	\$550	\$55
Section 122 (1)	Unauthorised sale/cause/suffer unauthorised sale of liquor	7492, 0060, 5916, 0926	\$550	\$55
Section 122 (3)	Advertise liquor from unlicensed premises	7493, 0082, 5917, 0927	\$550	\$55
Section 123 (1)	Open/keep/use/ premises/ permit premises to be/have care and management of/assist in business of premises opened/kept/used for purpose of selling liquor	7494, 0118, 5918, 0928	\$550	\$55
Section 123 (2)	Licensee sell liquor/employ/ permit person to sell liquor on unlicensed premises	7495, 0120	\$220	—
Section 123 (3)	Person on unlicensed premises	7496, 0131, 5920, 0943	\$55	\$55
Section 124	Carry on business as brewer without licence	6539, 1607	\$220	\$55
Section 125 (1) (b)	Permit intoxication/ indecent/ violent/ quarrelsome conduct on premises	6526, 1608	\$550	—
Section 125 (3)	Sell/supply liquor to intoxicated person	6540, 1609	\$550	\$55
Section 125A (1)	Licensee fail to produce licence	6584, 1302	\$55	—

Section 126 (1) (a)	Permit/suffer gaming for stakes on premises	6527, 1610	\$110	—
Section 126 (1) (b)	Permit/suffer unlawful game on premises	6528, 1611	\$110	—
Section 126 (1) (c)	Permit/suffer premises to be used in contravention of <i>Unlawful Gambling Act 1998</i>	6529, 1612	\$110	—
Section 126 (2)	Servant/person in charge permitting unlawful game on premises	6541, 1613	\$110	\$55
Section 129 (1) (a)	Fail/refuse to pay for liquor/ meal/ accommodation	6069, 1170, 6070, 1171, 6071, 1170, 6092, 0959, 6083, 0960, 6084, 0963	\$55	\$55
Section 129 (1) (b)	Avoid demand to pay for liquor/ meal/ accommodation	6072, 1173, 6073, 1174, 6074, 1175, 6085, 0994, 6086, 0999, 6089, 1008	\$55	\$55
Section 135 (1) (a)	Carry liquor about for sale	7497, 0132, 6089, 1010	\$220	\$55
Section 135 (1) (b)	Unlawfully offer/expose liquor for sale	7498, 0133, 6090, 1026	\$220	\$55
Section 135 (1) (c)	Carry liquor for sale to unlawful place	7499, 0134, 6091, 1028	\$220	\$55
Section 139 (1)	Make false or misleading statement in/omit a material matter from an official document	6092, 1037	\$550	\$55

Schedules 4, 5 (Repealed)

Schedule 6 Modifications to applied provisions of *Justices Act 1902*

(Clause 79A)

1 Section 63 Manner of service of summons

Section 63 operates in addition to, and does not derogate from, sections 151A and 151B of the *Liquor Act 1982*.

2 Section 70 How evidence is to be taken

Section 70 operates in addition to, and does not derogate from, section 12 of the [Liquor Act 1982](#).

3 Sections 75A-75E

Sections 75A-75E operate in addition to, and do not derogate from, section 69 of the [Liquor Act 1982](#).

4 Section 81 Payment of costs by defendant, or by prosecutor or complainant

Section 81 applies only to proceedings for offences and does not apply to other proceedings before the Licensing Court.

5 Section 152A Power to refer allegation of contempt to Supreme Court

Section 152A applies as if a reference to section 152 were a reference to section 13 of the [Liquor Act 1982](#).