

# Liquor (Repeals and Savings) Act 1982 No 148

[1982-148]



New South Wales

## Status Information

### Currency of version

Repealed version for 3 December 1999 to 30 June 2008 (accessed 11 July 2024 at 19:23)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 161 (b) of the [Liquor Act 2007 No 90](#) with effect from 1.7.2008.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Liquor (Repeals and Savings) Act 1982 No 148



New South Wales

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# Liquor (Repeals and Savings) Act 1982 No 148



New South Wales

An Act to repeal certain Acts relating to the sale and supply of liquor, to amend certain Acts as a consequence of those repeals and the enactment of the [Liquor Act 1982](#), to effect certain savings and to provide for transitional matters.

## 1 Name of Act

This Act may be cited as the [Liquor \(Repeals and Savings\) Act 1982](#).

## 2 Commencement

- (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- (2) Section 6, in its application to Schedule 5, and Schedule 5, shall commence on the date of assent to this Act.
- (3) Except as provided by subsections (1) and (2), this Act shall commence on the day appointed and notified under section 2 (2) of the [Liquor Act 1982](#).

## 3 Schedules

This Act contains the following Schedules:

SCHEDULE 1—REPEALS.

SCHEDULE 2—AMENDMENTS.

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS.

SCHEDULE 4—SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES.

SCHEDULE 5—SPECIAL PROVISIONS RELATING TO CERTAIN OBJECTIONS.

## 4 Repeals

Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed.

## 5 (Repealed)

## 6 Savings and transitional provisions

Schedules 3-5 have effect.

### Schedule 1 Repeals

(Section 4)

Column 1		Column 2
Year and number of Act	Short title of Act	Extent of repeal
1912, No 42	<i>Liquor Act 1912.</i>	The whole Act.
1913, No 5	<i>Liquor (Local Option) Amendment Act 1913.</i>	The whole Act.
1916, No 68	<i>Liquor (Amendment) Act 1916.</i>	Section 1 (2) and sections 7, 8, 10, 12, 13, 17 and 18.
1918, No 40	<i>Parliamentary Elections (Amendment) Act 1918.</i>	Section 9.
1919, No 42	<i>Liquor (Amendment) Act 1919.</i>	The whole Act.
1922, No 42	<i>Liquor (Amendment) Act 1922.</i>	The whole Act.
1923, No 51	<i>Liquor (Amendment) Act 1923</i>	The whole Act.
1926, No 12	<i>Parliamentary Electorates and Elections (Amendment) Act 1926.</i>	Section 11.
1927, No 36	<i>Liquor (Amendment) Act 1927.</i>	The whole Act.
1928, No 6	<i>Liquor Amendment (Fees) Act 1928.</i>	The whole Act.
1928, No 27	<i>Liquor Amendment (Continuance) Act 1928.</i>	The whole Act.
1929, No 49	<i>Liquor (Amendment) Act 1929.</i>	The whole Act.
1935, No 5	<i>Liquor (Anzac Day) Amendment Act 1935.</i>	The whole Act.
1937, No 35	<i>Statute Law Revision Act 1937.</i>	So much of the Second Schedule as amends Act No 42, 1912, Act No 42, 1919, Act No 42, 1922, and Act No 51, 1923.
1946, No 34	<i>Liquor (Amendment) Act 1946.</i>	The whole Act.
1954, No 50	<i>Liquor (Amendment) Act 1954.</i>	The whole Act.
1961, No 48	<i>Parliamentary Elections and Liquor (Amendment) Act 1961.</i>	The whole Act.
1963, No 17	<i>Liquor (Amendment) Act 1963.</i>	The whole Act.
1964, No 3	<i>Local Government, Liquor and Impounding (Amendment) Act, 1964.</i>	Section 17.

1965, No 33	<i>Decimal Currency Act 1965.</i>	So much of the First Schedule as amends Act No 42, 1912.
1966, No 54	<i>Liquor (Amendment) Act 1966.</i>	Section 1 (2), sections 2-8 and 10.
1967, No 7	<i>Gaming and Betting and Liquor (Amendment) Act 1967.</i>	Section 8.
1967, No 63	<i>Newcastle International Sports Centre Act 1967.</i>	Section 10.
1967, No 78	<i>Liquor (Amendment) Act 1967.</i>	The whole Act.
1968, No 24	<i>Innkeepers Act 1968.</i>	Section 10.
1969, No 73	<i>Liquor (Amendment) Act 1969.</i>	Sections 2-10 and the Schedule.
1970, No 14	<i>Liquor (Amendment) Act 1970.</i>	The whole Act.
1970, No 60	<i>Minors (Property and Contracts) Act 1970.</i>	So much of the Second Schedule as relates to Act No 42, 1912.
1972, No 29	<i>Liquor (Amendment) Act 1972.</i>	The whole Act.
1973, No 41	<i>Liquor (Amendment) Act 1973.</i>	The whole Act.
1974, No 28	<i>Liquor (Amendment) Act 1974.</i>	The whole Act.
1974, No 80	<i>National Parks and Wildlife Act 1974.</i>	So much of Schedule 2 as amends Act No 42, 1912.
1974, No 95	<i>Liquor (Further Amendment) Act 1974.</i>	The whole Act.
1975, No 33	<i>Liquor (Amendment) Act 1975.</i>	The whole Act.
1976 No 4	<i>Statutory and Other Offices Remuneration Act 1975.</i>	So much of Schedule 5 as amends Act No 42, 1912.
1976, No 6	<i>Liquor (Amendment) Act 1976.</i>	The whole Act.
1976, No 31	<i>Registered Clubs Act 1976.</i>	Section 74 (1) and Part 1 of Schedule 1.
1976, No 63	<i>Statute Law Revision Act 1976.</i>	So much of Schedule 1 as amends Act No 49, 1929.
1976, No 93	<i>Liquor (Further Amendment) Act 1976.</i>	The whole Act.
1977, No 19	<i>Notice of Action and Other Privileges Abolition Act 1977.</i>	So much of Schedule 1 as amends Act No 42, 1912.
1977, No 59	<i>Liquor (Amendment) Act 1977.</i>	The whole Act.
1977, No 106	<i>Liquor (Further Amendment) Act 1977.</i>	The whole Act.
1978, No 34	<i>Liquor (Footway Restaurants) Amendment Act 1978.</i>	The whole Act.
1978, No 68	<i>Registered Clubs (Amendment) Act 1978.</i>	Schedule 8 (10).

1979, No 146	<a href="#">Liquor (Amendment) Act 1979.</a>	The whole Act.
1979, No 205	<a href="#">Miscellaneous Acts (Planning) Repeal and Amendment Act 1979.</a>	So much of Part 1 of Schedule 2 as amends Act No 42, 1919.
1980, No 32	<a href="#">Liquor (Amendment) Act 1980.</a>	The whole Act.
1980, No 64	<a href="#">Liquor (Weights and Measures) Amendment Act 1980.</a>	The whole Act.
1980, No 66	<a href="#">Liquor (Art Gallery of New South Wales) Amendment Act 1980.</a>	The whole Act.
1980, No 97	<a href="#">Liquor (Historic Houses) Amendment Act 1980.</a>	The whole Act.
1981, No 68	<a href="#">Liquor (Amendment) Act 1981.</a>	The whole Act.
1982, No 49	<a href="#">Liquor (License Fees) Amendment Act 1982.</a>	The whole Act.

## Schedule 2 (Repealed)

## Schedule 3 Savings and transitional provisions

(Section 6)

### 1 Interpretation

- (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires, words and expressions have the same meaning as they have in the Principal Act and:

**appointed day** means the day appointed and notified under section 2 (2) of the Principal Act.

**Principal Act** means the [Liquor Act 1982](#).

**repealed Act** means the Acts specified in Schedule 1.

- (2) A reference in this Schedule, however expressed, to a licence under the Principal Act corresponding to a licence or permit under the repealed Act is a reference to the licence under the Principal Act specified in Column 2 of the Table to this clause opposite the specification in Column 1 of that Table of the licence or permit under the repealed Act.
- (3) A reference in this Schedule to a licence or permit in force under the repealed Act includes a reference to a licence or permit under suspension under that Act.
- (4) In this Schedule, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference appears.

### Table

**Column 1**

**Column 2**

Annual functions licence.

On-licence (to sell liquor at a function).

Australian wine licence pursuant to which, immediately before the appointed day, liquor was not sold for consumption on the licensed premises.

Off-licence (to sell liquor by retail).

Australian wine licence pursuant to which, immediately before the appointed day, liquor was sold only for consumption on the licensed premises.

On-licence.

Australian wine licence pursuant to which, immediately before the appointed day, liquor was sold for consumption both on and off the licensed premises.

(a) Off-licence (to sell liquor by retail), and  
(b) on-licence.

Brewer's licence.

Off-licence (for a brewer).

Licence sanctioned and authorised under section 168 (1) of the repealed Act.

Governor's licence (referred to in section 19 (1) (a) of the Principal Act).

Licence sanctioned and authorised under section 168 of the repealed Act (subsections (1) and (3) excepted).

Governor's licence (referred to in section 19 (1) (b) of the Principal Act).

Licence sanctioned and authorised under section 168 (3) (a) (i) of the repealed Act.

Hotelier's licence.

Limited functions licence.

On-licence (to sell liquor at a function).

Packet licence.

On-licence.

Permit under section 13 (4) of the repealed Act.

Governor's licence (referred to in section 19 (1) (c) of the Principal Act).

Permit under Part IIIA of the repealed Act not endorsed as a cabaret permit or to allow a reception area.

On-licence:  
(a) in respect of which a variation of trading hours has not been granted under section 32 (3) of the Principal Act, and  
(b) in respect of which the court has not authorised the use of a part of the licensed premises as a reception area.

Permit under Part IIIA of the repealed Act endorsed as a cabaret permit.

On-licence in respect of which a variation of trading hours has been granted under section 32 (3) of the Principal Act.

Permit under Part IIIA of the repealed Act endorsed as a cabaret permit and to allow a reception area.	On-licence: (a) in respect of which a variation of trading hours has been granted under section 32 (3) of the Principal Act, and (b) in respect of which the court has authorised the use of a part of the licensed premises as a reception area.
Permit under Part IIIA of the repealed Act endorsed to allow a reception area.	On-licence in respect of which the court has authorised the use of a part of the licensed premises as a reception area.
Permit under Part XA of the repealed Act.	On-licence.
Publican's licence (whether or not endorsed under section 26B or 26C of the repealed Act).	Hotelier's licence.
Public hall licence.	On-licence.
Spirit merchant's licence (other than a spirit merchant's licence authorising the sale of liquor only to persons authorised to sell liquor).	Off-licence (to sell liquor by retail).
Theatre licence.	On-licence.
Tourist hotel licence.	On-licence.

## **2 Licensing magistrates**

- (1) A licensing magistrate holding office under the repealed Act immediately before the appointed day continues in that office on and after that day for the residue of the term for which he was appointed under the repealed Act as if he had been appointed under section 8 of the Principal Act.
- (2) The persons who, immediately before the appointed day, held office under the repealed Act as chairman and deputy chairman, respectively, of licensing courts shall be deemed to have been appointed on that day under section 8 of the Principal Act as Chairman and Deputy Chairman, respectively, of the Licensing Court of New South Wales.

## **3 Secretary to licensing magistrate etc**

- (1) The person who, immediately before the appointed day held office under the repealed Act as secretary to the licensing magistrates shall be deemed to have been appointed on that day under section 17 of the Principal Act as the Principal Registrar.
- (2) A person who, immediately before the appointed day, held office under the repealed



Act as clerk of a licensing court otherwise than pursuant to section 5 (8) (c) of that Act continues on and after that day as a registrar of the Licensing Court of New South Wales as if he had been appointed under section 17 of the Principal Act.

#### **4 Licensing courts**

A matter that, but for this clause, would be required on and after the appointed day to be heard and determined by the licensing court for a licensing district shall be heard and determined by the Licensing Court constituted under the Principal Act.

#### **5 New kinds of licences**

- (1) This clause has effect notwithstanding section 2 of the Principal Act.
- (2) The Principal Act does not apply to or in respect of a sale of liquor made within the period prescribed by subclause (3) where:
  - (a) the sale is in accordance with section 13 (1), (7) or (8) of the repealed Act, or
  - (b) the sale:
    - (i) is made by the holder of a hotelier's licence or an off-licence to sell liquor by retail,
    - (ii) is to a person authorised to sell liquor,
    - (iii) is not a sale by retail, and
    - (iv) but for subparagraph (iii) would be in accordance with the Principal Act.
- (3) The period prescribed by this subclause is the period of 3 months that next succeeds the appointed day except:
  - (a) in the case of a sale in accordance with section 13 (1) of the repealed Act made by a person who, before the expiration of that period of 3 months, made application under the Principal Act for an off-licence for a vigneron,
  - (b) in the case of a sale in accordance with section 13 (7) of the repealed Act made by a person who, before the expiration of that period of 3 months, made application under the Principal Act for an off-licence to sell liquor to persons authorised to sell liquor,
  - (c) in the case of a sale in accordance with section 13 (8) of the repealed Act made by a person who, before the expiration of that period of 3 months, made application under the Principal Act for an off-licence to auction liquor, and
  - (d) in the case of a sale made as provided by subclause (2) (b) where, before the expiration of that period of 3 months, the licensee made application for an off-licence to sell liquor to persons authorised to sell liquor,

in each of which cases the period so prescribed is the period that ends when the application is granted or refused.

## **6 Inquiry and report by licensing court**

- (1) Where, before the appointed day, the Governor had, under section 13 (4) or 168 of the repealed Act, referred any matter to the licensing court for inquiry and report and, immediately before that day:
  - (a) the inquiry had not been commenced—the inquiry may be commenced and completed and the report made,
  - (b) the inquiry had been commenced but had not been completed—the inquiry may be completed and the report made, or
  - (c) the inquiry had been completed but the report had not been made—the report may be made,as if the repealed Act had remained in force until the report is made.
- (2) A report made pursuant to subclause (1) shall, for the purposes of section 19 (2) of the Principal Act, be deemed to be a report made by the Board.

## **7 Corresponding licences under Principal Act**

- (1) A licence or permit under the repealed Act in force immediately before the appointed day shall be deemed, on and from that day to be the corresponding licence under the Principal Act if:
  - (a) it was not a limited functions licence and was, under the repealed Act, renewed or continued in force as on and from the appointed day,
  - (b) it was a limited functions licence, or
  - (c) it would, if this Act had not been enacted, have been deemed by section 36 (2) of the repealed Act to have continued in force on and after that day.
- (2) An application made before the appointed day for the renewal of a licence or permit under the repealed Act and not heard and determined before that day shall be heard and determined as if this Act had not been enacted and, if the application is refused:
  - (a) subclause (1) ceases to apply in respect of the licence or permit, and
  - (b) the deduction and refund referred to in section 36 (2) of the repealed Act shall be made.
- (3) The Board shall, as soon as practicable, issue the licence under the Principal Act that has, pursuant to subclause (1), become the corresponding licence under that Act for a licence or permit in force under the repealed Act.

## **8 Conditions of, and exemptions applicable to, a corresponding licence**

(1) A licence under the Principal Act that has, pursuant to clause 7 (1), become the corresponding licence under that Act for a licence or permit in force under the repealed Act is subject to:

- (a) any conditions prescribed by the Principal Act in respect of that kind of corresponding licence, and
- (b) any conditions imposed under the repealed Act by a licensing court, being conditions to which the licence or permit in force under the repealed Act was subject immediately before the appointed day,

whether or not the conditions were endorsed on the licence or permit in force under the repealed Act or are endorsed on the corresponding licence under the Principal Act.

- (2) The conditions referred in subclause (1) (b) shall be deemed to have been imposed by the court on the appointed day under section 20 (1) of the Principal Act.
- (3) Any exemptions under the repealed Act applicable to or in respect of a licence under the repealed Act for which a Governor's licence is the corresponding licence under the Principal Act have effect in relation to that corresponding licence as if they had been granted under section 19 (1) of the Principal Act.

## **9 Trading hours**

(1) A variation of trading hours in force under the repealed Act immediately before the appointed day in relation to a licence or permit so in force (including a variation of trading hours by reason of the issue of a permit under section 57B of the repealed Act or the endorsement as a cabaret permit of a permit under Part IIIA of the repealed Act) shall be deemed to be a variation of trading hours granted on the appointed day under the Principal Act in relation to the licence under the Principal Act that has, pursuant to clause 7 (1), become the corresponding licence for the licence or permit in force under the repealed Act.

(2) Where a variation of trading hours deemed by subclause (1) to have been granted under the Principal Act was a variation by reason of:

- (a) the issue of a permit under section 57B of the repealed Act:
  - (i) the variation shall be deemed to have been granted under section 25 (3) of the Principal Act, and
  - (ii) the part of the premises specified in the permit under section 57B of the repealed Act shall be deemed to have been specified by the court under section 25 (4) (b) of the Principal Act, or

(b) the endorsement as a cabaret permit of a permit under Part IIIA of the repealed

Act—the variation shall be deemed to have been granted under section 32 (3) of the Principal Act.

(3) Where:

- (a) a licence or permit under the repealed Act was in force immediately before the appointed day and is renewed as the corresponding licence under the Principal Act,
- (b) under the Principal Act, the trading hours applicable to the corresponding licence are to be fixed by the court, and
- (c) those trading hours have not been fixed by the court,

the trading hours applicable to the corresponding licence on and after the appointed day are, until they are fixed or varied by the court under the Principal Act, the same as the trading hours applicable to the licence or permit immediately before the appointed day.

- (4) Notwithstanding section 29 of the Principal Act, where an on-licence to sell liquor at a function has, pursuant to clause 7 (1), become the corresponding licence under that Act for a functions licence in force under the repealed Act, liquor may be sold or supplied pursuant to the on-licence on the days on which, and at the times at which, it could have been sold or supplied pursuant to the functions licence if this Act had not been enacted.

## **10 Application under repealed Act**

- (1) Where, before the appointed day, notice was given under the repealed Act of an application for, or relating to, a licence or permit under the repealed Act (other than an application for removal of an Australian wine licence) and, immediately before that day, the application had not been made, the application may be made in accordance with the repealed Act and shall be heard and determined under the Principal Act.
- (2) Where the application for a licence or permit under the repealed Act (not being an application for a permit under section 57B of that Act) was duly made before the appointed day and, immediately before that day, had not been finally heard and determined, the application shall be deemed to be an application duly made under the Principal Act for the corresponding licence under the Principal Act.
- (3) Where an application relating to a licence or permit under the repealed Act (not being an application to which subclause (2) applies or an application for the removal of an Australian wine licence) was duly made before the appointed day and, immediately before that day, had not been finally heard and determined, the application shall be deemed to be an application duly made under the Principal Act in relation to the corresponding licence under the Principal Act, being:

- (a) in the case of an application under section 26B of the repealed Act for endorsement of a licence as a tavern—an application under section 49 (2) of the Principal Act to modify or dispense with any requirement or condition for the provision of accommodation referred to in section 49 (1) (a), (c) or (d) of the Principal Act,
  - (b) in the case of an application for a permission under section 51B of the repealed Act—an application for an authorisation under section 87 of the Principal Act,
  - (c) in the case of an application under section 57 (1A) of the repealed Act for a variation of trading hours in relation to a publican's licence under the repealed Act—an application for a variation of trading hours under section 25 (1) of the Principal Act,
  - (d) in the case of an application under section 57 (1C) of the repealed Act for a variation of trading hours—an application for a variation of trading hours under section 27 (1) of the Principal Act,
  - (e) in the case of an application for a late trading permit under section 57B of the repealed Act—an application for a variation of trading hours under section 25 (3) of the Principal Act,
  - (f) in the case of an application under section 64 (1) of the repealed Act for permission to use a bar-room or bar for the service of liquor to guests or inmates outside normal trading hours—an application under section 21 (2) of the Principal Act,
  - (g) in the case of an application under section 78K (4AA) of the repealed Act for a variation of trading hours—an application under section 32 (1) of the Principal Act,
  - (h) in the case of an application for endorsement as a cabaret permit of a permit under Part IIIA of the repealed Act—an application for a variation of trading hours under section 32 (3) of the Principal Act, and
  - (i) in the case of an application for endorsement to allow a reception area of a permit under Part IIIA of the repealed Act—an application under section 88 (1) of the Principal Act for authority to use a specified part of the licensed premises as a reception area.
- (4) Where an application for removal of an Australian wine licence was duly made under the repealed Act before the appointed day and had not been finally heard and determined before that day, it shall be heard and determined as if this Act had not been enacted.
- (5) Where, but for the repeals effected by this Act, section 131 of the repealed Act would have applied on or after the appointed day in respect of a licence or permit under the repealed Act, application may be made for the issue of the corresponding licence

under the Principal Act and, where such an application is made, that section applies thereto with such modifications as may be necessary.

### **11 Refusal of application**

For the purposes of section 36 (6) of the Principal Act:

- (a) a reference therein to the refusal of an application for a licence includes a reference to the refusal, occurring before the appointed day, of an application under the repealed Act for a licence for which the firstmentioned licence is the corresponding licence under the Principal Act, and
- (b) a reference therein to the ground specified in section 45 (2) of the Principal Act includes a reference to the ground specified in section 29 (1) (e) of the repealed Act as from time to time in force.

### **12 Conditional grant of application**

Section 40 (2), 58, 59 and 60 of the Principal Act apply to and in respect of an application under the repealed Act conditionally granted before the appointed day in the same way as they would have applied if the Principal Act had been in force when the application was made and the conditional grant had been made thereunder.

### **13 Objections**

- (1) An objection to an application taken under the repealed Act before the appointed day and not finally heard and determined before that day shall be heard and determined as if the repealed Act had continued in force.
- (2) Where an objection to renewal of a licence or permit under the repealed Act (other than a permit issued under section 57B of that Act) is upheld after being heard and determined in accordance with subclause (1), the court shall be deemed for the purposes of section 69 of the Principal Act, to have been satisfied that the ground specified in section 68 (1) (d) of the Principal Act has been made out in relation to the corresponding licence under the Principal Act after hearing a complaint made under section 67 of the Principal Act.
- (3) Where an objection to renewal of a permit under section 57B of the repealed Act is upheld after being heard and determined in accordance with subclause (1), the objection shall be deemed to have been an application duly made under section 25 (8) of the Principal Act.

### **14 Grant of transfer of licence**

Where an application made under the repealed Act for transfer of a licence had not been finally heard and determined before the appointed day, section 61 of the Principal Act applies to and in respect of the application in the same way as it applies to and in respect of a like application made under the Principal Act.

## **15 Death or disability of licensee**

Where, immediately before the appointed day, section 116 of the repealed Act applied to and in respect of the business of a licensee, Division 7 of Part III of the Principal Act applies to and in respect of the business of the licensee as if that Division had been in force at the time of the death or disability of the licensee and an endorsement of the licence under section 116 of the repealed Act shall be deemed to be an endorsement under section 64 of the Principal Act of the corresponding licence under the Principal Act.

## **16 Disciplinary provisions**

- (1) Where, immediately before the appointed day, the matter of a summons duly served under section 123 or 125 of the repealed Act had not been finally heard and determined, the matter of the summons shall be heard and determined as if the person summoned had thereby been summoned under section 67 of the Principal Act to appear before the court and show cause why the court should not take action under section 69 of the Principal Act.
- (2) Upon the hearing pursuant to subclause (1) of the matter of a complaint, the court may take action under section 69 of the Principal Act only if the matter of the complaint made out is within the grounds specified in section 68 (1) of the Principal Act, a reference in that subsection to an offence against the Principal Act being construed as including a reference to an offence against the repealed Act and a reference in that subsection to a direction or order of the court given or made under the Principal Act being construed as including a reference to an order of the court under section 40A or 40B of the repealed Act.

## **17 Disqualification and suspension**

- (1) A person disqualified under the repealed Act from being licensed under that Act until a certain date is disqualified until that date from holding a licence under the Principal Act.
- (2) Premises disqualified under the repealed Act from being licensed under that Act until a certain date are disqualified until that date from being licensed under the Principal Act.
- (3) Where the period of suspension of a licence or permit under the repealed Act had not expired before the appointed day, the corresponding licence under the Principal Act is suspended until the period of suspension imposed under the repealed Act would have expired if this Act had not been enacted.

## **18 Secretary of Liquor Administration Board**

The person who, immediately before the appointed day, held office as secretary to the Licenses Reduction Board shall be deemed to have been appointed on that day under section 74 (2) of the Principal Act as secretary of the Liquor Administration Board.

## **19 Assessment, payment and reassessment of licence fee**

- (1) Where, before the appointed day, the fee payable for renewal of a licence or permit in force under the repealed Act and due to expire immediately before that day was fixed or determined under that Act, the amount so fixed or determined shall be deemed to be the amount assessed under section 82 of the Principal Act as the licence fee payable in respect of the licensing period that commenced on that day for the corresponding licence under the Principal Act.
- (2) Where, before the appointed day, a fee, or an instalment of a fee, was paid for the renewal of a licence or permit in force under the repealed Act and due to expire immediately before that day, the fee or instalment shall be deemed to be the licence fee, or an instalment of the licence fee, payable under section 80 of the Principal Act in respect of the licensing period that commenced on that day for the corresponding licence under the Principal Act.
- (3) A reference in section 83 of the Principal Act:
  - (a) to a licence fee as assessed under section 82 of the Principal Act—shall be construed as including a reference to the fee for renewal of a licence or permit under the repealed Act as fixed or determined under the repealed Act,
  - (b) to a licence fee previously reassessed—shall be construed as including a reference to the fee for renewal of a licence or permit under the repealed Act as last reassessed under that Act,
  - (c) to a statutory declaration under section 84 of the repealed Act—shall be construed as including a reference to a statutory declaration under section 22 of the repealed Act (including a statutory declaration under that section as applied by section 78H (3) or 152H (2) of the repealed Act), and
  - (d) to the licensee, at the time of payment of the fee to which a reassessment relates or at the time a fee was previously reassessed—shall be construed as including a reference to the holder at that time of a permit under the repealed Act for which the licence held by the licensee at the time the Board notifies the reassessment is the corresponding licence under the Principal Act.

## **20 Preservation of records**

Section 86 of the Principal Act (subsections (1) and (2) of that section excepted) applies to and in respect of a record made before the appointed day under section 168D (1) of the repealed Act in the same way as it applies to and in respect of a record made on or after that day under section 86 (2) of the Principal Act.

## **21 Restricted and reception areas**

- (1) Where, immediately before the appointed day, a declaration of a room or place on, or



a declaration of a part of, licensed premises as a bar-room or bar, or as a public bar, was in force under section 64 of the repealed Act, the room, place or part is on and after that day a restricted area under the Principal Act unless the court, on the application of the licensee or the licensing inspector, revokes the application of this subclause to that room or place.

- (2) Where, immediately before the appointed day, a permission to use a bar-room or bar for the service of liquor to guests or inmates was in force under section 64 of the repealed Act, the permission continues in force on and after that day, subject to any conditions to which it was subject immediately before that day, as if it were an authority granted under section 21 (2) of the Principal Act in relation to the part of the licensed premises that comprised the bar-room or bar.
- (3) Where, immediately before the appointed day, an endorsement of a permit under Part IIIA of the repealed Act to allow a reception area in a restaurant was in force, the use as a reception area of the part of the restaurant to which the endorsement related shall be deemed to have been, on the appointed day, authorised by the court under section 88 of the Principal Act.

## **22 Boundaries of licensed premises**

- (1) Where, immediately before the appointed day, the boundaries and extent of any licensed premises (other than licensed premises to which a tourist hotel licence related) have been fixed by the court, the same boundaries and extent of the licensed premises shall be deemed to have been, on the appointed day, defined under section 90 (1) of the Principal Act.
- (2) Where a tourist hotel licence under the repealed Act was in force immediately before the appointed day, the court shall be deemed to have, under section 90 (2) of the Principal Act, defined the boundaries of the licensed premises to which the corresponding licence under the Principal Act relates as being the same as the boundaries of the licensed premises to which the tourist hotel licence related.

## **23 Use of part of licensed premises by minors**

Where, immediately before the appointed day, a permission under section 51B of the repealed Act authorised the use of a part of licensed premises as a dining-area, lounge or beer garden, the use of that part by a minor in the company of an adult shall be deemed to have been, on the appointed day, authorised by the court under section 87 of the Principal Act subject to the same conditions as those in force immediately before the appointed day in relation to the permission granted under the repealed Act.

## **24 Temporary premises, alterations etc**

- (1) An authority granted, or order made, under section 40, 40A or 40B of the repealed Act and in force immediately before the appointed day in relation to any premises remains

in force on and after that day, and the Principal Act applies to and in respect thereof:

- (a) in the case of an authority granted under section 40 (1) of the repealed Act—as if it had been granted under section 93 of the Principal Act,
- (b) in the case of an authority granted under section 40 (2) (c) of the repealed Act—as if it had been granted under section 94 of the Principal Act,
- (c) in the case of an order made under section 40A of the repealed Act—as if it had been made under section 95 of the Principal Act, or
- (d) in the case of an order made under section 40B of the repealed Act—as if it had been made under section 96 of the Principal Act.

(2) The period for which an authority or order continued in force by subclause (1) remains in force shall be determined as if the Principal Act had been in force on the day on which the authority was granted or the order made.

## **25 Control of licensed premises**

A consent:

- (a) given under section 64 (4) of the repealed Act and still operative immediately before the appointed day—continues to have effect on and after that day as if it had been given under section 101 (1) (h) of the Principal Act, or
- (b) given under section 70 of the repealed Act and still operative immediately before the appointed day—continues to have effect on and after that day as if it had been given under section 101 (1) (a) or (e) of the Principal Act, as the case may require.

## **26 Register of guests etc**

Where, immediately before the appointed day, a register was being kept by a licensed publican in accordance with section 68A of the repealed Act and, on and after that day, continues to be so kept, the register shall, until the Board otherwise directs, be deemed to be kept in a form and manner approved by the Board.

## **27 Exclusion from licensed premises**

Section 103 of the Principal Act applies to and in respect of a person who has been refused admission to, or has been turned out of, licensed or other premises under section 156 of the repealed Act in the same way as it applies to and in respect of a person who has been refused admission to, or has been turned out of, licensed premises under section 103 (1) of the Principal Act.

## **28 Quiet and good order**

Where, immediately before the appointed day, the matter of a summons duly served under section 47 of the repealed Act had not been finally heard and determined, the

matter of the summons shall be heard and determined as if it were a summons under section 104 of the Principal Act.

## **29 Licensing and special inspectors**

- (1) The person who, immediately before the appointed day, held office under the repealed Act as superintendent of licences holds office on and after that day as if he had been appointed under section 106 of the Principal Act.
- (2) The person who, immediately before the appointed day, held office under the repealed Act as Metropolitan licensing inspector holds office on and after that day as if he had been appointed under section 107 of the Principal Act.
- (3) A person who, immediately before the appointed day, held office under section 119 (2A) of the repealed Act as an inspector assisting the Metropolitan licensing inspector holds office on and after that day as if he had been appointed under section 107 (4) of the Principal Act.
- (4) A person who, immediately before the appointed day, held office under section 119 (1) of the repealed Act as a district inspector holds office on and after that day as a licensing inspector as if he had been appointed under section 107 (5) of the Principal Act.
- (5) A person who, immediately before the appointed day, held office as an inspector appointed for the purposes of section 121A of the repealed Act holds office on and after that day as if he had been appointed as a special inspector under section 109 of the Principal Act.

## **30 Construction of references**

On and from the appointed day, a reference in any other Act, or in any regulation, by-law or other statutory instrument, or in any other document, whether of the same or of a different kind:

- (a) to a licensing court—shall be read and construed as a reference to the Licensing Court of New South Wales,
- (b) to the chairman of licensing courts—shall be read and construed as a reference to the Chairman of the Licensing Court of New South Wales,
- (c) to the deputy chairman of licensing courts—shall be read and construed as a reference to the Deputy Chairman of the Licensing Court of New South Wales,
- (d) to a licence or permit under the repealed Act—shall be read and construed as a reference to the corresponding licence under the Principal Act, or
- (e) to the Licenses Reduction Board—shall be read and construed as a reference to the Liquor Administration Board.

### 31 Regulations

- (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequential upon the enactment of this Act and the *Liquor Act 1982*, including provisions requiring a reference in any other Act, other than this Act, to the *Liquor Act 1912*, or a provision thereof to be construed as a reference to the Principal Act or a provision thereof.
- (2) A provision made under subclause (1) may take effect on and from the appointed day or a later day.
- (3) To the extent to which a provision made under subclause (1) takes effect on and from a day that is earlier than the day of its publication in the Gazette, the provision does not operate:
  - (a) to affect, in a manner prejudicial to any person (other than the State or a public authority), the rights of that person existing before that day of publication, or
  - (b) to impose a liability on any person (other than the State or a public authority) in respect of anything done or omitted to be done before that day of publication.
- (4) A provision made under subclause (1) has effect notwithstanding anything in this Schedule or Schedule 4, this clause excepted.

## Schedule 4 Special provisions relating to Australian wine licences

(Section 6)

### 1 Interpretation

- (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires, words and expressions have the same meaning as they have in the Principal Act and:

**appointed day** means the day appointed and notified under section 2 (2) of the Principal Act.

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

**repealed Act** means the *Liquor Act 1912*, as from time to time in force before the appointed day.

- (2) This Schedule applies:
  - (a) to an off-licence under the Principal Act that is the corresponding licence under that Act for an Australian wine licence that, immediately before the appointed day, was in force under the repealed Act and subject to a condition prohibiting the sale of liquor for consumption on the licensed premises, and

- (b) to an on-licence under the Principal Act that is the corresponding licence under that Act for an Australian wine licence that, immediately before the appointed day, was in force under the repealed Act and subject to a condition permitting the sale of liquor only for consumption on the licensed premises, and
  - (c) to an off-licence, and an on-licence, under the Principal Act that are the corresponding licences under that Act for any other Australian wine licence that, immediately before the appointed day, was in force under the repealed Act,
- and to the relevant licensees and licensed premises.

- (3) Where this Schedule applies as provided by subclause (2) (c), only one licence fee is payable under the Principal Act, notwithstanding that 2 licences relate to the licensed premises.

## **2 Wine only to be sold**

The court shall be deemed to have, under section 20 of the Principal Act, imposed a condition of a licence to which this Schedule applies that liquor other than wine shall not be sold or supplied on the licensed premises.

## **3 Trading hours**

- (1) Sections 24 (2) and 25 of the Principal Act (sections 25 (3) and (6) excepted) apply to and in respect of an on-licence to which this Schedule applies in the same way as they apply to and in respect of a hotelier's licence under the Principal Act.
- (2) Sections 26 and 27 of the Principal Act apply to and in respect of an off-licence to which this section applies in the same way as they apply to and in respect of an off-licence under the Principal Act.
- (3) Where, immediately before the appointed day:
  - (a) the trading hours pursuant to an on-licence to which this Schedule applies differed from those prescribed by section 24 (2) of the Principal Act—the trading hours so prescribed shall be deemed, to the extent that the difference is within the limits prescribed by section 25 of the Principal Act (sections 25 (3) and (6) excepted) to have been varied under that section, or
  - (b) the trading hours pursuant to an off-licence to which this Schedule applies differed from those prescribed by section 26 of the Principal Act—the trading hours so prescribed shall be deemed, to the extent that the difference is within the limits prescribed by section 27 of the Principal Act, to have been varied under that section,

and any conditions imposed by the court to which the trading hours in force before the appointed day were subject shall be deemed to be conditions imposed by the court under section 25 or 27, as the case may require.

#### **4 Light meal to be provided**

It is a condition of an on-licence to which this Schedule applies that (with the exception of a part of the licensed premises in which liquor is being sold or supplied with or as ancillary to a meal or supper served on the premises or in which meals or substantial refreshments are available with or without charge) the licensed premises shall not be open at any time for the sale or supply of liquor unless, in a part of the premises so open, at least a light meal is available, with or without charge, for consumption by persons to whom liquor is sold or supplied.

#### **5 Application of Principal Act**

- (1) To the extent that it is not inconsistent with this Schedule, the Principal Act applies to and in respect of the licences, licensees and licensed premises to which this Schedule applies, and matters related thereto.
- (2) The provisions of the Principal Act relating to restricted areas apply to and in respect of licensed premises to which this Schedule applies in the same way as they apply to and in respect of licensed premises to which a hotelier's licence relates.
- (3) Where there are 2 licences relating to licensed premises to which this Schedule applies, section 131 of the Principal Act does not apply in respect of liquor sold pursuant to the off-licence.

#### **6 Search warrants**

Section 151 of the Principal Act has effect in relation to wine and to licensed premises to which this Schedule applies in the same way as it has effect in relation to Australian wine and licensed premises to which an off-licence for a vigneron relates.

#### **7 Forfeiture of liquor**

Section 152 of the Principal Act has effect in relation to an on-licence to which this Schedule applies in the same way as it has effect in relation to an off-licence.

#### **8 Dormant licence lapses**

Notwithstanding anything in this Act an Australian wine licence that, immediately before the appointed day, was not being exercised ceases on and after that day to have any force or effect.

#### **9 (Repealed)**

#### **10 Regulations**

- (1) The Governor may make regulations relating to a licence to which this Schedule applies, the licensee, the licensed premises and persons resorting to those premises.
- (2) A regulation may be made under subclause (1) for and with respect to the application

or otherwise of the Principal Act to and in respect of a licence to which this Schedule applies, the licensee, the licensed premises and persons resorting to those premises.

(3) A regulation made under subclause (1):

- (a) may impose a penalty not exceeding \$1,000 for a breach of the regulation, and
- (b) has effect notwithstanding anything in this Schedule, this clause excepted.

## **Schedule 5 Special provisions relating to certain objections**

(Section 6)

### **1 Time for lodging certain objections**

A reference in section 6 (2) of the *Liquor (Amendment) Act 1981*, to the time appointed for the hearing of an application is, and shall be deemed always to have been, a reference to the day on which the hearing of the application on the merits commenced.

### **2 Exclusion of decided cases**

Clause 1 does not apply to or in respect of the applications that gave rise to the decisions of the Court of Appeal in the cases of:

- (a) *Carberry & Ors. v James & Ors.*, No 459 of 1981, and
- (b) *Grant v Hardy & Ors.*, No 230 of 1982.