

Queensland



LIQUOR AMENDMENT ACT 1991

TABLE OF PROVISIONS

Section		Page
1	Short title	2
2	Amended Act	2
3	Insertion of new s.4A	2
	4A. Acceptable evidence of age	2
4	Amendment of s.58 (Supplying liquor to intoxicated persons, young persons etc.)	3
5	Amendment of s.59 (Persons actually supplying liquor liable in certain cases)	3
6	Amendment of s.60 (Minor not allowed in bars)	4
7	Amendment of s.61 (No person to supply liquor to minor)	4
8	Amendment of s.61A (Card of identification or certificate as indicating age)	4
9	Amendment of s.61D (Defences to charge to which age is material)	5
10	Insertion of new ss.61E and 61F	6
	61E. Making and uttering false evidence of age	6
	61F. Wrongful dealing with genuine evidence of age	6
11	Amendment of s.62 (Bars and adjoining rooms)	7

Queensland



Liquor Amendment Act 1991

Act No. 71 of 1991

*An Act to amend the *Liquor Act 1912**

[Assented to 15 November 1991]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by authority of the same, as follows.

Short title

1. This Act may be cited as the *Liquor Amendment Act 1991*.

Amended Act

2. The *Liquor Act 1912* is amended as set out in this Act.

Insertion of new s.4A

3. After section 4—

insert—

'Acceptable evidence of age

'4A. For the purposes of this Act, acceptable evidence of the age of a person is a document—

- (a) that is—
 - (i) a proof of age card issued to the person by the Department of Transport or a corresponding public authority of another State or a Territory; or
 - (ii) a motor vehicle driver's or rider's licence or permit issued to the person by the Department of Transport or a corresponding public authority of another State or a Territory; or
 - (iii) a passport issued to the person on behalf of the Commonwealth; and
- (b) that bears a photograph of the person; and
- (c) that indicates, by reference to the person's date of birth or otherwise, that the person has attained a particular age.'

Amendment of s.58 (Supplying liquor to intoxicated persons, young persons etc.)

4.(1) Section 58(1) (first paragraph, after ‘Any licensee’)—

insert ‘, nominee of a licensee’.

(2) Section 58(1) (first paragraph)—

omit ‘penalty not exceeding \$200 nor less than \$100’,

insert ‘maximum penalty of 250 penalty units’.

(3) Section 58(1) (second paragraph)—

omit ‘third’, *insert* ‘second’.

(4) Section 58(1) (third paragraph)—

omit ‘penalty not exceeding \$200 nor less than \$100’,

insert ‘maximum penalty of 25 penalty units’.

(5) Section 58(1) (last paragraph)—

omit ‘penalty not exceeding \$200 nor less than \$100’,

insert ‘maximum penalty of 40 penalty units’.

(6) Section 58(2) (after ‘a licensee’)—

insert ‘or nominee of a licensee’.

(7) Section 58(2)—

omit ‘his’, *insert* ‘the’.

Amendment of s.59 (Persons actually supplying liquor liable in certain cases)

5.(1) Section 59 (after ‘other than the licensee’)—

insert ‘, nominee of a licensee or holder of a permit’.

(2) Section 59—

omit ‘penalty not exceeding \$200 nor less than \$100’,

insert ‘maximum penalty of 40 penalty units’.

(3) Section 59 (after ‘attach to the licensee’)—

insert ‘, nominee or holder’.

Amendment of s.60 (Minor not allowed in bars)

6.(1) Section 60(1)—

omit, insert—

‘(1) A licensee, or a nominee of a licensee, must immediately remove, or cause to be immediately removed, from a bar of the licensed premises a person who seems to be under the age of 18 years.

Maximum penalty—100 penalty units.’.

(2) Section 60(2)—

omit all words from ‘shall be liable’ to and including ‘less than \$100.’,

insert ‘is liable to a maximum penalty of 25 penalty units.’.

(3) Section 60(3) (after ‘such licensee’)—

insert ‘or the nominee of such licensee’.

Amendment of s.61 (No person to supply liquor to minor)

7. Section 61—

omit ‘penalty not exceeding \$200 nor less than \$100’,

insert ‘maximum penalty of 40 penalty units’.

Amendment of s.61A (Card of identification or certificate as indicating age)

8.(1) Section 61A (heading to section)—

omit, insert—

‘Proof of Age’.

(2) Section 61A(1)—

omit all words after ‘may request’,

insert ‘the person to produce for inspection proof of age of the person in a form (at the option of the person) that is acceptable evidence of age for the purposes of this Act.’.

(3) Section 61A(2)—*omit, insert—*

‘(2) A person of whom a request is made under subsection (1) who produces a document that—

- (a) has been issued to a person other than the person of whom the request is made; or
- (b) is false or misleading in a material particular; or
- (c) has been defaced or interfered with in a way calculated to deceive;

commits an offence against this Act.

Maximum penalty—25 penalty units.’.

(4) Section 61A(3)—*omit* all words after ‘unless’,

insert ‘the person produces immediately to the licensee, holder, servant or agent proof that the person has attained the age of 18 years in a form that is acceptable evidence of age for the purposes of this Act.’.

(5) Section 61A(4)—*omit, insert—*

‘(4) A person who, on being refused entry to any premises, place or ground or relevant part because of a failure to produce proof of age required by subsection (3), enters the premises, place, ground or relevant part commits an offence against this Act.

Maximum penalty—25 penalty units.’.

Amendment of s.61D (Defences to charge to which age is material)**9.(1)** Section 61D(1)(b)—*omit* all words after ‘material to the offence’,

insert ‘proof that the person had attained the age of 18 years in a form that is acceptable evidence of age for the purposes of this Act;’.

(2) Section 61D(2)—*omit* all words after ‘material to the offence’,

insert ‘to produce for inspection proof of age of the person in a form that is acceptable evidence of age for the purposes of this Act is evidence that any belief that the person had attained the age of 18 years was not reasonable.’.

Insertion of new ss.61E and 61F

10. After section 61D—

insert—

‘Making and uttering false evidence of age

‘61E. A person who—

- (a) makes, or causes to be made, a false document that could reasonably be taken to be genuine acceptable evidence of age for the purposes of this Act; or
- (b) gives such a false document to another person;

knowing the document to be false, and with intent that the document be used as evidence of age for the purposes of this Act, commits an offence against this Act.

Maximum penalty—

- (a) in the case of a minor—25 penalty units; and
- (b) in the case of an adult—40 penalty units.’.

‘Wrongful dealing with genuine evidence of age

‘61F.(1) A person who knowingly gives a document that is acceptable evidence of age for the purposes of this Act of the person specified in the document to another person, with intent that the document be used as evidence of age for the purposes of this Act of a person not specified in the document, commits an offence against this Act.

‘(2) A person who wilfully or negligently defaces or interferes with a document that is acceptable evidence of age for the purposes of this Act of the person or another person commits an offence against this Act.

Maximum penalty—40 penalty units.’

Amendment of s.62 (Bars and adjoining rooms)

11.(1) Section 62(5)—

omit, insert—

‘(4A) A licensee must not let or sublet a bar on the licensed premises without prior permission of the Commission.

‘(5) A person other than—

- (a) the licensee, or his or her servant or agent; or
- (b) a lessee or sublessee under an agreement permitted by the Commission, or his or her servant;

must not sell liquor on or in connection with licensed premises.’.

(2) Section 62(9)—

omit, insert—

‘Maximum penalty—40 penalty units.’.