

Queensland

Liquor Act 1992

Current as at [Not applicable]

Indicative reprint note

This is an ***unofficial*** version of a reprint of this Act that incorporates all proposed amendments to the Act included in the Liquor and Other Legislation Amendment Bill 2026. This indicative reprint has been prepared for information only—***it is not an authorised reprint of the Act***.

The point-in-time date for this indicative reprint is the introduction date for

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Liquor Act 1992

An Act to regulate the sale and supply of liquor and the provision of adult entertainment

Part 1 Preliminary

Division 1 Introduction

1 Short title

This Act may be cited as the *Liquor Act 1992*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

2A Act binds the Crown

This Act binds the Crown.

3 Main purposes of Act

The main purposes of this Act are—

(a) to regulate the liquor industry, and areas in the vicinity of licensed premises, in a way compatible with—

(i) minimising harm, and the potential for harm, from alcohol abuse and misuse and associated violence; and

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Examples of harm—

- adverse effects on a person's health
- personal injury
- property damage

(ii) minimising adverse effects on the health or safety of members of the public; and

(iii) minimising adverse effects on the amenity of the community; and

(b) to facilitate and regulate the optimum development of the tourist, liquor and hospitality industries of the State having regard to the welfare, needs and interests of the community and the economic implications of change; and

(c) to provide for the jurisdiction of the tribunal to hear and decide reviews of certain decisions under this Act; and

(d) to provide for a flexible, practical system for regulation of the liquor industry of the State with minimal formality, technicality or intervention consistent with the proper and efficient administration of this Act; and

(e) to regulate the sale and supply of liquor in particular areas to minimise harm caused by alcohol abuse and misuse and associated violence; and

(f) to regulate the provision of adult entertainment; and

(g) to provide revenue for the State to enable the attainment of this Act's main purposes and for other purposes of government.

3A Principle underlying this Act for facilitating and regulating the liquor industry

(1) The underlying principle of this Act in relation to the sale and supply of liquor is—

(a) a person may obtain a licence to sell or supply liquor as part of conducting a business on premises; and

(b) liquor may only be sold or supplied on the licensed premises as part of the person conducting a business, on the licensed premises, that is the principal activity under the licence.

(2) This Act states the principal activity of a business that may be conducted under each type of licence.

(3) This Act must be administered in accordance with the underlying principle of this Act.

(4) This section applies subject to the main purpose of this Act mentioned in section 3(a).

3B Declaration for Commonwealth Act

A licence is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).

Division 2 Interpretation

4 Definitions

In this Act—

abatement notice means a notice made under section 187.

accepted representations—

(a) for part 5C—see section 142ZC(2); or

(b) for part 5D, division 5—see section 142ZT(2).

accounting records includes—

(a) books of account; and

(b) such working papers and other documents as are necessary to explain the methods and calculations by which an account is made up.

adult entertainment has the meaning given by section 103N(2).

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adult entertainment permit means a permit granted under this Act authorising a person to provide adult entertainment.

amenity, of a community or locality, means—

(a) the atmosphere, ambience, character and pleasantness of the community or locality; and

(b) the health and safety of persons who live in, work in or visit the community or locality and the comfort or enjoyment they derive from the community or locality.

Anzac Day event, for an RSL or Services Club, means an event or occasion organised by the club to commemorate Anzac Day.

approval means—

(a) for parts 5A and 5B—an approval under part 5A as a trainer for the licensee's course; or

(b) for an approved manager—an approval to be an approved manager under part 5C; or

(c) for a controller—an approval under part 5D for the holder of the approval to work as a controller.

approved area has the meaning given by section 103P(1).

approved arrangement means a lease, sublease, franchise agreement or management agreement entered into by the holder of a commercial special facility licence if the commissioner has approved the lease or sublease or the entering into of the agreement for the purposes of section 153(3).

approved evaluator, for part 6AA, see section 173EE.

approved extended trading hours, for licensed premises, means the trading hours mentioned in an extended trading hours approval for the premises that is endorsed, under section 85(1), on the licence.

approved form means a form approved by the commissioner under section 234A.

approved ID scanner, for part 6AA, see section 173EE.

approved ID scanning system, for part 6AA, see section 173EE.

approved operator, for part 6AA, see section 173EE.

approved risk-assessed management plan, for premises, means a risk-assessed management plan or revised risk-assessed management plan approved under section 51 for the premises, and includes the plan as changed under section 52 or 52A.

approved training course means a course, prescribed under a regulation, about the responsible service of liquor.

artisan distillery means premises—

(a) at which spirits are produced under—

(i) a producer/wholesaler licence or an artisan producer licence (spirits); or

(ii) an equivalent licence issued under the law of another State; and

(b) at which no more than 450,000 litres of spirits are produced in any financial year.

artisan producer licence (beer) see section 75B(2).

artisan producer licence (spirits) see section 75B(3).

artisan spirits means—

(a) spirits produced in an artisan distillery; or

(b) liqueur produced using spirits produced in an artisan distillery.

associate has the meaning given by section 4C.

banning order, for regulated premises, for part 6AA, see section 173EE.

bar licence means a commercial other licence for conducting a business with the principal activity mentioned in section 70.

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boat means a boat, ship or other vessel of any size or kind, and includes a hovercraft.

car park means an area with a surface designed or adapted for the parking of vehicles, whether or not the area is being used for that purpose.

car park approval see section 142ZZE(2).

change day—

(a) for part 12, division 7, subdivision 1—see section 276; and

(b) for part 12, division 7, subdivision 2—see section 282.

club means an association of persons who meet periodically—

(a) with an interest in promoting some object; or

(b) for social purposes.

code means the adult entertainment code made and approved under section 103N.

column 1 licence, for part 12, division 8, see section 288.

column 1 permit, for part 12, division 8, see section 288.

column 2 licence, for part 12, division 8, see section 288.

column 2 permit, for part 12, division 8, see section 288.

commercial complex means a place where a group of retail or commercial premises are located in close proximity to each other, including, for example, a shopping complex.

commercial sexual service—

(a) has the meaning given by the Criminal Code, section 1; but

(b) does not include a sexual act mentioned in the definition mentioned in paragraph (a) if—

(i) the act comprises adult entertainment provided under an entertainment permit by an adult who is

not a person with an impairment of the mind under the Criminal Code, section 1; and

(ii) the act is authorised under the permit.

commissioner means the Commissioner for Liquor and Gaming under the *Gaming Machine Act 1991*.

community area means a community area under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

community justice group means a community justice group established under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 4.

community police officer means a person who is—

(a) appointed as a community police officer under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* for a community area; and

(b) authorised under that Act to exercise the powers of an investigator under part 7 of this Act for the administration and enforcement of a prescribed provision and sections 168B, 169 and 171 in the area.

compliance order means an order made under section 46.

controller means a person who supervises the provision of adult entertainment.

control order see the *Penalties and Sentences Act 1992*, section 161N.

corporatised corporation means a corporate entity under the *Local Government Act 2009*.

council means—

(a) an indigenous local government under the *Local Government Act 2009*; or

(c) the Council of the Shire of Aurukun; or

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(d) the Council of the Shire of Mornington.

craft beer means beer produced in a craft brewery.

craft brewery means premises—

(a) at which beer is produced under—

(i) a producer/wholesaler licence or an artisan producer licence (beer); or

(ii) an equivalent licence issued under the law of another State; and

(b) at which no more than 5 million litres of beer are produced in any financial year.

criminal intelligence see the Criminal Code, section 86(3).

crowd controller, for part 5, division 6, see section 142AD.

current licensee's course certificate means a licensee's course certificate that is in force.

current training course certificate means a training course certificate that is in force.

declaration, for part 5, division 7, see section 142AM.

declared extended trading hours, for part 5, division 7, see section 142AM.

defence member means any of the following persons in possession of a current service identity card—

(a) a member of the Permanent Naval Forces, the Australian Regular Army, the Regular Army Supplement or the Permanent Air Force;

(b) a member of the Emergency Forces or the Reserve Forces who is rendering continuous full-time service.

designated public place, for part 6A, division 3, see section 173K.

detached bottle shop means premises approved by the commissioner as mentioned in section 60(1)(d), even if the

premises are subsequently relocated under section 154A or transferred under section 154B.

development approval means—

(a) a development approval under the Planning Act; or

(b) a PDA development approval under the *Economic Development Act 2012*.

digital authority see the *Transport Planning and Coordination Act 1994*, section 29AC.

digital device see the *Transport Planning and Coordination Act 1994*, section 29AB.

digital evidence of age see the *Transport Planning and Coordination Act 1994*, section 29AD.

digital evidence of identity see the *Transport Planning and Coordination Act 1994*, section 29AE.

disciplinary action, relating to a licence, means—

(a) cancelling the licence; or

(b) suspending the licence—

(i) for a stated period; or

(ii) until further ordered by the commissioner up to a maximum period of 1 year; or

(c) closing the licensed premises, or part of the licensed premises, for a stated period; or

(d) varying the licence by—

(i) stating in the licence a condition to which it is to be subject; or

(ii) otherwise limiting the authority conferred by the licence; or

(da) cancelling an extended trading hours approval endorsed on the licence; or

(e) reducing the times at which the licensee may conduct business under authority of the licence; or

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(f) disqualifying the licensee from holding a licence or permit—

(i) for a stated period; or

(ii) until further ordered by the commissioner up to a maximum period of 5 years; or

(g) requiring the licensee to pay to the department an amount of not more than $10,000; or

Note—

The department may require the licensee to pay the department an amount of not more than $10,000 for each ground for which disciplinary action is taken—see part 5, division 3, subdivision 3 (Disciplinary action relating to licences).

(h) requiring the licensee to undertake the licensee's course within a stated period; or

(i) reprimanding the licensee.

disqualified person means a person disqualified under section 228A from holding a licence or permit.

division 5 notice, for part 5D, division 5, see section 142ZT(1).

document, for part 7, see section 173R.

executive officer, of a corporation or unincorporated association, means a person who is concerned with, or takes part in, the corporation's or association's management, or who is in a position of authority or influence in relation to the corporation or association, whether or not the person is a director or committee member or the person's position is given the name of executive officer or committee member.

exempt class, for part 6AA, see section 173EE.

exemption notice see section 155AL.

exempt licensee, for a safe night precinct, see section 173NB(2).

exempt minor see section 155.

exit, of premises, for part 5, division 6, see section 142AD.

extended trading hours approval see section 84.

family, of an individual, means all of the following—

(a) the individual's spouse;

(b) each of the individual's children who is 18 years or more, including a stepchild, an adopted child and a person for whom the individual was foster-parent or guardian when the person was a child;

(c) each of the individual's parents, including a step-parent, and a person who was a foster-parent or guardian for the individual when the individual was a child;

(d) each of the individual's siblings who is 18 years or more, including a step-sibling and a person who was a foster-sibling when the individual was a child.

fee includes a tax.

function see section 4A.

fundraising event means an event or occasion that—

(a) is held primarily for the purpose of raising funds for the benefit of the community; and

(b) is either of the following—

(i) a one-off small regional show;

(ii) another one-off event or occasion starting and ending on the same day.

further action, for part 5D, division 5, see section 142ZR(3)(c).

have in possession includes have under control in any place, whether for the use or benefit of the person in relation to whom the term is used or another person, even though another person has the actual possession or custody.

identified organisation, for part 6, division 5, see section 173EA.

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ID scanner, for part 6AA, see section 173EE.

ID scanning system, for part 6AA, see section 173EE.

immediate suspension notice, for part 5D, division 5, see section 142ZR(2).

incident register, for part 5, division 6, see section 142AD.

incorporated association see the *Associations Incorporation Act 1981*, schedule 2.

indigenous regional council means an indigenous regional council under the *Local Government Act 2009*.

industrial canteen licence means a commercial other licence for conducting a business with the principal activity mentioned in section 71A.

information notice, for a decision of the commissioner, means a written notice stating the following—

(a) the decision and the reasons for it;

(b) that the person to whom the notice is given may apply to the commissioner for a review of the decision;

(c) how the person may apply for a review.

interested person, in section 43 and part 5, division 3, subdivision 3, means a person who—

(a) is an owner, lessee or mortgagee of licensed premises or a secured creditor of a licensee whose interest is likely to be affected by cancellation of the licence for the premises; and

(b) has, under section 44A(2), given the commissioner particulars of the person's interest in the licence.

interest in a sex work business—

1 A person has an *interest in a sex work business* if the person—

(a) operates, manages or supervises the business; or

(b) owns, either alone or jointly, premises used for carrying on the business; or

(c) is the lessor of premises used for carrying on the business; or

(d) has entered into a business arrangement or relationship with another person for carrying on the business; or

(e) directly receives income from the provision of commercial sexual services provided by the business; or

(f) is able to exercise a significant influence over the carrying on of the business; or

(g) is a member of the family of a person mentioned in paragraph (a), (b), (c), (d), (e) or (f); or

(h) is an executive officer of a corporation that is a person mentioned in paragraph (a), (b), (c), (d), (e) or (f).

3 However, a financial institution that is a mortgagee of premises used for carrying on a sex work business does not have an *interest in a sex work business* only because the institution is a mortgagee of the premises.

4 Also, for paragraph 1(d), (e) and (f), a sex worker who provides commercial sexual services in the carrying on of a sex work business does not have an *interest in a sex work business* merely because the sex worker is entitled by way of remuneration to a proportion of the payments made for the provision of the services by the sex worker.

investigator means—

(a) a person authorised under section 174(1); or

(b) a police officer; or

(c) for the administration and enforcement of sections 168B, 169 and 171—a community police officer.

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irresponsible, in relation to consumption of liquor, includes rapid or excessive.

licence includes a licence granted or provisionally granted, and a staged development approval issued, under this Act.

licence period means the period for which a fee is payable in respect of a licence or permit.

licensed premises means premises to which a licence relates, and includes premises approved under section 125 for sale of liquor.

licensee means the holder of a licence, and includes a person prescribed to be subject to this Act as if the person were a licensee.

licensee, for part 6AA, division 4, see section 173EE.

licensee ban, for part 6AA, see section 173EE.

licensee member, of the local board of a safe night precinct, see section 173NL(2).

licensee's course see section 142A(1).

licensee's course certificate means a certificate in the approved form—

(a) given to a person, for satisfactorily completing the licensee's course, by someone who holds an approval under part 5A as a trainer for the course; and

(b) stating the certificate remains in force for ~~3~~5 years after it is given to the person.

liquor see section 4B.

local board, for a safe night precinct, see section 173NC(2).

main premises, for part 4A, division 2, see section 101.

management committee, for a local board, means the board's management committee formed under the *Associations Incorporation Act 1981*.

meal means food that—

(a) is eaten by a person sitting at a table, or fixed structure used as a table, with cutlery provided for the purpose of eating the food; and

(b) is of sufficient substance as to be ordinarily accepted as a meal.

MEDQ means MEDQ under the *Economic Development Act 2012*.

mortgagee includes a lienee.

non-profit entity see section 11A.

non-proprietary club means an association of persons under whose constitution—

(a) the income, profits and assets of the association are to be applied only in promotion of its objects; and

(b) the payment of dividends to, or the distribution of income, profits or assets of the association among, its members is prohibited.

ordinarily set aside for dining, for a part of licensed premises, means the part of the licensed premises that is set aside as the regular or usual place for dining on the licensed premises, but does not include a part of the licensed premises set aside merely for a particular day.

original decision, for a review under part 5B, see section 142N(1).

patron, in relation to licensed premises or premises to which a permit relates, includes a person entering or seeking to enter the premises to use the areas, facilities or services on offer at the premises.

PDA-associated land, for a priority development area, see the *Economic Development Act 2012*, schedule 1.

permit means a permit granted under this Act.

permittee means the holder of a permit, and includes a person prescribed to be subject to this Act as if the person were a permittee.

Not authorised—indicative only

Not authorised—indicative only

photo ID, for a person, for part 6AA, see section 173EE.

place includes vacant land or premises.

Planning Act means the *Planning Act 2016*.

police district officer, for a locality, means a police officer who is the local police representative responsible for giving and receiving advice about liquor licensing issues under this Act for the locality.

police information report, for part 5D, see section 142ZO(4).

police service means the Queensland Police Service.

post-amended Act means—

(a) for part 12, division 6, see section 268; or

(b) for part 12, division 8, see section 288.

pre-amended Act means—

(a) for part 12, division 6, see section 268; or

(b) for part 12, division 8, see section 288.

premises includes—

(a) land; and

(b) a building or structure on or in land; and

(c) a vehicle, boat, aircraft, train or other means of transport.

prescribed offence means—

(a) an offence against the Criminal Code, section 76; or

(b) an offence mentioned in the Criminal Code, part 2, chapter 9A; or

(c) an offence against the *Peace and Good Behaviour Act 1982*, section 32, 54 or 75; or

(d) an offence that is—

(i) a prescribed offence within the meaning of the *Penalties and Sentences Act 1992*, section 161N; and

(ii) committed with a serious organised crime circumstance of aggravation within the meaning of the *Penalties and Sentences Act 1992*, section 161Q; or

(e) an offence against the *Penalties and Sentences Act 1992*, section 161ZI.

prescribed provision means the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 34.

prescribed quantity see section 173H(2).

priority development area means a priority development area under the *Economic Development Act 2012*.

private event see section 101.

producer/wholesaler licence means a commercial other licence for conducting a business with the principal activity mentioned in section 72.

prohibited item, for part 6, division 5, see section 173EA.

prohibited person, for part 6, division 5, see section 173EA.

promotional event means an event held primarily for the purpose of promoting produce from a particular region or the hospitality industry.

Examples of events held primarily for the purpose of promoting produce from a particular region—

craft market, farmers market, agricultural show, food and wine event

Examples of events held primarily for the purpose of promoting the hospitality industry—

trade fair, craft beer festival

proposed action—

(a) for part 5C—see section 142ZB(2)(a); or

Not authorised—indicative only

Not authorised—indicative only

(b) for part 5D, division 5—see section 142ZS(3)(a).

provisional licence means a licence issued under section 123(2).

public event see section 101AA.

racing offence provision means any of the following provisions—

(a) the *Racing Integrity Act 2016*, sections 221 and 223;

(b) the *Racing Act 2002*, section 321 or 323.

Editor's note—

Sections 321 and 323 of the *Racing Act 2002* were omitted by the *Racing Integrity Act 2016*, section 371.

rapid intoxication drink, for part 6, division 1B, see section 155AG.

reciprocal club, in relation to a club with a community club licence, community other licence or restricted liquor permit (the ***relevant club***), means another club whose members have privileges at the relevant club because of arrangements between the clubs.

register means the register kept under section 43.

registered corresponding control order see the *Penalties and Sentences Act 1992*, section 161N.

regulated car park, for licensed premises, means a car park, or part of a car park, that is in or on the licensed premises.

regulated hours, for regulated premises, for part 6AA, see section 173EE.

regulated premises, for part 6AA, see section 173EE.

related body corporate has the same meaning as in the *Corporations Act 2001* (Cwlth), section 9.

relevant action, relating to an adult entertainment permit, means—

(a) cancel the permit; or

(b) suspend the permit for a stated period; or

(c) impose conditions on, or vary conditions of, the permit.

relevant agreement, for part 5, division 3A, see section 139A(b).

relevant licence—

(a) for part 12, division 7, subdivision 1—see section 276; and

(b) for part 12, division 7, subdivision 2—see section 282.

relevant licensee, for a safe night precinct, see section 173NB(1).

relevant period, for a development approval for the use of land for licensed premises, means the first of the following periods to end—

(a) the period at the end of which the approval, or the part of the approval for the use, lapses under the Planning Act or the *Economic Development Act 2012*;

(b) 4 years after the day the approval takes effect.

relevant public sector entity means—

(a) an entity controlled by 1, or more than 1, local government; or

(b) an entity controlled by an entity mentioned in paragraph (a).

relevant restricted area means a restricted area to which section 168B applies because of a declaration under section 173H.

remote industrial locality, for part 3A, division 4, subdivision 5, see section 71.

resident, in relation to licensed premises or premises to which a permit relates, means a resident of the premises.

restricted area means an area declared under section 173G(1) to be a restricted area.

Not authorised—indicative only

Not authorised—indicative only

restricted period, for part 6, division 1B, see section 155AH(1).

restriction, on the sale or supply of rapid intoxication drinks for part 6, division 1B, see section 155AI(2).

risk-assessed management plan, for premises, means a document containing information about the procedures and practices, relating to the matters prescribed by regulation, for the conduct of business at the premises.

RSL honorary member means a person who is—

(a) a member of the Returned & Services League of Australia through any branch of that league in Australia; and

(b) a member of an RSL or Services Club.

rules, of a local board, means the rules of the local board under the *Associations Incorporation Act 1981*.

safe night precinct see section 173NC(1).

secretary, of a club, means the principal executive officer of the club, by whatever name called, whether or not the person is a member of the club.

sell includes—

(a) barter or exchange; and

(b) offer, agree or attempt to sell; and

(c) expose, send, forward or deliver for sale; and

(d) cause or permit to be sold or offered for sale; and

(e) supply or offer, agree or attempt to supply—

(i) in circumstances in which the supplier derives, or would be likely to derive, a direct or indirect pecuniary benefit; or

(ii) gratuitously, but to gain or keep custom or other commercial advantage.

sex work business means a business in which commercial sexual services are provided by 2 or more persons.

show cause notice—

(a) for part 5C—see section 142ZB(1); or

(b) for part 5D, division 5—see section 142ZS(2).

show cause period—

(a) for part 5C—see section 142ZB(2)(e); or

(b) for part 5D, division 5—see section 142ZS(3)(e).

significant public event, for part 5, division 7, see section 142AM.

small regional show means a function that is an agricultural, horticultural, industrial or pastoral show or exhibition, held at a rural place in Queensland, if the show or exhibition meets criteria prescribed under a regulation for this definition relevant to minimising adverse effects on—

(a) the health or safety of members of the public; and

(b) the amenity of the community.

Examples of criteria that may be prescribed under a regulation—

- the maximum number of persons expected to attend the show or exhibition having regard to attendance at the show or exhibition in previous years
- the maximum period during which liquor is to be sold at the show or exhibition
- the maximum duration of the show or exhibition

staff member, of regulated premises, for part 6AA, see section 173EE.

staged development approval see section 123A(2).

standard drink means a drink containing not more than 12.5mL of ethyl alcohol (ethanol).

subsidiary off-premises licence means a commercial other licence for conducting a business with the principal activity mentioned in section 68.

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Not authorised—indicative only

subsidiary on-premises licence means a commercial other licence for conducting a business with the principal activity mentioned in section 67.

subsidiary on-premises licence (meals) means a subsidiary on-premises licence—

(a) to which section 67 applies, if the principal activity stated in the licence is the provision of prepared food to be eaten on the licensed premises; or

(b) to which section 67A applies.

system failure, for regulated premises, for part 6AA, see section 173EE.

takeaway liquor means liquor that is sold on licensed premises to be consumed off the licensed premises.

takeaway meal means food that—

(a) is ordinarily eaten by a person sitting at a table with cutlery provided; and

(b) is of sufficient substance as to be ordinarily accepted as a meal; and

(c) is sold on licensed premises to be consumed off the licensed premises.

trading period, for part 5, division 6, see section 142AD.

training course certificate means—

(a) a certificate given to a person for satisfactorily completing an approved training course; or

(b) a licensee's course certificate.

tribunal means QCAT.

tribunal Act means the QCAT Act.

unlicensed person means a person who is not the holder of—

(a) a licence under this Act; or

(b) a licence under the *Wine Industry Act 1994*; or

(c) an approval, however described, under a law of the Commonwealth or a State that allows the approval holder to sell liquor.

unlicensed premises means premises to which a licence or permit does not relate.

unreasonable noise, in relation to licensed premises, means noise that—

(a) exceeds the limits (if any) prescribed by regulation; or

(b) contravenes a compliance order that applies to the premises; or

(c) contravenes a condition that applies to the licence or permit for the premises.

wine has the meaning given by the *Wine Industry Act 1994*.

4A Meaning of *function*

(1) ***Function*** is an event or occasion to which persons are invited by, or for, the organiser of the event or occasion.

(2) However, ***function*** does not include an event or occasion organised—

(a) by the owner or licensee of the licensed premises where the event or occasion is held if the event or occasion is for the owner's or licensee's own benefit; or

(b) by someone else if the owner or licensee of the premises where the event or occasion is held is entitled to receive a benefit other than a charge for using the premises and providing catering facilities.

4B Meaning of *liquor*

(1) ***Liquor*** is a spirituous or fermented fluid or another substance—

(a) in which the level of ethyl alcohol (ethanol) is more than 0.5% by volume at 20ºC; and

Not authorised—indicative only

Not authorised—indicative only

(b) that is intended for human consumption.

Examples of spirituous or fermented fluids—

alcoholic cocktails, beers, liqueurs, pre-mixed alcoholic drinks, spirits and wines

Examples of other substances—

aerosol sprays, ice confections, jellies and powders

(2) ***Liquor*** also includes any other substance containing ethyl alcohol (ethanol) that is prescribed by regulation as liquor.

4C Meaning of *associate*

(1) For an adult entertainment permit, a person is an ***associate*** of an individual if the person—

(a) is a member of the individual's family; or

(b) has entered into a business arrangement or relationship with the individual for the provision of adult entertainment; or

(c) is the owner or lessor, either alone or jointly, of premises used or proposed to be used for the provision of adult entertainment under an adult entertainment permit.

(2) A person is an ***associate*** of a corporation if the person is an executive officer of the corporation.

Division 3 Key concepts

5 Who is a responsible adult for a minor

Each of the following persons is a responsible adult for a minor—

(a) a parent, step-parent or guardian of the minor;

(b) an adult who has parental rights and responsibilities for the minor.

6 Acceptable evidence of age

(1) For this Act, acceptable evidence of the age of a person is a document, issued to the person, that—

(a) is 1 of the following—

(i) a photo identification card;

(ii) a recognised proof of age card;

(iii) an Australian driver licence;

(iv) a foreign driver licence;

(v) an Australian or foreign passport; and

(b) is current; and

(c) bears a photo of the person; and

(d) indicates, by reference to the person's date of birth or otherwise, the person has attained a particular age.

(1A) Also, for this Act, acceptable evidence of the age of a person is—

(a) a digital authority that complies with subsection (1)(c) and (d); or

(b) a digital evidence of age; or

(c) a digital evidence of identity.

(2) In this section—

Australian driver licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

authorised entity means—

(a) an entity of the Commonwealth or another State performing functions similar to the functions of the chief executive under the *Photo Identification Card Act 2008*; or

(b) an entity—

Not authorised—indicative only

Not authorised—indicative only

(i) approved by an entity mentioned in paragraph (a) to issue documents used as evidence of the age of persons; and

(ii) approved, in writing, by the commissioner.

foreign driver licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

photo identification card see the *Photo Identification Card Act 2008*, section 5.

recognised proof of age card means a document issued to a person, by an authorised entity, for the purpose of evidencing the age of the person.

7 Presumed quantity of liquor

For the purposes of this Act—

(a) 12 containers each containing at least 700mL of liquor, or 24 containers each containing at least 345mL of liquor, are to be taken to contain a total quantity of 9L of liquor; and

(b) 6 containers each containing at least 700mL of liquor, or 12 containers each containing at least 345mL of liquor, are to be taken to contain a total quantity of 4.5L of liquor.

8 Venue of sale of liquor

For the purposes of this Act, a sale of liquor happens on premises in which is situated the store of liquor from which liquor is appropriated to the contract of sale.

9 Ordinary trading hours

(1) The authority conferred by a licence to sell liquor on licensed premises during ordinary trading hours—

(a) extends only to selling liquor during hours that are, under this section, the ordinary trading hours of the premises; and

(b) if a provision of this section specifies conditions for selling liquor at specified times on specified licensed premises—extends only to selling liquor on the premises, at those times, in accordance with those conditions.

(1A) Subject to subsections (2) and (3), on any day other than Good Friday or Christmas Day, the ordinary trading hours of licensed premises are between 10a.m. and 12 midnight, unless the premises are any of the following—

(a) premises to which a producer/wholesaler licence relates;

(b) premises to which an industrial canteen licence relates;

(c) premises to which a commercial special facility licence for an airport or a casino relates;

(d) premises to which a commercial hotel licence, community club licence, commercial special facility licence or subsidiary on-premises licence (meals) relates, for the sale of takeaway liquor;

(e) premises to which an artisan producer licence relates.

(1B) Subject to subsections (2) to (3A), on any day other than Good Friday or Christmas Day, ordinary trading hours of licensed premises to which a commercial special facility licence for an airport or a casino relates are between 5a.m. and 12 midnight.

(1C) Subject to subsections (2) to (3A), on any day other than Good Friday or Christmas Day, ordinary trading hours of premises to which a commercial hotel licence, community club licence, commercial special facility licence or subsidiary on-premises licence (meals) relates, for the sale of takeaway liquor, are between 10a.m. and 10p.m.

Not authorised—indicative only

Not authorised—indicative only

(1D) Subject to subsections (2) and (3), on any day other than Good Friday or Christmas Day, ordinary trading hours of licensed premises to which an artisan producer licence relates are—

(a) for the sale of liquor for consumption on the premises—between 10a.m. and 12 midnight; or

(b) for the sale of liquor for consumption off the premises, other than the sale of liquor by wholesale—between 10a.m. and 10p.m.; or

(c) for the sale of liquor by wholesale—the trading hours of the premises under the *Trading (Allowable Hours) Act 1990*.

(2) If an order of the commissioner that is directed to reducing the trading hours of specified licensed premises specifies days on which, or times at which, liquor may be sold on the premises, the ordinary trading hours of those licensed premises are the trading hours specified in the order.

(3) On Anzac Day, ordinary trading hours—

(a) of all licensed premises—do not include any period before 1p.m. on Anzac Day except—

(i) for sale of liquor to a person to consume on the premises in association with the consumer eating a meal in a part of the premises ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises between 10a.m. and 1p.m., or the period between 6a.m. and 1p.m. that the commissioner approves in a particular case; or

(ii) as specified in paragraph (b) and subsection (3A);

(b) of licensed premises on the premises of an RSL or Services Club—subject to subsection (2), include the period from 5a.m. until 1p.m. on Anzac Day.

(3A) Subject to subsection (2), if a licence condition of a commercial special facility licence relating to an airport or casino specifies the trading hours for the licensed premises on

Anzac Day, the ordinary trading hours on Anzac Day are the hours specified in the condition.

(4) Subject to subsections (2), (3) and (7), the ordinary trading hours of licensed premises to which a producer/wholesaler licence relates are the trading hours of the premises under the *Trading (Allowable Hours) Act 1990*.

(5) Subject to subsections (2) and (6), on Good Friday and Christmas Day ordinary trading hours of all licensed premises, other than premises to which a producer/wholesaler licence relates or premises to which subsection (5A) applies, are—

(a) for sale of liquor to a person to consume on the premises in association with the consumer eating a meal in a part of the premises ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises—between 10a.m. and 12 midnight; or

(b) for other sale of liquor—nil.

(5A) Subject to subsection (2), if a licence condition of a commercial special facility licence relating to an airport or casino specifies the trading hours for the licensed premises on Good Friday or Christmas Day, the ordinary trading hours on that day are the hours specified in the condition.

(6) Subject to subsection (2), if a sporting event is held at a major sports facility on Good Friday, the ordinary trading hours of licensed premises at the major sports facility on Good Friday are between 12 noon and 12 midnight.

(7) If the licensee of licensed premises to which a producer/wholesaler licence relates is a producer of liquor, then, on any day on which the premises may, under subsection (4), be lawfully open for trading, and subject to subsections (2) and (3), ordinary trading hours of the premises are—

(a) for sale of liquor, produced or made on the premises, to a person to consume on the premises in association with the consumer eating a meal in a part of the premises

Not authorised—indicative only

Not authorised—indicative only

ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises; or

(b) for sale of liquor produced or made on the premises to a visitor to the premises as a souvenir of the visit;

such period between 10a.m. and 12 midnight as the commissioner approves in a particular case.

(12) In respect of licensed premises to which a commercial hotel licence, community club licence or commercial special facility licence relates, the commissioner may approve, as ordinary trading hours, different hours for different parts of the licensed premises.

(13) The ordinary trading hours of licensed premises for New Year's Eve day are the ordinary trading hours for the premises for the day and, if the ordinary trading hours would end before 2a.m. on New Year's Day, the ordinary trading hours are extended until 2a.m.

(14) In this section—

major sports facility see the *Major Sports Facilities Act 2001*, schedule 2.

9A When a person may be taken to be unduly intoxicated

For this Act, a person may be taken to be unduly intoxicated if—

(a) the person's speech, balance, coordination or behaviour is noticeably affected; and

(b) there are reasonable grounds for believing the affected speech, balance, coordination or behaviour is the result of the consumption of liquor, drugs or another intoxicating substance.

10 When supply of liquor is in association with eating a meal

For the purpose of this Act, a sale or supply of liquor may be taken as being in association with the consumer eating a meal if the liquor is supplied on premises—

(a) to a consumer who has indicated a genuine intention of eating a meal on the premises, within 1 hour before the consumer orders the meal; or

(b) after the consumer orders the meal and before he or she finishes eating it; or

(c) within 1 hour after the consumer has finished eating the meal;

and at no other times.

10A When meal is taken not to have been prepared and served to be eaten on premises

(1) For this Act, a meal is taken not to have been prepared and served to be eaten on premises if the preparation does not involve adding value to the food comprising the meal.

(2) Without limiting subsection (1), a person does not add value to food comprising a meal by merely heating a product the person purchased.

Example for subsection (2)—

A person does not add value to food if the person heats a prepackaged pie or other item and serves it.

(3) However, the preparation of a meal is taken to involve adding value to the food comprising the meal if the meal forms part of a menu and the majority of menu items offered and available are meals the preparation of which otherwise involves adding value to the food comprising the meals.

11 Public place

(1) For the purposes of this Act, a public place includes—

Not authorised—indicative only

Not authorised—indicative only

(a) any premises to which the public has access as of right, or with the express or tacit consent, or permission, of the owner or occupier of the premises at the time material to the application of this Act in respect of the premises; and

(b) any doorway, entrance or vestibule that gives access to premises from a public place under paragraph (a).

(2) Premises may be a public place under subsection (1) even if, at the material time—

(a) access to the premises depends on payment of a price for admittance or fulfilment of some other condition; or

(b) no person is on, or seeking access to or from, the premises.

Division 4 Exemptions and related matters

Subdivision 1 Exemptions

11A Meaning of *non-profit entity*

(1) A ***non-profit entity*** is—

(a) a non-proprietary club; or

(b) another entity approved by the commissioner.

(2) The commissioner may approve an entity under subsection (1)(b) in relation to the sale of liquor only if the commissioner is satisfied all the net proceeds from the sale will be used for the benefit of the community.

12 Exemption for taking, removing or carrying liquor in particular circumstances

A provision of this Act that prohibits—

(a) taking liquor into premises to which a licence or permit relates; or

(b) removing liquor from premises to which a licence or permit relates; or

(c) carrying liquor for sale;

whether absolutely or at a particular time, does not apply to a carrier, delivery person or other person engaged in delivering liquor to, or collecting liquor from, any such premises or carrying liquor in the ordinary course of lawful business.

13 Exemption for the sale of liquor at fundraising event

(1) This Act does not apply to a sale of liquor by an eligible entity at a fundraising event if—

(a) all the net proceeds from the sale of liquor will be used for the benefit of the community; and

(b) the sale of liquor is ancillary to the fundraising event; and

(c) the liquor is sold between 7a.m. and midnight; and

(d) for a fundraising event other than a small regional show—the liquor is sold during a period not exceeding a total of 8 hours; and

(e) the liquor is sold in open containers for consumption at the event; and

(f) the liquor is sold by an adult; and

(g) the eligible entity ensures the sale of liquor does not create an unsafe environment at the event.

Example of when the sale of liquor creates an unsafe environment at the event—

the entity allows a person to whom the liquor is sold to remain at the event when the person is clearly unduly intoxicated, behaving in a disorderly way, causing a disturbance to other persons or demonstrating violent behaviour

Not authorised—indicative only

Not authorised—indicative only

(2) However, this Act does apply to the sale of liquor at a fundraising event if—

(a) the liquor is sold at the event in a manner that encourages the irresponsible consumption of liquor; or

(b) the liquor is sold at the event to a person who—

(i) is a minor; or

(ii) is unduly intoxicated or disorderly; or

(c) the liquor is sold on Christmas Day or Good Friday or before 1p.m. on Anzac Day; or

(d) the event is held—

(i) in a relevant restricted area; or

(ii) at licensed premises or premises to which a permit relates.

(3) For subsection (1), an entity is an ***eligible entity*** for the sale of liquor at a fundraising event if—

(a) it is a non-profit entity for the event; and

(b) neither the entity nor an executive officer of the entity has, within 6 months immediately before the event, been given a non-compliance notice under section 14C(3) stating that the sale of liquor must cease immediately; and

(c) neither the entity nor an executive officer of the entity has, within the 5 years immediately before the event, been convicted of an offence under any of the following—

(i) section 155A;

(ii) section 156;

(iii) section 156A;

(iv) section 169; and

(d) for an entity or an executive officer of the entity that is a licensee or permittee, neither the entity nor the

executive officer has, within the 5 years immediately before the event—

(i) been given a written notice for an urgent suspension of the entity's or executive officer's licence under section 137C; or

(ii) been convicted of an offence under section 142ZZ or 142ZZB; or

(iii) breached a condition of a licence or permit relating to minimising alcohol-related disturbances, or public disorder, in a locality.

(4) However, an entity is not an ***eligible entity*** if, when the fundraising event is held, the entity or an executive officer of the entity is disqualified from holding a licence under part 5, division 3, subdivision 3.

(5) In this section—

executive officer, of an entity, means—

(a) if the entity has a management committee—each member of the committee; or

(b) otherwise—each member of the entity who is concerned with, or takes part in, the management of the entity.

14 Exemption for the sale of liquor as part of fundraising raffle

This Act does not apply to a sale of liquor forming part of a prize for a raffle if—

(a) the raffle is conducted by a non-profit entity; and

(b) all the net proceeds of the sale of raffle tickets for the prize will be used only—

(i) for a non-proprietary club—to promote the objects of the non-profit entity; or

(ii) for another entity—for the benefit of the community; and

Not authorised—indicative only

Not authorised—indicative only

(c) the total value of the liquor forming part of the prize is not more than $1,000; and

(d) raffle tickets for the prize are sold to an adult person, other than a person who is unduly intoxicated; and

(e) the liquor forming part of the prize is given to an adult person, other than a person who is unduly intoxicated; and

(f) the raffle is conducted in an area other than a relevant restricted area.

14A Exemption for hospitals and nursing homes

(1) This Act does not apply to a sale of liquor—

(a) in a nursing home, other than a nursing home in a relevant restricted area, to an adult resident of the nursing home, or an adult guest of a resident of the nursing home, if the quantity of liquor sold to the resident or guest is not more than 2 standard drinks in a day; or

(b) in a hospital, other than a hospital in a relevant restricted area, to an adult inpatient of the hospital, if the quantity of liquor sold to the inpatient is not more than 2 standard drinks in a day.

(2) In this section—

hospital means—

(a) a hospital operated by the State; or

(b) a private hospital under the *Private Health Facilities Act 1999*.

nursing home means a facility in which residential care is provided in relation to an allocated place under the *Aged Care Act 1997* (Cwlth).

14AB Exemption for particular liquors

(1) This Act does not apply to liquor if it is to be used only as—

(a) a preservative or medium in which fruit is offered for sale to the public in sealed containers and with the contents visible; or

(b) a food additive or an ingredient for food preparation; or

Examples of food additives or ingredient for food preparation—

Chinese cooking wine and soy sauce

(c) a personal hygiene product that is not swallowed; or

Examples of personal hygiene products—

perfumes, mouthwashes and topical disinfectants

(d) a medicine or for medicinal or chemical purposes.

Example of a substance used as a medicine or for medicinal or chemical purposes—

cough syrup

(2) However, this Act does apply to a substance that is liquor mentioned in subsection (1) if—

(a) the substance is being used as a beverage or for manufacturing a beverage; or

(b) all of the following apply—

(i) a regulation prescribes the substance for this paragraph;

(ii) the substance is sold otherwise than by wholesale;

(iii) if the regulation prescribes a maximum amount of the substance that may be contained in a container in which the substance is sold—the substance is sold in a container containing more than the amount prescribed.

14B Other exemptions for the sale of liquor

(1) This Act does not apply to the following—

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Not authorised—indicative only

(a) a sale of liquor to an adult in Parliament House by permission and under control of the Parliament;

(b) a sale of liquor in the lawful operation of an Australian Defence Force canteen;

(c) a sale to an adult at an auction, other than an auction in a relevant restricted area, conducted by a licensed auctioneer—

(i) of liquor for a person who is authorised by this Act to sell the liquor; or

(ii) by order of a trustee under the *Bankruptcy Act 1966* (Cwlth), of liquor held by the trustee as trustee under that Act; or

(iii) by order of the executor, administrator or trustee of the estate of a deceased person, of liquor that is the property of the deceased's estate; or

(iv) by order of the public trustee, of liquor that is the property of an estate in the course of administration by the public trustee;

(d) a sale, during actual flight of an aircraft, of liquor to an adult passenger on the aircraft made for the aircraft's operator and for consumption during the flight, or carrying or exposing liquor for the sale;

(e) a sale of liquor by a provider of bed and breakfast accommodation or host farm accommodation, other than accommodation in a relevant restricted area, to an adult guest of the provider for consumption on the premises at which the accommodation is provided;

(f) a sale of liquor to an adult by the proprietor of a duty free shop, other than a duty free shop in a relevant restricted area, described in a warehouse licence under the Customs Act if—

(i) the sale takes place at the duty free shop; and

(ii) the liquor is goods specified in a permission given to the proprietor under section 96A or 96B of that Act; and

(iii) the liquor is to be delivered to the adult under the permission;

(g) a sale of liquor forming part of a floral arrangement or gift basket to be delivered as a gift to a person (the ***relevant person***) other than the purchaser of the floral arrangement or gift basket, if—

(i) the sale is part of a florist's business or the business of a person selling gift baskets; and

(ii) the relevant person is an adult; and

(iii) the gift is to be delivered to a place other than the place at which the business mentioned in subparagraph (i) is conducted; and

(iv) the gift is to be delivered to a place other than a place within a relevant restricted area; and

(v) the quantity of the liquor is not more than 2L and, if the liquor includes spirits, the quantity of spirits is not more than 1L; and

(vi) the total value of the liquor and the container in which it is supplied is not more than 75% of the gift's sale price or a lesser amount prescribed under a regulation; and

(vii) the liquor had been purchased on a retail basis;

(h) a sale of liquor in a retirement village, other than a retirement village in a relevant restricted area, to an adult who is a resident of the retirement village or an adult guest of a resident if the quantity of liquor sold to the person is not more than 2 standard drinks in a day;

(i) a sale of liquor by a hairdresser or a barber to an adult client if—

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Not authorised—indicative only

(i) the sale takes place at the premises where the hairdresser or barber conducts his or her business as part of the hairdressing or barber services provided to the client; and

(ii) the premises are not in a relevant restricted area; and

(iii) the liquor is consumed on the premises; and

(iv) the quantity of the liquor sold to the client is not more than 2 standard drinks in a day; and

(v) the liquor is not sold or consumed on Christmas Day or Good Friday or before 1p.m. on Anzac Day;

(j) a sale of liquor by a limousine licensee to an adult passenger of a limousine if—

(i) the sale takes place during the journey for which the limousine was hired; and

(ii) the liquor is not sold or consumed inside a relevant restricted area; and

(iii) the liquor is consumed inside the limousine; and

(iv) the quantity of the liquor sold to the passenger is not more than 2 standard drinks in a day; and

(v) the liquor is not sold or consumed on Christmas Day or Good Friday, before 1p.m. on Anzac Day, or on any other day between 2a.m. and 10a.m;

(k) a sale of liquor by a tour operator to an adult participant of a tour if—

(i) the sale happens during a tour booked with the operator; and

(ii) the liquor is not sold or consumed inside a relevant restricted area; and

(iii) the quantity of the liquor sold by the operator to the participant is not more than 2 standard drinks in a day; and

(iv) the liquor is not sold or consumed on Christmas Day or Good Friday, before 1p.m. on Anzac Day, or on another day between 2a.m. and 10a.m.

(2) In this section—

aircraft means an aircraft that is not licensed premises.

bed and breakfast accommodation means accommodation that—

(a) includes the provision of accommodation and breakfast for guests; and

(b) is conducted on premises (other than a caravan, caretaker's or manager's residence, flat, home unit, hostel, hotel, lodging house, motel or relocatable home) by a person who lives on the premises; and

(c) caters for a maximum of 8 adult guests at the same time; and

(d) may be provided for a guest for a maximum continuous period of 14 days.

Customs Act means the *Customs Act 1901* (Cwlth).

duty free shop means—

(a) an outwards duty free shop under section 96A of the Customs Act; or

(b) an inwards duty free shop under section 96B of the Customs Act.

host farm accommodation means accommodation that—

(a) includes the provision of accommodation and meals, or food for preparing meals, for guests; and

(b) is conducted on a farm involved in primary production by a person who manages, and lives on, the farm; and

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Not authorised—indicative only

(c) caters for a maximum of 6 guests at the same time; and

(d) may be provided for a guest for a maximum continuous period of 30 days.

limousine see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

limousine licensee means the holder of a limousine licence under the *Transport Operations (Passenger Transport) Act 1994*.

pharmacist means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession, other than as a student.

resident, of a retirement village, see the *Retirement Villages Act 1999*, section 9.

retirement village see the *Retirement Villages Act 1999*, section 5.

Subdivision 2 Notices of non-compliance

14C Notice of non-compliance for fundraising event

(1) This section applies in relation to a fundraising event held by an entity purporting to rely on section 13 if, at any time during the event, an investigator or police officer considers the entity does not qualify for the exemption under that section.

(2) The investigator or police officer may give a notice (a ***non-compliance notice***) to any of the following—

(a) the entity;

(b) the person who appears to be in charge of the sale of liquor at the event;

(c) a person selling liquor at the event.

(3) The notice must state—

(a) that the investigator or police officer believes the sale of liquor at the event is not exempt from this Act under section 13; and

(b) the reason for the investigator's or police officer's belief; and

(c) that a failure to qualify for the exemption under section 13 means the entity may be prosecuted for breaching 1 or more provisions of this Act; and

(d) either—

(i) the action the investigator or police officer considers must be taken to qualify for the exemption under section 13; or

(ii) that the sale of liquor must cease immediately.

Part 2 Jurisdiction of tribunal

Division 1 Jurisdiction of the tribunal

21 Jurisdiction and powers of tribunal

(1) The tribunal may review the decisions of the commissioner in relation to—

(a) the grant or refusal of a licence or permit or the renewal of an extended hours permit; or

(b) a review decision under section 142P; or

(c) the refusal to grant an approval for a controller under section 142ZK; or

(d) the specification of conditions in a licence or permit; or

(e) an extended trading hours approval including the grant, refusal to grant or cancellation of the approval or any variation of the conditions of the approval; or

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Not authorised—indicative only

(f) the giving of a compliance notice under section 142ZZD; or

(g) a request under section 142ZZD(8) to amend or revoke a compliance notice; or

(h) the extension of a period of time under section 155AD(7)(b); or

(i) the payment of a fee by instalments under section 209; or

(j) the taking of disciplinary action relating to a licence, the suspension (including urgent suspension) or cancellation of a licence or permit or the imposition or variation of the conditions of a permit; or

(k) the surrender of a licence or permit; or

(l) the suspension, continued suspension or cancellation of an approval for a controller under section 142ZV; or

(m) the grant or refusal of an authorisation under this Act; or

(n) an order directed to a licensee or permittee or a person holding an authorisation under this Act; or

(o) the refusal to grant an application to change an approved risk-assessed management plan; or

(p) a direction to change an approved risk-assessed management plan under section 52A; or

(q) the refusal to grant an application for an approval as an approved manager; or

(r) the refusal to renew an approval as an approved manager; or

(s) the suspension or cancellation of an approval as an approved manager; or

(t) a refusal to give an approval mentioned in section 153(1) or (3); or

(u) a withdrawal of an approval under section 139D; or

(v) a fee payable in respect of a licence; or

(w) allotment or apportionment of liability for payment, or entitlement to refund, of a fee in respect of a licence or permit; or

(x) a decision for which an information notice must be given under part 6AA; or

(y) a decision to refuse, vary or revoke an exemption from the restriction on the sale of rapid intoxication drinks under section 155AK or 155AP.

(2) In exercise of its jurisdiction, the tribunal—

(a) has—

(i) the powers and discretions of the commissioner in respect of the matter under review; and

(ii) the powers otherwise conferred on it by this Act; and

(b) has the duties imposed by this Act on the commissioner in respect of the matter under review; and

(c) is subject to the limitations imposed by this Act on the commissioner in respect of the matter under review.

Division 2 Review of decisions by tribunal

29A Definitions

In this division—

submission does not include a submission made under section 118A.

tribunal registrar means the principal registrar under the tribunal Act.

Not authorised—indicative only

Not authorised—indicative only

30 Who may apply for review of decisions

(1) A person may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the commissioner if—

(a) the person—

(i) made an application, submission or objection in the proceeding in which the decision was made; or

(ii) if the decision is to take disciplinary action relating to, or the urgent suspension of, a licence, to cancel or suspend a permit or to impose or vary the conditions of a permit—is the licensee or permittee; and

(b) the person is aggrieved by the decision.

(2) However, if, under section 111(2), the commissioner decides to vary conditions of a licence or permit relating to a restricted area, a person who made a submission or objection in the proceeding for the variation is not entitled to apply to the tribunal for a review of the commissioner's decision.

(3) In this section—

objection includes an objection made by the Minister under section 119A.

31 Failure to notify about decision

(1) This section applies if the commissioner fails to notify an applicant of the grant or refusal of an application within 30 days after the end of the time within which all steps required or permitted by this Act to be taken relating to the application must be taken.

(2) For the purposes of a review by the tribunal, the commissioner is taken to have given to the applicant notice of a decision to refuse the application at the end of the period of 30 days.

32 Notification of review to interested persons

(1) As soon as practicable after receiving notice of an application for a review under section 30, the commissioner must give to the principal registrar written notice of the names and addresses (as last known to the commissioner) of all persons who made an application, submission or objection in the proceeding relevant to the review.

(2) The principal registrar must give to each person whose name and address have been notified to the principal registrar under subsection (1), other than the person who applied for the review, written notice that a review has been started.

(3) At least 3 days before a hearing of a review is to start, the principal registrar must give written notice of the time and place of the hearing to the following persons—

(a) the person who applied for the review;

(b) the commissioner;

(c) as far as is practicable—each person whose name and address have been given to the principal registrar under section 32(1).

(4) In this section—

objection includes an objection made by the Minister under section 119A.

33 Tribunal to decide review on evidence before the commissioner

(1) In a proceeding for a review of a decision of the commissioner by the tribunal, the tribunal must—

(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made; and

(b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.

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Not authorised—indicative only

(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—

(a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and

(b) decided in accordance with the same law that applied to the making of the original decision.

(3) In this section—

original decision means the decision of the commissioner to which the proceeding for the review relates.

34 Tribunal may give leave for review to be decided on new evidence in particular circumstances

(1) Despite section 33, the tribunal may grant a party to a proceeding for a review of a decision of the commissioner (the ***decision***) leave to present new evidence if the tribunal is satisfied—

(a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and

(b) in the circumstances, it would be unfair not to allow the party to present the new evidence.

(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the commissioner to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.

(3) In this section—

new evidence means evidence that was not before the commissioner when the decision was made.

35 Appeals from tribunal only to Court of Appeal on a question of law

(1) This section applies to a decision of the tribunal (the ***tribunal decision***) in a proceeding for a review of a decision of the commissioner.

(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.

(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.

(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.

Note—

See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.

Part 3 Administration

42 Power of delegation

(1) The commissioner may delegate the commissioner's powers under this Act to an appropriately qualified public service employee, police officer or person employed by a local government other than a council.

(2) However, a delegation under subsection (1) for the issue of a permit relating to a restricted area may only be given to an appropriately qualified officer of the department.

(3) A person to whom a power has been delegated under subsection (1) may delegate the power to an appropriately qualified public service employee, police officer or person employed by a local government other than a council.

(4) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to exercise the power.

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Not authorised—indicative only

Example of standing—

for a public service employee, the employee's position in a department

42A Commissioner may make guidelines

(1) The commissioner may make guidelines to inform persons about—

(a) the attitude the commissioner is likely to adopt on a particular matter; or

(b) how the commissioner administers this Act; or

(c) matters that may help persons comply with their responsibilities, or lawfully and appropriately exercise powers, under this Act.

Examples—

1 The commissioner might make a guideline stating the matters that must be dealt with in a risk-assessed management plan.

2 The commissioner might make a guideline stating the matters that must be dealt with in a community impact statement required under section 116.

3 The commissioner might make a guideline to help licensees and others determine if a person is unduly intoxicated.

4 The commissioner may make guidelines under sections 101AA, 142ZZ, 142ZZA or 142ZZD.

(2) A guideline may be replaced or amended by a later guideline made under this section.

(3) The commissioner must keep copies of the guidelines available for inspection, free of charge, by members of the public at—

(a) the department's head office and regional offices; and

(b) other places the commissioner considers appropriate.

(4) Also, the commissioner must, if asked by a person, give the person a copy of a guideline, or an extract from a guideline, free of charge.

43 Register of licences, permits and applications to be kept

(1) The commissioner must keep a register of licences, permits and applications, in a form or forms the commissioner considers appropriate.

(2) The register is to contain the following—

(a) particulars of licences and permits;

(b) particulars of licensees, permittees and interested persons;

(c) addresses of licensed premises or places to which permits relate;

(d) trading hours that apply to licences or permits;

(e) particulars of applications required under section 118(1) to be advertised that have not been decided.

(3) However, the commissioner must ensure the register does not include any of the following—

(a) sensitive information about a person;

(b) information the commissioner reasonably considers is commercially sensitive;

(c) particulars given to the commissioner under section 45.

(4) For subsection (3)(b), a person may ask the commissioner to consider a written submission by the person about whether information is commercially sensitive.

(5) In this section—

sensitive information about a person means information about—

(a) the person's reputation; or

(b) the person's history of behaviour or attitude in relation to the management and discharge of the person's financial obligations.

Not authorised—indicative only

Not authorised—indicative only

44 Register open to inspection

The register must be available in the department at Brisbane for inspection—

(a) by an investigator or a police officer while performing duty for the purposes of this Act, free of charge; and

(b) by any other person, on payment of the fee prescribed.

44A Owner, lessee, mortgagee and secured creditors to give particulars to commissioner

(1) This section applies to—

(a) an owner, lessee and mortgagee of licensed premises; and

(b) a secured creditor of the licensee whose interest is likely to be affected by cancellation of the licence for the premises.

(2) The persons mentioned in subsection (1) must give the commissioner particulars sufficient to identify their interest in the licence within 28 days of—

(a) acquiring the interest; or

(b) if the person holds the interest at the time the licence is granted—the granting of the licence.

(3) A person who has given particulars under subsection (2) of the person's interest in a licence must give the commissioner notice that the person no longer holds the interest within 28 days of ceasing to hold the interest.

Maximum penalty for subsection (3)—1 penalty unit.

45 Court officials to furnish particulars

The court official who has custody of records of convictions recorded, and penalties ordered, by a court must give to the commissioner particulars of—

(a) all convictions by the court of licensees, permittees and approved managers; and

(b) all penalties ordered by the court on the convictions.

46 Compliance orders for licensed premises etc.

(1) The commissioner may issue an order to a licensee, permittee, owner or other person shown in the register as a person who has an interest in licensed premises, or premises to which a restricted liquor permit relates, about—

(a) altering the premises to make the premises suitable for the conduct of business under authority of the licence or permit; or

(b) increasing or decreasing the area of the premises; or

(c) stopping or preventing unreasonable noise coming from the premises; or

(d) complying with laws about fire safety for the premises and hygienic practices in the conduct of business under authority of the licence or permit; or

(e) complying with requirements under section 173EHAA for a re-entry pass system for the premises, including for re-entry passes for the re-entry pass system; or

(f) complying with this Act.

(2) The order must state—

(a) the action that is required to be taken; and

(b) the grounds for requiring the action to be taken; and

(c) an outline of the facts and circumstances that form the basis for the grounds; and

(d) for each action that is required to be taken—the time, of up to 6 months, within which the person to whom the order is issued must take the action; and

(e) the time, of up to 6 months, that the order has effect for; and

Not authorised—indicative only

Not authorised—indicative only

(f) that, if the person to whom the order is issued fails to comply with the order, the commissioner may start proceedings in the Magistrates Court in relation to the failure, without further notice to the person.

(3) The commissioner may, by written notice, extend a time under subsection (2)(d) or (e) for 1 or more periods of up to 6 months to enable the person to whom the order is issued to comply with the order.

(4) The person to whom the order is issued must comply with the order.

Maximum penalty—100 penalty units.

(5) The issuing of an order under this section does not stop any other action being taken under this Act in relation to the matter that is the subject of the order, including, for example—

(a) an abatement notice being issued; or

(b) the licence or permit for the premises being varied; or

(c) disciplinary action being taken in relation to the licence; or

(d) proceedings being started for an offence against this Act.

(6) No compensation is payable by the State to any person because of an order made under this section, despite any other Act or law.

(7) In this section—

premises includes an area containing plant or equipment that is not part of the premises, but is used for the benefit of the premises.

46A Compliance orders for unreasonable noise

(1) The commissioner may issue a compliance order, in accordance with section 46, in relation to unreasonable noise

coming from premises if an abatement notice has been issued in the last 1 year in relation to the premises.

(2) The commissioner must consider at least the following before making the order—

(a) the order of occupancy between—

(i) the licensee or permittee; and

(ii) any person who has complained about the noise to the commissioner;

(b) any changes, including structural changes, made over time to—

(i) the premises; or

(ii) the premises occupied by any person who has complained about the noise to the commissioner;

(c) any changes made over time in the activities conducted on the premises;

(d) for each abatement notice issued for the premises—

(i) the reason for issuing the notice; and

(ii) whether the notice was complied with.

(3) The commissioner, as part of the action required to be taken under the order, may require the person to stop all specified noise coming from the premises until the person demonstrates to the commissioner that the noise can be permanently limited to reasonable noise.

Example of specified noise—

- noise of a specified kind or level
- noise at a certain time of the day
- noise from a specified location

(4) Also, the order may require the person to give the commissioner an acoustic report that complies with the commissioner's guideline (if any) about acoustic reports.

Not authorised—indicative only

Not authorised—indicative only

(5) After considering the acoustic report, the commissioner may amend the order to require the person to take action to improve the acoustics of the premises in order to stop unreasonable noise coming from the premises.

(6) Also, the commissioner may amend the order if—

(a) the commissioner is satisfied the person has taken, or is in the process of taking, the action required under the order to stop unreasonable noise coming from the premises; or

(b) the licence or permit for the premises is varied in a way that the commissioner considers is reasonably likely to stop unreasonable noise coming from the premises.

(7) In this section—

acoustic report means a current report from a qualified acoustic engineer that identifies—

(a) how much noise can come from the premises before the noise is unreasonable; and

(b) ways to improve the acoustics of the premises to stop unreasonable noise coming from the premises.

47 Assistance to public authorities

The commissioner may disclose to—

(a) any authority charged with administering a law of another State or a Territory relating to licensing for the sale or supply of liquor; or

(b) any authority that seeks the information for the purpose of performing functions of a public nature imposed on the authority by law;

information gathered in the course of administering this Act with respect to—

(c) the administration of this Act; or

(d) the affairs of any person affected by the administration of this Act.

47A Publication of information on internet etc.

The commissioner may publish information in the register kept under section 43 in a way the commissioner considers appropriate, including, for example, by the internet or other telecommunication.

47B Exchange of information

(1) The commissioner may enter into an arrangement (an ***information-sharing arrangement***) with the police commissioner for the purpose of sharing or exchanging information—

(a) held by the commissioner or the police commissioner; or

(b) to which the commissioner or the police commissioner has access.

(2) An information-sharing arrangement may relate only to information that assists—

(a) the commissioner perform the commissioner's functions under this Act; or

(b) the police commissioner perform the police commissioner's functions.

(3) Under an information-sharing arrangement, the commissioner and the police commissioner are, despite another Act or law, authorised to—

(a) ask for and receive information held by the other party to the arrangement or to which the other party has access; and

(b) disclose information to the other party.

Not authorised—indicative only

Not authorised—indicative only

(4) The commissioner may use criminal intelligence given to the commissioner under an information-sharing arrangement only for monitoring compliance with this Act.

(5) In this section—

information does not include information given to the police commissioner or commissioner, or to which the police commissioner or commissioner has access, under the *Crime and Corruption Act 2001*.

47C Police commissioner to notify of charges

(1) This section applies if—

(a) the commissioner gives the police commissioner the name of a relevant person; and

(b) the police commissioner reasonably suspects a person who is charged with an offence is the relevant person.

(2) The police commissioner must give the commissioner a written notice about the charge.

(3) The notice must state the following—

(a) the name and address of the person charged;

(b) the person's date of birth;

(c) particulars of the offence the person is charged with;

(d) the date of the charge.

(4) The commissioner may confirm the suspicion of the police commissioner mentioned in subsection (1)(b).

(5) In this section—

associate, of a holder of an adult entertainment permit, means an individual who—

(a) is a member of the holder's family; or

(b) has entered into a business arrangement or relationship with the holder for the provision of adult entertainment; or

(c) is the owner or lessor, either alone or jointly, of premises used or proposed to be used for the provision of adult entertainment under the adult entertainment permit; or

(d) if the holder of the adult entertainment permit is an executive officer of a corporation—is another executive officer of the corporation.

relevant person means—

(a) an approved manager; or

(b) an adult entertainment controller; or

(c) an individual who—

(i) is a licensee, permittee or approved operator; or

(ii) holds a licence or permit on behalf of an unincorporated association; or

(iii) holds an approval mentioned in section 153(1) or (3); or

(iv) for a licence or permit held on behalf of a partnership—is a partner in the partnership; or

(d) an executive officer of a corporation or unincorporated association that—

(i) is a licensee, permittee or approved operator; or

(ii) holds an approval mentioned in section 153(1) or (3); or

(e) an associate of a holder of an adult entertainment permit.

48 Preservation of confidentiality

(1) Subject to subsection (2), a person who is engaged, or has been engaged, in giving effect to this Act must not make a record of, or directly or indirectly disclose, information about the affairs of another person gathered in the course of administration of this Act.

Not authorised—indicative only

Not authorised—indicative only

Maximum penalty—35 penalty units.

(2) Subsection (1) does not apply to—

(a) disclosing information in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or

(b) disclosing information in the register; or

(c) disclosing information about the status of an application required to be advertised under section 118(1); or

(d) disclosing information about applications under section 121B; or

(e) disclosing information about the status of an application to the tribunal for a review and the names of the parties to the review; or

(f) doing anything for the purposes of this Act.

49 Protection from liability

(1) A person engaged in giving effect to this Act does not incur civil liability for an act done or omitted to be done honestly and without negligence under, or for the purposes of, this Act.

(2) A liability that would, but for this section, attach to a person attaches instead to the State.

Part 3A Risk-assessed management plans

50 Application of pt 3A

(1) This part applies in relation to a proposed risk-assessed management plan or revised risk-assessed management plan that must, under section 105A—

(a) accompany an application mentioned in section 105A(1); or

(b) be given to the commissioner in relation to an application mentioned in section 105A(3).

(2) This part applies in relation to the permittee for a restricted liquor permit in the same way it applies to a licensee and, for that purpose—

(a) a reference in this part to a licence includes a restricted liquor permit; and

(b) a reference in this part to licensed premises includes premises to which a restricted liquor permit relates.

51 Approval of plan or revised plan

If the commissioner grants the application—

(a) the commissioner is taken to have approved the risk-assessed management plan or revised risk-assessed management plan; and

(b) the commissioner must endorse the plan or revised plan with the commissioner's written approval and give the endorsed plan to the licensee who made the application.

52 Changing plan on application by licensee

(1) A licensee may apply to the commissioner to change the licensee's approved risk-assessed management plan for the licensed premises.

(2) In deciding whether to grant the application, the commissioner must have regard to the requirements for a risk-assessed management plan.

Note—

See section 4, definition *risk-assessed management plan*.

(3) If the commissioner decides to grant the application, the commissioner must as soon as practicable give the licensee written notice of the decision.

Not authorised—indicative only

Not authorised—indicative only

(4) The change takes effect on the day stated for the change in the notice and does not depend on—

(a) the plan being amended to incorporate the change; or

(b) the licence being amended to identify the amended plan.

(5) If the commissioner decides not to grant the application, the commissioner must as soon as practicable give the licensee written notice of the decision and the reasons for it.

(6) If the commissioner fails to decide the application within 90 days after its receipt, the failure is taken to be a decision by the commissioner not to grant the application.

52A Commissioner may direct licensee to change plan

(1) The commissioner may, by written notice given to a licensee, direct the licensee to change the licensee's approved risk-assessed management plan for the licensed premises.

(2) The commissioner may decide to give the direction for a purpose for which a condition may be imposed on the licence under section 107C(1).

(3) The notice given to the licensee must state—

(a) particulars of the required change; and

(b) the reasons for the required change; and

(c) that the licensee must, within a stated reasonable time, give the commissioner a copy of the licensee's plan amended to incorporate the required change.

(4) The licensee must comply with the notice.

Maximum penalty—25 penalty units.

(5) After receiving a copy of the licensee's amended plan, the commissioner must give to the licensee—

(a) a notice approving the amended plan; or

(b) if the commissioner considers the amended plan does not appropriately incorporate the required change—a further notice under subsection (1).

(6) The amended plan takes effect on the day that the commissioner gives the licensee a notice approving it and does not depend on the licence being amended to identify the amended plan.

(7) The commissioner may give a direction under this section to each licensee, or each licensee of a particular class, for licensed premises in a safe night precinct, restricted area or other area.

53 Recording change of plan

(1) This section applies if a licensee receives a notice under section 52(3) or 52A(5)(a) about a change to the licensee's approved risk-assessed management plan for the licensed premises.

(2) Within 14 days after receiving the notice, the licensee must return the following documents to the commissioner—

(a) the plan, incorporating the change;

(b) the licensee's licence in which the plan is identified.

Maximum penalty—25 penalty units.

(3) On receiving the plan, incorporating the change, the commissioner must immediately endorse the plan with the commissioner's written approval and give the endorsed plan to the licensee.

(4) On receiving the licence, the commissioner must immediately amend the licence to identify the amended plan and give the amended licence to the licensee.

54 Conditions about approved plan

It is a condition of a licence that the licensee—

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(a) keep the licensee's approved risk-assessed management plan for the licensed premises available for inspection at the licensed premises by an investigator and patrons of the premises; and

(b) display signage at the premises in a way that is likely to make patrons aware that—

(i) the licensee has an approved risk-assessed management plan for the premises; and

(ii) the plan is available for inspection by patrons; and

(c) ensure all staff of the premises, and crowd controllers engaged in maintaining order in and around the premises, are aware of the plan and perform their duties at the premises in compliance with the plan.

Part 4 Licences

Division 1 Licences under this Act

58 Available licences

(1) The following licences may be granted and held under this Act—

(a) commercial hotel licence;

(b) commercial special facility licence;

(c) commercial other licence;

(d) community club licence;

(e) community other licence;

(f) nightclub licence.

(2) Only 1 licence may be granted or held for premises, or part of premises, but a licence may be granted or held for the

premises or part even though there is a licence under the *Wine Industry Act 1994* for the premises or part.

(3) However, if a licence is granted or held for premises, or part of premises, under this Act and the *Wine Industry Act 1994*—

(a) the licensee under both Acts must be the same person; and

(b) liquor may be sold under the licence under this Act only for the trading hours authorised under the licence.

58A Licences subject to conditions imposed under regulation

(1) A licence granted and held under this Act is subject to the conditions prescribed under a regulation.

(2) To remove any doubt, it is declared that any condition that may be imposed on a licence by the commissioner may be prescribed under a regulation.

(3) If a condition is prescribed under a regulation for all licences, or all licences in a particular area, the condition applies to all the licences or all the licences in the area, whether issued before or after the commencement of the regulation.

(4) If a condition is prescribed under a regulation for a particular class of licence, or a particular class of licence in a particular area, the condition applies to all the licences of that class or all the licences of that class in the area, whether issued before or after the commencement of the regulation.

(5) Subsections (3) and (4) apply subject to a contrary intention stated in the regulation.

(6) However, if the commissioner imposes a condition on a licence under section 107C or varies a licence under section 111 by amending or revoking a condition of the licence, the condition or variation prevails over any condition prescribed by regulation to the extent of any inconsistency.

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Division 2 Commercial hotel licence

59 Principal activity of a business conducted under a commercial hotel licence

(1) The principal activity of a business conducted under a commercial hotel licence is the sale of liquor for consumption on the licensed premises, or on and off the premises, together with—

(a) the provision of meals and accommodation, as required under the licence; and

(b) the provision of premises and catering facilities for use by persons genuinely attending a function held on the premises.

(2) The authority under a commercial hotel licence to sell liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

(3) To remove doubt, it is declared that it is inconsistent with the principal activity of a business conducted under a commercial hotel licence to only sell liquor for consumption off the premises.

60 Authority of commercial hotel licence

(1) A commercial hotel licence authorises the licensee—

(a) to sell liquor on the licensed premises, for consumption on or off the premises, during ordinary trading hours or approved extended trading hours; and

(b) to sell liquor on the licensed premises, for consumption on or off the premises, at any time to a resident on the premises; and

(c) to sell liquor on the licensed premises, for consumption on the premises, at any time to a guest of a resident on

the premises while the guest is in the resident's company; and

(d) to sell liquor on premises approved by the commissioner for sale of liquor under authority of the licence, for consumption—

(i) off the premises; or

(ii) on the premises in the amount and in the circumstances prescribed by regulation.

Note—

Premises approved by the commissioner under subsection (1)(d) are detached bottle shops under this Act.

(2) If the commissioner states in the licence, the authority of a commercial hotel licence extends to the sale of liquor off the licensed premises, for consumption off the premises, while the licensee is catering for a function if—

(a) the sale is ancillary to the function at the place where the liquor is consumed; and

(b) the liquor is sold for consumption by persons genuinely attending the function.

(3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.

(4) Premises approved by the commissioner for sale of liquor under the authority of a commercial hotel licence are part of the licensed premises to which the licence relates.

61 Restrictions on grant of commercial hotel licence

(1) The commissioner may grant a commercial hotel licence only if the commissioner is satisfied of the following—

(a) the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 59(1);

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(b) the business to be conducted under the licence on the licensed premises will have a commercial kitchen and at least 2 of the following facilities—

(i) a dining, restaurant, or bistro-style, facility;

(ii) self-contained accommodation of at least 3 rooms for letting to travellers;

(iii) a function room facility available for hire by members of the public;

(c) the licensed premises—

(i) have the capacity to seat more than 60 patrons at any one time; and

(ii) have toilet facilities for male and female patrons of the business to be conducted under the licence on the premises.

(2) The commissioner must not grant a commercial hotel licence to a person—

(a) for premises the commissioner reasonably considers are, or are to be, used primarily as a supermarket; or

(b) if the commissioner considers that the sale of liquor proposed to be carried on under authority of the licence would more appropriately be carried on under the authority of a licence of another kind.

(3) Also, the commissioner must not grant a commercial hotel licence to an incorporated association under the *Associations Incorporation Act 1981*.

62 Consumption of liquor on premises by residents and guests

Liquor supplied under the authority of a commercial hotel licence to a resident on the licensed premises, or to a guest of a resident in the resident's company, for consumption on the premises at any time other than ordinary trading hours, or

approved extended trading hours, must be consumed in a residential unit on the premises.

Division 3 Commercial special facility licence

63 Principal activity of a business under a commercial special facility licence

(1) The principal activity of a business conducted under a commercial special facility licence is the provision of one of the following facilities—

(a) a casino;

(b) an airport;

(c) a convention centre;

(d) another type of facility, other than a sporting facility, that makes, or is likely to make, a significant contribution to the tourism development of the State.

(2) The authority under a commercial special facility licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

64 Authority of commercial special facility licence

(1) A commercial special facility licence authorises the licensee—

(a) to sell liquor on the licensed premises, for consumption on or off the premises, during ordinary trading hours or approved extended trading hours; and

(b) to sell liquor on the licensed premises, for consumption on or off the premises, at any time to a resident on the premises; and

(c) to sell liquor on the licensed premises, for consumption on the premises, at any time to a guest of a resident on

Not authorised—indicative only

Not authorised—indicative only

the premises while the guest is in the resident's company.

(2) The authority under subsection (1) is subject to this Act and the conditions that the commissioner has stated in the particular licence.

65 Restriction on grant of commercial special facility licence

(1) The commissioner may grant a commercial special facility licence only if the commissioner is satisfied the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 63(1).

(2) The commissioner must not grant a commercial special facility licence if the commissioner considers that the supply of liquor proposed to be provided under authority of the licence would more appropriately be carried on under the authority of a licence of another kind.

(3) Also, the commissioner must not grant a commercial special facility licence to a person for premises the commissioner reasonably considers are, or are to be, used primarily as a supermarket.

65A Consumption of liquor on premises by residents and guests

Liquor supplied under the authority of a commercial special facility licence to a resident on the licensed premises, or to a guest of a resident in the resident's company, for consumption on the premises at any time other than during the times stated in the licence, must be consumed in a residential unit on the premises.

Division 4 Commercial other licence

Subdivision 1 General

66 Types of commercial other licence

The following types of commercial other licence may be granted and held under this Act—

(a) subsidiary on-premises licence;

(b) subsidiary off-premises licence;

(c) bar licence;

(d) industrial canteen licence;

(e) producer/wholesaler licence;

(f) artisan producer licence.

Subdivision 2 Subsidiary on-premises licence

67 Principal activity of a business under a subsidiary on-premises licence

(1) The principal activity of a business conducted under a subsidiary on-premises licence is the provision of an activity, matter or service to which the sale of liquor for consumption on the licensed premises is a subsidiary aspect.

(2) The authority under a subsidiary on-premises licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

67A Principal activity is the provision of meals

(1) This section applies if the principal activity of a business conducted under a subsidiary on-premises licence is the

Not authorised—indicative only

Not authorised—indicative only

provision of meals prepared, and served to be eaten, on the licensed premises.

(2) The authority of the licence is restricted to the following—

(a) the sale and supply of liquor during ordinary trading hours or approved extended trading hours for consumption on the premises—

(i) in association with a consumer eating a meal on the premises; and

(ii) to persons on the premises other than in association with the persons eating meals;

(b) the sale and supply of 1 opened and 1 unopened bottle of wine during ordinary trading hours or approved extended trading hours for consumption off the premises to each adult consumer eating a meal;

(c) if the licence is subject to a condition mentioned in section 67AA—for each sale that includes the provision of a takeaway meal, the sale of takeaway liquor under the condition during ordinary trading hours (takeaway liquor).

(3) For subsection (1), a licensee is taken not to be conducting a business on the licensed premises that is consistent with the principal activity of the licence unless—

(a) for each trading day, most of the patrons of the business on that day consume a meal on the premises; and

(b) throughout each trading day, most of the area of the licensed premises is set up with tables and chairs, or another combination of seating and surfaces, that are being used or ready for use by patrons for consuming meals; and

(c) there is a kitchen in the licensed premises which is open throughout each trading day other than a period of up to 1 hour before the end of a trading period; and

(d) throughout each trading day there are sufficient staff at the licensed premises engaged in, or available to engage in, the preparation and service of meals.

(4) Despite section 225, if the sale of takeaway liquor is authorised under the licence under subsection (2)(c), the licence also authorises the removal from the premises of the takeaway liquor after the end of the ordinary trading hours (takeaway liquor) and until the end of the ordinary trading hours or approved extended trading hours for the premises.

(5) In this section—

open, for a kitchen, means being used or available for use for meal preparation.

ordinary trading hours (takeaway liquor) means the ordinary trading hours of between 10a.m. and 10p.m. for the sale of takeaway liquor for the premises mentioned in section 9(1C).

trading day, for licensed premises, means—

(a) if only 1 trading period for the premises starts on a day—that trading period; or

(b) if 2 or more trading periods for the premises start on a day—the total of the trading periods.

trading period, for licensed premises, means a continuous period during which the premises are open for business (including a period starting on a day and ending on the following day).

67AA Sale of particular takeaway liquor

(1) This section applies if the commissioner is satisfied a licensee of a subsidiary on-premises licence (meals) to which section 67A applies has, or will have, systems and procedures in place to ensure the responsible service of takeaway liquor.

(2) The commissioner may impose a condition on the licence authorising the licensee, for each sale that includes the

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provision of a takeaway meal, to sell takeaway liquor that consists of wine in a quantity of not more than 1.5L in total.

(3) If the commissioner imposes a condition under subsection (2), the commissioner may also impose further conditions on the licence to ensure the responsible service of takeaway liquor.

Examples of further conditions—

- keeping records about proof of age
- notification of systems and procedures changes
- specifying the type, volume or product of liquor

(4) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a licence.

67B Principal activity is the provision of accommodation

(1) This section applies if the principal activity of a business conducted under a subsidiary on-premises licence is the provision of accommodation.

(2) The licence authorises the licensee to sell liquor on the licensed premises—

(a) at any time—

(i) to a resident on the licensed premises, or a guest of a resident in the resident's company, for consumption on the premises; or

(ii) to a resident on the licensed premises in a quantity of not more than 9L on any day, for consumption off the premises; and

(b) during ordinary trading hours or approved extended trading hours, to any person, including a person not eating a meal, for consumption in a part of the premises stated in the licence as ordinarily set aside for dining; and

(c) to a person attending a function on the premises during ordinary trading hours or approved extended trading

hours for consumption on the premises, whether or not the person is eating a meal.

(3) Liquor supplied under authority of the licence to a resident on the licensed premises or a guest of a resident in the resident's company, for consumption on the premises outside ordinary trading hours or approved extended trading hours, must be consumed in a residential unit on the premises.

67C Authority of subsidiary on-premises licence

(1) A subsidiary on-premises licence authorises the licensee to sell liquor in association with an activity, matter or service provided on the licensed premises, or on premises of which the licensed premises form part, which activity, matter or service is the primary purpose to be served by conduct of business under authority of the licence—

(a) for consumption on the licensed premises; and

(b) if the commissioner so stated in the licence—for consumption off the licensed premises;

during ordinary trading hours or approved extended trading hours.

(2) Subject to section 67E, if the commissioner states in the licence, the authority of a subsidiary on-premises licence extends to the sale of liquor on premises other than the licensed premises for consumption on the other premises.

(3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.

67D Restriction on grant of subsidiary on-premises licence

(1) The commissioner must not grant a subsidiary on-premises licence to a person for a vehicle the commissioner reasonably considers is, or is to be, used primarily to transport persons by road between licensed premises.

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Not authorised—indicative only

(2) Also, the commissioner must not grant a subsidiary on-premises licence to a person if the commissioner is satisfied that the sale of liquor proposed to be carried on under the authority of the licence would more appropriately be carried on under the authority of a licence of another kind.

67E Restriction on sale of liquor for consumption off premises

(1) The commissioner may decide that liquor may be sold under authority of a subsidiary on-premises licence for consumption off the licensed premises only if the commissioner is satisfied that sale of the liquor will be made only in the course of the licensee providing catering facilities for functions.

(2) The authority conferred by a subsidiary on-premises licence to sell liquor for consumption off the licensed premises is restricted to the sale of liquor—

(a) as ancillary to a function that—

(i) happens at a place at which the liquor is consumed; and

(ii) includes the licensee providing food for the function of sufficient substance as to be ordinarily accepted as a meal for consumption by persons genuinely attending the function, even though the food may be eaten while standing and without cutlery; and

(b) for consumption by persons genuinely attending the function.

(3) Subsection (4) applies if the principal activity of a business conducted under a subsidiary on-premises licence is the provision of meals prepared, and served to be eaten, on the licensed premises.

(4) Subsections (1) and (2) do not apply to the licence in relation to a sale or supply of liquor under section 67A(2)(b) or (c).

Subdivision 3 Subsidiary off-premises licence

68 Principal activity of a business under a subsidiary off-premises licence

(1) The principal activity of a business conducted under a subsidiary off-premises licence is the provision of an activity, matter or service to which the sale of liquor for consumption off the licensed premises is a subsidiary aspect.

(2) The authority under a subsidiary off-premises licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

69 Authority of subsidiary off-premises licence

(1) A subsidiary off-premises licence authorises the licensee, during the times stated in the licence, to sell liquor on the licensed premises, for consumption off the premises, if the amount of each sale is not more than—

(a) if the commissioner stated an amount in the licence—the amount stated by the commissioner; or

(b) in any other case—2L.

(2) The authority under subsection (1) is subject to this Act and the conditions stated in the particular licence.

69A Restriction on grant of subsidiary off-premises licence

(1) The commissioner must not grant a subsidiary off-premises licence to a person for premises the commissioner reasonably considers are, or are to be, used primarily as a supermarket.

(2) Also, the commissioner must not grant a subsidiary off-premises licence to a person for premises the commissioner reasonably considers are, or are to be, used primarily for the hiring out of party equipment.

Not authorised—indicative only

Not authorised—indicative only

Subdivision 4 Bar licence

70 Principal activity of a business under a bar licence

(1) The principal activity of a business conducted under a bar licence is the sale of liquor on the licensed premises having the capacity to seat not more than 60 patrons at any one time.

(2) The authority under a bar licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

70A Authority of bar licence

(1) A bar licence authorises the licensee to sell liquor on the licensed premises for consumption on the premises during ordinary trading hours or approved extended trading hours.

(2) The authority under subsection (1) is subject to this Act and the conditions stated in a particular licence.

Subdivision 5 Industrial canteen licence

71 Definition for sdiv 5

In this subdivision—

remote industrial locality means a locality at which—

(a) there is no permanent residential population; and

(b) mining, or rail or road construction, activities are happening.

71A Principal activity of a business under an industrial canteen licence

(1) The principal activity of a business conducted under an industrial canteen licence is the sale of liquor on the licensed premises located within a remote industrial locality.

(2) The authority under an industrial canteen licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

71B Authority of industrial canteen licence

(1) An industrial canteen licence authorises the licensee to sell liquor to a relevant person on the licensed premises, for consumption on or off the premises, during the times stated in the licence.

(2) The authority under subsection (1) is subject to this Act and the conditions stated in a particular licence.

(3) In this section—

relevant person means—

(a) a person working at the remote industrial locality within which the premises are located; or

(b) a member of the family, or a guest, of a person mentioned in paragraph (a).

71C Restriction on grant of industrial canteen licence

The commissioner may grant an industrial canteen licence in relation to a remote industrial locality only if there is no other licensed premises located within the locality.

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Not authorised—indicative only

Subdivision 6 Producer/wholesaler licence

72 Principal activity of a business under a producer/wholesaler licence

(1) The principal activity of a business conducted under a producer/wholesaler licence is either or both of the following—

(a) the production and wholesale sale on the licensed premises of liquor made on the premises;

(b) the wholesale sale on the licensed premises of liquor.

(2) The authority under a producer/wholesaler licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

73 Authority of producer/wholesaler licence

(1) A producer/wholesaler licence authorises the licensee—

(a) if the licensee is a producer of liquor—to sell on the licensed premises liquor produced or made on the premises, for consumption on or off the premises, during ordinary trading hours or approved extended trading hours; or

(b) if the licensee is a wholesale supplier of liquor—to sell liquor on the licensed premises, for consumption off the premises, during ordinary trading hours.

(2) Also, a producer/wholesaler licence authorises the licensee, if the licensee is a producer of liquor, to—

(a) sell craft beer or artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event, for consumption away from the event, if—

(i) the licence is subject to a condition mentioned in section 74A(2)(a) or 74B(2)(a); and

(ii) the organiser of the promotional event has given the licensee written consent to sell craft beer or artisan spirits to persons at the event; or

(b) sell craft beer or artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer or artisan spirits, if—

(i) the licence is subject to a condition mentioned in section 74A(2)(b) or 74B(2)(b); and

(ii) the organiser of the promotional event has given the licensee written consent to sell samples of craft beer or artisan spirits to persons at the event.

(3) The authority under subsection (2) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.

(4) Further, a producer/wholesaler licence authorises the licensee, if the licensed premises are a craft brewery or artisan distillery, to sell craft beer or artisan spirits to the holder of an artisan producer licence if the producer/wholesaler licence is subject to a condition mentioned in section 74A(2)(c) or 74B(2)(c).

(5) The authority under subsection (1), (2) or (4) is subject to this Act and the conditions stated in a particular licence.

74 Restriction on grant of producer/wholesaler licence

The commissioner may grant a producer/wholesaler licence only if the commissioner is satisfied the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 72(1).

74A Sale of craft beer

(1) This section applies if the commissioner is satisfied licensed premises for a producer/wholesaler licence are a craft brewery.

Not authorised—indicative only

Not authorised—indicative only

(2) The commissioner may impose a condition on the licence authorising the licensee to—

(a) sell craft beer, produced by the licensee at the craft brewery, to persons at a promotional event, for consumption away from the event; or

(b) sell craft beer, produced by the licensee at the craft brewery, to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer; or

(c) sell craft beer to the holder of an artisan producer licence.

(3) The authority under subsection (2)(a) and (b) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.

(4) The commissioner must not impose a condition under subsection (2) if more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.

(5) For subsection (2)(a), unless a further condition imposed on the licence under subsection (6)(a) states otherwise, the total volume of craft beer that may be sold to each person at the promotional event, for consumption away from the event, is 9 litres.

(6) If the commissioner imposes a condition under subsection (2), the commissioner may also impose further conditions on the licence in relation to the following—

(a) the total volume of the licensee's craft beer that may be sold to each person at a promotional event for consumption away from the event;

(b) for craft beer that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer—

(i) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or

(ii) the volume of each of the individual samples that may be sold to persons at the event.

(7) Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for craft beer that may be sold to persons at a promotional event for consumption at the event—

(a) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or

(b) the volume of each of the individual samples that may be sold to persons at the event.

(8) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a licence.

74B Sale of artisan spirits

(1) This section applies if the commissioner is satisfied licensed premises for a producer/wholesaler licence are an artisan distillery.

(2) The commissioner may impose a condition on the licence authorising the licensee to—

(a) sell artisan spirits, produced by the licensee at the artisan distillery, to persons at a promotional event, for consumption away from the event; or

(b) sell artisan spirits, produced by the licensee at the artisan distillery, to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits; or

(c) sell artisan spirits to the holder of an artisan producer licence.

Not authorised—indicative only

Not authorised—indicative only

(3) The authority under subsection (2)(a) and (b) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.

(4) The commissioner must not impose a condition under subsection (2) if more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.

(5) For subsection (2)(a), unless a further condition imposed on the licence under subsection (6)(a) states otherwise, the total volume of artisan spirits that may be sold to each person at the promotional event, for consumption away from the event, is 1.5 litres.

(6) If the commissioner imposes a condition under subsection (2), the commissioner may also impose further conditions on the licence in relation to the following—

(a) the total volume of the licensee's artisan spirits that may be sold to each person at a promotional event for consumption away from the event;

(b) for artisan spirits that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits—

(i) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or

(ii) the volume of each of the individual samples that may be sold to persons at the event.

(7) Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for artisan spirits that may be sold to persons at a promotional event for consumption at the event—

(a) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or

(b) the volume of each of the individual samples that may be sold to persons at the event.

(8) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a licence.

75 Restriction on sale of liquor under producer/wholesaler licence

(1) Subject to subsection (2), the holder of a producer/wholesaler licence must not sell liquor to a person other than—

(a) a licensee or permittee; or

(b) a licensee under the *Wine Industry Act 1994*; or

(c) a person engaged in an activity to which this Act is prescribed not to apply, if the sale is for the purpose of that activity; or

(d) a person authorised by a law of the Commonwealth, another State or a Territory or foreign country to sell liquor, or the person's agent; or

(e) a person exempt from the application of a law of the Commonwealth, another State or a Territory relating to the sale of liquor, or the person's agent, if the sale is made in circumstances in which the person is so exempt; or

(f) a person who purchases the liquor for export; or

(g) a person who purchases the liquor for stock in a duty free store; or

(h) a person who purchases the liquor to provide it for consumption on ships or aircraft on international journeys; or

(i) a person who purchases the liquor to provide it at Government House, or at a foreign embassy or consulate, as part of official activities at the place; or

Not authorised—indicative only

Not authorised—indicative only

(j) a person who purchases the liquor for a religious entity for sacramental purposes.

(2) The holder of a producer/wholesaler licence who is a producer of liquor may—

(a) sell the licensee's liquor and liquor for which the licensee is a wholesaler to a visitor to the licensed premises for consumption on the premises in association with the visitor eating a meal in a part of the premises ordinarily set aside for dining if the meal is prepared, served and intended to be eaten on the premises; and

(b) sell the licensee's liquor, for consumption on or off the licensed premises, to a visitor to the licensed premises, if the liquor is sold as a souvenir of the visit; and

(c) to the extent the holder is authorised under section 73(2) to sell craft beer or artisan spirits produced by the holder to persons at a promotional event—sell the craft beer or artisan spirits to persons at the event.

(3) The holder of a producer/wholesaler licence does not contravene this section by selling liquor during any period—

(a) to the holder's staff; or

(b) for sampling, promotions or similar purposes;

if such sales do not exceed 2.5% by value of the holder's total sales of liquor during the period.

(4) This section does not apply to the holder of a producer/wholesaler licence who holds a brewery licence within the meaning of the *Excise Act 1901* (Cwlth), section 77A in relation to the sale by the licensee of the licensee's liquor.

(5) In this section—

licensee's liquor means liquor produced on the premises to which the licence relates.

75A Venue of promotional event not licensed premises for producer/wholesaler licence

(1) This section applies if a holder of a producer/wholesaler licence is authorised under section 73(2) to sell craft beer or artisan spirits, produced by the holder, to persons at a promotional event.

(2) The place at which the licensee sells craft beer or artisan spirits at the promotional event is not licensed premises.

(3) However, a relevant part 6 provision applies as if a reference in the provision to licensed premises, or premises to which a licence relates, includes—

(a) if the commissioner imposes a condition on the producer/wholesaler licence defining the area at the venue of the event in which the craft beer or artisan spirits may be sold by the holder to persons at the event—the area defined in the condition; or

(b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the holder for the purpose of selling craft beer or artisan spirits produced by the holder to persons at the event.

(4) Also, section 142ZZC applies to the holder as if subsection (2)(b) of that section were omitted.

(5) In this section—

relevant part 6 provision means a provision of part 6 other than the following provisions—

(a) part 6, division 1AB;

(b) section 143;

(c) sections 144 to 145A;

(d) section 148AA;

(e) sections 150 to 150B;

(f) section 153;

(g) sections 154 to 155AB;

Not authorised—indicative only

Not authorised—indicative only

(h) part 6, division 1A;

(i) section 157(1);

(j) sections 162 and 163;

(k) section 168A;

(l) part 6, division 5.

Subdivision 7 Artisan producer licence

75B Types of artisan producer licence

(1) An artisan producer licence may be granted to conduct a business with either or both of the following principal activities—

(a) producing and selling craft beer under section 75C;

(b) producing and selling artisan spirits under section 75E.

(2) An artisan producer licence granted to conduct a business with the principal activity of producing and selling craft beer under section 75C is an ***artisan producer licence (beer)*** (whether or not the business also has the principal activity of producing and selling artisan spirits under section 75E).

(3) An artisan producer licence granted to conduct a business with the principal activity of producing and selling artisan spirits under section 75E is an ***artisan producer licence (spirits)*** (whether or not the business also has the principal activity of producing and selling craft beer under section 75C).

(4) The authority under an artisan producer licence to sell liquor does not apply unless a business is conducted on the licensed premises with 1 or both of the principal activities mentioned in subsection (1).

(5) An artisan producer licence may be granted and held to carry out the principal activity of producing and selling craft beer under section 75C and the principal activity of producing and

selling artisan spirits under section 75E at the same licensed premises.

75C Principal activity of a business under an artisan producer licence (beer)

(1) The principal activity of a business conducted under an artisan producer licence (beer) is the production and sale of craft beer on the licensed premises for the licence in the following circumstances—

(a) at least 2,500 litres of beer is produced, in each financial year, at the licensed premises;

(b) no more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State;

(c) if the licensee does not also carry out the principal activity of producing and selling artisan spirits under section 75E—at least 70% of the licensee's liquor sales measured by value of sales, in each financial year, are for craft beer produced on the licensed premises;

(d) if the licensee also carries out the principal activity of producing and selling artisan spirits under section 75E—at least 70% of the licensee's liquor sales measured by value of sales, in each financial year, are for craft beer and artisan spirits produced on the licensed premises;

(e) if the licensee is a corporation—the licensee is not related to a large brewer.

(2) For subsection (1)(d), the amount for which an entire cocktail is sold is counted in calculating the licensee's liquor sales.

(3) For subsection (1)(e), a licensee that is a corporation is related to a large brewer if—

Not authorised—indicative only

Not authorised—indicative only

(a) 20% or more of the corporation's shares are owned by, or held in trust for, a large brewer or a subsidiary of a large brewer; or

(b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, a large brewer or a subsidiary of a large brewer.

(4) In this section—

large brewer means a brewer that produces more than 40 million litres of beer in any financial year.

75D Authority of artisan producer licence (beer)

(1) An artisan producer licence (beer) authorises the licensee, during ordinary trading hours or approved extended trading hours—

(a) to sell the following liquor on the licensed premises for consumption on the premises—

(i) craft beer produced on the premises;

(ii) craft beer produced off the premises under—

(A) another artisan producer licence (beer); or

(B) a relevant producer/wholesaler licence;

(iii) artisan spirits produced off the premises under—

(A) an artisan producer licence (spirits); or

(B) a relevant producer/wholesaler licence;

(iv) wine produced under the authority of a licence under the *Wine Industry Act 1994*; and

(b) to sell craft beer produced on the premises for consumption off the premises; and

(c) to sell craft beer, produced on the premises, by wholesale on the premises for consumption off the premises; and

(d) to take orders for craft beer, produced on the premises, online from the licensee's website for consumption off the premises.

(2) Also, an artisan producer licence (beer) authorises the licensee to sell craft beer to persons at a promotional event, under a condition of the licence mentioned in section 75H, with the written consent of the organiser of the promotional event.

(3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.

(4) The authority under subsection (2) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.

(5) In this section—

relevant producer/wholesaler licence means a producer/wholesaler licence that contains a condition mentioned in section 74A(2)(c) or 74B(2)(c).

75E Principal activity of a business under an artisan producer licence (spirits)

(1) The principal activity of a business conducted under an artisan producer licence (spirits) is the production and sale of artisan spirits on the licensed premises for the licence in the following circumstances—

(a) at least 400 litres of spirits is produced, in each financial year, at the licensed premises;

(b) no more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State;

(c) if the licensee does not also carry out the principal activity of producing and selling craft beer under section 75C—at least 70% of the licensee's liquor sales

Not authorised—indicative only

Not authorised—indicative only

measured by value of sales, in each financial year, are for artisan spirits produced on the licensed premises;

(d) if the licensee also carries out the principal activity of producing and selling craft beer under section 75C—at least 70% of the licensee's liquor sales measured by value of sales, in each financial year, are for craft beer and artisan spirits produced on the licensed premises;

(e) if the licensee is a corporation—the licensee is not related to a large distiller.

(2) For subsection (1)(c) and (d), the amount for which an entire cocktail is sold is counted in calculating the licensee's liquor sales.

(3) For subsection (1)(e), a licensee that is a corporation is related to a large distiller if—

(a) 20% or more of the corporation's shares are owned by, or held in trust for, a large distiller or a subsidiary of a large distiller; or

(b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, a large distiller or a subsidiary of a large distiller.

(4) In this section—

large distiller means a distiller that produces more than 2 million litres of spirits in any financial year.

75F Authority of artisan producer licence (spirits)

(1) An artisan producer licence (spirits) authorises the licensee, during ordinary trading hours or approved extended trading hours—

(a) to sell the following liquor on the licensed premises for consumption on the premises—

(i) artisan spirits produced on the premises;

(ii) cocktails made using at least 1 of the artisan spirits produced on the premises;

(iii) artisan spirits produced off the premises under—

(A) another artisan producer licence (spirits); or

(B) a relevant producer/wholesaler licence;

(iv) craft beer produced off the premises under—

(A) an artisan producer licence (beer); or

(B) a relevant producer/wholesaler licence;

(v) wine produced under the authority of a licence under the *Wine Industry Act 1994*; and

(b) to sell artisan spirits produced on the premises for consumption off the premises; and

(c) to sell artisan spirits, produced on the premises, by wholesale on the premises for consumption off the premises; and

(d) to take orders for artisan spirits, produced on the premises, online from the licensee's website for consumption off the premises.

(2) Also, an artisan producer licence (spirits) authorises the licensee to sell artisan spirits to persons at a promotional event, under a condition of the licence mentioned in section 75I, with the written consent of the organiser of the promotional event.

(3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.

(4) The authority under subsection (2) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.

(5) In this section—

relevant producer/wholesaler licence means a producer/wholesaler licence that contains a condition mentioned in section 74A(2)(c) or 74B(2)(c).

Not authorised—indicative only

Not authorised—indicative only

75G Restriction on grant of artisan producer licence

The commissioner may grant an artisan producer licence if—

(a) the commissioner is satisfied that the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 75C(1) or 75E(1); and

(b) for an artisan producer licence with the principal activity mentioned in section 75C(1)—the licensee holds a brewery licence within the meaning of the *Excise Act 1901* (Cwlth), section 77A in relation to the sale by the licensee of the licensee's liquor; and

(c) for an artisan producer licence with the principal activity mentioned in section 75E(1)—the licensee holds a manufacturer licence within the meaning of the *Excise Act 1901* (Cwlth), section 4 in relation to the sale by the licensee of the licensee's liquor.

75H Sale of craft beer at promotional event

(1) The commissioner may impose a condition on an artisan producer licence (beer) authorising the licensee to—

(a) sell craft beer, produced by the licensee on the licensed premises, to persons at a promotional event for consumption away from the event; or

(b) sell craft beer, produced by the licensee on the licensed premises, to persons at a promotional event for consumption at the event for the purpose of sampling the craft beer.

(2) The total volume of craft beer that may be sold to each person at the promotional event, for consumption away from the event, is 9 litres unless a further condition imposed on the artisan producer licence (beer) under subsection (3) states otherwise.

(3) If the commissioner imposes a condition on the licence under subsection (1), the commissioner may also impose further conditions on the licence in relation to—

(a) the total volume of craft beer that may be sold to each person at a promotional event for consumption away from the event; or

(b) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or

(c) the volume of each of the individual samples that may be sold to persons at the event.

(4) Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for craft beer that may be sold to persons at a promotional event for consumption at the event—

(a) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or

(b) the volume of each of the individual samples that may be sold to persons at the event.

(5) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on the licence.

(6) A condition imposed under this section applies to craft beer produced by the licensee at the licensee's licensed premises.

75I Sale of artisan spirits at promotional event

(1) The commissioner may impose a condition on an artisan producer licence (spirits) authorising the licensee to—

(a) sell artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event for consumption away from the event; or

(b) sell artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event for

Not authorised—indicative only

Not authorised—indicative only

consumption at the event for the purpose of sampling the artisan spirits.

(2) The total volume of artisan spirits that may be sold to each person at the promotional event, for consumption away from the event, is 1.5 litres unless a further condition imposed on the artisan producer licence (spirits) under subsection (3) states otherwise.

(3) If the commissioner imposes a condition on the licence under subsection (1), the commissioner may also impose further conditions on the licence in relation to—

(a) the total volume of artisan spirits that may be sold to each person at a promotional event for consumption away from the event; or

(b) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or

(c) the volume of each of the individual samples that may be sold to persons at the event.

(4) Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for artisan spirits that may be sold to persons at a promotional event for consumption at the event—

(a) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or

(b) the volume of each of the individual samples that may be sold to persons at the event.

(5) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on the licence.

(6) A condition imposed under this section applies to artisan spirits produced by the licensee at the licensee's licensed premises.

75J Venue of promotional event not licensed premises for artisan producer licence

(1) This section applies if the licensee for an artisan producer licence is authorised under section 75D(2) to sell craft beer, or section 75F(2) to sell artisan spirits, to persons at a promotional event.

(2) The place at which the licensee sells craft beer or artisan spirits at the promotional event is not licensed premises.

(3) However, a relevant part 6 provision applies as if a reference in the provision to the licensed premises, or premises to which a licence relates, includes—

(a) if the commissioner imposes a condition on the artisan producer licence defining the area at the venue of the event in which the craft beer or artisan spirits may be sold by the licensee to persons at the event—the area defined in the condition; or

(b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the licensee for the purpose of selling craft beer or artisan spirits at the event.

(4) Also, section 142ZZC applies to the licensee as if subsection (2)(b) of that section were omitted.

(5) In this section—

relevant part 6 provision see section 75A(5).

Division 5 Community club licence

76 Principal activity of business under community club licence

(1) The principal activity of a business conducted under a community club licence is the provision of facilities and services to the club's members and the achievement of the club's objects.

Not authorised—indicative only

Not authorised—indicative only

(2) The authority under a community club licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

77 Authority of community club licence

(1) A community club licence authorises the licensee to sell liquor on the licensed premises—

(a) during ordinary trading hours, or approved extended trading hours, to—

(i) a member of the club for consumption on or off the premises; or

(ii) a member of a reciprocal club, whose members' reciprocal rights are secured by formal reciprocal arrangements, for consumption on or off the premises; or

(iii) an applicant for membership of the club for a period of 30 days after receipt by the secretary of the club of the applicant's application for membership for consumption on the premises; or

(iv) a guest of a person mentioned in subparagraph (i) or (ii), in the person's company, for consumption on or off the premises; or

(v) a visitor to the club, for consumption on or off the premises, whose ordinary place of residence is in—

(A) another State or in a foreign country; or

(B) the State, at least 15km from the club's premises; or

(vi) a person attending a function or club activity, other than the purpose of the club, on the premises for consumption on the premises; or

(vii) for a club that is an RSL or Services Club—

(A) an RSL honorary member for consumption on the premises, or a guest of an RSL honorary member in the member's company for consumption on the premises; or

(B) a defence member for consumption on the premises, or a guest of a defence member in the member's company for consumption on the premises; and

(b) at any time to a resident on the premises, or a guest of a resident in the resident's company, for consumption on the premises.

(2) Despite subsection (1)(a)(vi), if the commissioner states in a community club licence that the licensed premises include particular premises (the ***other premises***) that the club owns or has a legal right to occupy and the other premises may be used on an infrequent basis for an event, the licence authorises the licensee to sell liquor within a defined area on the other premises for the event for consumption within the defined area stated in the licence if—

(a) the sale is during ordinary trading hours for the licence to members of the public attending the event on the other premises; and

(b) the event is the playing of a sport or game for which the club is established; and

Example of sport or game for which a club is established—

If a rugby union club is established but the club allows other clubs to use its premises for bridge or darts, or encourages the rugby union club's members to play those games, the rugby union club is established for rugby union and not other sports or games (like bridge or darts) that may be played on its premises.

(c) the club is catering for the event on the other premises; and

(d) at least 14 days before the date of the event, the club gives written notice about the event to the police officer in charge of the locality in which the event is to be held.

Not authorised—indicative only

Not authorised—indicative only

Example for subsection (2)—

A football club may have premises with an adjacent field in 1 suburb that are used on a weekly basis for training and regular games. The club may also own a second field in another suburb which is used a few times a year for the club's games. The commissioner may state in the community club licence that the licensed premises includes defined areas at 1 or both fields. The community club licence authorises the club to sell liquor within the defined areas.

(3) For subsection (2), the area of the other premises defined in the licence forms part of the licensee's licensed premises for the period the licensee is authorised to sell liquor on the other premises.

(4) Despite section 76(1), a community club licence does not authorise the sale or supply of liquor from a facility ordinarily known as a drive-in or drive through bottle shop.

(5) The authority under subsections (1) and (2) is subject to this Act and the conditions stated in a particular licence.

(6) A visitor to the premises of a club who—

(a) with permission of an authorised agent of the management committee of the club; and

(b) after payment of the fee, if any, ordinarily charged for the purpose;

plays a sport or game that is part of the club's business, or that is played under the auspices of the club, is taken, for the purposes of subsection (1), to be a member of the club for the day on which the visitor so plays.

(7) If it is a team that plays a sport or game mentioned in subsection (6) as visitors to the premises of a club, every genuine official of the team is taken to be a visitor who has played the sport or game although the official has not taken part in the sport or game.

(8) In this section—

game does not include a game within the meaning of the *Gaming Machine Act 1991*.

78 Restrictions on grant of community club licence

(1) The commissioner may grant a community club licence only if the commissioner is satisfied that—

(a) the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 76(1); and

(b) the club in question is a non-proprietary club.

(2) The commissioner may not grant a community club licence if—

(a) the premises to which the community club licence would relate are a part of larger premises, wholly or partly (the ***larger premises***); and

(b) another type of licence was formerly held in relation to the larger premises; and

(c) another type of licence is still held in relation to the remainder of the larger premises, wholly or partly.

Example—

If club A applies for a community club licence in relation to a part of premises that has been excised from club B's commercial hotel licence, club A's application must be refused.

79 Requirements of club and secretary

(1) A community club licence is subject to the following conditions—

(a) the rules of the relevant club must comply with the schedule, except as otherwise authorised in writing by the commissioner;

(b) if an amendment of the rules of the relevant club is adopted by the club—

(i) the relevant club's secretary must, within 14 days after the adoption of the amendment, give to the commissioner a certified copy of the proposed amendment; and

Not authorised—indicative only

Not authorised—indicative only

(ii) the amendment takes effect at the end of 28 days after receipt by the commissioner of the certified copy, unless, within that period, the commissioner disallows the amendment by written notice given to the relevant club's secretary;

(c) the relevant club's secretary must keep on the club premises a register of—

(i) the name and address of each member of the club; and

(ii) particulars of payment of the membership subscription last paid by the member;

(d) the relevant club's secretary must keep on the club premises a register of—

(i) the name of each guest of a member or visitor to the club premises; and

(ii) the current place of residence of each guest or visitor or, if the guest or visitor is a member of a reciprocal club, the name of the reciprocal club;

(e) the relevant club's secretary must keep the register mentioned in paragraph (c) or (d) open for inspection at any time by an investigator.

(2) The regulations may prescribe amendments to which subsection (1)(b)(i) does not apply.

(3) An amendment to which subsection (1)(b)(i) does not apply takes effect as soon as it is adopted by the relevant club.

(4) Subsection (1)(d) does not apply to a person who is—

(a) a minor; or

(b) a visitor mentioned in section 77(6) or (7).

(4A) Subsection (1)(d) does not apply in relation to a guest or visitor who is—

(a) a member of a reciprocal club if the guest or visitor provides evidence of membership of the reciprocal club when the guest or visitor enters the relevant club; or

(b) for a relevant club that is an RSL or Services Club—

(i) an RSL honorary member; or

(ii) a defence member if the guest or visitor displays his or her current service identity card when the guest or visitor enters the relevant club.

(4B) However, if the rules of the relevant club require a register to be kept for members of a reciprocal club, subsection (1)(d) continues to apply in relation to a guest or visitor who—

(a) is a member of that reciprocal club; and

(b) if the relevant club is an RSL or Services Club, is not also—

(i) an RSL honorary member; or

(ii) a defence member who displays his or her current service identity card when the guest or visitor enters the relevant club.

(4C) To remove any doubt, subsection (1)(d) continues to apply in relation to a guest or visitor who is—

(a) a guest of a member of a reciprocal club; or

(b) for a relevant club that is an RSL or Services Club—

(i) a guest of an RSL honorary member; or

(ii) a guest of a defence member.

(5) A person must not make an entry in a register, or give information to someone else to enter in a register, mentioned in subsection (1)(c) or (d) that the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—35 penalty units.

(5A) The relevant club's secretary may keep the register mentioned in subsection (1)(c) or (d) in hard copy or electronic form.

Not authorised—indicative only

Not authorised—indicative only

(6) It is enough for a complaint against a person for an offence against subsection (5) to state that the information entered was false, misleading or incomplete to the person's knowledge.

(7) In this section—

relevant club means the club to which the licence relates.

Division 6 Community other licence

80 Principal activity of business under community other licence

(1) The principal activity of a business conducted under a community other licence is the provision of facilities and services to the relevant club's members and the achievement of the club's objects.

(2) The authority under a community other licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

(3) In this section—

relevant club means the club to which the licence relates.

81 Authority of community other licence

(1) A community other licence authorises the licensee to sell and supply liquor on the licensed premises during ordinary trading hours to the following persons, for consumption on the premises—

(a) a member of the relevant club;

(b) a guest of a member of the relevant club in the member's company;

(c) a member of a reciprocal club;

(d) a guest of a member of a reciprocal club in the member's company;

(e) for a relevant club that is an RSL or Services Club—

(i) an RSL honorary member, or a guest of an RSL honorary member in the member's company; or

(ii) a defence member, or a guest of a defence member in the member's company.

(2) The authority under subsection (1) is subject to this Act and the conditions stated in the licence.

(3) In this section—

relevant club means the club to which the licence relates.

82 Restriction on grant of community other licence and other related matters

(1) The commissioner may grant a community other licence only if the commissioner is satisfied the relevant club is a non-proprietary club.

(2) The commissioner must include the following matters in a community other licence—

(a) the times, totalling not more than 25 hours a week, for the sale of liquor under the licence;

(b) the area to which the licence relates.

(3) In this section—

relevant club means the club to which the licence relates.

83 Requirements of club and secretary

(1) A community other licence is subject to the following conditions—

(a) the rules of the relevant club must comply with the schedule, unless the commissioner has given written permission to the club to amend the rules;

Not authorised—indicative only

Not authorised—indicative only

(b) if an amendment of the rules of the relevant club is adopted by the club—

(i) within 14 days after adoption of the amendment, the club's secretary must give the commissioner a certified copy of the amendment; and

(ii) the amendment takes effect at the end of 28 days after the commissioner receives the certified copy unless the commissioner has disallowed the amendment by written notice given to the club's secretary;

(c) the relevant club's secretary must keep on the club premises a register of—

(i) the name and address of each club member; and

(ii) particulars of the most recent membership subscription paid by the member;

(d) the relevant club's secretary must keep on the club premises a register of—

(i) the name of each guest of a member or visitor to the club premises; and

(ii) the current place of residence of each guest or visitor or, if the guest or visitor is a member of a reciprocal club, the name of the reciprocal club;

(e) the relevant club's secretary must keep the registers mentioned in paragraphs (c) and (d) open for inspection by an investigator at any time when the club is open.

(2) The regulations may prescribe amendments to which subsection (1)(b)(i) does not apply.

(3) An amendment to which subsection (1)(b)(i) does not apply takes effect as soon as it is adopted by the relevant club.

(3A) Subsection (1)(d) does not apply in relation to a guest or visitor who is—

(a) a minor; or

(b) a member of a reciprocal club if the guest or visitor provides evidence of membership of the reciprocal club when the guest or visitor enters the relevant club; or

(c) for a relevant club that is an RSL or Services Club—

(i) an RSL honorary member; or

(ii) a defence member if the guest or visitor displays his or her current service identity card when the guest or visitor enters the relevant club.

(3B) However, if the rules of the relevant club require a register to be kept for members of a reciprocal club, subsection (1)(d) continues to apply in relation to a guest or visitor who—

(a) is a member of that reciprocal club; and

(b) if the relevant club is an RSL or Services Club, is not also—

(i) an RSL honorary member; or

(ii) a defence member who displays his or her current service identity card when the guest or visitor enters the relevant club.

(3C) To remove any doubt, subsection (1)(d) continues to apply in relation to a guest or visitor who is—

(a) a guest of a member of a reciprocal club; or

(b) for a relevant club that is an RSL or Services Club—

(i) a guest of an RSL honorary member; or

(ii) a guest of a defence member.

(4) A person must not make an entry in a register, or give information to someone else to enter in a register, mentioned in subsection (1)(c) or (d), that the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—35 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(4A) The relevant club's secretary may keep the registers mentioned in subsection (1)(c) and (d) in hard copy or electronic form.

(5) It is enough for a complaint against a person for an offence against subsection (4) to state that the information entered was false, misleading or incomplete to the person's knowledge.

(6) In this section—

relevant club means the club to which the licence relates.

Division 6A Nightclub licence

83A Principal activity of a business under a nightclub licence

(1) The principal activity of a business conducted under a nightclub licence is the provision of entertainment on the licensed premises and the sale of liquor for consumption on the licensed premises while the entertainment is provided.

(2) The authority under a nightclub licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

(3) It is consistent with the principal activity of a nightclub licence to sell or supply liquor for consumption on the premises during a relevant period, even though no entertainment is being provided, if the liquor is sold or supplied in association with a consumer eating a meal on the premises.

(4) However, subsection (3) applies only if the licensee complies with section 67A(3)(b) to (d) as if a reference in that provision to a trading day were a reference to the part of a trading day during a relevant period that the licensee sells or supplies liquor while no entertainment is being provided.

(5) In this section—

entertainment—

(a) means entertainment provided by a person—

(i) who is physically present when providing the entertainment; and

(ii) whose function is to present the entertainment; and

(b) does not include entertainment using facilities that do not require a person present to provide the entertainment.

Examples of facilities that do not require a person to be present—

- pool tables
- jukeboxes

relevant period, for premises, means—

(a) for premises to which an extended trading hours approval applies for trading between 9a.m. and 10a.m.—between 9a.m. and 5p.m.; or

(b) if paragraph (a) does not apply—between 10a.m. and 5p.m.

83B Authority of nightclub licence

(1) A nightclub licence authorises the licensee to sell liquor on the licensed premises during ordinary trading hours or approved extended trading hours—

(a) for consumption on the premises; and

(b) if stated in the licence—for consumption off the licensed premises, subject to section 83D.

(2) The authority under subsection (1) is subject to this Act and the conditions stated in a particular licence.

83C Restrictions on grant of nightclub licence

(1) The commissioner may grant a nightclub licence only if the commissioner is satisfied the licensed premises have toilet facilities for male and female patrons of the business to be conducted under the licence on the licensed premises.

Not authorised—indicative only

Not authorised—indicative only

(2) The commissioner must not grant a nightclub licence to a person for a vehicle the commissioner reasonably considers is, or is to be, used primarily to transport persons by road between licensed premises.

83D Restriction on sale of liquor for consumption off premises

(1) The commissioner may decide that liquor may be sold under the authority of a nightclub licence for consumption off the licensed premises only if the commissioner is satisfied the sale of liquor will be made only in the course of the licensee providing catering facilities for functions.

(2) The authority conferred by a nightclub licence to sell liquor for consumption off the licensed premises is restricted to the sale of liquor—

(a) as ancillary to a function that—

(i) happens at a place at which the liquor is consumed; and

(ii) includes the licensee providing food for the function of sufficient substance as to be ordinarily accepted as a meal for consumption by persons genuinely attending the function, even though the food may be eaten while standing and without cutlery; and

(b) for consumption by persons genuinely attending the function.

Division 7 Extended trading hours approval

84 Authority of extended trading hours approval

An ***extended trading hours approval*** authorises the licensee who is the holder of the approval to sell liquor on a regular basis under authority of the licence that relates to the licensed

premises for which the approval is granted subject to this Act at the times, and subject to the conditions, stated in the approval.

Note—

Failure by a licensee to comply with the times or the conditions stated in the licensee's extended trading hours approval is, under section 136, a ground for the commissioner to take disciplinary action relating to the licence under section 137.

85 Application for approval

(1) An applicant for a licence, or a licensee, may apply to the commissioner for an extended trading hours approval for the premises that are, or are to be, the licensed premises.

(2) If the application is granted, the approval must be endorsed by the commissioner on the licence.

(3) Subsection (1) does not apply to an applicant for, or holder of, a community other licence.

86 Hours to which application may relate etc.

(1) An application may be made for an extended trading hours approval for a licence that, if granted, would extend trading hours on a regular basis to include trading between—

(a) for a commercial special facility licence relating to an airport or casino—12a.m. and 5a.m.; or

(b) for a licence relating to premises in a safe night precinct—12a.m. and 3a.m.; or

(c) otherwise—12a.m. and 2a.m.

(1A) Subsection (1) does not apply to a subsidiary on-premises licence (meals), artisan producer licence or community other licence.

(1B) An application may be made for an extended trading hours approval for a subsidiary on-premises licence (meals) or artisan producer licence that, if granted, would extend trading

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Not authorised—indicative only

hours on a regular basis to include trading between 12a.m. and 1a.m.

(2) An application may be made for an extended trading hours approval for a licence other than a community other licence that, if granted, would extend trading hours on a regular basis to include trading between 9a.m. and 10a.m.

(2A) An application may be made for an extended trading hours approval for a commercial hotel licence, artisan producer licence, community club licence or commercial special facility licence, for the sale of takeaway liquor, that, if granted, would extend trading hours on a regular basis to include the following—

(a) trading between 9a.m. and 10a.m.;

(b) for a commercial special facility licence relating to an airport or casino—trading between 10p.m. and midnight.

(3) The applicant for an application mentioned in subsection (2) or (2A) must satisfy the commissioner that there is a demonstrated community need for the application to be granted.

(4) An application may be made for an extended trading hours approval for a community club licence that, if granted, would extend trading hours on a regular basis to include trading between 7a.m. and 9a.m.

(5) For an application mentioned in subsection (4)—

(a) the applicant must satisfy the commissioner that there is a demonstrated community need for the application to be granted; or

(b) the club to which the licence relates must be a sporting club for a sport prescribed under a regulation.

(6) An application may be made for an extended trading hours approval for a licence other than a community other licence that, if granted, would extend trading hours on a regular basis to include trading between 7a.m. and 9a.m. but only for the

purpose of selling and supplying liquor to or for persons genuinely attending a function held on the licensed premises during those hours.

(7) For subsections (3) and (5)(a), the commissioner may be satisfied that there is a demonstrated community need for the application to be granted, only if the applicant demonstrates to the commissioner—

(a) a level of demand for liquor within the community that justifies the extended trading hours sought in the application; and

(b) the reasons for the level of demand mentioned in paragraph (a), including, for example—

(i) that the premises to which the licence relates are situated in an area that is popular with tourists or for dining; or

(ii) that there has been a significant increase in population in the area in which the premises to which the licence relates are situated.

(8) Subsection (7) does not limit the matters the commissioner may consider in deciding whether there is a demonstrated community need for the application to be granted.

87 Restriction on grant of extended trading hours approval

The commissioner must not grant an extended trading hours approval that would purport to authorise the sale of liquor at any time on Good Friday, Christmas Day or Anzac Day, otherwise than as prescribed by section 9.

88 Review of operation of extended trading hours approval

The commissioner may, at any time, review the conduct of a licensee under an extended trading hours approval endorsed on the licensee's licence.

Not authorised—indicative only

Not authorised—indicative only

Division 9 Banning use of regular glass in certain licensed premises

96 Definitions for div 9

In this division—

glassing means an act of violence by a person that involves the use of regular glass and causes injury to any person.

regular glass means glass other than tempered or toughened glass.

regular glass container means a container made entirely or partly of regular glass capable of holding a liquid, for example, a drinking glass, bottle or jug.

relevant period, for licensed premises, means the period of 1 year before a notice under section 98 is given.

97 When all or part of licensed premises must be classified as high risk

(1) The commissioner may classify all or part of licensed premises as high risk if the commissioner is satisfied—

(a) one or more glassings have happened at the premises during the relevant period; or

(b) there has been a level of violence at the premises during the relevant period that is unacceptable having regard to the main purpose of this Act mentioned in section 3(a).

(2) However, before classifying the premises or part of the premises as high risk the commissioner must—

(a) give the licensee of the premises a written notice under section 98; and

(b) have regard to the licensee's response, if any, to the notice.

Note—

A guideline may be made by the commissioner under section 42A informing persons about the attitude the commissioner is to adopt on a particular matter, how the commissioner administers this Act or matters that may help persons comply with this Act.

98 Notice to licensee of licensed premises considered high risk

(1) If the commissioner considers that all or part of licensed premises are high risk, the commissioner must give the licensee of the premises a notice under this section.

(2) The notice must state the following—

(a) that the commissioner considers all or a stated part of the premises to be high risk;

(b) the reasons the commissioner considers the premises or part to be high risk;

(c) an invitation to the licensee to show within a stated period, not less than 14 days after the notice is given to the licensee, why the premises or part should not be classified as high risk.

Examples of parts of licensed premises that the commissioner may decide not to classify as high risk—

accommodation rooms, restaurants, bottle shops

99 Representations about notice

(1) The licensee may make written representations about the notice to the commissioner within the 14-day period.

(2) The licensee may request that all or part of the licensed premises not be classified as high risk.

(3) The commissioner must consider all written representations made under subsection (1).

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Not authorised—indicative only

99A Ending process without further action

If, after considering any representations by the licensee, the commissioner no longer considers the ground exists to classify the licensed premises or part as proposed, the commissioner—

(a) must not take further action about the classification of the premises; and

(b) must, as soon as practicable, give notice to the licensee that no further action will be taken about the classification of the premises.

99B Notice classifying relevant premises as high risk

(1) This section applies if, after considering any representations by the licensee under section 99, the commissioner still considers all or part of licensed premises should be classified as proposed.

(2) The commissioner must give the licensee a written notice—

(a) classifying all or a stated part of the premises as high risk; and

(b) stating the day from which the classification starts.

(3) The notice under subsection (2) must not classify a part of the premises not mentioned in the notice under section 98.

99C Obligations of licensee who receives notice that licensed premises are high risk

(1) Subsection (2) applies to a licensee who receives a notice under section 99B classifying all or a stated part of the licensed premises as high risk.

(2) The licensee must not at any time during the trading hours for the premises or stated part—

(a) serve liquid to a patron in a regular glass container; or

(b) leave or place a regular glass container in an area to which a patron has access.

Maximum penalty—100 penalty units.

99D When licensee may apply to end the banning of regular glass in the licensed premises

(1) This section applies if 1 year has elapsed since all or part of licensed premises were classified as high risk.

(2) The licensee may make written representations to the commissioner to revoke the classification.

(3) The commissioner may revoke the classification only if the commissioner is satisfied that the licensee has put measures in place at the licensed premises that sufficiently minimise the risk of harm caused by alcohol abuse and misuse.

99E Judicial review only to apply to commissioner's decision

(1) A decision of the commissioner under this division—

(a) is final and conclusive; and

(b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, (whether by the Supreme Court, another court, a tribunal or another entity); and

(c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.

(2) However, subsection (1) does not limit the *Judicial Review Act 1991*.

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Not authorised—indicative only

99F Commissioner may publish details of classification of premises on website

The commissioner may publish details of licensed premises or parts of licensed premises classified as high risk on a website of the department on the internet.

99G Police commissioner must provide information

(1) The commissioner may ask the police commissioner to give the commissioner the information the commissioner requires to decide whether to classify licensed premises as high risk under this division.

(2) Subject to subsection (3), the police commissioner must provide the information requested.

(3) The obligation of the police commissioner to comply with the commissioner's request applies only to information in the possession of the police commissioner or to which the police commissioner has access.

Part 4A Permits

Division 1 Permits under this Act

100 Available permits

The following permits may be granted and held under this Act—

(a) a commercial public event permit;

(b) a community liquor permit;

(c) an extended hours permit;

(d) a restricted liquor permit;

(e) an adult entertainment permit;

(f) a restricted area permit;

(g) a craft beer producer permit;

(h) an artisan spirits producer permit.

Division 2 Commercial public event permits

101 Definitions for div 2

In this division—

licence means each of the following licences for which the authority under the licence is extended to allow the sale of liquor on premises that are not the licence's main premises—

(a) commercial hotel licence;

(b) subsidiary on-premises licence;

(c) subsidiary off-premises licence;

(d) nightclub licence;

(e) artisan producer licence.

main premises means licensed premises described in a licence.

private event means an event or occasion, held at premises other than main premises, if—

(a) the event or occasion is not publicly advertised or is not open to the public or casual attendance; or

(b) attendance at the event or occasion is restricted by personal invitation of the function's host; or

(c) admission to the event or occasion does not involve paying a fee for—

(i) admission; or

(ii) entertainment or services provided at the event or occasion.

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Not authorised—indicative only

Examples of a private event—

a 21st birthday party, boardroom lunch, company cocktail party, wedding

public event see section 101AA.

101AA Meaning of *public event*

(1) A ***public event***, in relation to a licensee, means an event or occasion held at premises other than the licensee's main premises, that is not a private event.

Examples of a public event—

a festival, public ball, race meeting, rock concert

(2) The commissioner may make a guideline under section 42A that includes examples of public events.

101A Commercial public event permit issued jointly to 2 or more licensees

(1) A reference in this division to a licensee, for a commercial public event permit issued jointly to 2 or more licensees, is a reference to each of the licensees.

(2) If a commercial public event permit is issued jointly to 2 or more licensees and one of the licences is suspended, the permit is taken to be suspended for the period of the suspension.

(3) If a commercial public event permit is issued jointly to 2 or more licensees and one of the licences is cancelled, the permit is taken to be cancelled.

102 Licensee to obtain a commercial public event permit for selling or supplying liquor at public events

(1) A licensee who proposes to sell or supply liquor at a public event under the licence must apply for the grant of a commercial public event permit to sell or supply the liquor at the public event.

(2) Without limiting section 105, an application must—

(a) describe the area where the liquor will be sold or supplied and consumed and the area where any catering to be provided by the licensee will take place; and

(b) be accompanied by a proposed event management plan for the public event addressing all matters about which the commissioner is to be satisfied under section 103(1).

(3) An application under subsection (1) may be made jointly by 2 or more licensees.

103 Restriction on grant of commercial public event permit

(1) The commissioner must not grant a commercial public event permit for a public event unless the commissioner is satisfied about all of the following—

(a) the licensee would, in catering for the public event, be carrying out the principal activity of the business conducted under the licence;

(b) premises in which liquor may be sold, supplied and consumed at the public event are properly defined and will be appropriately monitored;

(c) the public event will not create any undue annoyance, disturbance or inconvenience to residents of the locality in which the public event is to be held;

(d) the public event will not create an unsafe or unhealthy environment for persons employed at and attending the public event or residents of the locality in which the public event is to be held;

(e) appropriate planning for the public event has been carried out with the police service and local government for the area in which the public event is to be held;

(f) any other matter prescribed under a regulation.

(2) Subsection (1)(a) does not apply to an application for a commercial public event permit to extend the authority of a

Not authorised—indicative only

Not authorised—indicative only

subsidiary on-premises licence if the principal activity of the business conducted under the licence is the provision of accommodation.

(3) The commissioner must not grant a commercial public event permit for a public event that would purport to authorise the sale of liquor at any time on Good Friday or Christmas Day or before 1.00p.m. on Anzac Day.

(4) Despite subsection (3), the commissioner may grant a commercial public event permit to authorise a licensee to sell liquor between 5a.m. and 1p.m. on Anzac Day if—

(a) the commissioner is satisfied the licensee has entered into an agreement with an RSL or Services Club to sell liquor under the permit at a public event that is an Anzac Day event for the club; and

(b) the permit authorises the sale of liquor only at the event.

103A Area defined in commercial public event permit forms part of licensed premises

The area defined in a commercial public event permit for a public event forms part of the licensee's licensed premises for the period the licensee is authorised to sell or supply liquor at the event under the permit.

103B Authority of commercial public event permit

(1) Subject to this Act, a commercial public event permit authorises the licensee to sell or supply liquor—

(a) at the public event stated in the permit; and

(b) at the times on the day or days stated in the permit; and

(c) subject to the conditions stated in the permit.

(2) The authority of a commercial public event permit for a public event extends to the sale or supply of liquor for consumption within the area defined in the permit for the event.

(3) The authority of a commercial public event permit for an artisan producer licence is restricted to the sale of craft beer or artisan spirits produced by the licensee on the licensee's premises.

Division 3 Community liquor permit

103C Authority of community liquor permit

(1) Subject to this Act, a community liquor permit authorises the permittee to sell liquor—

(a) at the event or occasion; and

(b) at the times on the day or days; and

(c) subject to the conditions;

stated in the permit.

(2) Authority of a community liquor permit extends to sale of liquor—

(a) for consumption at the event or occasion stated in the permit; and

(b) for removal from the venue of the event or occasion, and subsequent consumption, if stated in the permit.

103D Restriction on grant of community liquor permit

(1) The commissioner must not grant a community liquor permit—

(a) for licensed premises; or

(b) if the commissioner considers that the supply of liquor proposed to be provided under authority of the permit would more appropriately be provided under authority of a licence.

(2) The commissioner may grant a community liquor permit only to—

Not authorised—indicative only

Not authorised—indicative only

(a) a non-proprietary club; or

(b) another entity, if the commissioner is satisfied all the net proceeds from the sale of liquor under the permit will be used for the benefit of the community.

(3) If the applicant for a community liquor permit is a non-proprietary club that is an unincorporated association, the permit may be granted only to an individual for the non-proprietary club.

103E Identification of premises

(1) The commissioner must—

(a) define an area adjacent to each premises to which a community liquor permit relates; and

(b) state the means by which the area must be marked out.

(2) An area defined under subsection (1) is part of the premises to which the permit relates.

103F Restriction on consumption or possession of liquor

(1) During continuance of a community liquor permit, a person must not—

(a) consume liquor; or

(b) have liquor in possession for consumption;

at the venue of the event or occasion stated in the permit elsewhere than in an area that is part of the premises to which the permit relates.

(2) Subsection (1) does not apply to consumption of, or having in possession, liquor supplied by the person or association of persons controlling the event or occasion in a part of the venue of the event or occasion set apart for use by that person or association and guests.

Division 4 Extended hours permit

103G Authority of extended hours permit

(1) An extended hours permit authorises the licensee who is the holder of the permit to sell liquor on a particular day under authority of the licence that relates to the licensed premises for which the permit is granted subject to this Act.

(2) The permit authorises the sale of liquor—

(a) during a stated time on a stated day; and

(b) in the licensed premises or a stated part of the licensed premises; and

(c) subject to any stated conditions.

103H Grant of permit for Good Friday, Christmas Day or Anzac Day

(1) The commissioner must not grant an extended hours permit that would purport to authorise the sale of liquor at any time on Good Friday, Christmas Day or Anzac Day, otherwise than as prescribed by section 9.

(2) However, the commissioner may grant an extended hours permit to authorise a licensee to sell liquor between 5a.m. and 1p.m. on Anzac Day if—

(a) the commissioner is satisfied the licensee has entered into an agreement with an RSL or Services Club to sell liquor under the permit at an Anzac Day event for the club; and

(b) the permit authorises the sale of liquor only at the event.

103I Hours to which applications may relate

An application may be made for an extended hours permit for a licence that, if granted, would extend trading hours on a particular day to include—

Not authorised—indicative only

Not authorised—indicative only

(a) for a licence other than a community other licence—

(i) trading between 12a.m. and 5a.m.; or

(ii) trading between 7a.m. and 9a.m.; or

(iii) trading between 9a.m. and 10a.m.; or

(b) for a community club licence—trading between 7a.m. and 9a.m.

~~**103IA Restrictions on grant of permit for trading between 12a.m. and 5a.m.**~~

~~(1) This section applies if an application is made under section 103I(a)(i).~~

~~(2) The commissioner may grant an extended hours permit only if satisfied it is to sell liquor on a special occasion that persons independent of the licensee, and of the owner or occupier of the licensed premises, wish to celebrate on the licensed premises.~~

~~(3) The commissioner may only grant an extended hours permit for—~~

~~(a) the time the special occasion is happening; and~~

~~(b) a reasonable time, before or after the time the special occasion is happening, the commissioner considers appropriate to ensure the maintenance of a safe environment in and around the licensed premises.~~

~~*Example—*~~

~~On the occasion of an international sporting match being televised from 1a.m. to 3a.m., the commissioner may grant a permit for trading between 12a.m. and 3.30a.m., in order to allow for the gradual arrival and departure of patrons attending the premises for the occasion.~~

~~(4) The commissioner may not grant extended hours permits relating to the same licensed premises that would extend trading hours on 2 or more consecutive days, or on more than 1 day in a calendar month, unless satisfied the permits are to sell liquor on the same special occasion.~~

(5) In this section —

celebrate includes mark.

special occasion means —

(a) the occasion of a special public event; or

(b) a wedding, birthday or other private occasion being celebrated at a function that is not open to the public.

special public event —

(a) means a unique or infrequent event of local, State or national significance; and

Examples —

- a local music festival happening over a weekend
- a televised international sporting match involving an Australian team

(b) includes an event prescribed by regulation, or of a class of events prescribed by regulation, to be a special public event; and

(c) does not include an event prescribed by regulation, or of a class of events prescribed by regulation, not to be a special public event.

103IB Restrictions on grant of permit for trading between 7a.m. and 9a.m.

(1) On an application under section 103I(a)(ii), the commissioner may grant an extended hours permit only if satisfied it is to sell liquor to or for persons genuinely attending a function held on the licensed premises during the period to which the permit relates.

(2) On an application under section 103I(b), the commissioner may grant an extended hours permit only if—

(a) the commissioner is satisfied there is a demonstrated community need for the application to be granted; or

Not authorised—indicative only

Not authorised—indicative only

(b) the club to which the licence relates is a sporting club for a sport prescribed by regulation.

103IC Restrictions on grant of permit for trading between 9a.m. and 10a.m.

On an application under section 103I(a)(iii), the commissioner may grant an extended hours permit only if satisfied there is a demonstrated community need for the application to be granted.

103J Maximum number of permits that may be granted

(1) The maximum number of extended hours permits that may be granted for particular licensed premises is—

(a) on an application under section 103I(a)(i)—6 permits in a calendar year; or

(b) otherwise—4 permits in any 1-year period.

(2) A reference in subsection (1)(a) or (b) to a number of permits in a period is a reference to the number of permits authorising the sale of liquor on a day in the period (not the number of permits granted in the period).

(3) This section applies subject to section 103JAA.

103JAA Maximum number of late night permits that may be granted in first calendar year of licence

(1) This section applies to licensed premises in relation to the calendar year in which the premises become licensed premises.

(2) Section 103J(1)(a) applies to the premises as if the reference to 6 permits were a reference to a lesser number of permits worked out on a pro rata basis according to the number of calendar months, in the calendar year, in which the premises are licensed premises.

Example—

Premises become licensed premises on 20 July 2018. For the 2018 calendar year, there are 6 calendar months in which the premises are licensed premises. Therefore, section 103J(1)(a) applies as if the reference to 6 permits were a reference to 3 permits.

(3) If the number of permits worked out under subsection (2) is not a whole number, the number must be rounded up to the nearest whole number.

Division 5 Restricted liquor permit

103JA Authority of restricted liquor permit

(1) A restricted liquor permit authorises the permittee to sell and supply liquor on the premises to which the permit relates to the following persons, for consumption on the premises—

(a) a member of the relevant club;

(b) a guest of a member of the relevant club in the member's company;

(c) a member of a reciprocal club;

(d) a guest of a member of a reciprocal club in the member's company;

(e) for a relevant club that is an RSL or Services Club—

(i) an RSL honorary member, or a guest of an RSL honorary member in the member's company; or

(ii) a defence member, or a guest of a defence member in the member's company.

(2) The authority under subsection (1) is subject to this Act and the conditions stated in the permit.

(3) In this section—

relevant club means the club to which the permit relates.

Not authorised—indicative only

Not authorised—indicative only

103K Restriction on grant of restricted liquor permit and other related matters

(1) The commissioner may grant a restricted liquor permit only if the commissioner is satisfied the relevant club is a non-proprietary club.

(2) The commissioner must include the following matters in a restricted liquor permit—

(a) the times, between 10a.m. and 12 midnight and totalling not more than 25 hours a week, for the sale of liquor under the permit;

(b) the area to which the permit relates.

(3) In this section—

relevant club means the club to which the permit relates.

103L Duration of permit

The commissioner may grant a restricted liquor permit for a period of at least 3 months but no longer than 6 months.

103M Requirements of club and secretary

(1) A restricted liquor permit is subject to the following conditions—

(a) the rules of the relevant club must comply with the schedule, unless the commissioner has given written permission to the club to vary the rules;

(b) if an amendment of the rules of the relevant club is adopted by the club—

(i) within 14 days after adoption of the amendment, the club's secretary must give the commissioner a certified copy of the amendment; and

(ii) the amendment takes effect at the end of 28 days after the commissioner receives the certified copy unless the commissioner has disallowed the

amendment by written notice given to the club's secretary;

(c) the relevant club's secretary must keep on the club premises a register of—

(i) the name and address of each club member; and

(ii) particulars of the most recent membership subscription paid by the member;

(d) the relevant club's secretary must keep on the club premises a register of—

(i) the name of each guest of a member or visitor to the club premises; and

(ii) the current place of residence of each guest or visitor or, if the guest or visitor is a member of a reciprocal club, the name of the reciprocal club;

(e) the relevant club's secretary must keep the registers mentioned in paragraphs (c) and (d) open for inspection by an investigator at any time when the club is open.

(2) The regulations may prescribe amendments to which subsection (1)(b)(i) does not apply.

(3) An amendment to which subsection (1)(b)(i) does not apply takes effect as soon as it is adopted by the relevant club.

(3A) Subsection (1)(d) does not apply in relation to a guest or visitor who is—

(a) a minor; or

(b) a member of a reciprocal club if the guest or visitor provides evidence of membership of the reciprocal club when the guest or visitor enters the relevant club; or

(c) for a relevant club that is an RSL or Services Club—

(i) an RSL honorary member; or

(ii) a defence member if the guest or visitor displays his or her current service identity card when the guest or visitor enters the relevant club.

Not authorised—indicative only

Not authorised—indicative only

(3B) However, if the rules of the relevant club require a register to be kept for members of a reciprocal club, subsection (1)(d) continues to apply in relation to a guest or visitor who—

(a) is a member of that reciprocal club; and

(b) if the relevant club is an RSL or Services Club, is not also—

(i) an RSL honorary member; or

(ii) a defence member who displays his or her current service identity card when the guest or visitor enters the relevant club.

(3C) To remove any doubt, subsection (1)(d) continues to apply in relation to a guest or visitor who is—

(a) a guest of a member of a reciprocal club; or

(b) for a relevant club that is an RSL or Services Club—

(i) a guest of an RSL honorary member; or

(ii) a guest of a defence member.

(4) A person must not make an entry in a register, or give information to someone else to enter in a register, mentioned in subsection (1)(c) or (d), that the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—35 penalty units.

(4A) The relevant club's secretary may keep the registers mentioned in subsection (1)(c) and (d) in hard copy or electronic form.

(5) It is enough for a complaint against a person for an offence against subsection (4) to state that the information entered was false, misleading or incomplete to the person's knowledge.

(6) In this section—

relevant club means the club to which the permit relates.

Division 6 Adult entertainment permit

103N Adult entertainment code

(1) There is to be an adult entertainment code (the ***code***).

(2) The code prescribes the live entertainment that may be performed for an audience, by a person performing an act of an explicit sexual nature (***adult entertainment***), on licensed premises or premises to which a community liquor permit or restricted liquor permit relates under an adult entertainment permit.

(3) Adult entertainment does not include the performance of the following acts—

(a) sexual intercourse;

(b) masturbation;

(c) oral sex.

(4) The code is to be made by the commissioner.

(5) The code is not effective until it is approved by the Governor in Council under a regulation.

(6) The commissioner must ensure that a copy of the code approved under subsection (5) is made available for inspection without charge, or for purchase during normal business hours at the office of the department in which this Act is administered.

103O Only licensees and permittees eligible for grant of adult entertainment permit

(1) A person is eligible to apply for, or to be granted, an adult entertainment permit only if the person is a licensee or the holder of a community liquor permit or restricted liquor permit.

Not authorised—indicative only

Not authorised—indicative only

(2) Subsection (1) does not limit another requirement about who may apply for, or the grant of, an adult entertainment permit under part 5.

103P Authority of adult entertainment permit

(1) An adult entertainment permit authorises the permittee to provide adult entertainment only—

(a) in an area of the permittee's premises approved by the commissioner (the ***approved area***); and

(b) during the hours stated in the permit.

(2) The adult entertainment permit is subject to this Act and the conditions prescribed under a regulation or imposed by the commissioner.

103Q Approved area to conform with requirements

Before the commissioner approves an area as an approved area, the commissioner must be satisfied the area conforms, or will conform, with this Act and the following requirements while adult entertainment is being provided in the area—

(a) the area must be fully enclosed in a way that prevents a person outside the area from seeing inside the area;

(b) the area must not contain, for the private use of persons attending the entertainment, a lounge, booth, compartment or cubicle (other than a toilet cubicle);

(c) another requirement prescribed under a regulation.

103R Duration of adult entertainment permit

An adult entertainment permit—

(a) is issued for the term stated in it, not longer than 3 years, unless it is sooner surrendered, suspended or cancelled under this Act; and

(b) is not renewable; and

(c) is not transferable.

103S Adult entertainment permit dependent on currency of licence or community liquor permit or restricted liquor permit

(1) This section applies if an adult entertainment permit is issued for licensed premises or for premises to which a community liquor permit or restricted liquor permit relates and—

(a) the licence or community liquor permit or restricted liquor permit ends or is suspended or cancelled; or

(b) the licensee or permittee surrenders the licence or community liquor permit or restricted liquor permit.

(2) If the licence or community liquor permit or restricted liquor permit ends, the adult entertainment permit also ends at the same time.

(3) If the licence or community liquor permit or restricted liquor permit is suspended, the adult entertainment permit is also suspended at the same time.

(4) If the licence or community liquor permit or restricted liquor permit is surrendered or cancelled, the adult entertainment permit is also surrendered or cancelled at the same time.

103T Restriction on grant of adult entertainment permit

(1) The commissioner must not grant an adult entertainment permit that would relate to premises at which a public event or private event is to be held other than for—

(a) if the applicant is a licensee—the main premises under the licence; or

(b) if the applicant is the holder of a community liquor permit or restricted liquor permit—the premises to which the permit relates.

Not authorised—indicative only

Not authorised—indicative only

(2) In this section, including in the definitions *public event* and *private event* as applying for this section—

main premises means licensed premises described in a licence other than—

(a) a detached bottle shop; or

(b) for a community club licence—premises mentioned in section 77(2).

Division 7 Restricted area permits

103U Authority of restricted area permit

(1) A restricted area permit authorises the permittee to have in possession in a restricted area more than the prescribed quantity of a type of liquor for the area—

(a) at the times and on the day or days, and for the purpose, stated in the permit; or

(b) during the period of not more than 1 year, and for the purpose, stated in the permit.

(2) The permit is subject to this Act and the conditions prescribed under a regulation or imposed by the commissioner.

103V Restriction on grant of restricted area permit

The commissioner must not grant an application for a restricted area permit unless the commissioner is satisfied—

(a) the amount of liquor the applicant has applied to have in possession is reasonable for the purpose stated in the application; and

(b) if the purpose is not merely personal to the applicant—another restricted area permit has not been issued to another person for the purpose.

Division 8 Craft beer producer permits

103W Authority of craft beer producer permit

(1) A craft beer producer permit authorises the permittee to—

(a) sell craft beer, produced by the permittee at the permittee's craft brewery, to persons at a promotional event, with the written consent of the organiser of the event, for consumption away from the event; or

Note—

See section 172(4) in relation to the sale of craft beer by a permittee to persons at the promotional event by the taking or receiving of orders.

(b) sell craft beer, produced by the permittee at the permittee's craft brewery, to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer, if the organiser of the promotional event has given the permittee written consent to sell samples of craft beer to persons at the event.

(2) The authority under subsection (1) applies during the hours the promotional event takes place unless a condition of the permit provides otherwise.

(3) A craft beer producer permit applies—

(a) if the permit is granted for a single promotional event—during the promotional event; or

(b) if the permit is granted for a recurring promotional event—during each occurrence of the event—

(i) while the permit is in force; and

(ii) only if, for each occurrence—

(A) the same place is used; and

(B) the type of event remains the same.

Not authorised—indicative only

Not authorised—indicative only

Example of a recurring promotional event—

a fortnightly farmers market

(4) For subsection (1)(a), unless a condition imposed on the permit states otherwise, the total volume of craft beer that may be sold to each person at the promotional event, for consumption away from the event, is 9 litres.

(5) A craft beer producer permit is subject to the conditions stated in the permit.

103X Restriction on grant of craft beer producer permit

(1) The commissioner may grant a craft beer producer permit only—

(a) to the operator of a craft brewery; and

(b) if the commissioner is satisfied the operator will only sell, to persons at the promotional event that is the subject of the permit, craft beer produced at the operator's craft brewery.

(2) However, the commissioner may only grant a craft beer producer permit if no more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.

103Y Duration of craft beer producer permit

A craft beer producer permit—

(a) is issued for the term stated in it, of not longer than 3 months, unless it is sooner surrendered, suspended or cancelled under this Act; and

(b) is not renewable; and

(c) is not transferable.

103Z Premises to which craft beer producer permit relates

The premises to which a craft beer producer permit relates is—

(a) if the commissioner imposes a condition on the permit defining the area, at the venue of the promotional event the subject of the permit, in which the craft beer may be sold by the permittee to persons at the event—the area defined in the condition; or

(b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the permittee for the purpose of selling craft beer produced by the permittee to persons at the event.

103ZA Conditions on craft beer producer permits

(1) The commissioner may impose conditions on a craft beer producer permit in relation to the following—

(a) the total volume of the permittee's craft beer that may be sold to each person at a promotional event for consumption away from the event;

(b) for craft beer that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer—

(i) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or

(ii) the volume of each of the individual samples that may be sold to persons at the event.

(2) Unless a condition imposed on the permit under subsection (1)(b) states otherwise, a regulation may prescribe, for craft beer that may be sold to persons at a promotional event for consumption at the event—

(a) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or

Not authorised—indicative only

Not authorised—indicative only

(b) the volume of each of the individual samples that may be sold to persons at the event.

(3) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a permit.

Division 9 Artisan spirits producer permits

103ZB Authority of artisan spirits producer permit

(1) An artisan spirits producer permit authorises the permittee to—

(a) sell artisan spirits, produced by the permittee at the permittee's artisan distillery, to persons at a promotional event, with the written consent of the organiser of the event, for consumption away from the event; or

(b) sell artisan spirits, produced by the permittee at the permittee's artisan distillery, to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits, if the organiser of the promotional event has given the permittee written consent to sell samples of artisan spirits to persons at the event.

(2) The authority under subsection (1) applies during the hours the promotional event takes place unless a condition of the permit provides otherwise.

(3) An artisan spirits producer permit applies—

(a) if the permit is granted for a single promotional event—during the promotional event; or

(b) if the permit is granted for a recurring promotional event—during each occurrence of the event—

(i) while the permit is in force; and

(ii) only if, for each occurrence—

(A) the same place is used; and

(B) the type of event remains the same.

Example of a recurring promotional event—

a fortnightly farmers market

(4) For subsection (1)(a), unless a condition imposed on the permit states otherwise, the total volume of artisan spirits that may be sold to each person at the promotional event, for consumption away from the event, is 1.5 litres.

(5) An artisan spirits producer permit is subject to the conditions stated in the permit.

103ZC Restriction on grant of artisan spirits producer permit

(1) The commissioner may grant an artisan spirits producer permit only—

(a) to the operator of an artisan distillery; and

(b) if the commissioner is satisfied the operator will only sell, to persons at the promotional event that is the subject of the permit, artisan spirits produced at the operator's artisan distillery.

(2) However, the commissioner may only grant an artisan spirits producer permit if no more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.

103ZD Duration of artisan spirits producer permit

An artisan spirits producer permit—

(a) is issued for the term stated in it, of not longer than 3 months, unless it is sooner surrendered, suspended or cancelled under this Act; and

(b) is not renewable; and

Not authorised—indicative only

Not authorised—indicative only

(c) is not transferable.

103ZE Premises to which artisan spirits producer permit relates

The following area is taken to be the premises to which an artisan spirits producer permit relates—

(a) if the commissioner imposes a condition on the permit defining the area, at the venue of the promotional event the subject of the permit, in which the artisan spirits may be sold by the permittee to persons at the event—the area defined in the condition;

(b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the permittee for the purpose of selling artisan spirits produced by the permittee to persons at the event.

103ZF Conditions on artisan spirits producer permits

(1) The commissioner may impose conditions on an artisan spirits producer permit in relation to the following—

(a) the total volume of the permittee's artisan spirits that may be sold to each person at a promotional event for consumption away from the event;

(b) for artisan spirits that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits—

(i) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or

(ii) the volume of each of the individual samples that may be sold to persons at the event.

(2) Unless a condition imposed on the permit under subsection (1)(b) states otherwise, a regulation may prescribe, for artisan spirits that may be sold to persons at a promotional event for consumption at the event—

(a) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or

(b) the volume of each of the individual samples that may be sold to persons at the event.

(3) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a permit.

Part 5 Grant, variation and transfer of licences and permits and related matters

Division 1 Applications

105 Requirements for applications

(1) An application for or relating to a licence or a permit for any purpose under this Act must—

(a) be made to the commissioner; and

(b) be in the approved form; and

(c) specify, or be accompanied by, the particulars prescribed by regulation; and

(d) be accompanied by the fee prescribed by regulation for an application of the relevant kind.

(2) The commissioner may, by written notice given to an applicant, require the applicant to give the commissioner further information or a document about the application within the reasonable time, not less than 30 days, stated in the notice.

(3) The requirement must relate to information or a document that the commissioner reasonably considers is necessary to help

Not authorised—indicative only

Not authorised—indicative only

the commissioner decide the application and reasonable for the applicant to provide.

(4) The application is taken to be withdrawn by the applicant if—

(a) the commissioner has given the applicant a notice under subsection (2) requiring the applicant to give the commissioner further information or a document about the application; and

(b) the applicant has failed to comply with the requirement within the time stated in the notice unless the applicant provides the commissioner with an excuse for the failure that the commissioner considers to be a reasonable excuse.

105A Additional requirement for particular applications—risk-assessed management plan

(1) Subsection (2) applies in relation to an application for or relating to a licence or restricted liquor permit made under section 105, other than an application for any of the following licences relating to low risk premises—

(a) a subsidiary on-premises licence (meals);

(b) a subsidiary off-premises licence if the principal activity stated in the licence is the provision of—

(i) floral arrangements; or

(ii) gift baskets.

(2) The application must be accompanied by—

(a) if the application is for a licence or restricted liquor permit—a proposed risk-assessed management plan for the premises to which the application relates; or

(b) if the application is a relevant application—a proposed revised risk-assessed management plan for the licensed premises.

(3) Subsections (4) and (5) apply in relation to an application made under section 105 for a licence mentioned in subsection

(1)(a) or (b) relating to low risk premises if the commissioner considers an approved risk-assessed management plan or revised risk-assessed management plan for the premises is necessary to—

(a) ensure compliance with this Act; or

(b) give effect to an agreement about the management of premises that has resulted from a decision of the tribunal; or

(c) give effect to the main purposes of this Act mentioned in section 3(a); or

(d) minimise alcohol-related disturbances, or public disorder, in a locality.

(4) Before deciding the application, the commissioner may, by written notice to the applicant, require the applicant to give the commissioner within the reasonable period of not less than 30 days stated in the notice, a proposed risk-assessed management plan for the premises to which the application relates.

(5) The application is taken to be withdrawn if the applicant fails to comply with the notice, unless the commissioner considers the applicant has a reasonable excuse for the non-compliance.

(6) In this section—

low risk premises means premises the subject of an application to which all of the following apply—

(a) if the application were to be granted, the premises would not be the subject of—

(i) an adult entertainment permit; or

(ii) an extended trading hours approval that extends trading hours to include trading between 12a.m. and 5a.m.;

(b) the premises are not situated in a restricted area.

relevant application means an application for—

Not authorised—indicative only

Not authorised—indicative only

(a) the transfer of a licence; or

(b) a permanent variation of a licence; or

(c) an approval for a permanent change in a licensed area; or

(d) an extended trading hours approval; or

(e) an approval for a change in the principal activity of a business conducted under a licence; or

(f) a car park approval.

105B Application for adult entertainment permit requires local government consent

(1) An application for an adult entertainment permit may be made only with the consent of the local government for the area in which the relevant premises are located.

(2) The application must include, or be accompanied by, the written consent or written evidence of the consent.

(3) However, subsection (1) does not apply to an application for an adult entertainment permit if—

(a) an adult entertainment permit (the ***previous permit***) was previously granted for the relevant premises; and

(b) the application is made before, or no later than 30 days after, the previous permit expires.

(4) Also, subsection (1) does not apply if the local government abstains, in writing, from consenting to the application.

(5) In this section—

consent, of a local government to an application for an adult entertainment permit, does not include a development approval for the relevant premises.

relevant premises means the premises in relation to which the adult entertainment permit is sought.

Not authorised—indicative only

106 Who may apply for licence or permit

(1) An adult individual, or a corporation, may make application for a licence or permit.

(2) Also, an adult may apply for a licence or permit for or on behalf of an unincorporated association.

(3) A person who has an interest in a sex work business may not apply for or hold a licence or permit.

(4) Also, a local government, corporatised corporation or relevant public sector entity may not apply for or hold a commercial hotel licence.

107 Restrictions on grant of licence or permit

(1) The commissioner may grant an application for a licence or permit only if the commissioner is satisfied that the applicant is not a disqualified person and is a fit and proper person to hold the licence or permit applied for having regard to—

(a) whether the applicant demonstrates knowledge and understanding of the obligations of a licensee or permittee of the relevant kind under this Act; and

(b) whether the applicant is a person of good repute who does not have a history of behaviour that would render the applicant unsuitable to hold the licence or permit applied for; and

(c) whether the applicant demonstrates a responsible attitude to the management and discharge of the applicant's financial obligations; and

(d) whether the applicant has been convicted of a prescribed offence; and

(e) if the applicant is, or has been, the subject of a control order or registered corresponding control order—the terms of the order.

(2) If the applicant is a corporation, or the commissioner knows, or suspects on reasonable grounds, that the applicant would

Not authorised—indicative only

hold any licence or permit granted on behalf of an unincorporated association or partnership, the commissioner must discharge the responsibility under subsection (1) by applying the subsection to—

(a) each executive officer of the corporation; or

(b) each person who is an executive officer of the association or a member of the partnership of whom the commissioner has knowledge;

as if each such person were the applicant.

(4) Subject to section 123, the commissioner may grant an application only if the premises to which it relates are, in the commissioner's opinion, suitable for conduct of business under authority of the licence or permit applied for.

(5) The commissioner may obtain—

(a) a report from the police commissioner in relation to the criminal history of—

(i) an applicant for a licence or permit; and

(ii) each person to whom subsection (1) applies as if the person were the applicant; and

(b) if the applicant or person holds or previously held in another State or a Territory a relevant licence, permit, authority, interest or position—a report from the appropriate authority in the State or Territory.

(6) A report under subsection (5)(a) must—

(a) include reference to or disclosure of convictions of the applicant or person mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6; and

(b) if the applicant or person is, or has been, the subject of a control order or registered corresponding control order—

(i) state the details of the order; or

(ii) be accompanied by a copy of the order.

(7) For subsection (1), the commissioner may not have regard to criminal intelligence in deciding whether a person is, or continues to be, a fit and proper person to hold a licence or permit under this Act.

(8) In this section—

permit does not include an adult entertainment permit.

107A Additional restriction on grant of licence

(1) This section applies to an application for a licence made by an individual.

(2) The commissioner may grant the application only if the individual has a licensee's course certificate currently in force.

~~(2) The commissioner may grant the application only if the individual has, within 3 years before the day the application is granted, successfully completed the licensee's course.~~

(3) Despite subsection (2), the commissioner may grant the application if the commissioner is satisfied the individual need not undertake the licensee's course, having regard to the principal activity, and the nature and extent, of the business conducted, or to be conducted, under the licence.

(4) In this section—

individual does not include an individual who is applying for the licence in the capacity of chief executive of a department.

107B Additional restriction on grant of permit

(1) This section applies to an application for a permit if the commissioner—

(a) reasonably believes that, having regard to the nature of the activity to be conducted under the permit and to minimise harm caused by alcohol abuse or misuse and associated violence, the applicant should undertake the

Not authorised—indicative only

Not authorised—indicative only

licensee's course and approved training course, or either course, before the permit is granted; and

(b) gives the applicant a written notice stating the applicant must undertake the licensee's course and approved training course, or either course, before the permit is granted.

(2) The commissioner may grant the application only if the applicant successfully completes the course or courses stated in the notice.

(3) In this section—

nature, of the activity to be conducted under the permit, includes the duration, location or size of the activity.

permit does not include a restricted area permit.

107C Commissioner may impose conditions on licences and permits

(1) The commissioner may impose conditions on licences and permits—

(a) to ensure appropriate compliance with this Act; or

(b) to give effect to an agreement about the management of premises that has resulted from a decision of the tribunal; or

(c) to give effect to the main purpose of this Act mentioned in section 3(a); or

(d) to minimise alcohol-related disturbances, or public disorder, in a locality.

(2) Without limiting subsection (1), a condition may, and always could, require that a patron of licensed premises or premises to which a permit relates must not be allowed to enter the premises during a stated period of a day.

(3) Without limiting subsection (1), a condition of a commercial special facility licence relating to an airport or casino may,

and always could, specify the trading hours for the licensed premises on Anzac Day, Good Friday or Christmas Day.

(4) A condition may provide for matters mentioned in section 173EG.

107CA Additional condition on adult entertainment permit

It is a condition of an adult entertainment permit that, if a controller who is the holder of an approval supervises adult entertainment on the permittee's premises, the licensee or permittee must—

(a) keep a copy of the controller's approval on the licensed premises at all times; and

(b) make a copy of the controller's approval available for inspection by a police officer or investigator.

107D Restriction on grant of adult entertainment permit

(1) The commissioner may grant an application for an adult entertainment permit only if the commissioner is satisfied that—

(a) the applicant is a suitable person to provide adult entertainment in licensed premises (the ***relevant premises***) or premises to which a community liquor permit or restricted liquor permit relates (also the ***relevant premises***); and

(b) if the application were granted, the combined total of sex work businesses and premises permitted to provide adult entertainment in the locality in which the relevant premises are situated would not substantially affect the character of the locality; and

(c) the proposed approved area for the entertainment conforms with the requirements of section 103Q; and

Not authorised—indicative only

Not authorised—indicative only

(d) the applicant has submitted a proposed management plan in the approved form that provides for any matters prescribed under a regulation.

(2) Without limiting subsection (1), the commissioner must have regard to any comments of the relevant local government or police district officer received under section 117(2)(a).

107E Suitability of applicant for adult entertainment permit

(1) In deciding whether an applicant for an adult entertainment permit is a suitable person to provide adult entertainment, the commissioner must consider all relevant matters including the following—

(a) the applicant's reputation, having regard to character, honesty and integrity;

(b) whether the applicant has been convicted of—

(i) an indictable offence; or

(ii) a prescribed offence;

(c) whether the applicant is an associate of a person who has been convicted of—

(i) an indictable offence; or

(ii) a prescribed offence;

(d) whether the applicant is an associate of a corporation, an executive officer of which has been convicted of—

(i) an indictable offence; or

(ii) a prescribed offence;

(e) whether the applicant has been charged with any offence of a sexual nature that involves violence, intimidation, threats or children, including the circumstances surrounding the laying of the charge and whether proceedings in relation to the charge are continuing or have been discontinued;

(f) whether the applicant's business structure is sufficiently transparent to enable all associates of the applicant, whether individuals or bodies corporate, to be readily identified;

(g) whether the applicant has the ability to control the noise and behaviour of the number of persons that could reasonably be expected to be on and in the vicinity of the premises if the permit were granted;

(h) whether the applicant is a disqualified person;

(i) if the applicant or an associate of the applicant is, or has been, the subject of a control order or registered corresponding control order—the terms of the order;

(j) any other matters prescribed under a regulation.

(2) For subsection (1)(e), it does not matter whether the offence is alleged to have been committed in Queensland or elsewhere.

(3) For subsection (1), the commissioner may not have regard to criminal intelligence in deciding whether a person is, or continues to be, a suitable person to hold an adult entertainment permit under this Act.

107F Application to be referred to police commissioner

(1) The commissioner must give to the police commissioner any particulars the commissioner considers relevant for each application for an adult entertainment permit.

(2) On receiving particulars of the application, the police commissioner—

(a) must make inquiries about the criminal history of the applicant, including whether the applicant is, or has been, the subject of a control order or registered corresponding control order; and

(b) must make inquiries about the criminal history of each associate of the applicant, including whether the

Not authorised—indicative only

Not authorised—indicative only

associate is, or has been, the subject of a control order or registered corresponding control order; and

(c) must make any other inquiries about the application the police commissioner considers appropriate.

(3) The police commissioner must report to the commissioner after receiving the results of the inquiries.

(4) The police commissioner's report may include recommendations.

(5) The police commissioner's report must—

(a) include reference to or disclosure of convictions of the person mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6; and

(b) if the applicant or an associate of the applicant is, or has been, the subject of a control order or registered corresponding control order—

(i) state the details of the order; or

(ii) be accompanied by a copy of the order.

108 More than 1 licence or adult entertainment permit may be held

(1) A person may apply for, and hold, more than 1 licence, whether of the same kind or of different kinds, or adult entertainment permit.

(2) In this section—

licence includes a permit, other than an adult entertainment permit.

110 Application for grant of extended hours permit

(1) A licensee may apply for an extended hours permit for the licensed premises.

(2) An applicant for an extended hours permit must, at or about the time the application is given to the commissioner, also give a copy of the application to the police officer in charge of the locality in which the relevant premises are situated.

(3) The police officer may comment or object to the commissioner about the application within 14 days of receiving the copy of the application.

(4) In considering an application under this section, the commissioner must have regard to—

(a) any matter raised by the local government in whose area the premises to which the application relates are situated; and

(b) any objection or comment made to the commissioner by a police officer under subsection (3); and

(c) the impact on the amenity of the community.

(5) If an application is for extension of trading hours on a particular day to include trading between 12a.m. and 5a.m., the commissioner must also have regard to the following matters—

(a) the previous conduct of the applicant in discharging any duties under this Act previously placed on the applicant, especially for the premises for which the extension is sought;

(b) the applicant's ability to control noise and behaviour of the number of persons that could reasonably be expected to be on and in the vicinity of the premises if the extension were granted;

(c) the suitability of the premises and its facilities for the purpose for which the extension is sought.

111 Variation of licence

(1) A licensee may apply to vary a licence by amending or revoking a condition of the licence.

Not authorised—indicative only

Not authorised—indicative only

(1B) ~~The~~Also, the holder of a producer/wholesaler licence ~~also~~or artisan producer licence may apply to vary the licence by changing the description of the licensed premises under the licence.

(2) The commissioner may, on the commissioner's own initiative, seek to vary a licence in relation to any 1 or more of the following—

(a) the restriction of the authority under the licence;

(b) the ordinary hours of the licence;

(c) the hours stated in the licence;

(d) the description of the licensed premises;

(e) the type, quantity and availability of liquor from the licensed premises;

(f) responsible practices in relation to the service, supply or promotion of liquor;

Examples for paragraph (f)—

1 providing meals

2 prohibiting takeaway sales of liquor to taxi drivers

3 prohibiting a licensee holding a person's financial-institution access card

(g) another matter for the purpose of—

(i) ensuring compliance with this Act; or

(ii) minimising alcohol-related disturbances, or public disorder, in a locality; or

(iii) otherwise giving effect to the main purpose of this Act mentioned in section 3(a).

(3) The ways the commissioner may seek to vary a licence under subsection (2) include imposing a new condition, amending a condition and revoking a condition.

(4) The commissioner may, under subsection (2), seek to make the same variation to each licence, or each licence of a

particular class, for licensed premises in a particular safe night precinct, restricted area or other area.

Examples—

1 The commissioner may seek to vary all the licences for licensed premises in a particular safe night precinct by imposing on each licence a condition requiring that a patron must not be allowed to enter the premises during a stated period.

2 The commissioner may seek to vary all the commercial hotel licences for licensed premises in a central business district by imposing on each licence a condition under section 173EF(2).

112 Procedure for variation by commissioner

(1) If the commissioner seeks to vary a licence—

(a) the commissioner must cause written notice to be given to the licensee; and

(b) the licensee may, within 14 days after receiving the notice, give to the commissioner written notice of objection to the proposed variation.

(1A) Also, if the commissioner proposes to vary a licence relating to licensed premises in a community area or part of a community area that is, or is in, a restricted area, the commissioner must give written notice of the proposed variation to—

(a) the police district officer for each locality in the restricted area; and

(b) the community justice group for the community area; and

(c) the chief executive of the department that administers the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

(1B) An entity given a notice under subsection (1A) may, within 14 days, give to the commissioner written notice of objection to the proposed variation.

(2) This section does not apply to—

Not authorised—indicative only

Not authorised—indicative only

(a) a variation of a licence for a disciplinary action relating to the licence under section 137A; or

(b) the imposition of a condition on a licence for an exemption from the restriction on rapid consumption drinks under section 155AN; or

(c) the variation of a condition under section 155AP.

112A Compensation not payable for variation

Compensation is not payable to any person for the variation of a licence under section 111(2).

112B Variation of condition about noise—licensed premises in special entertainment precinct

(1) This section applies if—

(a) a licence is subject to a condition (a ***noise condition***) about noise coming from the licensed premises; and

(b) the licensed premises are in a special entertainment precinct established by a local government under the *Local Government Act 2009*; and

(c) a licence, permit or other authority has been issued for the premises under a local law made by the local government under the *Local Government Act 2009*, including a licence, permit or other authority that has expired or been revoked or cancelled by the local government.

(2) The noise condition does not apply in relation to noise from amplified music played at the licensed premises.

(3) To remove any doubt, it is declared that this section no longer applies if the local government—

(a) revokes the special entertainment precinct; or

(b) changes the boundaries of the special entertainment precinct so that the premises are no longer within the

precinct's core area under the *Local Government Act 2009*.

113 Application for transfer of licence

(1) On application made by—

(a) the licensee and the proposed transferee; or

(b) the owner, lessee or mortgagee of the licensed premises if—

(i) the licensee has been lawfully evicted from, or has abandoned, the licensed premises; or

(ii) the lease, sublease, tenancy or right to occupy the licensed premises of the licensee has been lawfully terminated; or

(iii) the licensee has ceased to conduct business in the licensed premises and has not agreed to the application;

the commissioner may transfer a licence (together with any extended trading hours approval held in association with the licence) to a person who could be granted the licence.

(2) The authority of the commissioner under subsection (1) is subject to the *Gaming Machine Act 1991*, section 78.

(3) On transfer of a licence, the transferee becomes the licensee and—

(a) has the authority conferred by the licence on the holder; and

(b) is subject to the obligations imposed by this Act or the conditions of the licence on the holder; and

(c) is subject to the obligations imposed on the transferor or any previous holder of the licence by order of the commissioner, or requisition of an investigator, that has not been complied with.

Not authorised—indicative only

Not authorised—indicative only

(4) Also, if the licensee uses, in the licensed premises, an approved ID scanner linked to an approved ID scanning system, the commissioner must give the approved operator for the approved ID scanning system notice of the transfer.

(5) In this section—

approved ID scanner see section 173EE.

approved ID scanning system see section 173EE.

approved operator see section 173EE.

113A Transfer of licence or permit held for or on behalf of unincorporated association

(1) This section applies if—

(a) a person holds a licence or permit for or on behalf of an unincorporated association; and

(b) the association becomes incorporated.

(2) The person and the incorporated association must, within 3 months after the association is incorporated, apply to the commissioner for the licence or permit to be transferred to the incorporated association.

115 Commissioner's responsibility on application for transfer or franchising of a licence

On application made for the commissioner's approval that—

(a) a licence or permit be transferred; or

(b) licensed premises, or any part, be let or sublet; or

(c) the right to sell liquor be let or sublet; or

(d) a franchise, or management rights of a similar nature, be granted for licensed premises, or a part of licensed premises;

sections 107 to 108 apply as if the proposed transferee, lessee, sublessee, franchisee or proposed holder of management

rights were an applicant for a licence, and the commissioner must not approve the application unless the requirements of the sections are satisfied.

116 When community impact statement to be given to commissioner

(1) The following applications must be accompanied by a statement complying with subsections (8) and (9) (a ***community impact statement***)—

(a) an application for a licence, other than a community other licence;

(b) an application, under section 111, by a licensee for a variation of the licence;

(c) an application for an extended trading hours approval mentioned in section 86(1).

(2) However, the commissioner may waive the requirement for a community impact statement if—

(a) any of the following apply—

(i) the application does not involve a significant change to the licensed premises or the nature or extent of the business carried on from the licensed premises;

(ii) the premises are in a remote location;

(iii) the purpose of the community impact statement has been, or can be, achieved by other means;

(iv) other special circumstances exist; and

(b) because of a matter mentioned in paragraph (a), the commissioner is satisfied the statement is not necessary.

(3) Also, without limiting subsection (2), the commissioner may waive the requirement for a community impact statement for an application for a subsidiary on-premises licence (meals) if—

Not authorised—indicative only

Not authorised—indicative only

(a) the proposed licensed premises are located in a commercial complex; and

(b) the grant of the licence will not include the grant of an extended trading hours approval for trading between 12a.m. and 1a.m.; and

(c) the commissioner is satisfied—

(i) the grant of the licence will not adversely affect the amenity of the community; and

(ii) amplified entertainment, including, for example, amplified music, will not be provided at the premises.

(4) Subsection (5) applies to the following applications—

(a) an application for a community other licence;

(b) an application for a commercial public event permit or community liquor permit.

(5) If the commissioner reasonably believes granting the application may be inconsistent with the main purpose of this Act mentioned in section 3(a), the commissioner may, by written notice given to the applicant, require the applicant to give the commissioner a community impact statement in relation to the application within 60 days after the giving of the notice.

(6) The applicant is taken to have withdrawn the application if, within the time stated in subsection (5), the applicant does not comply with the requirement under subsection (5).

(7) The purpose of a community impact statement is to help the commissioner assess the impact on the community concerned if the application were granted, having regard to the main purpose of this Act mentioned in section 3(a).

(8) A community impact statement must address the following—

(a) the existing and projected population and demographic trends in the locality;

(b) the number of persons residing in, resorting to or passing through the locality, and their respective expectations;

(c) the likely health and social impacts that granting the application would have on the population of the locality;

(d) an assessment of the magnitude, duration and probability of the occurrence of the health and social impacts;

(e) the proximity of the proposed licensed premises or proposed premises to which the permit is to relate to identified sub-communities within the locality, including, for example, schools and places of worship, and the likely impact on those sub-communities.

(9) In preparing a community impact statement, the applicant must have regard to relevant guidelines issued by the commissioner.

117 Advice about application etc.

(1) As soon as practicable after the commissioner receives a relevant application, the commissioner must tell the following about the application—

(a) the local government for the relevant locality;

(b) if the application is for an extended trading hours approval or an adult entertainment permit—the police district officer for the locality;

(c) if the application is in relation to premises that are in a priority development area, or that are, or are on, PDA-associated land for a priority development area—MEDQ.

(2) The local government or police district officer may—

(a) comment on the reasonable requirements of the public in the locality; or

Not authorised—indicative only

Not authorised—indicative only

(b) object to the grant of the relevant application on the grounds that the amenity, quiet or good order of the locality would be lessened.

(3) MEDQ may comment on, or object to, the grant of the relevant application if the comment or objection is in relation to MEDQ's functions under the *Economic Development Act 2012*.

(4) A comment or objection made by an entity under subsection (2) or (3) must be given to the commissioner—

(a) if the relevant application was required to be advertised—on or before the last day for filing objections to the application; or

(b) in any other case—within 14 days after the entity receives advice from the commissioner about the application, or within a longer time stated by the commissioner in the advice.

(5) In this section—

relevant application means—

(a) an application for which a community impact statement must be given under section 116; or

(b) an application for a community club licence; or

(c) an application for an adult entertainment permit; or

(d) another application the commissioner reasonably considers may adversely affect the amenity, quiet or good order of a locality.

117A Comments about particular applications

(1) As soon as practicable after the commissioner receives an application relating to a restricted area, the commissioner may ask any 1 or more of the following to give the commissioner comments about the application—

(a) the local government that may exercise jurisdiction in the area;

(b) the police district officer for the locality to which the application relates;

(c) if the area is or is in a community area—the community justice group for the area;

(d) the chief executive of the department that administers the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*;

(e) if the area is in or includes a priority development area, or is or includes PDA-associated land for a priority development area—MEDQ.

(2) However, MEDQ may give the commissioner comments about the application only if the comments are in relation to MEDQ's functions under the *Economic Development Act 2012*.

(3) In deciding the application, the commissioner must have regard to comments received from the entities mentioned in subsection (1).

Note—

See also section 121.

118 Advertisement of applications

(1) An application for the following must be advertised under this section—

(a) a licence or variation of a licence, other than—

(i) an application for a subsidiary on-premises licence (meals); or

(ii) an approval of a detached bottle shop;

(b) a subsidiary on-premises licence (meals) for premises if—

(i) the commissioner gives the applicant a notice under section 118AA; or

Not authorised—indicative only

Not authorised—indicative only

(ii) the applicant has also applied for an extended trading hours approval for the premises that, if granted, would extend trading hours on a regular basis to include trading between 12a.m. and 1a.m.;

(c) an approval of a detached bottle shop, if—

(i) the commissioner gives the applicant a notice under section 118AA; or

(ii) the detached bottle shop will, if the application is approved, be open for business after 10p.m.;

(d) an extended trading hours approval or variation of an extended trading hours approval;

(e) an adult entertainment permit, other than a one-off permit or subsequent permit;

(f) another application that the commissioner requires, by written notice to the applicant, to be advertised.

(2) If an application must be advertised, the applicant must—

(a) display a copy of the notice on a sign the dimensions of which (including dimensions of the print) are approved by the commissioner, generally or in a particular case; and

(b) ensure the copy is displayed conspicuously for 28 days immediately before the last day for making submissions about the reasonable requirements of the public in the locality or filing objections to the application.

(3) For subsection (2)(a), the sign must be displayed—

(a) if the land on which the premises to which the application relates has only 1 road frontage—conspicuously, on the front alignment of the land or on the premises, at street level and in a way that ensures it is clearly visible to the passing public; and

(b) if the land on which the premises to which the application relates has more than 1 road frontage—conspicuously, on the land or on the

premises, at street level and in a way that ensures it is clearly visible to the passing public on each road frontage.

(4) The commissioner may—

(a) waive or vary the publication and display requirements for an application if the commissioner is satisfied that publication and display under subsection (2) is not necessary because of the remote location of the premises or other special circumstances; or

(b) vary the display requirements for an application, including by requiring the applicant to comply with other requirements, if the commissioner is satisfied that display under subsection (2) is not appropriate having regard to the specific nature of the location.

(5) Subject to subsection (6), the applicant must give to the commissioner evidence of satisfying the publication and display requirements under subsection (2) or (4).

(6) The commissioner may approve publication and display that—

(a) substantially complies with subsection (2); or

(b) has already taken place for another purpose and substantially complies with subsection (2).

(7) In deciding whether to require an application for an adult entertainment permit to be advertised, that is an application for a one-off permit or subsequent permit, the commissioner must have regard to—

(a) for a one-off permit—whether the frequency, location, size or timing of the adult entertainment may cause some community concern; and

(b) for a subsequent permit—whether a previous adult entertainment permit exists or has lapsed or whether there are specific problems relating to the locality of the licensed premises, including, for example, the use of the premises for adult entertainment, or the behaviour of

Not authorised—indicative only

Not authorised—indicative only

persons entering or leaving the premises, may cause undue annoyance or disturbance to persons living or working or doing business in the neighbourhood of the premises.

(8) If an application mentioned in subsection (1) is made, the commissioner must publish notice of the application on the department's website.

(9) In this section—

one-off permit means an adult entertainment permit for a term of less than 4 days.

subsequent permit means an adult entertainment permit relating to a person for premises if the person was, within the preceding 6 months of the date of the application for the subsequent permit, previously the holder of an adult entertainment permit for the premises, other than a one-off permit.

118AA Commissioner may give notice requiring advertisement of particular applications

(1) This section applies in relation to an application for—

(a) a subsidiary on-premises licence (meals); or

(b) an approval of a detached bottle shop.

(2) The commissioner may give a notice to the applicant requiring the application to be advertised under section 118 if any of the following apply—

(a) for an application for a subsidiary on-premises licence—the commissioner reasonably considers that amplified entertainment, including, for example, amplified music, will be provided at the premises if the application is granted;

(b) the commissioner reasonably considers the amenity of the community may be adversely affected by the grant of the application;

(c) the premises the subject of the application are not situated in a commercial complex;

(d) the commissioner otherwise reasonably considers the application should be advertised having regard to the main purpose of this Act mentioned in section 3(a).

118A Submissions

(1) This section applies if a notice is published under section 118 about an application for which a community impact statement must be given under section 116.

(2) A member of the public may make a written submission to the commissioner about the matters mentioned in section 116(8).

(3) In this section—

member of the public has the meaning given by section 119.

119 Objection by member of public to grant of applications

(1) If notice of an application is published as required by section 118, any member of the public may object to the grant of the application, by writing filed with the commissioner on or before the last day for filing of objections as specified in the notice.

(2) An objection may be made individually or by petition.

(3) The grounds on which an objection about an application, other than an application for an adult entertainment permit, may be made are that, if the application were granted, 1 or more of the following may happen—

(a) undue offence, annoyance, disturbance or inconvenience to persons who reside, work or do business in the locality concerned, or to persons in, or travelling to or from, an existing or proposed place of public worship, hospital or school;

(b) harm from alcohol abuse and misuse and associated violence;

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Not authorised—indicative only

(c) an adverse effect on the health or safety of members of the public;

(d) an adverse effect on the amenity of the community.

(4) The grounds on which an objection about an application for an adult entertainment permit may be made are that, if the application were granted, 1 or more of the following may happen—

(a) undue annoyance, disturbance or inconvenience to persons who reside, work or do business in the locality concerned, or to persons in, or travelling to or from, an existing or proposed place of public worship, hospital, school, or other facility or place regularly frequented by children for cultural or recreational activities;

(b) harm from alcohol abuse and misuse and associated violence;

(c) an adverse effect on the health or safety of members of the public;

(d) an adverse effect on the amenity of the community.

(5) In subsection (1)—

member of the public means any adult individual or body of persons that in the commissioner's opinion—

(a) has a proper interest in the locality concerned; and

(b) is likely to be affected by the grant of the application.

119A Objection by Minister to grant of applications having significant community impact

(1) This section applies if notice of an application for either of the following is advertised under section 118—

(a) a licence or variation of a licence;

(b) an extended trading hours approval or variation of an extended trading hours approval.

(2) The Minister may object to the grant of the application, by writing filed with the commissioner on or before the last day for filing of objections as stated in the notice.

(3) The grounds on which an objection about an application may be made are that, if the application were granted, 1 or more of the following may happen—

(a) undue offence, annoyance, disturbance or inconvenience to persons who reside, work or do business in the locality concerned, or to persons in, or travelling to or from, an existing or proposed place of public worship, hospital or school;

(b) harm from alcohol abuse and misuse and associated violence;

(c) an adverse effect on the health or safety of members of the public;

(d) an adverse effect on the amenity of the community.

120 Requirements of objection by petition

(1) An objection purporting to be by petition to the grant of an application is ineffective, and may be disregarded, unless—

(a) each sheet of the petition has an identical heading clearly stating the subject matter of the petition and positioned to be clearly legible to every person whose signature on the petition is sought; and

(b) each signatory to the petition adds particulars of his or her connection with the locality to which the application relates; and

(c) each sheet of the petition states the name of the petition's sponsor with whom all contact between the commissioner and the signatories to the petition is to take place.

Not authorised—indicative only

Not authorised—indicative only

(2) A notice given by the commissioner, or the director, to the sponsor of the petition is taken to be given to all signatories to the petition.

121 Matters the commissioner must have regard to

In deciding whether to grant the application, the commissioner must have regard to—

(a) if a community impact statement is required to be given for the application under section 116—

(i) the matters mentioned in section 116(8); and

(ii) the public interest in so far as it relates to the main purpose of this Act mentioned in section 3(a) or the impact on the amenity of the community; and

(b) an objection to the grant of the application made under section 117, 119 or 119A; and

(c) comments made in relation to the application under section 117; and

(d) the impact on the amenity of the community concerned; and

(e) for an application for an extended trading hours approval mentioned in section 86(1)—

(i) the previous conduct of the applicant in discharging any duties under this Act previously placed on the applicant, especially for the premises for which the extension is sought; and

(ii) the applicant's ability to control the noise and behaviour of the number of persons that could reasonably be expected to be on and in the vicinity of the premises if the extension were granted; and

(iii) the suitability of the premises and its facilities for the purpose for which the extension is sought; and

(f) any relevant conditions imposed on a development approval that relates to premises the subject of the application.

Note—

See also sections 107D, 110 and 117A.

121A Commissioner must publish information after granting particular applications for extended trading hours approval

(1) This section applies if—

(a) the commissioner receives an application for an extended trading hours approval; and

(b) under section 117, the police district officer for the locality objects to the grant of the application; and

(c) the commissioner grants the application.

(2) The commissioner must publish, on the department's website, information about how public safety concerns will be addressed in relation to the licensed premises to which the approval applies.

(3) The information must—

(a) be published on the department's website as soon as practicable after the commissioner grants the application; and

(b) continue to be published for a period of at least 3 months.

121B Commissioner must publish information about particular applications advertised under s 118

(1) This section applies in relation to a decision made by the commissioner on an application advertised under section 118 if—

Not authorised—indicative only

Not authorised—indicative only

(a) a local government or police district officer gave the commissioner a comment on the application under section 117; or

(b) a local government or police district officer objected to the grant of the application under section 117; or

(c) a member of the public made a submission about the application under section 118A; or

(d) a member of the public objected to the grant of the application under section 119; or

(e) the Minister objected to the grant of the application under section 119A.

(2) The commissioner must publish on the department's website the following information in relation to the decision—

(a) the nature of the application;

(b) the location of the premises to which the application relates;

(c) the day the decision was made;

(d) whether the decision was to approve or refuse the application;

(e) a brief summary of the reasons for the decision.

(3) However, the information that is published must not include any of the following—

(a) sensitive information about a person;

(b) information the commissioner reasonably considers is commercially sensitive;

(c) particulars given to the commissioner under section 45.

(4) The information must be published under subsection (2)—

(a) as soon as practicable, but no later than 28 days, after the decision is made; and

(b) for a period of 3 months.

(5) A failure to comply with this section does not affect the validity of the decision.

(6) In this section—

sensitive information, about a person, means information about—

(a) the person's reputation; or

(b) the person's history of behaviour or attitude in relation to the management and discharge of the person's financial obligations.

122 Procedure on receipt of objections

(1) The commissioner must give to the applicant written notice of all objections properly made to the grant of an application advertised under section 118.

(2) The notice of objections—

(a) must either specify the ground of the objection or consist of a copy of the objection; and

(b) must be given to the applicant within 7 days after the last day for lodging objections as specified in the relevant notice under section 118(4).

(3) In this section—

objection includes an objection made by the Minister under section 119A.

123 Commissioner may grant provisional licence

(1) This section applies if—

(a) the commissioner assesses an application for a licence, including, for example, the principal activity of a business to be conducted under the proposed licence and the requirements of sections 107 and 107A in relation to the application; and

Not authorised—indicative only

Not authorised—indicative only

(b) a development approval has been given for the use of the land on which the proposed premises will be situated for licensed premises; and

(c) the commissioner would grant the application if a building or structure forming part of the proposed premises—

(i) were completed under the law relating to carrying out building work; or

(ii) were approved or certified as required by law for use as licensed premises and, if the case requires it, for conduct in the premises of a business for which the licence was sought.

(2) The commissioner may grant the application provisionally and issue a provisional licence subject to a condition that the applicant produces evidence of the completion of the building work or approval or certification as required by law, as mentioned in subsection (1)(c).

(3) The provisional licence must state—

(a) the evidence the applicant is required to produce; and

(b) that if the applicant produces the stated evidence to the satisfaction of the commissioner within the relevant period for the development approval, the applicant is entitled to a stated licence; and

(c) that if the applicant does not produce the stated evidence within the relevant period, the applicant's provisional licence will be cancelled.

123A Commissioner may grant authority to trade for staged development

(1) This section applies if—

(a) the commissioner assesses an application for a licence, including, for example, the principal activity of a business to be conducted under the proposed licence and

the requirements of sections 107 and 107A in relation to the application; and

(b) the construction or alteration of the proposed premises is to be completed in stages and 1 or more of the stages has been completed; and

(c) the business to be conducted in a completed stage meets the principal activity under the proposed licence and has been approved or certified as required by law for use as licensed premises and, if the case requires it, for conduct in the premises of a business for which the licence was sought; and

(d) the commissioner would grant the application if all the stages of the construction or alteration of the premises were completed.

(2) The commissioner may grant the application provisionally and issue an approval (a ***staged development approval***) subject to a condition that the applicant produces evidence of the completion of the remaining stages of the construction or alteration of the premises.

(3) The staged development approval must state—

(a) the evidence the applicant is required to produce before the application for the licence will be granted; and

(b) the part of the premises in which the applicant is authorised to operate the business the subject of the application until the licence is granted; and

(c) that if the applicant produces the stated evidence within a stated reasonable time, not more than 2 years, the applicant is entitled to a stated licence.

123B Provisional licence or staged development approval

(1) A provisional licence remains in force for the relevant period for the development approval in relation to which the licence is granted.

Not authorised—indicative only

Not authorised—indicative only

(1A) A staged development approval remains in force for the stated reasonable time from the day on which the approval is granted.

(2) The commissioner may renew a provisional licence, for a period of not more than 1 year, if the commissioner reasonably considers there are special circumstances for the applicant not producing the evidence stated in the licence within the relevant period for the development approval in relation to which the licence is granted, including, for example, delays in completing the proposed premises because of adverse weather conditions.

(3) A provisional licence can not be renewed more than once.

(4) The commissioner may, after considering a matter to which the commissioner may have regard in making a decision to grant a licence of the type the subject of a staged development approval, renew the approval for a period of not more than 2 years.

(5) A staged development approval may be renewed a maximum of 4 times.

123C Effect of provisional licence

(1) A provisional licence in relation to an application for a licence does not give the applicant authority to operate the business the subject of the application until the licence is granted.

(2) If, while a provisional licence is in force, the holder of the licence produces the evidence stated in the licence to the satisfaction of the commissioner, the commissioner must grant the appropriate licence.

(3) If the holder of a provisional licence does not produce the evidence stated in the licence while it is in force, the commissioner must cancel the provisional licence.

(4) The cancellation of a provisional licence takes effect despite another provision of this Act.

124 Effect of staged development approval

(1) A staged development approval in relation to an application for a licence authorises the applicant to sell and supply liquor as if—

(a) the approval were the licence the subject of the application; and

(b) the part of the premises stated in the approval in which the applicant is authorised to operate the business the subject of the application were licensed premises; and

(c) the applicant were the licensee.

(2) If, while a staged development approval is in force, the holder of the approval produces the evidence stated in the staged development approval, the commissioner must grant the appropriate licence.

125 Temporary authority

(1) If licensed premises are wholly or partially destroyed, or are damaged to such an extent that they are unsuitable for conduct of business under authority of the licence—

(a) the licensee must discontinue business under authority of the licence until a temporary authority is granted under paragraph (b); and

(b) the commissioner may, on application made by the licensee, grant to the licensee a temporary authority to conduct business under authority of the licence.

(2) A temporary authority may be granted in respect of—

(a) any part or parts of the licensed premises; or

(b) any neighbouring premises;

for the period the commissioner considers reasonable, although such part or parts, or neighbouring premises, do not satisfy the requirements of this Act or of the commissioner.

Not authorised—indicative only

Not authorised—indicative only

(3) If the licence for the licensed premises is a commercial hotel licence, the commissioner may grant temporary authority even though part of the business that is the principal activity under the licence can not be conducted in the premises that are the subject of the authority.

Example of subsection (3)—

If a hotel is destroyed by fire but there is a detached bottle shop covered by the licence, the temporary authority may be given for the detached bottle shop even though the hotel is not able to operate or can not be rebuilt for a period of time.

(4) A temporary authority may be—

(a) granted for 1 term stated in the authority, but not longer than 2 years; and

(b) extended for a term or terms, each of which is not longer than 2 years, if the commissioner is satisfied there are special circumstances for not restoring the premises within the original term or the most recent extension of the term, including, for example—

(i) continuing investigations about the destruction of the premises; or

(ii) difficulties in obtaining development approval for rebuilding the premises.

(5) The commissioner may impose conditions on the temporary authority—

(a) to ensure appropriate compliance with this Act; or

(b) to give effect to the main purpose of this Act mentioned in section 3(a); or

(c) to minimise alcohol-related disturbances, or public disorder, in a locality.

(6) While a temporary authority is in force, the part or parts of licensed premises, or neighbouring premises, to which it relates are, for the purposes of this Act, the licensed premises to which the existing licence relates.

126 Variation or transfer to be endorsed on licence

(1) If a licence is varied, the commissioner must cause an appropriate endorsement to be made on the licence.

(2) If a licence is transferred, the commissioner must cause an appropriate endorsement to be made on the licence.

(3) The commissioner may, by written notice, require a licensee to produce the licence for endorsement under subsection (1) or (2).

127 Duplicate licence or permit

(1) On application made by a licensee or permittee, the commissioner may issue to the applicant a duplicate of the licence or permit, or of any part, with the word 'duplicate' marked on it.

(2) A duplicate—

(a) must be a true record of the original licence or permit, or part, of which it purports to be a duplicate; and

(b) must bear all endorsements made on the original licence or permit, or part, that remain effective at the time of issue of the duplicate; and

(c) must be certified by the commissioner as complying with paragraphs (a) and (b).

(3) A duplicate that complies with subsection (2)—

(a) is valid for all purposes as the original licence or permit; and

(b) is admissible in evidence and for all purposes to the same extent as the original licence or permit.

128 Liability of licensees in certain cases

(1) If a licence is held—

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Not authorised—indicative only

(a) by a corporation—each of the directors of the corporation is subject to the same liabilities under this Act as a licensee; or

(b) for or on behalf of an unincorporated association, and the licensee is absent from the management and supervision of the business conducted under authority of the licence—each of the members of the association's management committee is subject to the same liabilities under this Act as a licensee.

(2) In subsection (1)(a)—

liability does not include a liability for an offence committed by a corporation.

Division 1A Public safety and amenity

128A Application of div 1A

(1) This division applies to the commissioner for the purpose of making a decision under this Act, in relation to relevant premises, about the effects of a thing on—

(a) the health and safety of members of the public; or

(b) the amenity of a community or locality.

(2) This division does not limit the matters the commissioner may consider in making the decision.

(3) In this section—

relevant premises means —

(a) licensed premises; or

(b) premises to which a permit relates; or

(c) premises for which an application for a licence or permit has been made.

128B Particular matters the commissioner may consider

(1) The matters that the commissioner may consider include—

(a) the disbursement of persons leaving the relevant premises; and

(b) the availability of public transport during, and immediately before or after, the hours of operation of the relevant premises; and

(c) the nature and level of noise from the relevant premises.

(2) The commissioner may consider whether any of the following has happened, and the likelihood of any of the following happening, in relation to the behaviour of persons in or near the relevant premises—

(a) violence;

(b) vandalism;

(c) nuisance;

(d) drunkenness;

(e) public urination, vomiting or defecation;

(f) disorderly, riotous, threatening, indecent, offensive or insulting behaviour;

(g) noisiness;

(h) obstruction of a road, footpath or other thoroughfare.

128C Conditions relating to public safety or amenity

The conditions that the commissioner may impose on a licence or permit under part 5 to give effect to the main purpose of this Act mentioned in section 3(a) include a condition about any of the following—

(a) the days on which, or times during which, liquor may be sold on the relevant premises;

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Not authorised—indicative only

(b) the availability of liquor from the relevant premises, including the type or quantity of liquor that may be sold on the relevant premises;

(c) the adoption of stated responsible practices about service, supply or promotion of liquor;

(d) the adoption of stated noise abatement measures;

Examples—

- a condition relating to the structure of the premises
- a condition about the conduct of the business at the premises

(e) the adoption of stated security arrangements.

Examples—

- a condition requiring a stated number of security staff by reference to the number of patrons in the relevant premises
- a condition requiring closed-circuit television equipment to be used at stated places on the licensed premises

Division 2 Persons managing affairs of licensees

129 Applications to continue trading in certain circumstances

(1) The following persons may apply to the commissioner to conduct the business of a licensee on licensed premises—

(a) if a licensee is dead—a person entitled to be appointed as the legal personal representative of the deceased licensee;

(b) if the licensee is bankrupt or has taken advantage of the laws of bankruptcy—a person in possession of the licensed premises who is entitled to administer the affairs of the licensee;

(c) if the licensee is a corporation—a person in possession of the licensed premises who has been appointed to manage or wind up the affairs of the licensee;

(d) a guardian of a licensee or an administrator or manager of the estate of a licensee.

(2) If any of the following circumstances happen in relation to a licence or licensed premises, the owner or mortgagee of the licensed premises, or the owner of a financial interest in the trading of the licensed premises, may also apply to the commissioner to conduct the business of the licensee on the licensed premises—

(a) a licensee ceasing to conduct business on the premises under authority of the licence;

(b) the lessee or sublessee of the right to sell liquor ceasing to conduct business on the premises under authority of the licence;

(c) a licensee who holds the licence as a member of a partnership ceasing to be a member of the partnership;

(d) the commissioner has ordered cancellation of the licence but the order has not taken effect.

(3) If the application is made in circumstances mentioned in subsection (2)(d), the order for cancellation is stayed until the application is disposed of by the commissioner.

(4) Also, each of the following persons may apply to the commissioner to conduct the business of a community club licence if the person is in possession of the licensed premises and the application states, in detail, the way in which the person will continue trading under the community club licence for the benefit of the club—

(a) an owner or mortgagee of the licensed premises who has, under section 44A(2), given the commissioner particulars of the person's interest in the licence;

(b) an owner of a financial interest in the trading of the licensed premises who has, under section 44A(2), given the commissioner particulars of the person's interest in the licence.

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Not authorised—indicative only

(5) Despite subsections (1), (2) and (4), a person may apply to the commissioner under this section only if the person is a person who may make an application under section 106.

130 Where approval under s 129 not obtained

If application under section 129—

(a) is not made within 7 days after a person becomes entitled to make such an application; or

(b) is not granted by the commissioner;

the licensed premises to which an application (if made) would have related, or to which the application made relates, are taken to be unlicensed premises until an application under section 129 is granted by the commissioner.

131A Decision by commissioner on application to continue trading in certain circumstances

(1) This section applies if an application is made under section 129.

(2) If an applicant is the occupier or is entitled to possession of the licensed premises, the commissioner may authorise the applicant to conduct business on licensed premises under authority of the licence on an interim basis.

(3) The commissioner may impose conditions on the authority under subsection (2)—

(a) to ensure appropriate compliance with this Act; or

(b) to give effect to the main purpose of this Act mentioned in section 3(a); or

(c) to minimise alcohol-related disturbances, or public disorder, in a locality.

(4) Without limiting subsection (3), the commissioner may impose a condition requiring the applicant to successfully

complete the licensee's course and approved training course, or either course, within 3 months after the authority is given.

(5) The authority under subsection (2) continues until the earliest of the following happens—

(a) the application on which it is made is disposed of by the commissioner;

(b) the authority is revoked by the commissioner because the applicant contravenes this Act or a condition of the licence or authority;

(c) the authority expires.

(6) If the application is made by a person as mentioned in section 129(4), the maximum period for an authority given under subsection (2) is not for more than 6 months after the date of the application.

(7) While the authority under subsection (2) continues, the applicant is subject to this Act as if the applicant were the licensee of the licensed premises.

(8) If the commissioner is satisfied that the applicant is not a disqualified person and is a fit and proper person to conduct the business under the authority of the licence, the commissioner may authorise the applicant to conduct the business under the authority of the licence.

(9) If the application was made because of an order for cancellation of the licence and the commissioner authorises the conduct of the business under subsection (8), the order for cancellation is set aside.

(10) If the commissioner is not satisfied about the matters mentioned in subsection (8), the commissioner must reject the application and may make an order under section 132.

(11) On the commissioner's rejection of the application—

(a) if an authority under subsection (2) is still in force—the authority is revoked; and

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Not authorised—indicative only

(b) if the application was made because of an order for cancellation of a licence—the commissioner's order for cancellation of the licence takes effect.

(12) For forming the satisfaction mentioned in subsection (8), the commissioner may have regard to the matters mentioned in section 107 to which the commissioner must have regard in deciding whether an applicant is not a disqualified person and is a fit and proper person to hold a licence.

131B Section 129 applicants may apply under s 113

A person who may apply under section 129, may apply under section 113 for the transfer of the licence even though the person is not a person mentioned in section 113.

132 Discharge of licensee or permittee from obligations

If—

(a) a licensee who is not the sole owner of licensed premises, has ceased to conduct business on the premises under authority of the licence; or

(b) a licensee who holds the licence as a member of a partnership has ceased to be a member of the partnership;

the commissioner may, by order, do all or any of the following—

(c) discharge the licensee prospectively from obligations under this Act in relation to the licensed premises;

(d) suspend the licence until—

(i) the licence has been properly transferred; or

(ii) a person has been authorised by the commissioner under section 131A to conduct business under authority of the licence;

as the case may require.

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Division 3 Surrender and cancellation of licence or permit

Subdivision 1 Surrender of licences and permits

133 Request to surrender

(1) An appropriate person may request the commissioner to accept a surrender of the licence.

(2) A permittee may, by writing given to the commissioner, surrender the permit at any time.

(3) A request under subsection (1)—

(a) must be made in writing by the appropriate person; and

(b) must be accompanied or supported by—

(i) the consent of all mortgagees or lessees of the licensed premises, or part of the licensed premises, who have given the commissioner particulars under section 44A; and

(ii) enough information to enable the commissioner to decide the request, including the information prescribed under a regulation for this subparagraph; and

(c) in the case of surrender of a licence held by a club—must be accompanied by a copy of a minute (certified as correct by the licensee) that evidences adoption by the club of a resolution for surrender of the licence.

(3A) Despite subsection (3)(b)(i), the request need not be accompanied or supported by a consent mentioned in that subparagraph if, after making reasonable efforts, the appropriate person can not obtain the consent.

(3B) If subsection (3A) applies to a request under subsection (1), the commissioner must as soon as practicable give written

Not authorised—indicative only

notice of the request to each owner, mortgagee or lessee of the licensed premises, or part of the licensed premises, under the licence who—

(a) holds an interest in the licence; and

(b) has given the commissioner particulars about the interest under section 44A.

(3C) However, subsection (3B) does not require the commissioner to give the notice to—

(a) the appropriate person who made the request; or

(b) a person whose consent accompanied or supported the request.

(4) The commissioner must cause written notice of a request made by an appropriate person under subsection (1) to be given to each secured creditor of the appropriate person—

(a) whose interest as creditor is registered with the commissioner; and

(b) whose interest as creditor is likely to be affected by surrender of the licence; and

(c) whose written consent to surrender of the licence does not accompany the request.

(5) A person given notice under subsection (3B) or (4) who wishes to oppose the surrender requested is entitled to furnish, within 14 days after receiving the notice, a submission to the commissioner specifying the grounds of opposition.

(6) If a surrender is accepted, the licence continues in force until a day fixed by the commissioner for its termination, by written notice given to the licensee.

(7) Surrender of a licence or permit does not affect any liability incurred by the licensee or permittee before the surrender takes effect.

(8) In this section—

appropriate person, in relation to the surrender of a licence, means—

(a) the licensee, if the licensee is sole owner of the licensed premises; or

(b) the owner, lessee or mortgagee of the licensed premises, if any of the following apply—

(i) the licensee has been lawfully evicted from, or has abandoned, the licensed premises;

(ii) the lease, sublease, tenancy or right to occupy the licensed premises of the licensee has been lawfully terminated;

(iii) the licensee has ceased to conduct business in the licensed premises and has not agreed to the request; or

(c) the licensee and the owner of the licensed premises, if paragraph (a) or (b) does not apply.

Subdivision 2 Cancellation, suspension and variation of permits

134 Cancellation, suspension or variation of permits

(1) The commissioner may, on the commissioner's own initiative, cancel, suspend or vary a permit if the commissioner is satisfied that—

(a) the permittee has contravened—

(i) this Act or a racing offence provision; or

(ii) a condition stated in the permit; or

(iii) an order of the commissioner or a requisition of an investigator; or

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Not authorised—indicative only

(b) the use of the premises in relation to which the permit is held has caused, or is causing, an adverse effect on the amenity of the area in which the premises are located; or

(c) the permittee is not, or is no longer, a fit and proper person to hold the permit.

(2) Also, the commissioner may vary a permit that relates to premises in a restricted area to make the conditions of the permit consistent with the conditions of licences for licensed premises in the area.

(2A) The ways the commissioner may vary a permit under subsection (1) include imposing a new condition, amending a condition and revoking a condition.

(2B) For subsection (1)(c), the commissioner may have regard to the matters mentioned in section 107 to which the commissioner must have regard in deciding whether an applicant is a fit and proper person to hold a permit.

(3) The commissioner must immediately cancel a permit if the commissioner is satisfied the permittee has become a disqualified person.

(4) Subsection (5) applies if an adult entertainment permit has been issued for licensed premises or premises to which a community liquor permit or restricted liquor permit relates, and the commissioner—

(a) is advised that the licensee has ceased to conduct the business authorised by the licensee's licence on the premises; or

(b) receives an application to transfer the licence because of the sale of the business authorised by the licensee's licence on the premises; or

(c) receives an application to conduct the business of a licensee on licensed premises under section 129; or

(d) receives a notice from a corporation under section 150 about a change in the controlling interest in the corporation.

(5) The commissioner must, by written notice, cancel the adult entertainment permit.

(6) If subsection (4)(a) applies, the notice must be given to the person controlling, or apparently controlling, the premises and takes effect on giving the notice.

(7) If subsection (4)(b) applies—

(a) if the licensee has ceased to conduct the business—the notice must be given to the person controlling, or apparently controlling, the premises and takes effect from the date of the notice; or

(b) if the licensee continues to conduct the business until the date of settlement of the sale—the notice must be given to the licensee and takes effect from the date of settlement.

(8) If subsection (4)(c) applies, the notice must be given to the person controlling, or apparently controlling, the premises and takes effect 28 days after the date of the notice.

(9) If subsection (4)(d) applies, the notice must be given to the licensee and takes effect 28 days after the date of the notice.

134A Ground for taking relevant action relating to adult entertainment permits

The commissioner may take relevant action for an adult entertainment permit on the ground the person who holds the permit is no longer a suitable person to provide adult entertainment.

134B Show cause notice

(1) This section applies if, having regard to the relevant matters, the commissioner reasonably believes a ground for taking relevant action for an adult entertainment permit exists.

(2) The commissioner must give the person who holds the permit a written notice that—

Not authorised—indicative only

Not authorised—indicative only

(a) states the relevant action relating to the permit that the commissioner proposes to take; and

(b) states the grounds for the relevant action; and

(c) states an outline of the facts and circumstances forming the basis for the grounds; and

(d) invites the person to show within a stated period, not less than 14 days after the notice is given to the person, why the relevant action should not be taken.

(3) In this section—

relevant matters means the matters mentioned in section 107E to which the commissioner must have regard in deciding whether an applicant is a suitable person to provide adult entertainment.

134C Decision about relevant action relating to adult entertainment permit

(1) After considering any representations made by the person who holds the adult entertainment permit, the commissioner may—

(a) if the commissioner still considers there is a ground to take the relevant action relating to the permit—take the relevant action; or

(b) if the commissioner no longer believes a ground exists to take the relevant action—take no further action about the show cause notice.

(2) Within 7 days after the commissioner makes a decision under subsection (1), the commissioner must give written notice of the decision to the holder of the permit.

(3) Also, if the commissioner decides to take the relevant action the notice under subsection (2) must comply with the tribunal Act, section 157(2).

135 Summary cancellation, suspension or variation

(1) Cancellation, suspension or variation of a permit under section 134 or 134C takes effect when written notice of the cancellation, suspension or variation is given to the permittee.

(2) Subsection (1) applies subject to section 134(3) to (9).

135A Compensation not payable for variation

Compensation is not payable to any person for the variation of a permit under section 134(2).

Subdivision 3 Disciplinary action relating to licences

136 Grounds for disciplinary action

Each of the following is a ground for taking disciplinary action relating to a licence—

(a) the licensee has failed to—

(i) comply with this Act; or

(ii) conduct a business on the licensed premises that is consistent with the principal activity of the licence; or

(iii) comply with a condition stated in the licence or in an extended trading hours approval endorsed on the licence; or

(iv) comply with a condition stated in a car park approval for the licensed premises; or

(v) comply with an order of the commissioner or a requisition of an investigator;

(b) the licensee is convicted of—

(i) an offence against this Act; or

Not authorised—indicative only

Not authorised—indicative only

(ii) a prescribed offence; or

(iii) an offence against a racing offence provision; or

(iv) an offence the commissioner considers indicates the licensee's unsuitability to hold the licence;

(c) the licensee has, at a material time, employed or engaged in the business conducted under authority of the licence a person convicted of an offence against this Act committed in the course of the business being carried on;

(d) the licensee has obtained the licence by fraud or false representation;

(e) the licensee is a disqualified person or is not a fit and proper person to conduct business under authority of the licence, having regard to the matters mentioned in section 107 to which the commissioner must have regard in deciding whether an applicant is not a disqualified person and is a fit and proper person to hold a licence;

(f) the licensee has ceased to conduct business on the licensed premises;

(g) the licensee holds the licence for the benefit, wholly or partially, of a person to whom the commissioner would not grant the licence if application were to be made by the person;

(h) the use of the licensed premises has caused, or is causing, an adverse effect on the amenity of the area in which the premises are located;

(i) the licensee is no longer eligible to hold the licence under section 106(3) or (4).

137 Procedure for taking disciplinary action in relation to licence

(1) If the commissioner considers, on reasonable grounds, there is a ground to take disciplinary action relating to a licence (the

proposed action), the commissioner must give the licensee a written notice that states the following—

(a) the proposed action;

(b) the grounds for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

(d) if the proposed action includes suspending the licence—the proposed suspension period;

(e) if the proposed action includes closing the licensed premises for a stated period—the proposed closure period;

(f) if the proposed action includes varying the licence—the proposed condition to which the licence is to be subject or the other way in which the authority conferred by the licence is to be limited;

(g) if the proposed action includes disqualifying the licensee from holding a licence or permit—the proposed disqualification period;

(h) if the proposed action includes requiring the licensee to pay the department an amount—the proposed amount;

(i) an invitation to the licensee—

(i) to show, by a stated day that is at least 28 days after the notice is given (the ***last day for representations***), why the proposed action should not be taken; and

(ii) to make submissions about the proposed action;

(j) how representations by the licensee about the proposed action may be made.

(2) The commissioner must also give to each interested person relating to the licence, at least 28 days before the show cause period ends, written notice that—

Not authorised—indicative only

Not authorised—indicative only

(a) states the matters mentioned in subsection (1)(a) to (h); and

(b) invites the interested person to make representations, in the way stated in the notice, about the proposed action before the last day for representations.

137A Decision about disciplinary action

(1) If, after considering any representations made, the commissioner still considers there is a ground to take disciplinary action relating to the licence, the commissioner may decide to—

(a) if the proposed action was other than suspension or cancellation—take the proposed action or another form of disciplinary action, other than suspension or cancellation of the licence; or

(b) if the proposed action was to suspend the licence—suspend the licence, for not longer than the proposed suspension period or take another form of disciplinary action, other than cancellation of the licence; or

(c) if the proposed action was to cancel the licence—either cancel the licence or take another form of disciplinary action.

(2) If the commissioner decides to take disciplinary action other than the proposed action or part of the proposed action, the commissioner must, as soon as practicable after the decision is made, give the licensee and each interested person to whom notice of the proposed action was given, a further notice stating the following—

(a) the form of disciplinary action the commissioner proposes to take;

(b) the reasons for the decision;

(c) the licensee and interested persons may make submissions to the commissioner in the way and within the time stated in the notice.

(3) For subsection (2)(c), the time stated in the notice must not be less than 7 days after the licensee and interested persons are given the notice.

(4) If, after considering any representations made about the further notice, the commissioner still considers there is a ground to take disciplinary action relating to the licence, the commissioner may decide to take the disciplinary action.

(5) More than 1 type of disciplinary action relating to a licence may be taken against the licensee under this section.

(6) In this section—

proposed action see section 137(1).

137B Notice to be given about decision of commissioner

(1) Within 10 days after the commissioner makes a decision under section 137A(1) or (4) relating to proposed disciplinary action relating to a licence, the commissioner must give written notice of the decision to—

(a) the licensee; and

(b) each interested person to whom notice of the proposed action was given.

(2) However, subsection (1) does not apply to a decision made under section 137A(1) if the commissioner decides to take disciplinary action other than the proposed action or part of the proposed action and the commissioner gives the licensee and each interested person a notice under section 137A(2).

(3) If the commissioner decides to take the proposed action under section 137A(1) or other disciplinary action under section 137A(4), the notice must comply with the tribunal Act, section 157(2).

(4) The decision takes effect on the later of—

Not authorised—indicative only

Not authorised—indicative only

(a) the day the notice is given to the licensee; or

(b) the day of effect stated in the notice.

(5) However, if disciplinary action is taken relating to the licence because of a conviction—

(a) the disciplinary action does not take effect until—

(i) the end of the time to appeal against the conviction; or

(ii) if an appeal is made against the conviction—the appeal is finally decided; and

(b) the disciplinary action has no effect if the conviction is quashed.

137C Urgent suspension

(1) This section applies if the commissioner believes, on reasonable grounds—

(a) a ground exists for taking disciplinary action in relation to a licence; and

(b) harm may be caused to members of the public if urgent action to suspend the licence is not taken.

(3) The commissioner may immediately suspend the licence (an ***urgent suspension***) by written notice which must—

(a) be given to the licensee; and

(b) state the licence is suspended; and

(c) comply with the tribunal Act, section 157(2).

(4) The urgent suspension takes effect immediately the notice is given to the licensee.

(5) At the same time as the commissioner gives the licensee the notice, the commissioner must give the licensee a notice under section 137(1).

(6) The urgent suspension continues until the first of the following happens—

(a) the commissioner revokes it;

(b) the commissioner, under section 137B(1), gives the licensee notice of the commissioner's decision under section 137A(1) or (4);

(c) the end of 60 days after the notice under subsection (3) was given to the licensee.

137CB Immediate suspension of car park approval

(1) This section applies if the commissioner believes on reasonable grounds a ground mentioned in section 136(1)(a)(iv) exists for taking disciplinary action in relation to a licence.

(2) The commissioner may immediately suspend the car park approval by giving the licensee a written notice that—

(a) states the car park approval is suspended; and

(b) complies with section 157(2) of the tribunal Act.

(3) The suspension takes effect immediately after the notice is given to the licensee.

(4) At the same time the commissioner gives the licensee the notice, the commissioner must give the licensee a notice under section 137(1).

(5) The suspension continues until the first of the following happens—

(a) the commissioner revokes it;

(b) the commissioner, under section 137B(1), gives the licensee notice of the commissioner's decision under section 137A(1) or (4);

(c) the end of 60 days after the notice under subsection (3) was given to the licensee.

Not authorised—indicative only

Not authorised—indicative only

137D Amount payable as a debt due to the State

(1) This section applies if the commissioner decides to take disciplinary action relating to a licence and the action requires the licensee to pay an amount to the department.

(2) Any amount unpaid becomes a debt due and payable to the State 28 days after the day notice of the decision is given to the licensee under section 137B.

137E Disciplinary action against former licensee

(1) Subsection (2) applies if—

(a) the commissioner gives a licensee a notice about a proposed action under section 137; and

(b) the licensee transfers the licence before the commissioner makes a decision about the proposed action under section 137A.

(2) Sections 137A, 137B and 137D continue to apply in relation to the proposed action as if the licence is still held by the former licensee.

(3) Subsection (4) applies if—

(a) a licensee transfers the licence; and

(b) within 1 year after the transfer, the commissioner considers there is a ground to take relevant disciplinary action relating to the licence for circumstances arising before the transfer.

(4) Sections 137 to 137B and 137D apply as if the licence is still held by the former licensee.

(5) However, for subsections (2) and (4), the only disciplinary action that may be taken against the former licensee is a relevant disciplinary action.

(6) For subsections (2) and (4), this Act applies, with any necessary changes, to the former licensee as if a reference to a licensee included the former licensee.

(7) In this section—

relevant disciplinary action means one of the actions mentioned in paragraphs (f), (g) and (i) of the definition *disciplinary action* in section 4.

Subdivision 4 Effect of suspension of licence or permit and other matter

138 Effect of suspension

A licence or permit that is suspended ceases to be in force for the period of suspension.

139 Compensation not payable

Compensation is not payable to any person in respect of—

(a) acceptance by the commissioner of a surrender of a licence; or

(b) cancellation or suspension by the commissioner of a licence or permit.

Division 3A Withdrawal of approval of relevant agreements entered into by licensees

139A Application of div 3A

This division applies if—

(a) an approval is given by the commissioner to a licensee, as mentioned in section 153(1) or (3), to—

(i) let or sublet all or part of the licensed premises; or

(ii) enter into a franchise or management agreement for all of the licensed premises; and

Not authorised—indicative only

Not authorised—indicative only

(b) the licensee enters into a lease, sublease or franchise or management agreement (a ***relevant agreement***) under the approval.

139C Show cause notice for withdrawal of approval

(1) This section applies if, having regard to the relevant matters, the commissioner reasonably believes the lessee, sublessee, franchisee or manager under the relevant agreement—

(a) is a disqualified person; or

(b) is not, or is no longer, a fit and proper person to lease, sublease, franchise or manage the licensed premises.

(2) The commissioner must give the licensee and the lessee, sublessee, franchisee or manager a written notice that—

(a) states the commissioner proposes to withdraw the commissioner's approval of the agreement; and

(b) states the grounds for the proposed withdrawal; and

(c) invites the licensee, lessee, sublessee, franchisee or manager to show within a stated period, not less than 14 days after the notice is given to the person, why the approval should not be withdrawn.

(3) In this section—

relevant matters means the matters mentioned in section 107 to which the commissioner must have regard in deciding whether an applicant is not a disqualified person and is a fit and proper person to hold a licence.

139D Decision about withdrawing approval of relevant agreement

(1) After considering any representations made by the licensee, lessee, sublessee, franchisee or manager, the commissioner—

(a) if the commissioner is satisfied of the matter mentioned in section 139C(1)—must withdraw the commissioner's approval; or

(b) may take no further action about the show cause notice.

(2) If the commissioner withdraws the approval under subsection (1)(a), the commissioner must give the licensee written notice of the withdrawal and direct the licensee to terminate the relevant agreement with the lessee, sublessee, franchisee or manager by stating in the notice—

(a) the approval has been withdrawn under this section; and

(b) that the licensee must terminate the agreement within the time stated in the notice.

(3) The written notice must comply with the tribunal Act, section 157(2).

(4) A copy of the notice must be given to the lessee, sublessee, franchisee or manager under the relevant agreement.

(5) The withdrawal under subsection (1)(a) takes effect when the notice is given to the licensee under subsection (2).

139F Requirement to terminate relevant agreement on withdrawal of approval

(1) If a direction is given to the licensee under section 139D(2), the licensee must—

(a) terminate the relevant agreement within the time stated in the notice; and

(b) notify the commissioner of the termination in the approved form within 7 days after terminating the agreement.

(2) If the licensee does not terminate the relevant agreement as required under subsection (1), the agreement is terminated by this Act.

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(3) The State does not incur any liability if a relevant agreement is terminated by the licensee under subsection (1) or by this Act.

(4) The licensee does not incur any liability because the licensee terminates the relevant agreement under this section.

Division 4 Closure of premises

140 Closure of unsafe or unhealthy premises

(1) If, in respect of licensed premises, the commissioner considers the safety or health of members of the public to be endangered or prejudiced because of—

(a) absence or inadequacy of fire prevention equipment on the premises; or

(b) inadequacy of entrances to or exits from the premises; or

(c) any condition of, or thing on, the premises that constitutes a health hazard; or

(d) any other reason relating to safety or health that the commissioner considers sufficient;

the commissioner must give to the licensee, and the owner of the premises, an order to close the premises, and to keep them closed, until all orders in respect of the premises relating to—

(e) public safety from risk of fire; or

(f) matters of health;

have been complied with to the commissioner's satisfaction.

(2) If, in the commissioner's opinion, circumstances justify action under subsection (1), an order for closure may issue without prior notice to the licensee or owner of the licensed premises.

(3) A person must not contravene an order under subsection (1).

Maximum penalty for subsection (3)—25 penalty units.

(4) In this section—

premises includes part of premises.

141 Order to close premises for unlawful trading

(1) This section applies if business is conducted on licensed premises by a person other than—

(a) the licensee of the premises; or

(b) an approved manager who is an employee of the licensee; or

(c) if the licensee for the premises has, or has entered into, an approved arrangement for the premises with another person—an approved manager who is an employee of the other person; or

(d) a person authorised by the commissioner under section 131A.

(2) The commissioner may give the person conducting business on the premises an order to cease trading in liquor on the premises and to close the premises.

(3) A person must not contravene an order under subsection (2).

Maximum penalty for subsection (3)—25 penalty units.

141A Closure of premises in face of riot or tumult

(1) On application made by an investigator, a magistrate, or, if a magistrate is not available, 2 justices, may order that all or any of the licensed premises in a locality in which a riot or tumult is happening, or is reasonably expected to happen, be closed during a period specified in the order.

(2) If an investigator informs the commissioner that a magistrate or 2 justices are not readily available to deal with an application under subsection (1), the commissioner may order that all or any of the licensed premises in a locality in which a riot or tumult is happening, or is reasonably expected to

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happen, be closed during a period of not longer than 48 hours stated in the order.

(3) An order under subsection (2) about licensed premises applying for a period (the ***initial period***) does not preclude a magistrate or 2 justices making an order under subsection (1) about the premises applying for a period that includes part of the initial period.

(4) A person must not knowingly contravene an order under subsection (1) or (2).

Maximum penalty for subsection (4)—25 penalty units.

Division 4A Training course certificate requirements

141B Application of div 4A

This division applies to licensed premises.

141C Conditions about training course certificates for particular persons

(1) It is a condition of the licensee's licence that each of the following persons must have a current training course certificate—

(a) if the licensee is an individual—the licensee;

(b) a member of staff of the licensed premises who is involved in the service or supply of liquor at the premises.

Examples of staff involved in the service or supply of liquor—

bartenders, glass collectors, floor hostesses or room service staff

(2) However, the condition mentioned in subsection (1)(b) does not apply to a licence, in relation to a person who becomes a member of staff of the licensed premises after the

commencement of this section, until 30 days after the person becomes a member of the staff.

(3) Subject to subsection (2), it is a condition of a licensee's licence that the licensee must—

~~(a) keep a copy of the training course certificates held by persons mentioned in subsection (1); and~~

~~(b) make each copy kept under paragraph (a) available for inspection by an investigator at the premises.~~

(a) ensure copies of the training course certificates held by persons mentioned in subsection (1) are kept available at the licensed premises; and

(b) if requested by an investigator at the premises—produce each copy mentioned in paragraph (a) for inspection by the investigator.

(4) For subsection (3)(a), a copy of a training course certificate is kept available at licensed premises if the certificate—

(a) is kept at the premises; or

(b) can be accessed electronically from the premises.

141D Application of s 136

For this Act, a reference in section 136(1)(a)(iii) to a condition stated in the licence is taken to include a reference to a condition of the licence imposed under section 141C.

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Not authorised—indicative only

Division 6 Certain provisions about conditions of licences for Brisbane City Council area

Subdivision 1 Preliminary

142AD Definitions for div 6

In this division—

crowd controller means the holder of a current licence issued under the *Security Providers Act 1993* for carrying out the functions of a crowd controller under that Act.

exit, of premises, does not include an exit that is not ordinarily used by patrons of the premises while the premises are open for business.

Example—

an emergency exit

incident register see section 142AI(a).

trading period means the period starting at 8p.m. on any day and ending at 7a.m. on the following day.

142AE Application of div 6

(1) This division applies in the area of the Brisbane City Council to licensed premises if the licensee is authorised under this Act to sell or supply liquor on the premises at any time after 1a.m. during the trading period.

(2) However, this division does not apply to—

(a) licensed premises if the licensee is authorised, under section 9(13), to sell or supply liquor on the premises only after 1a.m. on New Year's Day; or

(b) that part of licensed premises that—

(i) is used principally for the residential accommodation of guests staying at the premises; or

(ii) is a detached bottle shop.

(3) Also, this division does not apply on Anzac Day to licensed premises on the premises of an RSL or Services Club.

(4) In addition—

(a) sections 142AG and 142AH do not apply to licensed premises at Brisbane Airport, Airport Drive, Brisbane known as the Brisbane International Terminal building and the Brisbane Domestic terminal building; and

(b) section 142AG does not apply to the following—

(i) licensed premises mentioned in section 67A;

(ii) licensed premises at Brisbane Stadium (Lang Park), Castlemaine Street, Milton;

(iii) licensed premises at the Queensland Sport and Athletics Centre, Kessels Road, Nathan;

(iv) licensed premises at the Brisbane Cricket Ground, Vulture Street, Woolloongabba;

(v) licensed premises at the Brisbane Convention and Exhibition Centre, corner of Glenelg and Merivale Streets, South Brisbane;

(vi) licensed premises at the Brisbane Entertainment Centre, Melaleuca Drive, Boondall;

(vii) licensed premises at the Queensland Performing Arts Centre, Queensland Cultural Centre, corner of Grey and Melbourne Streets, South Brisbane; and

(c) section 142AG does not apply to licensed premises during a trading period in which the premises are not open for business after 1a.m.; and

(d) section 142AI(a) and (b) does not apply to a licensee to the extent an incident mentioned in section 142AI(a)

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must be recorded in a register kept by the licensee under the *Security Providers Act 1993*.

142AF Purpose of div 6

(1) This division has, in relation to the licensee, the same purpose as the purpose mentioned in section 142ZX.

(2) This division does not limit sections 142ZX to 142ZZB.

Subdivision 2 Conditions of licences

142AG Conditions about crowd controllers

(1) It is a condition of the licensee's licence that the licensee—

(a) must ensure that at least the required number of crowd controllers are engaged in maintaining order in and around the licensed premises—

(i) while the premises are open for business after 11p.m. during the trading period; and

(ii) for at least 1 hour after the premises close for business during or at the end of the trading period; and

(b) must not allow a crowd controller to be engaged under paragraph (a) unless the crowd controller—

(i) has a current training course certificate; and

(ii) has given the licensee a copy of the certificate and the crowd controller's licence granted under the *Security Providers Act 1993*, section 14(1); and

(iii) is dressed in a way that distinguishes the crowd controller from patrons of the premises; and

(c) must keep on the licensed premises each of the following for a crowd controller while the crowd

controller is engaged in maintaining order in and around the premises—

(i) a copy of the crowd controller's current training course certificate as mentioned in paragraph (b)(i);

(ii) the crowd controller's certificate and licence as given to the licensee under paragraph (b)(ii).

(2) For subsection (1)(a), the required number of crowd controllers for a licence is—

(a) if a condition of the licence requires a stated number of crowd controllers to be engaged in the circumstances stated in subsection (1)(a)—that number; or

(b) otherwise—the number of crowd controllers prescribed by regulation.

142AH Conditions about closed-circuit television equipment

It is a condition of the licensee's licence that the licensee—

(a) must have closed-circuit television equipment at each entrance and exit of the licensed premises that provides access for patrons of the premises during the trading period; and

(b) must display signage at the premises in a way that is likely to make the patrons aware that closed-circuit television equipment is installed under paragraph (a); and

(c) must ensure the equipment—

(i) meets the minimum requirements for the equipment prescribed under a regulation; and

(ii) is operational and recording for the period starting at 8p.m. in a trading period in which the premises are open for business and ending at least 1 hour after the premises close for business during or at the end of the trading period; and

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(ca) must comply with any requirements prescribed by regulation about maintaining the equipment; and

(d) must stop selling or supplying liquor on the premises, and close the premises, if the equipment is not operational and recording during the trading period while the premises are open for business at any time between 1a.m. and when the premises would ordinarily otherwise close for business; and

(e) must not allow the equipment to be operated by anyone other than—

(i) the licensee for the licence; or

(ii) an approved manager working at the premises; and

(f) must store each recording made by the equipment in a secure place at the premises in compliance with any requirements prescribed by regulation; and

(fa) must keep each recording available for inspection and viewing by an investigator at the premises until—

(i) the recording is erased or destroyed under paragraph (h); or

(ii) if the recording is earlier given to an investigator—the investigator has confirmed by written notice that the recording is viewable; and

(g) must not allow a recording to be viewed at the premises by anyone other than an investigator or a person mentioned in paragraph (e); and

(h) must ensure a recording, unless it is earlier given to an investigator and the investigator has confirmed by written notice that the recording is viewable, is erased or destroyed by a person mentioned in paragraph (e)—

(i) if the recording does not show an incident required to be recorded in the licensee's incident register—not earlier than 28 days after the recording is made (the ***retention period***), but within 30 days after the retention period ends; or

(ii) otherwise—not earlier than 1 year after the retention period for the recording ends.

142AI Conditions about incident register

It is a condition of the licensee's licence that the licensee—

(a) must keep a register (an ***incident register***) containing the information prescribed under a regulation about each incident at the licensed premises—

(i) in which a person is injured; or

(ii) requiring a person to be removed from the premises; and

(b) must ensure that, for each incident recorded in the register under paragraph (a), the register is signed as correct by each crowd controller or member of staff involved in the incident; and

(c) must keep the register in a secure place, and available for inspection by an investigator, at the premises; and

(d) must not allow the register to be inspected at the premises by anyone other than—

(i) an investigator; or

(ii) the licensee for the licence; or

(iii) a crowd controller or member of staff involved in an incident recorded in the register; or

(iv) an approved manager working at the premises.

142AJ Conditions about drinking practices

It is a condition of the licensee's licence that the licensee must not conduct on the licensed premises—

(a) a competition or game in which—

(i) contestants or players consume liquor on the premises; or

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(ii) free or discounted liquor is given as a prize for consumption on the premises; or

Examples of a competition or game—

- 'drink to win'
- 'last man standing'
- 'all you can drink'
- 'skolling competition'

(b) another activity, prescribed under a regulation, that may encourage the irresponsible consumption of liquor or promote intoxication.

142AK Compliance with conditions

The holder of a licence subject to a condition under this subdivision must comply with the condition.

Maximum penalty—100 penalty units.

Subdivision 3 Application of section 136 to conditions under subdivision 2

142AL Application of s 136

For this Act, a reference in section 136(1)(a)(iii) to a condition stated in the licence is taken to include a reference to a condition of the licence imposed under subdivision 2.

Division 7 Extended trading hours for significant public events

142AM Definitions for division

In this division—

declaration means a regulation made under section 142AN(1).

declared extended trading hours means extended trading hours declared under section 142AN.

significant public event means an event that the Minister is satisfied is of local, State or national significance.

142AN Declaration of extended trading hours for significant public events

(1) A regulation may declare extended trading hours for licensed premises in connection with a significant public event.

(2) The declaration must state the following—

(a) the dates (the ***declared days***) for which extended trading hours apply for a significant public event;

(b) the extended trading hours that apply for each declared day;

(c) the licensed premises, or parts of licensed premises, to which the extended trading hours do, or do not, apply;

(d) the safe night precincts, local government areas or parts of the State in which the extended trading hours apply.

(3) Only the following days may be included in the declared days for a significant public event—

(a) a day on which the significant public event occurs;

(b) the day immediately following the significant public event;

(c) the day immediately before the significant public event if the Minister is satisfied the event will attract visitors to the area in which the event occurs.

(4) For subsection (2)(b), trading hours for licensed premises may be extended up to 10a.m. on a declared day (whether the trading hours normally end during the morning of that day or during the night before).

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(5) For subsection (2)(c), licensed premises may be specified by identifying the licences for the premises or the general location of the premises.

Example—

All nightclub licences within the local government area for the Gold Coast City Council.

(6) In recommending the making of a declaration to the Governor in Council the Minister must have regard to the main purposes of this Act.

(7) No compensation is payable by the State to any person because a declaration is revoked or amended.

142AO Consultation and publication

(1) Before recommending that the Governor in Council make a declaration, the Minister—

(a) must consult with the police commissioner about the proposed declaration; and

(b) may consult with any affected local government about the proposed declaration.

(2) As soon as practicable after a declaration is made, the Minister must ensure the declaration is published on the department's website.

(3) In this section—

affected local government, for a declaration, means the local government for a local government area in which it is proposed under the declaration that extended trading hours apply to licensed premises.

142AP Conditions for declared extended trading hours

(1) A regulation may prescribe conditions (the ***prescribed conditions***) that apply to a licence for the purpose of declared extended trading hours.

(2) To remove any doubt, it is declared that a prescribed condition may apply provisions of the Act to a licensee or licensed premises for declared extended trading hours.

(3) Unless stated otherwise in the regulation, the following conditions of a licence prevail over any prescribed conditions to the extent of any inconsistency—

(a) a condition imposed on a licence by the commissioner under section 107C;

(b) a condition imposed or amended by the commissioner under section 111;

(c) a condition imposed or amended by the commissioner as a consequence of taking disciplinary action in relation to a licence under section 137A.

(4) Unless stated otherwise in the regulation, prescribed conditions apply to a licence whether it is issued before or after the regulation prescribing the conditions commences.

142AQ Extension of particular obligations during declared extended trading hours

(1) An ***extended trading hours obligation*** is an obligation imposed on a licensee—

(a) under—

(i) this Act; or

(ii) a condition of a licence; or

(iii) an extended trading hours approval; or

(iv) an extended hours permit; and

(b) because the licensee sells liquor on licensed premises after midnight in an uninterrupted continuation of trade from the previous day.

(2) If an extended trading hours obligation applies to a licensee on the same day that declared extended trading hours apply to the licensee's licensed premises, the licensee must continue to

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comply with the obligation until the end of that day's declared extended trading hours.

Example—

If the declared extended trading hours applying to licensed premises end at 7a.m., the restriction on the sale or supply of rapid intoxication drinks by the licensee during the restricted period under part 6, division 1B ends at 7a.m. instead of 5a.m.

(3) However, subsection (2) does not apply if the declared extended trading hours do not begin on a day until after the extended trading hours obligation ends on that day.

Example—

If the extended trading hours obligation ends for a licensee at 3a.m. and the declared extended trading hours applying to the licensee's licensed premises do not start until 5a.m., the obligation does not apply during the declared extended trading hours.

(4) To remove any doubt, it is declared that if subsection (2) applies to a licensee, the licensee may be disciplined or prosecuted under this Act for not complying with an extended trading hours obligation during declared extended trading hours.

(5) This section applies despite any provision of this Act to the contrary.

142AR Extension of particular obligations to additional days if declared extended trading hours apply

(1) An ***extended trading hours obligation*** is an obligation imposed on a licensee—

(a) under—

(i) a condition of a licence; or

(ii) an extended trading hours approval; and

(b) because the licensee sells liquor on licensed premises after midnight in an uninterrupted continuation of trade from the previous day.

(2) Subsection (3) applies if—

(a) an extended trading hours obligation applies to a licensee on 1 or more days a week (each an ***ordinary late trading day***); and

(b) declared extended trading hours apply to the licensee's licensed premises on days (the ***additional days***) that are not ordinary late trading days.

(3) The extended trading hours obligation also applies to the licensee on the additional days if the licensee sells liquor on the licensed premises after midnight in an uninterrupted continuation of trade from the previous day.

Example—

If an obligation of a licensee under an extended trading hours approval applies on Friday and Saturday, the obligation also applies for each day that the licensee sells liquor under the authority of the declared extended trading hours, regardless of whether those days are Friday or Saturday.

(4) To remove any doubt, it is declared that if subsection (3) applies to a licensee, the licensee may be disciplined or prosecuted under this Act for not complying with an extended trading hours obligation during declared extended trading hours.

(5) This section applies despite any provision of this Act to the contrary.

142AS Authority during declared extended trading hours

If extended trading hours apply to licensed premises under a declaration, the declaration authorises the licensee to sell liquor during the extended trading hours in the licensed premises, subject to this Act and the conditions applying to the licence.

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Not authorised—indicative only

Part 5A Trainers for licensee's course

Division 1 Appointment of public service officers as trainers

142A Appointment of public service officer as trainer

(1) The commissioner may appoint a public service officer to be a trainer for a training course approved by the commissioner about a licensee's or a permittee's obligations under this Act (the ***licensee's course***).

(2) However, the commissioner may appoint the officer only if satisfied the officer has the necessary expertise or experience to conduct the course.

(3) Divisions 2 to 5 do not apply to an appointment under this section.

Division 2 Obtaining approval as trainer

142B Applying for approval as trainer

(1) A person may apply to the commissioner for approval as a trainer for the licensee's course.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by—

(i) any documents, identified in the approved form, the commissioner reasonably requires to decide the application; and

(ii) the fee prescribed under a regulation.

(3) The applicant also must provide any other relevant information reasonably required by the commissioner to decide the application.

142C Deciding application

(1) The commissioner must consider the application and either grant or refuse to grant the application as soon as practicable after the last of the following events happens—

(a) the commissioner receives the application;

(b) the commissioner receives all necessary information to decide the application.

(2) The commissioner may grant the application only if satisfied the applicant has the necessary expertise or experience to conduct the licensee's course.

(3) Without limiting subsection (2), in deciding the application the commissioner may have regard to each of the following—

(a) the applicant's knowledge of the Act;

(b) the applicant's experience in the liquor industry;

(c) if the applicant is, or has been, a licensee, a permittee or a nominee for a licence—the applicant's conduct in discharging the applicant's duties under this Act as a licensee, a permittee or a nominee.

142D Grant of application

(1) If the commissioner decides to grant the application, the commissioner must as soon as practicable give the applicant written notice of the decision.

(2) The notice must state the term of the approval.

(3) An approval remains in force, unless sooner cancelled, for the period, of not more than 3 years, stated by the commissioner in the notice given under subsection (1).

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142E Refusal of application

If the commissioner decides to refuse the application, the commissioner must as soon as practicable give the applicant an information notice for the decision.

Division 3 Renewal

142F Applying for renewal

(1) A person may apply to the commissioner for renewal of the person's approval.

(2) The application may only be made within 3 months before the last day of the period of the approval.

(3) The application must be—

(a) in the approved form; and

(b) accompanied by—

(i) any documents, identified in the approved form, the commissioner reasonably requires to decide the application; and

(ii) the fee prescribed under a regulation.

(4) The applicant also must provide any other relevant information reasonably required by the commissioner to decide the application.

142G Deciding application

(1) The commissioner must consider the application and either renew or refuse to renew the approval as soon as practicable after the last of the following events happens—

(a) the commissioner receives the application;

(b) the commissioner receives all necessary information to decide the application.

(2) The commissioner may renew the approval only if satisfied the applicant has the necessary expertise or experience to conduct the licensee's course.

(3) Without limiting subsection (2), in deciding the application the commissioner may have regard to—

(a) the same matters the commissioner may have regard to under section 142C(3); and

(b) the applicant's previous conduct in discharging the applicant's duties as a trainer for the licensee's course.

142H Renewal of approval

(1) If the commissioner decides to renew the approval, the commissioner must as soon as practicable give the applicant written notice of the decision.

(2) The notice must state the period of the renewed approval.

142I Refusal to renew approval

If the commissioner decides to refuse to renew the approval, the commissioner must as soon as practicable give the applicant an information notice for the decision.

142J Approval continues pending decision about renewal

(1) If a person applies for renewal of an approval under section 142F, the approval is taken to continue in force from the day it would, apart from this subsection, have ended until the day on which any of the following first happens—

(a) the commissioner renews the approval;

(b) if the commissioner decides to refuse to renew the approval, the commissioner gives the person an information notice for the decision;

(c) the person withdraws the application for renewal;

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(d) the application lapses under section 142K.

(2) If the commissioner renews the approval, the approval is taken to have been renewed from the day it would, apart from subsection (1), have ended.

(3) This section does not apply if the approval is cancelled.

Division 4 Lapsing of applications

142K Lapsing of application

(1) This section applies if an application for an approval, or renewal of an approval, is made under this part.

(2) The commissioner may make a requirement under section 142B(3) or 142F(4) for information to decide the application by giving the applicant a written notice stating—

(a) the required information; and

(b) the time by which the information must be given to the commissioner; and

(c) that, if the information is not given to the commissioner by the stated time, the application will lapse.

(3) The stated time must be reasonable and, in any case, at least 21 days after the requirement is made.

(4) The commissioner may give the applicant a further notice extending or further extending the time if the commissioner is satisfied it would be reasonable in all the circumstances to give the extension.

(5) A notice may be given under subsection (4) even if the time to which it relates has lapsed.

(6) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

Division 5 Cancellation of approvals

142L Grounds for cancellation

The commissioner may cancel a person's approval if the commissioner believes on reasonable grounds—

(a) the approval was granted in error or because of a materially false or fraudulent document, statement or representation; or

(b) the person—

(i) is not conducting the licensee's course in an appropriate way; or

(ii) no longer has the necessary expertise to conduct the licensee's course.

142M Procedure for cancellation

(1) If the commissioner proposes to cancel a person's approval, the commissioner must give the person a written notice stating the following—

(a) the commissioner proposes to cancel the approval;

(b) the grounds for the proposed cancellation;

(c) the facts and circumstances that are the basis for the grounds;

(d) that the person may make, within a stated period, written representations to show why the approval should not be cancelled.

(2) The stated period must end at least 21 days after the person is given the notice.

(3) If, after considering all written representations made within the stated period, the commissioner still believes a ground exists to cancel the approval, the commissioner may cancel the approval.

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(4) The commissioner must, as soon as practicable after making a decision under subsection (3), give the person an information notice for the decision.

(5) The decision takes effect on—

(a) the day the notice is given; or

(b) if a later day is stated in the notice—the stated day.

Part 5B Review of decisions

142N Application for review

(1) Each of the following persons may apply to the commissioner for a review of the decision (the ***original decision***) stated for the person—

(a) a person whose application for an approval is refused under section 142C;

(b) a person whose application for renewal of an approval is refused under section 142G;

(c) a person whose approval is cancelled under section 142M(3);

(d) a person whose application for an approval is refused under section 142ZK;

(e) a person whose approval is suspended or cancelled under section 142ZV.

(2) The application must be made within 28 days after the information notice for the original decision is given to the person.

(3) The application must be in the approved form and supported by enough information to enable the commissioner to decide the application.

142O No stay of operation of decision

An application under section 142N for review of an original decision does not stay the decision.

142P Review decision

(1) This section applies to an application under section 142N for review of an original decision.

(2) Unless the commissioner made the original decision personally, the commissioner must ensure the application is not dealt with by—

(a) the person who made the original decision; or

(b) a person in a less senior office than the person who made the original decision.

(3) As soon as practicable after receiving the application, the commissioner must review the original decision and make a decision (the ***review decision***)—

(a) confirming the original decision; or

(b) substituting another decision for the original decision.

(4) The commissioner must make the review decision on the material that led to the original decision and any other material the commissioner considers relevant.

(5) Immediately after making the review decision, the commissioner must give the person written notice of the review decision.

(6) The written notice must comply with the tribunal Act, section 157(2).

Not authorised—indicative only

Not authorised—indicative only

Part 5C Approval as approved manager

Division 1 Obtaining approval

142Q Applying for approval

(1) A person may apply to the commissioner for an approval as an approved manager.

(2) The applicant—

(a) must be an individual; and

(b) can not be a licensee; and

(c) must be the holder of a current licensee's course certificate.

(3) The application must—

(a) be in the approved form; and

(b) be accompanied by—

(i) a copy of the current licensee's course certificate; and

(ii) the fee prescribed under a regulation.

(4) The applicant also must provide any other relevant information reasonably required by the commissioner to decide the application.

142R Deciding application

(1) The commissioner must consider the application and either grant, or refuse to grant, the application as soon as practicable after the last of the following events happens—

(a) the commissioner receives the application;

(b) the commissioner receives all necessary information to decide the application.

(2) The commissioner may grant the application only if the commissioner is satisfied the applicant is a suitable person to hold the approval.

(3) In deciding whether the applicant is a suitable person to hold the approval, the commissioner may have regard to the following—

(a) the applicant's knowledge of this Act;

(b) the applicant's understanding of an approved manager's obligations and responsibilities under this Act;

(c) whether the applicant is a person of good repute who does not have a history of behaviour that would render the applicant unsuitable to hold the approval;

(d) whether the applicant has been convicted of a prescribed offence;

(e) if the applicant is, or has been, the subject of a control order or registered corresponding control order—the terms of the order.

(3A) However, the commissioner may not have regard to criminal intelligence in deciding whether a person is a suitable person to hold the approval.

(4) The commissioner may obtain a report from the police commissioner in relation to the applicant's criminal history, including whether the person is, or has been, the subject of a control order or registered corresponding control order.

(5) A report under subsection (4) must—

(a) include reference to or disclosure of convictions of the applicant mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6; and

(b) if the applicant is, or has been, the subject of a control order or registered corresponding control order—

(i) state the details of the order; or

(ii) be accompanied by a copy of the order.

Not authorised—indicative only

Not authorised—indicative only

142S Grant of application

(1) If the commissioner decides to grant the application, the commissioner must as soon as practicable give the applicant written notice of the decision.

(2) An approval for an approved manager remains in force, unless sooner cancelled, for the period of 5 years after the grant of the application for the approval.

142T Refusal to grant application

(1) If the commissioner decides to refuse to grant the application, the commissioner must as soon as practicable give the applicant written notice of the decision.

(2) The written notice must comply with the tribunal Act, section 157(2).

Division 2 Renewal

142U Applying for renewal

(1) A person may apply to the commissioner for renewal of the person's approval as an approved manager.

(2) The application may only be made at least 2 months, but not more than 4 months, before the last day of the period of the approval.

(3) The application must—

(a) be in the approved form; and

(b) be accompanied by the fee prescribed under a regulation.

(4) The applicant also must provide any other relevant information reasonably required by the commissioner to decide the application.

142V Deciding application

(1) The commissioner must consider the application and either renew, or refuse to renew, the approval as soon as practicable after the last of the following events happens—

(a) the commissioner receives the application;

(b) the commissioner receives all necessary information to decide the application.

(2) In deciding whether to grant the application, the commissioner may have regard to the matters to which the commissioner may have regard, under section 142R(3), in deciding whether a proposed holder of an approval as an approved manager is a suitable person to hold the approval.

142W Renewal of approval

If the commissioner decides to renew the approval, the commissioner must as soon as practicable give the applicant written notice of the decision.

142X Refusal to renew approval

(1) If the commissioner decides to refuse to renew the approval, the commissioner must as soon as practicable give the applicant written notice of the decision.

(2) The written notice must comply with the tribunal Act, section 157(2).

142Y Approval continues pending decision about renewal

(1) If a person applies for renewal of an approval as an approved manager under section 142U, the approval is taken to continue in force from the day it would, apart from this subsection, have ended until the day on which any of the following first happens—

(a) the commissioner renews the approval;

Not authorised—indicative only

Not authorised—indicative only

(b) if the commissioner decides to refuse to renew the approval—the commissioner gives the person notice for the decision under section 142I;

(c) the person withdraws the application for renewal;

(d) the application lapses under section 142Z.

(2) If the commissioner renews the approval, the approval is taken to have been renewed from the day it would, apart from subsection (1), have ended.

(3) This section does not apply if the approval is cancelled.

Division 3 Lapsing of applications

142Z Lapsing of application

(1) This section applies if an application for an approval as an approved manager, or renewal of an approval as an approved manager, is made under this part.

(2) The commissioner may make a requirement under section 142Q(4) or 142U(4) for information to decide the application by giving the applicant a written notice stating—

(a) the required information; and

(b) the time by which the information must be given to the commissioner; and

(c) that, if the information is not given to the commissioner by the stated time, the application will lapse.

(3) The stated time must be reasonable and, in any case, at least 21 days after the requirement is made.

(4) The commissioner may give the applicant a further notice extending or further extending the time if the commissioner is satisfied it would be reasonable in all the circumstances to give the extension.

(5) A notice may be given under subsection (4) even if the time to which it relates has lapsed.

(6) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

Division 4 Suspension and cancellation of approvals

142ZA Grounds for suspension or cancellation

(1) The commissioner may suspend or cancel a person's approval as an approved manager if the commissioner believes on reasonable grounds—

(a) the approval was granted in error or because of a materially false or fraudulent document, statement or representation; or

(b) the holder of the approval is not, or is no longer, a suitable person to hold the approval; or

(c) the holder has been convicted of an offence against this Act; or

(d) the holder has contravened a provision of this Act (being a provision a contravention of which is not an offence against this Act).

(2) For forming a belief that the ground mentioned in subsection (1)(b) exists, the commissioner may have regard to the matters, mentioned in section 142R(3), to which the commissioner may have regard in deciding whether a proposed holder of an approval as an approved manager is a suitable person to hold the approval.

142ZB Show cause notice

(1) If the commissioner believes a ground exists to suspend or cancel an approval as an approved manager, the commissioner must give the holder of the approval a written notice under this section (a ***show cause notice***).

Not authorised—indicative only

Not authorised—indicative only

(2) The show cause notice must state the following—

(a) the action (the ***proposed action***) the commissioner proposes taking under this division;

(b) the grounds for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

(d) if the proposed action is suspension of the approval—the proposed suspension period;

(e) an invitation to the holder to show within a stated period (the ***show cause period***) why the proposed action should not be taken.

(3) The show cause period must be a period ending not less than 21 days after the show cause notice is given to the holder.

142ZC Representations about show cause notices

(1) The holder of the approval may make representations about the show cause notice to the commissioner in the show cause period.

(2) The commissioner must consider all written representations (the ***accepted representations***) made under subsection (1).

142ZD Ending show cause process without further action

(1) This section applies if, after considering the accepted representations for the show cause notice, the commissioner no longer believes a ground exists to suspend or cancel the approval.

(2) The commissioner must not take any further action about the show cause notice.

(3) Notice that no further action is to be taken about the show cause notice must be given to the holder of the approval by the commissioner.

142ZE Suspension or cancellation

(1) This section applies if, after considering the accepted representations for the show cause notice, the commissioner—

(a) still believes a ground exists to suspend or cancel the approval; and

(b) believes suspension or cancellation of the approval is warranted.

(2) This section also applies if there are no accepted representations for the show cause notice.

(3) The commissioner may—

(a) if the proposed action stated in the show cause notice was to suspend the approval for a stated period—suspend the approval for not longer than the stated period; or

(b) if the proposed action stated in the show cause notice was to cancel the approval—either cancel the approval or suspend it for a period.

(4) The commissioner must, as soon as practicable after making the decision, give written notice of the decision to—

(a) the holder of the approval; and

(b) if the commissioner knows or suspects the holder of the approval is employed by a licensee for licensed premises or a permittee for premises to which a permit relates—the licensee or permittee.

(4A) The written notice given to the holder of the approval must comply with the tribunal Act, section 157(2).

(5) The decision takes effect on—

(a) the day the notice is given to the holder; or

(b) if a later day of effect is stated in the notice—the later day.

Not authorised—indicative only

Not authorised—indicative only

Division 5 Approved managers

142ZF Responsibility of approved manager etc.

(1) This section applies if an approved manager is in control of licensed premises or premises to which a permit relates.

(2) In the conduct of business on the premises, the approved manager is responsible for ensuring that—

(a) liquor is supplied or possessed on the premises only in accordance with the authority conferred by the licence or permit; and

(b) for an adult entertainment permit—the conduct of entertainment under the permit is in accordance with this Act and the conditions of the permit.

(3) The approved manager's liability to be punished for a contravention of this Act does not affect the liability of the licensee or permittee to be punished for the contravention.

Part 5D Approval as adult entertainment controller

Division 1 Person to have approval to be controller

142ZG Prohibition on working as controller without approval

(1) A person must not work as a controller unless the person has a current approval to be a controller.

Maximum penalty—100 penalty units.

(2) In this section—

current approval does not include an approval for a controller that is suspended or cancelled.

Division 2 Obtaining approval

142ZH Applying for approval

(1) A person may apply to the commissioner for an approval to be a controller if the person is an adult.

(2) The application must—

(a) be in the approved form; and

(b) be accompanied by the fee prescribed under a regulation.

(3) The applicant must also give any other relevant information reasonably required by the commissioner to decide the application.

142ZI Current controller's approval pending decision about approval

(1) This section applies if—

(a) the applicant holds an approval as a controller; and

(b) the applicant applies for a new approval under section 142ZH at least 3 months before the last day of the period of the approval.

(2) The applicant's current approval is taken to continue in force from the day it would, apart from this subsection, have ended until the day on which the first of the following happens—

(a) the commissioner grants, or refuses to grant, the application under section 142ZK;

(b) the person withdraws the application;

(c) the application lapses under section 142ZP.

Not authorised—indicative only

Not authorised—indicative only

142ZJ Application to be referred to police commissioner

(1) The commissioner may ask the police commissioner for a police information report about an applicant under section 142ZH.

(2) The police commissioner must give a police information report about the applicant to the commissioner.

142ZK Deciding application

(1) The commissioner must consider the application and either grant, or refuse to grant, the application as soon as practicable after the last of the following happens—

(a) the commissioner receives all necessary information to decide the application;

(b) the commissioner receives the police information report about the applicant from the police commissioner.

(2) The commissioner may grant the application only if satisfied the applicant is a suitable person to hold the approval.

(3) In deciding whether the applicant is a suitable person to hold the approval, the commissioner may have regard to the following—

(a) whether the applicant has an interest in a sex work business;

(b) whether the applicant has been convicted of—

(i) an indictable offence; or

(ii) an offence against this Act; or

(iii) a prescribed offence;

(c) whether the applicant has been charged with an offence of a sexual nature involving violence, intimidation, threats or children, including the circumstances surrounding the laying of the charge and whether proceedings in relation to the charge are continuing or have been discontinued;

(d) if the applicant has been approved as a controller or nominated and authorised under former section 109B as a controller—the applicant's previous conduct as a controller;

(e) a recommendation included in the police information report given to the commissioner under section 142ZJ;

(f) whether the applicant is of good repute who does not have a history of behaviour that would make the applicant unsuitable to hold the approval;

(g) if the applicant is, or has been, the subject of a control order or registered corresponding control order—the terms of the order.

(3A) However, the commissioner may not have regard to criminal intelligence in deciding whether a person is a suitable person to hold the approval.

(4) For subsection (3)(c), it does not matter whether the offence is alleged to have been committed in Queensland or elsewhere.

(5) In this section—

former section 109B means section 109B as in force immediately before the commencement of this section.

142ZL Grant of application and duration of approval

(1) If the commissioner decides to grant the approval, the commissioner must as soon as practicable give the applicant written notice about the decision.

(2) An approval for a person to work as a controller remains in force, unless sooner cancelled, for the period of 5 years after the grant of the application.

142ZM Refusal to grant application

(1) If the commissioner decides to refuse to grant the approval, the commissioner must as soon as practicable give the applicant written notice about the decision.

Not authorised—indicative only

Not authorised—indicative only

(2) The written notice must comply with the tribunal Act, section 157(2).

Division 3 Requesting information from police commissioner

142ZN Commissioner may request information from police commissioner during approval

(1) During the period a controller's approval remains in force, the commissioner may ask the police commissioner for a police information report about the controller.

(2) The police commissioner must give a police information report about the controller to the commissioner.

142ZO Police commissioner's information report

(1) This section applies if the commissioner asks the police commissioner for a police information report about a person under section 142ZJ or 142ZN.

(2) The commissioner must give to the police commissioner particulars the commissioner considers relevant to the request.

(3) On receiving the request, the police commissioner must—

(a) make inquiries about the person's criminal history, including whether the person is, or has been, the subject of a control order or registered corresponding control order;

(b) make other inquiries about the person as the police commissioner considers appropriate.

(4) The police commissioner must make a report about the person (a ***police information report***) to the commissioner after receiving the responses to the inquiries.

(5) The police information report—

(a) must—

(i) include reference to or disclosure of convictions of the person mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6; and

(ii) if the person is, or has been, the subject of a control order or registered corresponding control order—

(A) state the details of the order; or

(B) be accompanied by a copy of the order; and

(b) may include recommendations about the person.

Division 4 Lapsing of applications

142ZP Lapsing of application

(1) This section applies if an application for an approval to be a controller is made under this part.

(2) The commissioner may make a requirement as mentioned in section 142ZH(3) for information to decide the application by giving the applicant a written notice stating—

(a) the required information; and

(b) the time by which the information must be given to the commissioner; and

(c) that, if the information is not given to the commissioner by the stated time, the application will lapse.

(3) The stated time must be reasonable and, in any case, at least 21 days after the requirement is made.

(4) The commissioner may give the applicant a further notice extending or further extending the time if the commissioner is satisfied it would be reasonable in all the circumstances to give the extension.

(5) A notice may be given under subsection (4) even if the time to which it relates has lapsed.

Not authorised—indicative only

Not authorised—indicative only

(6) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

Division 5 Suspension and cancellation of approvals

142ZQ Grounds for suspension or cancellation

(1) The commissioner may suspend or cancel a person's approval as a controller if the commissioner believes on reasonable grounds—

(a) the approval was granted in error or because of a materially false or fraudulent document, statement or representation; or

(b) the person is convicted of—

(i) an indictable offence; or

(ii) an offence against this Act; or

(iii) a prescribed offence; or

(c) the person is convicted, in Queensland or elsewhere, with an offence of a sexual nature involving violence, intimidation, threats or children; or

(d) the person is no longer a suitable person to hold the approval.

(2) For subsection (1)(d), the commissioner may have regard to the matters mentioned in section 142ZK to which the commissioner may have regard in deciding whether an applicant is a suitable person to hold the approval.

142ZR Immediate suspension of approval

(1) The commissioner may immediately suspend an approval as a controller if—

(a) the person is charged, in Queensland or elsewhere, with a serious offence of a sexual nature involving violence, intimidation, threats or children; or

(b) the commissioner reasonably believes—

(i) a ground exists to suspend or cancel the approval; and

(ii) the ground is serious in nature; and

(iii) either—

(A) the ground jeopardises the integrity or conduct of the adult entertainment industry; or

(B) immediate suspension of the approval is necessary to ensure the safety of the public.

(2) The commissioner must immediately give a written notice of the decision (an ***immediate suspension notice***) to the holder of the approval.

(3) The immediate suspension notice must state the following—

(a) the grounds for the immediate suspension;

(b) an outline of the facts and circumstances forming the basis for the grounds;

(c) the further action the commissioner proposes to take under this division (the ***further action***);

(d) the grounds for the further action;

(e) an invitation to the holder to show within a stated period why—

(i) further action should not be taken; and

(ii) the immediate suspension should be lifted.

(4) The stated period must be a period ending not less than 21 days after the immediate suspension notice is given to the holder.

Not authorised—indicative only

Not authorised—indicative only

(5) The decision takes effect the day the immediate suspension notice is given to the holder.

142ZS Show cause notice

(1) This section applies if the commissioner reasonably believes a ground exists to suspend or cancel an approval as a controller, but the commissioner has not given an immediate suspension notice to the holder of the approval.

(2) The commissioner must give the holder of the approval a written notice under this section (a ***show cause notice***).

(3) The show cause notice must state the following—

(a) the action (the ***proposed action***) the commissioner proposes taking under this division;

(b) the grounds for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

(d) if the proposed action is suspension of the approval—the proposed suspension period;

(e) an invitation to the holder to show within a stated period (the ***show cause period***) why the proposed action should not be taken.

(4) The show cause period must be a period ending not less than 21 days after the show cause notice is given to the holder.

142ZT Representations about show cause notice or immediate suspension notice

(1) The holder of the approval may make representations about the show cause notice or immediate suspension notice (each of which is a ***division 5 notice***) to the commissioner within—

(a) for a show cause notice—the show cause period; or

(b) for an immediate suspension notice—the stated period in the notice.

(2) The commissioner must consider all written representations (the ***accepted representations***) made under subsection (1).

142ZU Ending show cause or immediate suspension process

(1) This section applies if, after considering the accepted representations for a division 5 notice, the commissioner no longer believes a ground exists to suspend or cancel the approval.

(2) The commissioner must—

(a) for a show cause notice—not take the proposed action stated in the show cause notice; or

(b) for an immediate suspension notice—revoke the immediate suspension notice.

(3) If the decision is made to revoke the immediate suspension notice, the suspension ends on the day the decision to revoke the notice is made.

(4) Notice of the decision and information about the effect of the decision made under subsection (2) must be given to the holder of the approval by the commissioner as soon as practicable after the decision is made.

142ZV Suspension or cancellation

(1) This section applies—

(a) if accepted representations are made for a division 5 notice and, after considering the accepted representations, the commissioner—

(i) still believes a ground exists to suspend or cancel the approval as a controller; and

(ii) believes suspension, a continued suspension or cancellation of the approval is warranted; or

(b) if no accepted representations are made for a division 5 notice.

Not authorised—indicative only

Not authorised—indicative only

(2) The commissioner may—

(a) if the proposed action or further action stated in the division 5 notice was to suspend the approval for a stated period—suspend the approval for not longer than the stated period; or

(b) if the proposed action or further action stated in the division 5 notice was to cancel the approval—either cancel the approval or suspend it for a period.

(3) The commissioner must as soon as practicable give the holder of the approval a written notice about the decision.

(4) The written notice must comply with the tribunal Act, section 157(2).

(5) The decision takes effect on—

(a) the day the notice is given to the holder; or

(b) if a later day of effect is stated in the notice—the later day.

142ZW Controller to inform employer of suspension or cancellation of approval

A controller who holds, or held, an approval under this part must inform the licensee for each licensed premises where the controller is employed that—

(a) the approval for the controller has been suspended under section 142ZR; or

(b) the approval for the controller has been suspended or cancelled under section 142ZV.

Maximum penalty—40 penalty units.

Part 6 Obligatory provisions and offences

Division 1AA Responsible service, supply and promotion of liquor and preservation of amenity

142ZX Purposes of div 1AA

This division imposes obligations on licensees and permittees for the purposes of—

(a) maintaining a safe environment for patrons and staff of the relevant premises; and

(b) ensuring liquor is served, supplied and promoted in a way that is compatible with minimising harm to anyone; and

(c) preserving the amenity of the area in which the relevant premises are located.

142ZY Meaning of *relevant premises*

In this division—

relevant premises means—

(a) for a licensee—the licensed premises; or

(b) for a permittee—the premises to which the permit relates.

142ZZ Unacceptable practices and promotions

(1) A licensee or permittee must not engage in, or allow another person to engage in, an unacceptable practice or promotion in the conduct of business on the relevant premises.

Maximum penalty—100 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(2) For subsection (1), each of the following is an ***unacceptable practice or promotion***—

(a) a practice or promotion that may encourage the irresponsible consumption of liquor;

(b) a practice or promotion that may discourage a patron from monitoring or controlling the patron's consumption of liquor;

(c) a practice or promotion likely to have a special appeal to children, for example, because of the use of designs, names, motifs or characters that are likely to be attractive to children;

(d) a practice or promotion that is indecent or offensive;

(e) a practice or promotion using emotive descriptions that are likely to encourage the irresponsible consumption of liquor;

(f) a practice or promotion that involves providing free drinks, or providing drinks at discounts, in a way that encourages patrons to consume excessive amounts of liquor or consume liquor more rapidly than they would otherwise do;

(g) a practice or promotion prescribed by regulation for this section.

(3) For subsection (2)(g), a regulation may prescribe a practice or promotion for all licensees or permittees, or for a particular class of licensees or permittees.

(4) The commissioner may make a guideline under section 42A that includes examples of practices and promotions mentioned in subsection (2).

142ZZAResponsible practices and promotions

(1) A licensee or permittee must, in the conduct of business on the relevant premises, engage in practices and promotions that encourage the responsible consumption of liquor—

(a) generally; and

Examples—

- having non-alcoholic and low alcohol beverages available
- supplying liquor in standardised quantities that can be recognised by patrons
- serving patrons half-measures of spirits on request

(b) prescribed by regulation for this section.

Maximum penalty—100 penalty units.

(2) For subsection (1)(b), a regulation may prescribe a practice or promotion for all licensees or permittees, or for a particular class of licensees or permittees.

(3) The commissioner may make a guideline under section 42A that includes examples of practices and promotions that encourage the responsible consumption of liquor.

142ZZBProviding a safe environment and preserving amenity

(1) A licensee or permittee must, in the conduct of business on the relevant premises, provide and maintain a safe environment in and around the relevant premises.

Maximum penalty—100 penalty units.

(2) A licensee or permittee must, in the conduct of business on the relevant premises, take all reasonable steps to ensure the use of the premises does not adversely affect the amenity of the area in which the premises are located.

Maximum penalty—100 penalty units.

(3) A licensee or permittee must, in the conduct of business on the relevant premises, take all reasonable steps to ensure the behaviour of persons entering or leaving the premises does not adversely affect the amenity of the area in which the premises are located.

Maximum penalty—100 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(4) If a licensee or permittee knows or has reason to believe that a relevant offence is being, or is about to be, committed in or around the relevant premises, the licensee or permittee must take reasonable steps to stop or prevent the commission of the offence.

Maximum penalty—100 penalty units.

(5) For subsection (4), an offence is a ***relevant offence*** if the commission of the offence may reasonably be expected to have an adverse impact on—

(a) the health and safety of a person in or around the relevant premises; or

(b) the amenity of the area in which the premises are located.

(6) A licensee or permittee must, in the conduct of business on the relevant premises, engage in the positive practices prescribed by regulation for this section.

Maximum penalty—100 penalty units.

(7) A licensee or permittee must not, in the conduct of business on the relevant premises, engage in, or allow another person to engage in, an unacceptable practice prescribed by regulation for this section.

Maximum penalty—100 penalty units.

(8) A regulation may prescribe a practice to be a positive practice for subsection (6) or an unacceptable practice for subsection (7) for the purposes of—

(a) providing and maintaining a safe environment in and around licensed premises and premises to which permits relate; and

(b) ensuring the use of the premises does not adversely affect the amenity of the areas in which they are located.

142ZZC Advertising

(1) A licensee or permittee must not advertise, or allow anyone to advertise, the availability of the following for consumption on the relevant premises—

(a) free liquor;

(b) multiple quantities of liquor.

Example for paragraph (b)—

2 drinks for the price of 1

Maximum penalty—100 penalty units.

~~(1) A licensee or permittee must not advertise or allow anyone to advertise—~~

~~(a) the availability of the following for consumption on the relevant premises—~~

~~(i) free liquor;~~

~~(ii) multiple quantities of liquor; or~~

~~*Example—*~~

~~2 drinks for the price of 1~~

~~(b) the sale price of liquor for consumption on the relevant premises; or~~

~~(c) a promotion that is likely to indicate to an ordinary person the availability of liquor, for consumption on the relevant premises, at a price less than that normally charged for the liquor.~~

~~*Examples of promotions for paragraph (c)—*~~

- ~~'happy hours'~~
- ~~'all you can drink'~~
- ~~'toss the boss'~~

~~Maximum penalty—100 penalty units.~~

(2) A person does not contravene subsection (1) if—

(a) the advertising happens only within the relevant premises; and

Not authorised—indicative only

Not authorised—indicative only

(b) the advertisement is not visible or audible to a person who is outside the relevant premises.

~~(3) Subsection (1)(b) does not apply to the holder of a subsidiary on-premises licence if the principal activity of the business conducted under the licence is the principal activity mentioned in section 67A.~~

(43) A licensee or permittee must not advertise or allow anyone to advertise anything that is, or would be if it were engaged in, an unacceptable practice or promotion under section 142ZZ.

Maximum penalty—100 penalty units.

(~~5~~4) In this section—

advertise means advertise in any way including, for example, in any of the following ways—

(a) by signage;

(b) in print;

(c) orally;

(d) electronically.

142ZZDCompliance notices

(1) This section applies if the commissioner reasonably believes a licensee or permittee—

(a) is engaging in an unacceptable practice or promotion in contravention of section 142ZZ; or

(b) has engaged in an unacceptable practice or promotion in contravention of section 142ZZ in circumstances that make it likely the contravention will continue or be repeated; or

(c) is advertising a matter in contravention of section 142ZZC; or

(d) has advertised a matter in contravention of section 142ZZC in circumstances that make it likely the contravention will continue or be repeated.

(2) This section also applies if the commissioner—

(a) reasonably believes a licensee or permittee—

(i) is engaging in a practice or promotion in the conduct of business on the relevant premises; or

(ii) has engaged in a practice or promotion in the conduct of business on the relevant premises in circumstances that make it likely the practice or promotion will continue or be repeated; or

(iii) is advertising a matter relating to the business conducted on the relevant premises; or

(iv) has advertised a matter relating to the business conducted on the relevant premises in circumstances that make it likely the advertisement will continue or be repeated; and

(b) considers that, having regard to the purposes of this Act, the practice, promotion or advertisement is contrary to the public interest.

(3) The commissioner may give to the licensee or permittee a notice (a ***compliance notice***) stating the following—

(a) that the commissioner—

(i) holds the belief mentioned in subsection (1); or

(ii) holds the belief mentioned in subsection (2)(a) and considers the practice, promotion or advertisement is contrary to the public interest;

(b) a description of the practice, promotion or advertisement;

(c) briefly—

(i) for subsection (1), how it is believed section 142ZZ or 142ZZC is being contravened or has been contravened; or

Not authorised—indicative only

Not authorised—indicative only

(ii) for subsection (2), why the commissioner considers the practice, promotion or advertisement is contrary to the public interest;

(d) whichever of the following that is relevant—

(i) that the licensee or permittee must not engage, or continue to engage, in the practice or promotion;

(ii) that the licensee or permittee must not continue or repeat the advertisement;

(iii) that the licensee or permittee must take particular action to remedy the contravention, or avoid further contravention, of section 142ZZ or 142ZZC;

Example for subparagraph (iii)—

A licensee may be required to ensure stated harm minimisation measures are in place whenever a licensee engages in a particular practice.

(e) that it is an offence to fail to comply with the compliance notice unless the licensee or permittee has a reasonable excuse.

(4) The licensee or permittee must comply with the compliance notice unless the licensee or permittee has a reasonable excuse.

Maximum penalty—100 penalty units.

(5) The compliance notice may state other matters the commissioner considers appropriate.

Example—

The compliance notice may refer to the commissioner's powers under this Act to take disciplinary action relating to the licence or permit.

(6) To remove any doubt, it is declared that, except to the extent the compliance notice states otherwise, it continues to have effect until it is revoked.

(7) While a compliance notice remains in force, the commissioner must review it at 1 yearly intervals to ensure it remains appropriate.

(8) A person given a compliance notice may, at any time while the notice is in force, apply to the commissioner to revoke the notice or make a stated amendment of the notice.

(9) The commissioner may make a guideline under section 42A about practices, promotions or advertisements that may be considered to be contrary to the public interest for subsection (2).

Division 1AB Sale, supply and consumption of liquor in car parks

142ZZE Sale, supply or consumption of liquor in car park

(1) A licensee must not, in a regulated car park for the licensee's licensed premises—

(a) sell or supply liquor; or

(b) allow liquor to be consumed.

Maximum penalty—25 penalty units.

(2) Subsection (1) does not apply to the extent the licensee is authorised, under an approval (a ***car park approval***) granted by the commissioner, to sell or supply liquor, or allow liquor to be consumed, in the regulated car park.

142ZZF Application for car park approval

(1) A licensee may apply for a car park approval for the licensed premises.

(2) In addition to the requirements under section 105, the application must—

(a) identify the licensed premises to which the approval will apply; and

(b) state the days on which the licensee proposes to sell or supply liquor, or allow liquor to be consumed, in a regulated car park.

Not authorised—indicative only

Not authorised—indicative only

142ZZG Commissioner's consideration of application

(1) When considering an application for a car park approval, the commissioner must consider the effect on the health and safety of members of the public, and the amenity of the community or locality, that—

(a) the grant of the approval may have; and

(b) if the licensee has previously been granted authority under this Act to sell or supply liquor, or allow liquor to be consumed, in a car park, including under a car park approval (whether or not for the licensed premises the subject of the application)—the grant of that authority had.

(2) If an application for a car park approval states more than 1 day on which the licensee proposes to sell or supply liquor, or allow liquor to be consumed, in a regulated car park, the commissioner may grant the car park approval for some or all of the stated days.

142ZZH Restriction on grant of car park approval

(1) This section applies if the commissioner is satisfied a licensee has failed to comply with a condition of a car park approval (the ***earlier approval***) for a regulated car park.

(2) The commissioner must not grant another car park approval to the licensee for the regulated car park for a day that is less than 3 months after the day the commissioner became satisfied of the failure to comply with the condition of the earlier approval.

142ZZI Conditions on car park approval

(1) The commissioner may impose conditions on a car park approval—

(a) to give effect to the main purpose of this Act mentioned in section 3(a); or

(b) to ensure appropriate compliance with this Act; or

(c) to minimise alcohol-related disturbances, or public disorder, in the locality; or

(d) about the provision of amplified entertainment, including, for example, amplified music, in the regulated car park; or

Examples for paragraph (d)—

- a condition prohibiting the provision of amplified entertainment
- a condition about the maximum volume at which amplified entertainment may be provided
- a condition about the times during which amplified entertainment may be provided

(e) about other noise, including patron noise, resulting from or associated with the sale, supply or consumption of liquor in the regulated car park.

(2) Section 128C applies to the commissioner's power, under subsection (1)(a), to impose conditions on a car park approval as if a reference in section 128C to a licence or permit under part 5 were a reference to a car park approval.

142ZZJAuthority of car park approval

(1) A car park approval authorises the licensee to sell or supply liquor, or allow liquor to be consumed, in a regulated car park—

(a) to which the approval applies; and

(b) on the days, and during the hours, stated in the approval; and

(c) subject to the conditions stated in the approval.

(2) A car park approval must not authorise the sale, supply or consumption of liquor, outside the trading hours authorised under the licence for the licensed premises.

Not authorised—indicative only

Not authorised—indicative only

(3) A regulation may prescribe the maximum period for which a car park approval may be granted.

Division 1 Provisions binding licensees, permittees, approved managers, employees and agents

143 Particulars to be displayed on premises

(1) A licensee must at all times display, on a conspicuous place on the exterior of the licensed premises, in legible character at least 15mm in height—

(a) the name of the licensee; and

(b) the name of the licensed premises; and

(c) the nature of the business conducted on the licensed premises; and

(d) the hours during which liquor may be sold on the premises to persons other than residents or their guests;

so that those particulars may be clearly read at all times.

Maximum penalty—25 penalty units.

(2) A person who contravenes subsection (1) commits a continuing offence against this Act, that may be charged in 1 complaint, from time to time, in respect of any period, and is liable to a penalty of a fine of not more than 2 penalty units for each day during which the contravention continues.

143A Particulars to be displayed for approved area for adult entertainment

(1) A permittee who holds an adult entertainment permit must, at all times when adult entertainment is being provided in the approved area for the entertainment, display a sign stating—

(a) that adult entertainment is being provided in the area; and

(b) that minors must not enter the area; and

(c) anything else prescribed under a regulation.

Maximum penalty—25 penalty units.

(2) The permittee must ensure that—

(a) the sign is conspicuously displayed at every entrance to the area; and

(b) characters on the sign are legible and not less than 50mm high.

Maximum penalty—25 penalty units.

143B Particulars to be displayed for exemption from restriction on the sale or supply of rapid intoxication drinks

A licensee who is exempt from the restriction on the sale or supply of rapid intoxication drinks for licensed premises under section 155AK must, at all times while the exemption is in force, keep the exemption notice at the premises.

Maximum penalty—25 penalty units.

144 Change of name requires approval

A licensee must not change the name of the licensed premises without the commissioner's prior approval.

Maximum penalty—25 penalty units.

145 Licence or permit must be kept at, or accessible from, premises

(1) A licensee or permittee must ensure the licence or permit, or a copy of the licence or permit, is kept available at the premises to which the licence or permit relates, unless the licensee or permittee has a reasonable excuse.

Not authorised—indicative only

Not authorised—indicative only

Maximum penalty—25 penalty units.

(2) For subsection (1), a licence or permit, or a copy of the licence or permit, is kept available at premises if—

(a) the licence or permit, or copy of the licence or permit, is kept at the premises; or

(b) a copy of the licence or permit can be accessed electronically from the premises.

~~**145 Keeping licence or permit at licensed premises**~~

~~A licensee or permittee must keep the licence or permit at the premises to which the licence or permit relates, unless the licensee or permittee has a reasonable excuse for not doing so.~~

~~Maximum penalty—25 penalty units.~~

145A Production of licence or permit on request

(1) An investigator may ask the person who appears to the investigator to be in control of premises to which a licence or permit relates to produce for inspection the licence or permit for the premises.

(2) The person must produce the licence or permit immediately for inspection by the investigator unless the person has a reasonable excuse for not producing it.

Maximum penalty—25 penalty units.

(3) For subsections (1) and (2), the person may produce the licence or permit by accessing a copy of the licence or permit electronically.

(~~3~~4) A person does not commit an offence against subsection (2) if at the time the investigator asked the person to produce the licence or permit under subsection (1), the person was not, in fact, in control of the premises.

146 Supply contrary to licence or permit

(1) A licensee or permittee, or an employee or agent of a licensee or permittee, must not supply liquor—

(a) at an unauthorised time; or

(b) in an unauthorised quantity; or

(c) in an unauthorised way; or

(d) for an unauthorised purpose.

Maximum penalty—100 penalty units.

(2) In subsection (1)—

supply includes sell.

unauthorised means not authorised by the licence or permit.

147 Consumption or removal contrary to licence or permit

(1) In this section—

persons does not include residents on the relevant licensed premises or their guests.

(2) A licensee or permittee, or an employee or agent of the licensee or permittee, must not permit or allow liquor—

(a) to be consumed on the licensed premises at any time other than a time when liquor may be sold to, or consumed by, persons on the licensed premises under authority of the licence or permit; or

(b) to be removed from the licensed premises at any time other than a time when liquor may be removed by persons from the licensed premises under this Act.

Maximum penalty—100 penalty units.

148 Gratuitous supply of liquor

A licensee or permittee, or an employee or agent of the licensee or permittee, does not contravene—

Not authorised—indicative only

Not authorised—indicative only

(a) section 146 by gratuitously supplying liquor at any time; or

(b) section 147 by permitting or allowing consumption at any time of liquor gratuitously supplied;

if the supply is made or the consumption happens—

(c) in the course of social contact with the person supplied; and

(d) in a part of the licensed premises not ordinarily used for the purposes of the business conducted on the premises or, with the commissioner's prior approval for a particular event or occasion, in any part of the licensed premises.

148AA Licences subject to conditions about closed-circuit television equipment

(1) This section applies in relation to a licence that is subject to a CCTV condition, other than a licence to which section 142AH applies.

(2) The licensee must comply with the requirements stated in section 142AH(a) to (h).

Maximum penalty—100 penalty units.

(3) The requirements mentioned in subsection (2) apply to the licensee as if the requirement under section 142AH(a) were the requirement to have closed-circuit television equipment that is stated in the licensee's CCTV condition.

(4) In this section—

CCTV condition means a licence condition requiring the licensee to have closed-circuit television equipment at 1 or more entrances or exits of the licensed premises, or somewhere else on the licensed premises.

148AB Restriction on sale of craft beer and artisan spirits

(1) This section applies to a licensee's or permittee's sale of craft beer or artisan spirits to persons at a promotional event.

(2) If the sale of craft beer or artisan spirits is for consumption away from the promotional event, the licensee or permittee must not sell the craft beer or artisan spirits in unsealed containers.

Maximum penalty—100 penalty units.

(3) The licensee or permittee must not sell the craft beer or artisan spirits in a volume that exceeds—

(a) for a producer/wholesaler licence—

(i) if the commissioner imposed a limit under section 74A(6)(a) or (b)(i) or (ii) or 74B(6)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or

(ii) otherwise—the limit provided under a regulation made under section 74A(7)(a) or (b) or 74B(7)(a) or (b); or

(b) for an artisan producer licence (beer)—

(i) if the commissioner imposed a limit under section 75H(3)(a), (b) or (c)—the limit imposed by the commissioner; or

(ii) otherwise—the limit provided under a regulation made under section 75H(4)(a) or (b); or

(c) for an artisan producer licence (spirits)—

(i) if the commissioner imposed a limit under section 75I(3)(a), (b) or (c)—the limit imposed by the commissioner; or

(ii) otherwise—the limit provided under a regulation made under section 75I(4)(a) or (b); or

(d) for a craft beer producer permit—

Not authorised—indicative only

Not authorised—indicative only

(i) if the commissioner imposed a limit under section 103ZA(1)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or

(ii) otherwise—the limit provided under a regulation made under section 103ZA(2)(a) or (b); or

(e) for an artisan spirits producer permit—

(i) if the commissioner imposed a limit under section 103ZF(1)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or

(ii) otherwise—the limit provided under a regulation made under section 103ZF(2)(a) or (b).

Maximum penalty—100 penalty units.

149 Employment on licensed premises

A licensee must not, other than with the commissioner's prior approval, knowingly permit to be employed on the licensee's behalf on the licensed premises a person who, because of misconduct or bad character—

(a) has, under this Act or a corresponding previous enactment or under a corresponding law of another State or a Territory—

(i) had a licence, permit or other authority relating to the sale or supply of liquor cancelled; or

(ii) been refused a licence, permit or other authority relating to the sale or supply of liquor; or

(b) for premises where adult entertainment is provided under an adult entertainment permit—

(i) has had an application for approval as a controller refused under section 142ZK; or

(ii) has had an approval as a controller cancelled under section 142ZV.

Maximum penalty—100 penalty units.

149A Providing adult entertainment without adult entertainment permit

A licensee or permittee must not provide adult entertainment on licensed premises or premises to which a community liquor permit or restricted liquor permit relates unless the licensee or permittee provides the entertainment under an adult entertainment permit.

Maximum penalty—200 penalty units.

149B Supervising adult entertainment

(1) At all times when adult entertainment is being provided under an adult entertainment permit, the entertainment must be supervised by at least one of the following to ensure it is being provided in accordance with the Act and the conditions of the permit—

(a) the licensee or permittee;

(b) a controller who holds an approval as a controller and is employed or engaged by the licensee or permittee to supervise the entertainment at the relevant time.

Maximum penalty—100 penalty units.

(2) If subsection (1) is contravened, the following persons each commit an offence—

(a) the licensee or permittee;

(b) the holder of an approval as a controller who was employed or engaged to supervise the entertainment at the relevant time.

150 Notification of change in controlling interest in licensee

(1) A licensee that is a corporation must give to the commissioner written notice of every change in the beneficial ownership of the controlling interest in the corporation, within 14 days after the change.

Not authorised—indicative only

Not authorised—indicative only

Maximum penalty—100 penalty units.

(2) The holder of a commercial special facility licence, that is the subject of an approval by the commissioner as mentioned in section 153(3), must give the commissioner written notice of the following changes within 14 days after the change—

(a) a change in the letting or subletting of part of the licensed premises;

(b) a change in the letting or subletting of the right to sell liquor;

(c) a change in the franchise or management agreement for part of the licensed premises;

(d) a change in the beneficial ownership of the controlling interest in any lessee, sublessee, franchisee or holder of management rights, under the commissioner's approval.

Maximum penalty for subsection (2)—100 penalty units.

150A Notification of change—artisan producer licence (beer)

(1) This section applies if the holder of an artisan producer licence (beer) is a corporation.

(2) The licensee must give the commissioner written notice under this section if—

(a) a non-large brewer to which the licensee is related becomes a large brewer; or

(b) the licensee becomes related to a brewer that is a large brewer.

Maximum penalty—100 penalty units.

(3) A notice under subsection (2)(a) must be given within 14 days of the end of the financial year in which the brewer becomes a large brewer.

(4) A notice under subsection (2)(b) must be given within 14 days of the day the licensee becomes related to the large brewer.

(5) For subsection (2), a licensee that is a corporation is related to a brewer if—

(a) 20% or more of the corporation's shares are owned by, or held in trust for, the brewer or a subsidiary of the brewer; or

(b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, the brewer or a subsidiary of the brewer.

(6) In this section—

large brewer means a brewer that produces more than 40 million litres of beer in any financial year.

non-large brewer means a brewer other than a large brewer.

150B Notification of change—artisan producer licence (spirits)

(1) This section applies if the holder of an artisan producer licence (spirits) is a corporation.

(2) The licensee must give the commissioner written notice under this section if—

(a) a non-large distiller to which the licensee is related becomes a large distiller; or

(b) the licensee becomes related to a distiller that is a large distiller.

Maximum penalty—100 penalty units.

(3) A notice under subsection (2)(a) must be given within 14 days of the end of the financial year in which the distiller becomes a large distiller.

(4) A notice under subsection (2)(b) must be given within 14 days of the day the licensee becomes related to the large distiller.

(5) For subsection (2), a licensee that is a corporation is related to a distiller if—

Not authorised—indicative only

Not authorised—indicative only

(a) 20% or more of the corporation's shares are owned by, or held in trust for, the distiller or a subsidiary of the distiller; or

(b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, the distiller or a subsidiary of the distiller.

(6) In this section—

large distiller means a distiller that produces more than 2 million litres of spirits in any financial year.

non-large distiller means a distiller other than a large distiller.

151 Unlawful betting or gaming

(1) A licensee or permittee must not—

(a) bring or keep, or permit to be brought or kept, on the licensed premises any machine, apparatus or device capable of being used for betting or gaming other than—

(i) one required for wagering by a general operator under the *Wagering Act 1998*; or

(ii) a gaming machine within the meaning of the *Gaming Machine Act 1991* under the authority of a gaming machine licence under that Act; or

(iii) for conducting a game authorised under the *Charitable and Non-Profit Gaming Act 1999*; or

(iv) for conducting or playing a keno game conducted by a keno licensee under a keno licence; or

(b) conduct, or permit or allow to be conducted, on the premises to which the licence or permit relates an art union or lottery that is not authorised by law; or

(c) permit or suffer to be played on the premises to which the licence or permit relates, or in their appurtenances, a sport or game declared by law to be unlawful.

Maximum penalty—250 penalty units.

(2) In subsection (1)—

keno game means a game for which rules are made under the *Keno Act 1996*, section 138.

keno licence means a licence to conduct keno games issued under the *Keno Act 1996*.

keno licensee means a person who holds a keno licence.

151A Betting on licensed premises

(1) A licensee or permittee must not allow the premises to which the licence or permit relates to be used for betting.

Maximum penalty—

(a) for a first offence—100 penalty units or 6 months imprisonment; and

(b) for a second offence—200 penalty units or 1 year's imprisonment; and

(c) for a third or subsequent offence—400 penalty units or 2 years imprisonment.

(2) It is a defence to a charge of an offence against subsection (1) if the person proves that—

(a) the person has issued proper instructions and used all reasonable means to secure observance of the subsection; and

(b) the offence in question was committed without the person's knowledge; and

(c) the person could not, by the exercise of reasonable diligence, have prevented the commission of the offence.

(3) Subsection (1) does not apply to licensed premises if—

(a) the licensed premises are located inside a licensed venue under the *Racing Integrity Act 2016* and the betting

Not authorised—indicative only

Not authorised—indicative only

takes place during times that betting may be conducted under that Act; or

(b) the betting is conducted under any of the following Acts—

(i) the *Casino Control Act 1982*;

(ii) the *Charitable and Non-Profit Gaming Act 1999*;

(iii) the *Gaming Machine Act 1991*;

(iv) the *Interactive Gambling (Player Protection) Act 1998*;

(v) the *Keno Act 1996*;

(vi) the *Lotteries Act 1997*;

(vii) the *Wagering Act 1998*.

152 Prohibition on other use of premises

(1) A licensee must not, without the commissioner's prior approval—

(a) conduct or permit to be conducted, or advertise or represent himself or herself as conducting, on the licensed premises, a business other than—

(i) that authorised by the licence; or

(ii) a business for which the licensee is a wagering agent under the *Wagering Act 1998*; or

(iii) a business under the authority of a gaming machine licence under the *Gaming Machine Act 1991*; or

(b) supply or permit to be supplied, on the licensed premises, a service to the public other than that authorised by the licence.

Maximum penalty—25 penalty units.

(2) A licensee must not use or publish, or permit to be used or published, a document containing the name of the licensed premises for or in connection with a business or service to the

public other than a business or service that may be conducted or supplied on the licensed premises consistently with subsection (1).

Maximum penalty—25 penalty units.

152A Change in principal activity of business conducted under a licence

A licensee must not, without the commissioner's approval, change the principal activity of a business conducted under a licence.

Maximum penalty—100 penalty units.

153 Letting or subletting of licensed premises

(1) A licensee must not, without the commissioner's approval—

(a) let or sublet all of the licensed premises; or

(b) enter into a franchise or management agreement for all of the licensed premises.

Maximum penalty—40 penalty units.

(2) If a licensee lets or sublets, or enters into a franchise or management agreement for part of the licensed premises (the ***relevant part***), the lease, sublease or agreement must not purport to authorise a person other than the licensee to sell liquor under the licensee's licence on the relevant part.

Maximum penalty—40 penalty units.

(3) Subsections (1) and (2) do not apply to the holder of a commercial special facility licence who, with the commissioner's approval—

(a) lets or sublets part of the licensed premises; or

(b) lets or sublets the right to sell liquor; or

(c) enters into a franchise or management agreement for part of the licensed premises.

Not authorised—indicative only

Not authorised—indicative only

(4) The commissioner must not give an approval mentioned in subsection (1) or (3) unless the commissioner is satisfied the proposed lessee, sublessee, franchisee or manager is not a disqualified person and is a fit and proper person to lease, sublease or franchise or manage the licensed premises.

(5) For forming the satisfaction mentioned in subsection (4), the commissioner may have regard to the matters mentioned in section 107 to which the commissioner must have regard in deciding whether an applicant is not a disqualified person and is a fit and proper person to hold a licence.

154 Alteration etc. and maintenance of licensed premises

(1) The owner, licensee or other person in control of licensed premises must not, without the commissioner's approval, alter, rebuild, change or increase the area of the licensed premises.

Examples for subsection (1)—

1 The licensee of a detached bottle shop in a shopping centre changes the relevant leasing arrangements by reducing the overall area the shop is to occupy. Therefore the licensee must apply for the commissioner's approval to alter the licensed premises permanently.

2 An RSL club is the licensee of a licensed club and wishes to erect a tent next to its licensed premises to provide liquor on Anzac Day. Therefore the licensee must apply for the commissioner's approval to increase the area of the licensed premises for that occasion.

Maximum penalty—25 penalty units.

(2) For subsection (1)—

(a) in giving an approval, the commissioner must have regard to the business that is the principal activity conducted under the licence; and

(b) a change in the area includes not using a part of the licensed premises as if the part were not licensed premises.

(3) Before giving an approval, the commissioner may ask the applicant to give the commissioner a management plan relating to the proposed alteration, rebuilding, change or increase.

(4) The management plan must include information the commissioner considers appropriate having regard to—

(a) the business that is the principal activity conducted under the licence; and

(b) the nature of the alteration, rebuilding, change or increase.

(5) If the commissioner asks the applicant for a management plan under subsection (3), the commissioner must not give the approval unless the applicant complies with the request.

(6) The licensee of licensed premises must keep the premises clean and in good repair.

Maximum penalty—25 penalty units.

154A Relocation of detached bottle shops

(1) This section applies if—

(a) under a commercial hotel licence the licensee has authority to sell or supply liquor on a detached bottle shop; and

(b) the licensee proposes to relocate the detached bottle shop.

(2) The licensee must apply to the commissioner for approval for the relocation.

(3) In deciding the application, the commissioner must have regard to whether or not the applicant should be required to advertise the application under section 118.

(4) The commissioner may approve the application only if the commissioner is satisfied the detached bottle shop is to be relocated to another place within the same shopping precinct.

Not authorised—indicative only

Not authorised—indicative only

(5) If the detached bottle shop is to be relocated more than the distance prescribed under a regulation from the main licensed premises, the commissioner must refuse the application.

(6) Subsection (5) does not apply if the detached bottle shop—

(a) operates under an approval granted by the chief executive before 2 December 1994; or

(b) operates under an approval granted by the chief executive or commissioner on or after 2 December 1994 that authorises the detached bottle shop to be located more than the distance prescribed under a regulation from the main licensed premises.

(7) If the commissioner approves the application, the commissioner must adjust the licence to ensure it describes the licensed premises after the relocation of the detached bottle shop.

154B Transfer of certain premises

(1) This section applies if—

(a) the licensee under a commercial hotel licence (the ***first licensee***) has authority to sell or supply liquor on a detached bottle shop; and

(b) the first licensee proposes to transfer the detached bottle shop to another licensee of a commercial hotel licence (the ***second licensee***).

(2) The first and second licensees must make a joint application to the commissioner for approval of the transfer.

(3) The commissioner must refuse the application if—

(a) the detached bottle shop is more than the distance prescribed under a regulation from the main licensed premises of the second licensee; or

(b) there are 3 detached bottle shops under the authority of the commercial hotel licence of the second licensee.

(4) In deciding the joint application, the commissioner must have regard to the matters prescribed under a regulation.

(5) If the commissioner approves the joint application, the commissioner must adjust the licences of the first licensee and second licensee to ensure each licence describes its licensed premises after the transfer of the detached bottle shop.

154C Inclusion or amendment of other premises as part of authority of community club licence

(1) A licensee under a community club licence may apply for—

(a) the inclusion of a statement in the licence that the licensed premises include other premises; or

(b) a change of a statement in the licence that the licensed premises include other premises.

(2) If the commissioner approves the application, the commissioner must adjust the licence to ensure it describes the licensed premises after the inclusion of the other premises or change of the other premises.

(3) Section 111 must not be used to do something that can be done under this section.

(4) A regulation may prescribe the requirements for an application under this section.

(5) In this section—

other premises see section 77(2).

155 Minors on premises

(1) This section applies to all minors other than an exempt minor.

(2) A licensee, permittee or person in control of the premises to which the licence or permit relates must ensure that a minor is not on the premises.

Not authorised—indicative only

Not authorised—indicative only

(3) Also, an employee or agent of the licensee or permittee must not allow a minor to enter the premises to which the licence or permit relates.

(3A) If a minor is on the premises, each of the following persons commits an offence—

(a) the licensee or permittee;

(b) if another person is in control of the premises—the other person;

(c) if an employee or agent of the licensee or permittee allowed the minor to enter the premises—the employee or agent.

Maximum penalty—100 penalty units.

(4) In this section—

exempt minor means a minor on premises to which a licence or permit relates if—

(a) the minor is a resident on the premises; or

(b) the minor is on the premises to—

(i) perform duties as an employee of the owner, or occupier, of the premises or a part of the premises; or

(ii) perform duties in the conduct of a lawful business; or

(iii) perform duties while receiving training for employment or work experience; or

(c) the minor is attending a function being held on the premises; or

(d) the premises are premises to which a community club licence, community other licence, craft beer producer permit, artisan spirits producer permit or restricted liquor permit relates and the minor's presence does not contravene the club's rules or a condition of the licence or permit; or

(e) the minor is on the premises for a purpose, and in circumstances, approved by the commissioner or stated in a condition of the licence or permit; or

(f) the minor—

(i) is eating a meal on the premises; or

(ii) is accompanied by a responsible adult who is responsibly supervising the minor.

(5) However, a minor is not an exempt minor merely because the minor is eating a meal on the premises or accompanied by a responsible adult if—

(a) the minor is on premises after 5p.m.; and

(b) the licence for the premises is a nightclub licence.

155AA Minors must not be in approved area when adult entertainment being provided

(1) This section applies despite section 155, if the licensee or permittee of, or an approved manager working at, the premises to which a licence or permit relates to which a community liquor permit or restricted liquor permit relates holds an adult entertainment permit.

(2) The licensee or permittee, an approved manager working at the premises, or the holder of an approval as a controller who was employed or engaged for the premises, if any, must ensure that a minor is not in an approved area when adult entertainment is being provided.

Maximum penalty—200 penalty units.

(3) To remove doubt, it is declared that a minor can not be in an approved area in the capacity of a performer of adult entertainment.

Not authorised—indicative only

Not authorised—indicative only

155AB Supervision of volunteers—community club licence, community other licence or restricted liquor permit

(1) A licensee for a community club licence or community other licence, or permittee for a community liquor permit or restricted liquor permit, must take reasonable steps to ensure that a relevant volunteer is under the general supervision of a person holding a current training course certificate while the relevant volunteer is serving or supplying liquor at the licensed premises or premises to which the permit relates.

Maximum penalty—10 penalty units.

(2) In this section—

relevant volunteer means a volunteer involved in the service or supply of liquor at the premises who does not hold a current training course certificate.

Division 1A Provisions binding particular licensees and permittees

155AC Application of div 1A

(1) This division applies to—

(a) licensed premises, other than licensed premises to which a community club licence or community other licence relates if liquor is served or supplied at the premises only by volunteers; and

(b) premises to which a permit relates, other than premises to which—

(i) a craft beer producer permit relates; or

(ii) a community liquor permit or restricted liquor permit relates if liquor is served or supplied at the premises only by volunteers; or

(iii) an artisan spirits producer permit relates.

(2) To the extent that a holder of a commercial special facility licence has entered into an approved arrangement, this division applies for the licensed premises as if a reference to a licensee in this division were a reference to the lessee, sublessee, franchisee or manager with whom the holder entered into the approved arrangement.

155AD Who must be present or reasonably available at licensed premises etc.

(1) This section applies while the licensed premises or premises to which the permit relates are open for business.

(1A) However, this section does not apply to licensed premises under a subsidiary on-premises licence if the premises are a boat or on a boat.

(2) If the licensee or permittee is a corporation, the licensee or permittee must take reasonable steps to ensure that a person employed by the corporation as an approved manager—

(a) is present or reasonably available during the following times at the licensed premises or premises to which the permit relates—

(i) ordinary trading hours;

(ii) approved extended trading hours between 7a.m. and 10a.m.; and

(b) is present at the licensed premises or premises to which the permit relates during approved extended trading hours between—

(i) for a commercial special facility licence relating to an airport or casino or an extended hours permit—12a.m. and 5a.m.; or

(ii) for a licence relating to premises in a safe night precinct—12a.m. and 3a.m.; or

(iii) otherwise—12a.m. and 2a.m.

Maximum penalty—50 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(3) If the licensee or permittee is an individual, the licensee or permittee must—

(a) be present or reasonably available, or take reasonable steps to ensure that a person employed by the individual as an approved manager is present or reasonably available, during the following times at the licensed premises or premises to which the permit relates—

(i) ordinary trading hours;

(ii) approved extended trading hours between 7a.m. and 10a.m.; and

(b) be present, or take reasonable steps to ensure that a person employed by the individual as an approved manager is present, at the licensed premises or premises to which the permit relates during approved extended trading hours between—

(i) for a commercial special facility licence relating to an airport or casino or an extended hours permit—12a.m. and 5a.m.; or

(ii) for a licence relating to premises located in a safe night precinct—12a.m. and 3a.m.; or

(iii) otherwise—12a.m. and 2a.m.

Maximum penalty—50 penalty units.

(4) Subsection (3) applies subject to section 155AF.

(4A) If the premises are low risk premises and are not open for business beyond 12 midnight, the licensee or permittee is exempted from—

(a) for a licensee or permittee that is a corporation—subsection (2)(a); or

(b) for a licensee or permittee who is an individual—subsection (3)(a).

(4B) If the premises are low risk premises but are open for business beyond 12 midnight, the licensee or permittee is exempted until 10p.m. from—

(a) for a licensee or permittee that is a corporation—subsection (2)(a); or

(b) for a licensee or permittee who is an individual—subsection (3)(a).

(5) Without limiting section 107C, the commissioner may, under that section, impose the following conditions on a licence or permit—

(a) if the licensee or permittee is a corporation—a condition requiring the corporation to take reasonable steps to ensure a person employed by the corporation as an approved manager is present during the times mentioned in subsection (2)(a) at the premises to which the licence or permit relates;

(b) if the licensee or permittee is an individual—a condition requiring the individual to be present, or take reasonable steps to ensure a person employed by the individual as an approved manager is present, during the times mentioned in subsection (3)(a) at the premises to which the licence or permit relates.

(5A) The powers of the commissioner under section 107C to impose a condition on a licence or permit as mentioned in subsection (5) are not limited by subsection (4A) or (4B) even if the relevant premises are low risk premises.

(6) For this section, an approved manager is ***present*** at premises if the approved manager is—

(a) at the premises acting in the capacity of an approved manager; and

(b) in control of the premises.

Note—

See section 142ZF for the responsibilities of an approved manager in control of licensed premises or premises to which a permit relates.

(7) Also, for this section, the licensee or permittee or an approved manager is ***reasonably available*** in relation to the licensed

Not authorised—indicative only

Not authorised—indicative only

premises or premises to which the permit relates if both of the following apply—

(a) the licensee, permittee or approved manager is readily contactable by each person involved in the service or supply of liquor at the premises;

(b) the time reasonably needed for the licensee, permittee or approved manager to travel from any place at which the licensee, permittee or approved manager may be present to the premises is not more than ~~1 hour~~2 hours or, if the commissioner has decided to extend the period of time for a particular licensee, permittee or approved manager, the extended period of time.

(8) In deciding whether to extend the period of time for a particular licensee, permittee or approved manager, the commissioner must have regard to—

(a) the principal activity, and the nature and extent of the business, conducted under the licence or permit; and

(b) the location of the premises; and

(c) the availability of trained staff for the premises.

(9) In this section—

low risk premises means premises to which any of the following relates—

(a) a subsidiary on-premises licence (meals);

(b) a community club licence if the club has 2,000 or fewer members;

(c) a community other licence;

(d) a restricted liquor permit.

155AE Copies of certificates must be available at premises

(1) The licensee or permittee must—

(a) ensure copies of the current licensee's course certificates held by each approved manager employed by the

licensee or permittee are kept available at the premises; and

~~(a) keep at the premises copies of the current licensee's course certificates held by each approved manager employed by the licensee or permittee; and~~

(b) if requested by an investigator at the premises—~~make~~produce the copies~~ available~~ for inspection by the investigator.

Maximum penalty—100 penalty units.

(2) For subsection (1)(a), a copy of a licensee's course certificate is kept available at premises if the certificate—

(a) is kept at the premises; or

(b) can be accessed electronically from the premises.

155AF Exemption from obligation under s 155AD(3)

(1) Subsection (2) applies if—

(a) the licensee or permittee is an individual; and

(b) the licensee or permittee wishes to be absent from the management and supervision of the business conducted under authority of the licence or permit for a continuous period (the ***relevant period***) of not longer than 3 months.

(2) The licensee or permittee may apply to the commissioner for an exemption from the obligation to comply with section 155AD(3) during the relevant period.

(3) The commissioner may grant the application only if the commissioner is satisfied—

(a) the licensee or permittee has made reasonable efforts, but has been unsuccessful, in engaging 1 or more approved managers to be present or reasonably available, during the hours in the relevant period the licensed premises or premises to which the permit relates will be open for business, at or in relation to the premises; and

Not authorised—indicative only

Not authorised—indicative only

(b) during the relevant period—

(i) liquor will be supplied or possessed on the premises only in accordance with the authority conferred by the licence or permit; and

(ii) the risk-assessed management plan for the premises will be complied with.

(4) In this section—

present see section 155AD(6).

reasonably available see section 155AD(7).

Division 1B Banning sale or supply of rapid intoxication drinks during restricted period

155AG Meaning of *rapid intoxication drink*

A drink that includes liquor is a ***rapid intoxication drink*** if—

(a) it is of a type that facilitates or encourages rapid intoxication because the drink—

(i) is designed to be consumed rapidly; or

(ii) contains a high percentage of alcohol; and

(b) the type of drink is prescribed by regulation for this section.

155AH Application of division

(1) This division applies to licensed premises, or premises to which a permit relates, if the licensee or permittee for the premises is authorised under this Act to sell or supply liquor on the premises during all or any part of the period starting at 12a.m. on a day and ending at 5a.m. on the day (the ***restricted period***).

(2) However, this division does not apply to—

(a) an airport or casino to which a commercial special facility licence relates; or

(b) premises to which an industrial canteen licence relates.

155AI Prohibition on sale or supply of rapid intoxication drinks during restricted period

(1) A licensee or permittee for licensed premises or premises to which a permit relates must not, during the restricted period, sell or supply a rapid intoxication drink at the premises.

Maximum penalty—100 penalty units.

(2) The requirement under subsection (1) is the ***restriction*** on the sale or supply of a rapid intoxication drink by the licensee or permittee.

(3) However, subsection (1) does not apply to a licensee in relation to the premises to the extent an exemption granted under section 155AK is in force for the premises.

155AJ Applying for exemption

A licensee may apply to the commissioner for an exemption from the restriction on the sale or supply of rapid intoxication drinks for licensed premises or a part of licensed premises.

155AK Granting exemption

(1) The commissioner may grant the exemption if the commissioner is satisfied—

(a) the licensed premises or part of the premises the subject of the application—

(i) are used primarily for the sale or supply of premium spirits; and

(ii) have the capacity to seat not more than 60 patrons at any one time; and

Not authorised—indicative only

Not authorised—indicative only

(b) if the application relates to a part of licensed premises—the part of the premises consists of a fixed area capable of being defined on a permanent or semipermanent basis; and

Example—

A part of the premises may be defined on a permanent or semipermanent basis by walls or other structures.

(c) the exemption would not otherwise have an adverse impact on the health and safety of members of the public or the amenity of a community or locality; and

(d) the way in which liquor is served at the premises is unlikely to result in the rapid consumption of liquor, having regard to, for example, the size of the offerings of liquor typically served at the premises; and

(e) the type and quality of liquor sold, and the way in which liquor is served at the premises, differs from other types and qualities of liquor sold, and ways in which liquor is served, in the locality.

(2) The exemption may be granted in relation to—

(a) all or a part of the licensed premises; and

(b) 1 or more types of rapid intoxication drinks; and

(c) all or part of the restricted period.

(3) If the commissioner refuses the exemption, the commissioner must give the licensee an information notice for the decision.

(4) In this section—

premium spirits means liquor prescribed by regulation for this definition that has, or is of, a higher value or quality than ordinary liquor.

155AL Exemption notice

(1) If the commissioner decides to grant the exemption, the commissioner must give the licensee a notice (an ***exemption notice***) under this section.

(2) The exemption takes effect on the day stated in the exemption notice.

(3) The exemption notice must also state—

(a) if the exemption is granted for a part of the premises—the part of the premises to which the exemption relates; and

(b) the type or types of rapid intoxication drinks to which the exemption relates; and

(c) if the exemption is granted for a part of the restricted period—the part of the period; and

(d) any other requirements the commissioner considers necessary—

(i) to remain satisfied of a matter mentioned in section 155AK(1)(a) to (d); and

(ii) relating to a matter mentioned in section 155AK(2).

155AM Effect of exemption for extended hours permits

If an extended hours permit is granted for the licensed premises, the exemption applies for the hours during which the licensee or permittee is authorised, under the permit, to sell or supply liquor on the premises, unless the permit states otherwise.

155AN Commissioner must impose licence conditions for exemption

The commissioner must, on granting the exemption, impose a condition on the licensee's licence stating that while the exemption is in force for the licensed premises—

(a) the licensee must not allow the sale or supply of liquor at the premises in a way that encourages patrons to consume excessive amounts of liquor or consume liquor more rapidly than they would otherwise do; and

Not authorised—indicative only

Not authorised—indicative only

(b) if the premises to which the exemption relates are a part of licensed premises, the licensee must not allow patrons to take liquor from the premises to another part of the licensed premises; and

(c) the licensee must comply with the matters stated in the exemption under section 155AL(3), or any variation of those matters made under section 155AP.

155AO Commissioner may suspend exemption

(1) The commissioner may, by written notice, immediately suspend the exemption if the commissioner believes on reasonable grounds that the licensee or permittee has failed to comply with the conditions imposed on the licence or permit under section 155AN.

(2) The suspension takes effect when the notice is given to the licensee or permittee.

(3) The suspension continues until the first of the following happens—

(a) the commissioner, by written notice, ends the suspension;

(b) the commissioner decides to vary or revoke the exemption under section 155AP;

(c) the end of 60 days after the suspension takes effect.

155AP Varying or revoking suspension

(1) After suspending the exemption, the commissioner may vary or revoke the exemption, if the commissioner believes on reasonable grounds the licensee will continue to fail to comply with the conditions imposed on the licence under section 155AN.

(2) Before varying or revoking the exemption, the commissioner must give a written notice to the licensee stating—

(a) the proposed variation, or that the commissioner proposes to revoke the exemption (either of which is the ***proposed action***); and

(b) the reasons for the proposed action; and

(c) that the licensee may, within 14 days after receiving the notice, give the commissioner a written notice of objection to the proposed action.

(3) The licensee may, within 14 days after receiving the notice, give to the commissioner a written notice of objection to the proposal.

(4) If, after considering the notice of objection, the commissioner still believes the licensee will continue to fail to comply with the conditions, the commissioner may, by written notice given to the licensee, take the proposed action.

(5) The notice must be accompanied by an information notice for the decision.

(6) If the commissioner decides to—

(a) vary the exemption, the commissioner must give the licensee an amended exemption notice showing the exemption as varied; or

(b) revoke the exemption, the commissioner must vary the conditions of the licence to remove the conditions mentioned in section 155AN.

Division 2 Provisions binding all persons

155A Prohibition on sale to a minor

A person must not sell liquor to a minor.

Maximum penalty—

(a) if the person is the licensee or permittee of, or an approved manager working at, the premises to which a licence or permit relates—250 penalty units; or

Not authorised—indicative only

Not authorised—indicative only

(b) in any other case—80 penalty units.

156 Liquor prohibited to certain persons

(1) A person must not, on premises to which a licence or permit relates—

(a) supply liquor to; or

(b) permit or allow liquor to be supplied to; or

(c) allow liquor to be consumed by;

a person who—

(d) is a minor; or

(e) is unduly intoxicated or disorderly.

(2) A person must not, on a street or place adjacent to premises to which a licence or permit relates, or in a public place supply liquor, or cause or permit liquor to be supplied, to a minor.

(3) A person must not send, or cause or permit to be sent, to premises to which a licence or permit relates a minor with a view to the minor or another person being supplied with liquor.

Maximum penalty for subsections (1) to (3)—

(a) for an offence committed by the licensee or permittee of, or an approved manager working at, the premises—

(i) if the person to whom the offence relates is a minor—250 penalty units; or

(ii) if the person to whom the offence relates is unduly intoxicated or disorderly—500 penalty units; or

(b) for an offence committed other than by the licensee or permittee of, or an approved manager working at, the premises—

(i) if the person to whom the offence relates is a minor—80 penalty units; or

(ii) if the person to whom the offence relates is unduly intoxicated or disorderly—80 penalty units.

(4) Subsection (2) does not apply to the supply of liquor to a minor in a public place, designated under section 173C, if the minor is accompanied by a responsible adult who is responsibly supervising the minor.

156A Irresponsible supply of liquor to a minor at a private place etc.

(1) An adult must not supply liquor to a minor at a private place, unless the adult is a responsible adult for the minor.

Maximum penalty—80 penalty units.

(2) A responsible adult for a minor must not supply liquor to the minor at a private place, unless the supply is consistent with the responsible supervision of the minor.

Maximum penalty—80 penalty units.

(3) For subsection (2), in considering whether the supply is consistent with the responsible supervision of the minor, relevant factors include the following—

(a) whether the adult is unduly intoxicated;

(b) whether the minor is unduly intoxicated;

(c) the age of the minor;

(d) whether the minor is consuming the liquor supplied with food;

(e) whether the adult is responsibly supervising the minor's consumption of the liquor supplied;

(f) the quantity of liquor supplied and the period over which it was supplied.

Not authorised—indicative only

Not authorised—indicative only

156B Prohibition on sale of undesirable liquor product

(1) A regulation may declare a particular liquor product, or class of liquor products, to be an undesirable liquor product.

(2) A person must not sell or supply a liquor product, or liquor product that is part of a class of liquor products, declared under subsection (1) to be an undesirable liquor product.

Maximum penalty—

(a) if the person is the licensee or permittee of, or an approved manager working at, the premises to which a licence or permit relates—100 penalty units; or

(b) in any other case—25 penalty units.

(3) The Minister may recommend the making of a regulation under subsection (1) about a liquor product or class of liquor products only if, in the opinion of the Minister—

(a) the name, design of packaging of the liquor product or class of liquor products is likely to be attractive to minors or young people; or

(b) the liquor product or class of liquor products is likely to be confused with soft drinks or confectionery; or

(c) the liquor product or class of liquor products, for any other reason, is likely to have a special appeal to minors or young people; or

(d) it is otherwise in the public interest to declare the liquor product or class of liquor products to be an undesirable liquor product.

(4) The Minister must, before recommending the making of a regulation under subsection (1), make every reasonable effort to consult with—

(a) relevant liquor industry representatives; and

(b) the manufacturer and distributor of the liquor product or class of liquor products proposed to be declared to be an undesirable liquor product;

about the proposed declaration.

(5) However, failure to comply with subsection (4) does not affect the validity of the regulation.

156C Interim prohibition on sale of undesirable liquor product

(1) The Minister may make an interim order declaring a particular liquor product, or class of liquor products, to be an undesirable liquor product.

(2) In deciding whether to make the interim order, the Minister must have regard to the matters mentioned in section 156B(3).

(3) To give effect to the interim order, the Minister must publish the order on the department's website on the internet.

(4) The interim order stops having effect at the end of 42 days after it is published under subsection (3).

(5) While the interim order is in force, a person must not sell or supply the liquor product, or a liquor product that is part of the class of liquor products, declared to be an undesirable liquor product.

Maximum penalty—

(a) if the person is the licensee or permittee of, or an approved manager working at, the premises to which a licence or permit relates—100 penalty units; or

(b) in any other case—25 penalty units.

157 Prohibitions affecting minors

(1) A minor who is not an exempt minor must not be on premises to which a licence or permit relates.

Maximum penalty—25 penalty units.

(2) A minor must not, on premises to which a licence or permit relates or in a public place—

(a) consume liquor; or

Not authorised—indicative only

Not authorised—indicative only

(b) be in possession of liquor.

Maximum penalty—25 penalty units.

(3) Subsection (2) does not apply to a minor in a public place, designated under section 173C, if the minor is accompanied by a responsible adult who is responsibly supervising the minor.

(4) Subsection (2)(b) does not apply to a minor who is on the premises for a purpose mentioned in section 155(4)(b) if the minor is in possession of liquor in the course of performing the duties mentioned in the paragraph.

158 False representation of age

(1) A person must not falsely represent himself or herself to have attained 18 years for a wrongful purpose.

Maximum penalty—25 penalty units.

(2) A person must not—

(a) make a false document that could reasonably be taken to be genuine acceptable evidence of age for the purposes of this Act; or

(b) give such a false document to another person;

knowing the document to be false and with intent that the document be used as acceptable evidence of age for the purposes of this Act.

Maximum penalty—

(a) in the case of a minor—25 penalty units; or

(b) in the case of an adult—40 penalty units.

(3) A person must not falsely represent to an entity that the person has reached 18 years to obtain a document that is acceptable evidence of the age of the person.

Maximum penalty—25 penalty units.

(4) In subsection (1)—

wrongful purpose, of a minor, means—

(a) intending to be supplied with liquor; or

(b) entering into premises to which a licence or permit relates.

159 Wrongful dealing with genuine evidence of age

(1) A person must not knowingly give a document that is evidence of age of the person mentioned in the document (the ***specified person***) to someone else, if the person giving the document knows or has reasonable grounds to suspect that the document may be used—

(a) as evidence of age, under this Act, of someone other than the specified person; or

(b) to obtain a document that is acceptable evidence of the age of a person for someone other than the specified person.

Maximum penalty—40 penalty units.

(2) A person must not wilfully or negligently deface or interfere with a document that is acceptable evidence of age for the purposes of this Act of the person or another person.

Maximum penalty—40 penalty units.

160 Seizure of document wrongly used as evidence of age

(1) If a contravention of section 158 consists in production of—

(a) a genuine document that is acceptable evidence of age for the purposes of this Act of the person specified in the document; or

(b) a false document that could reasonably be taken to be genuine acceptable evidence of age for the purposes of this Act;

the person to whom the document is produced must seize and confiscate the document and give it to an investigator.

Not authorised—indicative only

Not authorised—indicative only

Maximum penalty—25 penalty units.

(2) A person does not commit an offence by contravening subsection (1) if the person is not aware of the falsity of the representation as to age made by producing the document.

(3) Nothing in this section authorises a person to seize and confiscate a digital device if—

(a) the device is used in the contravention of section 158; and

(b) in contravening the section a person used the device to display the following things, or an image or other design purporting to be the thing—

(i) a digital authority;

(ii) a digital evidence of age;

(iii) a digital evidence of identity.

161 Consumption or removal of liquor outside trading hours

A person must not—

(a) consume liquor on premises to which a licence or permit relates; or

(b) remove liquor from premises to which a licence or permit relates; or

(c) receive liquor from anyone on premises to which a licence or permit relates;

at any time other than a time when liquor may be sold to, or consumed by, the person on the premises, or be removed from the premises by the person, under authority of the licence or permit.

Maximum penalty—25 penalty units.

162 Taking liquor onto or away from premises subject to subsidiary on-premises licence

(1) A person must not take liquor onto premises to which a subsidiary on-premises licence relates for consumption on the premises, unless the premises are premises mentioned in section 67A or 67B.

Maximum penalty—25 penalty units.

(2) Subject to subsections (3) to (5), a person must not take liquor from premises to which a subsidiary on-premises licence relates.

Maximum penalty—25 penalty units.

(3) Subsection (2) does not apply—

(a) if—

(i) the premises are premises mentioned in section 67A; and

(ii) any of the following applies—

(A) the liquor is wine and it was supplied to the person on the premises lawfully under the licence as authorised under section 67A(2)(b);

(B) the person brought the liquor onto the premises;

(C) the liquor is takeaway liquor, the sale of which was authorised under the licence under section 67A(2)(c); or

(b) if the premises are premises mentioned in section 67B.

(4) Subsection (5) applies to premises to which a subsidiary on-premises licence relates that is used for the conduct of a business selling wine by a person who also holds a licence (the ***wine licence***) under the *Wine Industry Act 1994*.

(5) Despite subsection (2), a person may take wine sold to the person under the authority of the wine licence off the premises.

Not authorised—indicative only

Not authorised—indicative only

162A Taking liquor onto or away from premises subject to nightclub licence

(1) A person must not take liquor onto premises to which a nightclub licence relates for consumption on the premises.

Maximum penalty—25 penalty units.

(2) A person must not take liquor from premises to which a nightclub licence relates.

Maximum penalty—25 penalty units.

162B Taking liquor into or from area defined in commercial public event permit

(1) This section applies if a commercial public event permit to sell or supply liquor at a public event is granted to a licensee.

(2) A person must not take liquor into the area defined in the permit for the event while the permit is in force.

Maximum penalty—25 penalty units.

(3) A person must not take liquor from the area defined in the permit for the event—

(a) while the permit is in force; and

(b) during the 1-hour period after the permit expires.

Maximum penalty—25 penalty units.

(4) However, a person may take liquor into or from the area defined in the permit if—

(a) both of the following apply—

(i) the person is the licensee, an employee of the licensee, an agent of the licensee or another person acting under the direction of the licensee;

(ii) the taking of the liquor into or from the area is for the purpose of conducting the event; or

(b) the taking of the liquor into or from the area is otherwise permitted under the permit.

162C Taking liquor into or from venue of event or occasion for community liquor permit

(1) This section applies if a community liquor permit for an event or occasion is granted to a permittee.

(2) A person must not take liquor into the venue of the event or occasion while the permit is in force.

Maximum penalty—25 penalty units.

(3) A person must not take liquor from the venue of the event or occasion—

(a) while the permit is in force; and

(b) during the 1-hour period after the permit expires.

Maximum penalty—25 penalty units.

(4) However, a person may take liquor into or from the venue if—

(a) both of the following apply—

(i) the person is the permittee, an employee of the permittee, an agent of the permittee or another person acting under the direction of the permittee;

(ii) the taking of the liquor into or from the venue is for the purpose of conducting the event or occasion; or

(b) the taking of the liquor into or from the venue is otherwise permitted under the permit.

163 False representation of intention to dine

A person must not falsely represent that the person intends to eat a meal, or has recently eaten a meal, on licensed premises with a view to being supplied with liquor at any time when liquor could not lawfully be sold to that person under authority of the licence relating to the premises except in association with the person eating a meal on the premises.

Maximum penalty—25 penalty units.

Not authorised—indicative only

Not authorised—indicative only

164 Conduct causing public nuisance

A person must not—

(a) be drunk or disorderly; or

(b) create a disturbance;

in premises to which a licence or permit relates.

Maximum penalty—25 penalty units.

165 Removal of persons from premises

(1) An authorised person for premises to which a licence or permit relates may require a person to leave the premises if—

(a) the person is unduly intoxicated; or

(b) the person is disorderly; or

(c) the person is creating a disturbance; or

(d) the person is a minor, other than an exempt minor; or

(e) the person has entered the premises despite being refused entry under section 165A; or

(f) the person refuses to state particulars, or to produce evidence, as to age when required to do so under section 167.

(2) A person must immediately leave premises when required to do so under subsection (1).

Maximum penalty—50 penalty units.

(3) If a person fails to leave when required under subsection (1), the authorised person may use necessary and reasonable force to remove the person.

(4) A person must not resist an authorised person who is removing the person under subsection (3).

Maximum penalty—50 penalty units.

(5) In this section—

authorised person, for premises to which a licence or permit relates, means—

(a) the licensee or permittee; or

(b) an employee or agent of the licensee or permittee.

165A Refusing entry to premises

(1) An authorised person for premises to which a licence or permit relates may refuse to allow a person to enter the premises if—

(a) the person is unduly intoxicated; or

(b) the person is disorderly; or

(c) the person is a minor, other than an exempt minor; or

(d) the authorised person suspects on reasonable grounds the person is a minor and the person fails to—

(i) produce acceptable evidence that the person is not a minor; or

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

(ii) show that, if admitted to the premises, the person will be an exempt minor; or

Note—

See sections 6 (Acceptable evidence of age) and 155 (Minors on premises).

(e) for licensed premises—it would be a breach of a condition of the licence for the premises to allow the person to enter the premises.

(2) A person must not enter, or attempt to enter, premises to which the person is refused entry under subsection (1).

Maximum penalty—50 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(3) If a person attempts to enter premises despite being refused entry to the premises under subsection (1), an authorised person may use necessary and reasonable force to prevent the person from entering the premises.

(4) A person must not resist an authorised person who is preventing the person from entering premises under subsection (3).

Maximum penalty—50 penalty units.

(5) In this section—

authorised person, for premises to which a licence or permit relates, means—

(a) the licensee or permittee; or

(b) an employee or agent of the licensee or permittee.

165B Preservation of other rights to prevent entry to premises or remove persons from premises

Sections 165 and 165A do not limit any rights a person has under another law to prevent entry to premises to anyone or remove anyone from premises.

Example—

A licensee decides on a dress standard for persons in the licensed premises. The licensee may exercise the licensee's rights apart from this Act to stop anyone who does not comply with the standard from entering the premises.

166 Obstruction generally

A person must not obstruct or hinder, or attempt to obstruct or hinder a licensee or permittee, or an employee or agent of a licensee or permittee, in the exercise of a power or performance of a duty under this Act.

Maximum penalty—100 penalty units.

167 Ascertainment of age

(1) For the purposes of this Act, an authorised person may require another person whom the authorised person suspects on reasonable grounds to be a minor and to be contravening a provision of this Act—

(a) to state all relevant particulars concerning the other person's age; and

(b) to produce evidence of the other person's age.

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

(2) In this section—

authorised person includes—

(a) a licensee or permittee; and

(b) an employee or agent of a licensee or permittee.

168 Interference with licence or permit

A person must not—

(a) wilfully or negligently deface a licence or permit; or

(b) alter a particular shown in a licence or permit, without the commissioner's prior approval.

Maximum penalty—100 penalty units.

168A Advertising adult entertainment

(1) A person must not publish an advertisement for adult entertainment that describes the sexually explicit nature of the acts performed in the entertainment.

Maximum penalty—40 penalty units.

(2) A person must not publish an advertisement for adult entertainment that is not in the form approved by the

Not authorised—indicative only

Not authorised—indicative only

commissioner either generally or for a particular advertisement.

Maximum penalty—40 penalty units.

(3) A person must not publish any advertisement for adult entertainment through radio or television or by film or video recording.

Maximum penalty—40 penalty units.

(4) Evidence that an advertisement has been published in relation to adult entertainment provided at licensed premises or premises to which a community liquor permit or restricted liquor permit relates, is evidence that a person who is the licensee or permittee published the advertisement.

(5) In this section—

advertisement includes the following—

(a) notice;

(b) sign;

(c) circular;

(d) matter that is not in writing, but that conveys a message because of the form or context in which it appears.

publish an advertisement means publish, or cause to be published, in any way including in a newspaper, periodical, notice, sign or circular or through radio or television or by film or video recording.

168B Prohibition on possession of liquor in restricted area

(1) A person must not, in a restricted area to which this section applies because of a declaration under section 173H, have in possession more than the prescribed quantity of a type of liquor for the area, other than under the authority of a restricted area permit.

Maximum penalty—

(a) for a first offence—375 penalty units; or

(b) for a second offence—525 penalty units or 6 months imprisonment; or

(c) for a third or later offence—750 penalty units or 18 months imprisonment.

(2) However, subsection (1) does not apply to the possession of liquor in the ordinary course of lawful business by—

(a) a licensee or permittee in the licensee's or permittee's licensed premises; or

(b) a carrier, licensee or permittee who—

(i) has collected it from, and is delivering it to, licensed premises in the area; or

(ii) has collected it from licensed premises outside the area and is delivering it to licensed premises in the area; or

(iii) has collected it from licensed premises in the area and is delivering it to licensed premises outside the area; or

(c) if the liquor was seized under part 7, division 1—a carrier who is carrying it, under the direction of an investigator, in a restricted area; or

(d) a licensee or permittee who has collected it from licensed premises outside the area and is delivering it, via the area, by means of a vehicle to a person at premises outside the area.

(3) Also, subsection (1) does not apply to the possession of liquor in the ordinary course of lawful business by a carrier if—

(a) the carrier collected the liquor from a person, and is delivering it by means of a vehicle to another person, at premises outside the restricted area; and

(b) the package or container in which the liquor is to be delivered is labelled in writing on the outside with—

(i) the name and address of each of the consignor and the consignee of the liquor; and

Not authorised—indicative only

Not authorised—indicative only

(ii) if the consignment of the liquor is for the purpose of sale and the seller of the liquor is not the consignor, the name and address of the seller; and

(iii) if the consignment of the liquor is for the purpose of sale and the purchaser of the liquor is not the consignee, the name and address of the purchaser; and

(c) the liquor is not removed from the vehicle while the vehicle is in the restricted area; and

(d) the liquor is securely stored in—

(i) a locked container fixed to the vehicle; or

(ii) a part of the vehicle that is locked; and

(e) neither the liquor, nor the package or container mentioned in paragraph (b), is visible from outside the vehicle.

(3A) Also, subsection (1) does not apply to the possession of liquor by a person, other than a carrier, licensee or permittee in possession of the liquor in the ordinary course of lawful business, travelling in a vehicle on a public road prescribed under a regulation if—

(a) the person collected the liquor from a place outside the area; and

(b) the person is travelling with the liquor, via the area, to a destination outside the area; and

(c) the travel is uninterrupted, other than—

(i) for the person to use a public facility prescribed under a regulation; or

(ii) because of an emergency; and

(d) the liquor is not removed from the vehicle while the vehicle is in the area; and

(e) the liquor is stored in—

(i) a container that is fixed to the vehicle and locked while the vehicle is left unattended; or

(ii) the vehicle, that is locked while it is left unattended; and

(f) the liquor is not visible from outside the vehicle.

(3B) In a proceeding for a contravention of subsection (1), for subsection (3A), the burden of proving that the liquor was collected from a place outside the area and the person is travelling with it, via the area, to a destination outside the area is on the person alleged to have contravened subsection (1).

(3C) For subsection (3B), the burden of proof is on the balance of probabilities.

(3D) Also, subsection (1) does not apply to the possession of permitted liquor by a person at residential premises.

(4) In a proceeding for an offence against subsection (1), proof that liquor was, at the material time, in or on a vehicle is conclusive evidence that the operator of the vehicle had in possession all the liquor in or on the vehicle unless the operator proves that, at the time, he or she neither knew nor had reason to suspect that the liquor was in or on the vehicle.

(5) For subsection (4), it is immaterial that another person claims to have had in possession any of the liquor at the material time.

(6) In this section—

carrier means a carrier, delivery person or other person engaged in the ordinary course of lawful business of delivering liquor.

licensed premises includes premises to which a permit relates.

operator, of a vehicle, includes—

(a) the person in command or control, or who appears to be in command or control, of the vehicle; and

(b) for a vehicle registered in a State or Territory under a law of the State or Territory providing for the

Not authorised—indicative only

Not authorised—indicative only

registration of vehicles—the person in whose name the vehicle is so registered.

permitted liquor means liquor of a type that may, under the regulation that makes the declaration mentioned in subsection (1), be possessed in the area, other than under the authority of a restricted area permit.

public facility means a facility for use by the public.

public road means a road ordinarily used by the public.

residential premises see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 10.

vehicle includes a boat and an aircraft.

168C Attempt to take liquor into restricted area

(1) A person must not attempt to enter a relevant restricted area if the person has in possession more than the prescribed quantity of a type of liquor for the area.

Maximum penalty—375 penalty units.

(2) Subsection (1) does not apply to—

(a) a carrier, licensee or permittee who, in the ordinary course of lawful business, has collected the liquor from licensed premises outside the area and is delivering it to licensed premises in the area; or

(b) a carrier who, in the ordinary course of lawful business, has collected the liquor from a person outside the area and is delivering it, via the area, by means of a vehicle to another person at premises outside the area; or

(c) a licensee or permittee who, in the ordinary course of lawful business, has collected the liquor from licensed premises outside the area and is delivering it, via the area, by means of a vehicle to a person at premises outside the area; or

(d) a person, other than a carrier, licensee or permittee in possession of the liquor in the ordinary course of lawful

business, who has collected it from a place outside the area and is travelling with it, via the area, to a destination outside the area; or

(e) a person who is a permittee under a restricted area permit that authorises the permittee to possess in the area more than the prescribed quantity of the type of liquor for the area if the quantity of that type of liquor possessed by the person is not more than that allowed under the permit.

(3) In a proceeding for a contravention of subsection (1), for subsection (2)(d), the burden of proving that the liquor was collected from a place outside the area and the person is travelling with it, via the area, to a destination outside the area is on the person alleged to have contravened subsection (1).

(4) For subsection (3), the burden of proof is on the balance of probabilities.

(5) In this section—

carrier see section 168B(6).

Division 3 Provisions concerning sale of liquor by unlicensed persons or on unlicensed premises

169 Authority required for sale

A person must not sell liquor unless—

(a) if the liquor is wine—the sale is made under the authority of a licence or permit under this Act or the *Wine Industry Act 1994*; or

(b) otherwise—the sale is made under the authority of a licence or permit.

Maximum penalty—

(a) for a first offence—500 penalty units; or

Not authorised—indicative only

Not authorised—indicative only

(b) for a second offence—700 penalty units or 6 months imprisonment; or

(c) for a third or later offence—1,000 penalty units or 18 months imprisonment.

170 Sale of liquor on premises to which licence or permit relates

A licensee or permittee must not sell or supply liquor on or from premises other than the premises to which the licence or permit relates.

Maximum penalty—100 penalty units.

171 Carrying or exposing liquor for sale

(1) A person must not—

(a) carry liquor for sale; or

(b) expose liquor for sale;

in any premises without the authority of a licence or permit relating to the premises.

Maximum penalty—

(a) for a first offence—500 penalty units; or

(b) for a second offence—700 penalty units or 6 months imprisonment; or

(c) for a third or later offence—1,000 penalty units or 18 months imprisonment.

(2) In a proceeding for a contravention of subsection (1), the burden of proving that liquor was not carried or exposed for sale is on the person alleged to have so carried or exposed it unless—

(a) the package or container in which the liquor is contained is labelled in writing on the outside with the name and address of—

(i) the vendor; and

(ii) the purchaser; and

(iii) the person (if other than the purchaser) to whom the liquor is to be delivered; or

(b) the particulars prescribed by paragraph (a) and the description and quantity of the liquor are set out in a document in the possession of the person alleged to have so carried or exposed it, and the document is produced to an investigator or police officer on demand.

172 Offer to purchase liquor made elsewhere than at licensed premises

(1) A licensee must not take or receive, or cause or permit an agent or employee to take or receive, an order for liquor elsewhere than at the licensed premises.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not apply to orders taken or received for—

(a) the wholesale sale of liquor to a person mentioned in section 75(1) by the holder of a producer/wholesaler licence or artisan producer licence; or

(b) the sale of craft beer at a promotional event by the holder of—

(i) a producer/wholesaler licence authorised under section 73(2)(a) to sell craft beer at the event; or

(ii) an artisan producer licence (beer) authorised under section 75H(1)(a) to sell craft beer at the event; or

(iii) a craft beer producer permit; or

(c) the sale of artisan spirits at a promotional event by the holder of—

Not authorised—indicative only

Not authorised—indicative only

(i) a producer/wholesaler licence authorised under section 73(2)(a) to sell artisan spirits at the event; or

(ii) an artisan producer licence (spirits) authorised under section 75I(1)(a) to sell artisan spirits at the event; or

(iii) an artisan spirits producer permit; or

(d) the sale of craft beer by the holder of an artisan producer licence (beer) online from the licensee's website; or

(e) the sale of artisan spirits by the holder of an artisan producer licence (spirits) online from the licensee's website.

(3) A person other than a licensee must not invite an offer to purchase liquor by way of an order taken or received elsewhere than at the licensed premises on or from which the liquor could be sold under authority of a licence in response to the order.

Maximum penalty—100 penalty units.

(4) Subsection (3) does not apply to the holder of a craft beer producer permit or artisan spirits producer permit for orders taken at the promotional event that is the subject of the permit.

173 Occupier and owner of unlicensed premises liable for sale of liquor etc.

(1) Every occupier and every owner of unlicensed premises who permits or knowingly allows the sale of liquor on the premises in contravention of a provision of this division is taken to have sold the liquor and is liable to be punished as if the person had actually sold the liquor.

(2) An owner of unlicensed premises on which liquor is sold is taken to have knowingly allowed the sale of liquor on the premises if—

(a) during the 2 years before the sale, liquor has been sold on the premises on at least 3 other occasions; and

(b) someone has been convicted of an offence against this division relating to the sale on each of the other occasions; and

(c) the owner was owner of the premises when the offences to which the convictions relate were committed; and

(d) a copy of a certificate of each such conviction was given to the owner by personal service or by prepaid certified mail addressed to the owner—

(i) at the owner's place of residence last known to the complainant in the case in which the conviction was recorded; or

(ii) at the owner's place of residence shown in the records of the official responsible for keeping registers in relation to dealings in land.

(3) A conviction of the occupier of unlicensed premises for selling liquor on the premises is sufficient ground on which the owner of the premises may terminate the tenancy of the occupier by serving on the occupier a notice to quit the premises.

(4) If the occupier can not be found, a notice to quit required to terminate the tenancy may, without limiting the way by which to effect service, be served on the occupier by fixing a copy of the notice to a place on the premises where it can easily be read.

(5) An owner may exercise power under subsection (3) although the owner is not the landlord in respect of the occupier's tenancy.

(6) Termination of a tenancy under subsection (3) takes effect at the end of 7 days after the day on which notice to quit is served on the occupier.

(7) An owner who has terminated a tenancy under subsection (3)—

Not authorised—indicative only

Not authorised—indicative only

(a) is entitled, in legal proceedings by the owner against the occupier, to an order that the occupier quit the premises and deliver up possession to the landlord; and

(b) is entitled, under authority of such an order, to have the occupier evicted.

Division 4 Provisions concerning consumption of liquor in certain public places

173A Definitions

In this division—

designated public place means a public place designated under section 173C.

road means—

(a) a road within the meaning of the *Local Government Act 2009*; or

(b) a State-controlled road under the *Transport Infrastructure Act 1994*.

173B Consumption of liquor in certain public places prohibited

(1) A person must not consume liquor in—

(a) a public place that is—

(i) a road; or

(ii) land owned by, or under the control of, a local government, other than a conservation park or resources reserve under the *Nature Conservation Act 1992*; or

(iii) relevant land prescribed under a regulation; or

(b) a doorway, entrance or vestibule that gives access to premises from a public place mentioned in paragraph (a).

Maximum penalty—1 penalty unit.

(2) A person does not commit an offence against subsection (1) in relation to a place—

(a) if the consumption of liquor in the place is authorised or permitted under a licence or permit; or

(b) if the place is, at the relevant time, a designated public place; or

(c) if—

(i) the place was, but at the relevant time is no longer, a designated public place; and

(ii) the local government concerned has not complied with section 173E in relation to the place; or

(d) if the place is, at the relevant time, designated as a public place under section 173L, and the designation is not suspended under section 173N.

(3) Also, a person does not commit an offence against subsection (1) in relation to a place mentioned in subsection (1)(a)(iii) if the consumption of liquor in the place is authorised or permitted by the State or relevant statutory authority.

(4) In this section—

relevant land means land owned by, or under the control of, the State or a statutory authority.

173C Local government, other than particular local governments, may designate public places where liquor may be consumed

(1) A local government, other than a relevant local government, may designate a public place mentioned in section 173B(1)(a) that is in its area as a public place where liquor may be consumed.

Not authorised—indicative only

Not authorised—indicative only

(2) The local government may specify the period or times during which the designation is to have effect.

(3) If the local government specifies a period or times under subsection (2), the public place is a designated public place only during that period or those times.

(4) In this section—

relevant local government means a local government whose area is, or part of whose area is in, a restricted area that is declared under a regulation under section 173H to be an area to which section 168B applies.

173D Local government must advertise designation and place signs

(1) A local government that designates a public place under section 173C must advertise, or cause someone else to advertise, the designation in a newspaper that circulates in its area.

(2) The advertisement must—

(a) include a description of the public place; and

(b) specify the period or times (if any) during which the public place is a designated public place.

(3) The local government must also erect, or cause someone else to erect, signs that—

(a) sufficiently identify the public place as a designated public place; and

(b) specify the period or times (if any) during which the public place is a designated public place.

(4) The local government does not have to comply with subsection (1) if it has specified under section 173C(2) that the designation in relation to the public place has effect for a period not longer than 1 day.

(5) A local government does not have to comply with subsections (1) to (3) if the designation is for a public place adjacent to

premises used for the primary purpose of eating meals prepared, served and intended to be eaten on the premises.

(6) However, written local government approval for the use of the public place mentioned in subsection (5) must be conspicuously displayed in the place.

173E Local government must advertise repeal or amendment of designation and remove or alter signs

(1) If a local government repeals or amends a designation under section 173C, the local government must advertise, or cause someone else to advertise, the repeal or amendment in a newspaper that circulates in its area.

(2) The advertisement must—

(a) in the case of the repeal of a designation of a public place—include a description of the public place; and

(b) in the case of an amendment that varies the boundaries of a designated public place—include a description of the public place as varied; and

(c) in the case of an amendment that varies the period or times during which a designation of a public place has effect—specify the varied period or times.

(3) The local government must also ensure—

(a) in the case of the repeal of a designation of a public place—that all signs identifying the public place as a designated public place are removed; and

(b) in the case of an amendment that varies the boundaries of a designated public place—that signs sufficiently identify the public place, as varied, as a designated public place; and

(c) in the case of an amendment that varies the period or times during which a designation of a public place has effect—that signs identifying the public place specify the varied period or times.

Not authorised—indicative only

Not authorised—indicative only

Division 5 Prohibited items for identified organisations

173EA Definitions for div 5

In this division—

identified organisation means an entity declared to be an identified organisation under section 173EAA.

prohibited item means an item of clothing or jewellery or an accessory that displays—

(a) the name of an identified organisation; or

(b) the club patch, insignia or logo of an identified organisation; or

Note—

The things mentioned in paragraph (b) are also known as the 'colours' of the organisation.

(c) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, an identified organisation, including—

(i) the symbol '1%'; and

(ii) the symbol '1%er'; and

(iii) any other image, symbol, abbreviation, acronym or other form of writing prescribed under a regulation for this paragraph.

prohibited person means a person who is wearing or carrying a prohibited item.

173EAAIdentified organisations

(1) A regulation may declare an entity to be an identified organisation.

(2) The Minister may recommend the making of a regulation under subsection (1) about an entity only if the Minister is

satisfied the wearing or carrying of a proposed prohibited item by a person in a public place—

(a) may cause members of the public to feel threatened, fearful or intimidated; or

(b) may otherwise have an undue adverse effect on the health or safety of members of the public, or the amenity of the community, including by increasing the likelihood of public disorder or acts of violence.

(3) Also, if the Minister is not the Attorney-General, the Minister may recommend the making of a regulation under subsection (1) only with the Attorney-General's agreement.

(4) Without limiting subsection (2), for forming a satisfaction mentioned in subsection (2), the Minister must have regard to whether any person has engaged in serious criminal activity, or committed a relevant offence of which the person has been convicted, while the person was a participant in the entity.

(5) In this section—

participant, in an entity, means a person—

(a) who—

(i) has been accepted as a member of the entity, whether informally or through a process set by the entity; and

Example of a process set by an entity—

paying a fee or levy

(ii) has not ceased to be a member of the entity; or

(b) who is an honorary member of the entity; or

(c) who is a prospective member of the entity; or

(d) who is an office holder of the entity; or

(e) who identifies himself or herself in any way as belonging to the entity; or

Not authorised—indicative only

Not authorised—indicative only

(f) whose conduct in relation to the entity would reasonably lead someone else to consider the person to be a participant in the entity.

proposed prohibited item means an item that would be a prohibited item if the entity were an identified organisation.

public place see the *Summary Offences Act 2005*, schedule 2.

relevant offence means an offence involving—

(a) a public act of violence to a person; or

(b) a public act of damage to property; or

(c) disorderly, offensive, threatening or violent behaviour in public.

serious criminal activity means conduct constituting an indictable offence for which the maximum penalty is at least 7 years imprisonment.

173EB Exclusion of prohibited persons

(1) The following persons must not knowingly allow a prohibited person to enter or remain in premises to which a licence or permit relates—

(a) the licensee or permittee for the premises;

(b) an approved manager employed by the licensee or permittee;

(c) an employee or agent of the licensee or permittee working at the premises.

Maximum penalty—100 penalty units.

(2) A person mentioned in subsection (1)(a), (b) or (c) does not commit an offence against subsection (1) if—

(a) the person had taken reasonable steps or action to—

(i) refuse the prohibited person entry to the premises; or

(ii) exclude or remove the prohibited person from the premises; or

(b) at the time of the offence, the person reasonably believed—

(i) the person's safety would have been endangered if the person had—

(A) refused the prohibited person entry to the premises; or

(B) excluded or removed the prohibited person from the premises; or

(ii) it was not otherwise safe or practical for the person to—

(A) refuse the prohibited person entry to the premises; or

(B) exclude or remove the prohibited person from the premises.

173ED Removal of prohibited person

(1) If an authorised person requires a prohibited person to leave premises to which a licence or permit relates, the prohibited person must immediately leave the premises.

Maximum penalty—100 penalty units.

(2) If the prohibited person fails to leave when required under subsection (1), an authorised person may use necessary and reasonable force to remove the person.

(3) The prohibited person must not resist an authorised person who is removing the person under subsection (2).

Maximum penalty—100 penalty units.

(4) In this section—

authorised person means—

(a) the licensee or permittee for the licensed premises; or

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Not authorised—indicative only

(b) an employee or agent of the licensee or permittee; or

(c) a police officer.

Part 6AA ID scanning

Division 1 Preliminary

173EE Definitions for pt 6AA

In this part—

approved evaluator means—

(a) a licensed testing facility operator under the *Gaming Machine Act 1991*; or

(b) an approved evaluator under a gaming Act within the meaning of the *Gaming Machine Act 1991*; or

(c) an entity prescribed by regulation as an approved evaluator for this part.

approved ID scanner means an ID scanner for which an approval is in force under section 173EN.

approved ID scanning system means an ID scanning system for which an approval is in force under section 173EO.

approved operator means a person holding an approval under section 173EQ to operate an approved ID scanning system.

banning order, for regulated premises, means any of the following under which a person is required not to be at the regulated premises or in an area in which the regulated premises are located—

(a) a direction under the *Police Powers and Responsibilities Act 2000*, section 48;

(b) a police banning notice under the *Police Powers and Responsibilities Act 2000*, section 602B;

(c) a special condition of the person's release on bail imposed under the *Bail Act 1980*, section 11(3);

(d) a banning order under the *Penalties and Sentences Act 1992*, part 3B.

declared extended trading hours means extended trading hours declared under section 142AN.

exempt class means a class of licence prescribed by regulation as an exempt class for this part.

ID scanner means a device capable of interpreting a photo ID and processing the information—

(a) contained in or on the photo ID; or

(b) if the photo ID is displayed on a digital device—accessed by using the digital device to display the photo ID.

ID scanning system means an integrated database system comprising—

(a) the following information—

(i) information about persons scanned and recorded by ID scanners linked to the system;

(ii) information about persons subject to banning orders or licensee bans entered into the system under section 173EJ; and

(b) the equipment used to scan, record, transmit, store or otherwise deal with information mentioned in paragraph (a).

licensee, for division 4, includes an applicant for a licence.

licensee ban means a decision of a licensee to ban a particular person from entering the licensee's licensed premises.

photo ID, for a person, means a document that is acceptable evidence of the person's age under section 6.

regulated hours, for regulated premises, means—

Not authorised—indicative only

Not authorised—indicative only

(a) if a condition of the licence for the premises states a period that is the premises' regulated hours for this part—that period; or

(b) otherwise—the period during which the licensed premises are open for business between 10p.m. on a day and 5a.m. on the following day (whether under the authority of a licence, extended hours permit, extended trading hours approval or declared extended trading hours ~~approval~~).

regulated premises means premises to which division 2 applies under section 173EF.

staff member, of regulated premises, includes—

(a) the licensee of the premises; and

(b) a person engaged by the licensee of the premises to perform a function for this part; and

(c) an employee, of a person mentioned in paragraph (b), who performs a function for this part on behalf of the licensee of the premises.

system failure, for regulated premises, means—

(a) a fault in, damage to, or discontinuation or ending of the approval of, the approved ID scanner ordinarily used at the regulated premises; or

(b) a failure, or discontinuation or ending of the approval, of the approved ID scanning system to which the approved ID scanner at the regulated premises is linked.

Division 2 Use of ID scanners in particular licensed premises

173EF Licensed premises to which this division applies

(1) This division applies to licensed premises if—

(a) the premises are located in a safe night precinct; and

(b) the licensee is authorised under an extended trading hours approval to sell or supply liquor on the premises during all or any part of the period between midnight and 5a.m.; and

(c) the licence for the premises is not of an exempt class.

(2) Also, this division applies to licensed premises if the licence for the premises is subject to a condition declaring the premises to be regulated premises for this division.

(3) However, this division does not apply to—

(a) licensed premises if the licence for the premises is subject to a condition declaring the premises not to be regulated premises for this division; or

(b) a part of a licensed premises if the licence for the premises is subject to a condition declaring that part of the premises not to be regulated premises for this division.

173EG Licence conditions about regulated premises

(1) The conditions that may be imposed on a licence under part 4 or 5 include a condition declaring the licensed premises to be regulated premises for this division.

(2) Subsection (1) applies to a licence even if it is of an exempt class.

(3) The police commissioner may make a recommendation to the commissioner about imposing a condition on a particular licence declaring the licensed premises to be regulated premises.

(4) The commissioner must have regard to a recommendation under subsection (3).

(5) A licence condition for regulated premises may state a period to be the premises' regulated hours.

(6) To remove any doubt, it is declared that the reference in subsection (5) to regulated premises includes regulated

Not authorised—indicative only

Not authorised—indicative only

premises to which this division applies under section 173EF(1).

173EH ID scanning obligations of staff members for regulated premises

(1) During the regulated hours for regulated premises, the licensee for the premises must ensure the ID scanning entry requirements are complied with for all entries by patrons to the premises.

Maximum penalty—10 penalty units.

(2) During the regulated hours for regulated premises, a staff member responsible for controlling an entry to the premises must ensure the ID scanning entry requirements are complied with for each patron to whom the staff member allows entry to the premises.

Maximum penalty—10 penalty units.

(3) Subsections (1) and (2) do not apply during regulated hours starting on a day if the licensee is not authorised to sell or supply liquor on the regulated premises after midnight of that day.

(4) Subsections (1) and (2) also do not apply during regulated hours starting on a Monday, Tuesday, Wednesday or Thursday if the regulated premises are not open for business after 1a.m. on the following day, regardless of whether the licence, extended hours permit or extended trading hours approval for the premises authorises the premises to be open after 1a.m. on that day.

(5) Despite subsection (4), subsections (1) and (2) apply during regulated hours starting on a Monday, Tuesday, Wednesday or Thursday that is the day before a public holiday if the licensee is authorised to sell or supply liquor on the regulated premises after midnight of that day.

(6) However, the exemptions under subsections (3) and (4) do not apply to regulated premises for regulated hours if a licence

condition for the licensee of the premises requires the ID scanning entry requirements to be complied with during the regulated hours.

(7) To remove any doubt, it is declared that this section does not apply in relation to the entry of a person to that part of a premises that is not regulated premises for this division under section 173EF(3)(b).

(8) This section is subject to section 173EHAA.

(9) In this section—

ID scanning entry requirements, for regulated premises, means the requirements under section 173EHAAA.

173EHAAAID scanning entry requirements for entry to regulated premises

(1) The ID scanning entry requirements for regulated premises are that a patron must not be allowed to enter the premises unless—

(a) the patron produces a photo ID; and

(b) a staff member of the premises scans the photo ID using an approved ID scanner linked to an approved ID scanning system; and

(c) the scan of the photo ID indicates the patron is not subject to a banning order for the premises.

(2) A reference in subsection (1)(b) to scanning a photo ID is a reference to operating the approved ID scanner in a way that—

(a) records the photo and other permitted information contained in or on the photo ID; and

(b) indicates to the staff member whether or not the person is subject to a banning order recorded in the approved ID scanning system to which the approved ID scanner is linked.

Not authorised—indicative only

Not authorised—indicative only

(3) If a staff member of regulated premises can not comply with subsection (1) because of a system failure, the ID scanning entry requirements for the premises are that a patron must not be allowed to enter the premises unless—

(a) the patron produces a photo ID; and

(b) a staff member of the premises checks the photo ID against a current list of persons who are subject to a banning order within the meaning of section 173EJB; and

(c) the check mentioned in paragraph (b) indicates the patron is not subject to a banning order for the premises.

(4) If a staff member of regulated premises can not comply with subsection (1) because of a system failure—

(a) the staff member must comply with any other requirements prescribed by regulation; and

(b) the licensee must give written notice of the system failure to the commissioner and the police commissioner within 48 hours after first allowing entry to a patron during the system failure; and

(c) the licensee must make reasonable efforts to rectify, as soon as possible, any part of the system failure that is a fault of, or damage to, the approved ID scanner.

Maximum penalty—10 penalty units.

(5) This section does not apply in relation to an entry of regulated premises by any of the following persons—

(a) a resident, whether temporary or permanent, of the premises;

(b) an exempt minor;

(c) a person whose sole purpose for entering the premises is to attend a function held on the premises;

(d) for premises to which any of the following licences relates—a person whose sole purpose for entering the premises is to eat a meal in a part of the premises

ordinarily set aside for dining, whether or not liquor is sold and supplied to the person for consumption by the person in association with the eating of the meal—

(i) a commercial hotel licence;

(ii) a subsidiary on-premises licence if the principal activity of a business conducted under the licence is the provision of accommodation;

(iii) a community club licence.

(6) In this section—

enter, premises, includes re-enter the premises.

permitted information does not include personal information about a person other than the information mentioned in section 173EJ(1)(a), (c) or (d) for the person.

173EHAARe-entry pass system for regulated premises

(1) A staff member of regulated premises does not need to comply with section 173EH(1) or (2) for a person who is re-entering the premises as a patron during a trading period for the premises in the premises' regulated hours if—

(a) the licensee has a re-entry pass system for the regulated premises that complies with the requirements for a re-entry pass system for regulated premises under subsection (2); and

(b) a staff member of the premises complied with section 173EH(1) or (2) for the person when the person first entered the premises as a patron during the same trading period for the premises in the premises' regulated hours; and

(c) a staff member of the premises applied or issued to the person a re-entry pass for the trading period that complies with the requirements for a re-entry pass for the re-entry pass system under subsection (3); and

Not authorised—indicative only

Not authorised—indicative only

(d) the person has on the person, or in the person's possession, the re-entry pass when the person re-enters the premises.

(2) A re-entry pass system for regulated premises must—

(a) be in writing; and

(b) be available for inspection by an investigator at the regulated premises; and

(c) include details of the types of re-entry passes for the system to be applied or issued to persons for the purpose of re-entering the regulated premises during trading periods for the premises in the premises' regulated hours.

(3) A re-entry pass for a re-entry pass system for regulated premises is an identifying mark applied, an object issued or a type of electronic identification applied or issued under the system to a person that is—

(a) unique to the regulated premises and to each trading period for the regulated premises; and

(b) able to be identified as a re-entry pass for the purpose of the person re-entering the premises as a patron during the same trading period as the trading period in which the person first entered the premises as a patron in the premises' regulated hours; and

(c) not able to be falsified, copied or transferred from the person to another person.

Examples of a re-entry pass—

a stamp, a wristband

(4) In this section—

trading period, for regulated premises, means a continuous period, including a period starting on a day and ending on the following day, during which the premises are open for business.

173EHA Delayed application of s 173EH to particular regulated premises

(1) This section applies to licensed premises if the licence for the premises becomes subject to a condition declaring the premises to be regulated premises for this part.

(2) Section 173EH does not apply to a staff member of the regulated premises until—

(a) 3 months after the day the premises become subject to the condition; or

(b) if the commissioner gives written approval for a period longer than 3 months after the day the premises become subject to the condition—the end of the longer period.

173EI Privacy

(1) It is a condition of a licence for regulated premises that the licensee must—

(a) if the licensee is not an organisation under the *Privacy Act 1988* (Cwlth)—ensure the licensee is treated as an organisation for that Act; and

(b) comply with that Act in relation to the protection of personal information recorded by an ID scanner operated in the regulated premises.

(2) If licensed premises stop being regulated premises, or a licence for regulated premises ends under this Act, the licensee or person who was the licensee must not keep or disclose any personal information recorded by an ID scanner operated in the premises.

Maximum penalty—25 penalty units.

(3) Subsection (2) does not apply to a disclosure of information required or permitted by law.

Not authorised—indicative only

Not authorised—indicative only

Division 3 Operation of approved ID scanning systems

173EJ Obligations about operation

(1) An approved operator for an approved ID scanning system (the ***system***) must ensure the system does not record any personal information about a person other than the following—

(a) the person's name, address and date of birth;

(b) a photo of the person;

(c) details of a banning order in force for the person;

(d) details of a licensee ban imposed on the person by a linked licensee that the licensee has asked the approved operator to include in the system.

Maximum penalty—25 penalty units.

(2) The approved operator must ensure personal information is not held in the system for more than 30 days after it is entered into the system.

Maximum penalty—25 penalty units.

(3) Subsection (2) does not apply to information about a person subject to a banning order or licensee ban in force for the person that the approved operator is, under subsections (4) to (6), required to include in the system.

(4) The approved operator must as soon as reasonably practicable comply with a requirement of the commissioner or the police commissioner to—

(a) include stated information about a banning order in the system; or

(b) remove stated information about a banning order from the system; or

(c) make a stated change to correct information in the system about a banning order.

Maximum penalty—25 penalty units.

(5) The approved operator must as soon as reasonably practicable comply with a request of a linked licensee, relating to a licensee ban imposed by the licensee, to—

(a) include stated information about the licensee ban in the system; or

(b) remove stated information about the licensee ban from the system; or

(c) make a stated change to correct information in the system about the licensee ban.

Maximum penalty—25 penalty units.

(6) The approved operator must as soon as reasonably practicable include, remove or change information in the system—

(a) if required by a court order; or

(b) if asked by a person bound by a court order that requires the inclusion, removal or change to be made.

Maximum penalty—25 penalty units.

(7) Subsection (8) applies if—

(a) the approved operator is given notice of a transfer of a licence under section 113(4) in relation to a linked licensee; and

(b) the system records details of a licensee ban imposed by the linked licensee.

(8) The approved operator must remove the details of the licensee ban as soon as practicable after the transfer period ends.

Maximum penalty—25 penalty units.

(9) Subsection (8) does not apply to a licensee ban if the new licensee for the transferred licence asks the approved operator, during the transfer period, not to remove the licensee ban from the system.

(10) In this section—

Not authorised—indicative only

Not authorised—indicative only

linked licensee, for an approved operator, means a licensee who uses, in the licensed premises, an approved ID scanner linked to the approved ID scanning system.

transfer period, for the transfer of a licence under section 113(4), means the period of 30 days after the transfer takes effect.

173EJAObligation to notify of system failure

If an approved operator for an approved ID scanning system becomes aware that there is a system failure for regulated premises, the approved operator must give written notice of the system failure to the commissioner and the police commissioner within 48 hours after becoming aware of the system failure.

Maximum penalty—10 penalty units.

173EJBOther obligation if system failure

(1) This section applies if an approved operator for an approved ID scanning system becomes aware that there is a system failure for regulated premises.

(2) The approved operator must ensure the licensee for the regulated premises has immediate access to a current list of persons who are subject to a banning order for the premises.

Maximum penalty—10 penalty units.

(3) For subsection (2), a list of persons remains current for 7 days after it is prepared.

173EK Change of executive officers

(1) This section applies to an approved operator that is a corporation.

(2) Immediately after there is a change to the approved operator's executive officers, the approved operator must give the commissioner a written notice of the change.

Maximum penalty—25 penalty units.

(3) The notice must—

(a) be in the approved form; and

(b) if the change includes the addition of an executive officer—

(i) be accompanied by the fee prescribed by regulation; and

(ii) include a consent to a criminal history check of the new executive officer.

173EL Operation of scanning system without approval

(1) This section applies to an approved scanning system to which an approved ID scanner in regulated premises is linked.

(2) A person must not operate the system unless the person is an approved operator or an officer, employee or agent of an approved operator.

Maximum penalty—25 penalty units.

173EM Privacy

(1) An approved operator must—

(a) if the approved operator is not an organisation under the *Privacy Act 1988* (Cwlth)—ensure the approved operator is treated as an organisation for that Act; and

(b) comply with that Act in relation to the protection of personal information held in the approved ID scanning system.

Maximum penalty—25 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(2) An approved operator must not allow an ID scanner to be linked, or continue to be linked, to the approved ID scanning system if the approved operator knows the ID scanner is used other than in regulated premises.

Maximum penalty—25 penalty units.

(3) After ceasing to be an approved operator, a person must not keep or disclose any personal information that was held in the approved ID scanning system.

Maximum penalty—25 penalty units.

(4) Subsection (3) does not apply to a disclosure of information required or permitted by law.

173EMAInformation sharing

(1) This section applies to an approved operator for an approved ID scanning system to which an approved ID scanner in regulated premises is linked.

(2) To remove any doubt, it is declared that—

(a) the approved operator may give the following persons information about each person subject to a banning order for the regulated premises, or licensee ban imposed by the licensee for the premises—

(i) the police commissioner;

(ii) the commissioner;

(iii) the licensee for any regulated premises; and

(b) a court or the police commissioner may give an approved operator details of a banning order for regulated premises that is in force for a person.

Division 4 Approvals

173EN Approval of ID scanners and modifications

(1) A person may apply to the commissioner for approval of—

(a) an ID scanner; or

(b) a modification of an ID scanner.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by the fee prescribed by regulation.

(3) The applicant must provide any relevant information reasonably required by the commissioner to decide the application.

(4) If the commissioner considers it is necessary for the ID scanner, or the ID scanner as modified, to be evaluated, the commissioner may—

(a) carry out the evaluation; or

(b) direct the applicant to have the ID scanner evaluated by an approved evaluator and give the commissioner a report of the evaluation.

(5) If the commissioner carries out the evaluation, the commissioner may charge the applicant the fee prescribed by regulation for the evaluation.

(6) If the applicant does not pay an amount charged under subsection (5)—

(a) the commissioner may refuse the application; and

(b) the unpaid amount is recoverable as a debt.

(7) The commissioner may grant the application if the commissioner is satisfied the ID scanner, or the ID scanner as modified, meets the requirements decided by the commissioner and published on a website of the department.

(8) An approval may be granted on conditions.

Not authorised—indicative only

Not authorised—indicative only

(9) If the commissioner decides to refuse the application, the commissioner must give the applicant an information notice for the decision.

173EO Approval of ID scanning systems and modifications

(1) A person may apply to the commissioner for approval of—

(a) an ID scanning system; or

(b) a modification of an ID scanning system.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by the fee prescribed by regulation.

(3) The applicant must provide any relevant information reasonably required by the commissioner to decide the application.

(4) If the commissioner considers it is necessary for the ID scanning system, or the system as modified, to be evaluated, the commissioner may—

(a) carry out the evaluation; or

(b) direct the applicant to have the system evaluated by an approved evaluator and give the commissioner a report of the evaluation.

(5) If the commissioner carries out the evaluation, the commissioner may charge the applicant the fee prescribed by regulation for the evaluation.

(6) If the applicant does not pay an amount charged under subsection (5)—

(a) the commissioner may refuse the application; and

(b) the unpaid amount is recoverable as a debt.

(7) The commissioner may grant the application if the commissioner is satisfied the ID scanning system meets the

requirements decided by the commissioner and published on a website of the department.

(8) An approval may be granted on conditions.

(9) If the commissioner decides to refuse the application, the commissioner must give the applicant an information notice for the decision.

173EOADirection about ID scanning system

(1) This section applies if the commissioner is satisfied an approved ID scanning system no longer meets the requirements under section 173EO(7).

(2) The commissioner may, by written notice given to a responsible person for the ID scanning system, direct the responsible person to alter, adjust, maintain or repair the ID scanning system so that it meets the requirements under section 173EO(7).

(3) The direction may also require the responsible person to give a copy of the notice to all, or stated, licensees for regulated premises who use, in the premises, an approved ID scanner linked to the ID scanning system.

(4) The responsible person for the ID scanning system must comply with the direction.

Maximum penalty—25 penalty units.

(5) The commissioner must give a copy of the notice to—

(a) if the responsible person is the person to whom the approval for the ID scanning system was given—the approved operator of the ID scanning system; and

(b) if the responsible person is the approved operator of the ID scanning system—the person to whom the approval for the ID scanning system was given.

(6) The commissioner may give a copy of the notice to the licensee for regulated premises who uses, in the premises, an approved ID scanner linked to the ID scanning system.

Not authorised—indicative only

Not authorised—indicative only

(7) In this section—

responsible person, for an ID scanning system, means—

(a) the person to whom the approval for the ID scanning system was given; or

(b) the approved operator of the ID scanning system.

173EP Suspension or revocation of approvals relating to ID scanners or ID scanning systems

(1) The commissioner may suspend or revoke an approval given under section 173EN or 173EO if the commissioner is satisfied—

(a) for an approval under section 173EN—the ID scanner, or the ID scanner as modified, no longer meets the requirements under section 173EN(7); or

(b) for an approval under section 173EO—the ID scanning system, or the ID scanning system as modified, no longer meets the requirements under section 173EO(7).

(2) The commissioner must first give a notice (a ***show cause notice***) to the person to whom the approval was given stating—

(a) that the commissioner proposes to suspend or revoke the approval; and

(b) for a proposed suspension—the proposed period of the suspension; and

(c) the reasons for the proposed suspension or revocation; and

(d) that the person may, within a stated time of at least 30 days, give the commissioner a written response stating why the person considers the approval should not be suspended or revoked.

(3) After considering any response from the person within the time stated in the show cause notice, the commissioner may suspend or revoke the approval.

(4) The commissioner must give the person an information notice for the decision to suspend or revoke the approval.

(5) The suspension or revocation takes effect on the day stated in the information notice.

(6) The stated day must be at least 14 days after the information notice is given.

(7) The commissioner must notify all licensees for regulated premises of the suspension or revocation and, in the case of a suspension, when the suspension ends.

(8) If the commissioner decides not to suspend or revoke the approval, the commissioner must give the person notice of the decision.

173EPA Immediate suspension of approvals relating to ID scanners or ID scanning systems

(1) This section applies if the commissioner is satisfied—

(a) for an approval given under section 173EN or 173EO, a circumstance in section 173EP(1)(a) or (b) exists; and

(b) harm may be caused to members of the public if urgent action to suspend the approval is not taken.

(2) The commissioner may immediately suspend the approval by written notice to the person to whom the approval was given.

(3) The commissioner must, when giving written notice under subsection (2), give the person a notice under section 173EP(2).

(4) If the commissioner decides to suspend or revoke the approval, section 173EP(4) to (7) applies for the suspension or revocation.

(5) If the commissioner decides not to revoke the approval, the commissioner must give the person notice of the decision.

(6) The approval is suspended under this section until the earlier of the following happens—

Not authorised—indicative only

Not authorised—indicative only

(a) the commissioner gives the person a notice of the commissioner's decision under subsection (5) or section 173EP(4);

(b) the end of 60 days after the notice under subsection (2) was given to the person.

173EQ Approval of persons to operate ID scanning systems

(1) A person may apply to the commissioner for approval to operate an approved ID scanning system.

(2) The application must—

(a) be in the approved form; and

(b) include a consent to a criminal history check of the applicant or, if the applicant is a corporation, each executive officer of the applicant; and

(c) be accompanied by the fee prescribed by regulation.

(3) The applicant must provide any relevant information reasonably required by the commissioner to decide the application.

(4) The commissioner may grant the application if the commissioner is satisfied—

(a) the applicant—

(i) is not a licensee or an associate of a licensee; and

(ii) is a suitable person to operate an approved ID scanning system; and

(b) for an applicant that is a corporation, each executive officer of the applicant—

(i) is not a licensee or an associate of a licensee; and

(ii) is a suitable person to operate an approved ID scanning system.

(5) Without limiting the matters to which the commissioner may have regard in deciding whether an individual is a suitable person to operate an approved ID scanning system—

(a) the commissioner must have regard to—

(i) whether the individual has been convicted of a prescribed offence; and

(ii) if the individual is, or has been, the subject of a control order or registered corresponding control order—the terms of the order; and

(b) the commissioner may obtain a report from the police commissioner about the individual's criminal history, including whether the individual is, or has been, the subject of a control order or registered corresponding control order.

Examples of matters to which the commissioner may have regard—

- whether the applicant has the skill, knowledge and experience required for operating an approved ID scanning system
- whether the applicant demonstrates the ability to comply with the applicant's statutory obligations relating to privacy

(5A) However, the commissioner may not have regard to criminal intelligence in deciding whether an individual is a suitable person to operate an approved ID scanning system.

(5B) A report under subsection (5)(b) must—

(a) include reference to or disclosure of convictions of the individual mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6; and

(b) if the individual is, or has been, the subject of a control order or registered corresponding control order—

(i) state the details of the order; or

(ii) be accompanied by a copy of the order.

(6) An approval may be granted on conditions.

Not authorised—indicative only

Not authorised—indicative only

(7) If the commissioner decides to refuse the application, the commissioner must give the applicant an information notice for the decision.

(8) The commissioner may refuse an application, or refuse to accept an application under subsection (1), if the commissioner is satisfied the participation of any more approved operators in the scheme conducted under this part would adversely affect the proper administration of this part.

(9) If the commissioner refuses an application under subsection (8), the commissioner must refund to the applicant any fees paid by the applicant under this section.

(10) In this section—

associate, of a licensee, means a person who the commissioner reasonably believes is associated with the ownership or management of, or has a financial interest in, the business carried on under the licence.

operate, in relation to an approved ID scanning system, does not include operate an ID scanner linked to the system under section 173EHAAA(2).

173ER Suspension or revocation of approval to operate ID scanning system

(1) The commissioner may suspend or revoke an approval to operate an ID scanning system if—

(a) the commissioner is satisfied the approved operator has contravened a provision of division 3 or a condition of the approval; or

(b) the commissioner is satisfied the approved operator has operated an ID scanning system to which an approved ID scanner in regulated premises is linked, and the ID scanning system has not been approved; or

(c) the commissioner is no longer satisfied about the matters stated in section 173EQ(4).

(2) For deciding about a matter stated in section 173EQ(4), the commissioner may obtain a report from the police commissioner about the criminal history of the approved operator or, for an approved operator that is a corporation, an executive officer of the approved operator.

(3) Before suspending or revoking an approval, the commissioner must give the approved operator a notice (a ***show cause notice***) stating—

(a) that the commissioner proposes to suspend or revoke the approval; and

(b) for a proposed suspension—the proposed period of suspension; and

(c) the reasons for the proposed suspension or revocation; and

(d) that the approved operator may, within a stated time of at least 30 days, give the commissioner a written response stating why the approved operator considers the approval should not be suspended or revoked.

(4) After considering any response from the approved operator within the time stated in the show cause notice, the commissioner may suspend or revoke the approval.

(5) The commissioner must give the approved operator an information notice for the decision to suspend or revoke the approval.

(6) The suspension or revocation takes effect on the day stated in the information notice.

(7) The stated day must be at least 14 days after the information notice is given.

(8) If the commissioner decides not to suspend or revoke the approval, the commissioner must give the approved operator notice of the decision.

Not authorised—indicative only

Not authorised—indicative only

173ES Immediate suspension of approval to operate ID scanning system

(1) This section applies if, for an approval to operate an ID scanning system—

(a) any of the following apply—

(i) the commissioner is satisfied the approved operator has contravened a provision of division 3 or a condition of the approval;

(ii) the commissioner is satisfied the approved operator has operated an ID scanning system to which an approved ID scanner in regulated premises is linked, and the ID scanning system has not been approved;

(iii) the commissioner is no longer satisfied about the matters stated in section 173EQ(4); and

(b) harm may be caused to members of the public if urgent action to suspend the approval is not taken.

(2) Section 173ER(2) applies for deciding about a matter stated in section 173EQ(4).

(3) The commissioner may immediately suspend the approval by written notice to the approved operator.

(4) The commissioner must, when giving written notice under subsection (3), give the approved operator a notice under section 173ER(3).

(5) If the commissioner decides to suspend or revoke the approval, section 173ER(5) to (7) applies for the suspension or revocation.

(6) If the commissioner decides not to revoke the approval, the commissioner must give the approved operator notice of the decision.

(7) The approval is suspended under this section until the earlier of the following happens—

(a) the commissioner gives the approved operator a notice of the commissioner's decision under subsection (6) or section 173ER(5);

(b) the end of 60 days after the notice under subsection (3) was given to the person.

173ET Commissioner takes over operation of approved ID scanning system in particular circumstances

(1) This section applies if there is no longer an approved operator for an approved ID scanning system to which an approved ID scanner in regulated premises is linked because the approved operator's approval to operate an approved ID scanning system is suspended or revoked under section 173ER or 173ES.

(2) The commissioner may take over the operation of the approved ID scanning system, or operate another approved ID scanning system to which an approved ID scanner in the regulated premises is linked, until another person holding an approval under section 173EQ becomes an approved operator for any approved ID scanning system to which an approved ID scanner in the regulated premises is linked.

Part 6A Restricted areas

Division 1 Preliminary

173F Purpose of pt 6A

The purpose of this part is to provide for the declaration of areas for minimising—

(a) harm caused by alcohol abuse and misuse and associated violence; and

Not authorised—indicative only

Not authorised—indicative only

(b) alcohol-related disturbances, or public disorder, in a locality.

Division 2 Declaration of, and prohibition of possession of liquor in, restricted areas

173G Declaration of restricted area

(1) A regulation may declare an area to be a restricted area.

(2) Without limiting subsection (1), a community area, or part of a community area, may be declared to be a restricted area.

(3) In recommending the Governor in Council make the regulation, the Minister must be satisfied the declaration is necessary to achieve the purpose of this part.

173H Declaration of prohibition of possession of liquor in restricted area

(1) A regulation may declare that a restricted area is an area to which section 168B applies.

(2) A regulation under subsection (1) must state the quantity of a type of liquor that a person may have in possession in the restricted area (the ***prescribed quantity***) without a restricted area permit.

(3) Subject to any conditions imposed under this Act about the quantity of a type of liquor that a person may have in possession at licensed premises, or premises to which a permit relates, in the restricted area, the prescribed quantity does not apply to the premises.

173I Consultation with community justice groups for declarations

(1) This section applies if a community area is, or a community area or part of a community area is in—

(a) an area to be declared under a regulation under section 173G to be a restricted area; or

(b) a restricted area to be declared under a regulation under section 173H to be an area to which section 168B applies.

(2) The Minister may recommend the Governor in Council make the regulation only if the Minister has consulted with the community justice group for the community area about the declaration or, if the group made a recommendation about the declaration, the Minister has considered the recommendation.

(3) Also, the Minister must consider a recommendation made by the community justice group about changing the declaration.

(4) However, failure to comply with subsection (2) or (3) does not affect the validity of a regulation made for the subsection.

173J Notice about prohibition of possession of liquor in restricted area

(1) As soon as practicable after a declaration under section 173H for a restricted area, the commissioner must—

(a) give written notice about the declaration to the following—

(i) the local government that may exercise jurisdiction in the area;

(ii) the police district officer for each locality in the area;

(iii) if the area is, or is in, a community area—the community justice group for the area; and

(b) publish a notice about the declaration in a newspaper circulating in the area; and

Not authorised—indicative only

Not authorised—indicative only

(c) erect or display and maintain a notice about the declaration at the places where public roads enter the area.

(2) A notice under subsection (1)(c) must—

(a) sufficiently identify the area; and

(b) state in general terms the effect of section 168B and the penalty for an offence against the section; and

(c) be easily visible to persons entering the area.

(3) A failure of the commissioner to erect, display or maintain a notice under subsection (1)(c) does not affect a person's liability to be prosecuted for an offence against section 168B.

(4) In this section—

public road means a road ordinarily used by the public.

Division 3 Designation of public places where liquor may be consumed

173K Definition for div 3

In this division—

designated public place means a public place designated under section 173L.

173L Regulation may designate public place in restricted area where certain type of liquor may be consumed

(1) This section applies if a restricted area is declared under a regulation under section 173H to be an area to which section 168B applies.

(2) A regulation may designate a public place in the area as a public place where permitted liquor may be consumed.

(3) The regulation may state the period or times during which the designation is to have effect.

(4) If the regulation states a period or times under subsection (3), the place is a designated public place only during that period or those times.

(5) In this section—

permitted liquor means liquor of a type that may, under the regulation mentioned in subsection (1), be possessed in the area, other than under the authority of a restricted area permit.

173M Notice of designation

(1) If a regulation designates a public place in a restricted area under section 173L, the local government for the area must display a notice about the designation at or near each entrance to the place.

(2) The notice must—

(a) sufficiently identify the place as a designated public place; and

(b) state the period or times, if any, during which the place is a designated public place.

173N Suspension of designation

(1) This section applies if a regulation designates a public place in a restricted area under section 173L.

(2) The local government for the area may by resolution, or the commissioner may, suspend the designation for a period of not more than 10 days if the local government or commissioner reasonably believes it is in the best interests of the area's residents to do so.

(3) The local government or commissioner must display a notice detailing the suspension on each of the notices about the designation for the public place displayed under section 173M while the suspension is in force.

(4) Also, the local government or commissioner must give the Queensland Police Service written notice of the suspension.

Not authorised—indicative only

Not authorised—indicative only

(5) The suspension takes effect once the notices detailing the suspension are first displayed under subsection (3).

(6) A failure to continue to display, under subsection (3), the notices detailing the suspension does not affect a person's liability to be convicted of an offence against section 173B(1).

Part 6AB Safe night precincts

Division 1 Preliminary

173NA Purposes of pt 6AB

(1) The purposes of this part are to, in an area—

(a) minimise harm, and the potential for harm, from the abuse and misuse of alcohol and drugs, and associated violence; and

(b) minimise alcohol and drug-related disturbances, or public disorder.

(2) To achieve its purposes, this part provides for—

(a) areas to be prescribed as safe night precincts; and

(b) local boards and consultative committees to be established for safe night precincts to enable licensees, the State and local governments, the police service and community organisations to collaborate to achieve the purposes.

173NB Meaning of relevant licensee

(1) A licensee is a ***relevant licensee*** for a safe night precinct if—

(a) the licensed premises of the licensee are located in the precinct; and

(b) the licensee is not an exempt licensee.

(2) An ***exempt licensee*** is a licensee of licensed premises located in a safe night precinct who is a member of an exempt class of licensees prescribed by regulation.

Division 2 Safe night precincts and local boards

173NC Safe night precincts and local boards

(1) A regulation may prescribe an area (a ***safe night precinct***) that has a concentration of licensed premises to be a safe night precinct.

(2) Also, a regulation may prescribe an incorporated association (the ***local board***) to be the local board for a safe night precinct.

(3) There may be 1 local board, or no local board, for each safe night precinct.

(4) In recommending that the Governor in Council make the regulation, the Minister must be satisfied—

(a) the regulation is necessary to achieve the purposes of this part; and

(b) for prescribing an incorporated association to be the local board for a safe night precinct—the association has 1 or more members who are relevant licensees.

173NCAAReview of safe night precincts

(1) The Minister must review each safe night precinct to consider whether the prescribing of the area continues to achieve the purposes of this part.

(2) A review of a safe night precinct must be started as soon as practicable after the commencement.

(3) A further review of a safe night precinct must be started no later than 3 years after the previous review is completed.

Not authorised—indicative only

Not authorised—indicative only

(4) If, after conducting a review of a safe night precinct, the Minister is no longer satisfied that the prescription of the area under section 173NC(1) is necessary to achieve the purposes of this part, the Minister must recommend to the Governor in Council the making of a regulation to change or revoke the area.

173NCAChanging or revoking area of safe night precincts

(1) This section applies in relation to an amendment of a regulation under section 173NC to change, or revoke, the area of a safe night precinct if—

(a) as a result of the amendment, particular licensed premises cease to be in the safe night precinct; and

(b) an extended trading hours approval (the ***approval***) is in force for the licensed premises that extends trading hours to include trading between 12a.m. and 3a.m.

(2) From the day the amendment commences, the approval has effect only to extend trading hours to include trading between 12a.m. and 2a.m.

(3) Subsection (2) does not affect any later amendment or revocation of the approval.

(4) The regulation containing the amendment must provide for the amendment to commence on a day no earlier than 7 days after the regulation is made.

(5) As soon as practicable after the regulation containing the amendment is made, the commissioner must give the licensee written notice—

(a) that, when the amendment commences, the premises cease to be in the safe night precinct; and

(b) of the changed effect of the approval under subsection (2).

(6) Failure to give the notice does not affect the operation of subsection (2).

(7) No compensation is payable to any person because of the operation of this section.

173ND Commissioner must give notice of local board

(1) This section applies if, immediately after a regulation prescribing a local board for a safe night precinct is made, a licensee is a relevant licensee for the precinct.

(2) Within 14 days after the regulation is made, the commissioner must give the relevant licensee a written notice about the local board.

(3) The notice must state that the relevant licensee is required to become a member of the local board and to maintain the membership while the licensee continues to be a relevant licensee.

Division 3 Provisions that apply when a safe night precinct has a local board

173NE Application of div 3

This division applies if there is a local board for a safe night precinct.

173NF Relevant licensee must be member of local board

(1) A relevant licensee must be a member of the local board while the licensee continues to be a relevant licensee.

Maximum penalty—

(a) for a licensee who holds an extended hours approval that authorises the sale of liquor after 1a.m. on a regular basis—100 penalty units; or

(b) otherwise—25 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(2) However, subsection (1) does not apply to a relevant licensee—

(a) for a licensee mentioned in section 173ND(1)—

(i) until 28 days after the commissioner gave the licensee a notice under section 173ND(2); or

(ii) if the commissioner has not given the licensee a notice under section 173ND(2); or

(b) for a licensee other than a licensee mentioned in section 173ND(1)—until 28 days after the licensee became a relevant licensee; or

(c) if the licensee has applied, in a way that complies with the local board's rules, for membership of the local board and the application has not been decided; or

(d) if the licensee made all reasonable efforts to become a member of the local board and was refused membership; or

(e) if the licensee, who was a member of the local board, made all reasonable efforts to continue to be a member and the licensee's membership was terminated.

173NG Commissioner may require exempt licensee to become member of local board

(1) This section applies if the commissioner is satisfied an exempt licensee of licensed premises located in a safe night precinct should be a member of the local board because—

(a) it is in the public interest; or

(b) it is necessary to ensure the safety of the community in, or the amenity of, the precinct.

(2) The commissioner may, by written notice, require the exempt licensee to be a member of the local board.

(3) The exempt licensee must be a member of the local board.

Maximum penalty—25 penalty units.

(4) However, subsection (3) does not apply to an exempt licensee—

(a) until 28 days after the commissioner gave the licensee the notice under subsection (2); or

(b) if the licensee has applied, in a way that complies with the local board's rules, for membership of the local board and the application has not been decided; or

(c) if the licensee made all reasonable efforts to become a member of the local board and was refused membership; or

(d) if the licensee, who was a member of the local board, made all reasonable efforts to continue to be a member and the licensee's membership was terminated; or

(e) if the commissioner has given the licensee a written notice stating that the licensee is no longer required to be a member of the local board.

173NH Public safety consultative committees

(1) The commissioner may establish a public safety consultative committee (a ***consultative committee***) for a safe night precinct to advise and assist the local board.

(2) A consultative committee for a safe night precinct has the membership decided by the commissioner and may include, for example, any 1 or more of the following—

(a) a police officer or other employee of the police service nominated by the police commissioner;

(b) an employee of the department nominated by the chief executive;

(c) an employee of the department that administers the *Transport Operations (Passenger Transport) Act 1994* nominated by the chief executive of that department;

(d) an employee of the local government of the local government area in which the precinct is located

Not authorised—indicative only

Not authorised—indicative only

nominated by the chief executive officer of that local government;

(e) a representative of a community organisation that provides relevant services in the precinct.

(3) The commissioner, or a member of a consultative committee for a safe night precinct, must give the local board written notice of the membership of the committee as soon as practicable after either of the following happens—

(a) the committee is established;

(b) there is a change in the membership of the committee.

(4) The members of a consultative committee for a safe night precinct need not meet other than when attending a meeting of the local board or its management committee.

Division 4 Rules of local boards

173NI Inconsistent rules of local boards of no effect

The rules of the local board for a safe night precinct are of no effect to the extent the rules are inconsistent with this division.

173NJ Objectives of local boards

The objectives of the local board for a safe night precinct must include the following—

(a) to promote the responsible service and consumption of alcohol and minimise the risk of alcohol and drug-related harm and associated violence in the precinct, including, for example, by—

(i) developing and implementing local initiatives; or

(ii) making recommendations to the commissioner about relevant action the commissioner may take under this Act; and

(b) to raise funds to deliver relevant initiatives in the precinct; and

(c) to plan for, and manage, the precinct in a way that addresses the safety of the community and the precinct's amenity; and

(d) to liaise with, and support, community organisations providing rest and recovery services in the precinct to people who have consumed alcohol or used drugs.

173NK Rules must limit membership of local board

The rules of the local board for a safe night precinct must limit eligibility for membership of the local board to only the following entities—

(a) a licensee of licensed premises located in the precinct;

(b) the owner or operator of other businesses located in the precinct;

(c) an association that represents the interests of businesses located in the precinct including, for example, the local chamber of commerce;

(d) a community organisation that provides relevant services in the precinct;

(e) another class of person prescribed by regulation.

173NL Relevant licensee must be admitted as member of local board

(1) This section applies if a relevant licensee for a safe night precinct gives the local board for the precinct a written application for membership of the local board.

(2) The local board's management committee must admit the relevant licensee (a ***licensee member***) as a member of the local board.

Not authorised—indicative only

Not authorised—indicative only

(3) However, the local board's management committee may reject a relevant licensee's application for membership if—

(a) the relevant licensee was previously a member of the local board; and

(b) the licensee's previous membership was terminated by the management committee.

(4) Before deciding to reject a membership application under subsection (3), the management committee must consider—

(a) the grounds on which the relevant licensee's previous membership was terminated; and

(b) any undertakings made by the licensee in relation to the application.

(5) In this section, a reference to a relevant licensee for a safe night precinct includes an exempt licensee for the precinct given a notice under section 173NG(2) requiring the licensee to be a member of the board.

173NM No limit to other rules about membership

Sections 173NK and 173NL do not prevent the rules of the local board for a safe night precinct providing for—

(a) the requirements for applying for membership, including, for example, the payment of an application fee; or

(b) membership fees.

173NN Local board must advise commissioner about licensee members

At least once each quarter, or on the written request of the commissioner, the secretary of the local board for a safe night precinct must give the commissioner a list of the names of the following—

(a) the licensee members of the board;

(b) the applicants for membership of the board who, if admitted as members, would be licensee members of the board.

173NO Termination of licensee member's membership

(1) The membership of a licensee member of the local board for a safe night precinct may be terminated only under this section.

(2) A local board's management committee may terminate the membership of a licensee member if the member—

(a) is convicted of an indictable offence; or

(b) has membership fees in arrears for at least 2 months; or

(c) acts in a way that is contrary to the interests of the board.

(3) Before the management committee terminates a licensee member's membership, the committee must—

(a) give the member a written notice inviting the member to show, within a stated reasonable period, why the membership should not be terminated; and

(b) consider any representations made by the member.

(4) If the management committee decides to terminate the membership of a licensee member, the secretary of the committee must give the member written notice of the decision.

(5) This section does not prevent the rules of the local board for a safe night precinct providing for—

(a) a licensee member to resign from the local board; or

(b) a licensee member whose membership is terminated under subsection (2) to appeal to the local board against the management committee's termination decision; or

(c) a general meeting of the local board to decide an appeal mentioned in paragraph (b).

Not authorised—indicative only

Not authorised—indicative only

173NP Local board must invite consultative committee to meetings

(1) The management committee of a local board for a safe night precinct must, by written notice (a ***meeting invitation***), invite the members of the consultative committee for the precinct to attend each meeting of the local board or management committee.

(2) A meeting invitation must be given at least 12 days before the date of the meeting it relates to.

(3) A member of a consultative committee attends a meeting of the local board or management committee for the purpose of providing assistance or advice relating to—

(a) the objectives of the local board mentioned in section 173NJ; or

(b) other matters related to the purposes of this part.

(4) Each member of a consultative committee present at a meeting of the local board or management committee may act independently of the other members of the committee present at the meeting.

173NQ Prescribed rules

(1) A regulation may prescribe rules for a local board for a safe night precinct.

(2) In recommending that the Governor in Council make the regulation, the Minister must be satisfied the rules are necessary to achieve the purposes of this part.

(3) The rules of a local board for a safe night precinct—

(a) are taken to include the prescribed rules; and

(b) are of no effect to the extent they are inconsistent with the prescribed rules.

Part 7 Investigators and their powers

Division 1A Preliminary

173R Definition for part

In this part—

document see the *Evidence Act 1977*, schedule 3.

Division 1 Exercise of powers

174 Investigators

(1) The commissioner may authorise a person, or a class of persons, to exercise—

(a) all the powers conferred by this Act on an investigator; or

(b) any powers conferred by this Act on an investigator.

(2) The commissioner must issue an identity card to a person authorised under subsection (1) (the ***investigator***).

(3) The identity card must—

(a) contain a recent photograph of the investigator; and

(b) be in a form approved by the commissioner.

(4) If the investigator ceases to be authorised under subsection (1), the investigator must, as soon as practicable, return his or her identity card to the commissioner.

Maximum penalty—25 penalty units.

174AA Production or display of identity card

(1) In exercising a power in relation to a person in the person's presence, an investigator must—

Not authorised—indicative only

Not authorised—indicative only

(a) produce the investigator's identity card for the person's inspection before exercising the power; or

(b) have the identity card displayed so it is clearly visible to the person when exercising the power.

(2) However, if it is not practicable to comply with subsection (1), the investigator must produce the identity card for the person's inspection at the first reasonable opportunity.

(3) For subsection (1), an investigator does not exercise a power in relation to a person only because the investigator has entered a place as mentioned in section 176(2)(c) or (d)(i).

(4) Also, subsections (1) and (2) do not apply to an investigator who, after entering a place as mentioned in section 176(2)(c) or (d)(i), exercises a power under section 178(1)(b), (d) or (e) at the place.

Example for subsection (4)—

An investigator may enter licensed premises while the premises are open for the conduct of business and covertly film a thing in the place.

174A Powers of community police officers

(1) An investigator who is a community police officer may only exercise a power under this part for the administration and enforcement of sections 168B, 169 and 171 in a restricted area that is, or is in, the community area for which the officer holds appointment.

(2) Subsection (3) applies for a community police officer exercising an investigator's powers under this part for the administration and enforcement of a prescribed provision by the officer.

(3) This part applies to the officer as if—

(a) a reference to an investigator were a reference to a community police officer; and

(b) the prescribed provision were a provision of this Act.

Examples for subsection (3)—

1 A community police officer may exercise a power under section 175 if the officer has a reasonable suspicion that a vehicle is being used in the commission of an offence against a prescribed provision.

2 A community police officer may exercise the power of entry under section 176 for finding out whether a prescribed provision is being complied with.

3 A community police officer may exercise a power of seizure under section 177(4) if the officer has the reasonable belief mentioned in the subsection.

175 Power to stop and search vehicles etc.

(1) This section applies if an investigator suspects on reasonable grounds that—

(a) a vehicle, boat or aircraft is being, or has been, used in the commission of an offence against this Act; or

(b) a vehicle, boat or aircraft, or anything on or in, a vehicle, boat or aircraft may afford evidence of the commission of an offence against this Act.

(2) The investigator may, with such assistance and by such force as is necessary and reasonable—

(a) enter or board the vehicle, boat or aircraft; and

(b) exercise the powers set out in section 178.

(3) If—

(a) the vehicle or boat is moving or about to move; or

(b) the aircraft is moving, or about to move, on the ground;

the investigator may signal the driver or the person in command or control, or who appears to be in command or control, of the vehicle, boat or aircraft, to stop or not to move the vehicle, boat or aircraft.

(4) A person must not, without reasonable excuse, disobey a signal under subsection (3).

Not authorised—indicative only

Not authorised—indicative only

Maximum penalty—165 penalty units or 1 year's imprisonment.

(5) It is a reasonable excuse for the person to fail to stop or to move the vehicle, boat or aircraft if—

(a) to immediately obey the signal would have endangered the person or another person; and

(b) the person obeys the signal as soon as it is reasonably practicable to stop or move the vehicle, boat or aircraft.

(6) The investigator may require the driver or the person in command or control, or who appears to be in command or control, of the vehicle, boat or aircraft—

(a) to provide such reasonable assistance as the investigator requires to enable the vehicle, boat or aircraft to be entered or boarded under subsection (2); or

(b) to bring the vehicle, boat or aircraft to a specified place and remain in control of the vehicle, boat or aircraft at the place until the officer permits the person to leave.

(7) A person must not, without reasonable excuse, contravene a requirement under subsection (6).

Maximum penalty—165 penalty units or 1 year's imprisonment.

(8) If, while searching the vehicle, boat or aircraft, the investigator finds a thing that the investigator believes, on reasonable grounds, will afford evidence of the commission of an offence against this Act, section 177(2)(a) and (b) apply to the thing.

(9) If, after searching the vehicle, boat or aircraft, the investigator believes on reasonable grounds that the vehicle, boat or aircraft will afford evidence of the commission of an offence against this Act, section 177(2)(a) and (b) apply to the vehicle, boat or aircraft.

176 Entry and search—monitoring compliance

(1) Subject to subsection (2), an investigator may, for the purpose of finding out whether this Act is being complied with—

(a) enter any place at any reasonable time of the day or night; and

(b) exercise the powers set out in section 178.

(2) The investigator must not enter a place, or exercise a power under subsection (1), unless—

(a) the occupier of the place consents to the entry or exercise of the power; or

(b) a warrant under section 179 authorises the entry or exercise of the power; or

(c) the place is a public place and the entry is made when members of the public attend or the premises are open for admission by the public; or

(d) the place is premises, or the part of premises, that are licensed premises and—

(i) the entry is made when the premises are open for the conduct of business or otherwise open for entry; or

(ii) the investigator suspects on reasonable grounds that an offence is being committed against this Act in or on the place.

(3) In this section—

place does not include a vehicle, boat or aircraft.

177 Entry and search—evidence of offences

(1) Subject to subsection (3), if an investigator has reasonable grounds for suspecting that there is in a place a particular thing (***the evidence***) that may afford evidence of the commission of an offence against this Act, the investigator may—

Not authorised—indicative only

Not authorised—indicative only

(a) enter the place; and

(b) exercise the powers set out in section 178.

(2) If the investigator enters the place and finds the evidence, the following provisions have effect—

(a) the investigator may seize the evidence;

(b) if the evidence is a document—while the investigator has possession of the document, the officer may take extracts from and make copies of the document, but must allow the document to be inspected at any reasonable time by a person who would be entitled to inspect it if it were not in the investigator's possession.

(3) An investigator must not enter the place or exercise a power under subsection (1) unless—

(a) the occupier of the place consents to the entry or exercise of the power; or

(b) a warrant under section 180 that was issued in relation to the evidence authorises the entry or exercise of the power.

(4) If, while searching the place under subsection (1) under a warrant under section 180, an investigator—

(a) finds a thing that the investigator believes, on reasonable grounds, to be—

(i) a thing (other than the evidence) that will afford evidence of the commission of the offence mentioned in subsection (1); or

(ii) a thing that will afford evidence of the commission of another offence against this Act; and

(b) believes, on reasonable grounds, that it is necessary to seize the thing to prevent—

(i) its concealment, loss or destruction; or

(ii) its use in committing, continuing or repeating the offence mentioned in subsection (1) or the other offence, as the case may be;

subsection (2) applies to the thing as if it were the evidence.

(5) Nothing in this section authorises an investigator to seize a digital device if—

(a) the offence is an offence mentioned in section 158 or 159; and

(b) in committing the offence a person used the device to store or display the following things, or an image or other design purporting to be the thing—

(i) a digital authority;

(ii) a digital evidence of age;

(iii) a digital evidence of identity.

(6) In this section—

place does not include a vehicle, boat or aircraft.

178 General powers of investigator in relation to places

(1) An investigator who enters or boards a place under this part may exercise any of the following powers—

(a) search any part of the place;

(b) inspect, measure, test, examine, record, photograph or film anything in or on the place;

(c) take extracts from, and make copies of, any documents in or on the place;

(d) take a sample of or from a thing at the place for analysis to find out whether or not the thing is liquor;

(e) take into or onto the place such persons, equipment and materials as the investigator reasonably requires for the purpose of exercising any powers in relation to the place;

Not authorised—indicative only

Not authorised—indicative only

(f) require the occupier or any person in or on the place to give to the investigator reasonable assistance in relation to the exercise of the powers mentioned in paragraphs (a) to (e);

(g) the powers mentioned in sections 182 to 184.

(2) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1)(f).

Maximum penalty—50 penalty units.

(3) It is a reasonable excuse for a person to fail to answer a question or produce a document (other than a document required to be kept by the person under this Act) if answering the question, or producing the document, might tend to incriminate the person.

(4) An investigator who damages anything when exercising or purporting to exercise a power under this part must, as soon as practicable after damaging the thing, give written notice of particulars of the damage to the person who appears to the investigator to be the owner.

(5) On the hearing of a proceeding for an offence against a prescribed provision or this Act or in a proceeding brought for the recovery of compensation under this subsection, a court may order the payment of compensation to a person for any loss resulting from the unreasonable exercise of powers under this part.

(6) This section does not limit any power that an investigator has apart from this section.

179 Monitoring warrants

(1) An investigator may apply to a magistrate for a warrant under this section in relation to—

(a) a particular place that is licensed premises; or

(b) another particular place (other than premises, or the part of premises, used exclusively for residential purposes).

(2) Subject to subsection (3), the magistrate may issue the warrant if the magistrate is satisfied, by information on oath, that it is reasonably necessary that the investigator should have access to the place for the purpose of finding out whether this Act is being complied with.

(3) If the magistrate requires further information concerning the grounds on which the issue of the warrant is being sought, the magistrate must not issue the warrant unless the investigator or some other person has given the information to the magistrate in the form (either orally or by affidavit) that the magistrate requires.

(4) The warrant must—

(a) authorise the investigator, with such assistance and by such force as is necessary and reasonable—

(i) to enter the place; and

(ii) to exercise the powers set out in section 178; and

(b) state whether the entry is authorised to be made at any reasonable time of the day or night or only during specified reasonable hours of the day or night; and

(c) specify the day (not more than 14 days after the issue of the warrant) on which the warrant ceases to have effect; and

(d) state the purpose for which the warrant is issued.

180 Offence-related warrants

(1) An investigator may apply to a magistrate for a warrant under this section in relation to a particular place.

(2) Subject to subsection (3), the magistrate may issue the warrant if the magistrate is satisfied, by information on oath, that there are reasonable grounds for suspecting that there is, or there may be within the next 7 days, in or on the place a particular thing (***the evidence***) that may afford evidence of the commission of an offence against this Act.

Not authorised—indicative only

Not authorised—indicative only

(3) If the magistrate requires further information concerning the grounds on which the issue of the warrant is being sought, the magistrate must not issue the warrant unless the investigator or another person has given the information to the magistrate in the form (either orally or by affidavit) that the magistrate requires.

(4) The warrant must—

(a) authorise the investigator, with such assistance and by such force as is necessary and reasonable—

(i) to enter the place; and

(ii) to exercise the powers set out in section 178(1)(a) to (f); and

(iii) to seize the evidence; and

(b) state whether the entry is authorised to be made at any time of the day or night or only during specified hours of the day or night; and

(c) specify the day (not more than 14 days after the issue of the warrant) on which the warrant ceases to have effect; and

(d) state the purpose for which the warrant is issued.

181 Warrants may be granted by telephone, facsimile, radio etc.

(1) If an investigator considers it necessary to do so because of—

(a) urgent circumstances; or

(b) other special circumstances, including, for example, the investigator's remote location;

the investigator may, under this section, apply by telephone, facsimile, radio or another form of communication for a warrant under section 179 or 180.

(2) Before applying for the warrant, the investigator must prepare an information of the kind mentioned in section 179(2) or

180(2) that sets out the grounds on which the issue of the warrant is sought.

(3) If it is necessary to do so, an investigator may apply for the warrant before the information has been sworn.

(4) If the magistrate is satisfied—

(a) after having considered the terms of the information; and

(b) after having received such further information (if any) as the magistrate requires concerning the grounds on which the issue of the warrant is sought;

that there are reasonable grounds for issuing the warrant, the magistrate may, under section 179 or 180, complete and sign the warrant that the magistrate would issue under the section if the application had been made under the section.

(5) If the magistrate completes and signs the warrant, the magistrate must immediately send a copy of the warrant to the investigator by facsimile or, if it is not reasonably practicable to do so—

(a) the magistrate must—

(i) tell the investigator what the terms of the warrant are; and

(ii) tell the investigator the day and time when the warrant was signed; and

(iii) record on the warrant the reasons for granting the warrant; and

(b) the investigator must—

(i) complete a form of warrant in the same terms as the warrant completed and signed by the magistrate; and

(ii) write on the form of warrant the name of the magistrate and the day and time when the magistrate signed the warrant.

Not authorised—indicative only

Not authorised—indicative only

(6) The investigator must also—

(a) not later than the day after the day of expiry or execution of the warrant (whichever is the earlier); or

(b) if it is not practicable to comply with paragraph (a)—as soon as practicable after the day mentioned in the paragraph;

send to the magistrate—

(c) the information mentioned in subsection (2), which must have been properly sworn; and

(d) if a form of warrant was completed by the investigator under subsection (5)(b)—the completed form of warrant.

(7) When the magistrate receives the documents mentioned in subsection (6), the magistrate must—

(a) attach them to the warrant that the magistrate completed and signed; and

(b) deal with them in the way in which the magistrate would have dealt with the information if the application for the warrant had been made under section 179 or 180.

(8) A facsimile copy of a warrant, or a form of warrant properly completed by the investigator under subsection (5)(b), is authority for any entry, search, seizure or other exercise of a power that the warrant signed by the magistrate authorises.

(9) If—

(a) it is material for a court to be satisfied that an entry, search, seizure or other exercise of power was authorised by this section; and

(b) the warrant completed and signed by the magistrate authorising the exercise of power is not produced in evidence;

the court must assume, unless the contrary is proved, that the exercise of power was not authorised by such a warrant.

182 Requirement to give name, address and age

(1) An investigator who—

(a) finds a person committing, or finds a person that the investigator suspects on reasonable grounds of having committed, an offence against this Act; or

(b) believes on reasonable grounds that the name and address, or age, of a person is required for the purpose of the administration or enforcement of this Act;

may require the person to state the person's name and address or age and, if the investigator believes on reasonable grounds that the name, address or age given is false, may require evidence of its correctness.

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

(2) A person who is required under subsection (1) to state the person's name, address or age must not—

(a) fail to comply with the requirement; or

(b) state a false name, address or age.

Maximum penalty—25 penalty units.

(3) A person who is required under subsection (1) to give evidence of the correctness of a name, address or age must not—

(a) without reasonable excuse, fail to give the evidence; or

(b) give false evidence.

Maximum penalty—25 penalty units.

(4) If—

(a) an investigator makes a requirement under subsection (1) on suspicion of a person having committed an offence; and

(b) the person is not proved to have committed the offence;

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Not authorised—indicative only

the person does not commit an offence against this section.

183 Power to require answers to questions

(1) If an investigator believes on reasonable grounds that a person may be able to provide information relevant to the administration or enforcement of this Act, the officer may require the person to answer a question relevant to the administration or enforcement of this Act.

(2) A person who is required under subsection (1) to answer a question must not, without reasonable excuse, fail to comply with the requirement.

Maximum penalty—100 penalty units.

(3) It is reasonable excuse for a person to fail to answer a question if answering the question might tend to incriminate the person.

183AA Power to require production of documents

(1) An investigator may require a person, by written notice given to the person, to produce to the investigator, at a reasonable time and place stated in the notice, any documents the investigator believes, on reasonable grounds—

(a) the person has possession or control of; and

(b) are relevant to the administration or enforcement of this Act.

(2) An investigator may require the person to give the investigator reasonable assistance in relation to the exercise of the power mentioned in subsection (1).

(3) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1).

Maximum penalty—50 penalty units.

(4) It is a reasonable excuse for a person to fail to produce a document, other than a document required to be kept by the

person under this Act, if producing the document might tend to incriminate the person.

(5) An investigator may examine the document and—

(a) make copies of, or take extracts from, the document; or

(b) if the investigator considers, on reasonable grounds, it is necessary to remove the document to examine or copy it—remove the document from the person's possession or control.

(6) Subsection (7) applies if a document removed under subsection (5) is—

(a) a record made and kept under section 217; or

(b) an accounting record or other record about a business conducted under authority of a licence.

(7) The investigator must permit, at all reasonable times, a person who, if the record had not been removed, would be entitled to inspect the record or make additions to the record to—

(a) inspect the record; and

(b) make additions to the record.

(8) An investigator who has removed a document under subsection (5) must, as soon as is practicable after the removal—

(a) examine and, if the investigator considers it necessary, copy the document; and

(b) return the document to the person from whom it was removed.

183A Other powers of seizure

(1) If an investigator knows, or suspects on reasonable grounds, that liquor is being sold, consumed, possessed or carried for sale in contravention of this Act, or has been sold in contravention of this Act, the investigator may seize any of the following—

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(a) the liquor;

(b) bottles or other containers in which the liquor is contained;

(c) if it is known or suspected that liquor is being or has been consumed or is possessed in contravention of a prescribed provision or section 168B or 168C—other property that the investigator believes, on reasonable grounds, it is necessary to seize to prevent—

(i) its concealment, loss or destruction; or

(ii) the continuation or repetition of the contravention or suspected contravention;

(d) if it is known or suspected that liquor is being or has been sold in contravention of section 169—other property (including other liquor) that the investigator believes, on reasonable grounds, it is necessary to seize to prevent its use in continuing or repeating the contravention or suspected contravention;

(e) if it is known or suspected that liquor is being carried for sale in contravention of section 171—

(i) utensils suitable for measuring or consuming the liquor; or

(ii) a vehicle, boat, aircraft, animal or other thing being used to carry the liquor.

Examples of property that may be seized under paragraph (c)—

a vehicle, boat, aircraft, animal or other thing used to carry the liquor

Examples of property that may be seized under paragraph (d)—

refrigerators, glasses, glass washers, keg lines, measures, pourers, liquor, display cabinets, shelving, signage, dry bars, bar stools, bar servery

(2) In deciding for subsection (1)(c) or (d) whether it is necessary to seize property, the investigator must consider the following—

(a) any previous occasions on which an investigator knows, or suspects on reasonable grounds, a prescribed provision or section 168B, 168C or 169 has been contravened—

(i) by the person from whom the property is being seized; or

(ii) in the premises from which the property is being seized;

(b) any representations made to the investigator, by a person from whom the property is being seized, about the operational needs of a lawful business conducted by the person;

(c) any other matter that may reasonably be taken to indicate whether or not a contravention of a prescribed provision or section 168B, 168C or 169 is likely to be continued or repeated if the property is not seized.

(3) In this section—

liquor includes anything suspected on reasonable grounds to be liquor.

183B Powers supporting seizure

(1) Having seized property under this part, an investigator may—

(a) move the property from the place where it was seized; or

(b) leave the property at the place of seizure but take reasonable action to restrict access to it.

Examples for paragraph (b)—

1 sealing the seized property and marking it to show access to it is restricted

2 sealing the entrance to a room where the seized property is situated and marking it to show access to it is restricted

(2) If the investigator restricts access to the seized property, a person must not tamper, or attempt to tamper, with the

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Not authorised—indicative only

property or something restricting access to the property without an investigator's approval.

Maximum penalty—60 penalty units.

(3) To enable the property to be seized, the investigator may require the person in control of it—

(a) to take it to a stated reasonable place by a stated reasonable time; and

(b) if necessary, to remain in control of it at the stated place for a stated reasonable time.

(4) The requirement—

(a) must be made by written notice; or

(b) if for any reason it is not practicable to give the notice, may be made orally and confirmed by written notice as soon as practicable.

(5) The person must comply with the requirement unless the person has a reasonable excuse for not complying with it.

Maximum penalty—60 penalty units.

(6) A further requirement may be made under this section in relation to the same property if it is necessary and reasonable to make the further requirement.

184 Other powers of investigators

(1) Subject to subsection (2), an investigator may, for the purposes of this Act, exercise any of the following powers—

(a) require a person to produce to the investigator—

(i) any licence, permit or other authority held by the person under this Act; or

(ii) any document required to be kept by the person under this Act;

(b) inspect, take extracts from, make copies of or keep a document produced to the investigator under paragraph (a);

(c) if an investigator finds a person on premises to which a licence or permit relates at any time other than a time when liquor may be—

(i) sold to, or consumed by, the person on the premises; or

(ii) removed from the premises by the person;

require the person to leave the premises and, if the person does not immediately leave, remove the person from the premises using such force as is necessary and reasonable;

(d) the powers of an authorised person under sections 165, 165A and 167;

(f) such other powers as are prescribed.

(2) An investigator may keep a document under subsection (1)(b) only for the purpose of taking copies of the document and must, as soon as practicable after taking the copies, return the document to the person who produced it.

185 Obstruction of investigators

(1) A person must not obstruct an investigator in the exercise of a power under this Act.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(2) A person is taken to obstruct an investigator in the exercise of a power under this Act if the person—

(a) assaults, abuses, hinders, resists or intimidates the investigator or a person assisting the investigator in the exercise of the investigator's powers under this Act; or

(b) deliberately prevents or attempts to prevent (whether directly or indirectly) a person from—

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(i) being questioned by an investigator; or

(ii) giving, under this Act, any information or document to an investigator; or

(c) in any other way obstructs, or attempts to obstruct, an investigator in the exercise of the investigator's powers under this Act.

(3) A licensee is also taken to obstruct an investigator in the exercise of a power under this Act if the licensee, or a person authorised to act on behalf of the licensee, bans the investigator from entering the licensee's licensed premises.

(4) Subsection (3) does not apply if the licensee proves the ban was imposed because of the investigator's behaviour as a patron of the licensed premises.

186 Seizure of material associated with representation of age

(1) If an investigator reasonably believes or suspects that a person—

(a) has made, or caused to be made, a false document in contravention of section 158(2)(a); or

(b) is in possession of a document given to the person in contravention of section 158(2)(b) or 159(1); or

(c) is in possession of a document defaced or interfered with in contravention of section 159(2);

the investigator may seize and confiscate—

(d) in the case specified in paragraph (a)—

(i) all documents made in contravention of section 158(2)(a) in the person's possession; and

(ii) all equipment and materials in the person's possession reasonably suspected by the investigator to have been used, or to be intended for use, in contravening section 158(2)(a); and

(e) in the case specified in paragraph (b) or (c)—the document in respect of which section 158(2)(b) or 159(1) or (2) appears to have been contravened.

(2) Nothing in this section authorises an investigator to seize and confiscate a digital device if—

(a) the investigator reasonably believes the device was used in the commission of the offence; and

(b) that device was used to store or display the following things, or an image or other design purporting to be the thing—

(i) a digital authority;

(ii) a digital evidence of age;

(iii) a digital evidence of identity.

187 Abatement of nuisance or dangerous activity

(1) This section applies if an investigator believes on reasonable grounds that—

(a) noise coming from licensed premises, or a utility area for licensed premises, is unreasonable noise; or

(b) because of activity in or near the licensed premises, there is a danger to persons or property that is likely to be aggravated by the continued supply of liquor in the locality.

(1A) However, this section does not apply if the noise is from amplified music played at licensed premises—

(a) in a special entertainment precinct established by a local government under the *Local Government Act 2009*; and

(b) for which the local government has issued a licence, permit or other authority under the local law made by the local government under the *Local Government Act 2009*, including licence, permit or other authority that has expired or been revoked or cancelled by the local government.

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(2) The investigator may give written notice (an ***abatement notice***) to the licensee, permittee, or person who appears to be in charge of the premises, requiring that—

(a) if subsection (1)(a) applies—be reduced to, and kept at, a level so that it is no longer an unreasonable noise; or

(b) if subsection (1)(b) applies—the premises be closed immediately.

(2A) In deciding whether to give an abatement notice, the investigator must have regard to the following—

(a) the order of occupancy between the licensee or permittee and any complainant;

(b) any changes in the licensed premises and the premises occupied by any complainant, including, for example, structural changes to the premises;

(c) any changes in the activities conducted on the licensed premises over a period of time.

(2B) An abatement notice may state specific action that must be taken by the person to whom the notice is given.

(2C) An abatement notice must state—

(a) for each action that is required to be taken—the time, of up to 3 months, within which the person to whom the notice is issued must take the action; and

(b) the time, of up to 3 months, that the notice has effect for.

(2D) The commissioner may, by written notice, extend a time under subsection (2C)(a) or (b) for 1 or more periods of up to 3 months to enable the person to whom the notice is given to comply with the notice.

(2E) The issuing of an abatement notice does not stop any other action being taken under this Act in relation to the matter that is the subject of the notice, including, for example—

(a) a compliance order being issued; or

(b) the licence or permit for the licensed premises being varied; or

(c) disciplinary action being taken in relation to the licence; or

(d) proceedings being started for an offence against this Act.

(3) If the abatement notice is contravened, the investigator may take all steps necessary and reasonable to ensure compliance, or continued compliance, with the notice.

(4) The person to whom the abatement notice is issued must comply with the notice.

Maximum penalty—100 penalty units.

(5) In this section—

licensed premises includes premises to which a restricted liquor permit relates.

utility area, for licensed premises, includes an area containing plant or equipment that is not part of the licensed premises, but is used for the benefit of the licensed premises.

Example—

An area containing an air-conditioning plant for licensed premises may be a utility area.

Division 2 Provisions relating to seizure

187A Application

(1) Sections 187B to 187G apply if an investigator who is not a police officer seizes property under this part.

(2) If an investigator who is a police officer seizes property under this part—

(a) the *Police Powers and Responsibilities Act 2000*, other than chapter 21, part 3, division 7, applies as if the property were seized as evidence under that Act; and

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Not authorised—indicative only

(b) sections 187F and 187G of this Act apply to the property.

187B Receipts for seized property

(1) As soon as practicable after the investigator seizes the property, the investigator must give a receipt for it to the person from whom it was seized.

(2) However, if for any reason it is not practicable to comply with subsection (1), the investigator must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.

(3) The receipt must describe generally each thing seized and its condition.

(4) This section does not apply to property if it is impracticable or would be unreasonable to give the receipt, given its nature, condition and value.

187C Return of seized property

(1) This section applies to the seized property if it is not forfeited under section 187E, 187EA, 187EB or 187F.

(2) The investigator must return the property to the person from whom it was seized not later than the following times—

(a) if a proceeding for an offence involving the property is started within 6 months after the seizure—at the end of the proceeding and any appeal from the proceeding;

(b) otherwise—6 months after the seizure.

(3) Despite subsection (2), if the property was seized only as evidence, the investigator must immediately return the property if the investigator stops being satisfied its continued retention as evidence is necessary.

187D Access to seized property

(1) Until the seized property is forfeited or returned, the investigator must allow its owner to inspect it and, if it is a document, to copy it.

(2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

187E Forfeiture of unreturned property

(1) The seized property is forfeited to the State if—

(a) the investigator can not find the person from whom it was seized, after making reasonable inquiries; or

(b) the investigator can not find the person from whom it was seized and it would be unreasonable to make inquiries to find the person; or

(c) the investigator can not return it, after making reasonable efforts; or

(d) it would be unreasonable to make efforts to return the property.

Examples for paragraph (d)—

1 The person from whom the property was seized has migrated to another country.

2 The seized property consists a small amount of liquor that does not have a high value.

(2) Regard must be had to the nature, condition and value of property in deciding—

(a) whether it is reasonable to make inquiries or efforts; and

(b) if making inquiries or efforts—what inquiries or efforts, including the period over which they are made, are reasonable.

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Not authorised—indicative only

187EA Forfeiture of seized property to prevent commission of particular offences—investigator

(1) This section applies if—

(a) the seized property was seized in relation to the contravention of a prescribed provision or section 168B, 168C, 169 or 171; and

(b) the investigator believes on reasonable grounds the property is liquor having a value of less than $50; and

(c) the investigator is satisfied it is necessary to retain the property to prevent it being used in the commission of another contravention of a prescribed provision or section 168B, 168C, 169 or 171.

(2) The investigator may exercise the following powers—

(a) decide to forfeit the property;

(b) destroy or dispose of the property in the way the investigator considers reasonably appropriate.

Examples for subsection (2)(b)—

1 The investigator may empty an opened can of beer found by the investigator being consumed by a person in contravention of section 168B.

2 The investigator may retain a carton of beer found in a person's possession in contravention of section 171.

(3) If the investigator exercises the power under subsection (2)(a)—

(a) the investigator must immediately tell the person who owned the property immediately before its seizure of the forfeiture; and

(b) the property is forfeited to, and becomes the property of, the State immediately after the investigator exercises the power; and

(c) compensation is not recoverable against any person for the forfeiture.

(4) However, subsection (3)(a) does not apply if—

(a) the investigator can not find the person, after making reasonable inquiries; or

(b) it is impracticable or would be unreasonable to comply with the paragraph.

187EB Forfeiture of seized property to prevent commission of particular offences—commissioner

(1) This section applies if—

(a) the seized property was seized in relation to the contravention of a prescribed provision or section 168B, 168C, 169 or 171; and

(b) the commissioner is satisfied it is necessary to retain the property to prevent it being used in the commission of another contravention of a prescribed provision or section 168B, 168C, 169 or 171.

(2) However, this section does not apply if the property is forfeited under section 187EA.

(3) The commissioner may, under this section, order the forfeiture of the property to the State.

(4) The commissioner may make the order only if the commissioner gives written notice to—

(a) the person who owned the property immediately before its seizure; and

(b) if another person appeared to have possession of it before its seizure—the other person.

(5) However, if the person mentioned in subsection (4)(a) is not known—

(a) the notice may be given by advertisement in a newspaper circulating in the locality where the property was seized; or

(b) if the property was seized in a community area—the notice may be given by displaying a notice in a conspicuous place in—

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Not authorised—indicative only

(i) if the community area is an IRC division area under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*—the IRC division area's office; or

(ii) otherwise—the council's office for the area.

(6) Subsection (5)(a) does not apply if the cost of giving the notice is more than the value of the property.

(7) The notice must—

(a) sufficiently describe the property; and

(b) state the following—

(i) the date and place the property was seized;

(ii) the property may be forfeited to the State;

(iii) an application may be made to a Magistrates Court under section 187EC for an order for the return of the property;

(iv) if an application is not made to a Magistrates Court within 14 days after the notice is given—the commissioner may order that the property be forfeited to the State.

(8) If a person applies under section 187EC to a Magistrates Court, the commissioner may not order the forfeiture of the property, unless the court refuses to order the delivery of the property to the applicant or the application is withdrawn, whichever happens first.

187EC Application for return of seized property

(1) This section applies to seized property described in a notice given under section 187EB(4) or (5).

(2) A person who claims to have a legal or equitable interest in the property may apply to a Magistrates Court for an order that the property be delivered to the person.

(3) The application must—

(a) be in the approved form; and

(b) if the applicant reasonably believes another person has a legal or equitable interest in the property—state the name and address of the person; and

(c) be filed in the court.

(4) Within 7 days after the application is filed, the registrar of the court must give a copy of the application to—

(a) the commissioner; and

(b) the persons mentioned in subsection (3)(b).

(5) The registrar of the court must give 7 days written notice of the hearing of the application to the applicant and the persons given a copy of the application under subsection (4).

(6) Each of the persons given notice of the hearing under subsection (4) is entitled to be heard at the hearing of the application.

(7) The court may order that the property be delivered to a person on the conditions, if any, the court considers appropriate if satisfied—

(a) the person may lawfully possess the property; and

(b) it is appropriate that the property be delivered to the person.

(8) However, the court must not order the delivery of the property to the person if the court is reasonably satisfied the property may be evidence in a proceeding started in relation to the property.

187F Forfeiture on conviction

(1) On the conviction of a person for an offence against this Act involving the seized property, the court may order the forfeiture to the State of the property.

(2) The court may make the order whether or not the property has been returned to the person from whom it was seized.

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Not authorised—indicative only

(3) The court may make any order to enforce the forfeiture it considers appropriate.

(4) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

187G Dealing with forfeited property

(1) On the forfeiture of property to the State, the property becomes the State's property and may be dealt with by the commissioner as the commissioner considers appropriate.

(2) Without limiting subsection (1), the commissioner may destroy or dispose of the property.

(2A) Subsection (1) does not affect an investigator's powers under section 187EA.

(3) If the property is sold, the proceeds of sale are to be paid—

(a) first, in meeting expenses of the sale; and

(b) second, in meeting the expenses of, or relating to, the seizure and storage of the seized property; and

(c) third, to the consolidated fund.

Part 9 Financial provisions

199 Definition for pt 9

In this part—

licence does not include a provisional licence.

200 Licence period

The licence period for a licence is a financial year.

201 Duration of licence

(1) Although each licence has a licence period, a licence continues in force until—

(a) its surrender is accepted by the commissioner; or

(b) its cancellation takes effect.

(2) A licence does not have effect during a period for which it is suspended.

202 Fees payable for licences and permits

(1) The licence fee payable for a licence for a licence period is to be assessed in the way prescribed under a regulation.

(2) If the licence fee is self-assessed by the licensee under subsection (1), a regulation may—

(a) prescribe the information the licensee is to provide to the commissioner about the self-assessment; and

(b) provide for the reassessment of the fee by the commissioner.

(3) Fees payable in respect of a permit are as prescribed by regulation.

202A Concessional base licence fee for particular licences in very remote Australia

(1) This section applies in relation to the licence fee payable for a licence for a licence period if—

(a) the licence is—

(i) a commercial hotel licence; or

(ii) a community club licence for a club with 2,000 members or less; and

(b) the main premises under the licence are in very remote Australia.

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(2) A fee regulation must provide for the base licence fee to be assessed at the rate of 10% of the base licence fee that would apply if—

(a) the main premises under the licence were not in very remote Australia; and

(b) for a licence mentioned in subsection (1)(a)(ii)—the licence were a commercial hotel licence.

(3) In this section—

base licence fee, for a licence—

(a) means the amount included in the licence fee for the licence under a fee regulation because of the licence type; and

(b) does not include an amount included in the licence fee for the licence under a fee regulation—

(i) because 1 or more detached bottle shops are approved for the licence; or

(ii) for any other reason.

Examples of other reasons an amount may be included in a licence fee under a fee regulation—

- the licensee holds an extended trading hours approval for the licensed premises
- the licence authorises the licensee to trade after 12a.m.
- an infringement notice for a particular offence under the Act was served on the licensee

fee regulation means a regulation under section 202(1).

main premises, under a licence, means the licensed premises other than—

(a) for a commercial hotel licence—a detached bottle shop; or

(b) for a community club licence—premises mentioned in section 77(2).

very remote Australia, in relation to a licence period, means the area that is, on the first day of the licence period—

(a) the area classified under that name in the document titled 'Australian Statistical Geography Standard, Volume 5—Remoteness Structure', as published by the Australian Bureau of Statistics on its website and in force from time to time; or

(b) if there is no document mentioned in paragraph (a) in force—an area, prescribed by regulation, that is classified on a corresponding basis under another document that measures the relative remoteness of areas of Australia published by the Australian Bureau of Statistics.

203 Filing of returns

(1) A licensee must, within 21 days after the end of a licence period, file with the commissioner a return in relation to all liquor purchased, or otherwise obtained, for the licensed premises during the licence period.

Maximum penalty—25 penalty units.

(2) However, subsection (1) does not apply to a licensee if the commissioner is satisfied, and gives written notice to the licensee that, the licensee need not file a return under subsection (1), having regard to the principal activity, and the nature and extent, of the business conducted under the licence.

(3) Also, the licensee under a producer/wholesaler licence must, within 21 days after the end of a licence period, file with the commissioner a return in relation to—

(a) all liquor sold under authority of the licence during the licence period; and

(b) promotional events attended by the licensee during the licence period.

Maximum penalty—25 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(4) Further, the licensee under an artisan producer licence must, within 21 days after the end of a licence period, file with the commissioner a return in relation to—

(a) all liquor sold under authority of the licence during the licence period; and

(b) all liquor produced under authority of the licence during the licence period; and

(c) if the licensee is a corporation—

(i) the ownership of the licensee; and

(ii) the owner's production, if any, of liquor; and

(d) promotional events attended by the licensee during the licence period.

Maximum penalty—25 penalty units.

(5) A return under subsection (1), (3) or (4) must contain the particulars, and be accompanied by the documents, prescribed under a regulation.

(6) If the commissioner is not satisfied a return filed by a licensee under subsection (1), (3) or (4) is accurate, the commissioner may, by written notice given to the licensee, require the licensee to file with the commissioner a further return of the same type, certified to be accurate by the person responsible for auditing the accounting records of the business conducted under the licence.

(7) A person given a notice under subsection (6) must comply with the notice within the time stated in the notice.

Maximum penalty for subsection (7)—25 penalty units.

208 Payment of fees

(1) The fee in respect of a permit is due and payable to the department on the day application for the permit is made.

(2) A fee payable in relation to a licence is payable to the department on the day prescribed under a regulation.

(3) A regulation may make provision for—

(a) the consequences of failing to pay a fee mentioned in subsection (2); and

(b) the application by a person to the tribunal, and the powers of the tribunal, in relation to the failure to pay the fee.

209 Payment of fees by instalments

(1) Subsection (2) applies if the commissioner is satisfied a licensee is unable to pay in full, on the day prescribed under a regulation, the fee payable in relation to a licence because—

(a) the business conducted under authority of the licence has been adversely affected by a natural disaster; or

(b) the licensee has suffered a personal or financial hardship.

(2) Despite section 208(2), the commissioner may accept payment of the fee under a schedule of instalments decided by the commissioner.

(3) If the licensee pays the fee in accordance with the schedule of instalments—

(a) the licensee is taken to have paid the fee by the day prescribed for section 208(2); and

(b) the consequences of failing to pay the fee, provided for under a regulation, do not apply to the licensee.

215 Refund of fee

If the commissioner—

(a) accepts a surrender of a licence or permit; or

(b) cancels a licence or permit;

in respect of which a fee has been paid for any period subsequent to the date of surrender or cancellation, a refund

Not authorised—indicative only

Not authorised—indicative only

must be made to, or as directed by, the former licensee or permittee of the portion of the fee that is proportionate to the unexpired period for which the fee has been paid.

216 Unpaid fees a debt to State

An amount due and payable to the department as a fee payable in respect of a licence or permit is a debt due and payable to the State by the licensee, permittee or other person liable for payment.

217 Records to be kept by licensee

(1) A licensee must make and maintain a true and up-to-date record of all transactions (a ***transactions record***) made by or on behalf of the licensee that involve—

(a) the purchase or other acquisition of liquor by or for the licensee; or

(b) the sale or supply of liquor by or on behalf of the licensee.

Maximum penalty—350 penalty units.

(1A) Also, a licensee under an artisan producer licence must make and maintain a true and up-to-date record (a ***production record***) of volumes of liquor produced by the licensee.

Maximum penalty—350 penalty units.

(2) A transactions record or production record—

(a) must be in a language and form acceptable to the commissioner; and

(b) must contain—

(i) the particulars prescribed by regulation; or

(ii) such of the prescribed particulars as are decided by the commissioner in relation to licences of a specified description; and

(c) must be kept, on the licensed premises to which it relates or in some other place approved by the commissioner for 6 years after the day on which the record is made, by the licensee by whom it is made or, if the licence has since been transferred, by the licensee to whom it is last transferred.

(3) A licensee must establish accounting records of a business conducted under authority of the licence that correctly record and explain the transactions and financial position of the business.

Maximum penalty—350 penalty units.

(4) The following persons must keep accounting records on the licensed premises to which they relate, or in some other place approved by the commissioner, for 6 years after the day on which the record is made—

(a) the licensee by or for whom the records are made;

(b) if the licence has since been transferred—the licensee to whom it was last transferred.

(4A) A permittee under a craft beer producer permit (a ***producer***) must make and maintain a correct and up-to-date record (a ***promotional events record***) of each promotional event at which the producer—

(a) sells, to persons at the event, craft beer produced by the producer for consumption away from the event including, for example, by taking or receiving, or causing or permitting an agent or employee to take or receive, orders for the producer's craft beer; or

(b) sells, to persons at the event, craft beer produced by the producer for the purpose of sampling the craft beer.

Maximum penalty—350 penalty units.

(4AA) A permittee under an artisan spirits producer permit (also a ***producer***) must make and maintain a correct and up-to-date record (also a ***promotional events record***) of each promotional event at which the producer—

Not authorised—indicative only

Not authorised—indicative only

(a) sells, to persons at the event, artisan spirits produced by the producer for consumption away from the event including, for example, by taking or receiving, or causing or permitting an agent or employee to take or receive, orders for the producer's artisan spirits; or

(b) sells, to persons at the event, artisan spirits produced by the producer for the purpose of sampling the artisan spirits.

Maximum penalty—350 penalty units.

(4B) A promotional events record must—

(a) be in a language and form acceptable to the commissioner; and

(b) include the written consent, mentioned in section 103W(1) or 103ZB(1), for the promotional event; and

(c) be kept, at the producer's craft brewery or artisan distillery or in another place approved by the commissioner, for 6 years after the day on which the record is made, by the producer or, if the craft brewery or artisan distillery is no longer operated by the producer, by the operator of the craft brewery or artisan distillery.

(5) A licensee commits an offence if—

(a) the licensee's transactions record or production record is not kept as required by subsection (2); or

(b) the licensee's accounting records are not kept as required by subsection (4); or

(c) the producer's promotional events records are not kept as required by subsection (4B).

Maximum penalty—350 penalty units.

(6) On a transfer of a business conducted under authority of a licence, the transferor must surrender to the transferee every record made and kept under this section relating to the business.

Maximum penalty—25 penalty units.

(7) The licensee who for the time being has possession or control of the record made and kept under this section must make it available for examination by an investigator on demand.

Maximum penalty—25 penalty units.

218 Powers of examination by investigator

(1) This section applies to—

(a) a licensee or a former licensee; and

(b) if a licensee is, or former licensee was, a corporation—the directors and shareholders, and former directors and shareholders, of the corporation.

(2) An investigator may, on reasonable notice, require a person to whom this section applies—

(a) to produce to the investigator, at a reasonable place stated in the notice, the following records of which the person has control—

(i) a record made and kept under section 217;

(ii) an accounting record or other record about the business conducted under authority of the licence; and

(b) to permit the investigator to examine the record and—

(i) to make copies of, or take extracts from, the record; or

(ii) if the investigator considers, on reasonable grounds, that it is necessary to remove the record to examine or copy it—to remove the record from the person's control.

(3) A person must comply with a requirement under subsection (2) unless the person has a reasonable excuse.

Maximum penalty—25 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(4) While an investigator has custody or control of a record removed under subsection (2)—

(a) section 217(2)(c) is taken to be complied with; and

(b) the investigator must permit, at all reasonable times—

(i) inspection of the record; and

(ii) the making of additions to the record;

by a person who, if the record had not been removed, would be entitled to inspect the record or make the additions.

(5) The investigator who has removed a record under subsection (2) must, as soon as is practicable after the removal—

(a) examine, and if the investigator considers it necessary, copy the record; and

(b) return it to the person from whom it was removed.

220 Payments into consolidated fund

Payments received by the commissioner for all fees and charges under this Act must be paid into the consolidated fund.

Part 10 Miscellaneous provisions

224 Liquor accord

(1) Any 2 or more interested persons may be parties to a liquor accord for a locality in which licensed premises are situated.

(2) In this section—

liquor accord, for a locality, means an agreement, memorandum of understanding or other arrangement entered into for the purposes of—

(a) promoting responsible practices in relation to the sale and supply of liquor at licensed premises situated in the locality; and

(b) minimising harm caused by alcohol abuse and misuse and associated violence in the locality; and

(c) minimising alcohol-related disturbances, or public disorder, in the locality.

224A Authorisation for purposes of Competition and Consumer Act 2010 (Cwlth)

(1) This section applies if—

(a) a liquor accord includes a term that has the effect of being a price control or supply control; or

(b) a local board for a safe night precinct adopts a local initiative that has the effect of being a price control or supply control.

(2) The parties to the liquor accord, or the local board, may apply to the commissioner to register the liquor accord or the local initiative.

(3) The application must be made in a way approved by the commissioner.

(4) The commissioner must consider the application and decide whether to register the liquor accord or local initiative.

(5) If the only price controls and supply controls in the liquor accord or local initiative are mirror controls, the commissioner must register the liquor accord or local initiative.

(6) If any price control or supply control in the liquor accord or local initiative is not a mirror control, the commissioner may register the liquor accord or local initiative only if satisfied the price control or supply control is appropriate for reducing, and proportionate to, the alcohol-related problems it is intended to reduce.

Not authorised—indicative only

Not authorised—indicative only

(7) In deciding whether to register a liquor accord or local initiative, the commissioner must have regard to guidelines made under section 42A.

(8) The commissioner must de-register a liquor accord or local initiative registered under this section if—

(a) the commissioner is no longer satisfied a price control or supply control included in the liquor accord or local initiative is—

(i) appropriate for reducing the alcohol-related problems intended to be reduced by the control; or

(ii) proportionate to the alcohol-related problems intended to be reduced by the control; or

(b) the liquor accord or local initiative is amended to include a price control or supply control that is not a mirror control.

(9) If a liquor accord or local initiative registered under this section is amended to include or change a price control or supply control, the parties to the liquor accord, or the local board, must give the commissioner written notice of the amendment in a way approved by the commissioner.

(10) Entry by a person into a liquor accord or adoption of a local initiative, and any conduct of a person done for the purpose of promoting or giving effect to the terms of a liquor accord or a local initiative, are authorised by this Act for the *Competition and Consumer Act 2010* (Cwlth), section 51(1)(b) and the Competition Code of Queensland.

(11) However, the authorisation under subsection (10) applies—

(a) only while the liquor accord or local initiative is registered under this section; and

(b) only to the extent the liquor accord or local initiative regulates the supply of liquor.

(12) If the commissioner approves a way for making an application or providing information under this section, the commissioner

must publish the details of the approved way on the department's website.

(13) In this section—

alcohol-related problems means—

(a) harm caused by alcohol abuse and misuse and associated violence; and

(b) alcohol-related disturbances, or public disorder, in a locality.

liquor accord see section 224(2).

local initiative, of a local board for a safe night precinct, means a resolution, rule or arrangement adopted by the board.

mirror control means a price control or supply control that is enforced under this Act.

price control means a term of an agreement, memorandum of understanding or other arrangement that imposes a minimum sale price for a specific volume of liquor.

Example—

setting a minimum price for 1 standard drink

supply control means a term of an agreement, memorandum of understanding or other arrangement that prohibits the way liquor can be supplied.

Example—

restricting the supply of particular products based on the volume or strength of liquor contained in the product

225 Additional time for consumption or removal of liquor

A licence or permit that authorises—

(a) the sale of liquor, during any period, for consumption on licensed premises; or

(b) the sale of liquor, during any period, for consumption off licensed premises;

Not authorised—indicative only

Not authorised—indicative only

also authorises—

(c) consumption on the premises of liquor supplied on a sale mentioned in paragraph (a); and

(d) removal from the premises of liquor supplied on a sale mentioned in paragraph (b);

within 30 minutes after the end of the period during which the sale is made.

226 Contravention of conditions of licences etc.

A person who contravenes a condition specified in—

(a) a licence or permit; or

(b) a temporary authority granted under section 125(1)(b); or

(c) an authority given under section 131A(2); or

(d) a car park approval;

commits an offence against this Act.

Maximum penalty—

(a) if the licensed premises or premises to which the licence, permit, temporary authority or authority relates is in a restricted area—

(i) for a first offence—500 penalty units; or

(ii) for a second offence—700 penalty units or 6 months imprisonment; or

(iii) for a third or later offence—1,000 penalty units or 18 months imprisonment; or

(b) if paragraph (a) does not apply—40 penalty units.

227 Payment of penalties to consolidated fund

Amounts recovered by way of penalty for an offence must be paid to the consolidated fund.

228 Suspension of licence for offences concerning minors and other persons

(1) If, within a period of 2 years, 2 convictions are recorded against the holder of a licence for offences consisting of contraventions of—

(a) section 155(3A); or

(b) section 156(1) or (2);

(whether for the same or different offences) the licence that relates to the premises on or from which the latest of the offences was committed, if it is still held by, or under the control of, the licence holder, is suspended.

(2) As soon as practicable after the second conviction is recorded, the commissioner must give the holder of the licence written notice of the suspension.

(3) The suspension—

(a) takes effect immediately the notice is given to the holder of the licence; and

(b) continues until—

(i) the end of 60 days after the day the notice is given; or

(ii) if an earlier day is stated in the notice—the end of the earlier day.

(4) The notice must state the reasons for the suspension.

228A Disqualification from holding licence or permit on conviction of certain offences

(1) A person is disqualified from holding a licence or permit on the person's second or later conviction of an unlicensed sales offence.

(2) The person remains disqualified for the following period—

Not authorised—indicative only

Not authorised—indicative only

(a) if the conviction was the person's second conviction of an unlicensed sales offence—5 years from the date of the conviction;

(b) if the conviction was the person's third or later conviction of an unlicensed sales offence—10 years from the date of the conviction.

(3) To remove doubt, it is declared that, in deciding for this section whether a conviction is a second, third or later conviction of an unlicensed sales offence, an expired conviction of an unlicensed sales offence must not be counted.

(4) In this section—

expired conviction means a conviction—

(a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired; and

(b) that has not been revived under that Act.

unlicensed sales offence means an offence against section 169 or 171.

228C Inconsistency with authority to sell craft beer or artisan spirits and authority under commercial special facility licence

(1) This section applies if—

(a) the sale of craft beer or artisan spirits to persons at a promotional event is authorised under any of the following—

(i) a producer/wholesaler licence;

(ii) an artisan producer licence;

(iii) a craft beer producer permit;

(iv) an artisan spirits producer permit; and

(b) sale or supply of liquor at the event is also authorised under a commercial special facility licence; and

(c) there is an inconsistency between the authority mentioned in paragraph (a) and the authority mentioned in paragraph (b).

(2) The commercial special facility licence prevails to the extent of the inconsistency.

Example—

A promotional event is held at a venue that is the subject of a commercial special facility licence. Sale and supply of liquor at the event is authorised under that licence. The holder of a producer/wholesaler licence is also authorised under that licence to sell or supply the holder's craft beer to persons at the event.

A condition imposed on the commercial special facility licence states the total volume of liquor that may be sold to each person at a promotional event is 4 litres. A condition imposed on the holder's producer/wholesaler licence states the total volume of the licensee's craft beer that may be sold to each person at a promotional event is 8 litres.

Despite the condition imposed on the holder's licence, the holder may sell only a total of 4 litres of the holder's craft beer to each person at a promotional event.

229 Liability for certain offences against Act

(1) Despite section 7 or 23 of the Criminal Code, if an offence against section 155, 156, 157 or 161 is committed by a person as agent or employee, the principal or employer is presumed to have participated in the offence, may be charged with actually committing the offence and, subject to subsection (2), may be punished for the offence.

(2) It is a defence to a charge made against a person under subsection (1) that—

(a) the offence happened without the defendant's knowledge or authority; and

(b) the defendant had exercised due diligence to avoid the commission of the offence.

Not authorised—indicative only

Not authorised—indicative only

230 Defence to charge if age material

(1) If the age of a person is material to a charge of an offence against this Act, it is a defence to prove that, at the time of the offence, the defendant (if the defendant is the actual offender) or an agent or employee (if the defendant is charged merely because of being principal or employer of the actual offender)—

(a) honestly and reasonably believed that the person whose age is material to the offence had attained 18 years; or

(b) had sighted acceptable evidence of age of the person whose age is material to the offence that indicated the person had attained 18 years;

and the operation of section 24 of the Criminal Code is excluded.

(2) Evidence that the defendant (if the defendant is the actual offender) or an agent or employee (if the defendant is charged merely because of being principal or employer of the actual offender) did not request the person whose age is material to the offence to produce acceptable evidence of age is evidence that any belief that the person had attained 18 was not reasonable.

231 False or misleading statements

(1) A person must not—

(a) state anything for this Act that the person knows is false or misleading in a material particular; or

(b) omit from a statement made for this Act anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—100 penalty units or 6 months imprisonment.

(2) It is enough for a complaint against a person for an offence against subsection (1)(a) or (b) to state that the statement made was false or misleading to the person's knowledge.

231A False, misleading or incomplete documents

(1) A person must not give a document for this Act containing information the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—100 penalty units or 6 months imprisonment.

Example—

a minor knowingly using a forged driver licence or a licence belonging to someone else

(2) Subsection (1) does not apply to a person who, when giving the document—

(a) informs the person to whom the document is given, to the best of the person's ability, how it is false, misleading or incomplete; and

(b) if the person giving the document has, or can reasonably obtain, the correct information—gives the correct information.

(3) It is enough for a complaint against a person for an offence against subsection (1) to state that the document was false, misleading or incomplete to the person's knowledge.

231B Impersonation of investigator

A person must not pretend to be an investigator.

Maximum penalty—200 penalty units.

232 Summary proceedings for offences

Proceedings for an offence against this Act are to be taken in a summary way under the *Justices Act 1886*.

Not authorised—indicative only

Not authorised—indicative only

232B Police commissioner to give information to commissioner

(1) This section applies to a conviction of a person in relation to premises to which a licence or permit relates for an offence against—

(a) section 151A(1); or

(b) a racing offence provision.

(2) The police commissioner must give the commissioner written notice of the particulars of the conviction.

233 Evidentiary provisions

(1) In a proceeding under this Act, a signature purporting to be the signature of the commissioner is evidence of the signature it purports to be.

(2) Also, in a proceeding under this Act—

(a) a copy of, or extract from, an entry in the register, bearing a certificate purporting to be that of the commissioner stating that it is a true copy of, or extract from, the register is admissible as evidence of the entry in the register; and

(b) a copy of—

(i) a licence or permit; or

(ii) an endorsement on a licence;

bearing a certificate purporting to be that of the commissioner stating that it is a true copy of the licence or permit or the endorsement is admissible as evidence of the original licence or original endorsement; and

(ba) a copy of a certificate signed by a doctor or authorised police officer under the *Transport Operations (Road Use Management) Act 1995*, section 80(15) as applied in relation to a person suspected of committing a relevant assault offence under the *Police Powers and Responsibilities Act 2000*, chapter 18A, is admissible as

evidence of the concentration of alcohol present in the blood or breath of the person the subject of the certificate; and

(c) an averment or allegation in a complaint of an offence against this Act that—

(i) a person specified has not, or had not at a material time, attained 18 years; or

(ii) a machine, apparatus or device is capable of being used for betting or gaming; or

(iii) a specified art union or lottery was not authorised by law at a material time; or

(iv) the offence was committed on Good Friday;

is sufficient proof of the truth of the averment or allegation until the contrary is proved; and

(d) if a statement of the results of the analysis of a fluid includes a certificate purporting to be the certificate of a State analyst under the *Medicines and Poisons Act 2019* stating that the statement is a true statement of the results of the analysis—the statement that the fluid is liquor is evidence of the results of the analysis; and

(e) if in a statement in a complaint for an offence against this Act it is claimed that the offence happened on licensed premises and a fluid was liquor—the statement is evidence that the fluid was liquor; and

(f) if in a statement in a complaint for an offence against this Act it is claimed that the offence happened off licensed premises and a fluid was packed in a container of a type that usually holds liquor—the statement is evidence that the fluid was liquor.

(3) In addition, in a proceeding under this Act, a certificate signed by the commissioner stating any of the following matters is evidence of the matter—

(a) on a stated date, a stated person was or was not the holder of a licence or permit;

Not authorised—indicative only

Not authorised—indicative only

(b) on a stated date, a stated place was or was not, in a restricted area;

(c) the conditions of a restricted area permit;

(d) a notice complying with section 173J(2) was, at a stated time, erected or displayed at a place mentioned in section 173J(1)(c).

233A Use of code in proceedings

(1) This section applies in a proceeding for an offence against this Act or another Act.

(2) A document purporting to be the code is admissible as evidence of the code.

234 Service of documents

(1) Without limiting the ways by which a document may be served, a document to be given for the purposes of this Act to a licensee or permittee may be given—

(a) by leaving it with a person who appears to be in charge of the premises to which the licence or permit relates; or

(b) by affixing it to some conspicuous place on the premises to which the licence or permit relates.

(2) Service of a document given under subsection (1) or transmitted by telex, facsimile or electronic means is taken to have been effected at the time when it is so given or transmitted unless the contrary is proved.

234A Approval of forms

The commissioner may approve forms for use under this Act.

235 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made with respect to—

(a) requirements in respect of an application made to the commissioner; and

(b) obligations of holders of licences or permits, or holders of particular licences or permits; and

(c) fees, including the refunding of fees, for this Act; and

(d) particulars to be given for the purposes of this Act; and

(e) the consumption or possession of liquor in a public place; and

(f) the circumstances in which the commissioner may grant a community liquor permit; and

(g) the circumstances in which, and purposes for which, the commissioner may grant a restricted area permit; and

(h) the circumstances in which the commissioner may approve premises mentioned in section 60(1)(d) and the conditions the commissioner may impose on the approval; and

(i) the monitoring by local governments of the use of sections 173A to 173E; and

(j) encouraging responsible practices in the service, supply and promotion of liquor; and

(k) advertising in relation to adult entertainment; and

(l) the requirements for event management plans for the conduct of public events; and

(m) the requirements for management plans for the conduct of an establishment under an adult entertainment permit; and

(n) the limits for noise coming from licensed premises.

Not authorised—indicative only

Not authorised—indicative only

(3) A regulation may be made—

(a) creating offences against the regulation; and

(b) fixing a maximum penalty of a fine of 40 penalty units for an offence against the regulation.

(4) If a provision of this Act empowers a regulation to prescribe, for a particular purpose, a class of licence, licensee, licensed premises, permit, permittee or premises to which a permit relates, the regulation may prescribe a class by reference to any of the following—

(a) a particular type of licence or permit;

(b) the times at which liquor may be sold on premises under this Act;

(c) the principal activity of a business conducted on licensed premises;

(d) another appropriate matter.

Part 11 Transitional provisions

Division 1 General

236 Object of part

The object of this part is to provide for transition from the repealed Act to the current Act.

237 Interpretation

In this part—

Commission means the Licensing Commission constituted under the repealed Act.

Court means the Licensing Court constituted under the repealed Act.

current Act means this Act (other than this part).

licence includes a licence within the meaning of the repealed Act.

licensed premises includes licensed premises within the meaning of the repealed Act.

licensee includes a licensee within the meaning of the repealed Act.

permit includes a permit granted under the repealed Act.

proclaimed day means the day of commencement of this part.

repealed Act means the *Liquor Act 1912*.

Division 2 Transitional provisions

238 Completion of proceedings in the Court

(1) Subject to subsections (2) and (3), a proceeding that—

(a) has been started in the Court; and

(b) has not been completed;

before the proclaimed day may be completed by the Court as if this Act had not been enacted, and for this purpose the Court's jurisdiction conferred by the repealed Act is preserved.

(2) A proceeding to which subsection (1) applies may, with the applicant's consent, be finished by the chief executive as if the chief executive were the Court.

(3) Subsection (1) does not apply to a proceeding whose completion requires only that the Court approve of compliance with conditions ordered by the Court to be fulfilled before a licence or permit is to be issued to a particular applicant.

(4) If, in a proceeding to which subsection (1) applies, a decision or an order is to be made for issue of a licence or permit, the

Not authorised—indicative only

Not authorised—indicative only

decision or order must be for the issue of a licence under this Act that corresponds to a licence or permit applied for in the proceeding.

(5) A proceeding mentioned in subsection (3) may be continued before the chief executive, who may grant or withhold approval as if the chief executive were the Court.

(6) A proceeding continued before the chief executive is subject to part 2, division 3.

(7) This section stops applying on 30 June 2003.

238A Disposal of applications for removal

(1) An application for removal of a licence under section 49A of the repealed Act, that had not been disposed of before the proclaimed day, may be continued and disposed of as if the chief executive were the Commission.

(2) To remove any doubt, it is declared that—

(a) since the proclaimed day, the chief executive has had power to perform the functions performed by the Commission under the repealed Act; and

(b) the Court's power under the repealed Act to order that a licence be removed has continued under this part.

Example of subsection (2)(a)—

The chief executive has power to decide whether there is a public need in the locality to which it is proposed to remove a licence on application for removal of the licence under the repealed Act.

(3) This section stops applying on 30 June 2003.

239 Termination of Court

(1) On completion of all proceedings to which section 238(1) or 238A applies, the Court ceases to exist.

(2) If the Court has not ceased to exist under subsection (1) by 30 June 2003, it ceases to exist on that day.

241 Disposal of applications made to Commission

(1) An application for a permit or for an approval under section 5(vi) of the repealed Act that has not been disposed of before the proclaimed day may be continued before, and be disposed of by, the chief executive.

(2) A proceeding before the chief executive on an application mentioned in subsection (1) is subject to part 2, division 3.

(3) A decision that an application mentioned in subsection (1) be granted must be for the grant of—

(a) a licence under the current Act that corresponds to the permit or approval applied for; or

(b) if no licence so corresponds—a general purpose permit.

(4) This section stops applying on 30 June 2003.

242 Table of corresponding licences

A licence specified in the following table, column 1 is the licence under the current Act that corresponds to a licence or permit under the repealed Act specified in column 2 opposite the reference to the first licence—

Table

Column 1 Corresponding licence	Column 2 Licence or permit under repealed Act
general licence	licensed victualler's licence
	tavern licence
	canteen licence
	spirit merchant's (retail) licence
residential licence	limited hotel licence
	resort licence

Not authorised—indicative only

Not authorised—indicative only

Column 1 Corresponding licence	Column 2 Licence or permit under repealed Act
on-premises licence	restaurant licence
	cabaret licence
	function room licence
	bistro licence
	cultural centre licence
	tourist park licence
	theatre licence
	airport licence
	packet licence
	railway refreshment room licence
	college or institutional approval under section 5(vi)
producer/wholesaler licence	spirit merchant's licence
club licence	golf club licence
	bowling club licence
	registered club licence
	ex-servicemen's club licence
	principal sporting club licence
	workers' club licence
special facility licence	public facility licence
	casino licence
	historic inn licence
limited licence	caterer's licence
	canteen permit under section 5(iv) or (v)
	vigneron-vintner's licence

243 Continuance of existing licences

(1) A licence that has been issued under the repealed Act, and has not been surrendered or cancelled before the proclaimed day, continues in force and is taken to be a licence under the current Act that corresponds to it.

(2) Until a licence continued in force by subsection (1) is reviewed by the chief executive (on application of the licensee or on the chief executive's own initiative) it remains subject to the terms and conditions to which it is subject at the proclaimed day.

243A Variation of general licence (previously spirit merchant's (retail) licence)

If the holder of a general licence, that before the proclaimed day was held as a spirit merchant's (retail) licence, applies to the chief executive to vary the conditions of the licence, the chief executive may require the applicant to satisfy the requirements of sections 116 and 219 of the current Act as if the applicant were an applicant for a general licence.

244 Continuance of existing permits

(1) A permit that has been issued under the repealed Act and has not expired, or been surrendered or cancelled, before the proclaimed day—

(a) if it is a permit under section 75 of the repealed Act or of limited duration—continues in force until it expires or is earlier surrendered or cancelled; and

(b) if it is another permit—continues in force for 6 months after the proclaimed day or until it is earlier surrendered or cancelled.

(2) A term or condition of a permit under section 75 of the repealed Act that requires a place to be used for a particular purpose ceases to have effect.

Not authorised—indicative only

Not authorised—indicative only

(3) A permit continued in force under subsection (1)(a) remains in force only until the review of the licence under section 247.

(4) An extended hours permit that extends hours beyond 3a.m., or an extension of hours for a licence beyond 3a.m., in force on the day the *Liquor Amendment Act (No. 2) 1994* commenced, expires on 31 March 1995.

(5) Subsection (4) does not apply to a special facility licence or a limited licence.

246 Continuance of business of spirit merchant

Despite the provisions of the current Act, it is lawful for a person who at the proclaimed day holds a producer/wholesaler licence that before the proclaimed day was held as a spirit merchant's licence to sell liquor under authority of the licence as conferred immediately before the proclaimed day, subject to—

(a) the terms and conditions specified in the licence; and

(b) the relevant provisions of the repealed Act, which for this purpose are to be taken as continuing in force;

until—

(c) transfer of the licence; or

(d) if the holder of the licence is a body corporate—a change in the beneficial ownership of the controlling interest in the holder.

247 Review of licences

(1) The chief executive must review every licence that is in force at the proclaimed day with a view to ensuring that—

(a) the terms and conditions to which the licence is subject are not inconsistent with the current Act; and

(b) the licence is endorsed with all terms and conditions considered by the chief executive as appropriate to be

determined and specified in the licence consequent on the enactment of this part.

(2) If the chief executive considers that the conditions of a resort licence issued under the repealed Act, and taken to be a residential licence under section 243, are more appropriate to a general licence or special facility licence under the current Act, the licence is taken to be the licence under the current Act to which the chief executive considers its conditions are more appropriate.

(3) Subsection (1)(a) does not apply to a term or condition varying or extending hours under section 17A of the *Liquor Regulation 1955*.

(4) For the purpose of reviewing a licence under subsection (1), the chief executive may direct the licensee to produce the licence to the chief executive within a specified reasonable period.

(5) A person must not, without reasonable excuse, contravene a direction under subsection (4).

Maximum penalty for subsection (5)—25 penalty units.

248 Enforcement of orders etc. under repealed Act

(1) Every—

(a) order of the Court; or

(b) direction or requisition;

made or issued under the repealed Act, and not complied with before the proclaimed day, continues in force until it is complied with, and is taken to be an order of the chief executive, or a requisition of an investigator, made or issued under the current Act.

(2) A person must not, without reasonable excuse, contravene an order, direction or requisition mentioned in subsection (1).

Maximum penalty for subsection (2)—25 penalty units.

Not authorised—indicative only

Not authorised—indicative only

249 Recovery of outstanding amounts

All amounts due and payable under or for the purposes of the repealed Act at or after the proclaimed day are debts due and payable to the State.

249A Apportionment of licence fees under s 18B of repealed Act

(1) Despite the repeal of the repealed Act and subject to subsections (3) and (5), section 18B of the repealed Act continues to apply to every case to which it applied under the repealed Act immediately before the proclaimed day as if the section had not been repealed.

(2) In applying section 18B of the repealed Act under this section—

(a) a reference to a licensed victualler under the repealed Act—

(i) is a reference to the holder of a licence under this Act that corresponds under section 242 to a licensed victualler's licence, or a licence that was taken to be a licensed victualler's licence, under the repealed Act; and

(ii) includes a reference to the holder of any licence under the repealed Act to which section 18B applied, or was taken to have applied, immediately before the proclaimed day; and

(b) a reference to licensed premises under the repealed Act is a reference to licensed premises under this Act; and

(c) a reference to a licensed victualler's licence under the repealed Act—

(i) is a reference to a licence under this Act that corresponds under section 242 to a licensed victualler's licence, or a licence that was taken to be a licensed victualler's licence, under the repealed Act; and

(ii) includes a reference to any licence under the repealed Act to which section 18B applied, or was taken to have applied, immediately before the proclaimed day; and

(d) a reference to a fee payable under the repealed Act is a reference to a fee payable in respect of a licence under this Act; and

(e) all other necessary changes are taken to be made.

(3) The rights that a person has because of subsection (1)—

(a) cease when the term (including a further term arising under the exercise of an option of renewal) of the person's lease, agreement for lease or other tenancy agreement relating to the licensed premises, and in force immediately before the proclaimed day, expires or is lawfully terminated, whichever happens first; and

(b) if the licence concerned is transferred under section 113—are, subject to paragraph (a), exercisable by the transferee.

(4) Subsection (3)(a) does not affect the enforcement of any right that a person has under this section if the right accrued before the expiry or termination.

(5) Subsection (1) does not apply to persons (and their transferees) who, between 1 July 1992 and the day of the introduction into the Legislative Assembly of the Bill for this Act—

(a) entered into an agreement; or

(b) varied a lease, agreement for lease or tenancy agreement;

relating to licensed premises to which subsection (1) would otherwise apply in a way that has the effect of providing for the adjustment between them of financial obligations that arise out of or relate to the apportionment of licence fees relating to licensed premises under section 18B of the

Not authorised—indicative only

Not authorised—indicative only

repealed Act or licence fees payable in relation to the premises under this Act.

250 Compensation for certain surrendered general licences

This Act, as in force immediately before the commencement of the *Liquor Amendment Act (No. 2) 1993*, continues to apply to a request to the chief executive to accept the surrender of a general licence if, before the commencement—

(a) the request was received; and

(b) section 250 as then in force applied to the request; and

(c) matters under the Act about the request were not finalised.

251 References to Liquor Act 1912

In an Act or document, a reference to the *Liquor Act 1912* is taken to be a reference to this Act.

Part 12 Further transitional and validation provisions

Division 1 Transitional provisions about restricted club licences for the Liquor Amendment Act (No. 2) 1994

252 Object of division

The object of this division is to provide a transition from restricted club licences to restricted club permits.

253 Continuance of existing licences

(1) A restricted club licence granted under repealed section 90, that has not expired or been surrendered or cancelled before the commencement, continues in force until it expires or is earlier surrendered or cancelled.

(2) The chief executive may, in writing, require the holder of a restricted club licence that has expired or been surrendered or cancelled to produce the licence to the chief executive.

Division 2 Transitional provisions for Liquor (Evictions, Unlicensed Sales and Other Matters) Amendment Act 1999

254 Meaning of *amending Act*

In this division—

amending Act means the *Liquor (Evictions, Unlicensed Sales and Other Matters) Amendment Act 1999*.

255 Transitional provision for amendment of s 169

(1) This section applies for deciding the penalty for an offence against section 169 committed by a person after the commencement.

(2) Another offence against section 169 committed by the person before the commencement must not be counted in deciding whether the offence mentioned in subsection (1) is a first, second, third or later offence against section 169.

(3) In this section—

commencement means the commencement of section 11 of the amending Act.

Not authorised—indicative only

Not authorised—indicative only

256 Transitional provision for amendment of s 171

(1) This section applies for deciding the penalty for an offence against section 171(1) committed by a person after the commencement.

(2) Another offence against section 171(1) committed by the person before the commencement must not be counted in deciding whether the offence mentioned in subsection (1) is a first, second, third or later offence against section 171.

(3) In this section—

commencement means the commencement of section 12 of the amending Act.

257 Transitional provision for amendment of s 173

(1) This section applies to a sale of liquor on unlicensed premises after the commencement.

(2) In deciding under section 173(2)(a) whether, during the 2 years before the sale, liquor has been sold on the premises on at least 3 other occasions, an occasion before the commencement must not be counted.

(3) In this section—

commencement means the commencement of section 13 of the amending Act.

258 Transitional provision for amendment of s 228A

(1) A person may be disqualified under section 228A only on conviction of an unlicensed sales offence committed after the commencement.

(2) However, a conviction of an unlicensed sales offence committed before the commencement, whether the conviction happens before or after the commencement, must be counted in deciding whether the conviction mentioned in subsection (1) is a second, third or later conviction of an unlicensed sales offence.

(3) Subsection (2) applies subject to section 228A(3).

(4) In this section—

commencement means the commencement of section 19 of the amending Act.

Division 3 Transitional provisions for Liquor Amendment Act 2001

259 Transitional provision for tribunal

(1) This section applies to an appeal started, but not decided, before the commencement of this section.

(2) The appeal is to be heard in the same way as it would have been if the *Liquor Amendment Act 2001* had not commenced.

260 Transitional provision for certain general licences

(1) This section applies to a licence that—

(a) immediately before the commencement of section 243 was a spirit merchant's (retail) licence and after the commencement of that section continued as a general licence that authorised only the sale of liquor for consumption off the premises; and

(b) was in force immediately before the commencement of this section.

(2) For section 58A(1), the primary purpose of the business conducted under the general licence is taken to be only selling liquor for consumption off the premises.

(3) Subsection (2) applies despite section 58A(3).

261 Transitional provision for applications under pt 5

(1) This section applies to an application made under part 5, but not decided, before the commencement of this section.

Not authorised—indicative only

Not authorised—indicative only

(2) Subject to subsections (3) and (4), the application must be decided as if the *Liquor Amendment Act 2001* had not commenced.

(3) Section 105(2) to (4) applies to the application as if the application had been made after the commencement of that section.

(4) If the application is an application for an extended hours permit that includes trading between 5a.m. and 7a.m., section 102B or 102C applies to the application as if the application had been made after the commencement of that section.

262 Transitional provision for temporary authority

(1) This section applies to a temporary authority granted before the commencement of this section that continues after the commencement.

(2) To remove doubt, it is declared that the temporary authority may be extended under section 125(4)(b) as if the authority were an authority granted after the commencement.

263 Continuation of notices under s 187

(1) This section applies if, immediately before the commencement of this section, a written notice under section 187(2) was in force for licensed premises in relation to noise coming from the premises or a utility area for the premises.

(2) On and after the commencement, the notice continues to have effect as if the noise were unreasonable noise under section 187(5) and the notice had been issued after the commencement.

264 Effect of s 85(1C) in relation to club licences

Section 85(1C) has effect in relation to a club licence even if, before the commencement of this section, the holder of the

licence could lawfully sell or supply liquor from a facility ordinarily known as a drive-in or drive-through bottle shop.

265 Review of licences

(1) The chief executive must review every licence that is in force on the commencement of this section to ensure that—

(a) the conditions to which the licence is subject are not inconsistent with the current Act; and

(b) the licence is endorsed with all conditions considered by the chief executive as appropriate to be decided and stated in the licence consequent on the enactment of the *Liquor Amendment Act 2001*.

(2) For reviewing a licence under subsection (1), the chief executive may, by written notice to a licensee, direct the licensee to give the licence to the chief executive within a stated reasonable time.

(3) The licensee must comply with the notice unless the licensee has a reasonable excuse.

Maximum penalty for subsection (3)—25 penalty units.

Division 4 Transitional provision for Indigenous Communities Liquor Licences Act 2002

266 Licence applications for community areas

(1) This section applies if—

(a) before the commencement of this section, an application was made for a licence or permit for premises in a community area of a council; and

(b) immediately before the commencement, the application had not been finalised.

Not authorised—indicative only

Not authorised—indicative only

(2) On and from the commencement, sections 188 to 191 continue to apply to the application as if they had not been repealed.

Division 5 Transitional provision for Liquor Amendment Act 2003

267 Dealing with particular application or nomination

(1) This section applies to an application for a licence or permit, and a nomination made under section 109(9), if the application or nomination is made, but not decided or accepted, before the commencement.

(2) Despite sections 107A, 107B and 109A, the application must be decided, and the nomination dealt with, under this Act as in force immediately before the commencement.

(3) In this section—

commencement means the commencement of this section.

Division 6 Transitional provisions for Liquor and Other Acts Amendment Act 2005

268 Definitions for div 6

In this division—

commencement means the day the provision in which the term is used commences.

post-amended Act means this Act as in force after the commencement.

pre-amended Act means this Act as in force before the commencement.

269 Dealing with nomination of nominee

(1) Subsection (2) applies if, on the commencement—

(a) a person has been nominated under section 109 or 115 of the pre-amended Act to be nominee for a licence; and

(b) the person—

(i) is not taken to be or has not become, under section 109, the nominee for the licence; and

(ii) is the holder of a licence for which there is no nominee under this Act.

(2) For the purposes of this Act—

(a) the person's nomination as nominee for the licence mentioned in subsection (1)(a) is taken to have been withdrawn; and

(b) section 109 of the post-amended Act applies in relation to the licence, including, for example, to the nomination of a person to be nominee for the licence.

(3) Subsection (4) applies if, on the commencement—

(a) a person has been nominated under section 131 of the pre-amended Act to be nominee for a licence; and

(b) the application, under section 129, for which the nomination was made has not been granted by the chief executive; and

(c) the person is the holder of a licence for which there is no nominee under this Act.

(4) For the purposes of this Act—

(a) the person's nomination as nominee for the licence mentioned in subsection (3)(a) is taken to have been withdrawn; and

(b) section 131 of the post-amended Act applies in relation to the licence, including, for example, to the nomination of a person to be nominee for the licence.

Not authorised—indicative only

Not authorised—indicative only

270 Particular person ceases to be nominee

(1) This section applies to a person who, on the commencement—

(a) is the nominee under this Act for a licence; and

(b) is the holder of a licence for which there is no nominee.

(2) On the commencement, the person ceases to be the nominee for the licence mentioned in subsection (1)(a).

271 Application for variation of particular licence

Despite section 118 of the post-amended Act, section 118 of the pre-amended Act continues to apply to an application for variation of a special facility licence or limited licence made and not decided before the commencement.

272 Application for renewal of extended hours permit

Despite section 121A of the post-amended Act, section 121A of the pre-amended Act continues to apply to an application for renewal of an extended hours permit made under section 121(6) of the pre-amended Act and not decided before the commencement.

273 Provisional licences continue in force

(1) This section applies to a provisional licence in force immediately before the commencement.

(2) The provisional licence remains in force for the relevant period for the development approval in relation to which the licence was granted.

(3) The provisional licence may be renewed under section 123B(2) of the post-amended Act whether or not it has been renewed under section 123B(2) of the pre-amended Act.

(4) This section applies despite—

(a) section 123B(3); and

(b) a time stated in the provisional licence under section 123(3)(b) of the pre-amended Act.

274 Provision about current training course certificates

(1) For the purposes of this Act, a person is taken to have a current training course certificate from the commencement if the person has a statement of attainment given to the person by a registered training organisation within 3 years before the commencement for successfully completing the unit of competency called THHBFB09B (Provide responsible service of alcohol) from the Hospitality (THH02) training package endorsed by ANTA.

(2) However, subsection (1) applies to a particular statement of attainment mentioned in the subsection only for 3 years after it was given to the person.

(3) In this section—

ANTA means the Australian National Training Authority established under the *Australian National Training Authority Act 1992* (Cwlth).

registered training organisation means a registered training organisation under the *Vocational Education, Training and Employment Act 2000*.

statement of attainment means a statement of attainment under the *Vocational Education, Training and Employment Act 2000*.

275 When particular conditions under pt 5, div 6 apply

(1) A condition mentioned in a following section does not apply to a licence or permit until 30 days after the commencement—

(a) section 142AG(b)(i) or (ii) or (c);

(b) section 142AK(1)(a) or (b).

(2) The condition mentioned in section 142AK(1)(c) does not apply to a licence or permit, in relation to a person who is a

Not authorised—indicative only

Not authorised—indicative only

member of staff of the licensed premises or premises to which the permit relates on the commencement, until 30 days after the commencement.

(3) This section applies despite part 5, division 6.

Division 7 Transitional provisions for Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Act 2008

Subdivision 1 General licence held by a local government, corporatised corporation or relevant public sector entity, other than the Torres Strait Island Regional Council

276 Definitions for sdiv 1

In this subdivision—

change day means 1 July 2008.

relevant licence see section 277.

277 Application of sdiv 1

This subdivision applies to a general licence (the ***relevant licence***) held immediately before the change day by a local government, corporatised corporation or relevant public sector entity, other than the Torres Strait Island Regional Council.

278 Lapsing of relevant licence

(1) The relevant licence lapses at the beginning of the change day.

(2) However, subsection (1) does not apply if the chief executive decides, under section 279(1), that the licence is to continue in force from the change day.

(3) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsection (1).

279 Continuation of relevant licence

(1) The chief executive must before the change day—

(a) decide whether the relevant licence is to continue in force from the change day; and

(b) if the chief executive decides that the licence is to continue in force from the change day—decide the day (the ***relevant day***), not later than 31 December 2008, until which the licence is to continue in force.

(2) In making the decisions mentioned in subsection (1), the chief executive must have regard to the following—

(a) any health and social impact on the relevant community of the licence continuing, or not continuing, in force;

(b) the availability of health and social services to deal with any health and social impact on the relevant community of the licence continuing, or not continuing, in force.

(3) If the chief executive decides that the licence is to continue in force, the chief executive must as soon as practicable give the licensee written notice of the decision and relevant day.

(4) If the chief executive decides that the licence is to continue in force, the licence continues in force until the relevant day and lapses at the end of that day.

(5) However, subsection (4) stops applying if the licence is surrendered or cancelled under this Act.

(6) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsections (1) and (4).

Not authorised—indicative only

Not authorised—indicative only

(7) In this section—

relevant community means the community of the locality in which the premises to which the licence relates are situated.

280 Application for the transfer of a relevant licence

(1) This section applies to an application, under section 113, for the transfer of a relevant licence that is not decided before the change day.

(2) The application lapses at the beginning of the change day.

(3) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsection (2).

281 No further application for the transfer of a relevant licence

(1) This section applies if the chief executive decides, under section 279(1), that a relevant licence is to continue in force.

(2) An application may not be made, under section 113, for the transfer of the licence.

(3) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsection (2).

Subdivision 2 General licence held by the Torres Strait Island Regional Council

282 Definitions for sdiv 2

In this subdivision—

change day means 1 July 2009.

relevant licence see section 283.

283 Application of sdiv 2

This subdivision applies to a general licence (the ***relevant licence***) held immediately before the change day by the Torres Strait Island Regional Council.

284 Lapsing of relevant licence

(1) The relevant licence lapses at the beginning of the change day.

(2) However, subsection (1) does not apply if the chief executive decides, under section 285(1), that the licence is to continue in force from the change day.

(3) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsection (1).

285 Continuation of relevant licence

(1) The chief executive must before the change day—

(a) decide whether the relevant licence is to continue in force from the change day; and

(b) if the chief executive decides that the licence is to continue in force from the change day—decide the day (the ***relevant day***), not later than 31 December 2009, until which the licence is to continue in force.

(2) In making the decisions mentioned in subsection (1), the chief executive must have regard to the following—

(a) any health and social impact on the relevant community of the licence continuing, or not continuing, in force;

(b) the availability of health and social services to deal with any health and social impact on the relevant community of the licence continuing, or not continuing, in force.

(3) If the chief executive decides that the licence is to continue in force, the chief executive must as soon as practicable give the licensee written notice of the decision and relevant day.

Not authorised—indicative only

Not authorised—indicative only

(4) If the chief executive decides that the licence is to continue in force, the licence continues in force until the relevant day and lapses at the end of that day.

(5) However, subsection (4) stops applying if the licence is surrendered or cancelled under this Act.

(6) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsections (1) and (4).

(7) In this section—

relevant community means the community of the locality in which the premises to which the licence relates are situated.

286 Application for the transfer of a relevant licence

(1) This section applies to an application, under section 113, for the transfer of a relevant licence that is not decided before the change day.

(2) The application lapses at the beginning of the change day.

(3) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsection (2).

287 No further application for the transfer of a relevant licence

(1) This section applies if the chief executive decides, under section 285(1), that a relevant licence is to continue in force.

(2) An application may not be made, under section 113, for the transfer of the licence.

(3) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsection (2).

Division 8 Transitional provisions for Liquor and Other Acts Amendment Act 2008

288 Definitions for div 8

In this division—

column 1 licence see section 289(1).

column 1 permit see section 290(1).

column 2 licence see section 289(2).

column 2 permit see section 290(2).

commencement means commencement of this section.

post-amended Act means this Act as in force immediately after the commencement.

pre-amended Act means this Act as in force before the commencement.

289 Existing licences

(1) This section applies to a person who, immediately before the commencement, held under the pre-amended Act a licence mentioned in column 1 of the following table (a ***column 1 licence***)—

Table

Column 1	Column 2
general licence	commercial hotel licence
special facility licence	commercial special facility licence
residential licence	subsidiary on-premises licence

Not authorised—indicative only

Not authorised—indicative only

Column 1	Column 2
on-premises licence	subsidiary on-premises licence
producer/wholesaler licence	producer/wholesaler licence
limited licence relating to an activity, matter or service under section 94A of the pre-amended Act that is a canteen	industrial canteen licence
limited licence relating to an activity, matter or service under section 94A of the pre-amended Act other than a canteen	subsidiary off-premises licence
club licence	community club licence.

(2) The person is taken to be the holder of a licence mentioned in column 2 of the table (a ***column 2 licence***) shown opposite the column 1 licence.

(3) If the column 1 licence held by the person immediately before the commencement was subject to a condition, the column 2 licence the person is taken to hold is taken to be subject to the condition.

(4) Subsections (5) and (6) applies to a person who, immediately before the commencement held, under the pre-amended Act, a restricted club permit that was granted for a period of 1 year.

(5) The person is taken to be the holder of a community other licence.

(6) If the restricted club permit held by the person immediately before the commencement was subject to a condition, the column 2 licence the person is taken to hold is taken to be subject to the condition.

Not authorised—indicative only

290 Existing permits

(1) This section applies to a person who, immediately before the commencement, held under the pre-amended Act a permit mentioned in column 1 of the following table (a ***column 1 permit***)—

Table

Column 1	Column 2
general purpose permit	community liquor permit
catering away permit	commercial public event permit
restricted club permit granted for a period of less than 1 year	restricted liquor permit
extended trading hours permit for 1 occasion that extends trading hours to include trading for hours other than between 5a.m. and 7a.m.	extended hours permit for the same hours as mentioned in the corresponding column 1 permit.

(2) The person is taken to be the holder of a permit mentioned in column 2 of the table (a ***column 2 permit***) shown opposite the column 1 permit.

(3) If the column 1 permit held by the person immediately before the commencement was subject to a condition, the column 2 permit the person is taken to hold is taken to be subject to the condition.

291 Extended hours permit that includes trading between 5a.m. and 7a.m. or between 7a.m. and 10a.m.

(1) If a licensee holds an extended hours permit under the pre-amended Act that extends trading hours on a regular basis, or for 1 occasion, to include trading between 5a.m. and

Not authorised—indicative only

7a.m. or between 7a.m. and 10a.m., the permit lapses on the commencement.

(2) Subsection (3) applies if—

(a) a licensee has made an application under the pre-amended Act for an extended hours permit that would extend trading hours on a regular basis, or for 1 occasion, to include trading between 5a.m. and 7a.m. or between 7a.m. and 10a.m.; and

(b) the application has not been decided before the commencement.

(3) The application lapses on the commencement.

(4) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of this section.

292 Existing application for column 1 licence etc.

(1) An application for, or relating to, a column 1 licence made under the pre-amended Act and not decided before the commencement must be decided under the pre-amended Act.

(2) The application mentioned in subsection (1) is taken to be about the column 2 licence shown opposite the column 1 licence.

(3) An application for, or relating to, a restricted club permit that for a period of 1 year made under the pre-amended Act and not decided before the commencement must be decided under the pre-amended Act.

(4) The application mentioned in subsection (2) is taken to be about a community other licence.

(5) An application for, or relating to, a column 1 permit made under the pre-amended Act and not decided before the commencement must be decided under the pre-amended Act.

(6) The application mentioned in subsection (5) is taken to be about the column 2 permit shown opposite the column 1 permit.

293 Nominee for a licence or permit

A person who is a nominee for a licence or permit immediately before the commencement is taken to hold an approval as an approved manager until 30 June 2010, unless the approval is cancelled or surrendered before that day.

294 Training course certificate requirement

(1) Subsection (2) applies to a member of staff of licensed premises who immediately before the commencement—

(a) is involved in the service or supply of liquor at the premises; and

(b) does not hold a current training course certificate.

(2) If the person wishes to continue to be a staff member of the premises and be involved in the service or supply of liquor at the premises until after 30 June 2010, the person must be issued with a training course certificate before that day.

295 Risk-assessed management plan conditions

(1) Subsection (2) applies to a person who, immediately before the commencement, held under the pre-amended Act—

(a) a licence; or

(b) restricted club permit granted for a period of less than 1 year.

(2) Section 54 does not apply to the person in relation to the licence or permit.

(3) Subsection (4) applies to an application under the pre-amended Act for a licence, or restricted club permit for a

Not authorised—indicative only

Not authorised—indicative only

period of less than 1 year, that has not been decided before the commencement.

(4) If the chief executive grants the application, section 54 does not apply to the licence or permit holder in relation to the licence or permit.

Division 9 Transitional provision for Resorts and Other Acts Amendment Act 2009

296 Approved hours for commercial special facility licence

(1) This section applies to a commercial special facility licence if—

(a) the licence does not relate to an airport or a casino; and

(b) immediately before the commencement of this section, the licensee was authorised under the licence to sell liquor on the licensed premises between 5a.m. and 10a.m.

(2) Despite section 64(1), the licence does not authorise the sale of liquor between 5a.m. and 10a.m.

(3) However, subsection (2) does not apply to the licence to the extent that the licensee is authorised to sell liquor between 7a.m. and 10a.m. under an extended trading hours approval or an extended hours permit.

(4) Despite any other Act or law, no compensation is payable by the State to any person because of the operation of subsection (2).

Division 10 Transitional provisions for Gambling and Other Legislation Amendment Act 2009

297 Definitions for div 10

commencement means the commencement of this section.

pre-amended Act means this Act as in force before the commencement.

298 Existing permit for trading on a regular basis between 12 midnight and 5a.m.

(1) This section applies to a person who, immediately before the commencement, held under the pre-amended Act an extended hours permit that extended trading hours on a regular basis to include trading at any time between midnight and 5a.m.

(2) On the commencement—

(a) the permit, to the extent it extends trading hours on a regular basis to include trading at any time between midnight and 5a.m., lapses; and

(b) the person is taken to hold an extended trading hours approval for the hours mentioned in paragraph (a) and on the same conditions as mentioned in the permit.

Division 11 Transitional provisions for Liquor and Other Legislation Amendment Act 2010

299 Definitions for div 11

In this division—

licence means any of the following but does not include a licence for premises in a restricted area—

Not authorised—indicative only

Not authorised—indicative only

(a) a commercial hotel licence;

(b) a subsidiary on-premises licence if the principal activity of a business conducted under the licence is the provision of entertainment on the licensed premises;

(c) a community club licence.

licensee means a person who holds 1 or more of the following licences—

(a) a commercial hotel licence;

(b) a subsidiary on-premises licence if the principal activity of a business conducted under the licence is the provision of entertainment on the licensed premises;

(c) a community club licence.

300 Application for licence made before commencement

(1) This section applies to an application for a licence made but not decided at the commencement of this section.

(2) The chief executive must decide the application under this Act as in force immediately before the commencement.

301 Application for extended trading hours approval made before commencement

(1) This section applies to an application for an extended trading hours approval made but not decided at the commencement of this section.

(2) The chief executive must decide the application under this Act as in force immediately before the commencement.

302 Application for variation of licence made before commencement

(1) This section applies to an application, under section 111(1), to vary a licence made but not decided at the commencement of this section.

(2) The chief executive must decide the application under this Act as in force immediately before the commencement.

303 Variation of licence started but not dealt with at commencement

(1) This section applies if—

(a) before the commencement of this section, the chief executive, under section 112(1)(a), caused written notice to be given to a licensee because the chief executive seeks to vary the licensee's licence; and

(b) at the commencement, the chief executive has not decided whether to vary the licence.

(2) The chief executive must decide whether to vary the licence under this Act as in force immediately before the commencement.

304 Disciplinary action started but not dealt with at commencement

(1) This section applies if—

(a) before the commencement of this section, the chief executive took steps to vary, suspend or cancel, as disciplinary action, a licence; and

(b) at the commencement, the chief executive has not decided whether to vary, suspend or cancel, as disciplinary action, the licence.

(2) The chief executive must decide whether to vary, suspend or cancel, as disciplinary action, the licence under this Act as in force immediately before the commencement.

305 Extended trading hours already authorised

(1) This section applies if a prescribed licensee, at the commencement of this section, is authorised to sell takeaway

Not authorised—indicative only

Not authorised—indicative only

liquor between 9a.m. and 10a.m. or between 10p.m. and midnight (the ***authorised hours***).

(2) The prescribed licensee is taken to have been granted an extending trading hours approval, under section 86, for the authorised hours.

(3) In this section—

prescribed licensee means the holder of—

(a) a commercial hotel licence; or

(b) a community club licence; or

(c) a commercial special facility licence.

306 Application of civil banning orders

Part 6C, as inserted by the *Liquor and Other Legislation Amendment Act 2010*, applies only in relation to an act of violence committed after the commencement of this section.

Division 12 Transitional provisions for Fiscal Repair Amendment Act 2012

308 Definitions for div 12

In this division—

commencement means the commencement of this section.

commission means the Queensland Liquor and Gaming Commission established under the *Gaming Machine Act 1991* as in force before the commencement.

former, for a provision of this Act, means the provision as in force before the commencement.

309 Guidelines of chief executive or commission continue as guidelines of commissioner

(1) This section applies to the following guidelines—

(a) guidelines issued by the chief executive under former section 42A and in force immediately before the commencement;

(b) guidelines issued by the commission under former section 142AR and in force immediately before the commencement.

(2) On the commencement, the guidelines are taken to be guidelines made by the commissioner under section 42A.

310 Applications made to chief executive or commission taken to be made to commissioner

(1) This section applies if, before the commencement, a person made an application under this Act to the chief executive or commission and, immediately before the commencement, the application had not been finally dealt with.

(2) The application is taken to have been made to the commissioner and the commissioner may deal or continue to deal with the application after the commencement.

311 Orders etc. of chief executive or commission taken to be orders etc. of commissioner

(1) This section applies to an order, application, direction, notice, approval, action, authorisation or decision of the chief executive or commission under this Act that is current immediately before the commencement.

(2) After the commencement, the order, application, direction, notice, approval, action, authorisation or decision is taken to be an order, application, direction, notice, approval, action, authorisation or decision of the commissioner and the commissioner may deal or continue to deal with the matter the

Not authorised—indicative only

Not authorised—indicative only

subject of the order, application, direction, notice, approval, action, authorisation or decision.

Examples—

1 A licence current immediately before the commencement is taken to have been granted by the commissioner and continues to be current.

2 A licence granted before the commencement that, immediately before the commencement, is suspended is taken to have been granted, and suspended, by the commissioner.

3 The chief executive gave a licensee notice under former section 98 in relation to premises considered to be high risk and, at the commencement, the 14-day period to make written representations under former section 99 had not ended. After the commencement, the commissioner may continue to act in relation to the notice under part 4, division 9.

(3) In this section—

current includes in force.

312 Appeal to tribunal about decisions of chief executive or commission

(1) This section applies if—

(a) before the commencement, the chief executive or commission had made a decision about a matter for which an information notice must be given to a person; and

(b) immediately before the commencement, the person had not appealed the decision.

(2) The person may appeal the decision to the tribunal after the commencement as if the decision about the matter had been made by the commissioner.

(3) Nothing in this section affects —

(a) the requirement that the person start the appeal within 28 days after receiving an information notice for the decision being appealed; or

(b) the tribunal's power to extend the time for starting an appeal.

313 Existing appeals about decisions of chief executive or commission

(1) This section applies to an appeal against a decision of the chief executive or commission if, immediately before the commencement, the appeal had not been finally dealt with.

(2) The appeal is taken to be an appeal against a decision of the commissioner and the court or tribunal may hear or continue to hear and decide the appeal after the commencement as if the decision had been made by the commissioner.

314 Documents held by chief executive or commission become documents of commissioner

(1) This section applies to documents held by the chief executive or commission before the commencement that—

(a) relate to functions under this Act of the chief executive or commission before the commencement; and

(b) on the commencement, relate to similar functions to be performed by the commissioner under this Act.

(2) On the commencement, the documents become the documents of the commissioner and may be used by the commissioner in performing the commissioner's functions under this Act.

315 Approved forms continue as approved forms of commissioner

(1) This section applies to an approved form in force immediately before the commencement.

(2) The approved form continues in force after the commencement as if it had been approved by the commissioner until the earlier of the following—

Not authorised—indicative only

Not authorised—indicative only

(a) the commissioner approves a new form for the matter the subject of the form;

(b) 12 months after the commencement.

Division 13 Transitional provision for Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013

316 Continuation of existing training course certificate

(1) This section applies to a person's training course certificate in force immediately before the commencement of this section (the ***commencement***).

(2) The certificate continues in force until the day that is 3 years after the certificate was given to the person.

Division 14 Transitional provision for Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013

317 Former controllers under former s 109B continue as adult entertainment controllers

(1) This section applies to a person who, at the commencement, is a controller.

(2) The commissioner is taken to have granted an approval to the person as a controller under section 142ZK.

(3) The approval is taken to—

(a) have commenced on the day the controller's nomination was authorised by written notice from the commissioner to the licensee or permittee under former section 109B(2); and

(b) remain in force for the period of 5 years from the day mentioned in paragraph (a), unless sooner cancelled under part 5D, division 5 or otherwise ending under this Act.

(4) The commissioner must give to a controller a notice stating—

(a) the controller is taken to have been granted an approval because of subsection (2); and

(b) the last day of the period of the approval as a controller under this section, unless the approval is cancelled or otherwise ends as mentioned in subsection (3)(b).

(5) In this section—

commencement means commencement of this section.

controller means a person who, under former section 109B, was nominated and authorised as a controller.

former section 109B means section 109B as in force immediately before the commencement.

Division 15 Transitional provisions for Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013

318 Existing applications

(1) This section applies to the following applications made before the commencement of this section if, on the commencement, the application has not been finally decided—

(a) an application for a licence or permit under section 105;

(b) an application for approval as an approved manager under section 142Q.

(2) The application must be decided under this Act as amended by the *Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013*.

Not authorised—indicative only

Not authorised—indicative only

Division 16 Transitional provisions for Safe Night Out Legislation Amendment Act 2014

319 Definitions for div 16

In this division—

amending Act means the *Safe Night Out Legislation Amendment Act 2014*.

commencement means the commencement of the provision in which the term is used.

320 Lapse of particular applications for extended trading hours approvals

(1) This section applies to an extended trading hours application to which section 91 applied immediately before the repeal of that section by the amending Act.

(2) On the repeal of section 91, the application lapses.

(3) The commissioner must refund to the applicant any fees paid to the chief executive by the applicant under this Act for the application.

(4) The State is not liable to pay compensation, and does not incur any other liability, for the lapsing of the application under subsection (2).

(5) Subsection (2) does not affect the making of another application under part 4, division 7.

321 Continuing application of repealed s 94

Despite its repeal by the amending Act, section 94, as in force immediately before the repeal, continues to apply to the matters to which it applied immediately before the repeal.

321A Transitional provision for applications for subsidiary on-premises licence (entertainment)

(1) This section applies to an application for a subsidiary on-premises licence made before the commencement if—

(a) the principal activity of a business to be conducted under the licence is the provision of entertainment; and

(b) on the commencement, the application had not been decided or withdrawn.

(2) The commissioner must deal with and decide, or continue to deal with and decide, the application under the unamended Act.

(3) However, if the commissioner decides to grant the licence, the commissioner must grant the licence as a nightclub licence.

(4) In this section—

unamended Act means this Act as in force from time to time before the amending Act was enacted.

322 Transitional provision for subsidiary on-premises licence (entertainment)

(1) This section applies to a subsidiary on-premises licence that, immediately before the commencement, was a current licence to which section 67AA applied.

(2) From the commencement, the licence continues in force under this Act as a nightclub licence held by the licensee on the same terms as the licensee held the licence.

(3) If, immediately before the commencement, the licence was subject to a condition, the nightclub licence is taken to be subject to the condition.

323 Transitional provision for subsidiary on-premises licence (meals)

(1) This section applies to an extended trading hours approval for a subsidiary on-premises licence (meals) that, immediately

Not authorised—indicative only

Not authorised—indicative only

before the commencement, extended trading hours to include trading for a period after 1a.m.

(2) Subject to this Act, the approval continues in force.

(3) Subsection (4) applies if, while the approval is in force and before the commencement, the licensee applies for—

(a) an alternative extended trading licence; and

(b) an extended trading hours approval for the licence that would authorise the sale of liquor on the licensed premises after 1a.m.

(4) From the earlier of the following days, the approval does not authorise trading for a period after 1a.m.—

(a) the day after the applicant is given notice of the decision made about the application;

(b) 1 January 2016.

(5) Subsection (6) applies if, on the commencement, the approval is in force and the licensee has not applied for an alternative extended trading licence.

(6) From the commencement, the approval does not authorise trading for a period after 1a.m.

(7) In this section—

alternative extended trading licence means a licence of a type—

(a) other than a subsidiary on-premises licence (meals); and

(b) for which an extended trading hours approval may be granted under part 4, division 7 that would extend trading hours on a regular basis to include trading for a period after 1a.m.

324 Civil banning orders

(1) On the commencement—

(a) any current order ceases to have effect; and

(b) any current proceeding ends.

(2) In this section—

current order means a civil banning order or interim civil banning order in force under repealed part 6C immediately before the repeal of that part by the amending Act.

current proceeding means a legal proceeding under repealed part 6C started but not finally dealt with before the repeal of that part by the amending Act.

repealed part 6C means part 6C as in force before the commencement of this section.

325 Cancellation, suspension or variation of permits

(1) This section applies if circumstances existed before the commencement that could have formed the basis for the commissioner to be satisfied that former section 134(1) applied.

(2) Part 5, division 3, subdivision 2 applies as if the circumstances existed immediately after the commencement to enable the commissioner—

(a) to impose a new condition, amend a condition or revoke a condition because of circumstances mentioned in section 134(1)(a); or

(b) to cancel, suspend or vary a permit because of circumstances mentioned in former section 134(1)(b).

(3) In this section—

former, in relation to a provision, means the provision as in force immediately before the repeal or amendment of the provision under the amending Act.

326 Grounds for disciplinary action

(1) This section applies if circumstances existed before the commencement that could have formed the basis for the

Not authorised—indicative only

Not authorised—indicative only

commissioner to consider that former section 136(1)(h) applied.

(2) Part 5, division 3, subdivision 3 applies as if the circumstances existed immediately after the commencement to enable the commissioner to take disciplinary action because of the circumstances.

(3) In this section—

former, in relation to a provision, means the provision as in force immediately before the repeal or amendment of the provision under the amending Act.

327 Authority for post-midnight trading for particular licences

(1) This section applies to a commercial special facility licence that—

(a) is in force on the commencement; and

(b) is not endorsed with an extended trading hours approval granted under part 4, division 7; and

(c) purportedly authorises the sale of liquor on the licensed premises, on a day other than Anzac Day, Good Friday or Christmas Day, during a time starting at or after 12a.m. and ending at or before 5a.m. (the ***authorised post-midnight trading hours***).

(2) The licence is taken to be endorsed with an extended trading hours approval (the ***deemed approval***) for trading during the authorised post-midnight trading hours.

(3) To remove any doubt, it is declared that this Act, including a provision about the payment of licence fees, applies as if the deemed approval had been granted under part 4, division 7.

(4) Despite subsection (2), an application for an extended trading hours approval, for trading during all or part of the authorised post-midnight trading hours, may be made and granted under part 4, division 7.

(5) The deemed approval continues in force until—

(a) an extended trading hours approval for trading during all or part of the authorised post-midnight trading hours is granted under part 4, division 7; or

(b) the deemed approval is cancelled or otherwise ends under this Act.

328 Declaration and validation relating to particular licences

(1) This section applies to a commercial special facility licence in relation to the period (the ***relevant period***)—

(a) starting on or after 1 January 2009 and ending on or before the commencement; and

(b) during which the licence—

(i) was not endorsed with an extended trading hours approval granted under part 4, division 7; and

(ii) purportedly authorised the sale of liquor on the licensed premises, on a day other than Anzac Day, Good Friday or Christmas Day, during a time starting at or after 12a.m. and ending at or before 5a.m. (the ***authorised post-midnight trading hours***).

(2) During the relevant period—

(a) section 64, as amended by the amending Act, is taken to have applied to the licence; and

(b) the licence is taken to have been endorsed with an extended trading hours approval for trading during the authorised post-midnight trading hours for the licence.

(3) Without limiting subsection (2)—

(a) licence fees for the licence relating to any part of the relevant period are payable, and are taken to have been payable during the relevant period, as if an extended trading hours approval granted under part 4, division 7 were in force for the authorised post-midnight trading hours; and

Not authorised—indicative only

Not authorised—indicative only

(b) anything done during or after the relevant period in relation to a licence fee is, and is taken to have been during the relevant period, as valid as it would have been if an extended trading hours approval granted under part 4, division 7 were in force for the authorised post-midnight trading hours.

Examples of things that may be done in relation to a licence fee—

- assessment of a licence fee payable
- demand for payment of a licence fee
- payment of a licence fee

(4) Subsections (2) and (3)—

(a) do not apply for the purpose of a legal proceeding decided before the commencement; but

(b) otherwise apply for all purposes, including—

(i) a legal proceeding started, but not decided, before the commencement; and

(ii) a legal proceeding started after the commencement.

(5) Subsection (2)(a) does not apply in relation to trading on Anzac Day, Good Friday or Christmas Day during the relevant period.

(6) No compensation is payable by the State to any person because of the operation of this section.

329 Eligible entity for sale of liquor at a fundraising event

(1) This section applies—

(a) if an entity, or an executive officer of the entity, is a licensee or permittee; and

(b) for the purpose of determining, after the repeal of section 148A, whether the entity is an eligible entity for the sale of liquor at a fundraising event under section 13(3).

(2) The entity is not an eligible entity for the sale of liquor at the event if the entity or executive officer has been convicted of an offence under repealed section 148A(2) or (4) within the 5 years immediately before the event.

Division 17 Transitional provisions for Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016

Subdivision 1 Extended trading hours applications and existing extended trading hours approvals

330 Definitions for subdivision

In this subdivision—

extended trading hours application (takeaway liquor) means an application under section 86(2A)(b), as in force before the commencement, to extend trading hours for the sale of takeaway liquor to include trading between 10p.m. and midnight.

retrospectivity period means the period starting on 10 November 2015 and ending on the commencement.

331 Application of subdivision

This subdivision does not apply in relation to an extended trading hours application (takeaway liquor) or an extended trading hours approval for an airport or casino to which a commercial special facility licence relates.

Not authorised—indicative only

Not authorised—indicative only

332 No compensation for operation of subdivision

Despite any Act or other law, no compensation is payable by the State to a person because of the operation of this subdivision.

333 Restriction on making extended trading hours applications (takeaway liquor)

(1) A person may not make an extended trading hours application (takeaway liquor) during the retrospectivity period.

(2) An extended trading hours application (takeaway liquor) made or purportedly made during the retrospectivity period is of no effect.

(3) If an extended trading hours application (takeaway liquor) was made but had not been decided before the start of the retrospectivity period, the application is taken to have lapsed on 10 November 2015.

334 Certain proceedings in court or tribunal relating to extended trading hours applications (takeaway liquor) taken to end

(1) This section applies to a proceeding in a court or tribunal relating to an extended trading hours application (takeaway liquor) that, immediately before the commencement, had not been decided.

(2) On the commencement, the proceeding ends and must not be further considered by the court or tribunal.

335 Effect of certain court or tribunal decisions relating to extended trading hours applications (takeaway liquor)

(1) This section applies to a decision of a court or tribunal made during the retrospectivity period on a proceeding relating to an extended trading hours application (takeaway liquor).

(2) Despite anything in the decision that provides otherwise, on the day the decision takes effect, any extended trading hours approval for the application does not authorise the sale of takeaway liquor between 10p.m. and midnight.

336 Applications for extended trading hours between 2a.m. and 5a.m

(1) Subsection (2) applies if—

(a) immediately before 1 July 2016, an application for an extended trading hours approval had been made but not decided; and

(b) the application, if granted, would extend trading hours to include trading between 2a.m. and 5a.m.

(2) For an approval granted before 1 February 2017, the commissioner may grant the approval only to the extent it authorises trading between—

(a) if the premises to which the approval relates are located in a safe night precinct—12a.m. and 3a.m.; or

(b) otherwise—12a.m. and 2a.m.

(3) Subsection (4) applies if—

(a) immediately before 1 February 2017, an application for an extended trading hours approval had been made but not decided; and

(b) the application, if granted, would extend trading hours to include trading between 2a.m. and 5a.m.

(4) The commissioner may grant the approval only to the extent it authorises trading between—

(a) if the premises to which the approval relates are located in a 3a.m. safe night precinct—12a.m. and 3a.m.; or

(b) otherwise—12a.m. and 2a.m.

(5) This section applies subject to section 351.

Not authorised—indicative only

Not authorised—indicative only

337 Existing extended trading hours approvals for trading between 2a.m. and 5a.m.

(1) Subsection (2) applies if—

(a) immediately before 1 July 2016, an extended trading hours approval was in force for licensed premises; and

(b) the approval extended trading hours to include trading between 2a.m. and 5a.m.

(2) From 1 July 2016 until 31 January 2017, the extended trading hours approval has effect as if it authorised trading only between—

(a) if the premises to which the approval relates are located in a safe night precinct—12a.m. and 3a.m.; or

(b) otherwise—12a.m. and 2a.m.

(3) Subsection (4) applies if—

(a) immediately before 1 February 2017, an extended trading hours approval was in force for licensed premises; and

(b) the approval extended trading hours to include trading between 2a.m. and 5a.m.

(4) From 1 February 2017, the extended trading hours approval has effect as if it authorised trading only between—

(a) if the premises to which the approval relates are located in a 3a.m. safe night precinct—12a.m. and 3a.m.; or

(b) otherwise—12a.m. and 2a.m.

(5) This section applies subject to section 351.

338 Effect of certain court or tribunal decisions relating to extended trading hours approvals

(1) Subsection (2) applies to a decision of a court or tribunal on a proceeding relating to an extended trading hours approval for licensed premises if the proceeding—

(a) had started but had not been decided before 1 July 2016; and

(b) is decided before 1 February 2017.

(2) Despite anything in the decision that provides otherwise, on the day the decision takes effect, the extended trading hours approval has effect as if, and to the extent that, it authorised trading only between—

(a) if the premises to which the approval relates are located in a safe night precinct—12a.m. and 3a.m.; or

(b) otherwise—12a.m. and 2a.m.

(3) Subsection (4) applies to a decision of a court or tribunal on a proceeding relating to an extended trading hours approval for licensed premises if the proceeding had started but had not been decided before 1 February 2017.

(4) Despite anything in the decision that provides otherwise, on the day the decision takes effect, the extended trading hours approval has effect as if, and to the extent that, it authorised trading only between—

(a) if the premises to which the approval relates are located in a 3a.m. safe night precinct—12a.m. and 3a.m.; or

(b) otherwise—12a.m. and 2a.m.

(5) This section applies subject to section 351.

338A Minister must review

(1) The Minister must, as soon as practicable after 1 July 2018, arrange for an independent review of the operation and effectiveness of the relevant provisions.

(2) As soon as practicable after the review is completed, the Minister must table a report about its outcome in the Legislative Assembly.

(3) In this section—

Not authorised—indicative only

Not authorised—indicative only

relevant provisions means the following provisions, as inserted or amended by the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016*—

(a) section 86;

(b) part 6, division 1B;

(c) part 12, division 17, subdivision 1.

Subdivision 2 Other provisions

339 Acceptable evidence of age

(1) This section applies if a document was acceptable evidence of the age of a person under section 6 as in force immediately before the commencement.

(2) Despite the amendment of section 6 by the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016*, the document continues, from the commencement, to be acceptable evidence of the age of the person for this Act until—

(a) if the document is cancelled or revoked before it expires—the document is cancelled or revoked; or

(b) otherwise—the document expires.

340 Conditions relating to sale etc. of liquor in car park

(1) This section applies if, immediately before the commencement, a licence was subject to a condition relating to the sale, supply or consumption of liquor in a car park, or part of a car park, that is in or on the licensee's licensed premises.

(2) From the commencement, section 142ZZE applies to the licensee despite the condition.

(3) A car park approval granted in relation to a regulated car park for the licensee's licensed premises prevails over the condition to the extent of any inconsistency.

(4) To remove any doubt, it is declared that the condition does not have effect as a car park approval for section 142ZZE.

(5) Despite any Act or other law, no compensation is payable by the State to a person because of the operation of this section.

341 Approvals under previous section 153A

(1) An approval that is in force immediately before the commencement under previous section 153A stops having effect on the commencement.

(2) In this section—

previous section 153A means section 153A as in force from time to time before the commencement.

Division 18 Transitional provisions for Serious and Organised Crime Legislation Amendment Act 2016

342 Applications not finally decided

(1) This section applies if, immediately before the commencement, the commissioner had not finally decided an application for the grant or renewal of an authority.

(2) The commissioner must decide the application under this Act as in force after the commencement.

(3) In this section—

authority means—

(a) a licence; or

(b) a permit; or

Not authorised—indicative only

Not authorised—indicative only

(c) an approval for an approved manager; or

(d) an approval for a controller; or

(e) an approval mentioned in—

(i) section 153(1) or (3); or

(ii) section 173EQ(1); or

(f) an authority mentioned in section 131A(2).

343 Show cause process not finally decided

(1) This section applies if—

(a) the commissioner had given a show cause notice to a person; and

(b) immediately before the commencement, the commissioner had not finally dealt with the matters relating to the show cause notice (the ***show cause process***).

(2) The show cause process must continue under this Act as in force after the commencement.

(3) In this section—

show cause notice means a written notice mentioned in section 134B(1), 137(1), 139C(2), 142ZB(1), 142ZS(2) or 173ER(3).

344 Proceedings not finally decided

(1) This section applies if immediately before the commencement the following proceedings had been started but not finally dealt with—

(a) a proceeding before the tribunal for a review of a decision mentioned in repealed section 36(1);

(b) a proceeding before the Supreme Court about a decision mentioned in repealed section 36(1).

(2) The proceeding is discontinued and the matter is remitted to the commissioner for the commissioner to decide again under this Act as in force after the commencement.

(3) The tribunal or Supreme Court must return to the police commissioner any criminal intelligence relating to the proceeding in the tribunal's or Supreme Court's possession or control.

(4) For subsection (1), a proceeding had not been finally dealt with if—

(a) the tribunal or Supreme Court had not made a decision; or

(b) the tribunal or Supreme Court had made a decision but the appeal period for the decision had not ended; or

(c) the tribunal or Supreme Court had made a decision and an appeal against the decision had been started but not ended.

(5) In this section—

criminal intelligence means criminal intelligence within the meaning of repealed section 37(5).

repealed, in relation to a provision of this Act, means the provision as in force immediately before the commencement.

345 First regulation under s 173EAA(1) exempt from particular requirements

Section 173EAA(2) to (4) does not apply to the making of the first regulation under section 173EAA(1).

Not authorised—indicative only

Not authorised—indicative only

Division 19 Transitional and declaratory provisions for Liquor and Other Legislation Amendment Act 2017

346 Definitions for division

In this division—

2017 late night permit means an extended hours permit that extends trading hours, on a day in 2017, to include trading for all or part of the period between 12a.m. and 5a.m.

amending Act means the *Liquor and Other Legislation Amendment Act 2017*.

347 Declaration about period between 1 February 2017 and commencement

(1) This section applies in relation to the period (the ***relevant period***) from the commencement of the amending Act, part 2, division 2 on 1 February 2017 to the commencement of this section.

(2) To remove any doubt, it is declared that, during the relevant period—

(a) no licence or permit is taken to have been subject to a lock out condition by force of repealed section 142AB; and

(b) the granting of an extended trading hours approval, and anything done in relation to an extended trading hours approval, was as valid as it would have been if a reference in section 86(1)(b) or 155AD to a 3a.m. safe night precinct were a reference to a safe night precinct.

(3) The rights and liabilities of all persons are declared to be, and to have been throughout the relevant period, for all purposes the same as if—

(a) repealed section 142AB had never been in force; and

(b) a reference in section 86(1)(b) or 155AD to a 3a.m. safe night precinct were a reference to a safe night precinct.

(4) Subsections (2) and (3)—

(a) do not apply for the purpose of a legal proceeding decided before the commencement; but

(b) otherwise apply for all purposes, including—

(i) a legal proceeding started, but not decided, before the commencement; and

(ii) a legal proceeding started after the commencement.

(5) However, despite subsection (3)(b), an act done or omission made during the relevant period is not an offence against section 155AD(2)(b)(ii) or (3)(b)(ii) to the extent it would not have been an offence against that provision if the amending Act, section 9 had not commenced.

(6) In this section—

lock out condition has the meaning given by repealed section 142AB.

repealed section 142AB means section 142AB inserted in this Act by the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016*, section 38.

Note—

Repealed section 142AB was repealed, immediately after it commenced, by the *Liquor and Other Legislation Amendment Act 2017*, section 8.

348 Cancellation of current 2017 late night permits

(1) This section applies to a 2017 late night permit granted to a licensee before the commencement that extends trading hours on a day on or after the commencement.

(2) On the commencement, the permit is cancelled by force of this section.

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Not authorised—indicative only

(3) As soon as practicable after the commencement, the commissioner must—

(a) refund to the licensee the fee paid for the application for the permit; and

(b) give the licensee written notice that—

(i) the permit has been cancelled; and

(ii) the licensee may make a further application for an extended hours permit under part 4A, division 4.

349 Counting 2017 late night permits for s 103J

(1) This section applies to a 2017 late night permit granted to a licensee before the commencement that extended trading hours on a day before the commencement.

(2) In deciding, for section 103J, the number of 2017 late night permits granted for the licensed premises, a permit mentioned in subsection (1) is to be counted.

350 Current applications and legal proceedings relating to extended hours permits

(1) An application under this Act for an extended hours permit made, but not decided, before the commencement must be decided under this Act as in force from the commencement.

(2) Part 4A, division 4, as in force before the commencement, continues to apply for the purpose of a legal proceeding started under this Act but not decided before the commencement.

351 Retrospective change to operation of ss 336–338

(1) Section 336 applies, and is taken to have applied since 1 February 2017, as if the reference in section 336(4)(a) to a 3a.m. safe night precinct were a reference to a safe night precinct.

(2) Section 337 applies, and is taken to have applied since 1 February 2017, as if the reference in section 337(4)(a) to a 3a.m. safe night precinct were a reference to a safe night precinct.

(3) Section 338 applies, and is taken to have applied since 1 February 2017, as if the reference in section 338(4)(a) to a 3a.m. safe night precinct were a reference to a safe night precinct.

(4) The rights and liabilities of all persons are declared to be, and to have been since 1 February 2017, for all purposes the same as if the references in section 336(4)(a), 337(4)(a) and 338(4)(a) to a 3a.m. safe night precinct were references to a safe night precinct.

352 No compensation

Despite any Act or law, no compensation is payable by the State to a person because of the operation of the amending Act.

Division 20 Transitional provision for Economic Development and Other Legislation Amendment Act 2019

353 Particular existing applications

(1) This section applies to an application mentioned in section 105(1) made, but not decided, before the commencement.

(2) The following sections continue to apply in relation to the application as if the amending Act had not been enacted—

(a) if the application is for an adult entertainment permit—former section 105B;

(b) if the application is a relevant application within the meaning of section 117(5)—former section 117;

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(c) if the application is in relation to a restricted area—former section 117A;

(d) former section 121.

(3) In this section—

amending Act means the *Economic Development and Other Legislation Amendment Act 2019*.

former, in relation to a provision, means as in force immediately before the provision was amended or repealed under the amending Act.

Division 21 Validation provision for Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020

354 Liquor supplies authorised by retrospective takeaway liquor authority

(1) This section applies if, under section 235D(4), a takeaway liquor authority is made with retrospective operation.

(2) A supply of liquor during the validation period is, and is taken to have been from the time the supply was made, as lawful as it would have been if the takeaway liquor authority were in force at the time of supply.

(3) In this section—

authority commencement day means the day from which the takeaway liquor authority is given retrospective operation.

validation period means the period from the authority commencement day to the day the takeaway liquor authority is made.

Division 22 Transitional provisions for Liquor (Artisan Liquor) Amendment Act 2021

355 Transition to artisan producer licence

(1) The holder of a licence (an ***existing licence***) may, on or before 30 June 2021, apply to the commissioner to transition the licence to an artisan producer licence.

(2) The following sections apply to the application—

(a) sections 105 and 105A;

(b) sections 116 to 118;

(c) sections 118A to 121;

(d) sections 122 to 124.

(3) However, no fee is payable under section 105(1)(d) in relation to the application if the existing licence is a producer/wholesaler licence.

(4) The commissioner may grant the application only if satisfied the licensee is eligible for an artisan producer licence under this Act.

(5) If the commissioner grants the application—

(a) the existing licence ceases to apply to the licensee and the licensed premises; and

(b) an artisan producer licence applies to the licensee and the licensed premises; and

(c) the conditions applying to the existing licence apply to the artisan producer licence; and

(d) a permit granted under this Act to the licensee continues to be held by the licensee; and

(e) to the extent that extended trading hours may be approved for an artisan producer licence under this Act, any extended trading hours approval for the existing

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Not authorised—indicative only

licence is taken to be an extended trading hours approval for the artisan producer licence.

Example—

A producer/wholesaler licence has extended trading hours approval for trading until 2a.m. The extended trading hours approval for the replacement artisan producer licence will be until 1a.m.

(6) Section 107C applies for the purpose of the commissioner imposing conditions on the artisan producer licence.

(7) Subsection (5)(c) does not prevent the commissioner from changing the conditions mentioned in that subsection.

356 No fee payable for application for s 74A(2)(c) condition

(1) This section applies if—

(a) a producer/wholesaler licence contains a condition mentioned in section 74A(2)(a) or repealed section 74A(2)(b); and

(b) the holder of the licence applies, on or before 30 June 2021, for a condition mentioned in section 74A(2)(c) to be imposed on the licence.

(2) No fee is payable under section 105(1)(d) for the application for the condition to be imposed.

(3) In this section—

repealed section 74A(2)(b) means section 74A(2)(b) as in force from time to time before the commencement.

Division 23 Transitional provision for Justice and Other Legislation Amendment Act 2021

357 No fee payable for particular applications to vary subsidiary on-premises licences (meals)

(1) This section applies if—

(a) before the commencement, a licensee was the holder of a licence for licensed premises the subject of a takeaway liquor authority granted under part 10A; and

(b) immediately before the commencement, the licensee held a subsidiary on-premises licence (meals) to which section 67A applied; and

(c) on or before 30 June 2022, the licensee applies under section 105 to vary the licence in relation to the sale of takeaway liquor under section 67A(2)(c).

(2) Despite section 105(1)(d), no fee is payable in relation to the application.

Division 24 Transitional provision for Liquor and Other Legislation Amendment Act 2026

358 Existing licensee's course certificates continue

(1) This section applies to a licensee's course certificate, in force immediately before the commencement, stating that the certificate remains in force for 3 years after it was given to a person.

(2) The licensee's course certificate continues in force on its term despite the amendment of the definition of licensee's course certificate by the *Liquor and Other Legislation Amendment Act 2026*.

Not authorised—indicative only

Not authorised—indicative only

Schedule Rules of clubs

sections 79, 83 and 103M

Rules of a club—

(a) must provide that a person can not be admitted as a member unless the person makes written application for membership and the application is approved at a meeting of the club's management committee; and

(b) must provide that the members of the club entitled to vote at any meeting of the club do not include temporary or honorary members or minors; and

(c) must provide that the club's management committee must be elected by the voting members of the club at a general meeting of the club for a period of at least 1 year; and

(d) must provide that the management committee of the club must present to each annual general meeting of the club—

  (i) a written report of the club's operation throughout the year; and

  (ii) an audited statement of the club's financial position; and

(e) must be consistent with the club being a non-proprietary club; and

(f) must provide that the club's secretary must keep on the club premises a list of reciprocal clubs; and

(g) if the club is an RSL or Services Club—must provide that RSL honorary members and defence members are not entitled to any rights or privileges of members other than those rights or privileges expressly granted to RSL honorary members or defence members under sections 77, 79, 81, 83, 103JA and 103M.