

No. 19 of 1975

LIQUOR ORDINANCE (No. 3) 1975

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SCHEDULE

No. 19 of 1975

AN ORDINANCE

Relating to the Sale of Liquor.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this twenty-ninth day of July, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

LIQUOR ORDINANCE (No. 3) 1975

PART I—PRELIMINARY

1. This Ordinance may be cited as the *Liquor Ordinance (No. 3) 1975*.* Short title.
2. (1) Subject to sub-section (2), this Ordinance shall come into operation on the date on which it is notified in the *Gazette*. Commencement.
(2) Section 3 and Parts V, VII, IX and XI shall come into operation on the date fixed by the Minister by notice published in the *Gazette*.
3. The Ordinances specified in the Schedule are repealed. Repeal.
4. (1) In this Ordinance, unless the contrary intention appears— Interpretation.
“bar-room” means a room specified in an application for a General Licence or an On Licence as a bar-room or, where licensed premises have been altered with the approval of the Board, a room specified in the application for approval as a room the applicant proposes to use as a bar-room;
“Board” means the Liquor Licensing Board of the Australian Capital Territory;
“Canberra Theatre Centre” and “Canberra Theatre Trust” have the same meanings respectively as in the *Canberra Theatre Trust Ordinance 1965-1974*;
“Chairman” means the Chairman of the Board;
“Inspector” means an Inspector of Licensed Premises;
“Legislative Assembly” means the Australian Capital Territory Legislative Assembly constituted by the *Legislative Assembly Ordinance 1936-1974*;

* Notified in the *Australian Government Gazette* on 5 August 1975.

- “licence” means a licence under this Ordinance;
- “licensed premises” means premises in respect of which a licence is in force;
- “licensee” means—
- (a) in relation to a licence—the holder of the licence; and
 - (b) in relation to licensed premises—the holder of the licence in force in relation to those premises;
- “liquor” means a beverage that contains more than 1.15 per cent by volume of ethyl alcohol;
- “Manual” means the Licensing Standards Manual as amended from time to time;
- “permit” means a permit under this Ordinance;
- “premises” includes a boat;
- “public bar-room” means a bar-room where liquor is served to the public at a bar, not being—
- (a) a bar-room of a type commonly known as a “private bar” or “saloon bar” or by a name of similar import; or
 - (b) a bar-room in relation to which there is any restriction as to the type of liquor that will be served or in which the lowest price at which liquor is served exceeds the lowest price at which liquor is served in a bar-room on the same premises;
- “Registrar” means the Registrar of Liquor Licences;
- “repealed Ordinance” means the *Liquor Ordinance* 1929-1975;
- “University” means the Australian National University.

(2) A reference in this Ordinance to a licence shall, except in Part IV and unless the contrary intention appears, be read as including a reference to a renewal of a licence.

(3) For the purposes of this Ordinance, a person shall be deemed to sell liquor to another person if he supplies liquor to that person for, or in expectation of, any reward or benefit to be paid or provided by that person or any other person, whether or not any person is under an obligation to pay or provide a reward or benefit.

(4) A reference in this Ordinance to the Chairman or a member of the Board includes a reference to a person acting as Chairman or as a member, as the case may be, in pursuance of an appointment under section 12.

Application.

5. (1) The provisions of this Ordinance relating to the sale of liquor do not apply to or in relation to—

- (a) the administration, dispensing or sale of liquor for medicinal purposes—
 - (i) by or under the direction of a legally qualified medical practitioner; or
 - (ii) by a pharmacist registered under the *Pharmacy Ordinance* 1931-1974;

- (b) the sale of liquor in a naval, military or air force mess, canteen, camp or post by the permission, and under the control, of the naval, military or air force authorities;
- (c) the sale, at a canteen or club established or conducted in pursuance of the Australian Services Canteens Organization Regulations, of liquor by the Australian Services Canteens Organization Board of Management to a person—
 - (i) who is a member of the naval, military or air forces of Australia or another country;
 - (ii) who is an officer or employee of the Department of Defence;
 - (iii) who is employed by the Australian Services Canteens Organization Board of Management;
 - (iv) who is employed at a special defence undertaking within the meaning of section 6 of the *Defence (Special Undertakings) Act 1952-1973*; or
 - (v) who is in the canteen or club at the invitation of a person referred to in sub-paragraph (i), (ii), (iii) or (iv);
- (d) the sale of liquor in Parliament House;
- (e) the sale by auction by an auctioneer licensed under the *Auctioneers Ordinance 1959-1974*, in good faith and in the course of his business, of liquor on account of another person; or
- (f) the sale by, or on behalf of, Australia of liquor seized under a law in force in the Territory.

(2) The provisions of this Ordinance (other than the provisions of this section) relating to the sale of liquor do not apply to the sale of liquor—

- (a) in an exempt University building; or
- (b) in an exempt College building.

(3) A person shall not sell or purchase liquor in an exempt University building or an exempt College building in contravention of a Statute.

(4) On or before the thirty-first day of December in each year—

- (a) the University shall pay to the Registrar a fee equal to 4 per cent of the amount (including duties) paid or payable for all liquor purchased for sale in an exempt University building during the period of 12 months that ended on the thirty-first day of October in that year; and
- (b) the Canberra College of Advanced Education shall pay to the Registrar a fee equal to 4 per cent of the amount (including duties) paid or payable for all liquor purchased for sale in an exempt College building during the period of 12 months that ended on the thirty-first day of October in that year.

(5) The provisions of this Ordinance (other than the provisions of this section) do not apply to the sale, supply, disposal, possession or control of liquor in the Canberra Theatre Centre.

(6) A person shall not sell, supply, dispose of or purchase liquor or have liquor in his possession, at the Canberra Theatre Centre in contravention of a by-law.

(7) On or before the thirty-first day of December in each year the Canberra Theatre Trust shall pay to the Registrar a fee equal to 5 per cent of the amount (including duties) paid or payable for all liquor purchased for sale at the Canberra Theatre Centre during the period of 12 months that ended on the thirty-first day of October in that year.

(8) In this section—

“by-law” means a by-law under the *Canberra Theatre Trust Ordinance 1965-1974*;

“exempt College building” means a building occupied by the Canberra College of Advanced Education, being a building in which the sale of liquor is for the time being authorized by a Statute;

“exempt University building” means a building occupied by the University or by a residential college affiliated with the University under a Statute, being a building in which the sale of liquor is for the time being authorized by a Statute;

“Statute” means—

- (a) in relation to the University or an exempt University building—a Statute of the University; and
- (b) in relation to the Canberra College of Advanced Education or an exempt College building—a Statute of that College.

PART II—ADMINISTRATION

Division 1—*The Liquor Licensing Board*

Establishment of Liquor Licensing Board.

6. For the purposes of this Ordinance, there shall be a body to be known as the Liquor Licensing Board of the Australian Capital Territory.

Constitution of the Board.

7. (1) The Board shall consist of the following members, who shall be appointed by the Minister:—

- (a) the Chairman of the Board;
- (b) a member of the Legislative Assembly nominated, as occasion requires, by the Legislative Assembly; and
- (c) a person who is an officer or employee within the meaning of the *Public Service Act 1922-1975*.

(2) Subject to this Part, the Chairman holds office for such period, not exceeding 5 years, as is specified in the instrument of his appointment.

(3) Subject to this Part, the member of the Board referred to in paragraph (1) (b) holds office until the first meeting of the Legislative Assembly following the election of members of the Assembly first occurring after the appointment of the member takes effect.

(4) A person is not eligible to be appointed or to hold office as a member of the Board if he is the holder of a licence.

(5) Where a member of the Board directly or indirectly receives any remuneration, emoluments, fees or other benefit from a licensee or an applicant for a licence in relation to any activities authorized by the Board under this Ordinance, or where a member of the Board has any financial interest in relation to any activities authorized by the Board under this Ordinance, that member is not eligible to act as a member of the Board in any matter coming before the Board that relates to that licence holder or applicant or financial interest.

(6) A person is not eligible to hold office as a member of the Board if—

- (a) in the case of the member referred to in paragraph (1) (b)—he ceases to be a member of the Legislative Assembly; or
- (b) in the case of the member referred to in paragraph (1) (c)—he ceases to be an officer or employee, as the case may be, within the meaning of the *Public Service Act 1922-1975*.

(7) A member of the Board is eligible for re-appointment.

8. A member of the Board may resign his office by writing under his hand addressed to the Minister. Resignation.

9. A member of the Board shall be paid fees and allowances in accordance with the regulations. Remuneration.

10. (1) The Minister may grant leave of absence to the Chairman. Leave of absence.

(2) The Chairman may grant leave of absence to a member of the Board appointed in accordance with paragraph 7 (1) (b) or 7 (1) (c).

11. (1) The Minister may remove a member of the Board from office for misbehaviour or incapacity. Termination of appointment.

(2) The Minister shall remove a member of the Board from office if—

- (a) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors or make an assignment of his remuneration for their benefit;
- (b) the member becomes of unsound mind;
- (c) the member is absent, except on leave granted in accordance with section 10, from 3 consecutive meetings of the Board; or
- (d) the member becomes ineligible to hold office.

Acting
appoint-
ments.

12. (1) Where a member of the Board who is a member of the Legislative Assembly is, or is about to be, absent from the Territory or is not available to perform the functions of his office, or ceases to hold office before the expiration of his term of office, the Minister shall appoint a member of the Assembly nominated by the Assembly to act as a member of the Board while the first-mentioned member is so absent or not available or during the remainder of the term of office.

(2) Where the Chairman is, or is about to be, absent from the Territory or is not available to perform the functions of his office, or ceases to hold office before the expiration of his term of office, the Minister shall appoint a person to act as Chairman while the Chairman is so absent or not available or during the remainder of the term of office.

(3) Where the member of the Board referred to in paragraph 7 (1) (c) is, or is about to be, absent from the Territory or is not available to perform the functions of his office, the Minister shall appoint a person to act as a member of the Board while the first-mentioned member is so absent or not available.

(4) A person shall not be appointed under sub-section (3) unless he is an officer or employee within the meaning of the *Public Service Act 1922-1975*.

Protection of
members of
the Board
and
witnesses.

13. (1) An action or proceeding, civil or criminal, does not lie against a member of the Board for or in respect of an act or thing done in good faith by the member in his capacity as a member.

(2) A barrister and solicitor appearing for a party at a hearing conducted by the Board has the same protection and immunity as a barrister and solicitor has in appearing for a party in proceedings in the Supreme Court.

(3) A witness who gives evidence at a hearing conducted by the Board has the same protection as a witness in proceedings in the Supreme Court.

Decision of
questions.

14. A question arising at a hearing conducted by the Board shall be determined in accordance with the opinion of a majority of the members of the Board.

Division 2—The Registrar and Inspectors

Registrar.

15. (1) The Minister may appoint a person who is an officer or employee within the meaning of the *Public Service Act 1922-1975* to be Registrar of Liquor Licences.

(2) The Registrar shall perform such duties as are required by this Ordinance or as the Board directs.

Inspectors.

16. (1) The Minister may appoint such persons as he thinks fit to be Inspectors of Licensed Premises.

(2) An Inspector shall perform such duties as are required by this Ordinance or as the Board or the Registrar directs.

17. (1) An Inspector may, at any time at which the sale of liquor is authorized by a licence or permit, enter and inspect the premises in respect of which the licence or permit was issued. Inspectors' power of entry.

(2) An Inspector may enter and inspect licensed premises at any time at which there are reasonable grounds for suspecting that liquor is being sold or consumed on the premises.

(3) An Inspector who enters premises in pursuance of this section is not authorized to remain on the premises if, on request by the licensee, he does not produce a certificate in writing signed by the Registrar stating that he is an Inspector for the purposes of this Ordinance.

(4) For the purpose of ascertaining whether a licensee is complying, or has complied, with the provisions of this Ordinance, the Registrar or an Inspector may require a licensee, or a person employed by a licensee, to produce to him any book or record required by or under this Ordinance or the regulations to be kept by the licensee.

(5) The Registrar or an Inspector may inspect a book or record produced in accordance with sub-section (4).

(6) A person shall not, except for the purposes of this Ordinance or in the course of criminal proceedings in a court, make a record of, or divulge or communicate to another person, information that he has acquired by reason of an inspection made in pursuance of sub-section (5).

PART III—STANDARDS FOR LICENSED PREMISES

18. (1) The Board shall cause a book, to be called the Licensing Standards Manual, to be prepared. Licensing Standards Manual.

(2) The Board shall set out in the Manual the general standards that the Board recommends should be met in relation to the construction of premises in respect of which licences are sought.

(3) In relation to premises in respect of which a General Licence or an On Licence is sought the Board may include in the Manual general standards in relation to—

- (a) the materials that may be used in the surfacing of floors, walls and ceilings;
- (b) the materials that may be used in the surfacing of bars, counters, tables, fitments and items of furniture to be used in connexion with the service or consumption of liquor or meals;
- (c) the treatment of walls and ceilings in bar rooms and dining rooms to reduce noise;
- (d) the means to be adopted for heating, cooling, ventilating and lighting the premises;
- (e) the material that may be used in the surfacing of walls and floors in outdoor areas to be used for the sale or consumption of liquor or food:

- (f) the furnishing of the premises including the seating accommodation to be provided and the manner in which that seating is to be distributed over the premises;
 - (g) the equipment and facilities to be provided for the preparation of meals;
 - (h) the quantity and quality of cutlery, crockery and glassware to be provided and kept available in the premises;
 - (i) the provision of toilet facilities for members of the public;
 - (j) where the premises include residential accommodation for lodgers, the quantity and quality of bedding and linen to be provided and kept available for use in that accommodation;
 - (k) where the premises include residential accommodation for lodgers, the provision of sleeping, toilet and bathing facilities for the use of lodgers;
 - (l) the means to be adopted for the display of liquor for sale for consumption off the premises;
 - (m) the location and construction of facilities for the storage of liquor;
 - (n) the provision of areas suitable for dancing; and
 - (o) other general standards that the Board deems appropriate to recommend.
- (4) In relation to premises in respect of which an Off Licence is sought the Board may include in the Manual general standards in relation to—
- (a) the location and construction of facilities for the storage of liquor;
 - (b) the location and construction of facilities for the sampling of liquor;
 - (c) the means to be adopted for the display of liquor for sale; and
 - (d) other general standards that the Board deems appropriate to recommend.
- (5) In relation to premises in respect of which a Club Licence is sought the Board may include in the Manual general standards in relation to—
- (a) the materials that may be used in the surfacing of bars, counters, tables, fitments and items of furniture to be used in connexion with the service or consumption of liquor or meals;
 - (b) the materials that may be used in the surfacing of walls and floors in areas adjacent to bars and counters used in connexion with the service of liquor;
 - (c) the location and construction of facilities for the storage and display of liquor;
 - (d) the treatment of walls and ceilings to reduce noise; and
 - (e) other general standards that the Board deems appropriate to recommend.

(6) In exercising its powers under any of the preceding sub-sections the Board may, under the same sub-section, include in the Manual different general standards in respect of different types or classes of premises or premises situated in different parts of the Territory.

19. (1) The Board may amend the Manual.

Amendment
of Manual.

(2) Where the Board amends the Manual, it shall specify in the amendment the date on which the amendment is to come into operation.

20. (1) The Board shall, within 30 days after the preparation of the Manual is complete, cause a copy of the Manual to be delivered to the Minister and to the President of the Legislative Assembly.

Disallowance
of
amendment
of Manual.

(2) The Board shall, within 30 days after it amends the Manual, cause a copy of the amendment to be delivered to the Minister and to the President of the Legislative Assembly.

(3) Within 30 days after the date on which a copy of the Manual or an amendment of the Manual is delivered to him, the Minister shall inform the President of the Legislative Assembly whether he proposes to disallow, either in whole or in part, the Manual or the amendment, as the case may be.

(4) Within 60 days after the date on which a copy of the Manual or an amendment of the Manual is delivered to him the Minister, may by notice in the *Gazette*, disallow, either in whole or in part, the Manual or the amendment, as the case may be.

(5) The disallowance, either in whole or in part, of the Manual or an amendment of the Manual has the same effect as if the Manual or amendment of the Manual, as the case may be, were an Ordinance and the disallowance had been effected under section 12 of the *Seat of Government (Administration) Act 1910-1973*.

21. (1) Unless the contrary intention appears, expressions used in the Manual have the same respective meanings as they would have if the Manual were regulations made under this Ordinance.

Inter-
pretation of
Manual.

(2) The Manual and amendments of the Manual shall not be taken to be regulations within the meaning of the *Interpretation Ordinance 1967-1975*.

22. (1) The Registrar shall keep a copy of the Manual at his office at all times.

Inspection
of Manual.

(2) Any person may, upon request made at any time during the hours during which the office of the Registrar is open for business, inspect the copy of the Manual kept by the Registrar.

23. (1) In any proceedings in a court, a book purporting to be a copy of the Manual and bearing a certificate signed by the Registrar and stating that the book is a true copy of the Manual as in force on that day or during a specified period is evidence of the Manual as in force on that day or during that period, as the case may be.

Evidence of
requirements.

(2) For the purpose of sub-section (1), a certificate that purports to be signed by the Registrar shall, unless the contrary is proved, be deemed to have been signed by the Registrar.

Saving of operation of Building Ordinance.

24. Nothing in this Ordinance affects the operation of the *Building Ordinance 1972-1974*.

PART IV—LICENCES

Division 1—Classes of Licences

Classes of licences.

25. The following are the classes of licences that may be issued under this Ordinance:—

- (a) General Licences;
- (b) On Licences;
- (c) Off Licences; and
- (d) Club Licences.

General Licence.

26. Subject to this Ordinance, a General Licence authorizes the licensee to sell liquor at any time for consumption on, or away from, the licensed premises.

On Licence.

27. Subject to this Ordinance, an On Licence authorizes the licensee to sell liquor at any time to persons for consumption on the licensed premises.

Off Licence.

28. Subject to this Ordinance, an Off Licence authorizes the licensee to sell liquor at any time in sealed containers to persons for consumption away from the licensed premises.

Club Licence.

29. Subject to this Ordinance, a Club Licence authorizes the club by which the licence is held to supply liquor at any time on the club premises for consumption on, or away from, the club premises to—

- (a) members of the club; and
- (b) persons on the licensed premises of the club at the invitation of members of the club.

Division 2—Issue of Licences

Decision on consideration of application for licence.

30. After considering an application for a licence, the Board shall either—

- (a) authorize the issue of a licence to the applicant; or
- (b) conduct a hearing in relation to the application.

Hearing of application for licence.

31. (1) If the Board decides to conduct a hearing in relation to an application, the Board shall fix a date, time and place for the hearing.

(2) At a hearing under this section—

- (a) the procedure shall be within the discretion of the Board;
- (b) the Board may take evidence on oath or affirmation; and
- (c) the Board shall give the applicant an opportunity to be heard.

(3) The Board is not bound by the rules of evidence but may inform itself in such manner as it thinks fit.

(4) A member of the Board may administer an oath or affirmation to a person who attends to give evidence at a hearing under this section.

(5) The Board may adjourn a hearing from time to time and from place to place.

(6) Subject to sub-section (7), a hearing under this section shall be conducted in public.

(7) If the Board is of the opinion that the conduct of a hearing under this section in public is likely to cause undue hardship to any person, it may direct that the hearing be in private.

(8) Where the Board has given a direction under sub-section (7), a person shall not enter, or remain in, the room in which a hearing under this section is taking place except with the permission of the Board.

32. After the Board has conducted a hearing in relation to an application for a licence, the Board shall either—

Decision on hearing of an application for licence.

- (a) authorize the issue of a licence to the applicant; or
- (b) refuse to authorize the issue of a licence to the applicant.

33. The Board shall not authorize the issue of a licence unless—

Further conditions for issue of licence.

- (a) the application was made in accordance with the Regulations; and
- (b) the Board is satisfied that the premises in respect of which the licence is sought reasonably comply or will, when erected or altered in accordance with the plans and specifications, reasonably comply with the general standards recommended by the Board in the Manual.

34. The Board shall not authorize the issue of a Club Licence unless—

Conditions for issue of Club Licence.

- (a) the applicant club is a body corporate;
- (b) the club, at the date on which application was made for the licence, had not less than 100 financial members who had attained the age of 18 years;
- (c) the club is established for the purpose of recreation or promoting social, religious, political, literary, scientific, artistic, sporting or athletic purposes or other purposes approved by the Board;
- (d) the constitution or rules of the club provide for the nomination or election of financial members (other than foundation members) and for the keeping of a record of each such nomination and election for a period not less than 2 years;

- (e) the constitution or rules of the club provide that a person who is not a member of the club shall not be supplied with liquor on the premises of the club unless the person is on the premises of the club at the invitation of a member of the club;
- (f) the constitution and rules provide that the club shall hold a meeting of the members of the club once at least in every calendar year for the purpose of electing a committee to manage the affairs of the club; and
- (g) the constitution and rules of the club provide that the club shall not make to any officer, member or employee of the club any payment by way of commission, profit or allowance from or upon the receipts from the supply of liquor on the premises of the club.

Licence not to be issued while premises incomplete.

35. (1) Where the Board authorizes the issue of a licence in respect of premises the erection or alteration of which in accordance with plans and specifications lodged with the application for the licence is not complete, the Registrar shall not issue the licence until the person to whom the licence is to be issued produces a certificate issued under Part V of the *Building Ordinance 1972-1974* in respect of the premises.

(2) Where, in a case to which sub-section (1) applies, a certificate referred to in that sub-section is not produced to the Registrar before the expiration of a period of 12 months after the date on which the Board authorized the issue of the licence or such further time (if any) as the Board allows, the authority for the issue of the licence shall be deemed to have been revoked.

Issue of licence.

36. (1) Subject to this Ordinance, where the Board has authorized the issue of a licence to a person or club, the Registrar shall issue the licence to the person or club, as the case may be.

(2) A licence shall be in the prescribed form.

Duration of licence.

37. (1) Subject to this Ordinance, a licence shall be in force for the period of 12 months commencing on the date on which the licence is issued.

(2) The Board may determine that a licence shall be in force for a period less than the period specified in sub-section (1).

Division 3—Renewal of Licences

Issue of renewal.

38. Where an application for the renewal of a licence is duly made and the fee payable for the renewal of the licence is paid, the Registrar shall renew the licence by issuing to the applicant a renewal of the licence.

Form of renewal.

39. A renewal of a licence shall be in the prescribed form.

40. (1) Subject to sub-section (2) and to section 109, where the Registrar renews a licence under section 38, the licence as renewed shall continue in force for a period of 12 months commencing at the expiration of the period during which, but for its renewal, the licence would have been in force. Duration of renewal.

(2) Where, in an application for the renewal of a licence, the applicant requests that the licence as renewed, continue in force for a period less than the period referred to in sub-section (1), the licence shall, if it is renewed, continue in force for that shorter period.

Division 4—Transfer of Licences

41. (1) Subject to this Ordinance and the Regulations, a licence may be transferred from the holder for the time being of the licence to another person. Transfer of licence.

(2) A transfer of a licence does not take effect until the Board approves the transfer or until such later date as the Board fixes.

42. Subject to this Ordinance, where—

- (a) the transfer of a licence has been approved by the Board; and
- (b) the licence has been lodged with the Registrar, together with the record kept by the holder of the licence for the purpose of section 100,

Endorsement
of transferred
licence.

the Registrar shall endorse on the licence a memorandum in the prescribed form and shall make such amendments (if any) to the licence as are required to give effect to the Board's directions.

43. (1) As soon as practicable after a licence has been endorsed under section 42, the Registrar shall deliver the licence, together with the record lodged with him by the former holder of the licence, to the person to whom the licence has been transferred. Delivery of transferred licence.

(2) Delivery of a licence for the purpose of sub-section (1) may be effected by post.

PART V—CONTROL OF CONDUCT OF LICENSEES

Division 1—Complaints regarding Conduct of Business of Licensee

44. (1) A person may make a complaint to the Registrar regarding— Manner of making complaint.

- (a) any matter arising out of the conduct, at the licensed premises, of the business of a person who holds a licence; or
- (b) any matter arising out of the conduct of the affairs of a club at the licensed premises of the club.

(2) A complaint under this section shall—

- (a) be in writing;
- (b) be signed by the person making the complaint; and
- (c) be lodged with the Registrar.

(3) Where a complaint is made to him under sub-section (1), the Registrar shall make such investigations of the subject-matter of the complaint as he thinks appropriate and shall prepare a written record of the results of the investigations.

Complaint to
be referred
to Board.

45. (1) Where a complaint is made under section 44, the Registrar shall, as soon as is reasonably practicable after the complaint has been made, submit to the Board a copy of the complaint together with the written record of the results of his investigation.

(2) If the Board is of the opinion that further investigation of a complaint is desirable, the Board may direct the Registrar to make such further investigations as the Board specifies and report the results of the investigations to the Board.

(3) The Board shall consider a complaint and the report or reports of the Registrar and shall—

- (a) if the Board is of the opinion that an application should be made for the cancellation of a licence—direct the Registrar to make such an application;
- (b) if the Board is of the opinion that an application should be made for an order giving directions to the holder of a licence—direct the Registrar to make such an application; or
- (c) in any other case—direct the Registrar to inform the person by whom the complaint was made that the complaint has been investigated but no further action is warranted.

(4) The Registrar shall comply with a direction given by the Board under this section.

Division 2—Directions to Licensees

Powers of
the Board.

46. (1) Where—

- (a) a licensee has failed to perform any of the obligations imposed upon him by Part VII;
- (b) a licensee has permitted his licensed premises to be so used as to cause undue disturbance or inconvenience to persons lawfully upon the premises;
- (c) a licensee has permitted his licensed premises to be so used as to cause undue disturbance or inconvenience to persons residing in the neighbourhood of the premises;
- (d) a licensee has failed reasonably to comply with any of the general standards recommended in the Manual which he has agreed will apply to the premises designated in the licence; or

- (e) a licensee has, in his licensed premises, created a hazard by fire to life or property or permitted such a hazard to develop,

the Board may, by order, give to the licensee such directions as it thinks necessary.

(2) Where the Board gives directions to a licensee under sub-section (1), it shall, by its directions, specify a period within which the licensee is to comply with the directions.

(3) Where the Board gives directions to a licensee under sub-section (1), the Board may, if it is necessary to do so for the protection of members of the public, by order, suspend the licence of the licensee.

(4) The suspension of a licence under sub-section (3) has effect until the suspension is revoked.

(5) Where—

- (a) the Board has, under sub-section (3), suspended the licence of a licensee to whom directions have been given under sub-section (1); and

- (b) the licensee has complied with those directions,

the Board shall revoke the suspension of the licence.

(6) The Board may, if it thinks fit, either before or after the expiration of a period fixed under sub-section (2), extend the period.

Division 3—Cancellation of Licences

47. In this Division, “offence against this Ordinance” includes an offence against the repealed Ordinance. Definition.

48. Where it comes to the notice of the Registrar that—

- (a) the holder of a licence is serving a sentence of imprisonment imposed in respect of his conviction for an offence;

- (b) the holder of a licence has been convicted of an offence against the *Police Offences Ordinance* 1930-1970, the *Crimes Act* 1914-1973 or the *Crimes Act*, 1900, of the State of New South Wales in its application to the Territory; or

- (c) the holder of a licence has, on 2 or more occasions, been convicted of an offence against this Ordinance,

the Registrar shall make an application to the Board for an order under this Division. Compulsory applications.

49. Where it appears to the Registrar that there is a ground upon which the Board would be authorized to cancel a licence, the Registrar may make an application to the Board for an order under this Division. Other applications.

Preliminary
consideration
of
application.

50. (1) An application for an order under this Division shall be delivered by the Registrar to the Chairman together with a statement signed by the Registrar and setting out—

- (a) particulars of the ground or grounds upon which the application is made; and
- (b) the facts relied upon by the Registrar to constitute that ground or each of those grounds, as the case may be.

(2) If the Chairman of the Board is of the opinion that the facts set out in the statement made by the Registrar would not, if they were proved, establish any of the grounds upon which an application is made, the Chairman shall endorse on the application a memorandum of his opinion and the application shall be deemed to have been dismissed.

(3) If the Chairman of the Board is of the opinion that, in the absence of other evidence, the facts stated in the statement made by the Registrar would, if proved, establish one or more of the grounds stated in an application, the Chairman shall fix a time, date and place for the hearing of the application by the Board.

(4) Where the Chairman has fixed a date for the hearing of an application, the Registrar shall, not less than 7 days before the date so fixed, serve on each person in relation to whom an order is sought—

- (a) a copy of the application;
- (b) a copy of the statement delivered by the Registrar to the Chairman; and
- (c) notice of the time, date and place fixed for the hearing of the application by the Board.

Cancellation
of licences.

51. (1) The Board may, by order, cancel a licence where—

- (a) the licensee is serving a sentence of imprisonment imposed in respect of his conviction of an offence;
- (b) the licensee has been convicted of an offence against the *Police Offences Ordinance 1930-1970*, the *Crimes Act 1914-1973* or the *Crimes Act, 1900*, of the State of New South Wales in its application to the Territory and it would be contrary to the public interest that he continue to hold the licence;
- (c) the licensee has been convicted of 2 or more offences against this Ordinance; or
- (d) the licensee has contravened or failed to comply with a direction given to him by the Board.

(2) The Board shall not make an order upon the ground that a licensee has been convicted of 2 or more offences against this Ordinance unless it is satisfied that—

- (a) the offences of which the licensee has been convicted are of sufficient gravity to justify the cancellation of his licence; and

- (b) in all the circumstances, the matter is not one in which the giving of directions by the Board would be likely to be effective to prevent the commission of further offences against this Ordinance by the licensee.

(3) The Board shall not make an order upon the ground that a licensee has been convicted of 2 or more offences against this Ordinance if the Board is satisfied that both or all of those offences, as the case may be, arose out of the same, or substantially the same, acts or omissions.

(4) The Board shall not make an order upon the ground that a licensee has contravened or failed to comply with a direction given to him by the Board if the licensee satisfies the Board that—

- (a) the contravention of, or failure to comply with, the direction arose out of, or was occasioned by, the act or neglect of an employee of the licensee; and
- (b) the licensee had given such directions to his employees, and had exercised or caused to be exercised such supervision of his employees, as were reasonably necessary to ensure that the licensee did not contravene, or fail to comply with, the direction of the Board.

Division 4—Procedure

52. Where an application is made under Division 3, the Chairman shall fix a date, time and place for the hearing of the application. Date for hearing.

53. Where an application is made under Division 3, the Registrar shall serve on the licensee in respect of whom the application is made— Service of application.

- (a) a copy of the application; and
- (b) notice in writing of the date, time and place fixed by the Chairman for the hearing of the application.

54. Service of documents under this Part may be effected by post. Method of service.

55. Before coming to a decision on an application under Division 3, the Board shall conduct a hearing in relation to the application. Board to conduct hearings.

56. (1) The procedure at a hearing under this Part is within the discretion of the Board. Procedure at hearings.

(2) At a hearing under this Part the Board shall afford the licensee to whom the application relates an opportunity to be heard.

57. (1) Subject to sub-section (2), the hearing of an application under this Part shall be in public. Hearings to be in public.

(2) If the Board is of the opinion that the hearing of an application under this Part in public is likely to cause undue hardship to any person, it may direct that the hearing be in private.

(3) Where the Board has given a direction under sub-section (2), a person shall not enter, or remain in, the room in which the hearing of an application under this Part is taking place except with the permission of the Board.

Representation of parties to application.

58. The Registrar and each licensee to whom an application relates are each entitled to be represented at the hearing of the application by a barrister and solicitor.

Board may summon witnesses.

59. (1) The Chairman may, by writing under his hand, summon a person to attend at the hearing of an application under this Part at a time and place specified in the summons to give evidence and to produce the books and documents in his custody or control that are specified in the summons.

(2) A person served with a summons under sub-section (1) shall not refuse or fail, without reasonable excuse, to comply with the summons.

Penalty: \$100.

(3) It is a defence to a prosecution for an offence of refusing or failing, without reasonable excuse, to produce a book or document in accordance with a summons under sub-section (1) if the defendant proves that the book or document was not relevant to any matter at issue in the hearing in relation to which the summons was issued.

(4) A person appearing as a witness at a hearing under this Part shall not refuse to be sworn or to make an affirmation or to answer a question relevant to a matter in issue in the hearing.

Penalty: \$100.

(5) A statement made by a witness at a hearing under this Part is not, except in proceedings for giving false testimony at the hearing, admissible against him in criminal proceedings in a court.

Fees and allowances to witnesses.

60. (1) A person who attends for the purpose of giving evidence at a hearing under this Part is entitled to receive such fees and travelling expenses in accordance with the scale in the Second Schedule to the Public Works Committee Regulations as in force at the relevant time under the *Public Works Committee Act 1969-1974* as the Chairman directs.

(2) Fees and allowances payable to a person in accordance with sub-section (1) are payable—

(a) if the person attended the hearing, whether on summons or not, by reason of a request by a person other than the Chairman, a member of the Board or the Registrar—by the person at whose request the first-mentioned person attended; or

(b) in any other case—by Australia.

PART VI—PERMITS

61. Subject to this Ordinance, a permit authorizes the holder of the permit, during the period, and at the place or premises, specified in the permit, to sell liquor for consumption at that place or at those premises, as the case may be.

Authority conferred by permit.

62. (1) A person may make application for the grant of a permit authorizing the sale of liquor at an entertainment, or at entertainments, to be conducted by that person.

Application for permit.

(2) A person may make application on behalf of an unincorporated association for the grant of a permit authorizing the sale of liquor at an entertainment, or at entertainments, to be conducted by that association.

(3) An application under this section shall—

- (a) be in the prescribed form; and
- (b) be lodged with the Registrar.

(4) In this section, “entertainment” does not include a gathering of people if—

- (a) only particular persons have been invited to attend the gathering; and
- (b) not more than 30 persons have been so invited.

63. (1) Subject to sub-section (2), where application is duly made for the grant of a permit, the Registrar shall issue to the applicant the permit sought by the applicant.

How applications to be dealt with.

(2) Where the Registrar is of the opinion that there are, in relation to an application, any facts or circumstances on the basis of which the Board could regard itself as bound to refuse to direct the issue of a permit, the Registrar shall submit the application, together with a report of the facts and circumstances on which his opinion is based, to a member of the Board.

(3) The member of the Board to whom an application is submitted in accordance with sub-section (2) shall fix a date, time and place for the hearing of the application by the Board.

(4) The hearing of an application for a permit shall commence on the date, and at the time and place, fixed under sub-section (3).

(5) Sub-sections (2), (3), (4) and (5) of section 31 apply to the hearing of an application for a permit as if it were an application for a licence.

64. (1) Subject to this Ordinance, in the case of an application in respect of which a hearing is conducted by the Board, the Board shall direct the Registrar to issue the permit sought unless it is satisfied that—

Direction by Board for issue of permit.

- (a) there will not be, on the premises or at the place to which the application relates, adequate toilet facilities for persons attending the entertainment or entertainments specified in the application; or

- (b) the conduct of the entertainment or entertainments specified in the application is likely to result in undue disturbance or inconvenience to persons residing in the neighbourhood of the premises or place in relation to which the permit is sought.

(2) Where, in relation to an application for a permit, the Board is satisfied that there has been established one or both of the grounds specified in paragraph (1) (a) or (1) (b) but that the public interest could be adequately protected by the issue of a permit subject to conditions, the Board may direct the Registrar to issue a permit to the applicant subject to such conditions as the Board thinks necessary to protect the public interest.

(3) Where, in relation to an application for a permit, the Board is satisfied that a permit should be issued to the applicant but that the permit should specify a period or periods different from those sought by the applicant, the Board may direct the Registrar to issue to the applicant a permit specifying such period or periods as the Board thinks appropriate.

Permit to specify periods and premises to which it relates.

65. (1) A permit shall be in the prescribed form.

(2) Where the Registrar issues a permit in pursuance of a direction under section 64, the period or periods, and the premises or place, in relation to which the permit is to be issued shall be those specified in the direction.

(3) Where the Board directs the Registrar to issue a permit the Board shall specify in its direction—

- (a) the premises or place in relation to which the permit is to be issued; and
 (b) the period or periods during which the sale of liquor is to be authorized by the permit.

Cancellation of permits.

66. (1) Where the holder of a permit contravenes, or fails to comply with, a condition specified in the permit the Board may, by order, cancel the permit.

(2) The Board may, by order, cancel a permit if—

- (a) the holder of the permit is serving a sentence of imprisonment imposed in respect of his conviction of an offence;
 (b) the holder of the permit has been convicted of an offence against the *Police Offences Ordinance* 1930-1970, the *Crimes Act* 1914-1973 or the *Crimes Act*, 1900, of the State of New South Wales in its application to the Territory and it would be contrary to the public interest for him to continue to hold the permit;
 (c) the holder of the permit has been convicted of an offence against this Ordinance;

- (d) the holder of the permit has permitted the premises or place in relation to which the permit has been issued to be so used as to cause undue disturbance or inconvenience to the quiet or good order of the neighbourhood in which the premises or place are situated; or
- (e) in the opinion of the Board, it would be contrary to the public interest for the permit to continue in force.

(3) A person may make a complaint to the Registrar regarding the manner in which the premises specified in a permit are being used.

(4) A complaint under sub-section (3) shall—

- (a) be in writing;
- (b) be signed by the person making the complaint; and
- (c) be lodged with the Registrar.

(5) Where a complaint is made under sub-section (3), the Registrar shall make such investigation of the subject-matter of the complaint as he thinks appropriate and shall prepare a written record of the results of the investigation.

(6) If the Registrar, after he has made an investigation of a complaint, is of the opinion that the complaint is not frivolous or unreasonable, he shall make an application for an order cancelling the permit and shall submit to the Board the written record of the results of his investigation.

(7) An application for an order cancelling a permit shall not be made except by the Registrar.

(8) The Board shall not cancel a permit without—

- (a) conducting a hearing; and
- (b) giving the holder of the permit an opportunity of being heard.

(9) The hearing of an application for an order under this section shall begin on such date and at such time and place as is fixed by the Chairman.

(10) Subject to this section, the procedure for the making and hearing of an application under this section, and the powers of the Board in relation to the hearing, shall be the same as if the application were an application for the cancellation of a licence.

PART VII—OBLIGATIONS OF LICENSEES

67. (1) Subject to sub-section (2), the holder of a General Licence shall, at all times at which the licensed premises are open for the sale of liquor, keep open at least one bar-room for the sale of liquor to members of the public of both sexes.

General
Licence—
minimum
bar trading
hours.

(2) The holder of a General Licence shall, at all times between noon and 10 o'clock in the evening on every day other than Christmas Day, Good Friday or a Sunday, keep open at least one public bar-room for the sale of liquor to members of the public of both sexes.

(3) The holder of a General Licence shall not keep a bar-room open for the sale of liquor unless the bar-room is open for the sale of liquor to members of the public of both sexes.

On Licence—
minimum
bar trading
hours.

68. The holder of an On Licence shall, on every day other than Christmas Day, Good Friday, a Sunday and a public holiday, keep open for not less than a total of 8 hours, at least one bar-room for the sale of liquor to members of the public of both sexes.

Provision of
food.

69. (1) At all times when a bar-room is open for the sale of liquor, the holder of a General Licence or an On Licence shall take reasonable measures to ensure that he has available for sale, at a place on the licensed premises approved by the Board in relation to that bar-room, an adequate supply of food of a standard and variety approved by the Board.

(2) The Board shall not approve a place in relation to a bar-room for the purpose of sub-section (1) unless the Board is satisfied that the situation of the place is such as to meet the reasonable requirements of the members of the public.

Notice of
types and
prices of
food
available.

70. (1) The holder of a General Licence or an On Licence shall at all times when a bar-room, other than a public bar-room, is open for the sale of liquor, display a sign at each public entrance to that bar-room stating the types of food that the licensee will supply and the prices that will be charged.

(2) A sign referred to in sub-section (1) shall be deemed not to be displayed at an entrance to a bar-room unless it is clearly visible to persons entering the bar-room through that entrance.

(3) The holder of a General Licence shall, at all times when a public bar-room is open for the sale of liquor, display a sign in that public bar-room stating the types of food that the licensee will supply and the prices that will be charged.

(4) A sign referred to in sub-section (3) shall not be taken to be displayed in a public bar-room unless the sign is so placed that it is reasonably capable of being read by a person purchasing food in that bar-room.

Licenses to
keep
premises
clean.

71. The holder of a General Licence or an On Licence shall keep the licensed premises in a clean condition at all times.

Licencee to
keep
premises in
good repair.

72. The holder of a licence shall maintain the licensed premises and all equipment, appliances, fitments, furniture and floor coverings in, or used in, the premises in good repair.

Notice of
bar trading
hours.

73. The holder of a licence shall display at each public entrance to a bar-room a notice stating the hours during which that bar-room will be open for the sale of liquor.

Licencee not
to alter
premises
without
approval.

74. (1) The holder of a licence shall not, except with the approval of the Board, alter the licensed premises.

(2) The holder of a licence shall advise the Registrar of any alteration to any fitment in the licensed premises.

75. The holder of a licence shall not absent himself from the licensed premises for a period exceeding 28 days unless he has given to the Registrar notice in writing setting out particulars of—

Licensee to notify Board of prolonged absence from licensed premises.

- (a) the period during which the licensee will be absent from the licensed premises; and
- (b) the full name and residential address of the person who will be in charge of the licensed premises during the absence of the licensee.

PART VIII—APPEALS

76. (1) Where the Board—

Appeals to Supreme Court.

- (a) has refused to authorize the issue of a licence or approve the transfer of a licence;
- (b) has refused to direct the issue of a permit;
- (c) has directed the issue of a permit subject to conditions;
- (d) has given directions to a licensee;
- (e) has suspended or cancelled a licence;
- (f) has cancelled a permit; or
- (g) has refused to approve an alteration of licensed premises,

the applicant or licensee, as the case may be, may, within 21 days after the decision of the Board was given, appeal to the Supreme Court.

(2) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

(3) An appeal is in the nature of a re-hearing.

(4) The Registrar shall be the respondent on an appeal.

(5) The Supreme Court may—

- (a) affirm, set aside or vary the decision of the Board; and
- (b) make such other order as justice requires.

(6) Where the Supreme Court sets aside or varies a decision of the Board, the Court shall set out in its decision the reasons for the decision.

PART IX—OFFENCES

77. (1) A person other than the holder of a licence or permit shall not sell, offer for sale or expose for sale any liquor.

Sale of liquor by unlicensed persons.

(2) A person who invites a person or other persons to make an offer or offers for the purchase of liquor shall, for the purpose of subsection (1), be deemed to have offered to sell liquor to that person or those persons, as the case may be.

78. The holder of a permit shall not sell liquor elsewhere than at the place, or on the premises, as the case may be, to which the permit relates.

Sale of liquor by holders of permits off premises.

Liquor not to be sold or supplied to intoxicated persons, &c.

79. The holder of a licence or permit shall not sell or supply liquor to a person in respect of whom there are reasonable grounds for believing that he is intoxicated or suffering the effects of mental illness.

Sale of liquor to young persons.

80. (1) The holder of a licence or a permit shall not sell or supply liquor to a person under the age of 18 years.

(2) It is a defence in proceedings for an offence against sub-section (1) if the defendant proves that the person to whom liquor was sold or supplied, as the case may be, was not less than 16 years of age and that the defendant had reasonable grounds for believing that the person was not less than 18 years of age.

(3) The holder of a licence or permit or an employee of the holder of a licence or permit may refuse to sell liquor to a person unless that person satisfies the holder of the licence or the employee, as the case may be, of his age.

Consumption of liquor by young persons on licensed premises.

81. A person under the age of 18 years shall not—

- (a) purchase or consume liquor on licensed premises; or
- (b) purchase liquor from the holder of a permit.

Young person not to be sent to obtain liquor.

82. A person shall not send a person under the age of 18 years to purchase or collect liquor on or from premises to which a licence or permit relates.

Persons under 18 not to enter bar-rooms.

83. A person who has not attained the age of 18 years shall not enter a bar-room on licensed premises except in the care of a responsible adult.

Young persons not to consume liquor in a public place.

84. A person who has not attained the age of 18 years shall not consume liquor in a public place.

Obstruction of Inspector.

85. (1) A person who, being the holder of a licence or permit or an employee of such a person, wilfully obstructs or delays the entry of an Inspector to the premises to which the licence or permit relates is guilty of an offence.

(2) A person who wilfully hinders an Inspector in the discharge of his duty upon premises to which a licence or permit relates is guilty of an offence.

Licensee or permit-holder not to sell adulterated liquor.

86. The holder of a licence or permit shall not sell, offer for sale or expose for sale adulterated liquor.

Persons on licensed premises after hours.

87. (1) Subject to this section, a person shall not enter, or remain on, licensed premises to which a General Licence relates unless a bar-room on those premises is open for the sale of liquor.

(2) A person does not commit an offence against sub-section (1) by remaining in a bar-room on licensed premises for a period not exceeding 15 minutes after the bar-room ceases to be open for the sale of liquor.

(3) Nothing in this section applies to, or in relation to—

- (a) the licensee of premises;
- (b) a member of the family of the licensee;
- (c) a person who enters, or remains on, licensed premises in the course of his employment;
- (d) a person who enters, or remains on, licensed premises at the invitation of, and as a guest of, the licensee or a member of the family of the licensee;
- (e) a lodger occupying residential accommodation provided on the licensed premises; or
- (f) a person who enters licensed premises at the invitation, and as a guest, of such a lodger.

88. (1) The licensee of premises to which a General Licence or an On Licence relates may exclude or remove a person from the licensed premises if—

- (a) the person is drunk, violent, quarrelsome or disorderly;
- (b) the person is using disgusting, profane or foul language; or
- (c) the presence or continued presence of the person on the licensed premises would render the licensee liable to a penalty under this Ordinance or another law in force in the Territory.

Disorderly persons, &c., may be excluded from licensed premises.

(2) The licensee of premises to which a General Licence, an On Licence or a Club Licence relates shall not permit a person to be upon the licensed premises if he knows, or has reasonable grounds for believing, that the person is on the premises for an unlawful purpose.

89. (1) The holder of a licence shall ensure that the licence is kept on the licensed premises at all times.

Licence to be kept on premises.

(2) It is a defence to a prosecution for an offence against sub-section (1) that, at the time of the alleged offence, the licence had been delivered to the Registrar and had not been returned to the licensee.

90. The holder of a licence or permit shall produce the licence or permit to an Inspector upon demand being made by the Inspector on the premises to which the licence or permit relates.

Licence or permit to be produced on demand.

91. (1) Subject to this section, a person shall not consume liquor on the premises to which an Off Licence relates.

Restrictions on consumption of liquor.

(2) Sub-section (1) does not apply to or in relation to—

- (a) the holder of the licence relating to the premises;
- (b) an employee of the holder of the licence; or
- (c) a member of the family of the holder of the licence.

(3) The holder of an Off Licence shall not permit a person, not being a person referred to in paragraph (2) (b) or (2) (c), to consume liquor on the premises to which the licence relates.

(4) In proceedings for an offence against this section arising out of the consumption of liquor on premises to which an Off Licence relates, it is a defence for the defendant to prove that—

- (a) the liquor was consumed by the holder of a licence or permit or an employee of such a person;
- (b) the liquor was supplied for consumption as a sample of liquor available for sale;
- (c) no charge was made for the supply of the liquor; and
- (d) the liquor was consumed in a part of the premises specified in the licence relating to the premises as a sampling area.

Permit-holder to comply with conditions.

92. The holder of a permit shall not contravene, or fail to comply with, a condition to which the permit is subject.

Consumption of liquor on unlicensed business premises.

93. (1) A person shall not consume liquor on unlicensed premises at which a business is conducted except at the express invitation of the person responsible for the conduct of the business at those premises.

(2) A person who consumes liquor on premises referred to in subsection (1) shall not remain on the premises after the person responsible for the conduct of the business at those premises has requested him to leave.

PART X—FEES

Registrar not to issue licence, &c., until fee paid.

94. (1) The Registrar shall not issue a licence, a renewal of a licence or a permit unless the fee payable under this Part has been paid to him.

(2) The Registrar shall not endorse on a licence a memorandum of the transfer of the licence unless the fee payable under this Part has been paid to him.

Fees for issue of licences.

95. (1) The fee payable for the issue of a General Licence is \$500.

(2) The fee payable for the issue of an On Licence is \$250.

(3) The fee payable for the issue of an Off Licence is \$200.

(4) The fee payable for the issue of a Club Licence is \$200.

Fees for renewal of licences.

96. (1) In this section, “the relevant period”, in relation to the renewal of a licence, means—

- (a) where the licence is in force for a period of 12 months— the period of 12 months that ended on the day 3 months before the date on which the licence would, but for its renewal, cease to be in force; and

- (b) in any other case—the period that ended on the day 3 months before the date on which the licence would, but for its renewal, cease to be in force, being a period equal to the period for which the licence is in force.

(2) Subject to this section, the fee payable for the renewal of a General Licence, an On Licence or a Club Licence is a sum equal to 5 per cent of the amount (including duties) paid or payable for all liquor purchased by the licensee during the relevant period for disposal in pursuance of the licence and any permits held by the licensee.

(3) Subject to this section, the fee payable for the renewal of an Off Licence is a sum equal to 5 per cent of the difference between—

- (a) the total amount (including duties) paid or payable by the licensee for all liquor purchased by the licensee during the relevant period for disposal in pursuance of the licence; and
- (b) the aggregate of the amounts (including duties) paid or payable by the licensee for liquor (whenever purchased) sold by him during the relevant period to—
- (i) holders of licences;
 - (ii) the University;
 - (iii) the Canberra College of Advanced Education;
 - (iv) the Canberra Theatre Trust; and
 - (v) exempt persons.

(4) For the purpose of sub-section (3), the following persons are exempt persons:—

- (a) the Governor-General;
- (b) a member of the family of the Governor-General who ordinarily resides with the Governor-General;
- (c) a member of the staff of the Governor-General, not being a person who is an Australian citizen;
- (d) the diplomatic representative in Australia of a foreign country;
- (e) the High Commissioner in Australia of a part of the Queen's dominions;
- (f) the official representative (not being a High Commissioner) in Australia of a part of the Queen's dominions, being a citizen of that part;
- (g) a consular representative or Trade Commissioner in Australia of another country if he is a citizen of that country and is not otherwise engaged in a business, occupation or profession;
- (h) a member of the staff of a person referred to in paragraph (d), (e) or (f), being a member who is a citizen of the country represented;

(j) a member of the family of a person referred to in any of the preceding paragraphs who ordinarily resides with that person;

(k) the President of the Legislative Assembly.

(5) Subject to sub-sections (6) and (7), the fee payable for the renewal of a licence that was not in force for the whole of the relevant period is an amount that bears to the amount of the fee that would, but for this sub-section, be payable under this section the same proportion as the number of days on which the licence was in force during the relevant period bears to 365.

(6) Where a licence referred to in this section is renewed for a period less than 12 months, the licence fee payable for that renewal is the amount that bears to the amount of the fee that would, but for this sub-section, be payable the same proportion as the number of days in the period for which the licence is renewed bears to 365.

(7) Where, but for this sub-section, the amount of the fee payable for the renewal of a licence as calculated under sub-section (5) or (6) is less than the amount of the fee payable for the issue of a licence of the same class, the fee payable for the renewal of the licence is an amount equal to the amount of the fee payable for the issue of a licence of the same class.

Transfer fee. 97. The fee payable for the transfer of a licence is—

- (a) in the case of a General Licence—\$125;
- (b) in the case of an On Licence—\$62.50; and
- (c) in any other case—\$50.

Permit fee. 98. The fee payable for the issue of a permit is \$10.

PART XI—ALTERATION OF PREMISES

Approval of alteration of premises.

99. (1) The Board may, on application by the holder of a licence, approve the alteration of the premises to which the licence relates.

(2) An application for approval under this section shall—

- (a) be in writing in the prescribed form; and
- (b) be signed by the applicant.

(3) An applicant for approval under this section shall lodge with the Registrar with his application—

- (a) a copy of the plans and specifications for the alteration of the premises having attached to it, or inscribed on it, a memorandum in accordance with sub-section 33 (6) of the *Building Ordinance 1972-1974*; and
- (b) a certificate in the prescribed form signed by a person who is for the purposes of the *Fire Brigade Ordinance 1957-1974*, the Chief Officer of the fire brigade.

(4) Within 14 days after an application for approval under this section has been lodged with the Registrar, the Registrar shall deliver the application and the documents referred to in paragraphs (3) (a) and 3 (b) to the Chairman, together with a report by the Registrar stating—

- (a) whether, in his opinion, the licensed premises would, if the proposed alteration were made, reasonably comply with the general standards recommended by the Board in the Manual; and
- (b) if he is of the opinion that, if the proposed alterations were made, the licensed premises would not reasonably comply with the general standards recommended by the Board in the Manual—the grounds on which his opinion is based.

(5) The Board shall consider an application under sub-section (1) and shall either—

- (a) approve the alteration of the premises; or
- (b) conduct a hearing in relation to the application.

(6) If the Board decides to conduct a hearing in relation to an application under sub-section (1), the Board shall fix a date, time and place for the commencement of the hearing.

(7) Sub-sections (2), (3), (4) and (5) of section 31 apply to a hearing under this section as if it were a hearing of an application for a licence.

(8) After the Board has conducted a hearing in relation to an application under sub-section (1), the Board shall either—

- (a) approve the alteration of the premises; or
- (b) refuse to approve the alteration of the premises.

(9) The Board shall grant its approval of an alteration of premises unless it is satisfied that, if the proposed alteration were made, the licensed premises would not reasonably comply with the general standards recommended by the Board in the Manual.

(10) The holder of a General Licence or an On Licence shall specify in his application for approval of an alteration of the licensed premises the room or rooms that the applicant proposes to use as a bar-room or bar-rooms after the making of the alteration.

(11) The holder of a General Licence shall specify in his application for approval of an alteration of the licensed premises at least one room that the applicant proposes to use as a public bar-room after the making of the alteration.

(12) Where the Board grants its approval of an alteration of licensed premises, the holder of the licence shall not, whilst the alterations are being made, conduct his business on the licensed premises except in accordance with arrangements approved by the Board.

PART XII—MISCELLANEOUS

Licenses to
keep record
of liquor
purchases,
&c.

100. (1) The holder of a licence shall keep a record of every purchase of liquor for sale in pursuance of the licence.

(2) A record kept for the purpose of sub-section (1) shall show—

- (a) the quantity of liquor purchased;
- (b) the date of the purchase;
- (c) the name and address of the person from whom the liquor was purchased; and
- (d) the price, including duties, paid for the liquor.

(3) The holder of an Off Licence shall keep, in addition to the records kept for the purpose of sub-section (1), a record of every sale of liquor made in pursuance of the licence to a licensee, a holder of a permit, the University, the Canberra College of Advanced Education, the Canberra Theatre Trust and a person who is an exempt person for the purpose of sub-section 96 (3).

(4) A record kept for the purpose of sub-section (3) shall show—

- (a) the quantity of liquor sold;
- (b) the name and address of the person to whom the liquor was sold;
- (c) the amount (including duties) paid to the licensee in respect of the sale; and
- (d) the amount (including duties) paid by the licensee in respect of the purchase of the liquor.

(5) Records kept for the purpose of this section shall be kept in a bound book.

(6) A book in which records are kept by a licensee for the purposes of this section shall be retained by the licensee for a period of not less than 2 years after the date on which the last entry in the book was made.

Surrender of
cancelled and
suspended
licences.

101. (1) Where the Board cancels or suspends a licence, the holder of the licence shall, not later than the next following day on which the office of the Registrar is open to the public, deliver the licence to the Registrar.

(2) Where the cancellation or suspension of a licence is set aside by the Supreme Court, the Registrar shall return the licence to the holder.

(3) Where the suspension of a licence is revoked, the Registrar shall return the licence to the holder.

102. (1) The holder of a licence may give to the Registrar notice in writing that he intends to sell liquor at premises (not being part of the licensed premises) specified in the notice during the period specified in the notice.

Circumstances in which licensee may sell liquor away from licensed premises.

(2) A notice is not effective for the purpose of sub-section (1) if the notice specifies a period that—

- (a) commences before the expiration of 7 days after the notice is given to the Registrar;
- (b) commences less than 24 hours after the expiration of the period specified in a previous notice given in respect of the same premises; or
- (c) exceeds 6 days.

(3) Where the holder of a licence has given notice to the Registrar in accordance with this section, the premises specified in the notice shall, during the period specified in the notice, be deemed, for the purposes of this Ordinance, to be part of the licensed premises.

103. (1) A person who contravenes, or fails to comply, with a provision of this Ordinance, other than a provision of Part VII, is guilty of an offence.

Offences.

(2) Proceedings in respect of an offence against this Ordinance shall not be instituted except by the Registrar.

104. A person who is guilty of an offence against this Ordinance for which a penalty is not provided by a provision of this Ordinance other than this section is punishable upon conviction—

Penalties.

- (a) in the case of a body corporate—by a fine of \$1,000; and
- (b) in any other case—by a fine of \$400.

105. Subject to the regulations, a document that is required or permitted to be given or delivered to, or lodged with, a person may be given, delivered or lodged, as the case may be, by post.

Delivery of documents by post.

106. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters that are required or permitted by this Ordinance to be prescribed or are necessary or convenient to be prescribed for giving effect to this Ordinance.

Regulations.

PART XIII—TRANSITIONAL

107. In this Part, “prescribed date” means the date fixed under sub-section 2 (2).

Definition.

108. (1) On and after the prescribed date, a person who, immediately before that date, held a licence under the repealed Ordinance described in Column 1 of the following table shall be deemed to be the holder of a licence of the kind described in Column 2 of that table opposite to the description in Column 1 of the first-mentioned licence.

Transitional provisions regarding existing licences.

Column 1	Column 2
Residential Hotel Licence issued in relation to premises in respect of which consent has been given under sub-section 20 (2) of the repealed Ordinance	General Licence
Residential Hotel Licence issued in relation to premises in respect of which consent has not been given under sub-section 20 (2) of the repealed Ordinance	On Licence
Bistro Licence	On Licence
Grocer's Licence	Off Licence
Liquor Merchants' Licence	Off Licence
Motel Licence	On Licence
Club Licence	Club Licence
Special (Construction Camp) Licence	On Licence
Community Hotel Licence	General Licence

(2) Where, by virtue of this section, a person is to be deemed to be the holder of a licence, he shall be deemed to be the holder of a licence relating to the premises to which the licence held by him under the repealed Ordinance immediately before the prescribed date related.

(3) Sub-section (1) applies to a person until a licence is issued to that person in accordance with sub-section (5).

(4) As soon as practicable after the prescribed date, the Registrar shall issue to a person to whom sub-section (1) applies a licence of the same kind as the licence that the person is to be deemed to hold and relating to the same premises.

(5) A licence issued to a person in accordance with sub-section (4) shall be in force for the remainder of the period during which the licence held by the person under the repealed Ordinance immediately before the prescribed date would, but for this Ordinance, have been in force.

Duration of first renewal of licence.

109. (1) When the Registrar renews, for the first time, a licence issued in accordance with sub-section 108 (4), the licence as renewed shall continue in force—

- (a) for the period determined by the Registrar; or
- (b) if the Registrar does not determine a period, for the period of 12 months, commencing at the expiration of the period during which, but for its renewal, the licence would have been in force.

(2) Section 96 applies to, and in relation to, the renewal of a licence issued to a person in accordance with sub-section 108 (4) as if—

- (a) liquor purchased by the person before the prescribed date for disposal in pursuance of a licence under the repealed Ordinance had been purchased for disposal in pursuance of the licence issued in accordance with sub-section 108 (4); and
- (b) liquor sold by the person before that date had been sold in pursuance of the last-mentioned licence.

110. Not more than 3 months after the coming into effect of the Manual issued by the Board, each licensee shall advise the Registrar of the standards he agrees should apply to his premises.

Application of standards to existing premises.

111. Until the Manual has been made and the period for disallowance has passed the Board may agree with individual applicants for licences to apply standards of amenity and service to applicants for new licences by reference to standards applying in existing licensed premises.

Determination of standards pending preparation of Manual.

SCHEDULE

Section 3

REPEALED ORDINANCES

Liquor Ordinance 1929
Liquor Ordinance 1930
Liquor Ordinance 1931
Liquor Ordinance (No. 2) 1931
Liquor Ordinance (No. 3) 1931
Liquor Ordinance 1932
Liquor Ordinance (No. 2) 1932
Liquor Ordinance 1935
Liquor Ordinance (No. 2) 1935
Liquor Ordinance 1938
Liquor Ordinance (No. 2) 1938
Liquor Ordinance 1942
Liquor Ordinance 1945 (No. 4, 1945)
Liquor Ordinance 1945 (No. 11, 1945)
Liquor Ordinance 1948
Liquor Ordinance (No. 2) 1948
Liquor Ordinance (No. 3) 1948
Liquor Ordinance (No. 4) 1948
Liquor Ordinance 1950
Liquor Ordinance (No. 2) 1951
Liquor Ordinance 1954
Liquor Ordinance 1955
Liquor Ordinance 1956
Liquor Ordinance (No. 2) 1956
Liquor Ordinance 1959
Liquor Ordinance 1962
Liquor Ordinance (No. 2) 1962
Liquor Ordinance 1963
Liquor Ordinance 1964
Liquor Ordinance 1965
Liquor Ordinance (No. 2) 1965
Liquor Ordinance 1966
Liquor Ordinance 1967
Liquor Ordinance 1968
Liquor Ordinance 1971
Liquor Ordinance (No. 2) 1971
Liquor Ordinance 1973
Liquor Ordinance (No. 2) 1973
Liquor Ordinance 1975
Liquor Ordinance (No. 2) 1975
Liquor Poll Ordinance 1955
Liquor (Upper Cotter Dam) Ordinance 1958