

1999  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Liquor (Amendment) Bill 1999

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1999  
THE LEGISLATIVE ASSEMBLY  
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(As presented)

(Attorney-General)

**Liquor (Amendment) Bill 1999**

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**A BILL**

FOR

**An Act to amend the *Liquor Act 1975* and for other purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

- 1 Short title**  
This Act may be cited as the *Liquor (Amendment) Act 1999*.
- 5 **2 Commencement**
- (1) Sections 1, 2 and 3 commence on the day this Act is notified in the *Gazette*.
- (2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.
- 10 (3) If a provision mentioned in subsection (2) has not commenced within 6 months beginning on the day this Act is notified in the *Gazette*, it commences, by force of this subsection, on the first day after that period.

**3 Principal Act**

In this Act, "Principal Act" means the *Liquor Act 1975*.<sup>1</sup>

**4 Definitions**

Section 4 of the Principal Act is amended—

- 5 (a) by adding at the end of paragraph (e) of the definition of "exempt wholesale liquor sale" in subsection (1) "or";
- (b) by omitting paragraph (f) from the definition of "exempt wholesale liquor sale" in subsection (1);
- 10 (c) by omitting from subsection (1) the definitions of "Business Franchise (Liquor) Act", "Canberra Theatre Centre" and "Canberra Theatre Trust", "Commissioner", "initial fee", "Liquor Tax Act", "Manual", "quarter", "quarterly franchise fee" and "repealed ordinance"; and
- (d) by inserting in subsection (1) the following definitions:

15 " 'approved form', for a provision, means a form approved by the registrar under section 105B for the provision;

'fittings' includes furnishings;

'Licensing Standards Manual' (or 'manual') means the Licensing Standards Manual as in force from time to time;

20 'State' includes another Territory;".

**5 Application**

Section 5 of the Principal Act is amended—

- (a) by omitting subsections (5) and (6); and
- (b) by omitting from subsection (8) the definition of "by-law".

25 **6 Return or forfeiture**

Section 17AB of the Principal Act is amended by omitting from subsection (5) "Minister" and substituting "registrar".

**7 Substitution**

30 Sections 18, 19 and 20 of the Principal Act are repealed and the following sections substituted:

**"18 Licensing Standards Manual**

"(1) The board shall prepare and maintain a manual, to be called the Licensing Standards Manual.

“(2) The board shall set out in the manual the general standards, approved in writing by the Minister, with which licensed premises and their licensees are required to comply.

5 “(3) Without limiting subsection (2), the general standards shall deal with—

- (a) the construction of licensed premises and their fittings; and
- (b) the conduct of licensed premises by licensees.

“(4) Without limiting subsections (2) and (3), the general standards may deal with—

- 10 (a) occupancy loadings;
- (b) security;
- (c) toilet facilities;
- (d) entry and exit doors;
- (e) lighting and heating, cooling and ventilating of premises;
- 15 (f) the display of notices and signs;
- (g) checking people’s proof of age;
- (h) the conduct of functions for persons under 18 years old;
- (i) bars and counters for serving or drinking liquor;
- (j) facilities and equipment for preparing or eating food;
- 20 (k) outdoor areas;
- (l) guest accommodation for premises that include guest accommodation; and
- (m) areas for dancing.

“19 **Amendment of manual**

25 “(1) The board may, with the Minister’s written approval, amend the Licensing Standards Manual.

“(2) If the board amends the manual, the board shall specify in the amendment when the amendment is to come into operation.”.

**8 Occupancy loadings—indoor public areas**

30 Section 24B of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

“(2) On receiving the fire commissioner’s recommendation, the registrar shall, by written notice given to the relevant licensee or applicant for a licence, decide the occupancy loading for each relevant indoor public area.

“(2A) In deciding the occupancy loading for an indoor public area, the registrar—

- (a) shall have regard to the fire commissioner’s recommendation; and
- (b) may have regard to any other relevant matter, including, for example, the following:
  - (i) the fittings and standard of fittings available for the area;
  - (ii) the location, standard and number of toilets available for the area.”.

**9 Application for licence**

Section 30 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) An application for the issue of a licence—

- (a) may be made to the registrar in the appropriate approved form; and
- (b) must be accompanied by any information and documents required by the form.”.

**10 Issue of licences—relevant considerations**

Section 33A of the Principal Act is amended by omitting subsection (2A).

**11 Substitution**

Section 36 of the Principal Act is repealed and the following section substituted:

**“36 Issue of licences**

“(1) If the relevant decision-maker agrees to the issue of a licence to an applicant, the registrar shall issue the licence to the applicant on payment of—

- (a) the determined fee; or
- (b) if the applicant is a licensee who has also applied for the conditional surrender of a licence—the amount (if any) by which the determined fee exceeds the determined fee for the issue of the licence to be surrendered.

“(2) The licence shall be in the approved form.

“(3) The registrar shall endorse on the licence any relevant particulars about the applicant that were in the application or were given to the registrar under Division 7 or 8.”.



**12 Substitution**

Section 38 of the Principal Act is repealed and the following section substituted:

**“38 Renewal**

5 “(1) The registrar shall renew a licence if, while the licence is in force, the holder of the licence applies to the registrar in the approved form and pays the determined fee.

“(2) However, the registrar may renew a club licence only if—

10 (a) for a licence originally issued before 1 June 1979—the club had at least 150 adult financial members on the day immediately before the day the application for renewal was made; or

(b) for a licence originally issued on or after 1 June 1979—the club had at least 200 adult financial members on the day immediately before the day the application for renewal was made.”

15 **13 Substitution**

Section 40B of the Principal Act is repealed and the following section and Division are substituted:

**“40 Failure to renew**

20 If a licence is not renewed while it is in force under section 37 or 39, the licence remains in force under this section for a further month, but is taken to be suspended.

**“Division 3A—Records**

**“40A Records of liquor transactions**

25 “(1) For this Act, a licensee shall make a record in the approved form of all liquor held for sale by the licensee.

Penalty:

(a) if the offender is a natural person—20 penalty units;

(b) if the offender is a body corporate—100 penalty units.

30 “(2) A licensee shall keep a record made under subsection (1), and any record given to the licensee under subsection 41 (4), for at least 6 years at the required place.

Penalty:

(a) if the offender is a natural person—20 penalty units;

(b) if the offender is a body corporate—100 penalty units.

35 “(3) In subsection (2)—

'required place' means—

- (a) the licensed premises; or
- (b) if there is in force written approval by the registrar for the records to be kept at another place—that place.”.

5 **14 Transfer**

Section 41 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) An application for the transfer of a licence—

- 10 (a) may be made to the registrar in the appropriate approved form; and
- (b) must be accompanied by any information and documents required by the form.”;

- 15 (b) by omitting subsection (1D) and substituting the following subsection:

“(1D) A licence may be transferred only if the determined fee is paid.”; and

- (c) by omitting subsection (3) and substituting the following subsections:

20 “(3) If the relevant decision-maker authorises the transfer of a licence, the licensee shall give the licence, and any records kept by the licensee under section 40A, to the registrar.

“(4) The registrar shall endorse the transfer on the licence, and give the endorsed licence and the records to the new licensee.”.

25 **15 Transfer—relevant considerations**

Section 42 of the Principal Act is amended by omitting subsection (2A).

**16 Substitution**

30 Sections 42B and 42C of the Principal Act are repealed and the following section is substituted:

**“42B Cancellation on surrender**

“(1) The holder of a licence may apply to the registrar, in the approved form, for the surrender, or the conditional surrender, of the licence.

35 “(2) The registrar shall cancel the licence, by written notice given to the applicant, if—

- (a) the registrar is satisfied that appropriate arrangements have been made by the applicant for the disposal of any liquor held under the licence; and
- 5 (b) for an application for conditional surrender—a licence of a different kind is to be issued to the applicant.
- “(3) The cancellation takes effect—
- (a) for an application for conditional surrender—on the day the new licence applied for is issued to the applicant; or
- 10 (b) in any other case—14 days after the application is made to the registrar.”.

**17 Repeal**

Division 6 of Part 4 of the Principal Act is repealed.

**18 Insertion**

15 After Division 2 of Part 5 of the Principal Act the following Division is inserted:

**“Division 2A—Reprimands**

**“45A Grounds for reprimand**

For this Division, the grounds for the issue of a reprimand to a licensee are as follows:

- 20 (a) the licensee has contravened a provision of this Act;
- (b) the licensee has permitted the licensed premises to be used so as to cause undue disturbance or inconvenience to persons lawfully on the premises;
- 25 (c) the licensee has permitted the licensed premises to be used so as to cause undue disturbance or inconvenience to persons occupying premises in the neighbourhood;
- (d) the licensed premises do not comply with the Licensing Standards Manual;
- 30 (e) the licensee’s conduct of the licensed premises has not complied with the manual;
- (f) the licensee has, in the licensed premises, created a hazard by fire to life or property or permitted such a hazard to develop;
- (g) a loss of amenity in the vicinity of licensed premises arises from a matter referred to in paragraph 44 (1) (a) or (b).

**“45B Referral to board for reprimand**

If, after investigation (whether following a complaint under paragraph 45 (1) (b) or otherwise), the registrar is satisfied that, on material being considered, there are reasonable grounds on which the board might decide to issue a reprimand to a licensee, the registrar shall, in writing, refer the matter to the board for consideration under Part 12 (Inquiries and hearings by the board).

**“45C Action on referral for reprimand**

“(1) On referral of a matter under section 45B, the board shall—

- (a) if satisfied, on reasonable grounds, that the facts set out in the documents provided to the board by the registrar would not, if proved, establish any ground for the issue of a reprimand to the licensee—dismiss the matter; or
- (b) in any other case—consider the matter in accordance with Part 12 (Inquiries and hearings by the board).

“(2) After considering the matter, the board shall, in writing—

- (a) issue a reprimand to the licensee; or
- (b) dismiss the matter.

“(3) The board shall not issue a reprimand to the licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 45A.”.

**19 Grounds for issue of directions**

Section 46 of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraphs:

- “(d) the licensed premises do not comply with the Licensing Standards Manual;
- (da) the licensee’s conduct of the licensed premises has not complied with the manual;”.

**20 Action on referral for directions**

Section 46B of the Principal Act is amended—

- (a) by inserting in paragraph (1) (a) “or a reprimand” after “directions”;
- (b) by omitting subsection (2) and substituting the following subsection:

“(2) After considering the matter the board shall, in writing—  
(a) issue directions to the licensee;

- (b) issue a reprimand to the licensee, whether or not the board also issues directions to the licensee; or
- (c) dismiss the matter.”; and

(c) by adding at the end the following subsection:

5           “(5) The board shall not issue a reprimand to the licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 45A.”.

## **21   Types of directions**

10           Section 46C of the Principal Act is amended by adding at the end of subsection (2) the following paragraph:

- “ (c) a direction requiring the licensee to do, or not do, something to comply with the Licensing Standards Manual.”.

## **22   Substitution**

15           Section 49 of the Principal Act is repealed and the following section substituted:

### **“49   Action on referral for suspension**

“ (1) On referral of a matter under section 48, the board shall—

- 20           (a) if satisfied, on reasonable grounds, that the facts set out in the documents provided to the board by the registrar would not, if proved, establish any ground for the suspension of the licence or the issue of directions or a reprimand to the licensee—dismiss the matter; or
- (b) in any other case—consider the matter in accordance with Part 12 (Inquiries and hearings by the board).

25           “ (2) After considering the matter, the board shall, in writing—

- (a) suspend the licence for a specified period;
- (b) issue directions to the licensee, whether or not the board also suspends the licence;
- 30           (c) issue a reprimand to the licensee, whether or not the board also suspends the licence or issues directions to the licensee; or
- (d) dismiss the matter.

“ (3) The board shall not suspend a licence unless satisfied, on reasonable grounds, that there is a ground for doing so under section 47.

35           “ (4) The board shall not issue a direction to the licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 46.

“(5) The board shall not issue a reprimand to a licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 45A.”.

### **23 Grounds for cancellation**

5 Section 53 of the Principal Act is amended by omitting paragraph (2) (e) and substituting the following paragraphs:

“(e) whether the licensed premises comply with the Licensing Standards Manual;

10 (f) whether the licensee’s conduct of the licensed premises has complied with the manual.”.

### **24 Substitution**

Section 55 of the Principal Act is repealed and the following section substituted:

#### **“55 Action on referral for cancellation**

15 “(1) On referral of a matter under section 54, the board shall—

(a) if satisfied, on reasonable grounds, that the facts set out in the documents provided to the board by the registrar would not, if proved, establish any ground for the cancellation of the licence, the suspension of the licence or the issue of directions or a reprimand to the licensee—dismiss the matter; or

20 (b) in any other case—consider the matter in accordance with Part 12 (Inquiries and hearings by the board).

“(2) After considering the matter, the board shall, in writing—

(a) cancel the licence;

25 (b) suspend the licence for a specified period;

(c) issue directions to the licensee, whether or not the board also suspends the licence;

(d) issue a reprimand to the licensee, whether or not the board also suspends the licence or issues directions to the licensee; or

30 (e) dismiss the matter.

“(3) The board shall not cancel a licence unless satisfied, on reasonable grounds, that there is a ground for doing so under section 53.

“(4) The board shall not suspend a licence unless satisfied, on reasonable grounds, that there is a ground for doing so under section 47.

35 “(5) The board shall not issue a direction to the licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 46.

“(6) The board shall not issue a reprimand to a licensee unless satisfied, on reasonable grounds, that there is a ground for doing so under section 45A.”.

## **25 Application for alteration**

5 Section 56 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:

“(1) The licensee of licensed premises may apply to the registrar in the approved form for permission to alter the licensed premises.

“(2) The application shall be accompanied by—

- 10 (a) 2 copies of the plans and specifications for the alteration; and  
(b) a memorandum in accordance with subsection 33 (6) of the *Building Act 1972* attached to or written on the plans if the memorandum is required under that Act for the alteration.”.

## **26 Offences**

15 Section 58 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

“(3) A licensee shall not, without reasonable excuse, fail to tell the registrar in writing about any alteration of fittings prescribed under the regulations.

20 Penalty:

- (a) if the offender is a natural person—10 penalty units;  
(b) if the offender is a body corporate—50 penalty units.”.

## **27 Substitution**

25 Section 62 of the Principal Act is repealed and the following section substituted:

### **“62 Application for permit**

“(1) A person may apply to the registrar in the approved form for a permit.

“(2) The application shall be accompanied by the determined fee.”.

## **30 28 Substitution**

Section 65A of the Principal Act is repealed and the following section substituted:

**“65A Form of permit**

A permit shall be in the approved form, and shall specify the conditions subject to which it is issued.”.

**29 Insertion of heading**

5 Before section 66E of the Principal Act the following heading is inserted in Part 10:

*“Division 1—General”.*

**30 Insertion**

10 After section 68B of the Principal Act the following section is inserted:

**“68C Return of licences to registrar**

If a licence is suspended or cancelled under Part 5 (Control of conduct of licensees), the licensee shall give the licence to the registrar within 3 days after the licensee is told in writing to return the licence.

15 **Penalty:**

- (a) if the offender is a natural person—20 penalty units;
- (b) if the offender is a body corporate—100 penalty units.”.

**31 Repeal**

Sections 80 to 83A (inclusive) of the Principal Act are repealed.

20 **32 Insertion**

After section 93C of the Principal Act the following Division is inserted in Part 10:

*“Division 2—Under-age drinking*

**“93D Definitions**

25 In this Division—

‘document of identification’, of a person, means a document that—

- (a) is a driver licence, proof of age card or passport;
- (b) contains a photograph that could reasonably be taken to be of the person; and
- 30 (c) indicates that the person to whom the document was issued is at least 18 years old;

‘driver licence’ means—



- (a) a licence under the *Motor Traffic Act 1936*; or
- (b) a licence issued under a corresponding law of a State;

'liquor' means a beverage that contains more than 0.5% by volume of ethyl alcohol;

5 'proof of age card' includes a document corresponding to a proof of age card that has been issued under the law of a State;

'responsible adult', for another person, means an adult who—

- (a) is a parent, step-parent, guardian, person acting in place of a parent, carer or spouse of the other person; and
- 10 (b) could reasonably be expected to exercise responsible supervision of the other person;

'spouse', of a person, includes a person living with the person as the person's husband or wife although not legally married to the person.

15 **"93E Sale or supply of liquor to under-age persons**

"(1) A person shall not sell or supply liquor to a person under 18 years old on premises where the sale or supply of liquor is authorised or in a public place.

Penalty:

- 20 (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

"(2) In a proceeding for an offence against subsection (1) it is a defence if the defendant proves that—

- 25 (a) the person to whom the liquor was sold or supplied was at least 16 years old; and
- (b) when the liquor was sold or supplied, the person had shown a document of identification to the person selling or supplying the liquor.

30 "(3) The holder of a licence or permit, or an employee of the holder of a licence or permit, may refuse to sell or supply liquor to a person unless the person satisfies the holder of the licence or permit, or the employee, of his or her age by showing a document of identification.

"(4) Subsection (3) does not limit the circumstances in which a person may refuse to sell or supply liquor.

**“93F Offence by licensee for possession or consumption of liquor by under-age persons**

“(1) The licensee commits an offence if a person under 18 years old possesses or consumes liquor on the licensed premises.

5 Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

“(2) In a proceeding for an offence against subsection (1) it is a defence if the licensee proves that—

- 10 (a) the person was at least 16 years old; and
- (b) the person had shown a document of identification to the licensee (or an employee of the licensee).

“(3) This section does not apply to the possession of liquor by a person—

- (a) in the course of the person’s employment; or
- 15 (b) in the course of a training program conducted by—
  - (i) the Canberra Institute of Technology; or
  - (ii) a person approved in writing by the registrar.

**“93G Buying, possession and consumption of liquor by under-age persons**

20 “(1) A person under 18 years old shall not—

- (a) buy liquor; or
- (b) possess or consume liquor on premises where the sale or supply of liquor is authorised or in a public place.

Penalty: 5 penalty units.

25 “(2) This section does not apply to the possession of liquor by a person—

- (a) in the course of the person’s employment; or
- (b) in the course of a training program conducted by—
  - (i) the Canberra Institute of Technology; or
  - (ii) a person approved in writing by the registrar.

30 **“93H Sending under-age persons to obtain liquor**

A person shall not, without reasonable excuse, send a person under 18 years old to buy or collect liquor on or from premises to which a licence or permit relates.

Penalty: 10 penalty units.

**“93I Entry to bar-rooms by under-age persons etc**

“(1) A person under 18 years old commits an offence if the person enters or remains in a bar-room on licensed premises except in the care of a responsible adult.

5 Penalty: 5 penalty units.

“(2) This section does not apply if the person is attending a function in the bar-room for persons under 18 years old that is conducted by the licensee.

“(3) This section does not apply if the person enters the bar-room—

(a) in the course of the person’s employment; or

10 (b) in the course of a training program conducted by—

(i) the Canberra Institute of Technology; or

(ii) a person approved in writing by the registrar.

**“93J Licensee allowing entry to bar-rooms by under-age persons**

15 “(1) The licensee commits an offence if a person under 18 years old is in a bar-room on the licensed premises except in the care of a responsible adult.

Penalty:

(a) if the offender is a natural person—50 penalty units;

(b) if the offender is a body corporate—250 penalty units.

20 “(2) This section does not apply to a licensee if the person under 18 years old enters the bar-room—

(a) in the course of the person’s employment; or

(b) in the course of a training program conducted by—

(i) the Canberra Institute of Technology; or

(ii) a person approved in writing by the registrar.

25 “(3) In a proceeding for an offence against subsection (1), it is a defence, if the licensee proves that—

(a) the person was at least 16 years old; and

(b) the person had shown a document of identification to the licensee or an employee of the licensee on or after entering the bar-room.

30 “(4) In a proceeding for an offence against subsection (1), it is also a defence if the licensee proves that the person was attending a function in the bar-room for persons under 18 years old that was conducted by the licensee in accordance with the Licensing Standards Manual.

**“93K False identification**

“(1) A person shall not use someone else’s identification, or a form of identification that is forged or fraudulently altered—

- (a) to obtain entry to or remain in a bar-room on licensed premises;
- 5 (b) to buy liquor; or
- (c) to obtain a proof of age card.

Penalty: 10 penalty units.

“(2) If the holder of a licence or permit, or an employee of the holder of a licence or permit, believes on reasonable grounds that a document shown to  
10 the person is a false document of identification, the person may seize the document.

“(3) If a person seizes a document under subsection (2), the person shall give the document to the registrar within 72 hours.

Penalty:

- 15 (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

“(4) The holder of a licence or permit shall make a record of—

- (a) each document seized by the holder, or an employee of the holder,  
under subsection (2);
- 20 (b) the date and time when, and the person who, seized the document;
- (c) the reason the document was seized; and
- (d) the date and time when the document was given to the registrar  
under subsection (3).

Penalty:

- 25 (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

“(5) The holder of a licence or permit shall keep a record made under subsection (4) for at least 2 years—

- (a) for the holder of a licence—at the licensed premises; or
- 30 (b) for the holder of a permit—at the place approved in writing by the registrar.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

35 “(6) In this section—

'false document of identification', for a person, means—

- (a) a proof of age card that has been forged, fraudulently altered or obtained, or issued to someone else; or
- (b) a driver licence that has expired or has been forged or fraudulently altered.”.

5

### **33 Witnesses**

Section 102 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

- 10 “(4) A person who attends a hearing to give evidence is entitled to receive the fees and travelling expenses that the chairperson of the board directs in accordance with the scale and conditions applying to persons who attend as witnesses before the Supreme Court.”.

### **34 Commissioner to be notified**

- 15 Section 104AB of the Principal Act is amended by omitting “commissioner” and substituting “Commissioner for Australian Capital Territory Revenue”.

### **35 Insertion**

After section 105A of the Principal Act the following section is inserted:

20 **“105B Approved forms**

The registrar may approve forms for this Act.”.

### **36 Insertion**

After section 106 of the Principal Act the following Part is inserted:

## **“PART 15—TRANSITIONAL PROVISIONS**

25 **“107 Transitional—prescribed forms**

“(1) In this section—

‘commencement day’ means the day this section commences.

- 30 “(2) If, before the commencement day, an application had been made in the prescribed form for the issue of a licence or permit, the renewal or transfer of a licence or approval of an alteration of licensed premises but a final decision had not been made on the application, the application is taken, on and after the commencement day, to have been made in the appropriate approved form.

- 35 “(3) A licence, renewal of licence, memorandum of transfer of a licence or permit in force in the prescribed form before the commencement day

shall, on and after the commencement day, be taken to be in the appropriate approved form.

“(4) This section expires 2 years after the commencement day.”.

**37 Repeal**

5 The *Business Franchise (Liquor) Act 1993* is repealed.

**38 Further amendments**

The Principal Act is further amended as set out in the Schedule.

**39 Renumbering**

10 In the next republication of the *Liquor Act 1975*, the provisions of the *Liquor Act 1975* must be renumbered as permitted under section 13 of the *Legislation (Republication) Act 1996*.

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SCHEDULE

FURTHER AMENDMENTS

Section 3—

Repeal the section.

5 Subsection 4 (1) (definition of “defined offence”)—

Omit “the *Police Offences Act 1930*”.

Subsection 4 (1) (definition of “exempt person”, paragraphs (e) and (f))—

Omit the paragraphs.

10 Subsection 4 (1) (definition of “offence against this Act”, paragraphs (b))—

Omit “or the repealed Act”.

Renumbering—

15 The provisions of the Principal Act (as in force immediately before the day this section commences) mentioned in column 1 of the following table are renumbered in accordance with column 2 of the table:

<u>Existing provision</u>	<u>Renumbered provision</u>
Subsection 4 (2)	Section 4AA
Subsection 4 (3)	Section 4AB
Subsection 4 (4)	Section 4AC

Paragraph 5 (1) (b)—

20 Omit “naval, military or air force” (wherever occurring), substitute “Defence Force”.

Subparagraph 5 (1) (c) (i)—

Omit the subsection, substitute the following subparagraph:

“(i) who is a member of the Australian Defence Force or the naval, military or air force of a foreign country;”.

25 Paragraph 5 (1) (f)—

Omit “Australia”, substitute “the Commonwealth or the Territory”.

Subsection 43B (1)—

Insert “or renewal of a licence” after “licence”.

**SCHEDULE—continued**

**Subsection 43B (2)—**

Insert “or renewed” after “issued” (first occurring).

**Subsection 43B (3)—**

Omit the subsection.

5 **Subsection 43B (4)—**

Omit “or (3)”.

**Subsections 43B (5) and (6)—**

Omit “, (3)”.

**Subsections 43F (2) and (3)—**

10 Omit the subsections.

**Subsection 43F (4)—**

Omit “or (2)”.

**Paragraph 45 (1) (aa)—**

Omit “, or issue of a reprimand to a licensee,”.

15 **Paragraph 45 (1) (b)—**

Omit “or”.

**Subsection 45 (1)—**

After paragraph (b) insert the following paragraph:

20 “(ba) if satisfied that, on the material being considered, there are reasonable grounds on which the board might be authorised to issue a reprimand under Division 2A—refer the matter to the board under section 45B for consideration under Part 12; or”.

**Heading to Division 4 of Part 5—**

Omit “*and issue of reprimands*”.

25 **Section 47—**

Omit “, or for the issue of a reprimand to a licensee,”.

**Paragraph 47 (b)—**

Omit “or to issue a reprimand to the licensee”.

**Paragraph 47 (c)—**



**SCHEDULE—continued**

Omit “or issue a reprimand to the licensee (as the case requires)”.

**Section 48—**

Omit “, or issue a reprimand to a licensee”.

**Section 72—**

5 Omit “fitments”, substitute “fittings”.

**Section 96 (definition of “matter”)—**

(a) After paragraph (a) insert the following paragraph:

“(aa) the issue of a reprimand to a licensee;”.

10 (b) Omit from paragraph (c) “or the issue of a reprimand to a licensee”.

**Paragraph 104 (i)—**

Omit the paragraph, substitute the following paragraph:

“(i) issuing a reprimand to a licensee under paragraph 45C (2) (a), 49 (2) (c) or 55 (2) (d);”.

## NOTES

### Principal Act

1. Reprinted as at 5 March 1997. See also Acts Nos. 35, 41, 56 and 96, 1997; Nos. 54 and 69, 1998; No. 5, 1999.

### Penalty units

See section 33AA of the *Interpretation Act 1967*.

### Section heading

On the day on which the *Liquor Act 1975* is amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to sections of the Principal Act are altered as set out in the following table:

Section	Alteration
4AA	Insert the following heading: <b>Reference to a licence</b>
4AB	Insert the following heading: <b>Meaning of sale of liquor to another person</b>
4AC	Insert the following heading: <b>Licence issued in the name of 2 or more persons</b>
47	Omit "or reprimand".
48	Omit "or reprimand".