

South Australia

**Liquor Licensing (Entertainment) Amendment  
Bill 2012**

A BILL FOR

An Act to amend the *Liquor Licensing Act 1997*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Liquor Licensing (Entertainment) Amendment Act 2012*.

### **2—Amendment provisions**

- 5 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Liquor Licensing Act 1997***

### **3—Amendment of section 4—Interpretation**

Section 4, definition of *entertainment*—delete the definition

### **10 4—Substitution of Part 6 Division 5**

Part 6 Division 5—delete Division 5 and substitute:

#### **Division 5—Prescribed entertainment not to be provided without consent**

#### **15 105—Prescribed entertainment not to be provided without consent**

- (1) A licensee must not use any part of the licensed premises, or any area adjacent to the licensed premises, for the purpose of providing prescribed entertainment without the consent of the Commissioner.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

Expiation fee: \$1 200.

(2) A consent under subsection (1)—

- (a) may be conditional or unconditional; and
- (b) may be varied or revoked by the Commissioner.

(3) An application for consent under this section—

- (a) must be made in a manner and form determined by the Commissioner; and
- (b) must be accompanied by such information as the Commissioner may reasonably require to determine the application; and
- (c) must be accompanied by the prescribed fee.

(4) In this section—

*prescribed entertainment* means—

- (a) adult entertainment; and
- (b) a professional or public boxing or martial art event (within the meaning of the *Boxing and Martial Arts Act 2000*),

but does not include entertainment of a kind excluded by the regulations from the ambit of this definition.

## **5—Amendment of section 106—Complaint about noise etc emanating from licensed premises**

(1) Section 106—after subsection (1) insert:

- (1a) However, a complaint may only be lodged under this section in relation to entertainment (other than prescribed entertainment) provided at licensed premises in accordance with this Act on the grounds that the noise emanating from the licensed premises is excessive.

(2) Section 106—after subsection (9) insert:

(10) In this section—

*prescribed entertainment* has the same meaning as in section 105.

## **Schedule 1—Transitional provisions**

### **1—Transitional provisions**

- (1) Subject to subclause (2), a consent granted under section 105 of the *Liquor Licensing Act 1997* (as in force immediately before the commencement of section 4 of this Act) will be taken to be void and of no effect.

5 (2) A consent granted under section 105 of the *Liquor Licensing Act 1997* (as in force immediately before the commencement of section 4 of this Act) that authorises a licensee to provide prescribed entertainment (however described) will be taken to be a consent granted by the Commissioner under section 105 of that Act (as enacted by this Act).

(3) A consent contemplated by subclause (2) will be taken to be subject to any conditions to which it was subject immediately before the commencement of section 4 of this Act.

(4) In this clause—

10 *prescribed entertainment* has the same meaning as in section 105 of the *Liquor Licensing Act 1997* (as enacted by this Act).