

**Legislative Council—No 40**

As received from the House of Assembly and read a first time, 16 June 2020

South Australia

**Liquor Licensing (Liquor Production and Sales  
Licence) Amendment Bill 2020**

A BILL FOR

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

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

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

- 3 Amendment of section 22—Application for review of Commissioner's decision
- 4 Amendment of section 39—Liquor production and sales licence

### Schedule 1—Transitional provision

- 1 Transitional provision
- 

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

## **Part 1—Preliminary**

### **1—Short title**

- 5 This Act may be cited as the *Liquor Licensing (Liquor Production and Sales Licence) Amendment Act 2020*.

### **2—Amendment provisions**

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***

### **10 3—Amendment of section 22—Application for review of Commissioner's decision**

Section 22(1)(c)—after subparagraph (iii) insert:

or

- (iv) any other person with the permission of the Court.

### **15 4—Amendment of section 39—Liquor production and sales licence**

- (1) Section 39(1)(d)—delete paragraph (d) and substitute:

- (d) to sell, at any time through direct sales transactions—

- (i) the licensee's product; or
- (ii) liquor in an aggregate quantity of 4.5 litres or more; or
- 20 (iii) liquor by wholesale,

(provided that, if the liquor is to be delivered to an address in this State, the liquor is delivered only between the hours of 8 am and 10 pm); and

(2) Section 39(2)—after paragraph (d) insert:

(e) licensed premises must not be comprised of—

(i) premises ordinarily known or advertised as a supermarket, convenience store or delicatessen; or

5

(ii) premises of a prescribed kind.

(3) Section 39—after section (4) insert:

(4a) A liquor production and sales licence is subject to the condition that at least 90% of the licensee's gross turnover from the sale of liquor (other than the licensee's product) for consumption off the licensed premises and through direct sales transactions in each financial year (excluding sales of liquor to the licensee's own employees and sales for the delivery of liquor outside Australia) must be derived from the sale of liquor by wholesale.

10

(4) Section 39—after subsection (8) insert:

(8a) The licensing authority may exempt a licensee from subsection (2)(e), if, in the opinion of the licensing authority, it is in the public interest to do so.

15

## **Schedule 1—Transitional provision**

### **1—Transitional provision**

20

An amendment to the *Liquor Licensing Act 1997* effected by a provision of this Act applies in respect of a licence granted under that Act (including a licence to which Schedule 2 clause 8(2) of the *Liquor Licensing (Liquor Review) Amendment Act 2017* applies) whether the licence was granted before or after the commencement of that provision.