

South Australia

Liquor Licensing (General) Regulations 2012

under the *Liquor Licensing Act 1997*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Liquor Licensing (General) Regulations 2012*.

3—Interpretation

In these regulations—

Act means the *Liquor Licensing Act 1997*;

alcohol based food essence means a food flavouring preparation—

- (a) that at 20° Celsius contains more than 1.15% alcohol by volume; and
- (b) that is packaged—
 - (i) in the case of vanilla essence—in a container of more than 100 millilitres capacity; or
 - (ii) in any other case—in a container of more than 50 millilitres capacity;

alcoholic ice confection means a preparation—

- (a) that at 20° Celsius is a liquid that contains more than 1.15% alcohol by volume; and
- (b) that is intended for human consumption in a frozen or partially frozen state;

duty free shop means a shop or store the subject of a warehouse licence issued under the *Customs Act 1901* of the Commonwealth.

4—Application of Act

In accordance with section 138(1a)(b) of the Act, the Act does not apply to—

- (a) the sale of liquor by the owner or operator of a vessel engaged in voyages that operate wholly or partly in waters that are within the limits of the State, if—
 - (i) the vessel has sleeping facilities for at least 100 passengers, other than crew members; and
 - (ii) the liquor is only sold to passengers or crew members of the vessel for consumption on the vessel; and

- (iii) the liquor is sold by and to a person of or above the age of 18 years; and
 - (iv) the liquor is not sold by or to a person who is intoxicated; or
- (b) the consumption of liquor on such a vessel by passengers or crew members of the vessel of or above the age of 18 years.

Note—

A person who consumes liquor on regulated premises that are unlicensed is guilty of an offence under section 129 of the Act.

Part 2—Definitions

5—Definition of liquor

For the purposes of the definition of *liquor* in section 4 of the Act, the following substances (however described) are declared to be liquor for the purposes of the Act:

- (a) alcohol based food essence;
- (b) alcoholic ice confection;
- (c) powdered alcohol.

6—Definition of regulated premises

- (1) For the purposes of the definition of *regulated premises* in section 4 of the Act, the car parking area shown on the map in Schedule 5 of the *Adelaide Oval Redevelopment and Management Act 2011* is declared not to be regulated premises during the designated period.
- (2) However, the declaration under subregulation (1) is limited to the period commencing 3 hours before the scheduled start of a prescribed game at Adelaide Oval and ending 2 hours after the completion of the game.
- (3) In this regulation—

designated period means the period commencing on 15 March in each year and expiring on 7 October in the same year (both dates inclusive);

prescribed game means—

- (a) an Australian Football League game; or
- (b) a South Australian National Football League Incorporated game.

Part 3—Licences

7—Cases where licence not required

- (2) For the purposes of section 30(h) of the Act, the sale of liquor is exempted from the application of the Act in each of the following cases:
 - (a) the sale of liquor to a person—
 - (i) who proposes to travel outside Australia or enter Australia and to take the liquor with him or her when he or she does so; and
 - (ii) who purchases the liquor in a duty free shop;

- (b) the sale of liquor to the operator of a duty free shop for the purposes of resale in that shop;
- (c) the sale of liquor at cottage or bed and breakfast style accommodation premises with accommodation for a maximum of 16 persons if—
 - (i) the supply of liquor is complimentary; and
 - (ii) the liquor is supplied to a person of or above the age of 18 years accommodated at the premises; and
 - (iii) the liquor has been purchased on a retail basis from the holder of a hotel licence, retail liquor merchant's licence or producer's licence; and
 - (iv) —
 - (A) the supply of liquor is ancillary to the provision of the accommodation, the liquor is delivered to the person at that part of the premises where the person is accommodated and the volume of liquor supplied does not exceed 1.5 litres per accommodation booking; or
 - (B) the supply of liquor is ancillary to a meal hosted by the operator of the premises and the volume of liquor supplied does not exceed 750mL per person; or
 - (C) the supply of liquor is ancillary to the supply of a picnic basket and the volume of liquor supplied does not exceed 750mL per person who may reasonably be expected to consume the contents of the picnic basket;
- (d) the sale of liquor in the course of the business of selling flowers, confectionery, food or other things to be delivered as a gift to a person other than the purchaser if—
 - (i) the liquor is delivered by the vendor, together with the flowers, confectionery, food or other things, directly to the donee of the gift (or to another person of or above the age of 18 years) at a place other than the premises at which the business is conducted; and
 - (ii) the liquor has been purchased on a retail basis by the person conducting the business from the holder of a hotel licence, retail liquor merchant's licence, producer's licence or special circumstances licence; and
 - (iii) the volume of liquor supplied in respect of each sale does not exceed the prescribed volume; and
 - (iv) the value of the liquor and its container is not more than 50% of the total sale price of the gift; and
 - (v) both the purchaser and the donee of the gift are of or above the age of 18 years;
- (da) the supply of liquor by and to a person of or above the age of 18 years in the course of—

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- (i) a business the primary purpose of which is to provide hairdressing or barber services; or
 - (ii) a business the primary purpose of which is the sale of jewellery,
if—
 - (iii) the liquor is consumed on the premises of the business; and
 - (iv) the liquor is supplied without charge and the supply is ancillary to the provision of hairdressing or barber services, or the sale of jewellery (as the case requires);
 - (e) the sale of an alcohol based food essence if—
 - (i) the sale is by wholesale; or
 - (ii) the sale is made door-to-door to a person of or above the age of 18 years;
 - (f) the sale of liquor comprised of goods listed or registered in the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* of the Commonwealth;
 - (g) the sale of liquor at a hospital, nursing home or other institution the purpose of which is to care for sick or elderly patients for consumption at the hospital, nursing home or other institution by patients of the hospital, nursing home or other institution;
 - (ga) the sale of liquor at designated premises if—
 - (i) the sale is made by and to a person—
 - (A) who is of or above the age of 18 years; and
 - (B) who is a patient, or a guest of a patient, accommodated at the designated premises; and
 - (ii) the liquor is consumed on the premises;
 - (gb) the sale of liquor at a retirement village (within the meaning of the *Retirement Villages Act 2016*) for consumption on the premises of the retirement village by a resident or a guest of a resident if the sale is made by and to a person who is of or above the age of 18 years;
 - (h) the sale of liquor by a ship's providedore to the master of the ship for supply as an allowance to a member of the ship's crew;
 - (i) the sale of liquor within South Australia by the operator of an aircraft to a passenger on the aircraft in the course of a flight for consumption during that flight;
 - (j) the sale of wine by or on behalf of Birdwood High School, Blackfriars Priory School, Clare High School, Gladstone High School, Hamilton Secondary College, Lucindale Area School, Nuriootpa High School, Oakbank Area School, Renmark High School, Riverton & District High School, Streaky Bay Area School, Urrbrae Agricultural High School, Waikerie High School or Willunga High School if—

- (i) the wine is produced as part of a course in viticulture or winemaking offered by the school or college and sold as part of, or for the purposes of, that course; and
 - (ii) the sale is made by and to a person of or above the age of 18 years;
- (k) the sale of wine by or on behalf of Roma Mitchell Secondary College, Valley View Secondary School or Windsor Gardens Vocational College (the *exempt schools*) if—
 - (i) the wine is produced as part of a course in winemaking offered by Roma Mitchell Secondary College and sold by or on behalf of an exempt school that contributes as part of its curriculum to the production, promotion or sale of the wine; and
 - (ii) the sale is made by and to a person of or above the age of 18 years;
- (l) the sale of beer by or on behalf of Birdwood High School if—
 - (i) the beer is produced as part of a course in brewing beer offered by the school and sold as part of, or for the purposes of, that course; and
 - (ii) the sale is made by and to a person of or above the age of 18 years.
- (3) For the purposes of paragraph (d)(iii) of subregulation (2), the *prescribed volume* is—
 - (a) 2.25 litres; or
 - (b) if the Commissioner, on application by a vendor referred to in paragraph (d), grants the vendor an approval to supply a greater volume, the volume approved by the Commissioner.
- (4) For the purposes of paragraph (ga) of subregulation (2), premises are *designated premises* if—
 - (a) the primary purpose of activities conducted at the premises is the provision of accommodation and care for patients undergoing a course of medical treatment; and
 - (b) the premises are designated by the Commissioner, by notice published on a website maintained by the Commissioner, as designated premises for the purposes of that paragraph.

7A—Small venue licence—prohibited entertainment

For the purposes of section 40A(3)(b) of the Act, entertainment of the following kind is prescribed:

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

7B—Additional areas in which small venue licences permitted—bodies to be consulted

For the purposes of paragraph (b) of the definition of *prescribed bodies* in section 40A(4) of the Act, the following bodies are prescribed:

- (a) Australian Hotels' Association (S.A. Branch);

- (b) Licensed Clubs' Association of South Australia Incorporated;
- (c) The South Australian Restaurant Association Incorporated.

8—Penalty for default

For the purposes of section 50A(4) of the Act, the penalty payable for default is 20% of the amount outstanding.

Part 4—Applications and objections

10—Plans to accompany applications

- (1) For the purposes of section 51(1)(b) of the Act—
 - (a) an application to a licensing authority for a licence (not being a limited licence) or for removal of such a licence must be accompanied by plans of the premises in respect of which the licence is sought;
 - (b) an application to a licensing authority for approval of an alteration or proposed alteration to the licensed premises must be accompanied by plans of the alterations;
 - (c) an application to a licensing authority for redefinition of licensed premises must be accompanied by plans of the redefinition;
 - (d) an application to a licensing authority for designation of a part of licensed premises as a dining area or a reception area must be accompanied by plans of the areas;
 - (e) an application to a licensing authority for an authorisation to sell liquor in an area adjacent to the licensed premises must be accompanied by plans of the adjacent area.
- (2) In each case, the plans must, subject to subregulation (3), comply with the following requirements:
 - (a) the plans must be on paper of dimensions not larger than international size A3 paper and not smaller than international size A4 paper;
 - (b) the plans must indicate the scale to which they are drawn;
 - (c) the plans must include floor plans and site plans reasonably required for proper consideration of the application;
 - (d) the plans must be signed by the applicant;
 - (e) the plans must, if the licensing authority so requires, be certified by a registered architect or a registered surveyor.
- (3) The Commissioner may authorise plans to be submitted by electronic means and to be endorsed by the applicant by some means other than signature.
- (4) For the purposes of section 51(1)(b) of the Act, an application to a licensing authority for a limited licence must, if the licensing authority so requires, be accompanied by plans (complying with the requirements of the licensing authority) of the premises in which the sale or consumption of liquor is to be authorised by the licence.

11—Time limitation for application for limited licence

For the purposes of section 51(1)(c) of the Act, an application for a limited licence must be made—

- (a) if the special occasion or series of special occasions in respect of which the licence is sought will extend over more than 3 days—at least 60 days before the commencement of the occasion or the first occasion in the series;
- (b) in any other case—at least 14 days before the commencement of the special occasion or the first special occasion in the series of special occasions in respect of which the licence is sought.

12—Requirements relating to notification of applications

- (2) For the purposes of section 52(2) of the Act, the required notice—
 - (a) must be in the form of Form 1 set out in Schedule 2; and
 - (b) must be on paper of dimensions not smaller than international size A3 paper; and
 - (c) must include a heading that is in bold faced letters of a height of at least 15 millimetres in height; and
 - (d) must otherwise be in a typeface that is at least 5 millimetres in height.

13—Order for determining applications

- (1) For the purposes of section 54 of the Act, applications for new licences must, subject to subregulation (2), be determined in the order in which they are received by the licensing authority.
- (2) A licensing authority may, if satisfied that special circumstances justify it doing so, hear and determine particular applications together regardless of the order in which they were received.

13A—Notice of revocation of approval of responsible person

For the purposes of section 71AA(4) of the Act, the notice of revocation—

- (a) must contain the identification number of the responsible person; and
- (b) must be published on a website maintained by the Commissioner.

14—Form of notice of objection

For the purposes of section 77(1) of the Act, a notice of objection to an application must be in the form of Form 2 set out in Schedule 2.

14A—Form of notice of submission

For the purposes of section 77A(1) of the Act, a notice of submission in respect of an application for, or in relation to, a small venue licence must be in the form of Form 2A set out in Schedule 2.

Part 5—Conduct of licensed business

15—Record of lodgers

For the purposes of section 101(2)(c) of the Act, the record kept under that section must include the following information in respect of each lodger:

- (a) the date on which the lodger took up lodgings; and
- (b) by means of a number or other unambiguous description, the room assigned to the lodger.

15A—Sale of liquor through direct sales transaction

- (1) For the purposes of section 107A(4)(a) of the Act, a person who takes delivery of liquor purchased through a direct sales transaction must produce evidence of the person's identity and age that complies with the following requirements:
 - (a) in a case where a person would reasonably assume that the person who is taking delivery is clearly over the age of 18—the person taking delivery must sign a declaration that states their name and that they are of or above 18 years of age;
 - (b) in any other case—the person taking delivery must produce a document of a kind referred to in paragraphs (a) to (d) of regulation 18 as evidence of the person's identity and age.
- (2) For the purposes of section 107A(4)(b) of the Act, the record of evidence of identity and age required to be made by a person who delivers liquor purchased through a direct sales transaction—
 - (a) must be in writing and include—
 - (i) the type of evidence of identity and age produced; and
 - (ii) the name and date of birth stated in the evidence produced; and
 - (iii) the address of the premises to which the liquor was delivered; and
 - (b) if the evidence of identity and age produced is of a kind referred to in regulation 15A(1)(a)—must include the signed declaration of the person taking delivery of liquor; and
 - (c) must be retained by the person for at least 1 year following the delivery.

Part 6—Minors

16—Notices relating to minors

For the purposes of sections 111(2), 112(5) and 113(1) of the Act, each of the notices required by those sections—

- (a) must be, respectively, in the form of Form 3, 4 and 5 set out in Schedule 2; and
- (b) must be printed—
 - (i) in bold faced letters of a height of at least 10 millimetres; and

- (ii) in a colour or colours contrasting with the background; and
- (iii) on paper of dimensions not smaller than international size A3 paper.

17—Classes of minors allowed in certain licensed premises

For the purposes of section 112(6) of the Act, the following classes of minors are exempt from the ambit of section 112:

- (a) minors who—
 - (i) are at least 16 years of age; and
 - (ii) are engaged in providing entertainment of a kind that does not involve any person being nude, partially nude or in transparent clothing;
- (b) minors who—
 - (i) are at least 16 years of age; and
 - (ii) are engaged in performing duties as employees of the licensee.

18—Evidence of age

For the purposes of section 115(1) of the Act, a prescribed person may require a suspected minor to produce evidence as follows:

- (a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory; or
- (b) a current photographic Proof of Age document issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory; or
- (c) a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined; or
- (d) a current photographic Keypass identification document issued by—
 - (i) if the document was issued before 23 November 2013—Alfa Omega Nominees Pty Ltd, trading as The Commonwealth Key & Property Register; or
 - (ii) if the document was issued on or after 23 November 2013—Australian Postal Corporation.

18A—Seizure of evidence of age document

- (1) For the purposes of section 115A(2)(b) of the Act, an article or material used to display an image of an identification document through a device is prescribed.
- (2) For the purposes of section 115A(3)(a) of the Act, a receipt for a document seized under section 115A(1) must include—
 - (a) the type of evidence of age document seized, including any identification number on the document; and
 - (b) the name, date of birth and address that appears on the document; and

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- (c) the ground on which the document was seized (being a ground set out in section 115A(1) of the Act); and
 - (d) the date of the seizure; and
 - (e) in the case of a seizure on or in the vicinity of regulated premises—the name and address of the premises; and
 - (f) the name of the prescribed person; and
 - (g) in the case of a document seized by a prescribed person to whom section 115A(4) of the Act applies—the address of the police station at which the relevant licensee will produce the document to a police officer.
- (3) For the purposes of section 115A(3)(b) and (5)(c) of the Act, the prescribed person must—
- (a) make a record of the seizure, which must include a copy of the receipt provided in accordance with section 115A(3)(a) of the Act or the details appearing on that receipt; and
 - (b) ensure that the record—
 - (i) is kept on the licensed premises (in the case of a document seized by a prescribed person to whom section 115A(4) of the Act applies); and
 - (ii) is readily available for inspection or copying by an authorised officer (within the meaning of section 122 of the Act); and
 - (iii) is retained for at least 1 year following the seizure; and
 - (c) ensure that the following are given to the police officer to whom the relevant document seized under section 115A of the Act is produced:
 - (i) a copy of the receipt provided in accordance with section 115A(3)(a) of the Act, which must accompany the document seized;
 - (ii) a statement (whether appearing on the copy of the receipt or otherwise) verifying that a copy of the receipt has been produced to a police officer and specifying the date on which the document was produced to the police officer.
- (4) A police officer who seizes a document under section 115A of the Act must comply with the requirements of the Commissioner of Police relating to the seizure of evidence of age documents (and subregulations (2) and (3) do not apply to police officers).
- (5) For the purposes of section 115A(5)(b) of the Act, the following provisions apply to a document seized under that section:
- (a) if, within 14 days after the document was produced to a police officer at a police station in accordance with section 115A(4) of the Act, a person attends at the police station and satisfies a police officer that the document is the person's authentic property, the police officer must return the document to that person;
 - (b) in any other case—a police officer may destroy or otherwise dispose of the document.

Part 6A—Disciplinary action

18B—Definition of *prescribed licensee*—section 119B

For the purposes of paragraph (a) of the definition of *prescribed licensee* in section 119B(8) of the Act, each of the following is a prescribed offence:

- (a) an offence involving the unlawful sale or supply of liquor to a minor;
- (b) an offence involving the unlawful sale or supply of liquor to an intoxicated person.

Part 7—Special powers and enforcement

19—Barring orders

- (1) For the purposes of section 126 of the Act, an order barring a person from licensed premises under Part 9 Division 3 Subdivision 2 of the Act (a *licensee barring order*) must—
 - (a) specify the name of the person to be barred under the licensee barring order; and
 - (b) if known, specify the address of the person to be barred; and
 - (c) specify the name and address of the licensed premises from which the person is to be barred; and
 - (d) specify the period for which the person is to be barred, including the times at which the period commences and ends; and
 - (e) contain a brief description of the grounds on which the person is to be barred; and
 - (f) include a statement warning the person that it is an offence if the person enters or remains on premises from which the person is barred during the period specified in the licensee barring order; and
 - (g) include information about the circumstances in which a licensee barring order may be reviewed under section 128 of the Act; and
 - (h) be signed and dated by the licensee or responsible person issuing the licensee barring order.
- (2) For the purposes of section 126 of the Act, an order revoking a licensee barring order (a *licensee revocation order*) must—
 - (a) specify the name of the person barred under the licensee barring order and, if known, the person's address; and
 - (b) specify the date on which the licensee barring order was issued; and
 - (c) specify the name and address of the licensed premises from which, and the period for which, the person is barred under the licensee barring order; and
 - (d) contain a statement to the effect that the licensee barring order is revoked; and
 - (e) be signed and dated by the licensee or responsible person issuing the licensee revocation order.

- (3) For the purposes of section 126 of the Act, an order barring a person from licensed premises under Part 9 Division 3 Subdivision 3 of the Act (a *police barring order*) must—
- (a) be clearly marked with a unique identifier (comprising a combination of letters and numbers); and
 - (b) specify the following personal details of the person to be barred under the police barring order:
 - (i) the person's full name;
 - (ii) the person's date of birth;
 - (iii) either (or both) the person's residential and business address; and
 - (c) in respect of licensed premises from which the person is to be barred—
 - (i) if the person is to be barred from specified licensed premises—specify the name and address of the premises; and
 - (ii) if the person is to be barred from licensed premises of a specified class—specify—
 - (A) the class; and
 - (B) the names and addresses of premises within that class; and
 - (iii) if the person is to be barred from licensed premises of a specified class within a specified area—specify—
 - (A) the class; and
 - (B) the area; and
 - (C) the names and addresses of premises of that class within that area; and
 - (iv) if the person is to be barred from all licensed premises within a specified area—specify—
 - (A) the area; and
 - (B) the names and addresses of premises within that area; and
 - (d) specify the period for which the person is to be barred, including the times at which the period commences and ends; and
 - (e) contain a brief description of the grounds on which the person is to be barred; and
 - (f) include a statement warning the person that it is an offence if the person enters or remains on premises from which the person is barred during the period specified in the police barring order; and
 - (g) include information about the circumstances in which a police barring order may be reviewed under section 128 of the Act; and
 - (h) specify the name, rank and identification number of the police officer issuing the police barring order; and
 - (i) specify the name, rank and identification number of the senior police officer authorising the issuing of the police barring order; and

- (j) be signed and dated by the police officer issuing the police barring order.
- (4) For the purposes of section 126 of the Act, an order revoking a police barring order (a ***police revocation order***) must—
 - (a) specify the unique identifier for the police barring order; and
 - (b) specify the following personal details of the person barred under the police barring order:
 - (i) the person's full name;
 - (ii) the person's date of birth;
 - (iii) either (or both) the person's residential and business address; and
 - (c) in respect of licensed premises from which the person is barred under the police barring order—
 - (i) if the person is barred from specified licensed premises—specify the name and address of the premises; and
 - (ii) if the person is barred from licensed premises of a specified class—specify—
 - (A) the class; and
 - (B) the names and addresses of premises within that class; and
 - (iii) if the person is barred from licensed premises of a specified class within a specified area—specify—
 - (A) the class; and
 - (B) the area; and
 - (C) the names and addresses of premises of that class within that area; and
 - (iv) if the person is barred from all licensed premises within a specified area—specify—
 - (A) the area; and
 - (B) the names and addresses of premises within that area; and
 - (d) contain a statement to the effect that the police barring order is revoked; and
 - (e) specify the name, rank and identification number of the police officer issuing the police revocation order; and
 - (f) specify the name, rank and identification number of the senior police officer authorising the issuing of the police revocation order; and
 - (g) be signed and dated by the police officer issuing the police revocation order.

20—Procedures relating to prevention of persons from entering or removal of persons from licensed premises

For the purposes of section 137B(1) and (2) of the Act, the following procedures are prescribed as procedures to be observed by authorised persons in or in connection with the prevention of persons from entering, or the removal of persons (including minors) from, licensed premises or a part of licensed premises:

- (a) an authorised person must, if practicable, before using force to prevent a person from entering, or remove a person from, licensed premises—
 - (i) advise the person that he or she is authorised under the Act to use reasonable force to prevent persons from entering, or remove persons from, licensed premises; and
 - (ii) explain that he or she will, unless the person agrees that he or she will not enter the premises, or agrees to leave the premises, use force to prevent the person from entering, or remove the person from, the premises;
- (b) an authorised person must not, while using force to prevent a person from entering, or remove a person from, licensed premises, hold the person above the person's shoulders, or undertake any other action in respect of the person, in a way that could prevent or restrict the inhalation of air by the person or cause the person to suffer asphyxia (unless the action is necessary in self-defence);
- (c) as soon as reasonably practicable following an incident involving the use of force to prevent a person from entering, or remove a person from, licensed premises, each authorised person involved in the incident (other than a police officer) must, if he or she is not the licensee, report the incident to the licensee in writing, and must include in the report the details required to be recorded in the register to be maintained by the licensee under paragraph (d);
- (d) a licensee of licensed premises must ensure—
 - (i) that a record of each incident involving the use of force by an authorised person (other than a police officer) to prevent a person from entering, or remove a person from, the premises is entered in a register of such incidents; and
 - (ii) that the register identifies the licensed premises; and
 - (iii) that each entry in the register—
 - (A) includes the following details:
 - the date and time of the incident;
 - the name of the responsible person for the licensed premises at the time of the incident;
 - whether the incident related to prevention of entry or removal from premises;
 - whether the incident involved a minor;
 - the name or badge number of the authorised person;

- the grounds for the use of force;
 - if known, the name, address and date of birth of the person prevented from entering or removed and of any witness to the incident;
 - a description of any injuries sustained by any person as a result of the incident;
 - whether a police officer attended the incident;
 - a description of the incident and any preceding events; and
- (B) is dated and signed by the licensee or responsible person; and
- (C) is retained for at least 1 year following the occurrence of the incident; and
- (iv) that the register is kept on the licensed premises and is readily available for inspection or copying by an authorised officer (within the meaning of section 122 of the Act).

Part 8—Miscellaneous

21—Special transitional provision in connection with *Liquor Licensing (Liquor Review) Amendment Act 2017*—trading under licences

- (1) In accordance with paragraph (b) of the definition of *designated restriction* or *requirement* in section 137C(3) of the Act, the following designated restrictions or requirements are prescribed:
- (a) a requirement that a licensee provide a meal at the request of a member of the public or a lodger;
 - (b) a restriction providing that the sale of liquor for consumption on licensed premises only be consumed in a designated dining area or designated reception area;
 - (c) a requirement that licensed premises be kept open to the public for the sale of liquor on days and at times specified by the existing licensing Division (as defined in section 137C(3) of the Act);
 - (d) a requirement that a licensee sell or supply liquor by way of sample for consumption on a part of licensed premises approved by the licensing authority;
 - (e) a requirement that has the effect of restricting the trading that may occur under a relevant licence on a Sunday;
 - (f) a requirement that has the effect of restricting the trading that may occur under a licence on a prescribed public holiday.

- (2) In accordance with section 137C(1) and (2) of the Act—
- (a) the designated restrictions and requirements prescribed under subregulation (1)(a) to (c) and any condition of a licence that gives effect to a designated restriction or requirement prescribed under subregulation (1)(a) to (c) do not apply to the holder of a licence under the Act; and
 - (b) the designated requirement prescribed under subregulation (1)(d) and any condition of a licence that gives effect to a designated requirement prescribed under subregulation (1)(d) do not apply to the holder of a licence under the Act, provided that a sample of liquor sold or supplied under the licence is consumed on the licensed premises; and
 - (c) the designated requirement prescribed under subregulation (1)(e) and any condition of a relevant licence that gives effect to a designated requirement prescribed under subregulation (1)(e) are modified such that—
 - (i) in the case of a hotel licence—liquor may be sold under the licence on a Sunday—
 - (A) between 8 am and midnight for consumption on the licensed premises; and
 - (B) between 8 am and 9 pm for consumption off the licensed premises; and
 - (ii) in the case of a special circumstances licence—liquor may be sold under the licence on a Sunday for consumption on or off the licensed premises between 8 am and midnight; and
 - (iii) in the case of a club licence—liquor may be sold under the licence on a Sunday for consumption on the licensed premises between 8 am and midnight; and
 - (d) the designated requirement prescribed under subregulation (1)(f) and any condition of a licence that gives effect to a designated requirement prescribed under subregulation (1)(f) are modified such that the holder of the licence is authorised—
 - (i) in the case of Good Friday—to trade in accordance with the licence as if it were a Friday other than Good Friday; and
 - (ii) in the case of the day after Good Friday—to trade in accordance with the licence as if it were a Saturday other than the day after Good Friday; and
 - (iii) in the case of any other prescribed public holiday—to trade in accordance with the licence as it applies to the day of the week on which the prescribed public holiday occurs as if that day were not a prescribed public holiday.
- (3) Nothing in subregulation (2)(c) or (d) is to be taken to affect the operation of an extended trading authorisation applying under a licence.
- (4) In this regulation—
- prescribed public holiday*** means Good Friday, the day after Good Friday, Christmas Day, the day after Christmas Day or New Year's Eve;

relevant licence means a hotel licence, club licence or special circumstances licence.

22—Transitional provision in connection with *Liquor Licensing (Liquor Review) Amendment Act 2017*—approved crowd controllers

Until the commencement of section 55 of the *Liquor Licensing (Liquor Review) Amendment Act 2017*, a reference in the Act to a person who holds a security agents licence that authorises the person to perform the function of controlling crowds on licensed premises under the *Security and Investigation Industry Act 1995* will be taken to be a reference to an approved crowd controller.

Schedule 2—Forms

Form 1—Notice of application under *Liquor Licensing Act 1997*

[Insert full name and address of applicant] has applied to the licensing authority for *[insert category of application and category of licence as follows:*

grant of a [hotel] licence
transfer of a [hotel] licence
removal of a [hotel] licence
an extended trading authorisation for a [hotel] licence
conversion of a temporary [hotel] licence into a permanent licence
a condition authorising sale of liquor under a club licence for consumption off the licensed premises
consent to use part of licensed premises or area adjacent to licensed premises to provide prescribed entertainment under a [hotel] licence
variation of trading hours previously fixed in relation to a [hotel] licence]

in respect of premises *[insert situated at or to be situated at, as appropriate]* *[insert address of premises]* and *[insert known as or to be known as, as appropriate]* *[insert name]*.

*The following licence conditions are sought in the application: *[insert description of conditions]*.

* Include only if applicable

The application has been set down for hearing on *[insert date provided by licensing authority]*.

*Any person may object to the application by lodging a notice of objection in the prescribed form at least 7 days before the hearing date with:

Liquor and Gambling Commissioner *[Insert current address, phone number and fax number]*

* Do not include if application relates to small venue licence

*A copy of the notice of objection must be served by the objector on the applicant at least 7 days before the hearing date at: *[insert address for service of applicant]*.

*Do not include if application relates to small venue licence

*Any person may make a submission in respect of the application by lodging a notice in the prescribed form at least 7 days before the hearing date with:

Liquor and Gambling Commissioner *[Insert current address, phone number and fax number]*.

*Include only if application relates to small venue licence

The application and certain documents and material (including plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner.

Form 2—Notice of objection to application under *Liquor Licensing Act 1997*

Objector: *[Insert full name]*

Contact details of objector: *[Insert address, phone number, fax or email address]*

Name of applicant: *[Insert name as set out in notice of application]*

Type of application: *[Insert type as set out in notice of application]*

Address of licensed premises or proposed licensed premises: *[Insert address as set out in notice of application]*

Hearing date of application: *[Insert date as set out in notice of application]*

Objection is made on the following grounds: *[Insert grounds—an objection may only be made on grounds listed in section 77(5) or 78 of the Liquor Licensing Act 1997]*

Tick one box and fill in the details:

I served a copy of this notice on the applicant on *[insert date]*

I have not served a copy of this notice on the applicant but will do so at least 7 days before the hearing date

Date:

Objector's signature:

Form 2A—Notice of submission in respect of application under *Liquor Licensing Act 1997*

Person making submission: *[Insert full name]*

Contact details of person making submission: *[Insert address, phone number, fax or email address]*

Name of applicant: *[Insert name as set out in notice of application]*

Type of application: *[Insert type as set out in notice of application]*

Name of licensed premises or proposed licensed premises: *[Insert name as set out in notice of application]*

Address of licensed premises or proposed licensed premises: *[Insert address as set out in notice of application]*

Hearing date of application: *[Insert date as set out in notice of application]*

Details of submission: *[Insert details of submission in respect of the application]*

Date:

Signature of person making submission:

Form 3—*Liquor Licensing Act 1997* section 111

Persons under 18 not to enter



This area is out of bounds to persons under 18.

Persons suspected of being under 18 may be required to provide evidence of their age.

[The sides of the octagon in the stop sign symbol must be at least 5 centimetres in length.]

Form 4—Liquor Licensing Act 1997 section 112

Persons under 18 not to enter



This area is out of bounds to persons under 18 between *[insert relevant hours, that is 9 pm on one day and 5 am of the next OR midnight on one day and 5 am of the next]*

Persons suspected of being under 18 may be required to provide evidence of their age.

[The sides of the octagon in the stop sign symbol must be at least 5 centimetres in length.]

Form 5—Liquor Licensing Act 1997 section 113

Liquor must not be supplied to persons under 18.

You must be at least 18 to consume liquor on these premises.

A person under 18 who obtains or consumes liquor on these premises, and the person who supplies liquor to the person under 18, are each guilty of an offence.

Persons suspected of being under 18 may be required to provide evidence of their age.

Note—

Section 114 provides that a person under 18 who obtains or consumes liquor on regulated premises, and any person who supplies liquor to the person under 18, are each guilty of an offence (max. fine: \$2 500).

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Liquor Licensing (General) Regulations 2012* revoked the following:

Liquor Licensing (General) Regulations 1997

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2012	190	<i>Gazette 23.8.2012 p3881</i>	1.9.2012: r 2
2013	30	<i>Gazette 26.4.2013 p1189</i>	26.4.2013: r 2
2013	96	<i>Gazette 6.6.2013 p2215</i>	1.7.2013: r 2
2013	225	<i>Gazette 5.9.2013 p3772</i>	5.9.2013: r 2
2014	48	<i>Gazette 13.2.2014 p910</i>	1.3.2014: r 2
2014	115	<i>Gazette 19.6.2014 p2601</i>	1.7.2014: r 2
2014	235	<i>Gazette 4.9.2014 p4245</i>	4.9.2014: r 2
2014	254	<i>Gazette 30.10.2014 p6219</i>	30.10.2014: r 2
2015	155	<i>Gazette 18.6.2015 p2795</i>	1.7.2015: r 2
2015	247	<i>Gazette 10.12.2015 p5206</i>	10.12.2015: r 2
2016	131	<i>Gazette 23.6.2016 p2346</i>	1.7.2016: r 2
2017	145	<i>Gazette 22.6.2017 p2385</i>	1.7.2017: r 2
2017	326	<i>Gazette 12.12.2017 p4975</i>	18.12.2017: r 2
2018	156	<i>Gazette 21.6.2018 p2430</i>	1.7.2018: r 2
2018	209	<i>Gazette 6.9.2018 p3416</i>	24.9.2018: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 2		

r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	26.4.2013
r 4	deleted by 48/2014 r 4	1.3.2014
	inserted by 326/2017 r 4	18.12.2017
r 5	substituted by 247/2015 r 4	10.12.2015
r 6	substituted by 48/2014 r 5	1.3.2014
r 6(2)	varied by 235/2014 r 4(1)	4.9.2014
r 6(3)		
prescribed game	inserted by 235/2014 r 4(2)	4.9.2014
Pt 3		
r 7		
r 7(1)	<i>deleted by 48/2014 r 6</i>	1.3.2014
r 7(2)	varied by 225/2013 r 4(1), (2)	5.9.2013
	varied by 326/2017 r 5(1)—(4)	18.12.2017
r 7(3) and (4)	inserted by 326/2017 r 5(5)	18.12.2017
rr 7A and 7B	inserted by 30/2013 r 4	26.4.2013
r 8	substituted by 156/2018 r 4	1.7.2018
r 9	<i>deleted by 156/2018 r 5</i>	1.7.2018
Pt 4		
r 10		
r 10(2)	varied by 48/2014 r 7(1), (2)	1.3.2014
r 12		
r 12(1)	<i>deleted by 326/2017 r 6(1)</i>	18.12.2017
r 12(2)	varied by 48/2014 r 8(1)—(3)	1.3.2014
	varied by 326/2017 r 6(2)	18.12.2017
r 13A	inserted by 326/2017 r 7	18.12.2017
r 14A	inserted by 30/2013 r 5	26.4.2013
r 15A	inserted by 209/2018 r 4	24.9.2018
Pt 6		
r 18	varied by 254/2014 r 4	30.10.2014
	varied by 209/2018 r 5	24.9.2018
r 18A	inserted by 209/2018 r 6	24.9.2018
Pt 6A	inserted by 209/2018 r 7	24.9.2018
Pt 7		
r 20	varied by 209/2018 r 8	24.9.2018
Pt 8	inserted by 326/2017 r 8	18.12.2017
r 22	inserted by 209/2018 r 9	24.9.2018
Sch 1	<i>deleted by 235/2014 r 5</i>	4.9.2014
Sch 2		
Form 1	substituted by 30/2013 r 6(1)	26.4.2013
	varied by 326/2017 r 9	18.12.2017
Form 2A	inserted by 30/2013 r 6(2)	26.4.2013

<i>Sch 3 before substitution by 115/2015</i>	<i>varied by 30/2013 r 7</i>	<i>26.4.2013</i>
	<i>substituted by 96/2013 r 4</i>	<i>1.7.2013</i>
	<i>substituted by 115/2014 r 4</i>	<i>1.7.2014</i>
	<i>varied 254/2014 r 5(1)—(3)</i>	<i>30.10.2014</i>
<i>Sch 3</i>	<i>substituted by 155/2015 r 4</i>	<i>1.7.2015</i>
	<i>substituted by 131/2016 r 4</i>	<i>1.7.2016</i>
	<i>substituted by 145/2017 r 4</i>	<i>1.7.2017</i>
	<i>varied by 326/2017 r 10</i>	<i>18.12.2017</i>
	<i>deleted by 156/2018 r 6</i>	<i>1.7.2018</i>
<i>Sch 4</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>26.4.2013</i>

Historical versions

26.4.2013
1.7.2013
5.9.2013
1.3.2014
1.7.2014
4.9.2014
30.10.2014
1.7.2015
10.12.2015
1.7.2016
1.7.2017
18.12.2017
1.7.2018