

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

- (1) 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.

- (2) If the conditions of a short term licence—
  - (a) authorise the consumption of liquor on the licensed premises; and
  - (b) allow a person to bring liquor onto the licensed premises and later take from the licensed premises the unconsumed portion of that liquor,the person is exempt from section 102(1)(a) of the Act and (to the extent necessary) the person and the licensee are exempt from section 103 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.

(2a) For the purposes of the definition of *regulated premises* in section 4 of the Act, the 2 areas shaded black on the map in Schedule 1 of these regulations are declared not to be regulated premises at all times.

(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 general and hotel licence, packaged liquor sales licence, liquor production and sales licence or an interstate direct sales 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;

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- (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 general and hotel licence, packaged liquor sales licence, liquor production and sales licence or an interstate direct sales 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—
- (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);
- (db) the supply of liquor by and to a person of or above the age of 18 years in the course of a business the primary purpose of which is the provision of funeral services, if—
- (i) the liquor is consumed on the premises of the business; and
  - (ii) the supply is ancillary to the provision of funeral services;
- (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 provedore 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 liquor by or on behalf of a secondary school if—
  - (i) the liquor is produced as part of a course 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—Restaurant and catering licence—prescribed circumstances**

For the purposes of section 35(1)(b)(i) of the Act, circumstances where the liquor is consumed by persons undertaking formal instruction in cooking conducted by or on behalf of the licensee are prescribed.

**7AB—Packaged liquor sales licence—prescribed premises**

For the purposes of section 38(7) of the Act, premises of the following kind are prescribed:

- (a) premises used primarily as a restaurant or for the preparation and sale of food for immediate consumption off the premises (or both);
- (b) premises ordinarily known as or advertised as a supermarket, convenience store or delicatessen;
- (c) premises used primarily for the sale of non-consumable, domestic or commercial goods and merchandise;
- (d) petrol stations, including any parts of a petrol station—
  - (i) that consist of a shop, or shops, selling goods by retail; or
  - (ii) used for or in connection with the repair and servicing of motor vehicles;
- (e) premises used primarily for the sale of tobacco products and e-cigarette products;
- (f) premises used directly or indirectly in connection with the sale of firearms or ammunition;
- (g) premises that are a public conveyance;
- (h) premises that may be accessed by the public directly from premises of a kind referred to in paragraph (a) to (g).

**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 37(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.

**7BA—Interstate direct sales licence—exemption from certain provisions of Act**

In accordance with section 41(4) of the Act, the following provisions of the Act do not apply to, or in relation to, an application for an interstate direct sales licence or the holder of an interstate direct sales licence:

- (a) section 51A;
- (b) section 52;
- (c) section 56;
- (d) section 57;
- (e) section 72;
- (f) section 97;
- (g) section 98;

- (h) section 109.

### **7C—Power of licensing authority to impose conditions—prescribed body**

For the purposes of section 43(2)(d) of the Act, each Recognised Aboriginal Representative Body (*RARB*) determined or appointed under Part 2B of the *Aboriginal Heritage Act 1988* in respect of an area is prescribed in relation to any licence where the licensed premises that relate to the licence are situated in the area for which the RARB is determined or appointed.

### **7D—Annual fees—general**

- (1) For the purposes of section 50A of the Act and subject to these regulations, the annual fee for a licence (including a licence that is suspended for disciplinary reasons) is payable on or before 30 June in each year and is payable in advance in respect of the following financial year (that is, the 12 months commencing on 1 July and ending on the following 30 June).
- (2) Despite a fee having been prescribed, no fee is payable for an application for—
  - (a) a variation of trading hours or the imposition, variation or revocation of a licence condition so as to reduce the trading hours or reduce the capacity of the licensed premises contemplated by the licence and effect a reduction in the annual fee for the licence; or
  - (b) the variation or revocation of a licence condition to remove a club event endorsement, a club transport endorsement or a production and sales event endorsement from the licence (on account of the licensee no longer selling or supplying liquor in accordance with the relevant endorsement).

### **7E—Annual fees—certain suspended licences**

- (1) If, on 30 June in a year, a licence is suspended (other than for disciplinary reasons), the annual fee that is prescribed for the licence is not payable on or before that day in that year, but—
  - (a) the licensee must pay the annual fee that is prescribed for a suspended licence (which is payable in advance in respect of the following financial year (that is, the 12 months commencing on 1 July and ending on the following 30 June)); and
  - (b) if the licence ceases to be suspended during that following financial year, the annual fee that is prescribed for the licence in respect of that financial year is payable on or before the day that is 28 days after the day on which the licence ceases to be suspended.
- (2) The annual fee payable under subregulation (1)(b) is to be adjusted on a pro rata basis by applying the proportion that the number of months from the cessation of the suspension until the next 30 June bears to 12 (with part of a month being counted as a whole month).

### **7F—Waiver, reduction or refund of fees**

The Commissioner may, in the Commissioner's absolute discretion, waive, reduce or refund fees prescribed for the purposes of the Act or these regulations.



## 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

### 9A—Application and modification of Part 4 of Act in relation to short term licences

- (1) In accordance with section 40(8)(f) of the Act, Part 4 of the Act applies with the following variations in relation to a short term licence:
  - (a) section 51A(1)(a) applies as if after "temporary licence" there were inserted:  
or short term licence, unless the Commissioner determines otherwise
  - (b) section 52 applies as if after subsection (1) there were inserted:
    - (1a) However, this section does not apply to an application for consent of the licensing authority under section 105 by the holder of a short term licence, unless the Commissioner determines otherwise.
  - (c) section 56(1) applies as if after "must" there were inserted:  
, if the licensing authority directs the applicant to do so,
  - (d) section 72 applies as if after subsection (1) there were inserted:
    - (1a) Unless the Commissioner determines otherwise, a consent under this section is not required in relation to an application for or in relation to a short term licence.
- (2) In accordance with section 40(8)(f) of the Act, Part 4 Division 4 of the Act does not apply in relation to a short term licence.

### 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 an interstate direct sales licence or a packaged liquor sales licence that authorises the licensee to sell liquor only through direct sales transactions) 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;
  - (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) Plans required to accompany an application under subregulation (1) must be in a form, and comply with any other requirements, determined by the Commissioner.
- (4) For the purposes of section 51(1)(b) of the Act, an application to a licensing authority for a short term 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.
- (5) For the purposes of section 51(1)(b) of the Act, an application to a licensing authority for consent under section 105 of the Act must be accompanied by plans (complying with the requirements of the licensing authority) of the area of the licensed premises proposed to be used for the purpose of providing prescribed entertainment.

### 11—Time limitation for application for short term licence

- (1) For the purposes of section 51(1)(c) of the Act, an application for a short term licence must be made—
  - (a) in the case of a licence sought in respect of a class 1 event—at least 7 days before the commencement of the event or occasion in respect of which the licence is sought; or
  - (b) in the case of a licence sought in respect of a class 2 event—at least 30 days before the commencement of the event, or, if the licence is sought in respect of a series of events, the first in the series; or
  - (c) in the case of a licence sought in respect of a class 3 event—at least 60 days before the commencement of the event, or, if the licence is sought in respect of a series of events, the first in the series; or
  - (d) in the case of a 5 year short term licence—at least 60 days before the commencement of the event in respect of which the licence is sought, or, if the licence is sought in respect of a series of events, the first in the series.
- (2) For the purposes of this regulation—
  - (a) a licence authorises the sale or supply of liquor past midnight if it authorises the sale or supply of liquor immediately before and immediately after midnight on any 1 or more days (disregarding sale or supply to a resident on licensed premises); and
  - (b) a licence authorises the sale or supply of liquor past 2 am if it authorises the sale or supply of liquor immediately before and immediately after 2 am on any 1 or more days (disregarding sale or supply to a resident on licensed premises).
- (3) For the purposes of this regulation, the *maximum capacity of licensed premises* is the number of persons that must not be exceeded at the licensed premises as stated under the licence (disregarding residents in areas of the premises not accessible to other members of the public (such as bedrooms and other accommodation areas)).
- (4) In this regulation—

*class 1 event*—an event authorised under a short term licence is a class 1 event if—

  - (a) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons not exceeding 200 persons at any 1 time; and

- (b) the sale or supply of liquor past 12 midnight is not authorised under the licence for the event; and
- (c) the event is to last 1 day or less; and
- (d) no part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment;

**class 2 event**—an event authorised under a short term licence is a class 2 event—

- (a) if—
  - (i) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons not exceeding 1 200 persons at any 1 time; and
  - (ii) the sale or supply of liquor past 2 am is not authorised under the licence for the event; and
  - (iii) no part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment; or
- (b) if the conditions of the licence in respect of the event only authorise the sale of liquor by direct sales transactions (regardless of the authorised trading hours under the licence); or
- (c) if, in the opinion of the Commissioner, the nature of the event is such that the event should be regarded as a class 2 event;

**class 3 event**—an event authorised under a short term licence is a class 3 event if—

- (a) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons exceeding 1 200 persons at any 1 time; or
- (b) the sale or supply of liquor past 2 am is authorised for the event; or
- (c) a part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment; or
- (d) the Commissioner determines on other grounds that the nature of the event has required or will require the devotion of significant resources for the purposes of the administration or enforcement of the Act in relation to the event;

**event** includes an occasion;

**5 year short term licence**—a short term licence granted for a term of 5 years is a 5 year short term licence.

## **12—Requirement relating to notice of application**

For the purposes of section 52(2) of the Act, the notice of application must be given in a manner and form approved by the Commissioner.

## **12A—Designated applications to be in community interest—prescribed matter**

For the purposes of section 53A(2)(a)(iv) of the Act, the nature of the business conducted or to be conducted under the licence is prescribed.

### 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.

### 13AA—Fit and proper persons—prescribed offences

For the purposes of section 55(a1)(a) and (a2)(a) of the Act, the following offences are prescribed:

- (a) an offence against Part 3A of the *Summary Offences Act 1953* (other than an offence against section 21C(1) or 21E of that Act);
- (b) a serious and organised crime offence (as defined in the *Criminal Law Consolidation Act 1935*);
- (c) an offence against the *Controlled Substances Act 1984* involving a controlled drug, controlled precursor or controlled plant (other than an offence constituted of possessing a controlled drug, controlled precursor or controlled plant);
- (d) an indictable offence involving violence;
- (e) an offence against the *Firearms Act 2015*, other than—
  - (i) an offence against section 16; or
  - (ii) an offence against—
    - (A) section 22(6) or (7); or
    - (B) section 25(4); or
    - (C) section 29(4)(c),  
committed in relation to a category of firearm that is not a prescribed firearm or category C, D or H firearm; or
  - (iii) an offence against section 31(10); or
  - (iv) an offence against section 34; or
  - (v) a category E or F offence against the code of practice under section 35 of the Act; or
  - (vi) an offence against section 62; or
  - (vii) an offence against section 65; or
  - (viii) an offence against the *Firearms Regulations 2017*;
- (f) an offence of attempting to commit, or assault with an attempt to commit, an offence prescribed by a preceding paragraph;
- (g) an offence against the law of another jurisdiction that would, if committed in this State, constitute an offence prescribed by a preceding paragraph.

### **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.

## **Part 5—Conduct of licensed business**

### **15—Record of residents**

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 resident:

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

### **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.

### **15B—Exemption from section 109 of Act—certain packaged liquor sales licensees**

In accordance with section 138(1a)(b) of the Act, the holder of a packaged liquor sales licence that only authorises the sale of liquor through direct sales transactions is exempt from the requirements of section 109 of the Act.

## Part 6—Minors

### 17—Classes of minors allowed in certain licensed premises

For the purposes of section 112(6)(a) of the Act, the following classes of minors are prescribed:

- (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;
- (c) minors who—
  - (i) are engaged in training for the purposes of a hospitality program, employment or work experience; and
  - (ii) comply with any conditions of the training relating to entering, or remaining in, licensed premises;
- (d) minors granted an approval by the Commissioner to enter and remain in licensed premises and who comply with the conditions of the approval.

### 17A—Minors allowed in certain licensed premises—packaged liquor sales licence

For the purposes of section 112(6)(b) of the Act, licensed premises in respect of which the licensing authority has granted an exemption under section 38(6) of the Act are prescribed.

### 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
  - (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 7A—Prohibition of manufacture, sale or supply of certain liquor**

### **20A—Prohibition of manufacture, sale or supply of Emodka etc**

For the purposes of section 131AA(2)(b) of the Act, the following are declared to be liquor to which that section applies:

- (a) Emodka vodka;
- (b) any other spirit packaged in a container purporting to be an emoji (however described).

## Part 8—Miscellaneous

### 21—Definition of *prescribed entertainment*—section 130

For the purposes of paragraph (b) of the definition of *prescribed entertainment* in section 130(4) of the Act, it is declared that an event commonly known as a rave is prescribed entertainment for the purposes of that section.

### 21A—Persons exempt from prohibition of consumption and possession of liquor in public places

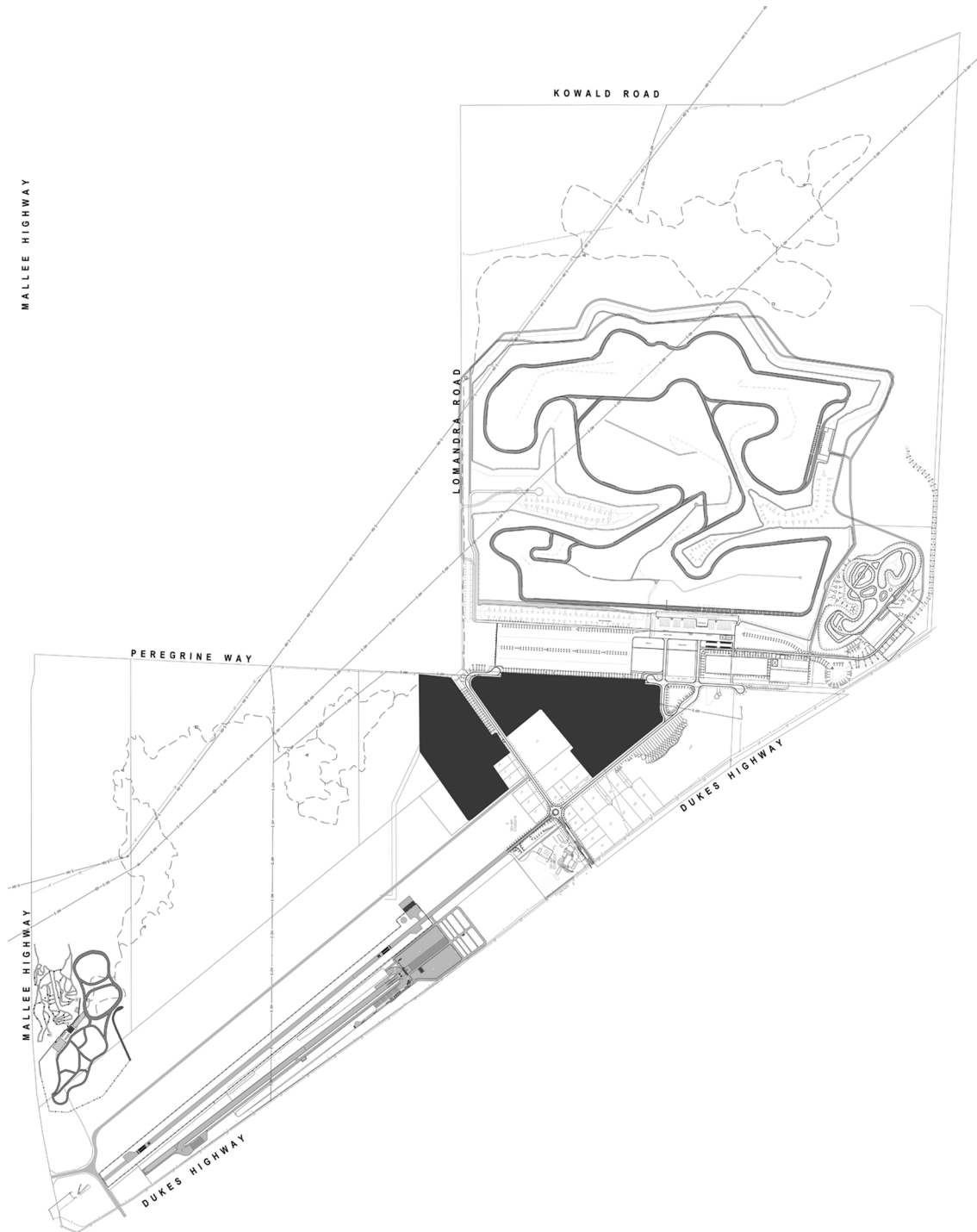
For the purposes of section 131(4) of the Act, a prohibition on the consumption or possession or both of liquor in a public place or public places specified in a notice under section 131 does not apply to—

- (a) a person who is genuinely passing through the place if—
  - (i) the liquor is in the original container in which it was purchased from licensed premises; and
  - (ii) the container has not been opened; or
- (b) a person who has possession of the liquor in the course of carrying on a business or in the course of their employment by another person in the course of carrying on a business; or
- (c) a person who is permanently or temporarily residing at premises near the public place and who enters the public place solely for the purpose of passing through it to enter those premises or who enters the public place from those premises for the purpose of leaving the place; or
- (d) a person who possesses or consumes the liquor for sacramental or other similar religious purposes.

### 22—Transitional provision related to *Liquor Licensing (Liquor Review) Amendment Act 2017*—proceedings

Pursuant to section 138(2a) of the Act, an application in relation to a licence made to the licensing authority under the Act and any proceedings related to such an application that have not been finally determined before the commencement of this regulation may be continued and completed under the Act as if the amendments to the Act effected by the *Liquor Licensing (Liquor Review) Amendment Act 2017* had not come into operation.

## Schedule 1—Map of The Bend Motorsport Park area



## 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](http://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
2019	163	<i>Gazette 20.6.2019 p2217</i>	20.6.2019: r 2
2019	234	<i>Gazette 7.11.2019 p3782</i>	18.11.2019: r 2
2020	71	<i>Gazette 21.5.2020 p2470</i>	21.5.2020: r 2
2020	113	<i>Gazette 4.6.2020 p2932</i>	1.7.2020: r 2
2021	37	<i>Gazette 1.4.2021 p1091</i>	1.4.2021: r 2
<b>2021</b>	<b>160</b>	<b><i>Gazette 21.10.2021 p3794</i></b>	<b>22.10.2021: r 2</b>

## 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		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>26.4.2013</i>
r 4	deleted by 48/2014 r 4	1.3.2014
	inserted by 326/2017 r 4	18.12.2017
r 4(1)	r 4 redesignated as r 4(1) by 234/2019 r 4	18.11.2019
r 4(2)	inserted by 234/2019 r 4	18.11.2019
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(2a)	inserted by 163/2019 r 4	20.6.2019
r 6(3)		
prescribed game	inserted by 235/2014 r 4(2)	4.9.2014
Pt 3		
r 7		
<i>r 7(1)</i>	<i>deleted by 48/2014 r 6</i>	<i>1.3.2014</i>
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
	varied by 234/2019 r 5(1)—(4)	18.11.2019
	<b>varied by 160/2021 r 4(1), (2)</b>	<b>22.10.2021</b>
r 7(3) and (4)	inserted by 326/2017 r 5(5)	18.12.2017
r 7A	inserted by 30/2013 r 4	26.4.2013
	substituted by 234/2019 r 6	18.11.2019
r 7AB	inserted by 234/2019 r 6	18.11.2019
r 7B	inserted by 30/2013 r 4	26.4.2013
	varied by 234/2019 r 7	18.11.2019
<b>r 7BA</b>	<b>inserted by 160/2021 r 5</b>	<b>22.10.2021</b>
r 7C	inserted by 234/2019 r 8	18.11.2019
rr 7D—7F	inserted by 113/2020 r 4	1.7.2020
r 8	substituted by 156/2018 r 4	1.7.2018
<i>r 9</i>	<i>deleted by 156/2018 r 5</i>	<i>1.7.2018</i>
Pt 4		
r 9A	inserted by 234/2019 r 9	18.11.2019
r 10		
r 10(1)	varied by 234/2019 r 10(1), (2)	18.11.2019
	<b>varied by 160/2021 r 6</b>	<b>22.10.2021</b>
r 10(2)	varied by 48/2014 r 7(1), (2)	1.3.2014
	substituted by 234/2019 r 10(3)	18.11.2019



<i>r 10(3)</i>	<i>deleted by 234/2019 r 10(3)</i>	18.11.2019
<i>r 10(4)</i>	varied by 234/2019 r 10(4)	18.11.2019
<i>r 10(5)</i>	inserted by 234/2019 r 10(5)	18.11.2019
<i>r 11</i>	substituted by 234/2019 r 11	18.11.2019
<i>r 11(2)</i>	substituted by 113/2020 r 5	1.7.2020
<i>r 11(3) and (4)</i>	inserted by 113/2020 r 5	1.7.2020
<i>r 12 before substitution by 71/2020</i>		
<i>r 12(1)</i>	<i>deleted by 326/2017 r 6(1)</i>	18.12.2017
<i>r 12(2)</i>	<i>varied by 48/2014 r 8(1)—(3)</i>	1.3.2014
	<i>varied by 326/2017 r 6(2)</i>	18.12.2017
<i>r 12</i>	substituted by 71/2020 r 4	21.5.2020
<i>r 12A</i>	inserted by 234/2019 r 12	18.11.2019
<i>r 13AA</i>	inserted by 234/2019 r 13	18.11.2019
<i>r 13A</i>	inserted by 326/2017 r 7	18.12.2017
<i>r 14</i>	<i>deleted by 234/2019 r 14</i>	18.11.2019
<i>r 14A</i>	<i>inserted by 30/2013 r 5</i>	26.4.2013
	<i>deleted by 234/2019 r 14</i>	18.11.2019
<i>Pt 5</i>		
<i>r 15</i>	varied by 234/2019 r 15(1), (2)	18.11.2019
<i>r 15A</i>	inserted by 209/2018 r 4	24.9.2018
<i>r 15B</i>	inserted by 234/2019 r 16	18.11.2019
<i>Pt 6</i>		
<i>r 16</i>	<i>deleted by 234/2019 r 17</i>	18.11.2019
<i>r 17</i>	varied by 234/2019 r 18(1), (2)	18.11.2019
<i>r 17A</i>	inserted by 71/2020 r 5	21.5.2020
<i>r 18</i>	varied by 254/2014 r 4	30.10.2014
	varied by 209/2018 r 5	24.9.2018
<i>r 18A</i>	inserted by 209/2018 r 6	24.9.2018
<i>Pt 6A</i>	inserted by 209/2018 r 7	24.9.2018
<i>Pt 7</i>		
<i>r 20</i>	varied by 209/2018 r 8	24.9.2018
<i>Pt 7A</i>		
<i>r 20A</i>	inserted by 37/2021 r 4	1.4.2021
<i>Pt 8</i>	inserted by 326/2017 r 8	18.12.2017
<i>r 21</i>	substituted by 234/2019 r 19	18.11.2019
<i>r 21A</i>	inserted by 71/2020 r 6	21.5.2020
<i>r 22</i>	inserted by 209/2018 r 9	24.9.2018
	substituted by 234/2019 r 19	18.11.2019
<i>Sch 1</i>	<i>deleted by 235/2014 r 5</i>	4.9.2014
	inserted by 163/2019 r 5	20.6.2019
<i>Sch 2 before deletion by 71/2020</i>		

## Liquor Licensing (General) Regulations 2012—22.10.2021

### Legislative history

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Form 1	substituted by 30/2013 r 6(1)	26.4.2013
	varied by 326/2017 r 9	18.12.2017
	substituted by 234/2019 r 20(1)	18.11.2019
Form 2	<i>deleted by 234/2019 r 20(2)</i>	18.11.2019
Form 2A	<i>inserted by 30/2013 r 6(2)</i>	26.4.2013
	<i>deleted by 234/2019 r 20(2)</i>	18.11.2019
Forms 3—5	<i>deleted by 234/2019 r 20(2)</i>	18.11.2019
Sch 2	<i>deleted by 71/2020 r 7</i>	21.5.2020
Sch 3 before substitution by 155/2015	<i>varied by 30/2013 r 7</i>	26.4.2013
	<i>substituted by 96/2013 r 4</i>	1.7.2013
	<i>substituted by 115/2014 r 4</i>	1.7.2014
	<i>varied 254/2014 r 5(1)—(3)</i>	30.10.2014
Sch 3	<i>substituted by 155/2015 r 4</i>	1.7.2015
	<i>substituted by 131/2016 r 4</i>	1.7.2016
	<i>substituted by 145/2017 r 4</i>	1.7.2017
	<i>varied by 326/2017 r 10</i>	18.12.2017
	<i>deleted by 156/2018 r 6</i>	1.7.2018
Sch 4	<i>omitted under Legislation Revision and Publication Act 2002</i>	26.4.2013

### 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  
24.9.2018  
20.6.2019  
18.11.2019  
21.5.2020  
1.7.2020  
1.4.2021