

South Australia

## **Liquor Licensing (General) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (General) Regulations 1997***

- 4 Substitution of regulation 22
    - 22 Barring orders
  - 5 Variation of Schedule 2—Forms
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (General) Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 2 of the *Statutes Amendment (Power to Bar) Act 2008* comes into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Liquor Licensing (General) Regulations 1997***

#### **4—Substitution of regulation 22**

Regulation 22—delete the regulation and substitute:

##### **22—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
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- (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.

## **5—Variation of Schedule 2—Forms**

Schedule 2, Forms 7 and 8—delete the forms

### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 26 February 2009

No 13 of 2009

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