

South Australia

Liquor Licensing (General) (Minors and Other Matters) Variation Regulations 2018

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) (Minors and Other Matters) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which section 78 of the *Liquor Licensing (Liquor Review) Amendment Act 2017* 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 2012*

4—Insertion of regulation 15A

After regulation 15 insert:

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.

5—Variation of regulation 18—Evidence of age

Regulation 18(b) and (d)—delete "card" wherever occurring and substitute in each case:

document

6—Insertion of regulation 18A

After regulation 18 insert:

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.

7—Insertion of Part 6A

After Part 6 insert:

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.

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

Regulation 20(d)(iii)(A), ninth dot point—delete "and, if so, the name or badge number of the police officer"

9—Insertion of regulation 22

After regulation 21 insert:

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.

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 6 September 2018

No 209 of 2018

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