

South Australia

Liquor Licensing (General) Regulations 1997

under the *Liquor Licensing Act 1997*

Contents

Part 1—Preliminary

- 1 Short title
- 3 Regulations under *Liquor Licensing Act 1985*
- 4 Interpretation

Part 2—Definitions

- 5 Definition of entertainment
- 6 Definition of liquor
- 7 Definition of regulated premises

Part 3—Licences

- 8 Cases where licence is not required
- 9 Mandatory conditions—code of practice

Part 4—Applications and objections

- 10 Plans to accompany applications
- 11 Time limitation for application for limited licence
- 12 Fees to accompany applications
- 13 Requirements relating to advertising of applications
- 14 Order for determining applications
- 15 Form of notice of objection

Part 5—Returns and fees

- 16 Interpretation of Part 5
- 17 Returns
- 17A Annual fees
- 17B Waiver, reduction or refund of fees

Part 6—Conduct of licensed business

- 18 Record of lodgers

Part 7—Minors

- 19 Notices relating to minors
- 20 Classes of minors allowed in certain licensed premises
- 21 Evidence of age
- 21A Procedures relating to removal of minors from licensed premises

Part 8—Enforcement

- 21B Procedures relating to prevention of persons from entering or removal of persons from licensed premises
- 22 Barring orders

Schedule A1—Areas surrounding AAMI Stadium declared not to be regulated premises

Schedule 1—Fees and default penalties

Schedule 1A—Procedures for prevention of persons from entering, and removal of persons from, licensed premises

Schedule 2—Forms

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Liquor Licensing (General) Regulations 1997*.

3—Regulations under *Liquor Licensing Act 1985*

- (3) The *Liquor Licensing (Long Term Dry Areas) Regulations 1997* (see *Gazette 26.6.1997 p3102*), as varied, were made under section 132 of the repealed *Liquor Licensing Act 1985*. Section 131 of the *Liquor Licensing Act 1997* provides power to make regulations to the same effect. Under section 11 of the *Acts Interpretation Act 1915*, the regulations remain in force as if the *Liquor Licensing Act 1997* had been in force when they were made and they had then been made in pursuance of that Act.

4—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;
 - (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;

low alcohol liquor means—

- (a) beer that at 20° Celsius contains not more than 3.5% alcohol by volume;
- (b) wine that at 20° Celsius contains not more than 6.5% alcohol by volume.

Part 2—Definitions

5—Definition of entertainment

For the purposes of paragraph (b) of the definition of *entertainment* in section 4 of the Act, entertainment includes a visual display but not if provided by means of a television screen the dimensions of which do not exceed 2 metres by 2 metres.

6—Definition of liquor

For the purposes of the definition of *liquor* in section 4 of the Act, alcohol based food essence and alcoholic ice confection are declared to be liquor for the purposes of the Act.

7—Definition of regulated premises

For the purposes of the definition of *regulated premises* in section 4 of the Act, the areas surrounding AAMI Stadium in West Lakes shown as the hatched areas on the plan in Schedule A1 are declared not to be regulated premises.

Part 3—Licences

8—Cases where licence is not required

- (1) For the purposes of section 30(c) of the Act, a course of instruction or training of which the tasting, sampling or use of liquor is an essential part held by any of the following institutions is an approved course for the purposes of section 30:
 - (a) Workers Educational Association of S.A. Inc.;
 - (b) Australian Hotels' Association (S.A. Branch);
 - (c) Licensed Clubs Association Inc.;
 - (d) South Australian Restaurant Association Inc.;
 - (e) S.A. Tourism and Hospitality Industry Training Council Incorporated;
 - (f) South Australian Wine and Brandy Industry Association Inc.;
 - (g) Australian Liquor, Hospitality and Miscellaneous Workers Union (S.A. Branch);
 - (h) Hotel Motel and Accommodation Association of South Australia Inc.;
 - (i) a tertiary educational institution.
- (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 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 at premises with accommodation for a maximum of 8 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 from the holder of a producer's licence at the producer's premises in the vicinity of the premises; 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 2 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 1 litre 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 1 litre 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 or confectionery or other food 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 or confectionery or other food, 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 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 2 litres; and
 - (iv) both the purchaser and the donee of the gift are of or above the age of 18 years;
- (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;
- (h) the sale of liquor by a ship's providore 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 (other than a flight that both begins and ends in South Australia) 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 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.

9—Mandatory conditions—code of practice

- (1) For the purposes of section 42 of the Act, the code of practice entitled *Code of Practice under section 42 Liquor Licensing Act 1997* (September 1997) published by the Commissioner with the approval of the Minister is approved.
- (2) The Commissioner must ensure that—
 - (a) a copy of the code of practice is available free of charge to each licensee; and
 - (b) a copy of the code of practice is available for inspection by members of the public free of charge during normal business hours at the office of the Commissioner; and
 - (c) copies of the code of practice are made available for purchase or by other means.

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 A1 paper and not smaller than international size A3 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—Fees to accompany applications

For the purposes of section 51(1)(d) of the Act, Schedule 1 fixes the fees to accompany applications to a licensing authority.

13—Requirements relating to advertising of applications

- (1) For the purposes of section 52(2)(b) of the Act, the required advertisement must be in the appropriate form set out in Schedule 2.
- (2) For the purposes of section 52(2)(c) of the Act, the required notice—
 - (a) must be in the appropriate form set out in Schedule 2; and
 - (b) must be on paper of dimensions not smaller than international size A2 paper.

14—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.

15—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 appropriate form set out in Schedule 2.

Part 5—Returns and fees

16—Interpretation of Part 5

In this Part—

corresponding licence under the repealed Act means—

- (a) in relation to a special circumstances licence in force under the Act—a general facility licence;
- (b) in any other case—a licence of the same name as that in force under the Act;

repealed Act means the *Liquor Licensing Act 1985* repealed by the Act;

wholesale licence means—

- (a) a wholesale liquor merchant's licence;
- (b) a producer's licence;
- (c) a special circumstances licence under which the licensee sells liquor wholly or predominantly to liquor merchants.

17—Returns

- (1) For the purposes of section 95(1) of the Act, the following information must be included in a return lodged by a licensee who holds a wholesale licence within 2 months after the end of an assessment period:
- (a) the name and address of each supplier from whom the licensee purchased liquor during the assessment period and, if the supplier is a liquor merchant, the category and number of licence or other authorisation held by the supplier; and
 - (b) the name and address of each liquor merchant to whom liquor was sold during the assessment period and the category and number of licence or other authorisation held by the liquor merchant; and
 - (c) the gross amount paid or payable to the licensee for low alcohol liquor sold during the assessment period and the gross amount paid or payable to the licensee for liquor other than low alcohol liquor sold during the assessment period; and
 - (d) the total volume (in litres) of low alcohol liquor sold by the licensee during the assessment period and the total volume (in litres) of liquor other than low alcohol liquor sold by the licensee during the assessment period; and
 - (e) what proportion of each of those gross amounts was paid or payable to the licensee during the assessment period, and what proportion of each of those total volumes was sold by the licensee during the assessment period, in respect of each of the following categories of sales:
 - (i) sales to liquor merchants holding a licence under the Act;
 - (ii) sales to liquor merchants not holding a licence under the Act;
 - (iii) in the case of a licensee who holds a wholesale liquor merchant's licence or a special circumstances licence—
 - (A) sales to employees of the licensee;
 - (B) sales to persons, sales of liquor by whom are not subject to the Act, or who are otherwise exempt from the application of the Act;
 - (C) sales by auction;
 - (D) sales under a limited licence held by the licensee under the Act; and
 - (f) in the case of a licensee who holds a producer's licence—
 - (i) the wholesale value, and the total volume (in litres), of low alcohol liquor supplied by way of sample for consumption on the licensed premises during the relevant assessment period; and
 - (ii) the wholesale value, and the total volume (in litres), of liquor other than low alcohol liquor supplied by way of sample for consumption on the licensed premises during the relevant assessment period.

- (2) In the case of the first return lodged after the commencement of the Act—
- (a) a reference in this regulation to a licence will be taken to include a reference to a corresponding licence under the repealed Act and a reference to the Act will be taken to include a reference to the repealed Act; and
 - (b) the information required to be included in the return extends to information relating to transactions that took place under a corresponding licence (if any) held by the licensee under the repealed Act as if the Act had been in force and the corresponding licence issued under the Act.

17A—Annual fees

- (1) For the purposes of section 50A of the Act and subject to subregulation (3), the annual fee for a licence is payable on or before 30 April 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) However, the annual fee payable under section 50A of the Act in respect of the 2012/2013 financial year is payable on or before 29 June 2012.
- (3) If, on 29 June 2012 or on 30 April in any subsequent year, a licence is suspended (other than for disciplinary reasons), the annual fee for the licence is not payable on or before that day in that year, but, if the licence ceases to be suspended during the following financial year, the annual fee for the licence in respect of that financial year is payable on or before the day on which the licence ceases to be suspended.
- (4) The annual fee payable under subregulation (3) 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).

17B—Waiver, reduction or refund of fees

The Commissioner may, in his or her absolute discretion, waive, reduce or refund fees in exceptional circumstances that, in the opinion of the Commissioner, warrant the exercise of the discretion.

Part 6—Conduct of licensed business

18—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.

Part 7—Minors

19—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 in the appropriate form 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.

20—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.

21—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 card 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 card issued by Alfa Omega Nominees Pty Ltd, trading as Commonwealth Key and Property Register.

21A—Procedures relating to removal of minors from licensed premises

For the purposes of section 137B(2) of the Act, the procedures set out in Schedule 1A in relation to removal of persons from licensed premises are prescribed as procedures to be observed by authorised persons in or in connection with the removal of minors from licensed premises or a part of licensed premises.

Part 8—Enforcement

21B—Procedures relating to prevention of persons from entering or removal of persons from licensed premises

For the purposes of section 137B(1) of the Act, the procedures set out in Schedule 1A in relation to prevention of persons from entering, and removal of persons from, licensed premises 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 from, licensed premises or a part of licensed premises.

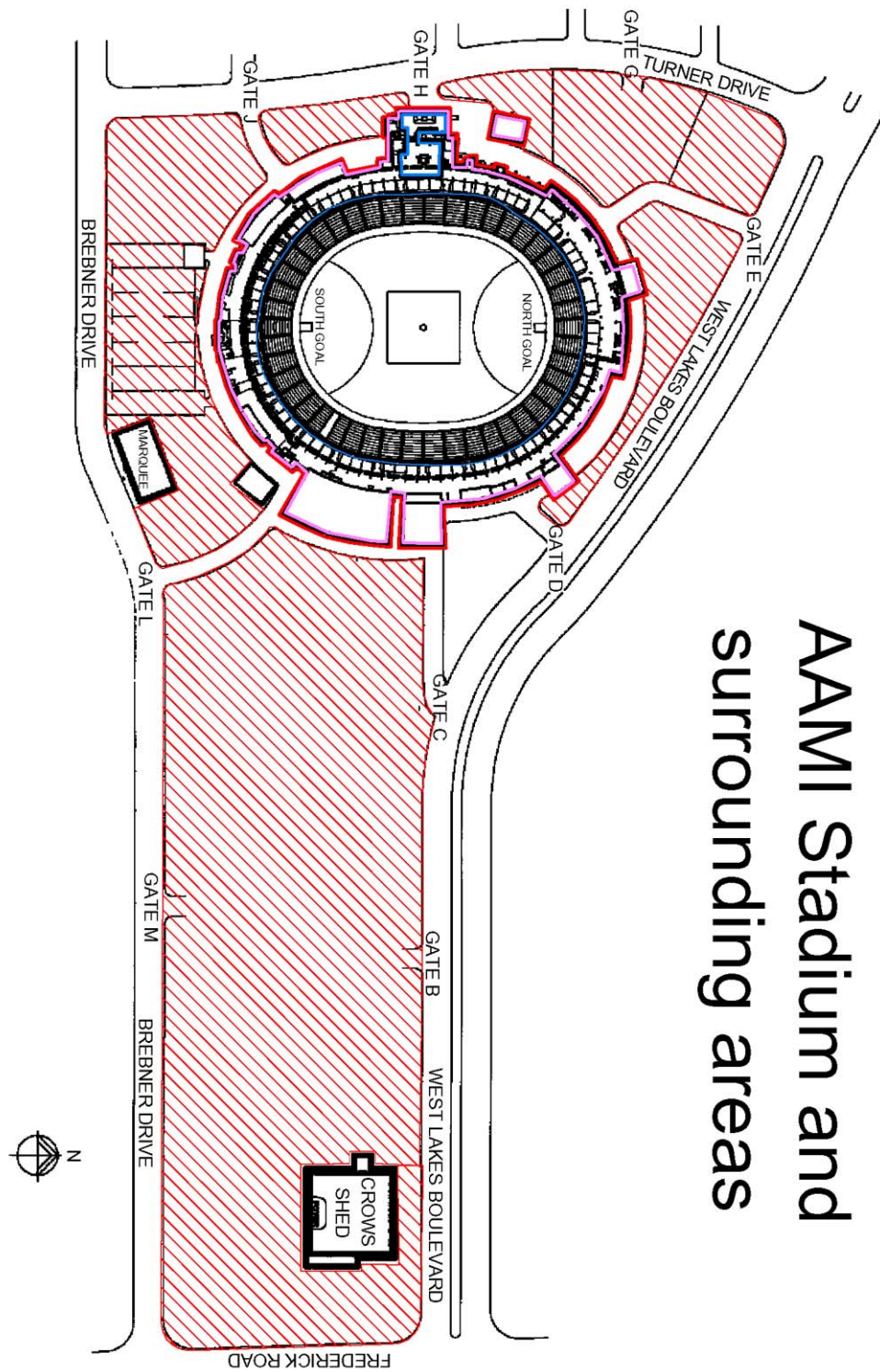
22—Barring orders

- (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
 - (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.

Schedule A1—Areas surrounding AAMI Stadium declared not to be regulated premises



AAMI Stadium and
surrounding areas

Schedule 1—Fees and default penalties

1	Application for the grant of a licence other than a limited licence	\$473.00
2	Application for the grant of a limited licence—	
	(a) if the licence is sought for 1 function lasting 1 day or less	\$39.50
	(b) if the licence is sought for more than 1 function held on the same day (for each function)	\$39.50
	(c) if the licence is sought for 1 or more functions lasting more than 1 day (for each day of each function or part of a day)	\$39.50
	However, no fee is payable for an application for a limited licence if the licence is granted for a function or functions that, in the opinion of the licensing authority, are to be held for charitable or other community purposes.	
3	Application for an extended trading authorisation	\$473.00
4	Application for removal of a licence	\$473.00
5	Application for transfer of a licence	\$473.00
6	Application for—	
	(a) approval of an alteration or proposed alteration to licensed premises	\$102.00
	(b) redefinition of licensed premises as defined in the licence	\$102.00
	(c) designation of part of licensed premises as a dining area or reception area	\$102.00
7	Application for authorisation to sell liquor in an area adjacent to licensed premises	\$102.00
8	Application for a variation of trading hours or for the imposition, variation or revocation of a condition of the licence	\$473.00
	However, no fee is payable if the application is to reduce the trading hours or reduce the capacity of the licensed premises contemplated by the licence so as to effect a reduction in the annual fee for the licence.	
9	Application for approval of a natural person or persons as the manager or managers of the business conducted under the licence or the assumption by a person of a position of authority in the trust or corporate entity that holds the licence—	
	(a) if the person is the subject of an approval of the Commissioner in force under section 37 or 38 of the <i>Gaming Machines Act 1992</i>	no fee
	(b) in any other case	\$102.00
10	Application for conversion of a temporary licence into an ordinary licence	\$473.00
11	Application for consent of the licensing authority to use part of the licensed premises or area adjacent to the licensed premises for the purpose of providing entertainment	\$473.00
12	Additional fee on an application where an identification badge is issued	\$17.30
13	Application for approval to act as a crowd controller for licensed premises	\$102.00
14	Licence fee on grant of a limited licence if the application for the licence is made on or after 1 July 2012 and—	\$700
	(a) the licence authorises the sale or supply of liquor past 1 am, the licensed premises are outdoors and the licence states the maximum capacity of the licensed premises as a number of persons exceeding 300; or	

- (b) the licence contemplates boxing, wrestling or other entertainment that, in the opinion of the licensing authority, should be regarded as adult entertainment being provided at the licensed premises during the whole or part of the hours that the licence authorises the sale or supply of liquor; or
- (c) the licence authorises the sale or supply of liquor past 1 am and the product of the number of persons stated in the licence as the maximum capacity of the licensed premises and the number of days on which the licence authorises the sale or supply of liquor exceeds 1 000; or
- (d) the product of the number of persons stated in the licence as the maximum capacity of the licensed premises and the number of days on which the licence authorises the sale or supply of liquor exceeds 5 000; or
- (e) the licensing authority determines on other grounds that the nature of the special occasion or series of special occasions to which the licence will relate 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 licence.

However, no fee is payable if—

- (a) no fee was payable for the application for the licence; or
- (b) the licence is granted to the holder of a licence (other than a limited licence) and the licensed premises of the limited licence comprise the whole or a part of the licensed premises of the other licence held by the licensee.

The Commissioner may refund a licence fee if the special occasion or series of special occasions to which the licence relates is cancelled and significant resources have not been devoted for the purposes of the administration or enforcement of the Act in relation to the licence.

For the purposes of this item, a licence authorises the sale or supply of liquor past 1 am if it authorises the sale or supply of liquor immediately before and immediately after 1 am on any 1 or more days.

15 Annual fee for a licence—

- (a) for a hotel licence or entertainment venue licence—
 - (i) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 level 1 fee
 - (ii) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 level 2 fee
 - (iii) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 level 3 fee
 - (iv) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 level 4 fee
- (b) for a club licence (other than a limited club licence)—
 - (i) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 1 000 level 1 fee
 - (ii) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 1 000 level 2 fee

3.5.2012 to 13.6.2012—Liquor Licensing (General) Regulations 1997

Fees and default penalties—Schedule 1

- | | | |
|-------|--|-------------|
| (iii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 1 000 | level 3 fee |
| (iv) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 1 000 | level 4 fee |
| (c) | for a residential licence or restaurant licence— | |
| (i) | if the licence does not authorise the sale or supply of liquor past 2 am | level 1 fee |
| (ii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 | level 2 fee |
| (iii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 | level 3 fee |
| (d) | for a producer's licence— | |
| (i) | if the licence does not authorise consumption of liquor on the licensed premises | level 1 fee |
| (ii) | if the licence authorises consumption of liquor on the licensed premises and— | |
| | (A) the licence does not authorise the sale or supply of liquor past 2 am | level 1 fee |
| | (B) the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 | level 2 fee |
| | (C) the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 | level 3 fee |
| (e) | for a retail liquor merchant's licence, wholesale liquor merchant's licence or direct sales licence | level 2 fee |
| (f) | for a special circumstances licence for a bus, limousine, boat, train, aeroplane, caterer or retirement village | level 1 fee |
| (g) | for a special circumstances licence for licensed premises other than a bus, limousine, boat, train, aeroplane, caterer or retirement village— | |
| (i) | if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 | level 1 fee |
| (ii) | if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 | level 2 fee |
| (iii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 | level 3 fee |
| (iv) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 | level 4 fee |

No annual fee is payable for a limited club licence.

The Commissioner may—

- (a) if the business operated under a special circumstances licence is, in the opinion of the Commissioner, so similar to that under another licence class for which a lower annual fee is payable as to warrant a reduction in the fee, reduce the annual fee to that applicable to a licence of that other class; and
- (b) if the annual fee payable is a level 2 fee, reduce the fee to a level 1 fee for a particular year on grounds of financial hardship.

For the purposes of this item—

- (a) a level 1 fee is \$100; and
- (b) a level 2 fee is \$700; and
- (c) a level 3 fee is \$700 plus if the licence authorises the sale of liquor for consumption on the premises past 2 am \$2 500 plus if the licence authorises the sale of liquor for consumption on the premises past 4 am a further \$2 500; and
- (d) a level 4 fee is \$700 plus if the licence authorises the sale of liquor for consumption on the premises past 2 am \$5 000 plus if the licence authorises the sale of liquor for consumption on the premises past 4 am a further \$5 000; and
- (e) a licence authorises the sale 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 lodger); and
- (f) a licence authorises the sale or supply of liquor past 4 am if it authorises the sale or supply of liquor immediately before and immediately after 4 am on any 1 or more days (disregarding sale or supply to a lodger).

16 Penalty for default payable under section 50A(4) of Act

20% of the
amount
outstanding

Schedule 1A—Procedures for prevention of persons from entering, and removal of persons from, licensed premises

- 1 A person to whom this Schedule applies must, if practicable, before using force to prevent a person from entering, or remove a person from, licensed premises—
 - (a) 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
 - (b) 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.
- 2 A person to whom this Schedule applies 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).

- 3 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 person to whom this Schedule applies 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 clause 4.
- 4 A licensee of licensed premises must ensure—
- (a) that a record of each incident involving the use of force by a person to whom this Schedule applies (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
 - (b) that each entry in the register—
 - (i) is in the appropriate form set out in Schedule 2; and
 - (ii) includes the details indicated as being required by that form; and
 - (iii) is retained for at least 1 year following the occurrence of the incident; and
 - (c) 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).

Schedule 2—Forms

Table of Contents

Regulation 13	Form 1:	Advertisement of application—section 52(2)(b) of the Act
Regulation 13	Form 2:	Notice of application on premises or land—section 52(2)(c) of the Act
Regulation 15	Form 3:	Notice of objection to application—section 77 of the Act
Regulation 19	Form 4:	Notice of exclusion of minors from part of licensed premises under section 111 of the Act
Regulation 19	Form 5:	Notice of exclusion of minors from part of licensed premises under section 112 of the Act
Regulation 19	Form 6:	Notice for areas to which access is permitted to minors—section 113 of the Act
Schedule 1A	Form 9:	Register of incidents to be maintained under Schedule 1A—sections 116, 124 and 127 of the Act

**Form 1—Advertisement of application—section 52(2)(b) of the Act
Liquor Licensing Act 1997—Notice of application**

.....
[insert full name and address of applicant]
has applied to the licensing authority for

.....
[insert category of application as set out in section 52(1) of the Act and the category of licence to which the
application relates]
in respect of premises *situated/*to be situated at

.....
[*include relevant wording only; insert address of premises]
*The following licence conditions are sought in the application:

.....
[*include if applicable]
The application has been set down for hearing on

.....
[insert date]
Any person may object to the application by lodging a notice of objection in the prescribed form with the
Liquor and Gaming Commissioner (and serving a copy of the notice on the applicant) at least 7 days before
the hearing date.

The applicant's address for service is
.....
[insert address for service]

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 Gaming Commissioner.

Date: Applicant:.....
[signature]

**Form 2—Notice of application on premises or land—
section 52(2)(c) of the Act**

The bold headings in this form must be at least 20 mm in height and the remainder of the typeface at least 10 mm in height.

Liquor Licensing Act 1997—Notice of application

.....
[insert full name and address of applicant]

has applied to the licensing authority for

.....
*[insert category of application as set out in section 52(1) of the Act and the category of licence to
which the application relates]*

in respect of *these premises/*premises to be situated on this land. *[*include relevant wording only]*

*The following licence conditions are sought in the application:

.....
*[*include if applicable]*

The application has been set down for hearing on
[insert date]

Any person may object to the application by lodging a notice of objection in the prescribed form with the
Liquor and Gaming Commissioner (and serving a copy of the notice on the applicant) at least 7 days before
the hearing date.

The applicant's address for service is

.....
[insert address for service]

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 Gaming Commissioner.

Date: Applicant:
[signature]

Form 3—Notice of objection to application—section 77 of the Act
Liquor Licensing Act 1997—Notice of objection to application

[This notice must be lodged with the licensing authority, and a copy served on the applicant, at least 7 days before the hearing date for the application.]

1
[full name of objector]

of.....

.....
[address of objector]

object to the application by

.....
[name of applicant]

for.....
[nature of application]

in respect of the following premises:

.....
[address of premises or proposed premises]

2 The hearing date for the application is.....
[The objector must attend the hearing.]

3 The objection is made on the following grounds:

.....
.....
.....
[objection can only be on the grounds listed in section 77(5) or 78]

4 [tick one box and fill in details if required]

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

I have not yet served a copy of this notice of objection on the applicant but will do so at least 7 days before the hearing date.
[The objection will not proceed unless a copy is served on the applicant within the time required.]

Date:

Objector:
[signature]

Form 4—Notice of exclusion of minors from part of licensed premises under section 111 of the Act

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

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.

Form 5—Notice of exclusion of minors from part of licensed premises under section 112 of the Act

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

Liquor Licensing Act 1997 section 112



PERSONS UNDER 18 NOT TO ENTER

This area is out of bounds to persons under 18 between the hours of *9 pm on one day and 5 am of the next/*midnight and 5 am. [*include relevant hours only]

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

Form 6—Notice for areas to which access is permitted to minors—section 113 of the Act

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 any person who supplies liquor to the person under 18, are each guilty of an offence (max. fine: \$2 500).

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

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- 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 1997* revoked the following:

Liquor Licensing Regulations 1985

Liquor Licensing (New Years Eve Dry Areas) Regulations 1996

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1997	210	<i>Gazette 25.9.1997 p913</i>	1.10.1997: r 2
1997	216	<i>Gazette 30.10.1997 p1141</i>	30.10.1997: r 2
1998	28	<i>Gazette 16.4.1998 p1722</i>	16.4.1998: r 2
1998	118	<i>Gazette 28.5.1998 p2444</i>	1.7.1998: r 2
1998	217	<i>Gazette 17.12.1998 p1984</i>	17.12.1998: r 2
1999	16	<i>Gazette 11.3.1999 p1396</i>	11.3.1999: r 2
1999	71	<i>Gazette 27.5.1999 p2838</i>	1.7.1999: r 2
1999	118	<i>Gazette 17.6.1999 p3128</i>	17.6.1999: r 2
2000	76	<i>Gazette 25.5.2000 p2746</i>	1.7.2000: r 2
2001	91	<i>Gazette 31.5.2001 p2043</i>	1.7.2001: r 2
2001	203	<i>Gazette 30.8.2001 p3453</i>	30.8.2001: r 2
2002	37	<i>Gazette 23.5.2002 p1986</i>	23.5.2002: r 2
2002	78	<i>Gazette 20.6.2002 p2567</i>	1.7.2002: r 2
2002	220	<i>Gazette 28.11.2002 p4359</i>	28.11.2002: r 2
2003	79	<i>Gazette 29.5.2003 p2212</i>	1.7.2003: r 2
2003	209	<i>Gazette 23.10.2003 p3881</i>	23.10.2003: r 2
2003	230	<i>Gazette 20.11.2003 p4211</i>	20.11.2003: r 2
2004	1	<i>Gazette 15.1.2004 p200</i>	15.1.2004: r 2
2004	76	<i>Gazette 27.5.2004 p1518</i>	1.7.2004: r 2
2005	39	<i>Gazette 19.5.2005 p1317</i>	19.5.2005: r 2

Liquor Licensing (General) Regulations 1997—3.5.2012 to 13.6.2012

Legislative history

2005	75	<i>Gazette 26.5.2005 p1455</i>	1.7.2005: r 2
2006	26	<i>Gazette 9.2.2006 p531</i>	27.2.2006: r 2
2006	57	<i>Gazette 25.5.2006 p1478</i>	25.5.2006: r 2
2006	126	<i>Gazette 15.6.2006 p1817</i>	1.7.2006: r 2
2006	209	<i>Gazette 24.8.2006 p2997</i>	24.8.2006: r 2
2007	6	<i>Gazette 1.2.2007 p324</i>	1.2.2007: r 2
2007	15	<i>Gazette 1.3.2007 p679</i>	1.3.2007: r 2
2007	137	<i>Gazette 7.6.2007 p2510</i>	1.7.2007: r 2
2007	174	<i>Gazette 21.6.2007 p2696</i>	21.10.2007: r 2
2007	213	<i>Gazette 16.8.2007 p3392</i>	16.8.2007: r 2
2008	59	<i>Gazette 5.6.2008 p1895</i>	1.7.2008: r 2
2009	13	<i>Gazette 26.2.2009 p766</i>	1.3.2009: r 2
2009	60	<i>Gazette 14.5.2009 p1744</i>	14.5.2009: r 2
2009	162	<i>Gazette 4.6.2009 p2675</i>	1.7.2009: r 2
2009	200	<i>Gazette 9.7.2009 p3146</i>	9.7.2009: r 2
2010	21	<i>Gazette 18.2.2010 p853</i>	3.5.2010: r 2
2010	54	<i>Gazette 10.6.2010 p2699</i>	1.7.2010: r 2
2011	79	<i>Gazette 9.6.2011 p2109</i>	1.7.2011: r 2
2012	22	<i>Gazette 29.3.2012 p1308</i>	29.3.2012: r 2
2012	31	<i>Gazette 3.5.2012 p1557</i>	3.5.2012: r 2
2012	111	<i>Gazette 31.5.2012 p2435</i>	1.7.2012: 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 1		
r 2	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2004</i>
r 3		
r 3(1) and (2)	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2004</i>
r 4		
alcoholic ice confection	inserted by 16/1999 r 3	11.3.1999
low alcohol liquor	inserted by 26/2006 r 4	27.2.2006
Pt 2		
r 6	varied by 16/1999 r 4	11.3.1999
r 7	deleted by 26/2006 r 5	27.2.2006
	inserted by 209/2006 r 4	24.8.2006
Pt 3		
r 8		
r 8(2)	varied by 216/1997 r 3	30.10.1997

	varied by 28/1998 r 3	16.4.1998
	varied by 217/1998 r 3	17.12.1998
	varied by 203/2001 r 3	30.8.2001
	varied by 37/2002 r 3	23.5.2002
	varied by 220/2002 r 3	28.11.2002
	varied by 209/2003 r 4	23.10.2003
	varied by 230/2003 r 4	20.11.2003
	varied by 1/2004 r 4	15.1.2004
	varied by 39/2005 r 4	19.5.2005
	varied by 57/2006 r 4	25.5.2006
	varied by 15/2007 r 4	1.3.2007
	varied by 174/2007 r 4(1), (2)	21.10.2007
	varied by 213/2007 r 4	16.8.2007
	varied by 60/2009 r 4	14.5.2009
	varied by 200/2009 r 4	9.7.2009
	varied by 22/2012 r 4	29.3.2012
Pt 5		
heading	substituted by 31/2012 r 4	3.5.2012
rr 17A and 17B	inserted by 31/2012 r 5	3.5.2012
Pt 7		
r 21	varied by 118/1999 r 3	17.6.1999
	varied by 6/2007 r 4	1.2.2007
r 21A	inserted by 26/2006 r 6	27.2.2006
	varied by 6/2007 r 5(1), (2)	1.2.2007
Pt 8		
r 21B	inserted by 26/2006 r 7	27.2.2006
	varied by 6/2007 r 6(1), (2)	1.2.2007
r 22	substituted by 13/2009 r 4	1.3.2009
Sch A1	inserted by 209/2006 r 5	24.8.2006
Sch 1	substituted by 118/1998 r 3	1.7.1998
	substituted by 71/1999 r 3	1.7.1999
	substituted by 76/2000 r 3	1.7.2000
	substituted by 91/2001 r 3	1.7.2001
	substituted by 78/2002 r 3	1.7.2002
	substituted by 79/2003 r 4	1.7.2003
	substituted by 76/2004 r 4	1.7.2004
	substituted by 75/2005 r 4	1.7.2005
	varied by 26/2006 r 8	27.2.2006
	substituted by 126/2006 r 4	1.7.2006
	substituted by 137/2007 r 4	1.7.2007
	substituted by 59/2008 r 4	1.7.2008
	substituted by 162/2009 r 4	1.7.2009
	substituted by 54/2010 r 4	1.7.2010

	substituted by 79/2011 r 4	1.7.2011
	varied by 31/2012 r 6(1), (2)	3.5.2012
Sch 1A	inserted by 26/2006 r 9	27.2.2006
cl 3	varied by 6/2007 r 7(1)	1.2.2007
cl 4	varied by 6/2007 r 7(2)	1.2.2007
Sch 2		
Table of Contents	varied by 26/2006 r 10(1)	27.2.2006
Form 1	varied by 21/2010 r 4(1)	3.5.2010
Form 2	varied by 21/2010 r 4(2)	3.5.2010
<i>Forms 7 and 8</i>	<i>deleted by 13/2009 r 5</i>	<i>1.3.2009</i>
Form 9	inserted by 26/2006 r 10(2)	27.2.2006

Historical versions

Reprint No 1—30.10.1997
Reprint No 2—16.4.1998
Reprint No 3—1.7.1998
Reprint No 4—17.12.1998
Reprint No 5—11.3.1999
Reprint No 6—1.7.1999
Reprint No 7—1.7.2000
Reprint No 8—1.7.2001
Reprint No 9—30.8.2001
Reprint No 10—23.5.2002
Reprint No 11—1.7.2002
Reprint No 12—28.11.2002
Reprint No 13—1.7.2003
Reprint No 14—23.10.2003
Reprint No 15—20.11.2003
Reprint No 16—15.1.2004
1.7.2004
19.5.2005
1.7.2005
27.2.2006
25.5.2006
1.7.2006
24.8.2006
1.2.2007
1.3.2007
1.7.2007
16.8.2007
21.10.2007
1.7.2008
1.3.2009

14.5.2009

1.7.2009 (electronic only)

9.7.2009

3.5.2010

1.7.2010

1.7.2011

29.3.2012