

South Australia

Liquor Licensing (General) Regulations 2012

under the *Liquor Licensing Act 1997*

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Legislative history

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.

Part 2—Definitions

5—Definition of liquor

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

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

6—Definition of regulated premises

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

(3) In this regulation—

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

prescribed game means—

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

Part 3—Licences

7—Cases where licence not required

- (2) For the purposes of section 30(h) of the Act, the sale of liquor is exempted from the application of the Act in each of the following cases:
- (a) the sale of liquor to a person—
 - (i) who proposes to travel outside Australia 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 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 confectionary 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 providedore to the master of the ship for supply as an allowance to a member of the ship's crew;
- (i) the sale of liquor within South Australia by the operator of an aircraft to a passenger on the aircraft in the course of a flight (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, Waikerie High School or Willunga High School if—
 - (i) the wine is produced as part of a course in viticulture or winemaking offered by the school or college and sold as part of, or for the purposes of, that course; and
 - (ii) the sale is made by and to a person of or above the age of 18 years;
- (k) the sale of wine by or on behalf of Roma Mitchell Secondary College, Valley View Secondary School or Windsor Gardens Vocational College (the *exempt schools*) if—
 - (i) the wine is produced as part of a course in winemaking offered by Roma Mitchell Secondary College and sold by or on behalf of an exempt school that contributes as part of its curriculum to the production, promotion or sale of the wine; and

- (ii) the sale is made by and to a person of or above the age of 18 years;
- (l) the sale of beer by or on behalf of Birdwood High School if—
 - (i) the beer is produced as part of a course in brewing beer offered by the school and sold as part of, or for the purposes of, that course; and
 - (ii) the sale is made by and to a person of or above the age of 18 years.

7A—Small venue licence—prohibited entertainment

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

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

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

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

- (a) Australian Hotels' Association (S.A. Branch);
- (b) Licensed Clubs' Association of South Australia Incorporated;
- (c) The South Australian Restaurant Association Incorporated.

8—Annual fees

- (1) For the purposes of section 50A of the Act and subject to this regulation, the annual fee for a licence 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) If, on 30 June in a 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 that is 28 days after the day on which the licence ceases to be suspended.
- (3) The annual fee payable under subregulation (2) 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).
- (4) However, the following applies in respect of the 2012/2013 financial year:
 - (a) if, on 30 June 2012, a licence was not suspended or was suspended for disciplinary reasons, the annual fee for the licence is payable on or before 31 December 2012;
 - (b) if, on 30 June 2012, a licence was suspended (other than for disciplinary reasons) but the licence ceases to be suspended at any time on or before 31 December 2012, the annual fee for the licence is payable on or before 31 December 2012;

- (c) if, on 30 June 2012, a licence was suspended (other than for disciplinary reasons) and the licence remains suspended for the whole of the period from 1 July 2012 to 31 December 2012, the annual fee for the licence is not payable on or before 31 December 2012, but, if the licence ceases to be suspended at any time before the end of the 2012/2013 financial year, the annual fee for the licence is payable on or before the day that is 28 days after the day on which the licence ceases to be suspended;
 - (d) the annual fee payable under paragraph (b) or (c) 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).
- (5) Despite Schedule 3, no fee is payable for an application for 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.

9—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 4—Applications and objections

10—Plans to accompany applications

- (1) For the purposes of section 51(1)(b) of the Act—
 - (a) an application to a licensing authority for a licence (not being a limited licence) or for removal of such a licence must be accompanied by plans of the premises in respect of which the licence is sought;
 - (b) an application to a licensing authority for approval of an alteration or proposed alteration to the licensed premises must be accompanied by plans of the alterations;
 - (c) an application to a licensing authority for redefinition of licensed premises must be accompanied by plans of the redefinition;
 - (d) an application to a licensing authority for designation of a part of licensed premises as a dining area or a reception area must be accompanied by plans of the areas;
 - (e) an application to a licensing authority for an authorisation to sell liquor in an area adjacent to the licensed premises must be accompanied by plans of the adjacent area.
- (2) In each case, the plans must, subject to subregulation (3), comply with the following requirements:
 - (a) the plans must be on paper of dimensions not larger than international size A3 paper and not smaller than international size A4 paper;
 - (b) the plans must indicate the scale to which they are drawn;

- (c) the plans must include floor plans and site plans reasonably required for proper consideration of the application;
 - (d) the plans must be signed by the applicant;
 - (e) the plans must, if the licensing authority so requires, be certified by a registered architect or a registered surveyor.
- (3) The Commissioner may authorise plans to be submitted by electronic means and to be endorsed by the applicant by some means other than signature.
- (4) For the purposes of section 51(1)(b) of the Act, an application to a licensing authority for a limited licence must, if the licensing authority so requires, be accompanied by plans (complying with the requirements of the licensing authority) of the premises in which the sale or consumption of liquor is to be authorised by the licence.

11—Time limitation for application for limited licence

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

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

12—Requirements relating to advertising of applications

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

13—Order for determining applications

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

14—Form of notice of objection

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

14A—Form of notice of submission

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

Part 5—Conduct of licensed business

15—Record of lodgers

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

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

Part 6—Minors

16—Notices relating to minors

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

- (a) must be, respectively, in the form of Form 3, 4 and 5 set out in Schedule 2; and
- (b) must be printed—
 - (i) in bold faced letters of a height of at least 10 millimetres; and
 - (ii) in a colour or colours contrasting with the background; and
 - (iii) on paper of dimensions not smaller than international size A3 paper.

17—Classes of minors allowed in certain licensed premises

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

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

18—Evidence of age

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

- (a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory; or
- (b) a current photographic Proof of Age 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—
 - (i) if the card was issued before 23 November 2013—Alfa Omega Nominees Pty Ltd, trading as The Commonwealth Key & Property Register; or
 - (ii) if the card was issued on or after 23 November 2013—Australian Postal Corporation.

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 and, if so, the name or badge number of the police officer;
 - 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).

Schedule 2—Forms

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

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

grant of a [hotel] licence

transfer of a [hotel] licence

removal of a [hotel] licence

an extended trading authorisation for a [hotel] licence

conversion of a temporary [hotel] licence into a permanent licence

a condition authorising sale of liquor under a club licence for consumption off the licensed premises

consent to use part of licensed premises or area adjacent to licensed premises to provide entertainment under a [hotel] licence

variation of trading hours previously fixed in relation to a [hotel] licence]

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

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

* Include only if applicable

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

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

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

* Do not include if application relates to small venue licence

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

*Do not include if application relates to small venue licence

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

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

*Include only if application relates to small venue licence

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

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

Objector: *[Insert full name]*

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

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

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

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

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

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

Tick one box and fill in the details:

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

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

Date:

Objector's signature:

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

Person making submission: *[Insert full name]*

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

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

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

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

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

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

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

Date:

Signature of person making submission:

Form 3—Liquor Licensing Act 1997 section 111

Persons under 18 not to enter



This area is out of bounds to persons under 18.

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

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

Form 4—Liquor Licensing Act 1997 section 112

Persons under 18 not to enter



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

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

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

Form 5—Liquor Licensing Act 1997 section 113

Liquor must not be supplied to persons under 18.

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

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

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

Note—

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

Schedule 3—Fees and default penalties

| | | |
|---|--|----------|
| 1 | Application for the grant of a licence other than a limited licence | \$551.00 |
| 2 | Application for the grant of a limited licence (single applicant)— | |
| | (a) where the application is made within the prescribed time— | |
| | (i) if the licence is sought for 1 function lasting 1 day or less | \$82.50 |
| | (ii) if the licence is sought for more than 1 function held on the same day (for each function) | \$82.50 |
| | (iii) 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) | \$82.50 |
| | (b) where the application is not made within the prescribed time—the fee determined in accordance with paragraph (a) of this item plus \$82.50 | |

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.

For the purposes of this item, the *prescribed time*, in relation to an application, is the time prescribed under section 51(1)(c) of the Act as the time within which the application must be made (see regulation 11).

| | | |
|----|--|------------|
| 2A | Application for the grant of a limited licence (multiple applicants)— | |
| | (a) where the application is made within the prescribed time and there are— | |
| | (i) 2 or 3 applicants | \$160.00 |
| | (ii) more than 3 but not more than 6 applicants | \$319.00 |
| | (iii) more than 6 but not more than 10 applicants | \$559.00 |
| | (iv) more than 10 but not more than 15 applicants | \$851.00 |
| | (v) more than 15 but not more than 20 applicants | \$1 224.00 |
| | (vi) more than 20 applicants | \$1 596.00 |
| | (b) where the application is not made within the prescribed time—the fee determined in accordance with paragraph (a) of this item plus \$82.50 | |

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.

For the purposes of this item, the *prescribed time*, in relation to an application, is the time prescribed under section 51(1)(c) of the Act as the time within which the application must be made (see regulation 11).

| | | |
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| 3 | Application for an extended trading authorisation | \$551.00 |
| 4 | Application for removal of a licence | \$551.00 |
| 5 | Application for transfer of a licence | \$551.00 |

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| 6 | Application for— | |
| | (a) approval of an alteration or proposed alteration to licensed premises | \$119.00 |
| | (b) redefinition of licensed premises as defined in the licence | \$119.00 |
| | (c) designation of part of licensed premises as a dining area or reception area | \$119.00 |
| 7 | Application by holder of producer's licence for additional licensed premises to be shared in accordance with section 39(1b) of the Act (a collective outlet) | \$119.00 |
| 8 | Application for authorisation to sell liquor in an area adjacent to licensed premises | \$119.00 |
| 9 | Application for a variation of trading hours or for the imposition, variation or revocation of a condition of a licence— | |
| | (a) in relation to a limited licence | \$42.75 |
| | (b) in any other case | \$551.00 |
| | 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. | |
| 10 | 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 38 of the <i>Gaming Machines Act 1992</i> | no fee |
| | (b) in any other case | \$119.00 |
| 11 | Application for conversion of a temporary licence into an ordinary licence | \$551.00 |
| 12 | 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 | \$551.00 |
| 13 | Additional fee on an application where an identification badge is issued | \$20.10 |
| 14 | Application for approval to act as a crowd controller for licensed premises | \$119.00 |
| 15 | Licence fee on grant of a limited licence if— | \$788.00 |
| | (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.

16 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 but not exceeding 400 level 4 fee
 - (v) 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 400 level 5 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
 - (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 5 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

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|-------|--|-------------|
| (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 4 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 4 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 but not exceeding 400 | level 4 fee |
| (v) | 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 400 | level 5 fee |
| (h) | for a small venue licence | level 1 fee |

No annual fee is payable for a limited club licence.

The Commissioner may—

- (a) if the business operated under a 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 \$113.00; and
- (b) a level 2 fee is \$788.00; and
- (c) a level 3 fee is \$788.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$788.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$788.00; and
- (d) a level 4 fee is \$788.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$1 577.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$1 577.00; and
- (e) a level 5 fee is \$788.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$2 815.00 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$8 444.00; and
- (f) 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
- (g) 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).

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

20% of the
amount
outstanding

Legislative history

Notes

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

Legislation revoked by principal regulations

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

Liquor Licensing (General) Regulations 1997

Principal regulations and variations

New entries appear in bold.

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

Provisions varied

New entries appear in bold.

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

| Provision | How varied | Commencement |
|-----------|--|--------------|
| Pt 2 | | |
| r 2 | <i>omitted under Legislation Revision and Publication Act 2002</i> | 26.4.2013 |
| r 4 | <i>deleted by 48/2014 r 4</i> | 1.3.2014 |
| r 5 | substituted by 247/2015 r 4 | 10.12.2015 |

Liquor Licensing (General) Regulations 2012—1.7.2017

Legislative history

| | | |
|----------------------------------|--|-------------------|
| r 6 | substituted by 48/2014 r 5 | 1.3.2014 |
| r 6(2) | varied by 235/2014 r 4(1) | 4.9.2014 |
| r 6(3) | | |
| prescribed game | inserted by 235/2014 r 4(2) | 4.9.2014 |
| Pt 3 | | |
| r 7 | | |
| r 7(1) | <i>deleted by 48/2014 r 6</i> | <i>1.3.2014</i> |
| r 7(2) | varied by 225/2013 r 4(1), (2) | 5.9.2013 |
| rr 7A and 7B | inserted by 30/2013 r 4 | 26.4.2013 |
| Pt 4 | | |
| r 10 | | |
| r 10(2) | varied by 48/2014 r 7(1), (2) | 1.3.2014 |
| r 12 | | |
| r 12(2) | varied by 48/2014 r 8(1)—(3) | 1.3.2014 |
| r 14A | inserted by 30/2013 r 5 | 26.4.2013 |
| Pt 6 | | |
| r 18 | varied by 254/2014 r 4 | 30.10.2014 |
| <i>Sch 1</i> | <i>deleted by 235/2014 r 5</i> | <i>4.9.2014</i> |
| Sch 2 | | |
| Form 1 | substituted by 30/2013 r 6(1) | 26.4.2013 |
| Form 2A | inserted by 30/2013 r 6(2) | 26.4.2013 |
| <i>Sch 3 before substitution</i> | <i>varied by 30/2013 r 7</i> | <i>26.4.2013</i> |
| <i>by 115/2015</i> | | |
| | <i>substituted by 96/2013 r 4</i> | <i>1.7.2013</i> |
| | <i>substituted by 115/2014 r 4</i> | <i>1.7.2014</i> |
| | <i>varied 254/2014 r 5(1)—(3)</i> | <i>30.10.2014</i> |
| Sch 3 | substituted by 155/2015 r 4 | 1.7.2015 |
| | substituted by 131/2016 r 4 | 1.7.2016 |
| | substituted by 145/2017 r 4 | 1.7.2017 |
| <i>Sch 4</i> | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>26.4.2013</i> |

Historical versions

26.4.2013
1.7.2013
5.9.2013
1.3.2014
1.7.2014
4.9.2014
30.10.2014
1.7.2015
10.12.2015
1.7.2016

