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Liquor Licensing Act 1990 (No. 44 of 1990)
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Liquor Licensing Act 1990

An Act to regulate the sale of liquor
[Royal Assent 16 January 1991]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 - Preliminary

1. Short title

This Act may be cited as the _Liquor Licensing Act 1990_.

2. Commencement

The provisions of this Act commence on a day to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears -

_ "associate" _ has a meaning given by section 3A;

_ "authorized officer" _ - see section 209;

_ "Board" _ means the Licensing Board established by this Act;

_ "club licence" _ means a liquor licence referred to in section 10;

_ "Commissioner" _ means the Commissioner for Licensing;

_ "false document" _ includes a document that -

_ (a) _ has been forged; or

_ (b) _ has been fraudulently altered; or

_ (c) _ belongs to a person other than the person in possession of it;

"general liquor exemption" means a general liquor exemption published in accordance with section 16;

"licence fee" includes any supplementary or additional licence fee and any interest payable on any licence fee;

"licensed premises" means -

(a) premises specified in a liquor licence as premises on which liquor may be sold; and

(b) in respect of the holder of a liquor licence - the premises specified in the liquor licence -

and includes any part of those premises;

"licensee" means the holder of a liquor licence;

"liquor" means a beverage (other than a medicine) that -

(a) is intended for human consumption; and

(b) has an alcoholic content greater than 0.5 per cent by volume when at a temperature of 20 degrees Celsius;

"liquor licence" means a valid licence granted under this Act that authorizes the sale of liquor;

"liquor permit" means a permit that authorizes the sale of liquor;

"liquor restriction order" means an order made by the Board in accordance with section 39;

"obtained" includes produced;

"off-licence" means a liquor licence referred to in section 9;

"off-permit" means a liquor permit referred to in section 14;

"on-licence" means a liquor licence referred to in section 8;

"on-permit" means a liquor permit referred to in section 13;

"out-of-hours permit" means a liquor permit referred to in section 12;

"permit" means a valid permit granted under this Act;

"premises" includes -

(a) land, whether or not covered by buildings; and

(b) any structure, whether or not attached to land; and

(c) a means of transport; and

(d) a part of premises;

"records", in respect of a licensee, means the records kept by the licensee in accordance with this Act;

"restaurant" means premises in which the principal activity is serving food for consumption on the premises;

"sell" means sell by wholesale or retail and includes -

(a) offer, display or expose for sale; and

(b) keep or have in possession for sale; and

(c) barter or exchange; and

(d) deal in or agree to sell; and

(e) supply, send, forward or deliver for sale or for or in expectation of receiving any payment or other consideration; and

(f) authorize, direct, cause, attempt or permit any act referred to in paragraphs (a), (b), (c), (d) or (e);

"special licence" means a liquor licence referred to in section 11;

"Tasmanian wine" means wine produced in Tasmania from fruit of which at least 85% is grown in Tasmania.

_3A. Meaning of "associate" _

(1) For the purposes of this Act, a person is taken to be an associate of an applicant for a liquor licence or of a licensee if the person -

(a) holds, or will hold, any relevant financial interest, or is, or will be, entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the business of the applicant or licensee and, by virtue of that interest or power, is able, or will be able, to exercise a significant influence over, or with respect to, the management or

operation of that business; or

(b) holds, or will hold, any relevant position, whether in right of the person or on behalf of any other person, in the business of the applicant or licensee; or

(c) is a relative of the applicant or licensee.

(2) In this section -

"relative" means a spouse (including a de facto spouse), parent, child or sibling (whether full blood or half-blood);

"relevant financial interest", in respect of a business, means -

(a) any share in the capital of the business; or

(b) any entitlement to receive any income derived from the business;

"relevant position", in respect of a business, means -

(a) the position of director, manager or other executive position or secretary, however that position is designated in that business; or

(b) if that business is conducted in premises in respect of which a liquor licence is in force, the licensee;

"relevant power" means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others -

(a) to participate in a directorial, managerial or executive decision; or

(b) to elect or appoint any person to any relevant position.

4. Act to bind Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

PART 2 - Sale of liquor

Division 1 - Authorization to sell liquor

5. Liquor not to be sold except as authorized

A person shall not sell liquor except as authorized by -

- _ (a) _ a liquor licence; or
- _ (b) _ a liquor permit; or
- _ (c) _ a general liquor exemption.

Penalty:

Fine not exceeding 40 penalty units.

6. Types of liquor licences and permits

The Commissioner may grant -

_ (a) _ the following liquor licences:

- _ (i) _ a general licence;
- _ (ii) _ an on-licence;
- _ (iii) _ an off-licence;
- _ (iv) _ a club licence;
- _ (v) _ a special licence; and

_ (b) _ the following liquor permits:

- _ (i) _ an out-of-hours permit;
- _ (ii) _ an on-permit;
- _ (iii) _ an off-permit;
- _ (iv) _ a special permit.

7. General licence

A general licence authorizes -

_ (a) _ the sale of liquor between 5 a.m. and midnight on any day on the premises specified in the licence for consumption on or off those premises; and

_ (b) _ the sale of liquor at any time to a resident of the premises specified in the licence and any premises of which those premises form a part.

8. On-licence

An on-licence authorizes -

(a) the sale of liquor between 5 a.m. and midnight on any day on the premises specified in the licence for consumption on those premises; and

(b) the sale of liquor at any time to -

(i) a resident of the premises specified in the licence for consumption on those premises; or

(ii) a resident of any premises of which the premises specified in the licence form a part for consumption on those premises.

9. Off-licence

An off-licence authorizes the sale of liquor between 5 a.m. and midnight, on any day on the premises specified in the licence, for consumption off those premises.

10. Club licence

A club licence -

(a) authorises the sale of liquor between 5a.m. and midnight on any day on the premises of the club specified in the licence to prescribed persons for consumption on or off those premises; and

(b) is subject to any conditions relating to record-keeping of membership and visitors to the club as specified in the licence.

11. Special licence

A special licence authorizes the sale of liquor -

(a) between times; and

(b) on premises; and

(c) subject to compliance with any condition -
specified in the licence.

12. Out-of-hours permit

An out-of-hours permit authorizes the sale of liquor -

(a) on the licensed premises; and

(b) between the times (being times after midnight and before 5 a.m. on any day); and

(c) subject to compliance with any condition -
specified in the permit.

13. On-permit

An on-permit authorizes the sale of liquor -

(a) on premises (being premises specified in an off-licence); and

(b) between any times; and

(c) subject to compliance with any condition -
specified in the permit for consumption on those premises.

14. Off-permit

An off-permit authorizes the sale of liquor -

(a) on premises (being premises specified in an on-licence); and

(b) between any times; and

(c) subject to compliance with any condition -
specified in the permit for consumption off those premises.

15. Special permit

A special permit authorizes the sale of liquor -

(a) on premises; and

(b) between times; and

(c) subject to compliance with any condition -
specified in the permit.

16. General liquor exemptions

(1) If the Board is of the opinion that -

(a) the sale of liquor in a particular manner; or

(b) the sale of a particular class of liquor -

should not require to be authorized by a liquor licence or a liquor permit, the Board may, by notice in the Gazette, grant a general liquor exemption which authorizes the sale of liquor in that manner or the sale of that particular class of liquor.

(2) A general liquor exemption shall -

(a) specify -

(i) the manner of sale of liquor; or

(ii) the class of liquor that may be sold -

that is authorized by the general exemption; and

(b) specify any condition to be complied with when liquor is sold in that manner or when that class of liquor is sold.

(3) If a condition specified in a general liquor exemption in accordance with subsection (2)(b) is not complied with the general liquor exemption is not authorization to sell liquor as specified in the exemption.

17. -

18. Sale of liquor on premises to be otherwise lawful

A liquor licence, a liquor permit or a general liquor exemption does not authorize liquor to be sold on premises if the use of those premises for that purpose is otherwise unlawful.

19. Authorized opening hours may be extended generally on specific occasions, &c.

(1) If, in respect of a specific event or occasion, the Commissioner considers it appropriate that the hours during which liquor is authorized to be sold on licensed premises by virtue of sections 7(a), 8, 9, 10 and 11 should generally be extended the Commissioner may, by notice in the Gazette, extend those hours.

(2) A notice published in accordance with subsection (1) shall -

(a) specify -

(i) the event or occasion in respect of which the extension is granted; and

(ii) the hours during which the extension is to apply; and

(iii) any condition which is to be complied with during the period of the extension; and

(b) specify whether the extension applies -

(i) throughout the State or to a specified part of the State; and

(ii) to all licensed premises or to a specified class of licensed premises.

(3) If a condition specified in a notice in accordance with subsection (2)(a)(iii) is not complied with the notice is not authorization to sell liquor during the period specified in the notice.

20. Effect of suspension of liquor licence

(1) A liquor licence that has been suspended in respect of all or any part of the premises specified in it is not authority for the sale of liquor on the premises or that part of the premises in respect of which the licence has been suspended during the period of suspension.

(2)

21. Effect of failure to display liquor permit

A liquor permit is ineffective to authorize the sale of liquor on premises for the purpose of this Part unless it is displayed in a conspicuous position on the premises specified in it.

Division 2 - Liquor licences

22. Qualifications for liquor licence

(1) A person is qualified to be granted a liquor licence if -

(a) he or she is a natural person who has attained the age of 18 years; and

(b) the Commissioner is satisfied that the person is a fit and proper person to be a licensee; and

(c) the Commissioner is satisfied that the person will be able to exercise effective control over the service, and any consumption, of liquor on the premises for which the licence is sought; and

(d) the person has successfully completed a course or traineeship approved by the Commissioner relating to the service of liquor or

has satisfied the Commissioner that the person has the necessary knowledge, experience and competency.

(1A) However, a person is not qualified to be granted a liquor licence if the Commissioner reasonably suspects or believes that any associate of the person who is a natural person and likely to have any influence over the management of the business to be carried on under licence is not a fit and proper person to be an associate of a licensee.

(2) For the purposes of this section, the Commissioner may take into account, having regard to the type of liquor licence applied for and the premises in respect of which it is sought, the knowledge, experience and competency of the applicant in respect of the service of liquor and the conduct and management of licensed premises.

(3) If it appears to the Commissioner that it is not practicable to require an applicant for a liquor licence to have successfully completed a course or traineeship approved by the Commissioner relating to the service of liquor at the time when the licence is granted, the Commissioner may make the grant of the licence subject to a condition that the holder is to successfully complete the course or traineeship within such period as the Commissioner may direct.

(4) The Commissioner may, if satisfied that it is not contrary to the public interest to do so, exempt an applicant for a special licence from the requirement in subsection (1)(d).

23. Application for liquor licence

(1) An application for a liquor licence shall -

(a) be made on a form approved or provided for the purpose by the Commissioner; and

(b) be accompanied by any prescribed application fee; and

(c) be made at least 28 days before the licence is to take effect, or such lesser period as the Commissioner may agree.

(2) The Commissioner may require an applicant for a liquor licence to supply the Commissioner with such further particulars (including plans and specifications of any relevant premises and information about any associates) as the Commissioner considers necessary for a proper consideration of the application.

(3) An applicant for a liquor licence is to give public notice of the application.

(4) A public notice is to -

(a) be in a form approved by the Commissioner; and

(b) contain a statement that representations in respect of the application may be made; and

(c) be placed in a prominent position on the premises in respect of which the liquor licence is sought, if the Commissioner so directs; and

(d) be published in a daily newspaper circulating in the area in which the premises are situated, if the Commissioner so directs.

(5) The Commissioner is to make available on request a copy of an application.

23A. Representations relating to liquor licences

(1) A person may make a written representation to the Commissioner in respect of an application for a liquor licence.

(2) A representation is to be made within 14 days after whichever of the following is the later:

(a) a public notice is placed according to section 23(4)(c);

(b) a public notice is published in accordance with section 23(4)(d).

(3) After receiving a representation, the Commissioner is to forward the representation to the Board together with the application if required to do so under section 24(2).

24. Consideration of application for liquor licence

(1) After receiving an application for a liquor licence the Commissioner shall satisfy himself or herself that the applicant is qualified to hold the licence applied for.

(1A) The Commissioner may make such inquiries regarding an application for a liquor licence as the Commissioner considers necessary or expedient for a proper consideration of the application.

(1B) Without limiting the generality of subsections (1) and (1A), the Commissioner may -

(a) forward a copy of an application for a liquor licence to the Commissioner of Police; and

(b) request the Commissioner of Police to provide a report as to whether, in the opinion of the Commissioner of Police -

(i) the applicant is a fit and proper person to be a licensee; and

(ii) any associate of the applicant who is a natural person and likely to have any influence over the management of the business to be carried on under the licence is a fit and proper person to be an associate of a licensee.

(2) If the Commissioner is satisfied that an applicant for a liquor licence is qualified to hold the licence, the Commissioner, within 30 days after public notice of the application is given under section 23(3), is to refer the application and any representations made under section 23A to the Board for a hearing.

(3) The Commissioner is not required to take any action in respect of an application for a liquor licence if -

(a) the prescribed application fee has not been paid; or

(b) any further particulars required by the Commissioner in accordance with section 23(2) have not been supplied.

(4) If the Commissioner is not satisfied that the applicant is qualified to hold the liquor licence applied for the Commissioner shall-

(a) notify the applicant accordingly; and

(b) inform the applicant of the applicant's right to appeal to the Board against the Commissioner's decision.

24A. Requirements for licence

(1) In considering an application for a liquor licence, the Commissioner or the Board must make a decision which, in the opinion of the Commissioner or the Board, is in the best interests of the community.

(2) In considering an application for an off-licence, the Board must be satisfied that the principal activity to be carried on at the premises will be the sale of liquor.

(3) In considering an application for an on-licence for a restaurant, the Board must be satisfied that the premises are, or are intended to be, used as a restaurant.

25. Grant of licence

(1) If the Board directs the Commissioner to grant a liquor licence the Commissioner shall -

(a) inform the applicant accordingly; and

(b) request the applicant to pay any prescribed fee payable on the grant of a liquor licence and the annual liquor licence fee payable under section 26A.

(2) The Commissioner shall not grant a liquor licence -

(a) unless directed to do so by the Board; and

(b) until the fees specified in subsection (1)(b) have been paid.

25A. Restriction on grant of licence in connection with supermarket

The Board must not direct the grant of a liquor licence in connection with the activities of a supermarket.

26. Duration of liquor licence

A liquor licence is valid from the date specified in it until it is terminated in accordance with this Act.

26A. Annual liquor licence fees

(1) The person to whom a liquor licence is to be granted must pay the prescribed annual liquor licence fee to the Commissioner on the grant of the licence.

(2) A licensee must pay the prescribed annual liquor licence fee to the Commissioner on or before 31 March in each year.

(3) The prescribed annual liquor licence fee relates to the period of 12 months starting on 1 January each year.

(4) The Commissioner may reduce the prescribed annual liquor licence fee proportionately where a liquor licence is granted on a day other than 1 January.

(5) Where a liquor licence is surrendered under section 30, the Commissioner may refund a proportion of the prescribed annual liquor licence fee.

(6) The Commissioner is to notify the holder of a liquor licence of the prescribed annual liquor licence fee payable in respect of the liquor licence.

(7) If a licensee fails to pay the prescribed annual liquor licence fee payable under this section by 31 March in a particular year, the licensee is to pay an additional fee of 10% of the amount due for payment.

27. Liquor licence not transferable without approval

(1) A liquor licence cannot be transferred to another person without the approval of the Commissioner.

(2) If an attempt is made to transfer the benefit of a liquor licence to another person without the approval of the Commissioner the licence is suspended with effect from the date of the attempted transfer.

(3) The suspension of a liquor licence under subsection (2) ends if and when -

(a) the Commissioner approves a transfer of the licence; or

(b) the licensee informs the Commissioner that the attempted transfer has been rescinded.

28. Application for transfer of liquor licence

An application for the transfer of a liquor licence shall -

(a) be made to the Commissioner on a form approved or provided for the purpose by the Commissioner; and

(b) be accompanied by any prescribed fee; and

(c) be made at least 28 days before the day on which the transfer is to take effect, or such lesser period as the Commissioner may agree.

29. Decision of Commissioner on consideration of application to transfer a liquor licence

(1) After considering an application for the transfer of a liquor licence, the Commissioner shall -

(a) approve the transfer; or

(b) refuse to approve the transfer -

and shall inform the applicant accordingly.

(2) If the Commissioner refuses to approve the transfer of a liquor licence the Commissioner shall, when informing the applicant of

the refusal, also inform the applicant of the applicant's right to appeal to the Board against the Commissioner's decision.

30. Surrender of liquor licence

(1) A liquor licence may be surrendered to the Commissioner at any time.

(2) A surrender may relate to -

(a) all or any part of the licensed premises; or

(b) all or any of the activities authorized by the licence.

(3) Where a surrender relates to -

(a) part of the licensed premises; or

(b) any of the activities authorized by the licence -

the Commissioner shall amend the liquor licence accordingly.

30A. Interim authority to act as licensee

(1) In this section, "absent licensee" means a licensee who -

(a) is unable or unwilling to continue exercising effective control over the sale and consumption of liquor on the licensed premises for the remainder of the term of the liquor licence; and

(b) is not exercising such control over the sale and consumption of liquor on those licensed premises.

(2) A person may apply to the Commissioner for an authority to act as licensee of licensed premises if the holder of a general licence, on-licence, off-licence, club licence or special licence in respect of those licensed premises is an absent licensee.

(3) An application is to be -

(a) in a form approved or provided by the Commissioner; and

(b) accompanied by any prescribed application fee.

(4) The Commissioner may require an applicant to supply any further information that the Commissioner considers necessary for a proper consideration of the application.

(5) On receipt of an application, the Commissioner -

(a) may issue an authority to act as licensee to the applicant;
or

(b) may refuse to issue such an authority to the applicant.

(6) The Commissioner must not issue an authority to act as licensee to an applicant unless the Commissioner is satisfied that the applicant -

(a) is a natural person who has attained the age of 18 years; and

(b) will be able to exercise effective control over the sale and consumption of liquor on the premises in respect of which the authority is sought.

(7) On determining whether or not to issue an authority to act as licensee to an applicant, the Commissioner must notify the applicant, in writing, of that determination.

(8) The Commissioner may cancel an authority to act as licensee at any time.

(9) An authority to act as licensee has effect for the period commencing on the day specified in it and ending on the earlier of the following days:

(a) the day the liquor licence held by the absent licensee in respect of the premises to which the authority relates is transferred;

(b) the day the authority is cancelled.

(10) Except for the purposes of sections 27, 28, 29 and 30, during the term of an authority to act as licensee in respect of licensed premises -

(a) the holder of the authority is taken to be the holder of the liquor licence relating to those premises; and

(b) any permit in force in respect of the licensed premises immediately before the issue of the authority continues in force and the holder of the authority is taken to be the holder of the permit; and

(c) the person who, immediately before the issue of the authority, held that licence and any such permit is taken not to be the holder of that licence and any such permit.

(11) The holder of an authority to act as licensee must

display the authority in a conspicuous position near the principal public entrance to the licensed premises.

Division 3 - Liquor permits

31. Qualifications for liquor permit

(1) A person is not qualified to be granted a liquor permit unless the person is a natural person who -

(a) has attained the age of 18 years; and

(b) has satisfied the Commissioner that the person will be able to exercise effective control over the sale and any consumption of liquor on the premises in respect of which the permit is sought.

(2) An out-of-hours permit, an off-permit or an on-permit can only be held by the licensee of the licensed premises to which the permit relates.

32. Application for liquor permit

(1) An application for a liquor permit -

(a) shall be made on a form provided or approved for the purpose by the Commissioner; and

(b) shall be accompanied by any prescribed fee; and

(c) shall be made at least 7 days before the permit is to take effect, or such lesser period as the Commissioner may agree.

(2) The Commissioner may require an applicant for a liquor permit to supply the Commissioner with such further particulars (including plans where relevant) as the Commissioner considers necessary for a proper consideration of the application.

33. Consideration of application for liquor permit

(1) After considering an application for a liquor permit the Commissioner shall -

(a) grant the permit; or

(b) refuse to grant the permit -

and shall inform the applicant accordingly.

(2) If the Commissioner refuses to grant a liquor permit the Commissioner shall, when informing the applicant of the refusal, also

inform the applicant of the applicant's right to appeal to the Board against the Commissioner's decision.

(3) The Commissioner shall not grant a liquor permit unless the Commissioner is satisfied that the applicant is qualified to hold the permit.

(3A) The Commissioner may make such inquiries regarding an application for a liquor permit as the Commissioner considers necessary or expedient for a proper consideration of the application.

(4) The Commissioner is not required to take any action in respect of an application for a liquor permit if -

(a) any prescribed application fee has not been paid; or

(b) any further particulars required by the Commissioner in accordance with section 32(2) have not been supplied.

34. Requirements for permits

(1) In considering an application for a permit, the Commissioner must make a decision which, in his or her opinion, is in the best interests of the community.

(2) The Commissioner must not grant an out-of-hours permit in respect of licensed premises unless the licensee satisfies the Commissioner that the sale of liquor on those premises in accordance with the permit sought would not -

(a) cause undue annoyance or disturbance to -

(i) people living or working in the neighbourhood of the premises; or

(ii) customers or clients of any business in the neighbourhood of the premises; or

(iii) people conducting or attending religious services in the neighbourhood of the premises; or

(b) cause the occurrence of disorderly conduct -

(i) in the premises; or

(ii) in the neighbourhood of the premises.

35. Duration of liquor permit

(1) A liquor permit is valid during the period specified in it

but may be terminated at any time in accordance with this Part.

(2) An out-of-hours permit, an off-permit or an on-permit -

(a) is suspended if the liquor licence of the licensee to whom the permit was granted is suspended; and

(b) is cancelled if the liquor licence of the licensee to whom the permit was granted is cancelled.

(3) While a permit is suspended it is not authority for the sale of liquor in accordance with the permit.

36. Liquor permit not transferable

(1) A liquor permit is not transferable.

(2) If an attempt is made to transfer the benefit of a liquor permit the permit is cancelled with effect from the date of the attempted transfer.

37. Cancellation of an on-permit, off-permit or special permit

(1) The Commissioner may cancel an on-permit, an off-permit or a special permit at any time if the Commissioner is satisfied that it is in the interest of the community to do so.

(2) The cancellation of a permit has effect when notice of the cancellation is served on the person to whom the permit was granted.

38. Surrender of liquor permit

The holder of a liquor permit may surrender the permit to the Commissioner at any time.

Division 4 - Restrictions and controls on sale of liquor

39. Liquor restriction orders

(1) The Board may, by order served on a licensee, prohibit or restrict all or any of the activities authorized to be carried on on the licensed premises under the authority of a liquor licence if the Board is satisfied after a hearing that it is necessary to do so on the grounds that-

(a) the use of the premises as authorized by the licence is causing undue annoyance or disturbance to-

(i) people living or working in the neighbourhood of the premises; or

(ii) customers or clients of any business in the neighbourhood of the premises; or

(iii) people attending or in charge of people attending an educational establishment in the neighbourhood of the premises; or

(iv) people conducting or attending religious services in the neighbourhood of the premises; or

(b) to do so will reduce or avoid the occurrence of disorderly conduct-

(i) in the premises; or

(ii) in the neighbourhood of the premises.

(2) An order under subsection (1) may -

(a) restrict generally the hours during which liquor is authorized to be sold or consumed on the licensed premises; or

(b) prohibit, restrict or impose conditions on the exercise of all or any of the activities authorized by the licence.

(3) While an order made under subsection (1) is in effect in respect of premises the liquor licence granted in respect of those premises is not authority for-

(a) the sale of liquor during any hours specified in the order as hours when liquor is not authorized to be sold on the premises; or

(b) any activity authorized by the licence unless any conditions imposed on the exercise of that activity by the order are being observed.

(4) An order made under subsection (1) has effect for such period (not exceeding 1 year) as is specified in it but may be revoked at any time by the Board.

(5) An application for a hearing under subsection (1) shall be made by the Commissioner and may be made as a result of -

(a) an investigation carried out following complaints made to the Commissioner; or

(b) a report received from an authorized officer.

40. Cancellation or variation of out-of-hours permit

(1) The Commissioner may cancel or vary an out-of-hours permit granted in respect of licensed premises if the Commissioner is satisfied that the sale of liquor on those premises between the times specified in the permit-

(a) is causing undue annoyance or disturbance to-

(i) people living or working in the neighbourhood of the premises; or

(ii) customers or clients of any business in the neighbourhood of the premises; or

(iii) people conducting or attending religious services in the neighbourhood of the premises; or

(b) is causing the occurrence of disorderly conduct-

(i) in the premises; or

(ii) in the neighbourhood of the premises.

(1A) The Commissioner may also cancel or vary an out-of-hours permit if satisfied that the holder of the permit has failed to comply with its conditions.

(2) The cancellation or variation of an out-of-hours permit has effect when notice of the cancellation or variation is served on the licensee.

(3) A notice of cancellation or variation shall inform the licensee of the licensee's right to appeal to the Board against the cancellation or variation of the out-of-hours permit.

41. Powers of Commissioner to suspend licence

(1) If the Commissioner is satisfied that a licensee -

(a) has failed to comply with an obligation under Division 5 (obligations of licensees); or

(b) has been guilty of an offence under Division 6 (offences); or

(c) has allowed the licensed premises to be used so as to cause undue disturbance or annoyance to -

(i) people living or working in the neighbourhood of the premises; or

(ii) customers or clients of any business in the neighbourhood of

the premises; or

(iii) people attending a place of worship or a school in the neighbourhood of the premises; or

(iv) people lawfully on the premises -

the Commissioner may give the licensee a written notice requiring the licensee to comply with a direction specified in the notice.

(2) If a licensee fails to comply with a direction specified in a notice given in accordance with subsection (1) the Commissioner may, by written notice served on the licensee, suspend the liquor licence of the licensee in respect of-

(a) the whole or any part of the premises; or

(b) all or any of the activities authorized by the licence to be carried on on the premises-

for such period, not exceeding 3 months, as the Commissioner considers appropriate.

(2A) The Commissioner, by written notice served on the licensee, may suspend a liquor licence for such period not exceeding 3 months as the Commissioner considers appropriate if reasonably satisfied that -

(a) the licensee is not, or is no longer, a fit and proper person to be a licensee; or

(b) an associate of the licensee who is a natural person with any influence in the management of the business carried on under the licence is not, or is no longer, a fit and proper person to be an associate of a licensee.

(2B) If a licensee fails to pay the prescribed annual liquor licence fee payable under section 26A -

(a) within one month of it becoming payable; or

(b) by any later date to which the Commissioner may agree -

the Commissioner may, by written notice served on the licensee, suspend the licence.

(3) If the Commissioner gives notice under subsection (2), (2A) or (2B) suspending a liquor licence the Commissioner shall, at the same time, inform the licensee of the licensee's right to appeal to the Board against the suspension of the licence.

(4) The suspension of a liquor licence under this section takes effect when notice of the suspension is served on the licensee or on such later date as is specified in the notice.

(5) The Commissioner may revoke a suspension under subsection (2), (2A) or (2B) at any time by notice served on the licensee.

(5A) Unless sooner revoked by the Commissioner, a suspension under subsection (2B) remains in force until payment of the prescribed annual liquor licence fee and any penalties.

(6) Without prejudice to a licensee's obligation to comply with a notice given in accordance with subsection (1), the licensee may at any time appeal to the Board against any requirement specified in the notice.

(7) If an appeal under this section against the suspension of a liquor licence in respect of the whole or part of the licensed premises is received by the Board it shall within 7 working days of receiving notice of the appeal under section 212(1) sit to hear the appeal.

42. Cancellation and suspension of licence

(1) The Commissioner may apply to the Board for a hearing to cancel or suspend a liquor licence if the Commissioner is satisfied that-

(a) the licensee is in prison serving a term of imprisonment; or

(b) during the immediately preceding 3 years a total of 3 offences have been committed in respect of the conduct of the licensed premises; or

(c) the licensee has been convicted of an offence, either in Tasmania or elsewhere, that makes it not in the public interest that the licensee should continue to hold a licence; or

(d) the licence has been suspended under or by virtue of this Part on 3 occasions; or

(e) the licensee can no longer exercise effective control over the sale or any consumption of liquor on all or any part of the licensed premises; or

(f) the licensee is no longer using or intending to use the licensed premises for all or any of the activities authorized by the licence; or

(fa) in the case of an on-licence granted in respect of premises operating as a restaurant, the licensee is no longer using the premises as a restaurant; or

(g) the licensee is no longer the owner or occupier of the licensed premises; or

(h) the licensee is no longer the agent of the owner or occupier of the licensed premises; or

(i) the licence was obtained by means of a false or misleading statement or by a failure to disclose relevant information; or

(j) in the case of a club licence-

(i) the rules or constitution of the club have been changed without the Commissioner's approval; or

(ii) the rules or constitution of the club are not being observed; or

(iii) the club has failed to comply with, or has contravened, any applicable regulations or condition specified in the licence; or

(iv) the principal activity of the club is the sale or consumption of liquor -

and, as a result, it is inappropriate that liquor should continue to be sold on the club's premises; or

(k) the area of the licensed premises has been altered without the Commissioner's approval; or

(l) the licensee is not, or is no longer, a fit and proper person to be a licensee; or

(m) an associate of the licensee who is a natural person with any influence in the management of the business carried on under the licence is not, or is no longer, a fit and proper person to be an associate of a licensee.

(2) For the purpose of subsection (1)(b), offences committed in respect of the conduct of the licensed premises means offences committed by the licensee or by people acting on behalf of the licensee under sections 5 (liquor sold otherwise than as authorized), 70(1) (liquor sold to young people), 75 (young people having possession and control of liquor on licensed premises) and 78 (liquor sold to people appearing to be drunk).

43. Conditions - liquor

Without prejudice to the generality of sections 11 (special licences), 12 (out-of-hours permits), 13 (on-permits), 14 (off-permits), 15 (special permits), 16 (general liquor exemptions) and 39 (liquor restriction orders), the conditions referred to in those sections may relate to all or any of the following:

- _(a)_ the type of liquor that may be sold;
- _(b)_ the quantity of liquor that may be sold either to each person, during a specified period, or in total;
- _(c)_ the containers in which liquor may be sold;
- _(d)_ the area of the premises on which liquor may be sold or consumed;
- _(e)_ the services to be provided while liquor is being sold or consumed;
- _(f)_ the entertainment to be provided while liquor is being sold or consumed;
- _(g)_ the staff to be employed both before and after the time that liquor is sold or consumed and during the time liquor is being sold or consumed, and the qualifications and duties of that staff;
- _(h)_ the measures to be taken to suppress or limit noise and disturbances.

44. Variation of special licences by application

(1) The Commissioner may vary the conditions of a special licence on the application of the licensee.

(2) The application must be -

(a) made on a form approved or provided for the purpose by the Commissioner; and

(b) accompanied by any prescribed application fee.

(3) The Commissioner may require the applicant to supply any further information that the Commissioner considers necessary for a proper consideration of the application.

(4) After considering the application, the Commissioner is to -

(a) approve or refuse the variation; and

(b) inform the applicant accordingly.

(5) In the case of a refusal, the Commissioner is also to inform the applicant of the applicant's right to appeal to the Board against the Commissioner's decision.

45. Variation of special licences by Commissioner

(1) The Commissioner, by written notice served on the licensee, may vary the conditions of a special licence on the Commissioner's own motion.

(2) However, the Commissioner -

(a) is not to effect the variation without first consulting the licensee and obtaining the written consent of the Board; and

(b) is to ensure that the licensee is given at least 14 days' notice of the variation unless satisfied that, because of special circumstances, the variation should be effected more urgently.

(3) The notice under subsection (1) is to inform the licensee of the licensee's right to appeal to the Board against the Commissioner's decision.

Division 5 - Obligations of licensees

46. Licensee to retain control on sale and consumption of liquor

A licensee shall ensure that the business carried on on the licensed premises is carried on in such a way that the licensee can exercise effective control over the sale and any consumption of liquor on the premises.

46A. Licensee to ensure responsible service of liquor

(1) A licensee must not allow a person to serve liquor on the licensed premises unless the person -

(a) has successfully completed an approved course; or

(b) has been an employee of the licensee for, in aggregate, less than 3 months and is -

(i) undertaking an approved course; or

(ii) formally enrolled in an approved course that is scheduled to start within 3 months from the day on which the person is permitted

to serve the liquor.

(2) To demonstrate compliance with subsection (1), a licensee must -

(a) keep such records on the licensed premises as the Commissioner, by written notice served on the licensee, may from time to time require; and

(b) produce all or any those records to the Commissioner or an authorized officer on demand.

(3) The Commissioner may exempt the holder of a special licence from the requirements of this section if satisfied that it is not against the public interest to do so.

(4) In this section -

"approved course" means a course of instruction or training in the service of liquor, approved by the Commissioner;

"employee" includes a person engaged under a contract for services.

47. Licensee not to alter area of licensed premises without approval

(1) A licensee must not alter the area of the licensed premises without the Commissioner's approval.

(2) The Commissioner is not to approve an alteration to the area of licensed premises unless he or she is satisfied that it is in the best interests of the community to do so.

48. Licensee to notify Commissioner of alteration to designated area

A licensee must -

(a) give the Commissioner written notice at least 30 days before altering the boundaries of an area designated under section 84(1) or (2); and

(b) give the Commissioner such information about the proposed alteration as the Commissioner may require.

49. Licensee to comply with licensing conditions

The holder of a liquor licence must comply with the conditions of that licence.

_50. _

_51. _

_52. _

53. Licence to be produced on demand

A licensee shall produce the licensee's liquor licence to a police officer or authorized officer when required to do so.

54. Licence to be displayed

A licensee must display the licensee's liquor licence in a conspicuous position on the licensed premises.

55. Permits to be displayed on licensed premises

A licensee shall display in a conspicuous position on the licensed premises any liquor permit granted in respect of the premises.

56. Liquor restriction order to be displayed on licensed premises

A licensee shall display in a conspicuous position on the licensed premises any liquor restriction order made by the Board in respect of the premises or any part of the premises.

_57. _

_58. _

_59. _

60. Licensee to display notice prohibiting or restricting entry of young people

A licensee shall ensure that there is displayed in a conspicuous position at each entrance to any part of the licensed premises designated in accordance with section 84(1) or (2) (entry of young people prohibited or restricted) a notice provided or approved for that purpose by the Commissioner giving notice of the prohibition or restriction that applies in that part.

61. Licensee to prohibit or restrict entry of young people to certain parts of licensed premises

A licensee shall ensure that a person under the age of 18 years does not -

_ (a) _ enter or remain on any part of the licensed premises designated under section 84(1); or

(b) enter or remain on any part of the licensed premises designated under section 84(2) except -

(i) to have a meal; or

(ii) in the company of a parent or guardian.

62. Licensee to require certain people to leave licensed premises

A licensee shall require a person who -

(a) is acting in a violent, quarrelsome or disorderly manner; or

(b) is using disgusting, profane or foul language -

to leave the licensed premises.

63. Liquor not to be consumed on off-licensed premises

The holder of an off-licence must not allow liquor purchased on the licensed premises to be consumed on those premises unless the consumption is authorized by an on-permit.

64. Liquor not to be removed from on-licensed premises

The holder of an on-licence must not allow liquor purchased on the licensed premises to be taken off those premises to be consumed elsewhere unless consumption of the liquor off the premises is authorized by an off-permit.

65. Licensee to restrict people on certain licensed premises outside authorized hours

(1) A licensee under a general licence or an on-licence must not allow a person to enter or remain on any part of the licensed premises where liquor is normally sold over a bar at any time between-

(a) 15 minutes after the time when the sale of liquor on the premises under the authority of a liquor licence or permit ceased; and

(b) the next time when liquor may be sold on the premises under the authority of a liquor licence or permit.

(c)

(d)

(2) Subsection (1) does not apply to -

- _ (a) _ the licensee; or
- _ (b) _ a member of the licensee's family; or
- _ (c) _ a resident of the licensed premises; or
- _ (d) _ an employee of the licensee; or
- _ (e) _ a person required to be on the premises in the course of employment.
- _ (f) _

66. Licensee to notify Commissioner of prolonged absence from licensed premises

_ (1) _ A licensee shall not be absent from the licensed premises for a period exceeding 14 days unless before the absence, the licensee gives the Commissioner written notice specifying-

- _ (a) _ the period during which the licensee will be absent; and
- _ (b) _ the name and address of the person who will be in charge of the premises during the licensee's absence, being a person who is 18 years of age or older.

_ (2) _ Subsection (1) does not apply if liquor is not to be sold on the licensed premises during the licensee's absence.

_ (3) _ In the case of an emergency absence by the licensee subsection (1) shall be taken to have been complied with if notice was given under that subsection at the earliest reasonable opportunity.

67. Licensee not to hinder, &c., authorized officer

A licensee shall not -

- _ (a) _ hinder an authorized officer carrying out the authorized officer's duties under this Part; or
- _ (b) _ fail to comply with a reasonable requirement of an authorized officer made in accordance with this Part; or
- _ (c) _ fail to provide an authorized officer with reasonable assistance in the exercise of any power under this Part.

Division 6 - Offences

_68. _

69. False applications

A person shall not knowingly make a false or misleading statement in an application made for the purposes of this Part.

Penalty:

Fine not exceeding 50 penalty units.

70. Liquor not to be sold to young people

(1) A person shall not sell liquor to a person under the age of 18 years.

Penalty:

Fine not exceeding 50 penalty units.

(2) A licensee is guilty of an offence if a person authorized by the licensee to sell liquor on the licensed premises sells liquor to a person under the age of 18 years.

Penalty:

Fine not exceeding 100 penalty units.

71. Liquor not to be supplied to young people on licensed premises, &c.

A person shall not supply liquor to a person under the age of 18 years on -

(a) licensed premises; or

(b) premises specified in a special permit.

Penalty:

Fine not exceeding 50 penalty units.

72. Young person not to enter, &c., certain parts of licensed premises, &c.

(1) Subject to subsection (3), a person under the age of 18 years shall not enter or remain on any part of licensed premises designated in accordance with section 84(1) where a notice specifying the prohibition is displayed in accordance with section 60.

Penalty:

Fine not exceeding 20 penalty units.

(2) Subject to subsection (3), a person under the age of 18 years shall not enter or remain on any part of licensed premises designated in accordance with section 84(2) where a notice specifying the prohibition is displayed in accordance with section 60 except -

(a) to have a meal; or

(b) in the company of a parent or guardian.

Penalty:

Fine not exceeding 20 penalty units.

(3) Subsections (1) and (2) do not apply to a person working on the licensed premises.

72A. Young person not to produce false evidence of identity

A person under the age of 18 years must not use a false document in order to do, or attempt to do, anything that a person under that age is prohibited from doing by or under this Act.

Penalty:

Fine not exceeding 10 penalty units.

73. Liquor not to be purchased by young people

A person under the age of 18 years shall not purchase liquor.

Penalty:

Fine not exceeding 10 penalty units.

74. Young person not to be sent to obtain liquor

A person shall not send a person under the age of 18 years -

(a) to purchase liquor; or

(b) to collect liquor from -

(i) licensed premises; or

(ii) premises specified in a special permit.

Penalty:

Fine not exceeding 50 penalty units.

75. Young person not to be given possession or charge of liquor on licensed premises, &c.

_ (1) _ A licensee or a person acting on behalf of the licensee shall not give to a person under the age of 18 years possession or control of liquor on the licensed premises or allow a person under the age of 18 years to have or retain possession or control of liquor on the licensed premises.

Penalty:

Fine not exceeding 50 penalty units.

_ (2) _ Subsection (1) does not apply in respect of a person under the age of 18 years who -

_ (a) _ has possession or charge of liquor in the course of work; and

_ (b) _ is working under the direct and personal supervision of a person who has attained the age of 18 years.

76. Young person not to consume liquor on licensed premises, &c.

A person under the age of 18 years shall not consume liquor on -

_ (a) _ licensed premises; or

_ (b) _ premises specified in a special permit.

Penalty:

Fine not exceeding 10 penalty units.

77. Young person not to have possession or control of liquor on licensed premises, &c.

_ (1) _ A person under the age of 18 years shall not have possession or control of liquor on -

_ (a) _ licensed premises; or

_ (b) _ premises specified in a special permit.

Penalty:

Fine not exceeding 10 penalty units.

(2) Subsection (1) does not apply in respect of a person who -

(a) has possession or charge of liquor in the course of work; and

(b) is working under the direct and personal supervision of a person who has attained the age of 18 years.

78. Liquor not to be sold to people appearing to be drunk

(1) A person must not sell liquor to a person who appears to be drunk.

Penalty:

Fine not exceeding 50 penalty units.

(2) A licensee is guilty of an offence if a person authorized by the licensee to sell liquor on the licensed premises sells liquor to a person who appears to be drunk.

Penalty:

Fine not exceeding 100 penalty units.

79. Liquor not to be supplied on licensed premises, &c., to people appearing to be drunk

A person shall not supply liquor to a person who appears to be drunk on -

(a) licensed premises; or

(b) premises specified in a special permit.

Penalty:

Fine not exceeding 50 penalty units.

79A. Licensee to prevent offences on licensed premises

A licensee who knows or has reason to believe that an offence under this or any other Act is being, or is about to be, committed on the licensed premises must take reasonable action to prevent the commission of the offence.

Penalty:

Fine not exceeding 100 penalty units.

80. Person to leave licensed premises when requested to do so, &c.

(1) A person shall leave licensed premises when required to do so by -

(a) the licensee or a person acting with the authority of the licensee; or

(b) a police officer -

acting in accordance with this Act.

Penalty:

Fine not exceeding 50 penalty units.

(2) A person who -

(a) has left licensed premises in compliance with subsection (1); or

(b) has been removed from licensed premises by a police officer acting in accordance with this Act -

shall not re-enter or attempt to re-enter those premises within the period of 24 hours immediately after leaving or being removed from the premises.

Penalty:

Fine not exceeding 50 penalty units.

(3) A police officer may -

(a) arrest without warrant a person whom the police officer reasonably believes is committing, or has committed, an offence under subsection (1) or (2); and

(b) use such reasonable force as may be necessary to remove from licensed premises a person whom the police officer reasonably believes is committing, or has committed, an offence under subsection (1) or (2).

80A. Person to leave special permit premises when required to do so, &c.

(1) A person who has been required under this Part to leave premises specified in a special permit -

(a) must leave those premises when required to do so; and

(b) must not re-enter or attempt to re-enter those premises during the period of 24 hours after the person so left those premises or was removed from those premises under subsection (2).

Penalty:

Fine not exceeding 50 penalty units.

(2) A police officer may -

(a) arrest without warrant a person whom the police officer reasonably believes is committing, or has committed, an offence under subsection (1); and

(b) use such reasonable force as may be necessary to remove from premises specified in a special permit a person whom the police officer reasonably believes is committing, or has committed, an offence under subsection (1).

81. Special permits to be displayed

The holder of a special permit shall display the permit in a conspicuous position on the premises specified in the permit during the time liquor may be sold on those premises under the authority of the permit.

Penalty:

Fine not exceeding 50 penalty units.

82. Authorized officer not to be hindered, &c.

A person must not, without reasonable excuse -

(a) hinder an authorized officer carrying out the authorized officer's duties under this Part; or

(b) fail to comply with any requirement of an authorized officer made in accordance with this Part; or

(c) fail to provide an authorized officer with reasonable assistance in the exercise of any power under this Part.

Penalty:

Fine not exceeding 100 penalty units.

83. Name, address and date of birth to be given to police if lawfully requested

A person shall give the person's name, address and date of birth if required to do so by a police officer acting in accordance with this Part.

Penalty:

Fine not exceeding 50 penalty units.

Division 7 - Administration of licensed and special permit premises

84. Areas of licensed premises may be designated to prohibit or restrict entry, &c., of young people

(1) The Commissioner may from time to time designate any part of licensed premises as an area where a person under the age of 18 years can not enter or remain.

(2) The Commissioner may from time to time designate any part of licensed premises as an area where a person under the age of 18 years can not enter or remain except -

(a) to have a meal; or

(b) in the company of a parent or guardian.

(3) The designation of an area under subsection (1) or (2) may be limited to apply between specified times.

(4) An area may be designated under both subsections (1) and (2) if the designations apply at different times.

(5) A designation under subsection (1) or (2) may apply to the whole of the licensed premises.

(6) The Commissioner shall notify the licensee when an area of the licensed premises has been designated under subsection (1) or (2) and shall specify in the notice -

(a) the type of designation; and

(b) the area so designated; and

(c) if the designation applies between specified times - the times between which the designation applies.

85. Routine inspections

(1) An authorized officer may, at any time enter and inspect -

(a) licensed premises; and

(b) any other premises -

(i) belonging to the licensee; or

(ii) under the licensee's control -

which are provided for the use of patrons of the licensed premises.

(2)

(3)

86. Powers of authorized officer

(1) For the purposes of this Part, an authorized officer may require a person, by written notice served on the person, to provide the officer within the period specified in the notice with a statement containing such particulars relating to dealing with liquor as are specified in the notice.

(2) For the purposes of this Part, an authorized officer may, without warrant and with such assistants as he or she considers appropriate -

(a) at any time during which liquor may be sold on premises specified in a special permit, enter and remain on those premises; and

(b) at any reasonable time, enter and remain on licensed premises; and

(c) at any reasonable time, enter and remain on any premises (other than any premises used as a residence) which the authorized officer has reason to suspect is being, or has been, used for the purpose of -

(i) carrying on the business of selling liquor; or

(ii) storing liquor or records or other documents in connection with the business of selling liquor.

(3) For the purposes of this Part, an authorized officer may, with the authority of a warrant issued under subsection (5) and with such assistants as he or she considers appropriate -

(a) use such reasonable force as is necessary to enter and remain in any premises specified in subsection (2) at the relevant time so

specified; or

(b) using such reasonable force as is necessary, at any reasonable time enter and remain in any premises used as a residence.

(4) In any premises lawfully entered, an authorized officer may do any one or more of the following:

(a) inspect the premises;

(b) search for, examine, take possession of, make copies of, take extracts from or secure against interference any records or other documents relating to the purchase, other obtaining, sale or other disposal of liquor;

(c) search for, examine, take possession of or secure against interference any liquor that -

(i)

(ii) may be evidence of a contravention of this Part, a liquor licence, a liquor permit, a liquor restriction order or a condition of a liquor licence, liquor permit or liquor restriction order;

(d) if it is necessary to do so, break open and search anything on the premises in which such records or other documents or liquor may be stored or concealed;

(e) require any person on the premises to produce any such record or other document;

(f) require a person on the premises to answer a question relevant to any of the following matters if the officer reasonably suspects that the person has the knowledge necessary to answer it:

(i)

(ii) the contravention of a liquor licence, liquor permit, liquor restriction order or condition of such a licence, permit or order;

(g) seize anything which the authorized officer believes appears to indicate that an offence under this Act has been, or is being, committed;

(h) require any person on the premises to provide his or her name and address.

(5) On the application of an authorized officer, a magistrate or justice may issue a warrant to the authorized officer

named in the warrant authorizing the authorized officer to use such force as is reasonably necessary to enter and remain in any premises specified in subsection (2) or to enter and remain in any premises used as a residence, using such force as is necessary, if the magistrate or justice is satisfied that there are reasonable grounds for believing it necessary for the officer -

(a) to use such force to enter any premises specified in subsection (2); or

(b) to enter any premises used as a residence, using such reasonable force as is necessary, for the purpose of exercising or performing his or her powers or duties under this Act.

(6) A warrant is to specify the premises in respect of which it is issued.

(7) If a record or other document is obtained by an authorized officer by the exercise of powers under this section, that record or other document, evidence of that record or other document or evidence of the obtaining of that record or other document is not admissible against any person in any civil or criminal proceedings, other than proceedings for an offence under this Act or in respect of a contravention of conditions to which a liquor licence or liquor permit is subject.

(8) A person is not required to answer a question under subsection (4)(f) if to do so would incriminate the person.

(9) Any information provided by a person in response to a question asked under subsection (4)(f) is not admissible against the person in any civil or criminal proceedings, other than proceedings for an offence under section 82 or in respect of a contravention of conditions to which a liquor licence or liquor permit is subject.

(10) Nothing done under this section in relation to a document or liquor prejudices a lien on that document or liquor.

87. Possession of document or other thing by authorized officer

(1) If an authorized officer has possession of any record, other document or other thing for the purposes of this Act, the authorized officer -

(a) must, as soon as practicable, give a receipt to the apparent owner of that record, other document or other thing or the person who delivered it to the officer or from whose possession it was taken; and

(b) may retain the record, other document or other thing for so long as is necessary for those purposes.

(2) If any person otherwise entitled to possession of a record or other document retained by an authorized officer so requests the Commissioner in writing, the Commissioner must provide to the person as soon as practicable a copy of the record of other document that the Commissioner has certified to be a true copy.

_88. _

89. Police may enter licensed premises

A police officer may enter -

(a) licensed premises at any time; or

(b) premises specified in a special permit during the time liquor may be sold on those premises under the authority of the permit -

to ascertain if this Part is being complied with.

90. Police may enter premises on reasonable suspicion

A police officer who has reasonable grounds for believing that liquor is being sold on premises contrary to this Part may enter those premises.

91. Police power to use force to gain entry

A police officer entering premises in accordance with this Part may -

(a) if entry to the premises is barred - use such force as is reasonably necessary to gain entry to the premises; and

(b) be accompanied by as many other people as the officer reasonably considers to be necessary.

92. Police may request name, address and date of birth if offence suspected

(1) If a police officer has reasonable grounds for believing that a person has committed or is committing an offence under this Act the officer may require that person to give the person's name, address and date of birth.

(2) If a police officer, acting in accordance with subsection (1) has requested a person to give the person's name, address or date of birth, the officer may arrest, without warrant,

that person if -

(a) that person refuses to give the person's name, address or date of birth; or

(b) the police officer reasonably believes any name, address or date of birth given by that person is false.

92A. Power to seize false identity documents

(1) This section applies if -

(a) a person produces a document to a responsible entity in evidence of the person's age or identity for the purposes of this Act; and

(b) the responsible entity reasonably suspects that the document is a false document.

(2) The responsible entity may seize the document.

(3) If the responsible entity seizes the document and he or she is not a police officer, he or she must -

(a) give the document to a police officer within 72 hours after the time of seizure together with a written notice specifying at least the following:

(i) the time and date of seizure;

(ii) the place of seizure;

(iii) the nature of the reasonable suspicion that prompted the seizure;

(iv) the responsible entity's name and address; and

(b) give any police officer such information concerning the seizure of the document as the police officer may require.

Penalty:

Fine not exceeding 10 penalty units.

(4) The following provisions apply to the seized document:

(a) a police officer may dispose of it in such manner as the Commissioner of Police thinks fit if the police officer is satisfied that it is a false document;

(b) a police officer may return it to the person from whom it was seized if, after making enquiries, the police officer is satisfied that it is in fact the authentic property of that person;

(c) a police officer may return it to a person other than the person from whom it was seized if, after making enquiries, the police officer is satisfied that it is the authentic property of that other person and that the other person is not responsible for any fraudulent use made, or attempted to be made, of the document.

(5) In this section -

"responsible entity" means -

(a) a licensee; or

(b) an employee of a licensee whose duties as such employee include the sale or service of liquor; or

(c) a crowd controller, within the meaning of the _Security and Investigations Agents Act 2002_, performing crowd control duties for or on behalf of a licensee; or

(d) a police officer.

93. Power to restrict entry to licensed or special permit premises

(1) A licensee or a person acting with the authority of the licensee may -

(a) prohibit the entry of any person onto the licensed premises; or

(b) require a person to leave the licensed premises.

(2) Subsection (1) does not apply to a person authorized by law to be on the licensed premises without the licensee's consent.

(3) The holder of a special permit or a person acting with the authority of that holder may -

(a) prohibit the entry of any person onto the premises specified in the special permit; or

(b) require a person to leave such premises.

(4) Subsection (3) does not apply to a person authorized by law to be on the premises specified in the special permit without the consent of the holder of the special permit.

94. Power of police to require people to leave licensed or special permit premises

_ (1)_ A police officer may require a person -

_ (a)_ the police officer reasonably believes is on licensed premises contrary to this Part or on premises specified in a special permit contrary to that permit; or

_ (b)_ whose entry onto licensed premises has lawfully been prohibited by or on behalf of the licensee; or

_ (ba)_ whose entry onto premises specified in a special permit has been prohibited in accordance with this Part; or

_ (c)_ who has lawfully been required by the licensee or a person acting with the authority of the licensee to leave licensed premises; or

_ (d)_ who has been required, in accordance with this Part, to leave premises specified in a special permit -

to leave those premises.

_ (2)_ A police officer may -

_ (a)_ arrest without warrant a person who refuses to comply with a requirement made in accordance with subsection (1); and

_ (b)_ use such reasonable force as may be necessary to remove from licensed premises or premises specified in a special permit a person who refuses to comply with a requirement made in accordance with subsection (1).

95. Police may seize liquor in certain circumstances

_ (1)_ A police officer may seize liquor and its container if the officer reasonably believes the liquor -

_ (a)_ is being kept for sale; or

_ (b)_ has been sold; or

_ (c)_ is to be consumed -

contrary to this Part.

_ (2)_ For the purposes of subsection (1) a police officer may open a container the officer reasonably believes to contain liquor and may sample its contents.

96. Liquor may be forfeited

_ (1) _ If -

_ (a) _ a police officer has seized liquor in accordance with this Part; and

_ (b) _ a person is subsequently convicted of an offence under this Part in respect of that liquor -

the court that convicted the person may order that the liquor and its container be forfeited to the Crown.

_ (2) _ Liquor forfeited shall be disposed of in such manner as the Commissioner determines, and any proceeds shall be paid into the Consolidated Fund.

97. Disposal of seized liquor

_ (1) _ If -

_ (a) _ a police officer has seized liquor in accordance with this Part; and

_ (b) _ subsequent to the seizure -

_ (i) _ no proceedings are instituted within a reasonable time for an offence for which the liquor may be forfeited; or

_ (ii) _ proceedings are instituted for an offence for which the liquor may be forfeited but no order for its forfeiture is made -

a magistrate may order that the liquor be given to a person the magistrate is satisfied has a right to its possession.

_ (2) _ If no order is made the Commissioner may dispose of the liquor in such manner as is considered most appropriate, and pay any proceeds into the Consolidated Fund.

_Division 8 - _

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_100. _

_101. _

_102. _

_103. _

_PART 3 - _

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_Division 7 - _

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_200. _

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_202. _

_Division 9 - _

_203. _

_204. _

_205. _

PART 5 - Administration

Division 1 - Administrative structure

206. Licensing Board

_ (1) _ There is established a Licensing Board.

_ (2) _ The Board consists of -

_ (a) _ a chairperson; and

_ (b) _ 2 other members -

appointed by the Governor.

_ (3) _

_ (4) _ The Governor may appoint a deputy of a member of the Board.

_ (5) _

_ (6) _ If a member is absent from a meeting of the Board the member's deputy may attend, and, when doing so, is to be taken to be a member.

_ (7) _ When the deputy of the chairperson attends a meeting of the Board the deputy is to be taken to be the chairperson.

_ (8) _ A member or deputy member holds office for the term set out in his or her instrument of appointment.

_ (9) _ A member or deputy member may resign at any time by giving written notice of resignation to the Minister.

_ (10) _ It is a term of the appointment of a member or deputy member that the Governor may terminate the appointment at any time

for inability, inefficiency, misbehaviour or physical or mental incapacity.

(11) The quorum for a meeting of the Board is 2.

(12) A member or deputy member is to be paid a remuneration and allowances determined by the Governor.

(13) Except as otherwise provided in this Act, the Board may regulate its proceedings.

207. Commissioner for Licensing

(1) The Minister may appoint a State Service officer or State Service employee to be Commissioner for Licensing and that officer or employee holds that office in conjunction with State Service employment.

(2) The Commissioner -

(a) has such powers and duties as are conferred on the Commissioner by this or any other Act; and

(b) may do all things necessary or convenient to be done for or in connection with the exercise and performance of those powers and duties.

(3) Without limiting the generality of subsection (2)(b), the Commissioner may carry out enquiries into persons who are associates or prospective associates of licensees.

208. Delegation by Commissioner

The Commissioner may delegate to another person any of the Commissioner's powers or duties under this Act other than -

(a) this power of delegation; and

(b) the Commissioner's powers under section 209.

209. Authorized officers

(1) The Commissioner may appoint a State Service officer or State Service employee employed in the Department to be an authorized officer for the purposes of this Act and that officer or employee may hold that office in conjunction with State Service employment.

(2) The Commissioner, with the consent of a Head of a State Service Agency other than the Department, may appoint a State

Service officer or State Service employee employed in that Agency to be an authorized officer for the purposes of this Act and that officer or employee may hold that office in conjunction with State Service employment.

(3) The Commissioner may authorise a person who is not a State Service officer or State Service employee to exercise the powers or perform the duties of an authorized officer for the purposes of this Act.

(4) An appointment or authorisation under this section may be -

(a) unrestricted; or

(b) restricted in such ways, whether as to the range of powers and duties that may be exercised and performed or otherwise, as are specified in the instrument of appointment or authorisation.

(5) Any power or duty that may be exercised or performed under this Act by an authorized officer may be exercised or performed by the Commissioner.

210. Authorized officer to produce authority

An authorized officer, exercising a power under this Act, shall produce the officer's instrument of appointment if requested to do so.

Division 2 - Appeals and hearings

211. Right to appeal to Board

A person may appeal to the Board against a decision by the Commissioner in respect of the following matters:

(a) a refusal to grant a permit;

(b) the conditions subject to which a liquor licence or permit was granted;

(c) a refusal to give any approval;

(d) the cancellation or variation of a permit;

(e) the suspension or cancellation of a liquor licence, or the variation of a special licence;

(f) any requirement specified in a notice given in accordance with section 41(1);

(g) a decision that a person is not qualified to hold a liquor licence.

(h)

(i)

212. Procedure on appeal

(1) An appeal against a decision by the Commissioner shall be made, in writing, to the Board.

(2) Following receipt of an appeal, the Board shall hold a hearing to consider the appeal.

213. Hearings by Board

(1) The Board is to -

(a) fix a time and place for a hearing in respect of an application or appeal; and

(b) inform the Commissioner, the applicant or appellant and any person who made a representation in respect of the application or appeal accordingly; and

(c) provide the applicant or appellant with a copy of any representation.

(2) At a hearing the Board -

(a) shall decide the procedure to be followed; and

(b) shall give the applicant or appellant, as the case may be, the opportunity to be heard; and

(c) may receive evidence orally or in writing; and

(d) may take evidence on oath or affirmation; and

(e) is not bound by rules of evidence but may inform itself in such manner as it thinks most appropriate; and

(f) shall observe the rules of natural justice in so far as they are applicable.

(3) For the purpose of subsection (2)(d) the chairperson at the hearing may administer an oath or affirmation.

(4) A hearing may, at the Board's discretion, be conducted in public or in private.

(5) The Board may, by notice signed by the chairperson, require a person-

(a) to attend a hearing to give evidence; and

(b) to produce at a hearing a document or anything else specified in the notice.

(6) A person is not entitled to be represented at a hearing unless the Board is satisfied that injustice could otherwise result.

214. Decision of Board after hearing

(1) After a hearing the Board shall -

(a) in the case of a hearing relating to an application for a liquor licence- direct the Commissioner-

(i) to grant the licence; or

(ii) to refuse the application; and

(b) in the case of an application by the Commissioner for approval to cancel or suspend a liquor licence-

(i) direct the Commissioner to cancel the licence or suspend the licence for such period as the Board determines; or

(ii) refuse the application; and

(c) in the case of an appeal against any other decision of the Commissioner -

(i) confirm the Commissioner's decision; or

(ii) revoke the Commissioner's decision; or

(iii) direct the Commissioner to take such action as the Board considers to be appropriate in the circumstances.

(2) The Commissioner shall comply with a direction of the Board.

215. Powers of Supreme Court

(1) The Board -

(a) may at any time; and

(b) shall, if ordered to do so by a judge in chambers following an application made in a summary way by an applicant or appellant at a hearing of the Board -

state a case for the opinion of the Supreme Court on any question of law arising on an application or appeal under this Act.

(2) The Supreme Court shall -

(a) hear and determine a question of law referred to it; and

(b) remit its decision to the Board.

(3) The Board is bound by a decision given in accordance with subsection (2)(b).

(4) The Supreme Court may make such order as to cost of any case referred to it as it considers appropriate.

(5) An application shall not be made to a judge under subsection (1)(b) except by a person who has already asked the Board to state a case on a question.

(6) Except as provided by this section, a decision by the Board is final and without appeal.

_216. _

217. Witnesses to appear at hearing, &c.

(1) A person who has been served with a notice to appear at a hearing of the Board shall -

(a) attend in accordance with the notice; or

(b) produce a document or any other thing specified in the notice.

Penalty:

Fine not exceeding 5 penalty units.

(2) A person called as a witness at a hearing before the Board shall not -

(a) refuse to be sworn or to affirm; or

(b) refuse to answer any question the person would be required to answer in a court; or

(c) answer any question incorrectly.

Penalty:

Fine not exceeding 5 penalty units.

Division 3 - General administration provisions

218. Evidentiary provisions

(1) In proceedings for an offence under this Act, an allegation in the complaint -

(a) that a substance referred to in the complaint was liquor; or

(b) that a person named in the complaint was or was not on a specified date the holder of a liquor licence or permit; or

(c) that premises referred to in the complaint were or were not on a specified date specified in a liquor licence or permit; or

(d) that a person referred to in the complaint was on a specified date under the age of 18 years -

is evidence of that matter.

(2) In legal proceedings, a document apparently certified by the Commissioner to be the original or a copy of a document granted under this Act -

(a) is admissible in evidence; and

(b) shall be accepted as the original or a copy of that document.

(3) In proceedings for an offence in relation to the sale of liquor, proof that liquor was supplied, sent, forwarded or delivered to a person is evidence of the sale of the liquor.

(4) In proceedings for an offence against section 5, proof that bottles, decanters, glasses or other vessels commonly used to contain liquor were found on premises where the offence is alleged to have been committed and had been used recently is evidence of the sale of liquor on those premises.

218A. Time and place at which sale of liquor by mail order, &c., occurs

For the purposes of this Act, if liquor is sold by a licensee on the basis of an order received by mail, telephone, facsimile transmission or other electronic process, the sale is taken to have occurred at the time at which, and at the licensed premises from which, the licensee dispatches the liquor.

219. Service of documents

A document required by this Act to be served on or sent to a person may be served or sent -

(a) by giving it to the person; or

(b) by sending it by post to -

(i) that person's last known place of residence; or

(ii) in the case of a licensee- the premises specified in the liquor licence; or

(c) by leaving it at -

(i) that person's last known place of residence; or

(ii) in the case of a licensee- the premises specified in the liquor licence-

in an envelope addressed to that person; or

(d) if that person is a facsimile service subscriber - by sending a copy via that service to the person's facsimile service number.

220. Form of licences, permits and approval

Licences and permits granted, and approvals given, under this Act shall be in such form as the Commissioner determines and may, in appropriate circumstances, be combined in one document.

221. Indemnity

An action or proceeding, civil or criminal, does not lie against -

(a) a member of the Board; or

(b) the Commissioner; or

(c) an authorized officer -

acting as such, for anything done or omitted to be done in good faith.

222. Recovery of fees by civil process

A fee payable under this Act is a debt due to the Crown and is recoverable accordingly.

222A. Statistical information

(1) A person who grows grapes or produces wine must provide statistical information to the Minister responsible for the administration of the _Dairy Industry Act 1994_ when, and in the manner, required by that Minister.

Penalty:

Fine not exceeding 15 penalty units.

(2) A person, in providing any information, must not -

(a) make a statement knowing it to be false or misleading; or

(b) omit any matter knowing that without that matter the information is misleading.

Penalty:

Fine not exceeding 15 penalty units.

223. Infringement notices

(1) A police officer may issue and serve an adult with an infringement notice if the police officer considers that the adult has committed a prescribed offence.

(2) An infringement notice is -

(a) to be in accordance with section 14 of the _Monetary Penalties Enforcement Act 2005_; and

(b) not to relate to more than 3 prescribed offences.

(3) For the purposes of section 14(a)(ii) of the _Monetary Penalties Enforcement Act 2005_, the prescribed penalty for a prescribed offence is not to exceed -

(a) the penalty specified in this Act for that offence; or

(b) 25 penalty units -

whichever is lower.

(4) Any payments in respect of an infringement notice are payable into the Consolidated Fund.

(5) In this section -

"adult" means a natural person who has attained the age of 18 years;

"prescribed" means prescribed by regulations under this Act.

PART 6 - Miscellaneous

224. Transitional provisions

The transitional provisions set out in Schedule 1 have effect.

224A. Further transitional provisions

(1) In this section -

"accommodation licence" means a licence issued under the Act before the commencement of the Liquor and Accommodation Amendment Act 2004 that authorized the provision of overnight lodging facilities for tourists or travellers for a consideration.

(2) An accommodation licence, whether or not the licence has been combined under section 220 with another licence, or a permit or approval, ceases to have effect on the commencement of the Liquor and Accommodation Amendment Act 2004.

(3) Nothing in subsection (2) affects the validity of a licence, permit or approval that has been combined with an accommodation licence.

(4) In any Act or other document, a reference to the Liquor and Accommodation Act 1990 is taken to be a reference to the Liquor Licensing Act 1990, where appropriate.

(5) In any Act or other document, a reference to a provision of the Liquor and Accommodation Act 1990 is taken to be a reference to that provision in the Liquor Licensing Act 1990, where appropriate.

225. Consequential repeals, &c., and amendments

(1) The Acts specified in Part 1 of Schedule 2 are repealed.

(2) The subsidiary legislation specified in Part 2 of

Schedule 2 is rescinded.

(3) _See Schedule 3._

226. Regulations

(1) The Governor may make regulations for the purpose of this Act.

(2) Regulations made under this Act may -

(a) prescribe the fees payable in respect of matters under this Act for which no fee is prescribed by the Act; and

(b) prescribe the fees, allowances and sums by way of reimbursement of expenses that are payable to a person who attends a hearing of the Board pursuant to a notice served in accordance with section 213(5); and

(ba) prescribe matters in relation to the granting of liquor licences and liquor permits; and

(c) authorize any matter or thing to be determined, applied or regulated by the Commissioner or the Board; and

(d) provide for the imposition of a penalty, not exceeding 10 penalty units, for a contravention of a regulation.

(3) Regulations made under this Act may contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(4) A provision referred to in subsection (3) may, if the regulations so provide, take effect from the date of assent of this Act or a later date.

_227. _

SCHEDULE 1 - Transitional Provisions

Section 224

1. Commissioner to grant new liquor licences and liquor permits

(1) The Commissioner shall, as soon as practicable after the commencement of this Act, review each licence, permit or certificate issued under the _Licensing Act 1976_ and in force immediately before the commencement of this Act, and shall grant to the holder of the licence, permit or certificate an appropriate licence or permit, or both under Part 2 of this Act.

_ (2)_ A licence or permit or a licence and permit -

_ (a)_ shall be granted by the Commissioner -

_ (i)_ without payment of any application fee; and

_ (ii)_ without reference to the Board; and

_ (b)_ shall authorize, subject to this Act, the continuation of the activities previously carried out by virtue of the licence, permit or certificate granted under the _Licensing Act 1976_.

_ (3)_ Until such time as an appropriate licence or permit or licence and permit are granted, the holder of a licence, permit or certificate granted under the _Licensing Act 1976_ and in force immediately before the commencement of this Act is to be taken to be the holder of a licence or permit or a licence and permit granted under this Act authorizing, subject to this Act, the continuation of the activities previously carried out by virtue of the licence, permit or certificate granted under the _Licensing Act 1976_.

_ (4)_ A person granted a licence or permit or a licence and permit may appeal to the Board against the decision of the Commissioner in respect of -

_ (a)_ the type of licence or permit granted; or

_ (b)_ the conditions subject to which any licence or permit was granted -

and the provisions of Division 2 of Part 5 have effect in respect of any such appeal. __

_ 2. Commissioner to licence, &c., tourist accommodation_

_ (1)_ The Commissioner shall, as soon as practicable after the commencement of this Act, review the registration of tourist accommodation registered in accordance with section 16 of the _Tourism Act 1977_ immediately before the commencement of this Act and shall, in each case, grant to the person providing that accommodation an appropriate licence or permit under Part 3 of this Act.

_ (2)_ A licence or permit granted shall be granted without payment of any application fee.

_ (3)_ Until such time as an appropriate licence or permit is granted in respect of any tourist accommodation the person

providing that accommodation shall be taken to be the holder of a licence or permit granted under this Act authorizing, subject to this Act, the continuation of the activities previously carried on in respect of the tourist accommodation by virtue of the registration of that accommodation in accordance with section 16 of the _Tourism Act 1977_.

_ (4) _ A person granted a licence or permit may appeal to the Board against the decision of the Commissioner in respect of -

_ (a) _ the classification of the tourist accommodation; or

_ (b) _ the conditions subject to which a permit was granted -

and the provisions of Division 2 of Part 5 have effect in respect of any such appeal. __

_ 3. Commissioner to license, &c., wine producers, &c. _

_ (1) _ The Commissioner shall, as soon as practicable after the commencement of this Act, review the registration of people registered in accordance with regulation 4 of the _Licensing (Tasmanian Wine Appellation) Regulations 1990_ and shall grant to each person so registered a wine producers licence in accordance with Part 4 of this Act.

_ (2) _ A licence granted shall be granted without payment of any application fee.

_ (3) _ Until such time as a wine producers licence is granted a person registered under regulation 4 of the _Licensing (Tasmanian Wine Appellation) Regulations 1990_ immediately before the commencement of this Act is to be taken to be the holder of a wine producers licence granted under this Act authorizing, subject to this Act, the continuation of the activities previously carried on by virtue of the registration under regulation 4 of the _Licensing (Tasmanian Wine Appellation) Regulations 1990_.

_ (4) _ A label approved by the Commissioner in accordance with regulation 6 of the _Licensing (Tasmanian Wine Appellation) Regulations 1990_ shall be taken to be a label approved by the Commissioner in accordance with Part 4 of this Act.

_ (5) _ A wine that the Commissioner has approved in accordance with regulation 7 (3) of the _Licensing (Tasmanian Wine Appellation) Regulations 1990_ as satisfying the specified standards shall be taken to have been certified by the Commissioner as complying with the wine standards applicable to that class of wine in accordance with Part 4 of this Act.

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4. Members of Licensing Board to continue in office

A person who, immediately before the commencement of this Act, was a member of the Licensing Board of Tasmania established under the _Licensing Act 1976_ is, on that commencement, a member of the Board as if that person had been appointed under section 206(2) for a term expiring on the same date as that person's term would have expired under the _Licensing Act 1976_.

5. The Commissioner for Licensing to continue in office

The person who, immediately before the commencement of this Act, was the Commissioner for Licensing under the _Licensing Act 1976_ is, on that commencement, the Commissioner under this Act as if that person had been appointed under section 207(2), except that that person's term expires on the same date as it would have expired under the _Licensing Act 1976_.

6. Applications

(1) Any application for -

(a) a licence, permit or certificate under the _Licensing Act 1976_; or

(b) registration of tourist accommodation under the _Tourism Act 1977_; or

(c) registration or an approval under the _Licensing (Tasmanian Wine Appellation) Regulations 1990_ -

made before the commencement of this Act and not finally determined before that commencement shall be dealt with as if it were an application made under this Act for an appropriate licence, permit or approval.

(2) For the purpose of subclause (1), an application has not been finally determined until any period for making an appeal against the decision made in respect of the application has expired.

SCHEDULE 2 - Legislation Repealed or Rescinded

Section 225(1)

PART 1 - Acts Repealed

Licensing Act 1976

Licensing (Temporary Control) Act 1989

PART 2 - Subsidiary Legislation Recinded

Licensing (Qualifications of Licensees) Determination 1957
_(Statutory Rules 1957, No. 107)

Licensing (Minimum Standards) Determination 1957 (Statutory Rules
1957, No. 108)

Licensing (Minimum Standards) Amendment Determination 1958
(Statutory Rules 1958, No. 65)

Licensing (Minimum Standards) Amendment Determination 1968
(Statutory Rules 1968, No. 8)

Licensing (Minimum Standards) Amendment Determination 1972
(Statutory Rules 1972, No. 123)

Licensing (Minimum Standards) Amendment Determination 1973
(Statutory Rules 1973, No. 171)

_Licensing (Minimum Standards for Restaurants) Determination 1968
_(Statutory Rules 1968, No. 7)

_Licensing (Minimum Standards for Restaurants) Amendment Determination
1972_ (Statutory Rules 1972, No. 122)

Licensing (Qualifications of Restaurant Licensees) Determination 1968
(Statutory Rules 1968, No. 9)

Licensing (General) Regulations 1977 (Statutory Rules 1977, No. 197)

Licensing (General) Amendment Regulations 1978 (Statutory Rules
1978, No. 308)

Licensing (General) Amendment Regulations 1979 (Statutory Rules
1979, No. 213)

Licensing (General) Amendment Regulations 1984 (Statutory Rules
1984, No. 74)

Licensing (General) Amendment Regulations (No. 2) 1984 (Statutory
Rules 1984, No. 76)

Licensing (General) Amendment Regulations 1987 (Statutory Rules
1987, No. 122)

Licensing (Permits) Regulations 1977 (Statutory Rules 1977, No. 199)

Licensing (Permits) Amendment Regulations 1983 (Statutory Rules

1983, No. 82)

Licensing (Permits) Amendment Regulations (No. 2) 1983 (Statutory Rules 1983, No. 195)

Licensing (Permits) Amendment Regulations 1984 (Statutory Rules 1984, No. 72)

Licensing (Permits) Amendment Regulations (No. 2) 1984 (Statutory Rules 1984, No. 75)

Licensing (Permits) Amendment Regulations 1990 (Statutory Rules 1990, No. 25)

Licensing (Permits) Amendment Regulations (No. 2) 1990 (Statutory Rules 1990, No. 55)

Licensing (Fees) Regulations 1977 (Statutory Rules 1977, No. 198)

Licensing (Fees) Amendment Regulations 1979 (Statutory Rules 1979, No. 18)

Licensing (Fees) Amendment Regulations 1984 (Statutory Rules 1984, No. 73)

Licensing (Fees) Amendment Regulations (No. 2) 1984 (Statutory Rules 1984, No. 131)

Licensing (Fees) Amendment Regulations (No. 3) 1984 (Statutory Rules 1984, No. 187)

Licensing (Fees) Amendment Regulations 1985 (Statutory Rules 1985, No. 148)

Licensing (Fees) Amendment Regulations (No. 2) 1985 (Statutory Rules 1985, No. 270)

Licensing (Club Licence) Standard Conditions 1982 (Statutory Rules 1982, No. 88)

Licensing (Club Licence) Amendment Standard Conditions 1983 (Statutory Rules 1983, No. 76)

Licensing (On Licence) Standard Conditions 1982 (Statutory Rules 1982, No. 89)

Licensing (Off Licence) Standards Conditions 1982 (Statutory Rules 1982, No. 90)

Licensing (General Licenses) (Taverns) Standard Conditions 1982

(Statutory Rules 1982, No. 91)

Licensing (General Licences) (Hotels) Standard Conditions 1982
(Statutory Rules 1982, No. 92)

_Licensing (General Licences) (Tourist Hotels) Standard Conditions
1982_ (Statutory Rules 1982, No. 93)

_Licensing (General Licences) (International Hotels) Standard
Conditions 1982_ (Statutory Rules 1982, No. 94)

Licensing (Special Wine Producer's Licence) Standard Conditions 1985
(Statutory Rules 1985, No. 271)

Licensing (Tasmanian Wine Appellation) Regulations 1990 (Statutory
Rules 1990, No. 116)

Tourism Regulations 1977 (Statutory Rules 1977, No. 120)

Tourism (Guest Houses) Determination 1978 (Statutory Rules 1978, No.
244)

Tourism (Holiday Flats) Determination 1978 (Statutory Rules 1978,
No. 245)

Tourism (Holiday Cabins) Determination 1978 (Statutory Rules 1978,
No. 246)

Tourism (Caravan Parks) Determination 1978 (Statutory Rules 1978,
No. 247)

Tourism (Camping Grounds) Determination 1978 (Statutory Rules 1978,
No. 248)

Tourism (Hire Caravans) Determination 1978 (Statutory Rules 1978,
No. 249)

Tourism (Motels) Determination 1978 (Statutory Rules 1978, No. 266)

SCHEDULE 3 - Consequential Amendments

Section 225(3)

_The amendments effected by this Schedule have been incorporated into
the authorised version of the following Acts:_

(a) _Coroners Act 1957__;

(b) _Fire Service Act 1979__;

(c) _Hydro-Electric Commission Act 1944__;-

(d) _Local Government Act 1967__;-

(e) _Police Offences Act 1935__;-

(f) _Shop Trading Hours Act 1984__;-

(g) _Tourism Act 1977__.-

Table Of Amendments

Act Number and year Date of commencement

Statute Law Revision Act 1991 No. 46 of 1991 16.1.1991

Liquor and Accommodation Act 1990 No. 44 of 1990 1.4.1991

Liquor and Accommodation Amendment Act 1993 No. 81 of 1993 23.11.1993

Liquor and Accommodation Amendment Act 1994 No. 22 of 1994 17.3.1994

Liquor and Accommodation Amendment (Miscellaneous) Act 1994 No. 73 of 1994 25.11.1994

Statute Law Revision Act 1994 No. 68 of 1994 25.11.1994

Revenue Legislation (Miscellaneous Amendments) Act 1994 No. 60 of 1994 1.1.1995

Liquor and Accommodation Amendment Act 1995 No. 64 of 1995 14.11.1995

Tourism Tasmania Act 1996 No. 57 of 1996 1.2.1997

Business Franchise Fee Abolition Act 1999 No. 75 of 1999 24.11.1999

Superannuation (Miscellaneous and Consequential Amendments) Act 2000 No. 103 of 2000 13.12.2000 (remaining provisions)

State Service (Consequential and Miscellaneous Amendments) Act 2000 No. 86 of 2000 1.5.2001

Liquor and Accommodation Amendment Act 2003 No. 40 of 2003 15.9.2003

Liquor and Accommodation Amendment Act 2002 No. 9 of 2002 15.9.2003

Liquor and Accommodation Amendment (Fees) Act 2004 No. 37 of 2004 1.1.2005

Liquor and Accommodation Amendment Act 2004 No. 24 of 2004 1.1.2005

Public Sector Superannuation (Miscellaneous Amendments) Act 2005 No. 65 of 2005 15.12.2005

Liquor Licensing Amendment Act 2008 No. 7 of 2008 2.5.2008

CURRENT VIEW: _2 May 2008 - _

VIEW THE SESSIONAL VERSION
