

CONCURRENCE COPY

LIQUOR (REPEALS AND SAVINGS) BILL, 1982

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Liquor Bill, 1982.

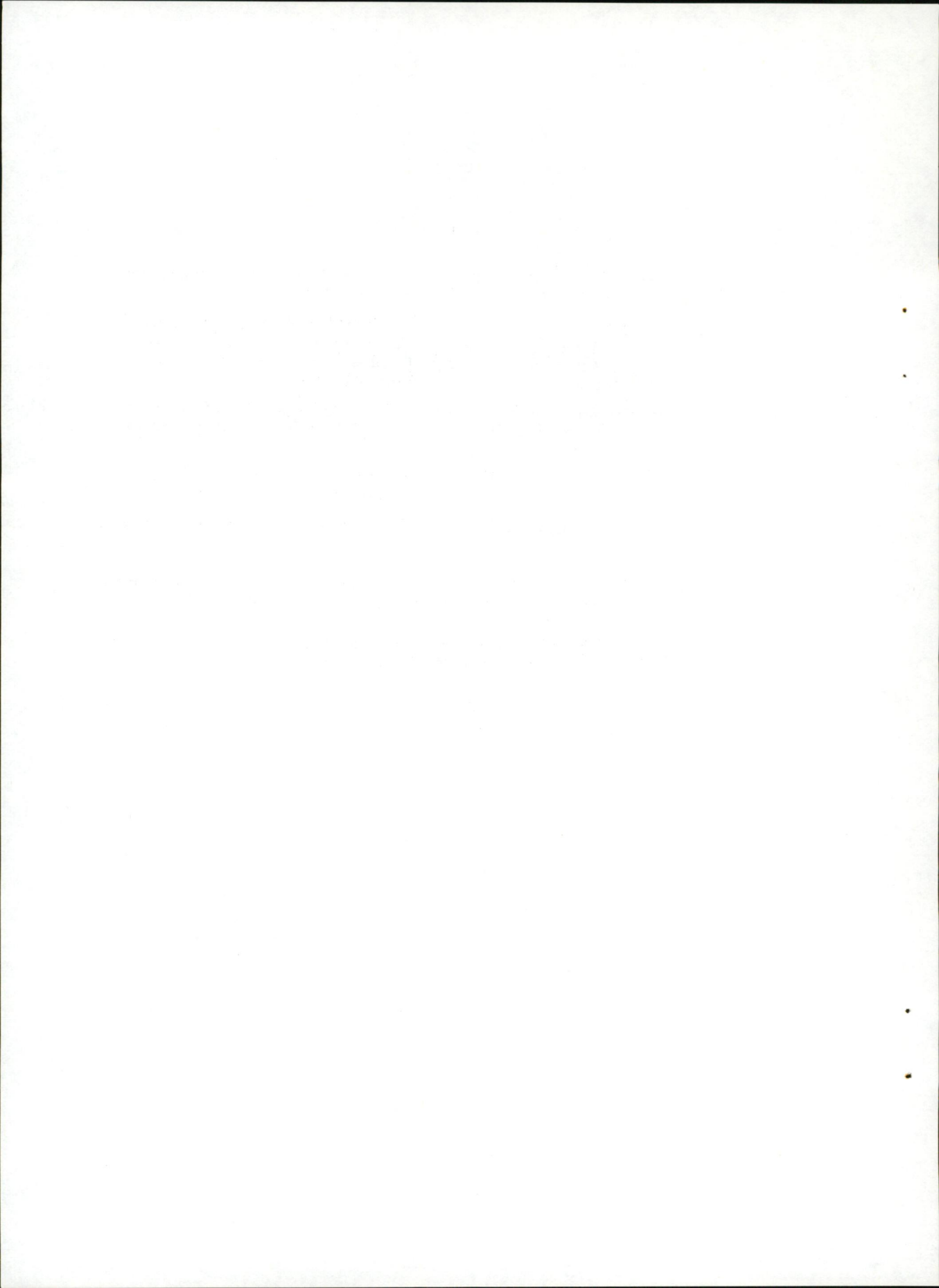
The object of this Bill is to provide for the repeals, amendments, savings and transitional provisions necessary to enable the Act proposed by the Liquor Bill, 1982, to take effect.

Apart from formal provisions:—

- (a) Schedule 1 of the Bill provides for the repeal of the Liquor Act, 1912, and the enactments that amended it ("the repealed Act");
- (b) Schedule 2 of the Bill provides for the amendment of various Acts to conform with the Act ("the Principal Act") proposed by the Liquor Bill, 1982;
- (c) Schedule 3 contains savings and transitional provisions whereby—
 - (i) licences and permits under the repealed Act are equated to licences under the Principal Act (clause 1);
 - (ii) licensing magistrates and court officers continue in office (clauses 2, 3);
 - (iii) certain matters are to be heard by the Licensing Court constituted under the Principal Act (clause 4);
 - (iv) a phasing-in period is prescribed for new kinds of licences (clause 5);
 - (v) inquiries before the licensing court may be completed (clause 6);
 - (vi) renewals, and applications for renewal, of licences and permits under the repealed Act are brought within the scope of the Principal Act (clause 7);
 - (vii) conditions imposed, and exemptions granted, under the repealed Act continue to apply under the Principal Act (clause 8);

- (viii) the trading hours for a licence or permit under the repealed Act continue to apply in relation to the corresponding licence under the Principal Act (clause 9);
- (ix) applications made under the repealed Act and not finally heard and determined may be heard and determined under the Principal Act (clause 10);
- (x) a refusal of an application is to be treated, in relation to further applications, in the same way as a refusal under the Principal Act (clause 11);
- (xi) the provisions of the Principal Act with respect to applications granted conditionally are to apply to applications granted conditionally under the repealed Act (clause 12);
- (xii) provision is made for the determination of objections pending under the repealed Act (clause 13);
- (xiii) provision is made with respect to pending applications under the repealed Act for transfer of a licence (clause 14);
- (xiv) the Principal Act is applied in relation to matters consequential upon the death or disability of a licensee (clause 15);
- (xv) pending disciplinary proceedings under the repealed Act are continued under the Principal Act (clause 16);
- (xvi) disqualifications and suspensions under the repealed Act are continued under the Principal Act (clause 17);
- (xvii) the secretary to the Licenses Reduction Board is deemed to have been appointed under the Principal Act as secretary of the Liquor Administration Board (clause 18);
- (xviii) renewal fees fixed or paid under the repealed Act become licence fees fixed or paid under the Principal Act (clause 19);
- (xix) the continued preservation of certain records is provided for (clause 20);
- (xx) certain areas on licensed premises are continued as restricted or reception areas (clause 21);
- (xxi) the existing boundaries of licensed premises are retained (clause 22);
- (xxii) permission to use a part of licensed premises as a part accessible to a minor in the company of an adult is preserved (clause 23);
- (xxiii) authorities to use temporary premises, and authorities or orders for the alteration of premises are continued (clause 24);
- (xxiv) certain consents with respect to the control of licensed premises are continued (clause 25);
- (xxv) existing guest registers are brought under the Principal Act (clause 26);

- (xxvi) any "barring" from licensed premises imposed under the repealed Act is continued (clause 27);
 - (xxvii) provision is made for the determination under the Principal Act of the matter of a summons issued under the repealed Act upon a complaint of undue disturbance of the quiet and good order of a neighbourhood (clause 28);
 - (xxviii) provision is made for the continuation in office of the superintendent of licences and the Metropolitan licensing inspector and other inspectors (clause 29);
 - (xxix) the construction of references in other Acts and in regulations and other documents is provided for (clause 30); and
 - (xxx) the Governor is empowered to make regulations of a savings or transitional nature (clause 31);
- (d) Schedule 4 contains special provisions relating to Australian wine licences in force before the commencement of the Principal Act; and
- (e) Schedule 5 contains special provisions relating to objections referred to in section 6 (2) of the Liquor (Amendment) Act, 1981.
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LIQUOR (REPEALS AND SAVINGS) BILL, 1982

No. , 1982.

A BILL FOR

An Act to repeal certain Acts relating to the sale and supply of liquor, to amend certain Acts as a consequence of those repeals and the enactment of the Liquor Act, 1982, to effect certain savings and to provide for transitional matters.

[MR WALKER—24 *November*, 1982.]

Liquor (Repeals and Savings).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Liquor (Repeals and Savings) Act, 1982".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Section 6, in its application to Schedule 5, and Schedule 5, shall commence on the date of assent to this Act.

(3) Except as provided by subsections (1) and (2), this Act shall commence on the day appointed and notified under section 2 (2) of the Liquor Act, 1982.

15 Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENTS.

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

20 SCHEDULE 4.—SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES.

SCHEDULE 5.—SPECIAL PROVISIONS RELATING TO CERTAIN OBJECTIONS.

Repeals.

25 4. Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed.

*Liquor (Repeals and Savings).***Amendments.**

5. Each Act specified in Schedule 2 is amended in the manner set forth in that Schedule.

Savings and transitional provisions.

5 6. Schedules 3-5 have effect.

SCHEDULE 1.

(Sec. 4.)

REPEALS.

Column 1.		Column 2.	
10	Year and number of Act.	Short title of Act.	
		Extent of repeal.	
	1912, No. 42 ..	Liquor Act, 1912.	The whole Act.
	1913, No. 5 ..	Liquor (Local Option) Amendment Act, 1913.	The whole Act.
15	1916, No. 68 ..	Liquor (Amendment) Act, 1916.	Section 1 (2) and sections 7, 8, 10, 12, 13, 17 and 18.
	1918, No. 40 ..	Parliamentary Elections (Amendment) Act, 1918.	Section 9.
20	1919, No. 42 ..	Liquor (Amendment) Act, 1919.	The whole Act.
	1922, No. 42 ..	Liquor (Amendment) Act, 1922.	The whole Act.
	1923, No. 51 ..	Liquor (Amendment) Act, 1923.	The whole Act.
	1926, No. 12 ..	Parliamentary Electorates and Elections (Amendment) Act, 1926.	Section 11.
25	1927, No. 36 ..	Liquor (Amendment) Act, 1927.	The whole Act.
	1928, No. 6 ..	Liquor Amendment (Fees) Act, 1928.	The whole Act.
	1928, No. 27 ..	Liquor Amendment (Continuance) Act, 1928.	The whole Act.
	1929, No. 49 ..	Liquor (Amendment) Act, 1929.	The whole Act.
	1935, No. 5 ..	Liquor (Anzac Day) Amendment Act, 1935.	The whole Act.
30	1937, No. 35 ..	Statute Law Revision Act, 1937.	So much of the Second Schedule as amends Act No. 42, 1912, Act No. 42, 1919, Act No. 42, 1922, and Act No. 51, 1923.
	1946, No. 34 ..	Liquor (Amendment) Act, 1946.	The whole Act.
35	1954, No. 50 ..	Liquor (Amendment) Act, 1954.	The whole Act.
	1961, No. 48 ..	Parliamentary Elections and Liquor (Amendment) Act, 1961.	The whole Act.
	1963, No. 17 ..	Liquor (Amendment) Act, 1963.	The whole Act.

*Liquor (Repeals and Savings).*SCHEDULE 1—*continued.*REPEALS—*continued.*

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Extent of repeal.	
5	1964, No. 3 ..	Local Government, Liquor and Impounding (Amendment) Act, 1964.	Section 17.
	1965, No. 33 ..	Decimal Currency Act, 1965.	So much of the First Schedule as amends Act No. 42, 1912.
10	1966, No. 54 ..	Liquor (Amendment) Act, 1966.	Section 1 (2), sections 2-8 and 10.
	1967, No. 7 ..	Gaming and Betting and Liquor (Amendment) Act, 1967.	Section 8.
	1967, No. 63 ..	Newcastle International Sports Centre Act, 1967.	Section 10.
15	1967, No. 78 ..	Liquor (Amendment) Act, 1967.	The whole Act.
	1968, No. 24 ..	Innkeepers Act, 1968.	Section 10.
	1969, No. 73 ..	Liquor (Amendment) Act, 1969.	Sections 2-10 and the Schedule.
	1970, No. 14 ..	Liquor (Amendment) Act, 1970.	The whole Act.
20	1970, No. 60 ..	Minors (Property and Contracts) Act, 1970.	So much of the Second Schedule as relates to Act No. 42, 1912.
	1972, No. 29 ..	Liquor (Amendment) Act, 1972.	The whole Act.
	1973, No. 41 ..	Liquor (Amendment) Act, 1973.	The whole Act.
	1974, No. 28 ..	Liquor (Amendment) Act, 1974.	The whole Act.
25	1974, No. 80 ..	National Parks and Wildlife Act, 1974.	So much of Schedule 2 as amends Act No. 42, 1912.
	1974, No. 95 ..	Liquor (Further Amendment) Act, 1974.	The whole Act.
	1975, No. 33 ..	Liquor (Amendment) Act, 1975.	The whole Act.
30	1976, No. 4 ..	Statutory and Other Offices Remuneration Act, 1975.	So much of Schedule 5 as amends Act No. 42, 1912.
	1976, No. 6 ..	Liquor (Amendment) Act, 1976.	The whole Act.
	1976, No. 31 ..	Registered Clubs Act, 1976.	Section 74 (1) and Part 1 of Schedule 1.
	1976, No. 63 ..	Statute Law Revision Act, 1976.	So much of Schedule 1 as amends Act No. 49, 1929.
35	1976, No. 93 ..	Liquor (Further Amendment) Act, 1976.	The whole Act.
	1977, No. 19 ..	Notice of Action and Other Privileges Abolition Act, 1977.	So much of Schedule 1 as amends Act No. 42, 1912.
	1977, No. 59 ..	Liquor (Amendment) Act, 1977.	The whole Act.
40	1977, No. 106 ..	Liquor (Further Amendment) Act, 1977.	The whole Act.
	1978, No. 34 ..	Liquor (Footway Restaurants) Amendment Act, 1978.	The whole Act.
	1978, No. 68 ..	Registered Clubs (Amendment) Act, 1978.	Schedule 8 (10).
	1979, No. 146 ..	Liquor (Amendment) Act, 1979.	The whole Act.
45	1979, No. 205 ..	Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979.	So much of Part 1 of Schedule 2 as amends Act No. 42, 1919.
	1980, No. 32 ..	Liquor (Amendment) Act, 1980.	The whole Act.
	1980, No. 64 ..	Liquor (Weights and Measures) Amendment Act, 1980.	The whole Act.
50	1980, No. 66 ..	Liquor (Art Gallery of New South Wales) Amendment Act, 1980.	The whole Act.

*Liquor (Repeals and Savings).*SCHEDULE 1—*continued.*REPEALS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
5 1980, No. 97 ..	Liquor (Historic Houses) Amendment Act, 1980.	The whole Act.
10 1981, No. 68 ..	Liquor (Amendment) Act, 1981.	The whole Act.
1982, No. 49 ..	Liquor (License Fees) Amendment Act, 1982.	The whole Act.

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS.

Billiards and Bagatelle Act, 1902, No. 38—

15 (1) Section 3—

Omit the section, insert instead:—

Interpretation.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

20 "hotelier's licence" means a hotelier's licence for the time being in force under the Liquor Act, 1982;

"Licensing Court" means the Licensing Court of New South Wales constituted under the Liquor Act, 1982.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- 5 (2) In this Act, a reference to the registrar of the court in relation to any application is a reference to the registrar of the Licensing Court at the prescribed place under the Liquor Act, 1982, nearest to which are situated the premises to which the application relates.
- (2) (a) Section 4 (1)—
Omit “publican’s”, insert instead “hotelier’s”.
- 10 (b) Section 4 (1)—
Omit “license” wherever occurring, insert instead “licence”.
- (c) Section 4 (1)—
Omit “in premises situated within the licensing jurisdiction of a licensing court constituted or licensing magistrate appointed under the Liquor Act, 1912.”, insert instead “on his licensed premises”.
- 15 (d) Section 4 (1)—
Omit “make”, insert instead “, as prescribed, make”.
- (e) Section 4 (1)—
Omit “such court or magistrate”, insert instead “the Licensing Court”.
- 20 (f) Section 4 (2)—
Omit “license for the sale of liquor”, insert instead “hotelier’s licence”.
- (g) Section 4 (2)—
Omit “licensing”.
- (h) Section 4 (2)—
Omit “license” where lastly occurring, insert instead “licence”.
- 25 (3) Section 5—
Omit “Such court or magistrate”, insert instead “The Licensing Court”.
- (4) Sections 6–9—
Omit “license” wherever occurring, insert instead “licence”.
- 30 (5) (a) Section 10 (1)—
Omit the subsection, insert instead:—
(1) A licence granted under this Act may be renewed, transferred or removed on application, made as prescribed, to the Licensing Court.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- (b) Section 10 (2), (3)—
Omit "license" wherever occurring, insert instead "licence".
- 5 (c) Section 10 (4)—
Omit "license" where firstly occurring, insert instead "licence".
- (d) Section 10 (4)—
Omit "under the hand of the licensing magistrate, as in the case of a publican's license", insert instead " , as in the case of a hotelier's licence".
- 10 (6) (a) Section 11—
Omit "license" wherever occurring, insert instead "licence".
- (b) Section 11—
Omit "publican's", insert instead "hotelier's".
- (7) Section 12—
- 15 Omit the section, insert instead:—
Death, etc., of licensee.
12. The provisions of sections 63, 64 and 65 of the Liquor Act, 1982, apply to and in respect of a licensee under this Act in the same way as they apply to and in respect of a licensee under that Act.
- 20 (8) Section 13—
Omit the section, insert instead:—
Certain provisions of Liquor Act, 1982, to apply.
13. The provisions of sections 103 (1), 110, 111 and 125 of the Liquor Act, 1982, apply to and in respect of premises for which a licence is held under this Act in the same way as they apply to and in respect of licensed premises under that Act.
- 25 (9) Sections 14–16—
Omit "license" wherever occurring, insert instead "licence".
- (10) (a) Section 17—
30 Omit "1912", insert instead "1982".
- (b) Section 17 (a), (c)—
Omit the paragraphs.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.***Disorderly Houses Act, 1943, No. 6—**

Section 2, definitions of “Licensed premises”, “Liquor”—

- 5 Omit “1912, as amended by subsequent Acts” wherever occurring, insert instead “1982”.

Factories, Shops and Industries Act, 1962, No. 43—

(1) Section 101 (b)—

Omit “publican’s license”, insert instead “hotelier’s licence”.

10 (2) Section 101 (b)—

Omit “1912, as amended by subsequent Acts”, insert instead “1982”.

Gaming and Betting Act, 1912, No. 25—

(1) Section 3, definition of “Street”—

(a) Omit “license”, insert instead “licence”.

- 15 (b) Omit “Part III of the Liquor Act, 1912”, insert instead “the Liquor Act, 1982”.

(2) Section 15A (1) (a)—

Omit “1912”, insert instead “1982”.

(3) (a) Section 50B (2)—

- 20 Omit “1912”, insert instead “1982”.

(b) Section 50B (3)—

Omit “1912”, insert instead “1982”.

(c) Section 50B (4)—

- 25 Omit “objection may be taken to the renewal of a certificate of registration issued under the Registered Clubs Act, 1976, or a ground for cancellation of a certificate of registration issued under that Act or”, insert instead “a complaint may be made under section 17 of the Registered Clubs Act, 1976, or a ground for cancellation of a certificate of registration issued”.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (4) (a) Section 50G, definition of "Court"—
Omit the definition, insert instead:—
5 "Court" means the Licensing Court of New South Wales constituted
under the Liquor Act, 1982.
- (b) Section 50G, definition of "Licensing district"—
Omit the definition.
- (c) Section 50G, definition of "Registrar"—
10 At the end of the section, insert:—
"Registrar", in relation to a matter affecting a club, means the registrar
of the Licensing Court at the place at which the Licensing Court
would hear and determine any application by the club under the
Registered Clubs Act, 1976.
- 15 (5) (a) Section 50J (1)—
Omit "clerk of the court for the licensing district in which the premises
of the club are situate", insert instead "registrar".
- (b) Section 50J (1)—
Omit "said court", insert instead "office of the registrar".
- 20 (6) (a) Section 50K (1) (a)—
Omit "clerk of the court for the licensing district in which the premises
of the club are situate", insert instead "registrar".
- (b) Section 50K (1) (b)—
25 Omit "in a newspaper circulating in the licensing district at least seven
days before he so applies", insert instead "as prescribed".
- (7) (a) Section 50L (1)—
Omit "clerk of the court", insert instead "registrar".
- (b) Section 50L (1)—
Omit "said court", insert instead "office of the registrar".
- 30 (8) Section 50M—
Omit "clerk of the court", insert instead "registrar".
- (9) Section 50P—
Omit "clerk of the court", insert instead "registrar".

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (10) Section 50Q (1)—
Omit “at a court”, insert instead “to the court”.
- 5 (11) (a) Section 50R (1) (e)—
Omit “licensing courts” wherever occurring, insert instead “the court”.
- (b) Section 50R (1) (e)—
Omit “and licensing magistrates”.
- (c) Section 50R (2)—
- 10 Omit “1912”, insert instead “1982”.

Innkeepers Act, 1968, No. 24—

Section 9—

Omit “Part III of the Liquor Act, 1912, as subsequently amended”, insert instead “the Liquor Act, 1982”.

15 Justices Act, 1902, No. 27—

- (1) (a) Section 104A (1), definition of “Magistrate”—
Omit “a licensing magistrate under the Liquor Act, 1912,”.
- (b) Section 104A (10) (a)—
Omit “a licensing magistrate under the Liquor Act, 1912, or”.
- 20 (c) Section 104A (10) (a)—
After “chairman;”, insert “and”.
- (d) Section 104A (10) (b)—
Omit the paragraph.
- (2) (a) Section 104B (1) (a)—
25 Omit “or a licensing magistrate under the Liquor Act, 1912”.
- (b) Section 104B (1) (a)—
After “Peace;”, insert “or”.
- (c) Section 104B (1) (b)—
Omit “Magistrate; or”, insert instead “Magistrate.”.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- (d) Section 104B (1) (c)—
Omit the paragraph.
- 5 (e) Section 104B (7) (a)—
Omit “except where the original Justices were members of a licensing court under the Liquor Act, 1912—”.
- (f) Section 104B (7) (b)—
Omit the paragraph.
- 10 (g) Section 104B (10)—
Omit the subsection.

Local Government Act, 1919, No. 41—

- (1) Section 10 (1)—
Omit “Liquor Act, 1912”, insert instead “Liquor Act, 1982”.
- 15 (2) Section 267 (10)—
Omit the subsection.

National Parks and Wildlife Act, 1974, No. 80—

- Schedule 3, clause 18—
Omit “52,”.

20 Parliamentary Electorates and Elections Act, 1912, No. 41—

- Section 85 (3)—
Omit “license for the sale of fermented or spirituous liquors under Division 2 of Part III of the Liquor Act, 1912”, insert instead “licence under the Liquor Act, 1982”.

25 Public Health Act, 1902, No. 30—

- (1) (a) Section 3, definition of “Boarding-house”—
Omit “publican’s license under the Liquor Act, 1912, as amended by subsequent Acts”, insert instead “hotelier’s licence under the Liquor Act, 1982”.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(b) Section 3, definition of "Lodging-house"—

5 Omit "publican's license under the Liquor Act, 1912, as amended by subsequent Acts", insert instead "hotelier's licence under the Liquor Act, 1982".

(2) (a) Section 26F—

10 Omit "the premises of any licensed publican as defined in the Liquor Act, 1912, as amended by subsequent Acts", insert instead "premises in respect of which a hotelier's licence is for the time being in force under the Liquor Act, 1982".

(b) Section 26F—

Omit "publican" where secondly and thirdly occurring, insert instead "licensee".

(c) Section 26F—

15 Omit "licensing bench by an officer of the Department authorised in that behalf by the Secretary, and shall be considered by them in any application for the renewal of the license as an objection to such renewal", insert
20 instead "Liquor Administration Board constituted under the Liquor Act, 1982".

Pure Food Act, 1908, No. 31—

Section 36 (2)—

Omit the subsection.

Statutory and Other Offices Remuneration Act, 1975 (1976, No. 4)—

25 (1) Schedule 2, Part 1—

Omit "Chairman of licensing courts (under the Liquor Act, 1912)", insert instead "Chairman of the Licensing Court of New South Wales (under the Liquor Act, 1982)".

(2) Schedule 2, Part 1—

30 Omit "Deputy chairman of licensing courts (under the Liquor Act, 1912)", insert instead "Deputy Chairman of the Licensing Court of New South Wales (under the Liquor Act, 1982)".

(3) Schedule 2, Part 1—

35 Omit "Licensing magistrate (under the Liquor Act, 1912), other than the chairman of licensing courts and deputy chairman of licensing courts", insert instead "Licensing magistrate (under the Liquor Act, 1982), other than the Chairman, and the Deputy Chairman, of the Licensing Court of New South Wales".

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

Summary Offences (Repeal) Act, 1979, No. 62—

Section 4 (2)—

- 5 After "1902", insert ", or to the amendment so referred to by which section 43AA was inserted in the Liquor Act, 1912".

Sunday Entertainment Act, 1966, No. 17—

Section 3—

At the end of the section, insert:—

- 10 (2) The holding or conducting of a public entertainment that, but for this subsection, would constitute a contravention of this Act does not constitute such a contravention if it is held or conducted for the purpose of complying with a provision of the Liquor Act, 1982, that requires entertainment to be provided.

15 Theatres and Public Halls Act, 1908, No. 13—

(1) Section 4 (3)—

Omit "57B (3) of the Liquor Act, 1912", insert instead "32 (3) of the Liquor Act, 1982".

(2) (a) Section 27 (2), (3)—

- 20 Omit "license, permit or certificate of registration under the Liquor Act, 1912" wherever occurring, insert instead "licence under the Liquor Act, 1982, or certificate of registration under the Registered Clubs Act, 1976".

(b) Section 27 (2), (3)—

Omit "the license, permit" wherever occurring, insert instead "the licence".

25 Trustee Act, 1925, No. 14—

Section 36 (5)—

Omit "1912", insert instead "1982".

Liquor (Repeals and Savings).

SCHEDULE 3.

SAVINGS AND TRANSITIONAL PROVISIONS.

(Sec. 6.)

Interpretation.

5 1. (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires, words and expressions have the same meaning as they have in the Principal Act and—

“appointed day” means the day appointed and notified under section 2 (2) of the Principal Act;

10 “Principal Act” means the Liquor Act, 1982;

“repealed Act” means the Acts specified in Schedule 1.

(2) A reference in this Schedule, however expressed, to a licence under the Principal Act corresponding to a licence or permit under the repealed Act is a reference to the licence under the Principal Act specified in Column 2 of the Table to this clause
15 opposite the specification in Column 1 of that Table of the licence or permit under the repealed Act.

(3) A reference in this Schedule to a licence or permit in force under the repealed Act includes a reference to a licence or permit under suspension under that Act.

20 (4) In this Schedule, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference appears.

TABLE.

Column 1.	Column 2.
Annual functions licence.	On-licence (to sell liquor at a function).
25 Australian wine licence pursuant to which, immediately before the appointed day, liquor was not sold for consumption on the licensed premises.	Off-licence (to sell liquor by retail).
30 Australian wine licence pursuant to which, immediately before the appointed day, liquor was sold only for consumption on the licensed premises.	On-licence.
35 Australian wine licence pursuant to which, immediately before the appointed day, liquor was sold for consumption both on and off the licensed premises.	(a) Off-licence (to sell liquor by retail); and (b) on-licence.

*Liquor (Repeals and Savings).*SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*TABLE—*continued.*

Column 1.	Column 2.
5 Brewer's licence.	Off-licence (for a brewer).
Licence sanctioned and authorised under section 168 (1) of the repealed Act.	Governor's licence (referred to in section 19 (1) (a) of the Principal Act).
Licence sanctioned and authorised under section 168 of the repealed Act (subsections (1) and (3) excepted).	Governor's licence (referred to in section 19 (1) (b) of the Principal Act).
10 Licence sanctioned and authorised under section 168 (3) (a) (i) of the repealed Act.	Hotelier's licence.
Limited functions licence.	On-licence (to sell liquor at a function).
15 Packet licence.	On-licence.
Permit under section 13 (4) of the repealed Act.	Governor's licence (referred to in section 19 (1) (c) of the Principal Act).
20 Permit under Part IIIA of the repealed Act not endorsed as a cabaret permit or to allow a reception area.	On-licence—
25	(a) in respect of which a variation of trading hours has not been granted under section 32 (3) of the Principal Act; and
30	(b) in respect of which the court has not authorised the use of a part of the licensed premises as a reception area.
Permit under Part IIIA of the repealed Act endorsed as a cabaret permit.	On-licence in respect of which a variation of trading hours has been granted under section 32 (3) of the Principal Act.
35 Permit under Part IIIA of the repealed Act endorsed as a cabaret permit and to allow a reception area.	On-licence—
40	(a) in respect of which a variation of trading hours has been granted under section 32 (3) of the Principal Act; and
40	(b) in respect of which the court has authorised the use of a part of the licensed premises as a reception area.
Permit under Part IIIA of the repealed Act endorsed to allow a reception area.	On-licence in respect of which the court has authorised the use of a part of the licensed premises as a reception area.

*Liquor (Repeals and Savings).*SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*TABLE—*continued.*

Column 1.	Column 2.
5 Permit under Part XA of the repealed Act. Publican's licence (whether or not endorsed under section 26B or 26C of the repealed Act). Public hall licence.	On-licence. Hotelier's licence. On-licence.
10 Spirit merchant's licence (other than a spirit merchant's licence authorising the sale of liquor only to persons authorised to sell liquor). Theatre licence.	Off-licence (to sell liquor by retail). On-licence.
15 Tourist hotel licence.	On-licence.

Licensing magistrates.

2. (1) A licensing magistrate holding office under the repealed Act immediately before the appointed day continues in that office on and after that day for the residue of the term for which he was appointed under the repealed Act as if he had been
20 appointed under section 8 of the Principal Act.

(2) The persons who, immediately before the appointed day, held office under the repealed Act as chairman and deputy chairman, respectively, of licensing courts shall be deemed to have been appointed on that day under section 8 of the Principal Act as Chairman and Deputy Chairman, respectively, of the Licensing Court of
25 New South Wales.

Secretary to licensing magistrate, etc.

3. (1) The person who, immediately before the appointed day, held office under the repealed Act as secretary to the licensing magistrates shall be deemed to have been appointed on that day under section 17 of the Principal Act as the Principal Registrar.

30 (2) A person who, immediately before the appointed day, held office under the repealed Act as clerk of a licensing court otherwise than pursuant to section 5 (8) (c) of that Act continues on and after that day as a registrar of the Licensing Court of New South Wales as if he had been appointed under section 17 of the Principal Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Licensing courts.**

4. A matter that, but for this clause, would be required on and after the appointed
5 day to be heard and determined by the licensing court for a licensing district shall
be heard and determined by the Licensing Court constituted under the Principal Act.

New kinds of licences.

5. (1) This clause has effect notwithstanding section 2 of the Principal Act.
- (2) The Principal Act does not apply to or in respect of a sale of liquor made
10 within the period prescribed by subclause (3) where—
- (a) the sale is in accordance with section 13 (1), (7) or (8) of the repealed
Act; or
- (b) the sale—
- 15 (i) is made by the holder of a hotelier's licence or an off-licence to sell
liquor by retail;
- (ii) is to a person authorised to sell liquor;
- (iii) is not a sale by retail; and
- (iv) but for subparagraph (iii) would be in accordance with the Principal
Act.
- 20 (3) The period prescribed by this subclause is the period of 3 months that next
succeeds the appointed day except—
- (a) in the case of a sale in accordance with section 13 (1) of the repealed Act
made by a person who, before the expiration of that period of 3 months,
made application under the Principal Act for an off-licence for a vigneron;
- 25 (b) in the case of a sale in accordance with section 13 (7) of the repealed Act
made by a person who, before the expiration of that period of 3 months,
made application under the Principal Act for an off-licence to sell liquor to
persons authorised to sell liquor;
- 30 (c) in the case of a sale in accordance with section 13 (8) of the repealed Act
made by a person who, before the expiration of that period of 3 months,
made application under the Principal Act for an off-licence to auction liquor;
and

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

5 (d) in the case of a sale made as provided by subclause (2) (b) where, before the expiration of that period of 3 months, the licensee made application for an off-licence to sell liquor to persons authorised to sell liquor,

in each of which cases the period so prescribed is the period that ends when the application is granted or refused.

Inquiry and report by licensing court.

10 6. (1) Where, before the appointed day, the Governor had, under section 13 (4) or 168 of the repealed Act, referred any matter to the licensing court for inquiry and report and, immediately before that day—

- 15 (a) the inquiry had not been commenced—the inquiry may be commenced and completed and the report made;
- (b) the inquiry had been commenced but had not been completed—the inquiry may be completed and the report made; or
- (c) the inquiry had been completed but the report had not been made—the report may be made,

as if the repealed Act had remained in force until the report is made.

20 (2) A report made pursuant to subclause (1) shall, for the purposes of section 19 (2) of the Principal Act, be deemed to be a report made by the Board.

Corresponding licences under Principal Act.

7. (1) A licence or permit under the repealed Act in force immediately before the appointed day shall be deemed, on and from that day to be the corresponding licence under the Principal Act if—

- 25 (a) it was not a limited functions licence and was, under the repealed Act, renewed or continued in force as on and from the appointed day;
- (b) it was a limited functions licence; or
- (c) it would, if this Act had not been enacted, have been deemed by section 36 (2) of the repealed Act to have continued in force on and after that day.

30 (2) An application made before the appointed day for the renewal of a licence or permit under the repealed Act and not heard and determined before that day shall be heard and determined as if this Act had not been enacted and, if the application is refused—

- (a) subclause (1) ceases to apply in respect of the licence or permit; and

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) the deduction and refund referred to in section 36 (2) of the repealed Act shall be made.

5 (3) The Board shall, as soon as practicable, issue the licence under the Principal Act that has, pursuant to subclause (1), become the corresponding licence under that Act for a licence or permit in force under the repealed Act.

Conditions of, and exemptions applicable to, a corresponding licence.

8. (1) A licence under the Principal Act that has, pursuant to clause 7 (1), become
10 the corresponding licence under that Act for a licence or permit in force under the repealed Act is subject to—

(a) any conditions prescribed by the Principal Act in respect of that kind of corresponding licence; and

15 (b) any conditions imposed under the repealed Act by a licensing court, being conditions to which the licence or permit in force under the repealed Act was subject immediately before the appointed day,

whether or not the conditions were endorsed on the licence or permit in force under the repealed Act or are endorsed on the corresponding licence under the Principal Act.

20 (2) The conditions referred to in subclause (1) (b) shall be deemed to have been imposed by the court on the appointed day under section 20 (1) of the Principal Act.

25 (3) Any exemptions under the repealed Act applicable to or in respect of a licence under the repealed Act for which a Governor's licence is the corresponding licence under the Principal Act have effect in relation to that corresponding licence as if they had been granted under section 19 (1) of the Principal Act.

Trading hours.

30 9. (1) A variation of trading hours in force under the repealed Act immediately before the appointed day in relation to a licence or permit so in force (including a variation of trading hours by reason of the issue of a permit under section 57B of the repealed Act or the endorsement as a cabaret permit of a permit under Part IIIA of the repealed Act) shall be deemed to be a variation of trading hours granted on the appointed day under the Principal Act in relation to the licence under the Principal Act that has, pursuant to clause 7 (1), become the corresponding licence for the licence or permit in force under the repealed Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (2) Where a variation of trading hours deemed by subclause (1) to have been granted under the Principal Act was a variation by reason of—
- 5 (a) the issue of a permit under section 57B of the repealed Act—
- (i) the variation shall be deemed to have been granted under section 25 (3) of the Principal Act; and
- (ii) the part of the premises specified in the permit under section 57B of the repealed Act shall be deemed to have been specified by the
- 10 court under section 25 (4) (b) of the Principal Act; or
- (b) the endorsement as a cabaret permit of a permit under Part IIIA of the repealed Act—the variation shall be deemed to have been granted under section 32 (3) of the Principal Act.
- (3) *Where—*
- 15 (a) a licence or permit under the repealed Act was in force immediately before the appointed day and is renewed as the corresponding licence under the Principal Act;
- (b) under the Principal Act, the trading hours applicable to the corresponding licence are to be fixed by the court; and
- 20 (c) those trading hours have not been fixed by the court,
- the trading hours applicable to the corresponding licence on and after the appointed day are, until they are fixed or varied by the court under the Principal Act, the same as the trading hours applicable to the licence or permit immediately before the appointed day.
- 25 (4) Notwithstanding section 29 of the Principal Act, where an on-licence to sell liquor at a function has, pursuant to clause 7 (1), become the corresponding licence under that Act for a functions licence in force under the repealed Act, liquor may be sold or supplied pursuant to the on-licence on the days on which, and at the times at which, it could have been sold or supplied pursuant to the functions licence if this Act
- 30 had not been enacted.

Application under repealed Act.

10. (1) Where, before the appointed day, notice was given under the repealed Act of an application for, or relating to, a licence or permit under the repealed Act (other than an application for removal of an Australian wine licence) and, immediately before that day, the application had not been made, the application may
- 35 be made in accordance with the repealed Act and shall be heard and determined under the Principal Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (2) Where an application for a licence or permit under the repealed Act (not being an application for a permit under section 57B of that Act) was duly made before the appointed day and, immediately before that day, had not been finally heard and determined, the application shall be deemed to be an application duly made under the Principal Act for the corresponding licence under the Principal Act.
- 10 (3) Where an application relating to a licence or permit under the repealed Act (not being an application to which subclause (2) applies or an application for the removal of an Australian wine licence) was duly made before the appointed day and, immediately before that day, had not been finally heard and determined, the application shall be deemed to be an application duly made under the Principal Act in relation to the corresponding licence under the Principal Act, being—
- 15 (a) in the case of an application under section 26B of the repealed Act for endorsement of a licence as a tavern—an application under section 49 (2) of the Principal Act to modify or dispense with any requirement or condition for the provision of accommodation referred to in section 49 (1) (a), (c) or (d) of the Principal Act;
- 20 (b) in the case of an application for a permission under section 51B of the repealed Act—an application for an authorisation under section 87 of the Principal Act;
- 25 (c) in the case of an application under section 57 (1A) of the repealed Act for a variation of trading hours in relation to a publican's licence under the repealed Act—an application for a variation of trading hours under section 25 (1) of the Principal Act;
- (d) in the case of an application under section 57 (1C) of the repealed Act for a variation of trading hours—an application for a variation of trading hours under section 27 (1) of the Principal Act;
- 30 (e) in the case of an application for a late trading permit under section 57B of the repealed Act—an application for a variation of trading hours under section 25 (3) of the Principal Act;
- 35 (f) in the case of an application under section 64 (1) of the repealed Act for permission to use a bar-room or bar for the service of liquor to guests or inmates outside normal trading hours—an application under section 21 (2) of the Principal Act;
- (g) in the case of an application under section 78K (4AA) of the repealed Act for a variation of trading hours—an application under section 32 (1) of the Principal Act;

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (h) in the case of an application for endorsement as a cabaret permit of a permit under Part IIIA of the repealed Act—an application for a variation of trading hours under section 32 (3) of the Principal Act; and
- (i) in the case of an application for endorsement to allow a reception area of a permit under Part IIIA of the repealed Act—an application under section 88 (1) of the Principal Act for authority to use a specified part of the licensed premises as a reception area.
- 10 (4) Where an application for removal of an Australian wine licence was duly made under the repealed Act before the appointed day and had not been finally heard and determined before that day, it shall be heard and determined as if this Act had not been enacted.
- 15 (5) Where, but for the repeals effected by this Act, section 131 of the repealed Act would have applied on or after the appointed day in respect of a licence or permit under the repealed Act, application may be made for the issue of the corresponding licence under the Principal Act and, where such an application is made, that section applies thereto with such modifications as may be necessary.

Refusal of application.

- 20 11. For the purposes of section 36 (6) of the Principal Act—
- (a) a reference therein to the refusal of an application for a licence includes a reference to the refusal, occurring before the appointed day, of an application under the repealed Act for a licence for which the firstmentioned licence is the corresponding licence under the Principal Act; and
- 25 (b) a reference therein to the ground specified in section 45 (2) of the Principal Act includes a reference to the ground specified in section 29 (1) (e) of the repealed Act as from time to time in force.

Conditional grant of application.

- 30 12. Sections 40 (2), 58, 59 and 60 of the Principal Act apply to and in respect of an application under the repealed Act conditionally granted before the appointed day in the same way as they would have applied if the Principal Act had been in force when the application was made and the conditional grant had been made thereunder.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Objections.**

5 13. (1) An objection to an application taken under the repealed Act before the appointed day and not finally heard and determined before that day shall be heard and determined as if the repealed Act had continued in force.

10 (2) Where an objection to renewal of a licence or permit under the repealed Act (other than a permit issued under section 57B of that Act) is upheld after being heard and determined in accordance with subclause (1), the court shall be deemed, for the purposes of section 69 of the Principal Act, to have been satisfied that the ground specified in section 68 (1) (d) of the Principal Act has been made out in relation to the corresponding licence under the Principal Act after hearing a complaint made under section 67 of the Principal Act.

15 (3) Where an objection to renewal of a permit under section 57B of the repealed Act is upheld after being heard and determined in accordance with subclause (1), the objection shall be deemed to have been an application duly made under section 25 (8) of the Principal Act.

Grant of transfer of licence.

20 14. Where an application made under the repealed Act for transfer of a licence had not been finally heard and determined before the appointed day, section 61 of the Principal Act applies to and in respect of the application in the same way as it applies to and in respect of a like application made under the Principal Act.

Death or disability of licensee.

25 15. Where, immediately before the appointed day, section 116 of the repealed Act applied to and in respect of the business of a licensee, Division 7 of Part III of the Principal Act applies to and in respect of the business of the licensee as if that Division had been in force at the time of the death or disability of the licensee and an endorsement of the licence under section 116 of the repealed Act shall be deemed to be an endorsement under section 64 of the Principal Act of the corresponding
30 licence under the Principal Act.

Disciplinary provisions.

16. (1) Where, immediately before the appointed day, the matter of a summons duly served under section 123 or 125 of the repealed Act had not been finally heard and determined, the matter of the summons shall be heard and determined as if the

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

5 person summoned had thereby been summoned under section 67 of the Principal Act to appear before the court and show cause why the court should not take action under section 69 of the Principal Act.

10 (2) Upon the hearing pursuant to subclause (1) of the matter of a complaint, the court may take action under section 69 of the Principal Act only if the matter of the complaint made out is within the grounds specified in section 68 (1) of the Principal Act, a reference in that subsection to an offence against the Principal Act being construed as including a reference to an offence against the repealed Act and a reference in that subsection to a direction or order of the court given or made under the Principal Act being construed as including a reference to an order of the court under section 40A or 40B of the repealed Act.

Disqualification and suspension.

15 17. (1) A person disqualified under the repealed Act from being licensed under that Act until a certain date is disqualified until that date from holding a licence under the Principal Act.

20 (2) Premises disqualified under the repealed Act from being licensed under that Act until a certain date are disqualified until that date from being licensed under the Principal Act.

(3) Where the period of suspension of a licence or permit under the repealed Act had not expired before the appointed day, the corresponding licence under the Principal Act is suspended until the period of suspension imposed under the repealed Act would have expired if this Act had not been enacted.

25 Secretary of Liquor Administration Board.

18. The person who, immediately before the appointed day, held office as secretary to the Licenses Reduction Board shall be deemed to have been appointed on that day under section 74 (2) of the Principal Act as secretary of the Liquor Administration Board.

30 Assessment, payment and reassessment of licence fee.

19. (1) Where, before the appointed day, the fee payable for renewal of a licence or permit in force under the repealed Act and due to expire immediately before that day was fixed or determined under that Act, the amount so fixed or determined shall

*Liquor (Repeals and Savings).*SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

5 be deemed to be the amount assessed under section 82 of the Principal Act as the licence fee payable in respect of the licensing period that commenced on that day for the corresponding licence under the Principal Act.

(2) Where, before the appointed day, a fee, or an instalment of a fee, was paid for the renewal of a licence or permit in force under the repealed Act and due to expire immediately before that day, the fee or instalment shall be deemed to be the licence fee, or an instalment of the licence fee, payable under section 80 of the 10 Principal Act in respect of the licensing period that commenced on that day for the corresponding licence under the Principal Act.

(3) A reference in section 83 of the Principal Act—

- 15 (a) to a licence fee as assessed under section 82 of the Principal Act—shall be construed as including a reference to the fee for renewal of a licence or permit under the repealed Act as fixed or determined under the repealed Act;
- (b) to a licence fee previously reassessed—shall be construed as including a reference to the fee for renewal of a licence or permit under the repealed Act as last reassessed under that Act;
- 20 (c) to a statutory declaration under section 84 of the repealed Act—shall be construed as including a reference to a statutory declaration under section 22 of the repealed Act (including a statutory declaration under that section as applied by section 78H (3) or 152H (2) of the repealed Act); and
- 25 (d) to the licensee, at the time of payment of the fee to which a reassessment relates or at the time a fee was previously reassessed—shall be construed as including a reference to the holder at that time of a permit under the repealed Act for which the licence held by the licensee at the time the Board notifies the reassessment is the corresponding licence under the Principal Act.

Preservation of records.

30 20. Section 86 of the Principal Act (subsections (1) and (2) of that section excepted) applies to and in respect of a record made before the appointed day under section 168D (1) of the repealed Act in the same way as it applies to and in respect of a record made on or after that day under section 86 (2) of the Principal Act.

Restricted and reception areas.

35 21. (1) Where, immediately before the appointed day, a declaration of a room or place on, or a declaration of a part of, licensed premises as a bar-room or bar, or as a public bar, was in force under section 64 of the repealed Act, the room, place or

Liquor (Repeals and Savings).

SCHEDULE 3—continued.**SAVINGS AND TRANSITIONAL PROVISIONS—continued.**

part is on and after that day a restricted area under the Principal Act unless the court,
on the application of the licensee or the licensing inspector, revokes the application of
5 this subclause to that room or place.

(2) Where, immediately before the appointed day, a permission to use a bar-
room or bar for the service of liquor to guests or inmates was in force under section
64 of the repealed Act, the permission continues in force on and after that day, subject
10 to any conditions to which it was subject immediately before that day, as if it were
an authority granted under section 21 (2) of the Principal Act in relation to the part
of the licensed premises that comprised the bar-room or bar.

(3) Where, immediately before the appointed day, an endorsement of a permit
under Part IIIA of the repealed Act to allow a reception area in a restaurant was in
force, the use as a reception area of the part of the restaurant to which the endorsement
15 related shall be deemed to have been, on the appointed day, authorised by the court
under section 88 of the Principal Act.

Boundaries of licensed premises.

22. (1) Where, immediately before the appointed day, the boundaries and extent
of any licensed premises (other than licensed premises to which a tourist hotel licence
20 related) have been fixed by the court, the same boundaries and extent of the licensed
premises shall be deemed to have been, on the appointed day, defined under section
90 (1) of the Principal Act.

(2) Where a tourist hotel licence under the repealed Act was in force
immediately before the appointed day, the court shall be deemed to have, under
25 section 90 (2) of the Principal Act, defined the boundaries of the licensed premises
to which the corresponding licence under the Principal Act relates as being the same
as the boundaries of the licensed premises to which the tourist hotel licence related.

Use of part of licensed premises by minors.

23. Where, immediately before the appointed day, a permission under section 51B
30 of the repealed Act authorised the use of a part of licensed premises as a dining area,
lounge or beer garden, the use of that part by a minor in the company of an adult
shall be deemed to have been, on the appointed day, authorised by the court under
section 87 of the Principal Act subject to the same conditions as those in force
immediately before the appointed day in relation to the permission granted under the
35 repealed Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Temporary premises, alterations, etc.**

- 5 24. (1) An authority granted, or order made, under section 40, 40A or 40B of the repealed Act and in force immediately before the appointed day in relation to any premises remains in force on and after that day, and the Principal Act applies to and in respect thereof—
- (a) in the case of an authority granted under section 40 (1) of the repealed Act—as if it had been granted under section 93 of the Principal Act;
 - 10 (b) in the case of an authority granted under section 40 (2) (c) of the repealed Act—as if it had been granted under section 94 of the Principal Act;
 - (c) in the case of an order made under section 40A of the repealed Act—as if it had been made under section 95 of the Principal Act; or
 - 15 (d) in the case of an order made under section 40B of the repealed Act—as if it had been made under section 96 of the Principal Act.
- (2) The period for which an authority or order continued in force by subclause (1) remains in force shall be determined as if the Principal Act had been in force on the day on which the authority was granted or the order made.

Control of licensed premises.

- 20 25. A consent—
- (a) given under section 64 (4) of the repealed Act and still operative immediately before the appointed day—continues to have effect on and after that day as if it had been given under section 101 (1) (h) of the Principal Act; or
 - 25 (b) given under section 70 of the repealed Act and still operative immediately before the appointed day—continues to have effect on and after that day as if it had been given under section 101 (1) (a) or (e) of the Principal Act, as the case may require.

Register of guests, etc.

- 30 26. Where, immediately before the appointed day, a register was being kept by a licensed publican in accordance with section 68A of the repealed Act and, on and after that day, continues to be so kept, the register shall, until the Board otherwise directs, be deemed to be kept in a form and manner approved by the Board.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

Exclusion from licensed premises.

- 5 27. Section 103 of the Principal Act applies to and in respect of a person who has been refused admission to, or has been turned out of, licensed or other premises under section 156 of the repealed Act in the same way as it applies to and in respect of a person who has been refused admission to, or has been turned out of, licensed premises under section 103 (1) of the Principal Act.

Quiet and good order.

- 10 28. Where, immediately before the appointed day, the matter of a summons duly served under section 47 of the repealed Act had not been finally heard and determined, the matter of the summons shall be heard and determined as if it were a summons under section 104 of the Principal Act.

Licensing and special inspectors.

- 15 29. (1) The person who, immediately before the appointed day, held office under the repealed Act as superintendent of licenses holds office on and after that day as if he had been appointed under section 106 of the Principal Act.

- 20 (2) The person who, immediately before the appointed day, held office under the repealed Act as Metropolitan licensing inspector holds office on and after that day as if he had been appointed under section 107 of the Principal Act.

(3) A person who, immediately before the appointed day, held office under section 119 (2A) of the repealed Act as an inspector assisting the Metropolitan licensing inspector holds office on and after that day as if he had been appointed under section 107 (4) of the Principal Act.

- 25 (4) A person who, immediately before the appointed day, held office under section 119 (1) of the repealed Act as a district inspector holds office on and after that day as a licensing inspector as if he had been appointed under section 107 (5) of the Principal Act.

- 30 (5) A person who, immediately before the appointed day, held office as an inspector appointed for the purposes of section 121A of the repealed Act holds office on and after that day as if he had been appointed as a special inspector under section 109 of the Principal Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Construction of references.**

- 5 30. On and from the appointed day, a reference in any other Act, or in any regulation, by-law or other statutory instrument, or in any other document, whether of the same or of a different kind—
- (a) to a licensing court—shall be read and construed as a reference to the Licensing Court of New South Wales;
 - 10 (b) to the chairman of licensing courts—shall be read and construed as a reference to the Chairman of the Licensing Court of New South Wales;
 - (c) to the deputy chairman of licensing courts—shall be read and construed as a reference to the Deputy Chairman of the Licensing Court of New South Wales;
 - 15 (d) to a licence or permit under the repealed Act—shall be read and construed as a reference to the corresponding licence under the Principal Act; or
 - (e) to the Licenses Reduction Board—shall be read and construed as a reference to the Liquor Administration Board.

Regulations.

- 20 31. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequential upon the enactment of this Act and the Liquor Act, 1982, including provisions requiring a reference in any other Act, other than this Act, to the Liquor Act, 1912, or a provision thereof to be construed as a reference to the Principal Act or a provision thereof.

(2) A provision made under subclause (1) may take effect on and from the 25 appointed day or a later day.

(3) To the extent to which a provision made under subclause (1) takes effect on and from a day that is earlier than the day of its publication in the Gazette, the provision does not operate—

- 30 (a) to affect, in a manner prejudicial to any person (other than the State or a public authority), the rights of that person existing before that day of publication; or
- (b) to impose a liability on any person (other than the State or a public authority) in respect of anything done or omitted to be done before that day of publication.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(4) A provision made under subclause (1) has effect notwithstanding anything in this Schedule or Schedule 4, this clause excepted.

SCHEDULE 4.

(Sec. 6.)

SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES.

Interpretation.

1. (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires, words and expressions have the same meaning as they have in the Principal Act and—

“appointed day” means the day appointed and notified under section 2 (2) of the Principal Act;

“Principal Act” means the Liquor Act, 1982;

15 “repealed Act” means the Liquor Act, 1912, as from time to time in force before the appointed day.

(2) This Schedule applies—

20 (a) to an off-licence under the Principal Act that is the corresponding licence under that Act for an Australian wine licence that, immediately before the appointed day, was in force under the repealed Act and subject to a condition prohibiting the sale of liquor for consumption on the licensed premises;

25 (b) to an on-licence under the Principal Act that is the corresponding licence under that Act for an Australian wine licence that, immediately before the appointed day, was in force under the repealed Act and subject to a condition permitting the sale of liquor only for consumption on the licensed premises; and

30 (c) to an off-licence, and an on-licence, under the Principal Act that are the corresponding licences under that Act for any other Australian wine licence that, immediately before the appointed day, was in force under the repealed Act,

and to the relevant licensees and licensed premises.

Liquor (Repeals and Savings).

SCHEDULE 4—*continued.*SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES—*continued.*

- (3) Where this Schedule applies as provided by subclause (2) (c), only one licence fee is payable under the Principal Act, notwithstanding that 2 licences relate to the licensed premises.

Wine only to be sold.

2. The court shall be deemed to have, under section 20 of the Principal Act, imposed a condition of a licence to which this Schedule applies that liquor other than wine shall not be sold or supplied on the licensed premises.

10 Trading hours.

3. (1) Sections 24 (2) and 25 of the Principal Act (sections 25 (3) and (6) excepted) apply to and in respect of an on-licence to which this Schedule applies in the same way as they apply to and in respect of a hotelier's licence under the Principal Act.
- 15 (2) Sections 26 and 27 of the Principal Act apply to and in respect of an off-licence to which this section applies in the same way as they apply to and in respect of an off-licence under the Principal Act.
- (3) Where, immediately before the appointed day—
- 20 (a) the trading hours pursuant to an on-licence to which this Schedule applies differed from those prescribed by section 24 (2) of the Principal Act—the trading hours so prescribed shall be deemed, to the extent that the difference is within the limits prescribed by section 25 of the Principal Act (sections 25 (3) and (6) excepted) to have been varied under that section; or
- 25 (b) the trading hours pursuant to an off-licence to which this Schedule applies differed from those prescribed by section 26 of the Principal Act—the trading hours so prescribed shall be deemed, to the extent that the difference

Liquor (Repeals and Savings).

SCHEDULE 4—continued.**SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES—continued.**

is within the limits prescribed by section 27 of the Principal Act, to have been varied under that section,

- 5 and any conditions imposed by the court to which the trading hours in force before the appointed day were subject shall be deemed to be conditions imposed by the court under section 25 or 27, as the case may require.

Light meal to be provided.

4. It is a condition of an on-licence to which this Schedule applies that (with the
10 exception of a part of the licensed premises in which liquor is being sold or supplied with or as ancillary to a meal or supper served on the premises or in which meals or substantial refreshments are available with or without charge) the licensed premises shall not be open at any time for the sale or supply of liquor unless, in a part of the premises so open, at least a light meal is available, with or without charge, for
15 consumption by persons to whom liquor is sold or supplied.

Application of Principal Act.

5. (1) To the extent that it is not inconsistent with this Schedule, the Principal Act applies to and in respect of the licences, licensees and licensed premises to which this Schedule applies, and matters related thereto.
- 20 (2) The provisions of the Principal Act relating to restricted areas apply to and in respect of licensed premises to which this Schedule applies in the same way as they apply to and in respect of licensed premises to which a hotelier's licence relates.
- (3) Where there are 2 licences relating to licensed premises to which this Schedule applies, section 131 of the Principal Act does not apply in respect of liquor sold
25 pursuant to the off-licence.

Search warrants.

6. Section 151 of the Principal Act has effect in relation to wine and to licensed premises to which this Schedule applies in the same way as it has effect in relation to Australian wine and licensed premises to which an off-licence for a vigneron relates.

Liquor (Repeals and Savings).

SCHEDULE 4—*continued.*

SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES—*continued.*

Forfeiture of liquor.

- 5 7. Section 152 of the Principal Act has effect in relation to an on-licence to which this Schedule applies in the same way as it has effect in relation to an off-licence.

Dormant licence lapses.

8. Notwithstanding anything in this Act an Australian wine licence that, immediately before the appointed day, was not being exercised ceases on and after that day to have any force or effect.

10 Removal of licence prohibited.

9. Subject to clause 10 (4) of Schedule 3, a licence to which this Schedule applies may not be removed, whether it is an off-licence or an on-licence.

Regulations.

15 10. (1) The Governor may make regulations relating to a licence to which this Schedule applies, the licensee, the licensed premises and persons resorting to those premises.

(2) A regulation may be made under subclause (1) for and with respect to the application or otherwise of the Principal Act to and in respect of a licence to which this Schedule applies, the licensee, the licensed premises and persons resorting to those
20 premises.

(3) A regulation made under subclause (1)—

(a) may impose a penalty not exceeding \$1,000 for a breach of the regulation;
and

(b) has effect notwithstanding anything in this Schedule, this clause excepted.

Liquor (Repeals and Savings).

SCHEDULE 5.

(Sec. 6.)

SPECIAL PROVISIONS RELATING TO CERTAIN OBJECTIONS.

Time for lodging certain objections.

- 5 1. A reference in section 6 (2) of the Liquor (Amendment) Act, 1981, to the time appointed for the hearing of an application is, and shall be deemed always to have been, a reference to the day on which the hearing of the application on the merits commenced.

Exclusion of decided cases.

- 10 2. Clause 1 does not apply to or in respect of the applications that gave rise to the decisions of the Court of Appeal in the cases of—
- (a) Carberry & Ors. v. James & Ors., No. 459 of 1981; and
 - (b) Grant v. Hardy & Ors., No. 230 of 1982.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

LIQUOR (REPEALS AND SAVINGS) ACT, 1982, No. 148

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 148, 1982.

An Act to repeal certain Acts relating to the sale and supply of liquor, to amend certain Acts as a consequence of those repeals and the enactment of the Liquor Act, 1982, to effect certain savings and to provide for transitional matters. [Assented to, 21st December, 1982.]

Liquor (Repeals and Savings).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Liquor (Repeals and Savings) Act, 1982".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Section 6, in its application to Schedule 5, and Schedule 5, shall commence on the date of assent to this Act.

(3) Except as provided by subsections (1) and (2), this Act shall commence on the day appointed and notified under section 2 (2) of the Liquor Act, 1982.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENTS.

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

SCHEDULE 4.—SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES.

SCHEDULE 5.—SPECIAL PROVISIONS RELATING TO CERTAIN OBJECTIONS.

Repeals.

4. Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed.

*Liquor (Repeals and Savings).***Amendments.**

5. Each Act specified in Schedule 2 is amended in the manner set forth in that Schedule.

Savings and transitional provisions.

6. Schedules 3-5 have effect.

SCHEDULE 1.

(Sec. 4.)

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1912, No. 42 ..	Liquor Act, 1912.	The whole Act.
1913, No. 5 ..	Liquor (Local Option) Amendment Act, 1913.	The whole Act.
1916, No. 68 ..	Liquor (Amendment) Act, 1916.	Section 1 (2) and sections 7, 8, 10, 12, 13, 17 and 18.
1918, No. 40 ..	Parliamentary Elections (Amendment) Act, 1918.	Section 9.
1919, No. 42 ..	Liquor (Amendment) Act, 1919.	The whole Act.
1922, No. 42 ..	Liquor (Amendment) Act, 1922.	The whole Act.
1923, No. 51 ..	Liquor (Amendment) Act, 1923.	The whole Act.
1926, No. 12 ..	Parliamentary Electorates and Elections (Amendment) Act, 1926.	Section 11.
1927, No. 36 ..	Liquor (Amendment) Act, 1927.	The whole Act.
1928, No. 6 ..	Liquor Amendment (Fees) Act, 1928.	The whole Act.
1928, No. 27 ..	Liquor Amendment (Continuance) Act, 1928.	The whole Act.
1929, No. 49 ..	Liquor (Amendment) Act, 1929.	The whole Act.
1935, No. 5 ..	Liquor (Anzac Day) Amendment Act, 1935.	The whole Act.
1937, No. 35 ..	Statute Law Revision Act, 1937.	So much of the Second Schedule as amends Act No. 42, 1912, Act No. 42, 1919, Act No. 42, 1922, and Act No. 51, 1923.
1946, No. 34 ..	Liquor (Amendment) Act, 1946.	The whole Act.
1954, No. 50 ..	Liquor (Amendment) Act, 1954.	The whole Act.
1961, No. 48 ..	Parliamentary Elections and Liquor (Amendment) Act, 1961.	The whole Act.
1963, No. 17 ..	Liquor (Amendment) Act, 1963.	The whole Act.

*Liquor (Repeals and Savings).*SCHEDULE 1—*continued.*REPEALS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1964, No. 3 ..	Local Government, Liquor and Impounding (Amendment) Act, 1964.	Section 17.
1965, No. 33 ..	Decimal Currency Act, 1965.	So much of the First Schedule as amends Act No. 42, 1912.
1966, No. 54 ..	Liquor (Amendment) Act, 1966.	Section 1 (2), sections 2-8 and 10.
1967, No. 7 ..	Gaming and Betting and Liquor (Amendment) Act, 1967.	Section 8.
1967, No. 63 ..	Newcastle International Sports Centre Act, 1967.	Section 10.
1967, No. 78 ..	Liquor (Amendment) Act, 1967.	The whole Act.
1968, No. 24 ..	Innkeepers Act, 1968.	Section 10.
1969, No. 73 ..	Liquor (Amendment) Act, 1969.	Sections 2-10 and the Schedule.
1970, No. 14 ..	Liquor (Amendment) Act, 1970.	The whole Act.
1970, No. 60 ..	Minors (Property and Contracts) Act, 1970.	So much of the Second Schedule as relates to Act No. 42, 1912.
1972, No. 29 ..	Liquor (Amendment) Act, 1972.	The whole Act.
1973, No. 41 ..	Liquor (Amendment) Act, 1973.	The whole Act.
1974, No. 28 ..	Liquor (Amendment) Act, 1974.	The whole Act.
1974, No. 80 ..	National Parks and Wildlife Act, 1974.	So much of Schedule 2 as amends Act No. 42, 1912.
1974, No. 95 ..	Liquor (Further Amendment) Act, 1974.	The whole Act.
1975, No. 33 ..	Liquor (Amendment) Act, 1975.	The whole Act.
1976, No. 4 ..	Statutory and Other Offices Remuneration Act, 1975.	So much of Schedule 5 as amends Act No. 42, 1912.
1976, No. 6 ..	Liquor (Amendment) Act, 1976.	The whole Act.
1976, No. 31 ..	Registered Clubs Act, 1976.	Section 74 (1) and Part 1 of Schedule 1.
1976, No. 63 ..	Statute Law Revision Act, 1976.	So much of Schedule 1 as amends Act No. 49, 1929.
1976, No. 93 ..	Liquor (Further Amendment) Act, 1976.	The whole Act.
1977, No. 19 ..	Notice of Action and Other Privileges Abolition Act, 1977.	So much of Schedule 1 as amends Act No. 42, 1912.
1977, No. 59 ..	Liquor (Amendment) Act, 1977.	The whole Act.
1977, No. 106 ..	Liquor (Further Amendment) Act, 1977.	The whole Act.
1978, No. 34 ..	Liquor (Footway Restaurants) Amendment Act, 1978.	The whole Act.
1978, No. 68 ..	Registered Clubs (Amendment) Act, 1978.	Schedule 8 (10).
1979, No. 146 ..	Liquor (Amendment) Act, 1979.	The whole Act.
1979, No. 205 ..	Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979.	So much of Part 1 of Schedule 2 as amends Act No. 42, 1912.
1980, No. 32 ..	Liquor (Amendment) Act, 1980.	The whole Act.
1980, No. 64 ..	Liquor (Weights and Measures) Amendment Act, 1980.	The whole Act.
1980, No. 66 ..	Liquor (Art Gallery of New South Wales) Amendment Act, 1980.	The whole Act.

*Liquor (Repeals and Savings).*SCHEDULE 1—*continued.*REPEALS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1980, No. 97 ..	Liquor (Historic Houses) Amendment Act, 1980.	The whole Act.
1981, No. 68 ..	Liquor (Amendment) Act, 1981.	The whole Act.
1982, No. 49 ..	Liquor (License Fees) Amendment Act, 1982.	The whole Act.

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS.

Billiards and Bagatelle Act, 1902, No. 38—

(1) Section 3—

Omit the section, insert instead:—

Interpretation.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“hotelier’s licence” means a hotelier’s licence for the time being in force under the Liquor Act, 1982;

“Licensing Court” means the Licensing Court of New South Wales constituted under the Liquor Act, 1982.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(2) In this Act, a reference to the registrar of the court in relation to any application is a reference to the registrar of the Licensing Court at the prescribed place under the Liquor Act, 1982, nearest to which are situated the premises to which the application relates.

(2) (a) Section 4 (1)—

Omit “publican’s”, insert instead “hotelier’s”.

(b) Section 4 (1)—

Omit “license” wherever occurring, insert instead “licence”.

(c) Section 4 (1)—

Omit “in premises situated within the licensing jurisdiction of a licensing court constituted or licensing magistrate appointed under the Liquor Act, 1912,”, insert instead “on his licensed premises”.

(d) Section 4 (1)—

Omit “make”, insert instead “, as prescribed, make”.

(e) Section 4 (1)—

Omit “such court or magistrate”, insert instead “the Licensing Court”.

(f) Section 4 (2)—

Omit “license for the sale of liquor”, insert instead “hotelier’s licence”.

(g) Section 4 (2)—

Omit “licensing”.

(h) Section 4 (2)—

Omit “license” where lastly occurring, insert instead “licence”.

(3) Section 5—

Omit “Such court or magistrate”, insert instead “The Licensing Court”.

(4) Sections 6–9—

Omit “license” wherever occurring, insert instead “licence”.

(5) (a) Section 10 (1)—

Omit the subsection, insert instead:—

(1) A licence granted under this Act may be renewed, transferred or removed on application, made as prescribed, to the Licensing Court.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (b) Section 10 (2), (3)—
Omit “license” wherever occurring, insert instead “licence”.
- (c) Section 10 (4)—
Omit “license” where firstly occurring, insert instead “licence”.
- (d) Section 10 (4)—
Omit “under the hand of the licensing magistrate, as in the case of a publican’s license”, insert instead “, as in the case of a hotelier’s licence”.
- (6) (a) Section 11—
Omit “license” wherever occurring, insert instead “licence”.
- (b) Section 11—
Omit “publican’s”, insert instead “hotelier’s”.
- (7) Section 12—
Omit the section, insert instead:—
Death, etc., of licensee.
12. The provisions of sections 63, 64 and 65 of the Liquor Act, 1982, apply to and in respect of a licensee under this Act in the same way as they apply to and in respect of a licensee under that Act.
- (8) Section 13—
Omit the section, insert instead:—
Certain provisions of Liquor Act, 1982, to apply.
13. The provisions of sections 103 (1), 110, 111 and 125 of the Liquor Act, 1982, apply to and in respect of premises for which a licence is held under this Act in the same way as they apply to and in respect of licensed premises under that Act.
- (9) Sections 14–16—
Omit “license” wherever occurring, insert instead “licence”.
- (10) (a) Section 17—
Omit “1912”, insert instead “1982”.
- (b) Section 17 (a), (c)—
Omit the paragraphs.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.***Disorderly Houses Act, 1943, No. 6—**

Section 2, definitions of “Licensed premises”, “Liquor”—

Omit “1912, as amended by subsequent Acts” wherever occurring, insert instead “1982”.

Factories, Shops and Industries Act, 1962, No. 43—

(1) Section 101 (b)—

Omit “publican’s license”, insert instead “hotelier’s licence”.

(2) Section 101 (b)—

Omit “1912, as amended by subsequent Acts”, insert instead “1982”.

Gaming and Betting Act, 1912, No. 25—

(1) Section 3, definition of “Street”—

(a) Omit “license”, insert instead “licence”.

(b) Omit “Part III of the Liquor Act, 1912”, insert instead “the Liquor Act, 1982”.

(2) Section 15A (1) (a)—

Omit “1912”, insert instead “1982”.

(3) (a) Section 50B (2)—

Omit “1912”, insert instead “1982”.

(b) Section 50B (3)—

Omit “1912”, insert instead “1982”.

(c) Section 50B (4)—

Omit “objection may be taken to the renewal of a certificate of registration issued under the Registered Clubs Act, 1976, or a ground for cancellation of a certificate of registration issued under that Act or”, insert instead “a complaint may be made under section 17 of the Registered Clubs Act, 1976, or a ground for cancellation of a certificate of registration issued”.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (4) (a) Section 50G, definition of "Court"—
Omit the definition, insert instead:—
"Court" means the Licensing Court of New South Wales constituted under the Liquor Act, 1982.
- (b) Section 50G, definition of "Licensing district"—
Omit the definition.
- (c) Section 50G, definition of "Registrar"—
At the end of the section, insert:—
"Registrar", in relation to a matter affecting a club, means the registrar of the Licensing Court at the place at which the Licensing Court would hear and determine any application by the club under the Registered Clubs Act, 1976.
- (5) (a) Section 50J (1)—
Omit "clerk of the court for the licensing district in which the premises of the club are situate", insert instead "registrar".
- (b) Section 50J (1)—
Omit "said court", insert instead "office of the registrar".
- (6) (a) Section 50K (1) (a)—
Omit "clerk of the court for the licensing district in which the premises of the club are situate", insert instead "registrar".
- (b) Section 50K (1) (b)—
Omit "in a newspaper circulating in the licensing district at least seven days before he so applies", insert instead "as prescribed".
- (7) (a) Section 50L (1)—
Omit "clerk of the court", insert instead "registrar".
- (b) Section 50L (1)—
Omit "said court", insert instead "office of the registrar".
- (8) Section 50M—
Omit "clerk of the court", insert instead "registrar".
- (9) Section 50P—
Omit "clerk of the court", insert instead "registrar".

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(10) Section 50Q (1)—

Omit “at a court”, insert instead “to the court”.

(11) (a) Section 50R (1) (e)—

Omit “licensing courts” wherever occurring, insert instead “the court”.

(b) Section 50R (1) (e)—

Omit “and licensing magistrates”.

(c) Section 50R (2)—

Omit “1912”, insert instead “1982”.

Innkeepers Act, 1968, No. 24—

Section 9—

Omit “Part III of the Liquor Act, 1912, as subsequently amended”, insert instead “the Liquor Act, 1982”.

Justices Act, 1902, No. 27—

(1) (a) Section 104A (1), definition of “Magistrate”—

Omit “a licensing magistrate under the Liquor Act, 1912,”.

(b) Section 104A (10) (a)—

Omit “a licensing magistrate under the Liquor Act, 1912, or”.

(c) Section 104A (10) (a)—

After “chairman;”, insert “and”.

(d) Section 104A (10) (b)—

Omit the paragraph.

(2) (a) Section 104B (1) (a)—

Omit “or a licensing magistrate under the Liquor Act, 1912”.

(b) Section 104B (1) (a)—

After “Peace;”, insert “or”.

(c) Section 104B (1) (b)—

Omit “Magistrate; or”, insert instead “Magistrate.”.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (d) Section 104B (1) (c)—
Omit the paragraph.
- (e) Section 104B (7) (a)—
Omit “except where the original Justices were members of a licensing court under the Liquor Act, 1912—”.
- (f) Section 104B (7) (b)—
Omit the paragraph.
- (g) Section 104B (10)—
Omit the subsection.

Local Government Act, 1919, No. 41—

- (1) Section 10 (1)—
Omit “Liquor Act, 1912”, insert instead “Liquor Act, 1982”.
- (2) Section 267 (10)—
Omit the subsection.

National Parks and Wildlife Act, 1974, No. 80—

- Schedule 3, clause 18—
Omit “52,”.

Parliamentary Electorates and Elections Act, 1912, No. 41—

- Section 85 (3)—
Omit “license for the sale of fermented or spirituous liquors under Division 2 of Part III of the Liquor Act, 1912”, insert instead “licence under the Liquor Act, 1982”.

Public Health Act, 1902, No. 30—

- (1) (a) Section 3, definition of “Boarding-house”—
Omit “publican’s license under the Liquor Act, 1912, as amended by subsequent Acts”, insert instead “hotelier’s licence under the Liquor Act, 1982”.

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(b) Section 3, definition of "Lodging-house"—

Omit "publican's license under the Liquor Act, 1912, as amended by subsequent Acts", insert instead "hotelier's licence under the Liquor Act, 1982".

(2) (a) Section 26F—

Omit "the premises of any licensed publican as defined in the Liquor Act, 1912, as amended by subsequent Acts", insert instead "premises in respect of which a hotelier's licence is for the time being in force under the Liquor Act, 1982".

(b) Section 26F—

Omit "publican" where secondly and thirdly occurring, insert instead "licensee".

(c) Section 26F—

Omit "licensing bench by an officer of the Department authorised in that behalf by the Secretary, and shall be considered by them in any application for the renewal of the license as an objection to such renewal", insert instead "Liquor Administration Board constituted under the Liquor Act, 1982".

Pure Food Act, 1908, No. 31—

Section 36 (2)—

Omit the subsection.

Statutory and Other Offices Remuneration Act, 1975 (1976, No. 4)—

(1) Schedule 2, Part 1—

Omit "Chairman of licensing courts (under the Liquor Act, 1912)", insert instead "Chairman of the Licensing Court of New South Wales (under the Liquor Act, 1982)".

(2) Schedule 2, Part 1—

Omit "Deputy chairman of licensing courts (under the Liquor Act, 1912)", insert instead "Deputy Chairman of the Licensing Court of New South Wales (under the Liquor Act, 1982)".

(3) Schedule 2, Part 1—

Omit "Licensing magistrate (under the Liquor Act, 1912), other than the chairman of licensing courts and deputy chairman of licensing courts", insert instead "Licensing magistrate (under the Liquor Act, 1982), other than the Chairman, and the Deputy Chairman, of the Licensing Court of New South Wales".

Liquor (Repeals and Savings).

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

Summary Offences (Repeal) Act, 1979, No. 62—

Section 4 (2)—

After "1902", insert ", or to the amendment so referred to by which section 43AA was inserted in the Liquor Act, 1912".

Sunday Entertainment Act, 1966, No. 17—

Section 3—

At the end of the section, insert:—

(2) The holding or conducting of a public entertainment that, but for this subsection, would constitute a contravention of this Act does not constitute such a contravention if it is held or conducted for the purpose of complying with a provision of the Liquor Act, 1982, that requires entertainment to be provided.

Theatres and Public Halls Act, 1908, No. 13—

(1) Section 4 (3)—

Omit "57B (3) of the Liquor Act, 1912", insert instead "32 (3) of the Liquor Act, 1982".

(2) (a) Section 27 (2), (3)—

Omit "license, permit or certificate of registration under the Liquor Act, 1912" wherever occurring, insert instead "licence under the Liquor Act, 1982, or certificate of registration under the Registered Clubs Act, 1976".

(b) Section 27 (2), (3)—

Omit "the license, permit" wherever occurring, insert instead "the licence".

Trustee Act, 1925, No. 14—

Section 36 (5)—

Omit "1912", insert instead "1982".

Liquor (Repeals and Savings).

SCHEDULE 3.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation.

1. (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires, words and expressions have the same meaning as they have in the Principal Act and—

“appointed day” means the day appointed and notified under section 2 (2) of the Principal Act;

“Principal Act” means the Liquor Act, 1982;

“repealed Act” means the Acts specified in Schedule 1.

(2) A reference in this Schedule, however expressed, to a licence under the Principal Act corresponding to a licence or permit under the repealed Act is a reference to the licence under the Principal Act specified in Column 2 of the Table to this clause opposite the specification in Column 1 of that Table of the licence or permit under the repealed Act.

(3) A reference in this Schedule to a licence or permit in force under the repealed Act includes a reference to a licence or permit under suspension under that Act.

(4) In this Schedule, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference appears.

TABLE.

Column 1.	Column 2.
Annual functions licence.	On-licence (to sell liquor at a function).
Australian wine licence pursuant to which, immediately before the appointed day, liquor was not sold for consumption on the licensed premises.	Off-licence (to sell liquor by retail).
Australian wine licence pursuant to which, immediately before the appointed day, liquor was sold only for consumption on the licensed premises.	On-licence.
Australian wine licence pursuant to which, immediately before the appointed day, liquor was sold for consumption both on and off the licensed premises.	(a) Off-licence (to sell liquor by retail); and (b) on-licence.

*Liquor (Repeals and Savings).*SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*TABLE—*continued.*

Column 1.	Column 2.
Brewer's licence.	Off-licence (for a brewer).
Licence sanctioned and authorised under section 168 (1) of the repealed Act.	Governor's licence (referred to in section 19 (1) (a) of the Principal Act).
Licence sanctioned and authorised under section 168 of the repealed Act (subsections (1) and (3) excepted).	Governor's licence (referred to in section 19 (1) (b) of the Principal Act).
Licence sanctioned and authorised under section 168 (3) (a) (i) of the repealed Act.	Hotelier's licence.
Limited functions licence.	On-licence (to sell liquor at a function).
Packet licence.	On-licence.
Permit under section 13 (4) of the repealed Act.	Governor's licence (referred to in section 19 (1) (c) of the Principal Act).
Permit under Part IIIA of the repealed Act not endorsed as a cabaret permit or to allow a reception area.	On-licence— <ul style="list-style-type: none"> (a) in respect of which a variation of trading hours has not been granted under section 32 (3) of the Principal Act; and (b) in respect of which the court has not authorised the use of a part of the licensed premises as a reception area.
Permit under Part IIIA of the repealed Act endorsed as a cabaret permit.	On-licence in respect of which a variation of trading hours has been granted under section 32 (3) of the Principal Act.
Permit under Part IIIA of the repealed Act endorsed as a cabaret permit and to allow a reception area.	On-licence— <ul style="list-style-type: none"> (a) in respect of which a variation of trading hours has been granted under section 32 (3) of the Principal Act; and (b) in respect of which the court has authorised the use of a part of the licensed premises as a reception area.
Permit under Part IIIA of the repealed Act endorsed to allow a reception area.	On-licence in respect of which the court has authorised the use of a part of the licensed premises as a reception area.

*Liquor (Repeals and Savings).*SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*TABLE—*continued.*

Column 1.	Column 2.
Permit under Part XA of the repealed Act.	On-licence.
Publican's licence (whether or not endorsed under section 26B or 26C of the repealed Act).	Hotelier's licence.
Public hall licence.	On-licence.
Spirit merchant's licence (other than a spirit merchant's licence authorising the sale of liquor only to persons authorised to sell liquor).	Off-licence (to sell liquor by retail).
Theatre licence.	On-licence.
Tourist hotel licence.	On-licence.

Licensing magistrates.

2. (1) A licensing magistrate holding office under the repealed Act immediately before the appointed day continues in that office on and after that day for the residue of the term for which he was appointed under the repealed Act as if he had been appointed under section 8 of the Principal Act.

(2) The persons who, immediately before the appointed day, held office under the repealed Act as chairman and deputy chairman, respectively, of licensing courts shall be deemed to have been appointed on that day under section 8 of the Principal Act as Chairman and Deputy Chairman, respectively, of the Licensing Court of New South Wales.

Secretary to licensing magistrate, etc.

3. (1) The person who, immediately before the appointed day, held office under the repealed Act as secretary to the licensing magistrates shall be deemed to have been appointed on that day under section 17 of the Principal Act as the Principal Registrar.

(2) A person who, immediately before the appointed day, held office under the repealed Act as clerk of a licensing court otherwise than pursuant to section 5 (8) (c) of that Act continues on and after that day as a registrar of the Licensing Court of New South Wales as if he had been appointed under section 17 of the Principal Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Licensing courts.**

4. A matter that, but for this clause, would be required on and after the appointed day to be heard and determined by the licensing court for a licensing district shall be heard and determined by the Licensing Court constituted under the Principal Act.

New kinds of licences.

5. (1) This clause has effect notwithstanding section 2 of the Principal Act.

(2) The Principal Act does not apply to or in respect of a sale of liquor made within the period prescribed by subclause (3) where—

- (a) the sale is in accordance with section 13 (1), (7) or (8) of the repealed Act; or
- (b) the sale—
 - (i) is made by the holder of a hotelier's licence or an off-licence to sell liquor by retail;
 - (ii) is to a person authorised to sell liquor;
 - (iii) is not a sale by retail; and
 - (iv) but for subparagraph (iii) would be in accordance with the Principal Act.

(3) The period prescribed by this subclause is the period of 3 months that next succeeds the appointed day except—

- (a) in the case of a sale in accordance with section 13 (1) of the repealed Act made by a person who, before the expiration of that period of 3 months, made application under the Principal Act for an off-licence for a vigneron;
- (b) in the case of a sale in accordance with section 13 (7) of the repealed Act made by a person who, before the expiration of that period of 3 months, made application under the Principal Act for an off-licence to sell liquor to persons authorised to sell liquor;
- (c) in the case of a sale in accordance with section 13 (8) of the repealed Act made by a person who, before the expiration of that period of 3 months, made application under the Principal Act for an off-licence to auction liquor; and

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (d) in the case of a sale made as provided by subclause (2) (b) where, before the expiration of that period of 3 months, the licensee made application for an off-licence to sell liquor to persons authorised to sell liquor,

in each of which cases the period so prescribed is the period that ends when the application is granted or refused.

Inquiry and report by licensing court.

6. (1) Where, before the appointed day, the Governor had, under section 13 (4) or 168 of the repealed Act, referred any matter to the licensing court for inquiry and report and, immediately before that day—

- (a) the inquiry had not been commenced—the inquiry may be commenced and completed and the report made;
- (b) the inquiry had been commenced but had not been completed—the inquiry may be completed and the report made; or
- (c) the inquiry had been completed but the report had not been made—the report may be made,

as if the repealed Act had remained in force until the report is made.

(2) A report made pursuant to subclause (1) shall, for the purposes of section 19 (2) of the Principal Act, be deemed to be a report made by the Board.

Corresponding licences under Principal Act.

7. (1) A licence or permit under the repealed Act in force immediately before the appointed day shall be deemed, on and from that day to be the corresponding licence under the Principal Act if—

- (a) it was not a limited functions licence and was, under the repealed Act, renewed or continued in force as on and from the appointed day;
- (b) it was a limited functions licence; or
- (c) it would, if this Act had not been enacted, have been deemed by section 36 (2) of the repealed Act to have continued in force on and after that day.

(2) An application made before the appointed day for the renewal of a licence or permit under the repealed Act and not heard and determined before that day shall be heard and determined as if this Act had not been enacted and, if the application is refused—

- (a) subclause (1) ceases to apply in respect of the licence or permit; and

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) the deduction and refund referred to in section 36 (2) of the repealed Act shall be made.

(3) The Board shall, as soon as practicable, issue the licence under the Principal Act that has, pursuant to subclause (1), become the corresponding licence under that Act for a licence or permit in force under the repealed Act.

Conditions of, and exemptions applicable to, a corresponding licence.

8. (1) A licence under the Principal Act that has, pursuant to clause 7 (1), become the corresponding licence under that Act for a licence or permit in force under the repealed Act is subject to—

- (a) any conditions prescribed by the Principal Act in respect of that kind of corresponding licence; and
- (b) any conditions imposed under the repealed Act by a licensing court, being conditions to which the licence or permit in force under the repealed Act was subject immediately before the appointed day,

whether or not the conditions were endorsed on the licence or permit in force under the repealed Act or are endorsed on the corresponding licence under the Principal Act.

(2) The conditions referred to in subclause (1) (b) shall be deemed to have been imposed by the court on the appointed day under section 20 (1) of the Principal Act.

(3) Any exemptions under the repealed Act applicable to or in respect of a licence under the repealed Act for which a Governor's licence is the corresponding licence under the Principal Act have effect in relation to that corresponding licence as if they had been granted under section 19 (1) of the Principal Act.

Trading hours.

9. (1) A variation of trading hours in force under the repealed Act immediately before the appointed day in relation to a licence or permit so in force (including a variation of trading hours by reason of the issue of a permit under section 57B of the repealed Act or the endorsement as a cagaret permit of a permit under Part IIIA of the repealed Act) shall be deemed to be a variation of trading hours granted on the appointed day under the Principal Act in relation to the licence under the Principal Act that has, pursuant to clause 7 (1), become the corresponding licence for the licence or permit in force under the repealed Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where a variation of trading hours deemed by subclause (1) to have been granted under the Principal Act was a variation by reason of—

- (a) the issue of a permit under section 57B of the repealed Act—
 - (i) the variation shall be deemed to have been granted under section 25 (3) of the Principal Act; and
 - (ii) the part of the premises specified in the permit under section 57B of the repealed Act shall be deemed to have been specified by the court under section 25 (4) (b) of the Principal Act; or
- (b) the endorsement as a cabaret permit of a permit under Part IIIA of the repealed Act—the variation shall be deemed to have been granted under section 32 (3) of the Principal Act.

(3) Where—

- (a) a licence or permit under the repealed Act was in force immediately before the appointed day and is renewed as the corresponding licence under the Principal Act;
- (b) under the Principal Act, the trading hours applicable to the corresponding licence are to be fixed by the court; and
- (c) those trading hours have not been fixed by the court,

the trading hours applicable to the corresponding licence on and after the appointed day are, until they are fixed or varied by the court under the Principal Act, the same as the trading hours applicable to the licence or permit immediately before the appointed day.

(4) Notwithstanding section 29 of the Principal Act, where an on-licence to sell liquor at a function has, pursuant to clause 7 (1), become the corresponding licence under that Act for a functions licence in force under the repealed Act, liquor may be sold or supplied pursuant to the on-licence on the days on which, and at the times at which, it could have been sold or supplied pursuant to the functions licence if this Act had not been enacted.

Application under repealed Act.

10. (1) Where, before the appointed day, notice was given under the repealed Act of an application for, or relating to, a licence or permit under the repealed Act (other than an application for removal of an Australian wine licence) and, immediately before that day, the application had not been made, the application may be made in accordance with the repealed Act and shall be heard and determined under the Principal Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where an application for a licence or permit under the repealed Act (not being an application for a permit under section 57B of that Act) was duly made before the appointed day and, immediately before that day, had not been finally heard and determined, the application shall be deemed to be an application duly made under the Principal Act for the corresponding licence under the Principal Act.

(3) Where an application relating to a licence or permit under the repealed Act (not being an application to which subclause (2) applies or an application for the removal of an Australian wine licence) was duly made before the appointed day and, immediately before that day, had not been finally heard and determined, the application shall be deemed to be an application duly made under the Principal Act in relation to the corresponding licence under the Principal Act, being—

- (a) in the case of an application under section 26B of the repealed Act for endorsement of a licence as a tavern—an application under section 49 (2) of the Principal Act to modify or dispense with any requirement or condition for the provision of accommodation referred to in section 49 (1) (a), (c) or (d) of the Principal Act;
- (b) in the case of an application for a permission under section 51B of the repealed Act—an application for an authorisation under section 87 of the Principal Act;
- (c) in the case of an application under section 57 (1A) of the repealed Act for a variation of trading hours in relation to a publican's licence under the repealed Act—an application for a variation of trading hours under section 25 (1) of the Principal Act;
- (d) in the case of an application under section 57 (1C) of the repealed Act for a variation of trading hours—an application for a variation of trading hours under section 27 (1) of the Principal Act;
- (e) in the case of an application for a late trading permit under section 57B of the repealed Act—an application for a variation of trading hours under section 25 (3) of the Principal Act;
- (f) in the case of an application under section 64 (1) of the repealed Act for permission to use a bar-room or bar for the service of liquor to guests or inmates outside normal trading hours—an application under section 21 (2) of the Principal Act;
- (g) in the case of an application under section 78K (4AA) of the repealed Act for a variation of trading hours—an application under section 32 (1) of the Principal Act;

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (h) in the case of an application for endorsement as a cabaret permit of a permit under Part IIIA of the repealed Act—an application for a variation of trading hours under section 32 (3) of the Principal Act; and
- (i) in the case of an application for endorsement to allow a reception area of a permit under Part IIIA of the repealed Act—an application under section 88 (1) of the Principal Act for authority to use a specified part of the licensed premises as a reception area.

(4) Where an application for removal of an Australian wine licence was duly made under the repealed Act before the appointed day and had not been finally heard and determined before that day, it shall be heard and determined as if this Act had not been enacted.

(5) Where, but for the repeals effected by this Act, section 131 of the repealed Act would have applied on or after the appointed day in respect of a licence or permit under the repealed Act, application may be made for the issue of the corresponding licence under the Principal Act and, where such an application is made, that section applies thereto with such modifications as may be necessary.

Refusal of application.

11. For the purposes of section 36 (6) of the Principal Act—

- (a) a reference therein to the refusal of an application for a licence includes a reference to the refusal, occurring before the appointed day, of an application under the repealed Act for a licence for which the firstmentioned licence is the corresponding licence under the Principal Act; and
- (b) a reference therein to the ground specified in section 45 (2) of the Principal Act includes a reference to the ground specified in section 29 (1) (e) of the repealed Act as from time to time in force.

Conditional grant of application.

12. Sections 40 (2), 58, 59 and 60 of the Principal Act apply to and in respect of an application under the repealed Act conditionally granted before the appointed day in the same way as they would have applied if the Principal Act had been in force when the application was made and the conditional grant had been made thereunder.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Objections.**

13. (1) An objection to an application taken under the repealed Act before the appointed day and not finally heard and determined before that day shall be heard and determined as if the repealed Act had continued in force.

(2) Where an objection to renewal of a licence or permit under the repealed Act (other than a permit issued under section 57B of that Act) is upheld after being heard and determined in accordance with subclause (1), the court shall be deemed, for the purposes of section 69 of the Principal Act, to have been satisfied that the ground specified in section 68 (1) (d) of the Principal Act has been made out in relation to the corresponding licence under the Principal Act after hearing a complaint made under section 67 of the Principal Act.

(3) Where an objection to renewal of a permit under section 57B of the repealed Act is upheld after being heard and determined in accordance with subclause (1), the objection shall be deemed to have been an application duly made under section 25 (8) of the Principal Act.

Grant of transfer of licence.

14. Where an application made under the repealed Act for transfer of a licence had not been finally heard and determined before the appointed day, section 61 of the Principal Act applies to and in respect of the application in the same way as it applies to and in respect of a like application made under the Principal Act.

Death or disability of licensee.

15. Where, immediately before the appointed day, section 116 of the repealed Act applied to and in respect of the business of a licensee, Division 7 of Part III of the Principal Act applies to and in respect of the business of the licensee as if that Division had been in force at the time of the death or disability of the licensee and an endorsement of the licence under section 116 of the repealed Act shall be deemed to be an endorsement under section 64 of the Principal Act of the corresponding licence under the Principal Act.

Disciplinary provisions.

16. (1) Where, immediately before the appointed day, the matter of a summons duly served under section 123 or 125 of the repealed Act had not been finally heard and determined, the matter of the summons shall be heard and determined as if the

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

person summoned had thereby been summoned under section 67 of the Principal Act to appear before the court and show cause why the court should not take action under section 69 of the Principal Act.

(2) Upon the hearing pursuant to subclause (1) of the matter of a complaint, the court may take action under section 69 of the Principal Act only if the matter of the complaint made out is within the grounds specified in section 68 (1) of the Principal Act, a reference in that subsection to an offence against the Principal Act being construed as including a reference to an offence against the repealed Act and a reference in that subsection to a direction or order of the court given or made under the Principal Act being construed as including a reference to an order of the court under section 40A or 40B of the repealed Act.

Disqualification and suspension.

17. (1) A person disqualified under the repealed Act from being licensed under that Act until a certain date is disqualified until that date from holding a licence under the Principal Act.

(2) Premises disqualified under the repealed Act from being licensed under that Act until a certain date are disqualified until that date from being licensed under the Principal Act.

(3) Where the period of suspension of a licence or permit under the repealed Act had not expired before the appointed day, the corresponding licence under the Principal Act is suspended until the period of suspension imposed under the repealed Act would have expired if this Act had not been enacted.

Secretary of Liquor Administration Board.

18. The person who, immediately before the appointed day, held office as secretary to the Licenses Reduction Board shall be deemed to have been appointed on that day under section 74 (2) of the Principal Act as secretary of the Liquor Administration Board.

Assessment, payment and reassessment of licence fee.

19. (1) Where, before the appointed day, the fee payable for renewal of a licence or permit in force under the repealed Act and due to expire immediately before that day was fixed or determined under that Act, the amount so fixed or determined shall

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

be deemed to be the amount assessed under section 82 of the Principal Act as the licence fee payable in respect of the licensing period that commenced on that day for the corresponding licence under the Principal Act.

(2) Where, before the appointed day, a fee, or an instalment of a fee, was paid for the renewal of a licence or permit in force under the repealed Act and due to expire immediately before that day, the fee or instalment shall be deemed to be the licence fee, or an instalment of the licence fee, payable under section 80 of the Principal Act in respect of the licensing period that commenced on that day for the corresponding licence under the Principal Act.

(3) A reference in section 83 of the Principal Act—

- (a) to a licence fee as assessed under section 82 of the Principal Act—shall be construed as including a reference to the fee for renewal of a licence or permit under the repealed Act as fixed or determined under the repealed Act;
- (b) to a licence fee previously reassessed—shall be construed as including a reference to the fee for renewal of a licence or permit under the repealed Act as last reassessed under that Act;
- (c) to a statutory declaration under section 84 of the repealed Act—shall be construed as including a reference to a statutory declaration under section 22 of the repealed Act (including a statutory declaration under that section as applied by section 78H (3) or 152H (2) of the repealed Act); and
- (d) to the licensee, at the time of payment of the fee to which a reassessment relates or at the time a fee was previously reassessed—shall be construed as including a reference to the holder at that time of a permit under the repealed Act for which the licence held by the licensee at the time the Board notifies the reassessment is the corresponding licence under the Principal Act.

Preservation of records.

20. Section 86 of the Principal Act (subsections (1) and (2) of that section excepted) applies to and in respect of a record made before the appointed day under section 168D (1) of the repealed Act in the same way as it applies to and in respect of a record made on or after that day under section 86 (2) of the Principal Act.

Restricted and reception areas.

21. (1) Where, immediately before the appointed day, a declaration of a room or place on, or a declaration of a part of, licensed premises as a bar-room or bar, or as a public bar, was in force under section 64 of the repealed Act, the room, place or

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

part is on and after that day a restricted area under the Principal Act unless the court, on the application of the licensee or the licensing inspector, revokes the application of this subclause to that room or place.

(2) Where, immediately before the appointed day, a permission to use a bar-room or bar for the service of liquor to guests or inmates was in force under section 64 of the repealed Act, the permission continues in force on and after that day, subject to any conditions to which it was subject immediately before that day, as if it were an authority granted under section 21 (2) of the Principal Act in relation to the part of the licensed premises that comprised the bar-room or bar.

(3) Where, immediately before the appointed day, an endorsement of a permit under Part IIIA of the repealed Act to allow a reception area in a restaurant was in force, the use as a reception area of the part of the restaurant to which the endorsement related shall be deemed to have been, on the appointed day, authorised by the court under section 88 of the Principal Act.

Boundaries of licensed premises.

22. (1) Where, immediately before the appointed day, the boundaries and extent of any licensed premises (other than licensed premises to which a tourist hotel licence related) have been fixed by the court, the same boundaries and extent of the licensed premises shall be deemed to have been, on the appointed day, defined under section 90 (1) of the Principal Act.

(2) Where a tourist hotel licence under the repealed Act was in force immediately before the appointed day, the court shall be deemed to have, under section 90 (2) of the Principal Act, defined the boundaries of the licensed premises to which the corresponding licence under the Principal Act relates as being the same as the boundaries of the licensed premises to which the tourist hotel licence related.

Use of part of licensed premises by minors.

23. Where, immediately before the appointed day, a permission under section 51B of the repealed Act authorised the use of a part of licensed premises as a dining area, lounge or beer garden, the use of that part by a minor in the company of an adult shall be deemed to have been, on the appointed day, authorised by the court under section 87 of the Principal Act subject to the same conditions as those in force immediately before the appointed day in relation to the permission granted under the repealed Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Temporary premises, alterations, etc.**

24. (1) An authority granted, or order made, under section 40, 40A or 40B of the repealed Act and in force immediately before the appointed day in relation to any premises remains in force on and after that day, and the Principal Act applies to and in respect thereof—

- (a) in the case of an authority granted under section 40 (1) of the repealed Act—as if it had been granted under section 93 of the Principal Act;
- (b) in the case of an authority granted under section 40 (2) (c) of the repealed Act—as if it had been granted under section 94 of the Principal Act;
- (c) in the case of an order made under section 40A of the repealed Act—as if it had been made under section 95 of the Principal Act; or
- (d) in the case of an order made under section 40B of the repealed Act—as if it had been made under section 96 of the Principal Act.

(2) The period for which an authority or order continued in force by subclause (1) remains in force shall be determined as if the Principal Act had been in force on the day on which the authority was granted or the order made.

Control of licensed premises.

25. A consent—

- (a) given under section 64 (4) of the repealed Act and still operative immediately before the appointed day—continues to have effect on and after that day as if it had been given under section 101 (1) (h) of the Principal Act; or
- (b) given under section 70 of the repealed Act and still operative immediately before the appointed day—continues to have effect on and after that day as if it had been given under section 101 (1) (a) or (e) of the Principal Act, as the case may require.

Register of guests, etc.

26. Where, immediately before the appointed day, a register was being kept by a licensed publican in accordance with section 68A of the repealed Act and, on and after that day, continues to be so kept, the register shall, until the Board otherwise directs, be deemed to be kept in a form and manner approved by the Board.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Exclusion from licensed premises.**

27. Section 103 of the Principal Act applies to and in respect of a person who has been refused admission to, or has been turned out of, licensed or other premises under section 156 of the repealed Act in the same way as it applies to and in respect of a person who has been refused admission to, or has been turned out of, licensed premises under section 103 (1) of the Principal Act.

Quiet and good order.

28. Where, immediately before the appointed day, the matter of a summons duly served under section 47 of the repealed Act had not been finally heard and determined, the matter of the summons shall be heard and determined as if it were a summons under section 104 of the Principal Act.

Licensing and special inspectors.

29. (1) The person who, immediately before the appointed day, held office under the repealed Act as superintendent of licenses holds office on and after that day as if he had been appointed under section 106 of the Principal Act.

(2) The person who, immediately before the appointed day, held office under the repealed Act as Metropolitan licensing inspector holds office on and after that day as if he had been appointed under section 107 of the Principal Act.

(3) A person who, immediately before the appointed day, held office under section 119 (2A) of the repealed Act as an inspector assisting the Metropolitan licensing inspector holds office on and after that day as if he had been appointed under section 107 (4) of the Principal Act.

(4) A person who, immediately before the appointed day, held office under section 119 (1) of the repealed Act as a district inspector holds office on and after that day as a licensing inspector as if he had been appointed under section 107 (5) of the Principal Act.

(5) A person who, immediately before the appointed day, held office as an inspector appointed for the purposes of section 121A of the repealed Act holds office on and after that day as if he had been appointed as a special inspector under section 109 of the Principal Act.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Construction of references.**

30. On and from the appointed day, a reference in any other Act, or in any regulation, by-law or other statutory instrument, or in any other document, whether of the same or of a different kind—

- (a) to a licensing court—shall be read and construed as a reference to the Licensing Court of New South Wales;
- (b) to the chairman of licensing courts—shall be read and construed as a reference to the Chairman of the Licensing Court of New South Wales;
- (c) to the deputy chairman of licensing courts—shall be read and construed as a reference to the Deputy Chairman of the Licensing Court of New South Wales;
- (d) to a licence or permit under the repealed Act—shall be read and construed as a reference to the corresponding licence under the Principal Act; or
- (e) to the Licenses Reduction Board—shall be read and construed as a reference to the Liquor Administration Board.

Regulations.

31. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequential upon the enactment of this Act and the Liquor Act, 1982, including provisions requiring a reference in any other Act, other than this Act, to the Liquor Act, 1912, or a provision thereof to be construed as a reference to the Principal Act or a provision thereof.

(2) A provision made under subclause (1) may take effect on and from the appointed day or a later day.

(3) To the extent to which a provision made under subclause (1) takes effect on and from a day that is earlier than the day of its publication in the Gazette, the provision does not operate—

- (a) to affect, in a manner prejudicial to any person (other than the State or a public authority), the rights of that person existing before that day of publication; or
- (b) to impose a liability on any person (other than the State or a public authority) in respect of anything done or omitted to be done before that day of publication.

Liquor (Repeals and Savings).

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(4) A provision made under subclause (1) has effect notwithstanding anything in this Schedule or Schedule 4, this clause excepted.

SCHEDULE 4.

(Sec. 6.)

SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES.

Interpretation.

1. (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires, words and expressions have the same meaning as they have in the Principal Act and—

“appointed day” means the day appointed and notified under section 2 (2) of the Principal Act;

“Principal Act” means the Liquor Act, 1982;

“repealed Act” means the Liquor Act, 1912, as from time to time in force before the appointed day.

(2) This Schedule applies—

- (a) to an off-licence under the Principal Act that is the corresponding licence under that Act for an Australian wine licence that, immediately before the appointed day, was in force under the repealed Act and subject to a condition prohibiting the sale of liquor for consumption on the licensed premises;
- (b) to an on-licence under the Principal Act that is the corresponding licence under that Act for an Australian wine licence that, immediately before the appointed day, was in force under the repealed Act and subject to a condition permitting the sale of liquor only for consumption on the licensed premises; and
- (c) to an off-licence, and an on-licence, under the Principal Act that are the corresponding licences under that Act for any other Australian wine licence that, immediately before the appointed day, was in force under the repealed Act,

and to the relevant licensees and licensed premises.

Liquor (Repeals and Savings).

SCHEDULE 4—*continued.*SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES—*continued.*

(3) Where this Schedule applies as provided by subclause (2) (c), only one licence fee is payable under the Principal Act, notwithstanding that 2 licences relate to the licensed premises.

Wine only to be sold.

2. The court shall be deemed to have, under section 20 of the Principal Act, imposed a condition of a licence to which this Schedule applies that liquor other than wine shall not be sold or supplied on the licensed premises.

Trading hours.

3. (1) Sections 24 (2) and 25 of the Principal Act (sections 25 (3) and (6) excepted) apply to and in respect of an on-licence to which this Schedule applies in the same way as they apply to and in respect of a hotelier's licence under the Principal Act.

(2) Sections 26 and 27 of the Principal Act apply to and in respect of an off-licence to which this section applies in the same way as they apply to and in respect of an off-licence under the Principal Act.

(3) Where, immediately before the appointed day—

- (a) the trading hours pursuant to an on-licence to which this Schedule applies differed from those prescribed by section 24 (2) of the Principal Act—the trading hours so prescribed shall be deemed, to the extent that the difference is within the limits prescribed by section 25 of the Principal Act (sections 25 (3) and (6) excepted) to have been varied under that section; or
- (b) the trading hours pursuant to an off-licence to which this Schedule applies differed from those prescribed by section 26 of the Principal Act—the trading hours so prescribed shall be deemed, to the extent that the difference

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SCHEDULE 4—*continued.*SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES—*continued.*

is within the limits prescribed by section 27 of the Principal Act, to have been varied under that section,

and any conditions imposed by the court to which the trading hours in force before the appointed day were subject shall be deemed to be conditions imposed by the court under section 25 or 27, as the case may require.

Light meal to be provided.

4. It is a condition of an on-licence to which this Schedule applies that (with the exception of a part of the licensed premises in which liquor is being sold or supplied with or as ancillary to a meal or supper served on the premises or in which meals or substantial refreshments are available with or without charge) the licensed premises shall not be open at any time for the sale or supply of liquor unless, in a part of the premises so open, at least a light meal is available, with or without charge, for consumption by persons to whom liquor is sold or supplied.

Application of Principal Act.

5. (1) To the extent that it is not inconsistent with this Schedule, the Principal Act applies to and in respect of the licences, licensees and licensed premises to which this Schedule applies, and matters related thereto.

(2) The provisions of the Principal Act relating to restricted areas apply to and in respect of licensed premises to which this Schedule applies in the same way as they apply to and in respect of licensed premises to which a hotelier's licence relates.

(3) Where there are 2 licences relating to licensed premises to which this Schedule applies, section 131 of the Principal Act does not apply in respect of liquor sold pursuant to the off-licence.

Search warrants.

6. Section 151 of the Principal Act has effect in relation to wine and to licensed premises to which this Schedule applies in the same way as it has effect in relation to Australian wine and licensed premises to which an off-licence for a vigneron relates.

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SCHEDULE 4—*continued.*

SPECIAL PROVISIONS RELATING TO AUSTRALIAN WINE LICENCES—*continued.*

Forfeiture of liquor.

7. Section 152 of the Principal Act has effect in relation to an on-licence to which this Schedule applies in the same way as it has effect in relation to an off-licence.

Dormant licence lapses.

8. Notwithstanding anything in this Act an Australian wine licence that, immediately before the appointed day, was not being exercised ceases on and after that day to have any force or effect.

Removal of licence prohibited.

9. Subject to clause 10 (4) of Schedule 3, a licence to which this Schedule applies may not be removed, whether it is an off-licence or an on-licence.

Regulations.

10. (1) The Governor may make regulations relating to a licence to which this Schedule applies, the licensee, the licensed premises and persons resorting to those premises.

(2) A regulation may be made under subclause (1) for and with respect to the application or otherwise of the Principal Act to and in respect of a licence to which this Schedule applies, the licensee, the licensed premises and persons resorting to those premises.

(3) A regulation made under subclause (1)—

(a) may impose a penalty not exceeding \$1,000 for a breach of the regulation:
and

(b) has effect notwithstanding anything in this Schedule, this clause excepted.

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SCHEDULE 5.

(Sec. 6.)

SPECIAL PROVISIONS RELATING TO CERTAIN OBJECTIONS.

Time for lodging certain objections.

1. A reference in section 6 (2) of the Liquor (Amendment) Act, 1981, to the time appointed for the hearing of an application is, and shall be deemed always to have been, a reference to the day on which the hearing of the application on the merits commenced.

Exclusion of decided cases.

2. Clause 1 does not apply to or in respect of the applications that gave rise to the decisions of the Court of Appeal in the cases of—

- (a) Carberry & Ors. v. James & Ors., No. 459 of 1981; and
- (b) Grant v. Hardy & Ors., No. 230 of 1982.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 21st December, 1982.*