

LIQUOR (FURTHER AMENDMENT) ACT 1990 No. 61

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Liquor Act 1982 No. 147

SCHEDULE 1 - AMENDMENTS



LIQUOR (FURTHER AMENDMENT) ACT 1990 No. 61

NEW SOUTH WALES



Act No. 61, 1990

An Act to amend the Liquor Act 1982 to make further provision with respect to the use by minors of parts of licensed premises; and for other purposes. [Assented to 23 October 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Liquor (Further Amendment) Act 1990.

Commencement

2. This Act commences on the date of assent.

Amendment of Liquor Act 1982 No. 147

3. The Liquor Act 1982 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 4 (**Definitions**):

From the definition of "restricted area" in section 4 (1), omit paragraph (b), insert instead:

- (b) a part of the premises in respect of which an authorisation under section 87 is in force whenever it operates to authorise the use by a minor of that part; or

(2) Section 87 (**Authority for use of part of premises by minor**):

Omit section 87 (1), insert instead:

(1) The Board may, on the application of the licensee or the licensing inspector and subject to any conditions that it may impose, authorise:

- (a) the use by a minor in the company of an adult of a part of the premises to which a hotelier's licence relates; or
- (b) the use by minors under adult supervision of a part of the premises to which a hotelier's licence relates.

(1A) An authorisation under subsection (1) (b) must be subject to a condition as to the required level of adult supervision of minors using a part of licensed premises pursuant to the authorisation.

SCHEDULE 1 - AMENDMENTS - *continued*

(1B) Authorisations can be granted under both paragraphs (a) and (b) of subsection (1) in respect of the same part of premises.

(1C) Whenever an authorisation under subsection (1) (b) is operating to authorise the use by a minor of a part of premises, any authorisation under subsection (1) (a) has no operation to the extent that it applies to that part of the premises.

(3) Section 117 (**Minors on licensed premises**):

(a) From section 117 (3), (4) and (5), omit "section 87" wherever occurring, insert instead "section 87 (1) (a)".

(b) At the end of section 117 (3), insert:

Maximum penalty: 10 penalty units.

(c) After section 117 (4), insert:

(4A) A licensee is guilty of an offence if liquor is sold, supplied or consumed anywhere on the licensed premises:

(a) during any period that an authorisation under section 87 (1) (b) operates to authorise the use by a minor of a part of the premises; or

(b) within 30 minutes before the start of, or within 30 minutes after the end of, that period.

Maximum penalty: 20 penalty units.

(4B) It is a defence to a prosecution under subsection (2) or (3) in respect of a person's entering or remaining in a part of licensed premises if it is proved that the person believed on reasonable grounds that an authorisation under section 87 (1) (b) operated to authorise the use of that part at the relevant time by minors under adult supervision.

[*Minister's second reading speech made in -
Legislative Assembly on 24 May 1990
Legislative Council on 13 September 1990*]







FIRST PRINT

LIQUOR (FURTHER AMENDMENT) BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Liquor Act 1982:

- (a) to authorise the issue by the Liquor Administration Board of authorisations for the use by minors under adult supervision of a part of licensed premises (subject to conditions imposed by the Board as to the required level of adult supervision) to enable its use for example as a disco; and
- (b) to create a new offence which will be committed by the licensee if liquor is sold, supplied or consumed anywhere on licensed premises during a period when one of the proposed new authorisations is authorising the use by minors of any part of the premises or within 30 minutes before or after that period.

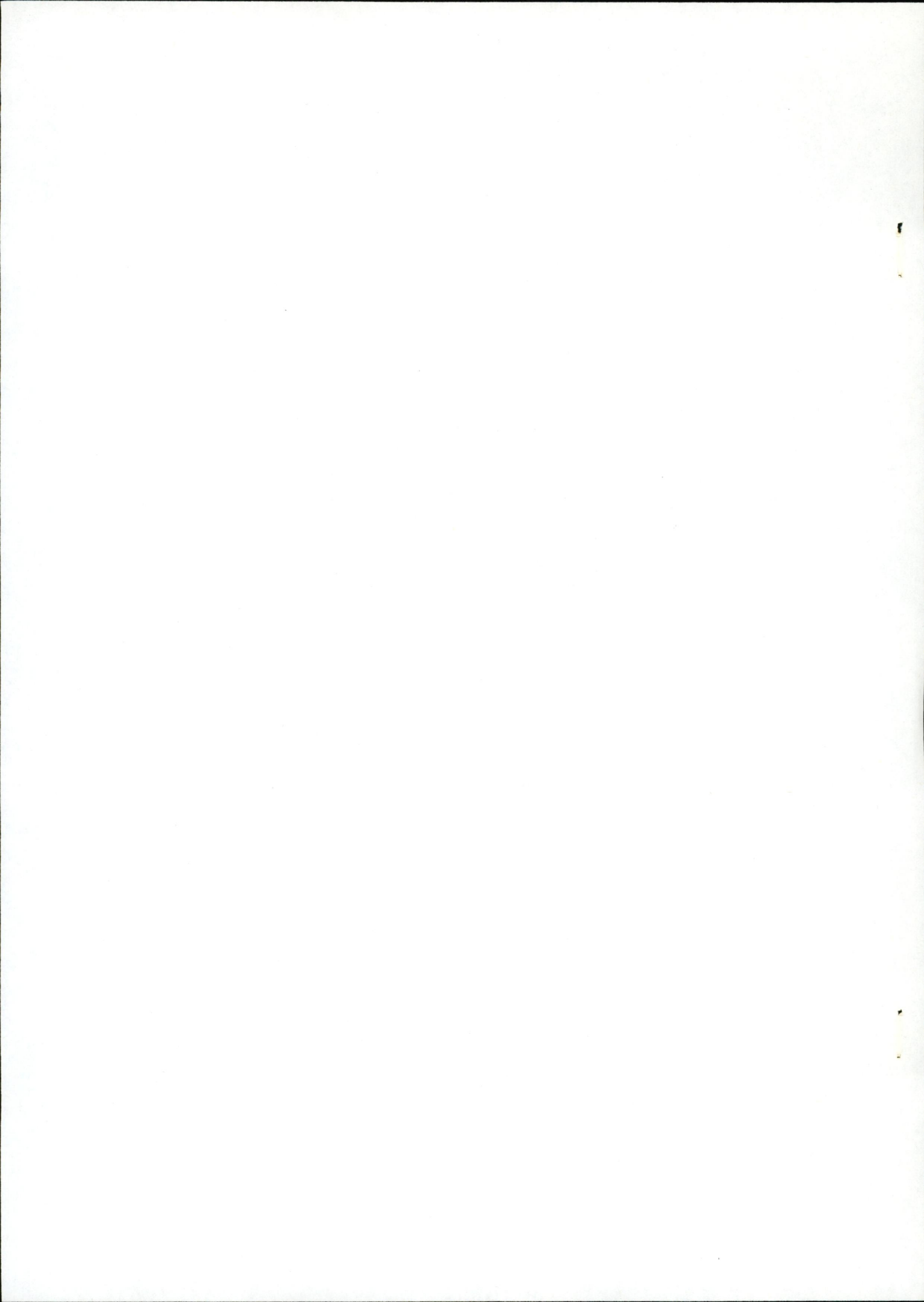
The Board can already authorise the use of a part of licensed premises by a minor in the company and immediate presence of an adult.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 gives effect to the Schedule of proposed amendments to the Principal Act.

Schedule 1 makes the amendments described above.



FIRST PRINT

LIQUOR (FURTHER AMENDMENT) BILL 1990

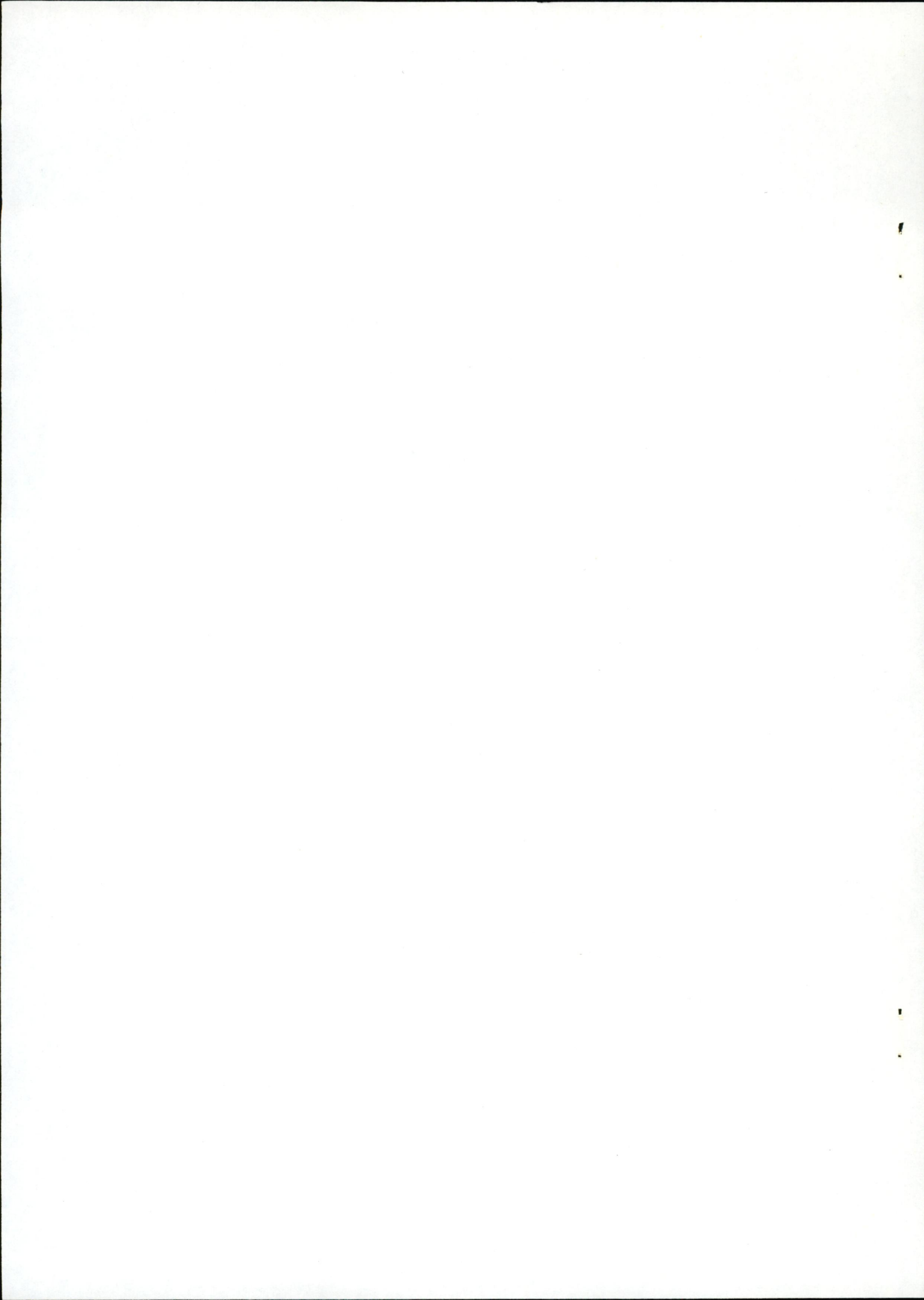
NEW SOUTH WALES



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SCHEDULE 1 - AMENDMENTS



LIQUOR (FURTHER AMENDMENT) BILL 1990

NEW SOUTH WALES



No. , 1990

A BILL FOR

An Act to amend the Liquor Act 1982 to make further provision with respect to the use by minors of parts of licensed premises; and for other purposes.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Liquor (Further Amendment) Act 1990.

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2. This Act commences on the date of assent.

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3. The Liquor Act 1982 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 4 (**Definitions**):

From the definition of "restricted area" in section 4 (1), omit paragraph (b), insert instead:

- (b) a part of the premises in respect of which an authorisation under section 87 is in force whenever it operates to authorise the use by a minor of that part; or

(2) Section 87 (**Authority for use of part of premises by minor**):

Omit section 87 (1), insert instead:

(1) The Board may, on the application of the licensee or the licensing inspector and subject to any conditions that it may impose, authorise:

- (a) the use by a minor in the company of an adult of a part of the premises to which a hotelier's licence relates; or
- (b) the use by minors under adult supervision of a part of the premises to which a hotelier's licence relates.

(1A) An authorisation under subsection (1) (b) must be subject to a condition as to the required level of adult supervision of minors using a part of licensed premises pursuant to the authorisation.

SCHEDULE 1 - AMENDMENTS - *continued*

(1B) Authorisations can be granted under both paragraphs (a) and (b) of subsection (1) in respect of the same part of premises.

(1C) Whenever an authorisation under subsection (1) (b) is operating to authorise the use by a minor of a part of premises, any authorisation under subsection (1) (a) has no operation to the extent that it applies to that part of the premises.

(3) Section 117 (**Minors on licensed premises**):

(a) From section 117 (3), (4) and (5), omit "section 87" wherever occurring, insert instead "section 87 (1) (a)".

(b) At the end of section 117 (3), insert:
Maximum penalty: 10 penalty units.

(c) After section 117 (4), insert:

(4A) A licensee is guilty of an offence if liquor is sold, supplied or consumed anywhere on the licensed premises:

- (a) during any period that an authorisation under section 87 (1) (b) operates to authorise the use by a minor of a part of the premises; or
- (b) within 30 minutes before the start of, or within 30 minutes after the end of, that period.

Maximum penalty: 20 penalty units.

(4B) It is a defence to a prosecution under subsection (2) or (3) in respect of a person's entering or remaining in a part of licensed premises if it is proved that the person believed on reasonable grounds that an authorisation under section 87 (1) (b) operated to authorise the use of that part at the relevant time by minors under adult supervision.

