



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 108 of 1986

An Act to amend the Liquor Licensing Act, 1985.

[Assented to 18 December 1986]

The Parliament of South Australia enacts as follows:

Short title.

1. (1) This Act may be cited as the "Liquor Licensing Act Amendment Act, 1986".

(2) The Liquor Licensing Act, 1985, is in this Act referred to as "the principal Act".

Commencement.

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of
s. 50—
Power of licensing
authority to
impose
conditions.

3. Section 50 of the principal Act is amended—

(a) by inserting after paragraph (d) of subsection (1) the following paragraph:

(e) conditions that the licensing authority thinks desirable to ensure public order and safety at events expected to attract large crowds.;

(b) by striking out paragraph (a) of subsection (3) and substituting the following paragraph:

(a) by the Commissioner—

(i) on the application of the Commissioner of Police;

or

(ii) in the case of a condition intended to ensure public order and safety at an event expected to attract a large crowd—on the Commissioner's own initiative;

and

(c) by inserting after paragraph (b) of subsection (4) the following paragraph:

(ba) limiting the sale of liquor for consumption off licensed premises in pursuance of a licence;

4. Section 118 of the principal Act is amended—

(a) by inserting after the contents of subsection (1) the following:

“Penalty:

In the case of the licensee, or the manager of the licensed premises—\$10 000;

In the case of any other person—\$2 000.”;

(b) by inserting after the contents of subsection (3) the following:

“Penalty: \$10 000.”;

and

(c) by inserting after the contents of subsection (4) the following:

Penalty: \$2 000.

Amendment of
s. 118—
Sale or supply of
liquor to minors.

5. The following section is inserted after section 119 of the principal Act:

119a. (1) A minor may not enter, or remain in—

(a) a part of licensed premises defined in a late night permit at any time when liquor may be sold in pursuance of the permit;

or

(b) licensed premises in respect of which an entertainment venue licence is in force at any time when liquor may be sold (otherwise than to a diner) in pursuance of the licence.

(2) If a minor (not being a child of the licensee or a manager of the licensed premises) enters or remains in licensed premises in contravention of this section, the licensee, an employee of the licensee, or a member of the police force may require the minor to leave, and if the minor fails to do so, may exercise reasonable force to remove the minor.

(3) Where a minor enters or remains in licensed premises or any part of licensed premises in contravention of this section, the minor and the licensee are each guilty of an offence.

(4) A licensee shall cause to be displayed at each entrance of licensed premises, or part of licensed premises, at any time when access is prohibited to minors under this section, notice of that fact in the prescribed form.

Insertion of new
s. 119a.

Minors not to
enter or remain
in certain licensed
premises.

6. The following section is inserted after section 123 of the principal Act.

123a. (1) A minor who consumes or has possession of liquor in a public place is guilty of an offence.

Insertion of new
s. 123a.

Minors may not
consume or
possess liquor in
public places.

(2) A person who supplies liquor to a minor in a public place is guilty of an offence.

Penalty: \$2 000.

(3) This section does not apply to the consumption or possession of liquor by, or the supply of liquor to, a minor who is in the company of an adult guardian or spouse of the minor.

(4) In this section—

“guardian” in relation to a minor, means a parent (including a step-parent) or legal guardian of the minor.

“public place” means a place (not being licensed premises) to which the public has access (whether or not admission is obtained by payment of money).

Amendment of
s. 125—
Disciplinary
powers
exercisable by the
Court.

7. Section 125 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) Where a licensee is convicted of an offence against section 118 and a complaint is lodged on that ground the court must—

(a) take disciplinary action against the licensee;

and

(b) if the conviction follows a previous conviction for an offence against that section—suspend or revoke the licence unless the licensee shows cause why that action should not be taken.

Amendment of
heading.

8. The heading immediately preceding section 128 of the principal Act is struck out and the following heading is substituted:

DIVISION II—POWER TO REMOVE OR REFUSE ENTRY.

Amendment of
s. 128—
Power to refuse
entry or remove
persons guilty of
offensive
behaviour.

9. Section 128 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) An authorized person may, if necessary, use reasonable force to—

(a) remove from licensed premises any person who is intoxicated or behaving in an offensive or disorderly manner;

or

(b) prevent the entry of such a person onto licensed premises.;

(b) by striking out from subsection (2) “to remove from licensed premises” and substituting “in relation to”;

(c) by inserting in subsection (2) “or disorderly” after “offensive”;

and

(d) by inserting the following subsection after subsection (3):

(3a) A person—

(a) who is refused entry to, or prevented from entering, licensed premises by an authorized person on the ground that he or she is behaving in an offensive or disorderly manner or is intoxicated;

and

(b) who enters or attempts to enter the licensed premises within 24 hours after entry is so refused or prevented,

is guilty of an offence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor