

LIQUOR (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act. No. 33, 1975.

An Act to make further provision with respect to the hours during which liquor may be sold; to enable liquor to be sold in a theatre providing cinematographic entertainment; to provide for wine tasting on premises in respect of which an Australian wine license is held; to confirm that sales tax is to be included in the amount upon which liquor license fees are assessed; to make further provisions with respect to late permits for the sale of liquor; to enable unfortified wines to be sold in a restaurant by the glass; to validate certain matters; for these and other purposes to amend the Liquor Act, 1912; and for purposes connected therewith. [Assented to, 16th April, 1975.]

BE

Liquor (Amendment).

No. 33, 1975 **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 (Amendment) Act, 1975".

Commence-
ment. **2.** (1) This section and sections 1 and 3 commence on the date of assent to this Act.

(2) Subject to subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act. **3.** The Liquor Act, 1912, is in this Act referred to as the Principal Act.

Amendment of Act No. 42, 1912. **4.** Part III of the Principal Act is amended—

Sec. 13.
(Exemptions from this Part.) (a) by omitting section 13 (1) (c) and by inserting instead the following subparagraph:—

(c) is not sold or offered for sale on Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b) and, on any other day, is sold or offered for sale, and is delivered, at the place where it is made—

(i) where that other day is not a Sunday
—only between 10 a.m. and 6 p.m.;
or

(ii)

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(ii) where that other day is a Sunday or No. 33, 1975
is Anzac Day—only between 12 —
noon and 6 p.m.;

(b) (i) by omitting from section 18 the words “in Sec. 18.
granting any renewal or removal of an (Australian
Australian wine license,”; wine
licenses.)

(ii) by omitting from section 18 the words “at any
subsequent renewal or removal”;

(iii) by inserting at the end of section 18 the
following subsection :—

(2) The imposition by the licensing court of
a condition that liquor shall not be consumed
on the premises specified in an Australian wine
license does not prevent the consumption of
wine, cider, mead or perry produced in Aus-
tralia which is supplied gratuitously and not
otherwise to customers and intending customers
for tasting purposes only.

(c) by omitting section 19;

Sec. 19.
(Qualifica-
tion on
grant and
exercise
of Australian
wine
license.)

(d) (i) by omitting from section 20 (1) the words Sec. 20.
“postponed: Provided that a booth license shall (Booth
not be granted for or exercised during any of licenses.)
the days referred to in paragraphs (a) and
(b) of subsection one of section fifty-seven of
this Act or the time before twelve noon upon
any day, not being a Sunday, upon which
Anzac Day is observed” and by inserting
instead the word “postponed”;

(ii)

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(ii) by inserting after section 20 (1) the following subsection :—

(1A) A booth license shall not be granted for or exercised on—

(a) a Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b); or

(b) Anzac Day during the time before 12 noon.

Sec. 20A.
(Theatre licenses.)

(e) (i) by inserting in section 20A (1) after the word “theatre” where secondly occurring the words “(not being a drive-in theatre or an open-air theatre)”;

(ii) by omitting section 20A (1) (a) and by inserting instead the following paragraph :—

(a) that is regularly used for entertainments of the stage or for cinematographic entertainment or for both; and;

Sec. 20c.

(f) by omitting section 20c and by inserting instead the following section :—

20c. (1) A theatre license and a limited public hall license shall not authorise the licensee to sell and dispose of liquor—

(a) on a Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b); or

(b)

Prohibited hours for sale of liquor under theatre or public hall license.

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- (b) on Anzac Day (not being a Sunday) except No. 33, 1975 after 12 noon,

except in so far as the times specified in the license extend beyond 12 midnight on any immediately preceding day on which the sale or disposal of liquor is authorised by the license.

(2) A general public hall license shall not authorise the licensee to sell and dispose of liquor—

- (a) on a Sunday (not being a Sunday that is 31st December) Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b), except between 12 noon and 3 p.m. and between 6 p.m. and 10 p.m.;
- (b) on Anzac Day (not being a Sunday) except after 12 noon; or
- (c) on a Sunday that is 31st December, except between 12 noon and 3 p.m. and between 6 p.m. and 12 midnight,

except in so far as the times specified in the license extend beyond 12 midnight on any immediately preceding day on which the sale or disposal of liquor is authorised by the license.

- (g) (i) by omitting from section 20D (4) (a) (i) the words "a day referred to in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act" and by inserting instead the words "a Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b)";
- (ii) by omitting from section 20D (4) (a) (ii) the words "the hour of twelve" and by inserting instead the matter "12";
- (iii)

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- (iii) by omitting from section 20D (4) (a) (iii) the words "the hours of twelve noon and three o'clock in the afternoon, and between the hours of six o'clock in the evening and twelve midnight," and by inserting instead the words "12 noon and 3 p.m. and between 6 p.m. and 12 midnight";
- (iv) by omitting section 20D (4) (a) (iv) and by inserting instead the following subparagraph :—
- (iv) between 12 noon and 3 p.m. and between 6 p.m. and 10 p.m. on any other Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b);
- (v) by omitting section 20D (4) (a) (v) and by inserting instead the following subparagraph :—
- (v) before 3 a.m. on a Sunday, Good Friday, Christmas Day, a day proclaimed under section 57 (1) (b) and Anzac Day if the immediately preceding day is not one of those days,
- (vi) by omitting section 20D (4) (b) (i) and (ii) and by inserting instead the following subparagraphs :—
- (i) on a Sunday (not being a Sunday that is 31st December) Good Friday, Christmas Day and a day proclaimed under section 57 (1) (b)—between 12 noon and 3 p.m. and between 6 p.m. and 10 p.m.;

(ii)

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- (ii) on a Sunday that is 31st December—No. 33, 1975
between 12 noon and 3 p.m. and
between 6 p.m. and 12 midnight; and
- (iii) on any other day—between 12 noon
and 12 midnight;
- (h) by omitting from section 20F the matter “(3A),”; Sec. 20F.
(Applica-
tion of
certain pro-
visions.)
- (i) (i) by inserting in section 21 (1) (b) after the Sec. 21.
(Fees
payable
for
licenses
under this
Part.)
word “duties” the words “and sales tax”;
- (ii) by inserting in section 21 (1) (d) after the
word “duties” the words “and sales tax”;
- (iii) by inserting in section 21 (1) (g) after the
word “duties” the words “and sales tax”;
- (iv) by inserting in section 21 (1) (i) after the
word “duties” the words “and sales tax”;
- (v) by inserting in section 21 (1) (l) after the
word “duties” the words “and sales tax”;
- (vi) by inserting in section 21 (1) (n) after the
word “duties” the words “and sales tax”;
- (vii) by inserting in section 21 (1) (q) after the
word “amount” the words “(including any
duties and sales tax thereon)”;
- (j) (i) by inserting in section 22 (1) (a) after the Sec. 22.
(Particulars
to be
furnished
by
licensees.)
word “duties” the words “and sales tax”;
- (ii) by omitting from section 22 (2) the words “for
such liquor” and by inserting instead the words
“therefor, including any duties and sales tax
thereon”;

(k)

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Sec. 26c.
(Accommodation
hotels.)

(k) (i) by omitting from section 26c (1) the word "forty-eight,";

(ii) by omitting section 26c (5) (a) and by inserting instead the following paragraph :—

(a) to persons for consumption in a dining room upon the licensed premises with or as ancillary to a bona fide meal—

(i) on a Sunday (not being a Sunday that is 31st December) Good Friday, Christmas Day and a day proclaimed under section 57 (1) (b)—between 12 noon and 3 p.m. and between 6 p.m. and 10 p.m.;

(ii) on a Sunday that is 31st December—between 12 noon and 3 p.m. and between 6 p.m. and 12 midnight; and

(iii) on any other day—between 12 noon and 12 midnight;

Sec. 48.
(Permits for
musical
entertain-
ments, &c.)

(l) by omitting section 48 ;

Sec. 57.
(Times when
premises
may not be
open for
sale of
liquor.)

(m) (i) by omitting section 57 (1) (c) and by inserting instead the following paragraph :—

(c) upon any day (not being a Sunday) upon which Anzac Day is observed, except between 12 noon and 10 p.m.;

(ii)

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- (ii) by omitting section 57 (1) (d) and by No. 33, 1975
inserting instead the following paragraph :—
- (d) upon any other day except between 10
a.m. and 10 p.m.
- (iii) by omitting section 57 (1A) (a) and by
inserting instead the following paragraph :—
- (a) after—
- (i) 10 p.m. during any period other
than the period fixed by section 5
(1) of the Standard Time Act,
1971, as the duration of summer
time; or
- (ii) 11 p.m. during the period so fixed
as the duration of summer time;
- (iv) by omitting from section 57 (1B) (b1) the
words “the hours of twelve noon and six
o'clock in the evening” and by inserting instead
the matter “12 noon and 6 p.m.”;
- (v) by omitting section 57 (1B) (c) and by
inserting instead the following paragraph :—
- (c) upon any other day except between 6
a.m. and 6 p.m.
- (vi) by inserting in section 57 (1C) (a) after the
word “paragraph” where secondly occurring
the matter “(b1) or”;
- (vii) by omitting section 57 (1C) (b) and by
inserting instead the following paragraph :—
- (b) by omitting paragraph (a) and by
inserting instead the following
paragraph :—
- (a) after 8 p.m.; and;

(viii)

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(viii) by inserting after section 57 (1C) the following subsections :—

(1D) Where, under subsection (1C), the licensing court has varied or varies the later time specified in subsection (1B) (c) to 8 p.m., that variation shall, notwithstanding subsections (1A) (b) and (1C) (b), be deemed to be extended to 9 p.m. on any day on which a general retail store trading in the area in which the licensed premises are situated would be permitted to open for general trading until 9 p.m.

(1E) Where it is a condition of an Australian wine license that liquor shall not be consumed on the licensed premises and the licensed premises are so situated within a retail store or shop that there is no door or entrance through which, if open, access could be obtained to the licensed premises without passing through that store or shop, the license may, notwithstanding subsection (1A) (b), be exercised—

(a) until 9 p.m.; or

(b) until the time that store or shop closes, whichever is the earlier, on any day on which a general retail store trading in the area in which the licensed premises are situated would be permitted to open for general trading until 9 p.m.

(1F) Notwithstanding subsection (1) or (1A), where an Australian wine license and a spirit merchant's license are both held in respect of the licensed premises, the Australian wine license shall not be exercised at any time when liquor may not be sold, supplied or delivered under the spirit merchant's license.

(n)

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- (n) (i) by omitting section 57A (2) and by inserting No. 33, 1975 instead the following subsections :—

(2) Notwithstanding anything in any other provision of this Act, liquor may, subject to the conditions prescribed by subsection (2A), be sold, disposed of or supplied on licensed premises or club premises in respect of which a permit under subsection (1) is in force—

Sec. 57A.
(Supply of liquor with bona fide meals or suppers in licensed or club premises.)

- (a) between 12 noon and 3 p.m. and between 6 p.m. and 10 p.m. on a Sunday, Good Friday, Christmas Day and a day proclaimed under section 57 (1) (b); and
- (b) between 10 p.m. and 12 midnight on any other day.

(2A) The conditions subject to which liquor may be sold, disposed of or supplied pursuant to a permit issued under subsection (1) are—

- (a) that the liquor is not sold, disposed of or supplied to a person referred to in section 49 or, where the permit relates to club premises, a person who is not a member, or the guest of a member, of the club; and
- (b) that the liquor is not sold, disposed of or supplied otherwise than for consumption—

- (i) on a Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b)—in the dining room or a part of the premises specified in the permit that is a dining area referred to in section 51B; and

(ii)

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- (ii) on any other day—in the dining room or another part of the premises specified in the permit (whether or not that other part of the premises is a bar within the meaning of section 64),

with or as ancillary to a bona fide meal or supper supplied at the same time in that dining room or other part of the premises.

(2B) On application to the licensing court for a special occasion on a specified day and on payment of a fee of ten dollars, the licensing court may extend a permit granted under subsection (1)—

- (a) to a specified hour that is not between 3 p.m. and 6 p.m. or later than 10 p.m. on a Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b); and
- (b) to a specified room in, or a specified part of, the premises to which the permit relates.

- (ii) by omitting from section 57A (3) the words “between the hours of twelve noon and three o’clock in the afternoon and between the hours of six o’clock in the evening and ten o’clock in the evening of any days specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, or between the hours of ten o’clock in the evening and twelve o’clock midnight on any other day,” and by inserting instead the words “at any time at which liquor may be sold, disposed of or supplied pursuant to the permit”;

(iii)

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- (iii) by omitting from section 57A (4) the words No. 33, 1975 "hours between ten o'clock in the evening and twelve o'clock midnight" wherever occurring and by inserting instead the matter "times between 10 p.m. and 12 midnight";
- (iv) by omitting from section 57A (4) the words "a day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act" and by inserting instead the words "another Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b)";
- (o) (i) by inserting in section 57B (1) (a) after the word "room" the words ", or in a room used permanently and primarily for dining," Sec. 57B. (Late permit with entertainment.)
- (ii) by omitting from section 57B (1) (a) the word "two" and by inserting instead the word "one";
- (iii) by omitting section 57B (3) (b) and by inserting instead the following paragraph :—
- (b) between 10 p.m. on any day that is not a Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b) and 3 a.m. on the following day, whether or not that following day is a Sunday, Good Friday, Christmas Day or a day so proclaimed;
- (iv) by omitting section 57B (6) (a);
- (v) by omitting from section 57B (7) the words "hours between ten o'clock in the evening" wherever occurring and by inserting instead the matter "times between 10 p.m.";

(vi)

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(vi) by omitting from section 57B (7) the words "three o'clock in the morning" wherever occurring and by inserting instead the matter "3 a.m.";

(vii) by omitting from section 57B (7) the words "a day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act" and by inserting instead the words "another Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b)";

Sec. 57c.
(Liquor
with
meals—
Australian
wine
license.)

(p) (i) by omitting from section 57c (3) the words "meal between the hours of twelve noon and three o'clock in the afternoon and between the hours of six o'clock in the evening and ten o'clock in the evening of the days specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act and between the hours of ten o'clock in the evening and twelve o'clock midnight on any other day" and by inserting instead the following matter :—

meal—

(a) between 12 noon and 3 p.m. and between 6 p.m. and 10 p.m. on a Sunday, Good Friday, Christmas Day and a day proclaimed under section 57 (1) (b); and

(b) between 10 p.m. and 12 midnight on any other day;

(ii) by omitting from section 57c (4) the matter "not—" and by inserting instead the words "not between 3 p.m. and 6 p.m. or later than 10 p.m. on a Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b).";

(iii) by omitting section 57c (4) (a) and (b);

(iv)

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- (iv) by omitting from section 57C (5) the words **No. 33, 1975** "between the hours of twelve noon and three o'clock in the afternoon, or between the hours of six o'clock in the evening and ten o'clock in the evening, of any day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act, or between the hours of ten o'clock in the evening and twelve o'clock midnight on any other day," and by inserting instead the words "at any time at which liquor may be sold, disposed of or supplied pursuant to the permit";
- (v) by omitting from section 57C (5) the words "or supper";
- (vi) by omitting from section 57C (6) the words "hours between ten o'clock in the evening and twelve o'clock midnight" wherever occurring and by inserting instead the words "times between 10 p.m. and 12 midnight";
- (vii) by omitting from section 57C (6) the words "a day specified in paragraphs (a) and (b) of subsection one of section fifty-seven of this Act" and by inserting instead the words "another Sunday, Good Friday, Christmas Day or a day proclaimed under section 57 (1) (b)";
- (q) by omitting from section 67 (1) (e) the matter "millilitres." and by inserting instead the following word and paragraph :—
- millilitres;
- (f) 40 fluid ounces or 1140 millilitres.

(r)

Sec. 67.
(Liquor to be sold by measure.)

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No. 33, 1975 (r) by omitting from section 71 the words "by retail".

Sec. 71.
(Selling otherwise than on authorised premises, etc.)

Further amendment of Act No. 42, 1912.

5. Part IIIA of the Principal Act is amended—

Sec. 78H. (Fees.) (a) by inserting in section 78H (2) after the word "duties" the words "and sales tax";

Sec. 78J. (Holder of permit.) (b) by omitting from section 78J (3) (c) the word "two" and by inserting instead the word "one";

Sec. 78K. (Effect of permit.) (c) (i) by omitting section 78K (3A);

(ii) by omitting section 78K (4) and by inserting instead the following subsection :—

(4) Where a permit is not endorsed as a cabaret permit, liquor shall not be sold or supplied in the restaurant pursuant to the permit except—

(a) between 12 noon and 3 p.m. and between 6 p.m. and 10 p.m. on a Sunday (not being a Sunday that is 31st December) Good Friday, Christmas Day and a day proclaimed under section 57 (1) (b);

(b)

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- (b) on a Sunday that is 31st December— No. 33, 1975
between 12 noon and 3 p.m. and
between 6 p.m. and 12 midnight; and
- (c) on any other day—between 12 noon
and 12 midnight.
- (iii) by omitting section 78K (4A) (a) and (b) and
by inserting instead the following para-
graphs :—
- (a) subject to paragraph (b) between
12 noon and 3 p.m. and between 6 p.m.
and 10 p.m. on a Sunday (not being a
Sunday that is 31st December) Good
Friday, Christmas Day or a day pro-
claimed under section 57 (1) (b); and
- (b) during the periods—
- (i) commencing at 12 noon and
ending at 3 p.m. on a Sunday
that is 31st December and
commencing at 6 p.m. on that
day and ending at 3 a.m. on
the following day; and
- (ii) commencing at 12 noon on any
other day (not being a day to
which paragraph (a) applies)
and ending at 3 a.m. on the
following day,
- whether or not, in either case, that
following day is a Sunday, Good
Friday, Christmas Day or a day
proclaimed under section 57 (1) (b).
- (iv) by omitting section 78K (4C) (a);
- (d)

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Sec. 78L. (d) by omitting section 78L and by inserting instead the following section :—

Removal of
bottles
from
tables.

78L. The holder of a permit is guilty of an offence and liable to a penalty not exceeding one hundred dollars unless, before the expiration of the period of one hour that next succeeds the time after which, pursuant to section 78K, liquor may not be sold or supplied pursuant to the permit, all bottles and other containers in which liquor is so supplied, and all drinking vessels used in the consumption thereof, are removed from the place or places in which liquor is consumed on the premises to which the permit relates.

Further
amendment
of Act No.
42, 1912.

6. Part X of the Principal Act is amended—

Sec. 150A.
(Fees.)

(a) by inserting in section 150A (1) (b) after the word “duties” the words “and sales tax”;

Sec. 151A.
(Particulars
to be
furnished
by secretary
of club.)

(b) by inserting in section 151A (a) after the word “duties” the words “and sales tax”.

Further
amendment
of Act No.
42, 1912.

Sec. 152H.
(Fees.)

7. Part XA of the Principal Act is amended by inserting in section 152H (1) after the word “duties” the words “and sales tax”.

Further
amendment
of Act No.
42, 1912.

Sec. 168D.
(Records of
purchase
and sale
of liquor.)

8. Part XI of the Principal Act is amended by inserting in section 168D (1) after the word “record” the words “in the English language”.

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9. (1) In subsection (2), the expressions “assessment”, “re-assessment” and “further re-assessment” relate respectively to the assessment, re-assessment and further re-assessment under the Principal Act of the fee payable under that Act for the renewal of a license, permit or certificate of registration for a period that commenced before the commencement of this section. ^{No. 33, 1975} Validation.

(2) An assessment, re-assessment or further re-assessment made before or after the commencement of this section has the same validity as it would have had if the Principal Act, as amended by sections 4 (i), 5 (a), 6 and 7 had been in force—

- (a) in the case of an assessment—at the time of the making of the assessment; or
- (b) in the case of a re-assessment or further re-assessment—at the time of the making of the original assessment to which the re-assessment or further re-assessment relates.