

JUSTICES ACT 1902—REGULATION

(Liquor and Registered Clubs (Short Description of Offences) Regulation 1994)
NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

JOHN HANNAFORD,
Attorney General and Minister for Justice.

Citation

1. This Regulation may be cited as the Liquor and Registered Clubs (Short Description of Offences) Regulation 1994.

Commencement

2. This Regulation commences on 23rd December 1994.

Short description of summary offences

3. (1) For the purposes of section 145B (2) of the Justices Act 1902, the prescribed expression in relation to a summary offence specified in Column 1 of Schedule 1 is the expression set out opposite it in Column 2 of that Schedule.

(2) If a choice of words is indicated in Column 2 of Schedule 1, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(3) In this Regulation, a reference to a provision in Schedule 1 in relation to an offence is a reference to that provision as in force at the time the offence is alleged to have occurred.

SCHEDULE 1

(Cl. 3)

Column 1 Offence	Column 2 Prescribed expression
Offences under Liquor Act 1982	
Section 84 (2)—licensee failing to lodge statutory declaration in relation to sales and purchases of liquor in accordance with that subsection	fail to lodge liquor declaration
Section 85 (1)—licensee failing to lodge statutory declaration in relation to sales of liquor made to persons authorised to sell liquor in accordance with that subsection	fail to lodge liquor sales declaration
Section 86 (1)—licensee failing to keep a record of liquor purchases, acquisitions, sales or supplies or authorised deductions in accordance with that subsection	fail to keep liquor record
Section 86 (2)—licensee failing to retain record of liquor under section 86 (1) on licensed premises for 5 years after its making	fail to retain liquor record
Section 86 (2A)—licensee failing to retain any document relating to the business carried on pursuant to the licence as required by that subsection	fail to retain business document
Section 86 (4)—without reasonable excuse, fail to comply with a requirement made by an inspector under section 86 (3)	fail to comply with inspector's requirement
Section 86A (1)—licensee failing to keep full and accurate records of amounts paid or payable by or on behalf of the licensee for low alcohol liquor in order that the fee under section 80 may be properly determined	licensee fail to keep low alcohol liquor record
Section 86A (2)—holder of off-licence failing to keep record of the quantity of low alcohol liquor sold or supplied or the amounts paid or payable for quantities sold or supplied	off-licensee fail to keep low alcohol liquor record

Column 1 Offence	Column 2 Prescribed expression
Section 113—minor using evidence purporting to be evidence of age (being evidence that is false in a material particular) in order to obtain entry to, remain in, or obtain liquor from, licensed premises	minor use false evidence of age
Section 114 (1)—selling or supplying liquor to a person under the age of 18 years	supply liquor to minor
Section 114 (3)—licensee, on licensed premises, allowing liquor to be sold or supplied to a person under the age of 18 years	licensee allow liquor to be supplied to minor
Section 114 (4)—obtaining liquor from licensed premises on behalf of a person under the age of 18 years	obtain liquor on behalf of minor
Section 115 (1)—person under the age of 18 years:	
(a) consuming liquor on licensed premises or on the premises of an unlicensed restaurant	minor consume liquor on licensed premises/unlicensed restaurant
(b) obtaining, or attempting to obtain, liquor for consumption on licensed premises	minor obtain/attempt to obtain liquor
(c) carrying liquor away, or attempting to carry liquor away, from licensed premises	minor carry away/attempt to carry away liquor
Section 115 (3)—person sending a person under the age of 18 years to licensed premises, or ordering or requesting a person under the age of 18 years to go to licensed premises, for the purpose of obtaining liquor	send minor to obtain liquor
Section 116—except with consent of the Board, licensee allowing person under the age of 18 years to sell, supply or serve liquor on licensed premises	licensee allow minor to supply liquor
Section 116A (1)—minor entering or remaining in a restricted area in a hotel	minor in restricted area of hotel

Column 1	Column 2
Offence	Prescribed expression
Section 116A (2)—minor entering or remaining in a part of a hotel authorised under section 112 (1) (a) for use by a minor in the company of an adult while not in the company and immediate presence of a responsible adult	unaccompanied minor in hotel
Section 116A (4)—minor entering or remaining in a licensed restaurant during a late-trading period while not in the company and immediate presence of a responsible adult	unaccompanied minor in late-trading restaurant
Section 116B (1)—offence by licensee if a minor:	
(a) enters a restricted area in a hotel	minor entering restricted area of licensee's hotel
(b) enters a part of a hotel authorised under section 112 (1) (a) for use by a minor in the company of an adult but is not in the company and immediate presence of a responsible adult	unaccompanied minor entering authorised area of licensee's hotel
(c) enters a licensed restaurant during a late-trading period but is not in the company and immediate presence of a responsible adult	unaccompanied minor entering licensee's restaurant (late-trading)
Section 116B (2)—offence by licensee if a minor:	
(a) is in a restricted area in a hotel, unless at once removed from the licensed premises	unaccompanied minor in restricted area of licensee's hotel
(b) is in a part of a hotel authorised for use by a minor in the company of an adult but is not in the company and immediate presence of a responsible adult, unless at once removed from the licensed premises	unaccompanied minor in authorised area of licensee's hotel
(c) is in a licensed restaurant during a late-trading period but is not in the company and immediate presence of a responsible adult, unless at once removed from the licensed premises	unaccompanied minor in licensee's restaurant (late-trading)

Column 1 Offence	Column 2 Prescribed expression
Section 116B (4)—offence by hotelier if liquor is sold, supplied or consumed in the hotel:	
(a) during any period for which an authorisation under section 112 (1) (b) operates to authorise the use by a minor of a part of the hotel	supply liquor in hotel during period minors allowed
(b) within 30 minutes before the beginning of that period or within 30 minutes after its end	supply liquor in hotel before/after period minors allowed
Section 116C (1)—offence by hotelier if there is not continuously displayed:	
(a) in each restricted area in the hotel a notice in the prescribed form that relates to the exclusion of minors from the restricted area	hotelier fail to display minors sign in restricted area
(b) in each part of the hotel in which a minor is permitted to remain in the company and immediate presence of a responsible adult a notice in the prescribed form that relates to the presence of minors in that part of the hotel	hotelier fail to display minors sign in authorised area
Section 116C (3)—offence by holder of an on-licence for a restaurant trading during a late-trading period if there is not continuously displayed during the late-trading period a notice in the prescribed form that relates to the presence of minors in the restaurant during the late-trading period	restaurant licensee fail to display minors sign
Section 116—adult in whose company a minor is lawfully in a hotel or licensed restaurant:	
(a) permitting the minor to consume liquor on the licensed premises	permit minor to consume alcohol in hotel/licensed restaurant
(b) leaving the minor on the licensed premises deprived of the company and immediate presence of the adult without first informing the licensee or an employee of the licensee	leave minor in hotel/licensed restaurant

Column 1	Column 2
Offence	Prescribed expression
Section 117A (2)—person reasonably suspected of being a minor:	
(a) refusing or failing to state full name and residential address pursuant to a requirement under section 117A (1)	minor fail to provide name and address
(b) without reasonable cause, refusing or failing to produce evidence of age as referred to in section 117A (1) (b) pursuant to a requirement under section 117A (1)	minor fail to produce evidence of age
Section 117B—licensee or employee of the licensee failing to refuse entry to a person (who may reasonably be suspected of being under the age of 18 years) who is attempting to enter premises to which the licence relates, or a part of the premises, as required by that section	licensee/employee permit entry to minor
Section 117C (1)—offence by holder of hotelier’s licence if a person under the age of 18 years uses or operates an approved amusement device on premises to which a hotelier’s licence relates	minor use approved amusement device in hotel
Section 117D (1)—person under the age of 18 years using or operating an approved amusement device kept on licensed premises	minor use amusement device on licensed premises
Section 117E (2)—minor providing information in order to obtain evidence of a kind prescribed by the regulations for the purposes of that section, knowing that the information is false or misleading in a material particular	minor providing false information

Column 1 Offence	Column 2 Prescribed expression
Section 117E (3)—person providing or certifying information of a kind required to enable that or any other person to obtain evidence of a kind prescribed by the regulations for the purposes of that section, knowing that the information is to be used in order to obtain evidence, or that it is required in order to obtain evidence, prescribed for those purposes and that the information is intended to be used to obtain evidence that will be false or misleading in a material particular	provide/certify information to obtain false evidence of age
Section 118 (1)—holder of hotelier's licence failing to close or keep closed to the public licensed premises as required by that section	hotelier fail to close premises
Section 118 (2)—holder of an off-licence to sell liquor by retail failing to close or keep closed any counter or place at or in which liquor is usually sold or supplied pursuant to the licence at any time when the premises should not be open for the sale of liquor pursuant to the licence	retail licensee fail to close premises
Section 119 (1)—at a time when sale or supply of liquor not permitted, licensee:	
(a) keeping licensed premises open for sale or supply of liquor	licensee keep premises open outside trading hours
(b) selling or supplying liquor	licensee supply liquor outside trading hours
Section 124—person who does not hold an off-licence for a brewer carrying on business as a brewer	brewing without a licence
Section 125 (I) (b)—licensee permitting intoxication, or any indecent, violent or quarrelsome conduct, on licensed premises	licensee permit intoxication or indecent/violent/quarrelsome conduct
Section 125 (3)—person selling or supplying liquor on licensed premises to any person who is intoxicated	supply liquor to intoxicated person

Column 1 Offence	Column 2 Prescribed expression
Section 126 (1)—licensee: (a) permitting or suffering gaming for stakes on licensed premises (b) permitting or suffering the playing of an unlawful game on licensed premises (c) opening, keeping or using licensed premises or suffering licensed premises to be opened, kept or used in contravention of the Gaming and Betting Act 1912	licensee permit gaming for stakes licensee permit unlawful gaming licensed premises used in breach of Gaming and Betting Act
Section 126 (2)—servant of licensee or person, other than the licensee, in charge of licensed premises permitting the playing of an unlawful game on the licensed premises	permit playing of unlawful game on licensed premises
Offences under Registered Clubs Act 1976	
Section 27—secretary of registered club failing to lodge statutory declaration in accordance with that section	secretary fail to lodge liquor declaration
Section 27A (1)—registered club failing to keep record of liquor purchased, or otherwise acquired, by the club in accordance with that subsection	fail to keep liquor record
Section 27A (2)—secretary failing to retain record under section 27A (1) on club premises or other approved place for 5 years after its making	fail to retain liquor record
Section 27A (3)—secretary failing to retain any document or record relating to the business of the club for a period of 5 years from its making	fail to retain club business record
Section 27A (5)—without reasonable excuse, fail to comply with a requirement made by an inspector under section 27A (4)	fail to comply with inspector's requirement

Column 1 Offence	Column 2 Prescribed expression
Section 27B (1)—club failing to keep full and accurate records of amounts paid or payable by or on behalf of the club for low alcohol liquor in order that the fee under section 15 may be properly determined	club fail to keep low alcohol liquor record
Section 37 (1)—club failing to lodge with the secretary of the Board, in accordance with that subsection, a copy of the balance sheet and of either the profit and loss account or the income and expenditure account, each as duly audited, submitted to the annual general meeting	fail to lodge AGM document
Section 44 (1)—club supplying or disposing of liquor or causing or suffering liquor to be supplied or disposed of except on the defined premises of the club	liquor supplied by club not on club premises
Section 44 (2)—person authorised by club to supply or dispose of liquor supplying or disposing of liquor, or causing or suffering liquor to be supplied or disposed of, on behalf of the club except on the defined premises of the club	liquor supplied on behalf of club not on club premises
Section 44A (1)—secretary of registered club:	
(a) permitting intoxication on club premises	secretary permit intoxication in club
(b) permitting any indecent, violent or quarrelsome conduct on club premises	secretary permit indecent/violent quarrelsome conduct in club
Section 44A (2)—selling or supplying liquor to an intoxicated person in a registered club	supply liquor to intoxicated person in club

Column 1	Column 2
Offence	Prescribed expression
Section 45 (1)—offence by person, club and secretary of club if the person uses any of the accommodation, facilities or amenities provided on the defined premises of the club and is not a member or a guest of a member or is a temporary member who has not been registered in accordance with the Act	non-member using facilities of club
Section 45A—make an entry relating to a guest under the age of 18 years in the register kept for the purposes of section 30 (2) (k)	register minor as guest
Section 47—offence by registered club if a rule of the registered club referred to in section 30 (1), (2) or (2A) (except section 30 (2) (g) or (h)) is broken	break rule of club
Section 47—offence by secretary of registered club if a rule of the registered club referred to in section 30 (2) or (2A) (except section 30 (2) (g) or (h)) is broken	break rule of club
Section 50 (1)—offence by registered club and secretary of the registered club if:	
(a) a person employed by, or on behalf and with the authority of, the club sells, supplies or disposes of liquor on the premises of the club, or permits liquor to be sold, supplied or disposed of, to a person under the age of 18 years	club employee supply liquor to minor
(b) a person who is under the age of 18 years and who is in any bar is not forthwith removed from the bar	fail to remove minor from bar
Section 50 (2)—person (other than a person employed by, or on behalf and with the authority of, a registered club) supplying or disposing of liquor on the premises of a registered club, or permitting liquor to be so supplied or disposed of, to a person under the age of 18 years	supply liquor to minor on club premises

Column 1	Column 2
Offence	Prescribed expression
Section 50 (2A)—offence by member if a person under the age of 18 years on the premises of a registered club as the guest of a member of the club is in any bar of the club	member having minor as guest in bar of club
Section 50A (1)—offence by registered club and secretary of registered club if a person under the age of 18 years is in any poker machine area of the club (other than a part of the premises of a registered club referred to in section 54 (2) (a), (b), (b1) or (b2)) and is not forthwith removed from that area	minor not removed from poker machine area of club
Section 50A (2)—offence by member of a registered club if a person under the age of 18 years on the premises of the club as the guest of the member is in the poker machine area of the club	member having minor as guest in poker machine area
Section 50B (1)—offence by registered club and secretary of registered club if a notice with respect to the exclusion from the bar or poker machine area of club premises of persons under the age of 18 years is not displayed in every bar and poker machine area in accordance with that subsection	fail to display notice in bar/poker machine area
Section 50B (2)—offence by registered club and secretary of registered club if a notice with respect to the obligations of members in relation to their guests who are under the age of 18 years is not displayed in accordance with that subsection	fail to display minors notice
Section 51—person under the age of 18 years:	
(a) consuming liquor on the premises of a registered club	minor consume liquor in club
(b) obtaining or attempting to obtain liquor for consumption on the premises of a registered club	minor obtain/attempt to obtain liquor in club
(c) carrying liquor away or attempting to carry liquor away from the premises of a registered club	minor carry/attempt to carry away liquor from club

Column 1	Column 2
Offence	Prescribed expression
(d) using or operating poker machines in the premises of a registered club	minor use poker machine in club
(e) entering or being in a poker machine area	minor in poker machine area
Section 52 (1)—person under the age of 18 years entering or in a bar	minor in bar
Section 52A (2)—person reasonably suspected of being a minor who is the subject of a requirement under section 52A (1):	
(a) refusing or failing to state full name and residential address	minor fail to provide name and address
(b) without reasonable cause, refusing or failing to produce evidence of age as referred to in section 52A (1) (b)	minor fail to produce evidence of age
Section 52B (1)—secretary or employee of a registered club failing to refuse entry to a person (who may reasonably be suspected of being under the age of 18 years) who is attempting to enter club premises or a part of club premises as required by that subsection	secretary/employee permit entry to minor
Section 52B (2)—secretary or an employee of a registered club failing to refuse to supply liquor to a person on the club premises who may reasonably be suspected of being under the age of 18 years	secretary/employee permit supply of liquor to minor
Section 52C—person under the age of 18 years using any evidence purporting to be evidence of his or her age in order to obtain entry to, or to obtain liquor from, a registered club, where the evidence is false in a material particular	minor use false evidence of age
Section 57 (2)—minor providing information in order to obtain evidence of a kind prescribed by the regulations for the purposes of section 57, knowing that the information is false or misleading in a material particular	minor provide false information

Column 1	Column 2
Offence	Prescribed expression
Section 57 (3)—person providing or certifying information of a kind required to enable that or any other person to obtain evidence of a kind prescribed by the regulations for the purposes of section 57, knowing that the information is to be used in order to obtain evidence, or that it is required in order to obtain evidence, prescribed for those purposes and that the information is intended to be used to obtain evidence that will be false or misleading in a material particular	provide/certify information to obtain false evidence of age

EXPLANATORY NOTE

The object of this Regulation is to prescribe the short descriptions that, by virtue of section 145B of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain offences under the Liquor Act 1982 and the Registered Clubs Act 1976. The Regulation comprises matters of a machinery nature.
