
LICENSING ACT 1979

TABLE OF PROVISIONS

- | | |
|---|---|
| 1. Short title. | 14. Prohibited hours and permitted hours. |
| 2. Commencement. | 15. Restriction of permitted hours in certain cases. |
| 3. Principal Act. | 16. Meal permits and casino permits for sale of liquor during prescribed hours. |
| 4. Interpretation. | 17. Sale, &c., of liquor at licensed clubs. |
| 5. Proceedings of the Board. | 18. Special provisions as to licensed clubs. |
| 6. Prerequisites for grant of off licences and club licences. | 19. Proof of age. |
| 7. Limited licences. | 20. Evidence of licensed establishment. |
| 8. Attachment of conditions to licences. | 21. Regulations. |
| 9. Applications for provisional certificates. | 22. Existing hotel and public house licences. |
| 10. Applications for licences. | 23. Existing restaurant licences. |
| 11. Transfer of licences. | 24. Conditions as to young people. |
| 12. Review of licence at request of licensee. | 25. Transitional provision. |
| 13. Structural alteration of licensed premises. | |



LICENSING

No. 4 of 1979

AN ACT to amend the Licensing Act 1976.

[3 May 1979]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Licensing Act 1979*.

Short title.

2—(1) This section and sections 1, 3, and 16 shall commence on the date of assent to this Act.

Commencement

(2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be fixed by proclamation.

Principal Act. **3**—In this Act, the *Licensing Act 1976** is referred to as the Principal Act.

Interpretation. **4**—Section 2 of the Principal Act is amended—

(a) by inserting before the definition of “ Board ” the following definition:—

“ bar room ” means a room in a licensed house in which liquor may be kept for sale for consumption in that room;

(b) by inserting after the definition of “ conveyance ” the following definition:—

“ family bar room ” means a bar room into which a young person may be admitted in the company and under the control of his parent or guardian or in the company of his spouse (not being a young person);

(c) by omitting from the definition of “ fire protection officer ” the words “ Fire Brigades Commission of Tasmania ” and substituting the words “ Chief Administrator of the State Fire Authority ”;

(d) by inserting after the definition of “ liquor ” the following definition:—

“ lounge bar room ” means a bar room the admittance to which may be restricted by the licensee of the licensed house of which the room forms part;

(e) by omitting from the definition of “ permitted hours ” the words “ section 34 ” and substituting the words “ section 34 (2) ”;

(f) by omitting from the definition of “ proscribed hours ” the words “ section 34 ” and substituting the words “ section 34 (1) ”;

(g) by omitting from the definition of “ standard conditions ” the numeral “ 15 ” and substituting the numeral “ 8 ”; and

* No. 117 of 1976. Subsequently amended by Nos. 5 and 94 of 1977.

- (b) by omitting paragraph (d) of the definition of “supervising authority” and substituting the following paragraph:—
 (d) the Chief Administrator of the State Fire Authority;

5—Section 4 of the Principal Act is amended by adding at the end the following subsections:—

Proceedings of
the Board.

- (8) In any proceedings before the Board—
 (a) evidence may be taken on oath;
 (b) the Board may, by notice under the hand of the chairman, require any person to appear before the Board to give evidence and to produce such documents, books, and things (if any) as are specified in the notice;
 (c) evidence may be given orally or in writing; and
 (d) the Board may require any written evidence given in the proceedings to be verified by statutory declaration.

(9) A person who—

- (a) having been duly served with a notice under subsection (8) (b) requiring him to appear before the Board, neglects or fails to attend, without reasonable excuse, in answer to the notice; or
 (b) having been called or examined as a witness in proceedings before the Board, refuses to be sworn or to affirm, or refuses to answer any question that he would be required to answer in a court, or refuses to produce a document, book, or thing specified in a notice served on him under subsection (8) (b),

is guilty of an offence and liable to a penalty of \$500.

6—Section 11 of the Principal Act is amended—

- (a) by inserting in subsection (2), after the word “persons”, the words “living in the locality in which the premises are situated and of persons”;
 (b) by omitting from that subsection the words “the locality in which the premises are situated” and substituting the words “that locality”; and

Prerequisites
for grant of
off licences and
club licences.

(c) by adding at the end the following subsection:—

(4) The Board, in deciding for the purposes of subsection (3) whether the activities of a club would meet a reasonable need in the locality in which the premises of the club are situated, shall have regard to any circumstances that it considers relevant and, in particular, shall have regard to the interests of persons already operating licensed establishments in the locality in which the premises are situated.

Limited
licences.

7—Section 12 of the Principal Act is amended by inserting after subsection (3) the following subsection:—

(3A) Notwithstanding the provisions of subsection (3), a special wine producer's licence may be granted in respect of areas of land that are not, or are not to be, used for the growing of trees, vines, or other plants referred to in that subsection if other areas of land in the vicinity of the premises to which the licence relates are, or are to be, so used.

Attachment of
conditions to
licences.

8—Section 14 of the Principal Act is amended by inserting after subsection (2) the following subsections:—

(2A) Without prejudice to the generality of subsection (1), the reference in that subsection to the provision of facilities at an establishment shall be deemed to include a reference to the provision of—

- (a) safe entrances to that establishment and any part of it from public streets within the meaning of the *Traffic Act 1925*; and
- (b) safe exits from that establishment and any part of it to those public streets.

(2B) In granting a licence in respect of a licensed establishment on conditions with respect to the provision of safe entrances to, or safe exits from, that establishment, the Board shall take into account the volume of traffic on the relevant public street or public streets and any other matters that it considers appropriate.

(2C) For the purposes of subsection (1), “licensed establishment”, in the case of a licensed house, includes any bar room, family bar room, and lounge bar room in that house.

Applications for
provisional
certificates.

9—Section 17 of the Principal Act is amended by adding at the end of subsection (2) the words “, other than the Commissioner of Police”.

10—Section 19 of the Principal Act is amended by omitting from subsections (4) and (5) the numeral “ 28 ” (wherever occurring) and substituting, in each case, the numeral “ 21 ”.

Applications for licences.

11—Section 24 of the Principal Act is amended by omitting from subsections (4) and (5) the numeral “ 28 ” (wherever occurring) and substituting, in each case, the numeral “ 21 ”.

Transfer of licences.

12—Section 26 of the Principal Act is amended by omitting from subsection (2) the numeral “ 28 ” and substituting the numeral “ 21 ”.

Review of licence at request of licensee.

13—Section 28 of the Principal Act is amended—

(a) by adding at the end of subsection (3) the words “, other than the Commissioner of Police ”; and

(b) by omitting from subsection (4) the numeral “ 28 ” and substituting the numeral “ 21 ”.

Structural alteration of licensed premises.

14—Section 34 of the Principal Act is amended—

(a) by omitting the passage beginning with the word “ For ” and ending with the words “ Friday, and ” and substituting the following subsection:—

(1) For the purposes of this Act, the proscribed hours are—

(a) the period from 5 a.m. to noon on a Sunday;

(b) the period from 8 p.m. to midnight on a Sunday, other than one on which Christmas Eve or New Year’s Eve occurs; and

(c) all hours on Good Friday.

(b) by omitting the words “ in respect of ” (first occurring) and substituting “ (2) For the purposes of this Act, in respect of ”.

Prohibited hours and permitted hours.

15—Section 36 of the Principal Act is amended by omitting from subsection (1) the words “ a wholesale licence ” and substituting the words “ an off licence ”.

Restriction of permitted hours in certain cases.

Meal permits and casino permits for sale of liquor during proscribed hours.

16—Section 39 of the Principal Act is amended by omitting subsections (3) and (4) and substituting the following subsection:—

(3) Where a casino is situated at a licensed establishment, a permit may be granted to the licensee authorizing liquor to be sold or supplied for consumption in the licensed establishment or any parts of the establishment specified in the permit during the proscribed hours while the casino is open for gaming.

Sale and supply of liquor outside trading hours.

17—Section 47 of the Principal Act is amended by omitting from subsection (4) the word “ subsection ” and substituting the word “ section ”.

Special provisions as to licensed clubs.

18—Section 58 of the Principal Act is amended by omitting from subsection (2) the words “ Except as may otherwise be allowed by the rules of a club, no ” and substituting the word “ No ”.

Proof of age.

19—Section 64 of the Principal Act is amended by inserting after the word “ person ” the words “ was a young person or ”.

20—After section 65 of the Principal Act the following section is inserted:—

Evidence of licensed establishment.

65A—A document purporting to be a certificate by the Commissioner that any premises were, or a conveyance was, at a date or during a period specified in the certificate, a licensed establishment is admissible in any proceedings for an offence under this Act and is evidence of the facts stated therein.

Regulations.

21—Section 94 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

(2A) Regulations under this Act may prescribe the fees, allowances, and sums by way of reimbursement of expenses that are payable to a person who attends before the Board when called on to do so by a notice served on him under section 4 (8) (b).

Existing hotel and public house licences.

22—Section 98 of the Principal Act is amended by omitting from subsection (4) (f) the words “ Fire Brigades Commission of Tasmania ” and substituting the words “ Chief Administrator of the State Fire Authority ”.

23—Section 99 of the Principal Act is amended by omitting from subsection (4) (c) (ii) the words “ Fire Brigades Commission of Tasmania ” and substituting the words “ Chief Administrator of the State Fire Authority ”.

Existing
restaurant
licences.

Conditions as
to young
people.

24—Section 107 of the Principal Act is repealed.

Transitional
provision.

25—On the commencement of this section, the following conditions shall be deemed to have been prescribed under section 8 of the Principal Act in respect of every licensed establishment in respect of which a general licence is in force on that commencement:—

- (a) that young persons shall not be admitted to a room in the establishment in which liquor is kept for sale for consumption in that room unless it has been approved by the Board as a family bar room;
- (b) that a young person may be admitted to a family bar room only in the company and under the control of his parent or guardian or in the company of his spouse (not being a young person); and
- (c) that notices are conspicuously displayed at each entrance to the family bar room stating that a young person is allowed to be admitted to the room only in the company and under the control of his parent or guardian or in the company of his spouse (not being a young person).

