

South Australia



LIQUOR LICENSING (LICENSED CLUBS) AMENDMENT ACT 1998

No. 2 of 1998

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ELIZABETHAE II REGINAE

A.D. 1998

No. 2 of 1998

An Act to amend the Liquor Licensing Act 1997.

[Assented to 5 March 1998]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Liquor Licensing (Licensed Clubs) Amendment Act 1998*.
- (2) The *Liquor Licensing Act 1997* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 4—Interpretation

3. Section 4 of the principal Act is amended by striking out the definition of "manager".

Amendment of s. 36—Club licence

4. Section 36 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) A **limited club licence** is a club licence that is, by agreement between the club and the licensing authority, granted on the following conditions:

- (a) the club will not, during the currency of the licence, hold a gaming machine licence;
- (b) the club will not sell or supply liquor under the licence except for consumption on the club premises by—
 - (i) a member of the club; or
 - (ii) a guest of a member who is also present on the club premises;

- (c) a member of the club will not be permitted by the club to have more than 5 guests on the club premises at any one time (or a lesser number determined by the licensing authority);
- (d) the club will keep the Commissioner informed of any changes to the composition of the committee of management of the club and will provide the information required by the Commissioner (in the form required by the Commissioner) about the members of the committee of management;
- (e) if the licensing authority notifies the club that it considers that any member of the committee of management of the club is not a fit and proper person to be in a position of authority in the club, the club will immediately take action to have that person removed from the committee of management.

Amendment of s. 71—Approval of management and control

5. Section 71 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) No application fee is payable on an application under subsection (1) if the applicant is the holder of a limited club licence.

Substitution of s. 97

6. Section 97 of the principal Act is repealed and the following section is substituted:

Supervision and management of licensee's business

97. (1) The business conducted under a licence—

- (a) must, at all times when the licensed premises are open to the public, be personally supervised and managed by a natural person (a **responsible person**) who is—
 - (i) the licensee or a director of the licensee; or
 - (ii) a person approved by the licensing authority to be a manager of the business conducted under the licence; or
 - (iii) some other person approved by the licensing authority; or
- (b) must be supervised and managed in accordance with arrangements approved by the licensing authority under subsection (2).

(2) If the licensing authority is satisfied on the application of the licensee that, in view of the limited scope of a business conducted under a licence, an exemption from the requirements of subsection (1)(a) may be granted without compromising the responsible service and consumption principles, the licensing authority may approve alternative arrangements for the supervision and management of the business.

(3) No application fee is payable on an application for approval under subsection (1) or (2) if the applicant is the holder of a limited club licence.

(4) If at any time the business conducted under a licence is not supervised and managed as required under subsection (1), the licensee is guilty of an offence.

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(5) The person who is, for the time being, responsible for supervising and managing the business conducted under the licence must, while on the licensed premises, wear identification in a form and manner approved by the Commissioner.

Maximum penalty: \$1 250.

(6) The Minister must cause a review of the operation of this section (including the granting of exemptions under subsection (2)) to be undertaken as soon as possible after the period of 12 months from the date of commencement of this subsection.

(7) A report on the outcome of the review is to be tabled in each House of Parliament within 6 months after the period referred to in subsection (6).

Amendment of s. 98—Approval of assumption of positions of authority in corporate or trust structures

7. Section 98 of the principal Act is amended by striking out from subsection (1) "(other than a limited licence)" and inserting "(other than a limited licence or a limited club licence)".

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

E. J. NEAL Governor