

Sensitive: Law Enforcement
GIPAA _ 134253 Bar Guardians – Tab – B

Selected Liquor Act or Liquor Regulation and Gaming Machines Offences* in 2015

Body of Law Title	Section Part Description	Law Part Description	2015** Legal Actions
1. Intoxication Matters			
Liquor Act 2007	73(1)(a)	A licensee must not permit intoxication, on the licensed premises.	80
Liquor Act 2007	73(2)	A licensee or an employee or agent of a licensee must not, on the licensed premises, sell or supply liquor to an intoxicated person.	23
2. Minor Matters :			
Liquor Act 2007	126	If a responsible person for a hotel, club premises, small bar or licensed public entertainment venue is aware that a person suspected of being under 18 years is attempting to enter the licensed	1
Liquor Act 2007	117(6)	A person must not obtain liquor from licensed premises on behalf of a minor unless the person is the parent or guardian of the minor.	8
Liquor Act 2007	117(8)	A licensee must not, on licensed premises, allow liquor to be sold or supplied to a minor.	10
Liquor Act 2007	119	A licensee must not cause or allow a minor to sell, supply or serve liquor on the licensed premises except with the approval of the Authority.	1
Liquor Act 2007	124(1)(a)	If a minor enters a bar area of a hotel or club premises the licensee is guilty of an offence.	18
Liquor Act 2007	124(1)(b)	If a minor enters a part of a hotel to which a minors area authorisation is in force, but is not in the company of a responsible adult the licensee is guilty of an offence.	19
Liquor Act 2007	124(2)(a)	If a minor is in a bar area of a hotel or club premises, the licensee is guilty of an offence unless the minor is immediately removed from the area or premises concerned.	4
Liquor Act 2007	124(2)(b)	If a minor is in a part of a hotel to which a minors area authorisation is in force, but is not in the company of a responsible adult, the licensee is guilty of an offence unless the minor is immediately removed from the area or premises concerned.	8
Gaming Machines Act 2001	51(1)(a)	If a person under the age of 18 years operates an approved gaming machine in a hotel the hotelier is guilty of an offence.	3
Gaming Machines Act 2001	52(2)	If a person under the age of 18 years is in a gaming machine area of a club and is not immediately removed from that area, the club and the secretary of the club are each guilty of an offence.	2
3. Failure to display mandatory signs			
Liquor Act 2007	95(4)	A licensee must not cause or permit the use on any sign displayed on the exterior of the licensed premises or in any advertising with respect to the licensed premises of a name that is a prohibited name for the licensed premises under this section.	3
Liquor Act 2007	97(5)	If subsection (4) (not display prescribed sign on or in close proximity to the breath analysing instrument) is contravened, the licensee of the licensed premises is guilty of an offence.	3
Liquor Regulation 2008	31(1)	A licensee must cause a notice that contains the following words to be displayed in the licensed premises as per this clause - IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS.	297
Liquor Act 2007	95(1)	A licensee must cause to appear and be maintained on the front of the licensed premises in accordance with the regulations a sign that specifies a name for the licensed premises, the type of licence and any other particulars prescribed by the regulations.	244
Liquor Regulation 2008	32(1)	A licensee who offers liquor for sale through an Internet site must display on the site a notice as follows - LIQUOR ACT 2007 IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS.	2
Liquor Regulation 2008	33(2)	A licensee must cause a notice that contains the following words to be displayed, in accordance with this clause, in the bar area of the hotel or club premises concerned - PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW.	86
Liquor Regulation 2008	33A(1)	The licensee of a small bar must cause a notice that contains the following words to be displayed, in accordance with this clause, on the licensed premises: PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED ON THESE PREMISES DURING LIQUOR TRADING HOURS.	3
Liquor Regulation 2008	34(1)	A hotelier must cause a notice containing the words specified in subclause (3) to be displayed, in accordance with this clause, in any area of the hotel to which a minors area authorisation relates.	57
Liquor Regulation 2008	34(2)	The holder of an on-premises licence that relates to a public entertainment venue must cause a notice containing the words specified in subclause (3) to be displayed in any area of the licensed premises in which entertainment is provided.	11
4. Trading Outside Nominated Hours			
Liquor Act 2007	103(1)	A hotelier must when the hotel is not authorised to be open for the sale or supply of liquor and at any time when the sale or supply is permitted only for consumption in a specified part of the hotel, close and keep closed every bar area of the hotel.	4
Liquor Act 2007	88(1)	The licensee of any licensed premises to which a late hour entry declaration applies must not permit patrons to enter the licensed premises during the time the declaration applies.	1
Liquor Act 2007	9(2)(a)	Without limiting subsection (1), a licensee must not keep licensed premises open for the sale or supply of liquor, at a time when the licensee is not authorised under this Act to sell or supply liquor.	12
Liquor Act 2007	9(2)(b)	Without limiting subsection (1), a licensee must not sell or supply liquor, at a time when the licensee is not authorised under this Act to sell or supply liquor.	47

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5. Other Breach Matters in addition to the above			
Liquor Act 1982	67(7)	A licensee who fails to comply with a condition of the licence is guilty of an offence against this Act but the same failure to comply with a condition of a licence may not be the subject both of proceedings under this subsection and another complaint	1
Liquor Act 2007	101(7)	A licensee must comply with a notice given to the licensee under this section (Secretary may restrict or prohibit sale or supply of undesirable liquor products).	1
Liquor Act 2007	102(3)	A licensee must comply with a notice given to the licensee under this section (Secretary may restrict or prohibit undesirable promotion of liquor).	9
Liquor Act 2007	102A(2)	A licensee who, without reasonable excuse, fails to comply with a notice under this section is guilty of an offence.	1
Liquor Act 2007	104(5)	If a person is in a bar area of a hotel or other part of a hotel in contravention of subsection (1), the hotelier is guilty of an offence unless as prescribed under this section.	21
Liquor Act 2007	11(2)	A licensee must comply with any conditions to which the licence is subject.	640
Liquor Act 2007	66(1)(a)	A licensee (other than a registered club) must appoint a manager approved by the Authority under this Division for the licensed premises.	2
Liquor Act 2007	66(1)(b)	A licensee (other than a registered club) must not cause or permit the conduct of business under the licence for a period of more than 28 days except under the personal supervision and management of a person so approved.	4
Liquor Act 2007	66(2)(b)	A registered club that has more than one set of premises must not cause or permit the conduct of business on any such premises for a period of more than 2 months except under the management of a person so approved.	1
Liquor Act 2007	69(1)	A licensee must give the Authority notice of the appointment of a person as manager of licensed premises.	1
Liquor Act 2007	74(4)	An employee or agent of a licensee or a person in charge of licensed premises must not permit the possession or use on the licensed premises of any substance that the employee, agent or person suspects of being a prohibited plant or a prohibited drug.	4
Liquor Act 2007	9(1)(a)	A licensee or an employee or agent of a licensee must not sell or supply liquor, or cause or permit liquor to be sold or supplied in contravention of the conditions to which the licence is subject.	22
Liquor Act 2007	9(1)(b)	A licensee or an employee or agent of a licensee must not sell or supply liquor, or cause or permit liquor to be sold or supplied otherwise than in accordance with the authority conferred on the licensee by or under this Act.	39
Liquor Act 2007	9(3)	A licensee must not sell, or employ or permit another person to sell, liquor on premises other than premises on which the licensee is authorised by the licence or this Act to sell the liquor.	2
Liquor Act 2007	92(1)(a)	A licensee or a related corporation of the licensee must not if the licensee is an individual, allow any person to have the personal supervision and management of the business under the licence for a longer continuous period than 6 weeks without approval.	3
Liquor Act 2007	92(1)(d)	A licensee or a related corporation of the licensee must not lease or sublease any other part of the licensed premises except with the approval of the Authority.	2
Liquor Act 2007	93	If licensed premises cease trading during any continuous period of more than 6 weeks, the licensee must notify the Authority in writing that the premises have ceased to trade.	1
Liquor Act 2007	95(2)	A licensee must not alter the name referred to in subsection (1) (a) unless the Authority has, on payment of such fee as may be prescribed by the regulations approved in writing of the proposed new name, and endorsed the change of name on the licence.	33
Liquor Regulation 2008	40(1)(a)	The licensee of licensed premises must not sell, supply or serve liquor by retail on the premises unless the licensee holds a current recognised RSA certification.	8
Liquor Regulation 2008	40(1)(b)	The licensee of licensed premises must not cause or permit liquor to be sold, supplied or served by retail on the premises, unless the licensee holds a current recognised RSA certification.	27
Liquor Regulation 2008	40(1B)(a)	The licensee of licensed premises situated in the Sydney CBD Entertainment precinct must not, on and from 1 October 2014, sell, supply or serve liquor by retail on the premises, unless the licensee holds current recognised RSA certification.	5
Liquor Regulation 2008	40(1B)(b)	The licensee of licensed premises situated in the Sydney CBD Entertainment precinct must not, on and from 1 October 2014 cause or permit liquor to be sold, supplied or served on the premises, unless the licensee holds current recognised RSA certification.	9
Liquor Regulation 2008	40(2)	The licensee of licensed premises must not cause or permit a staff member to sell, supply or serve liquor by retail on the premises unless the staff member holds a current recognised competency card or existing RSA certificate.	15
Liquor Regulation 2008	40(2)	The licensee of licensed premises must not cause or permit a staff member to sell, supply or serve liquor by retail on the premises unless the staff member holds a current recognised competency card or RSA certificate.	34
Liquor Act 2007	73(1)(b)	A licensee must not permit any indecent, violent or quarrelsome conduct, on the licensed premises.	9
Liquor Regulation 2008	40(2)	The licensee of licensed premises must not cause or permit a staff member to sell, supply or serve liquor by retail on the premises unless the staff member was granted an interim RSA certificate within the previous 5 years.	2

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5. Other Breach Matters in addition to the above (Con'td)			
Liquor Regulation 2008	40(2A)	March 2013, cause or permit a staff member to sell, supply or serve liquor on the premises unless the staff member holds current recognised RSA certification.	1
Liquor Regulation 2008	40(2B)	The licensee of licensed premises situated in the Sydney CBD Entertainment precinct must not, on and from 1 October 2014, cause or permit a staff member to sell, supply or serve liquor on the premises unless they hold current recognised RSA certification.	21
Liquor Regulation 2008	41(1)	A staff member of licensed premises must not sell, supply or serve liquor by retail on the premises unless the staff member holds a current recognised RSA certification.	54
Liquor Act 2007	40(5)	If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application, the applicant must immediately notify the Authority of the particulars of the change.	2
Liquor Act 2007	74(3)(a)	An employee or agent of a licensee or a person (other than the licensee) in charge of licensed premises must not permit the licensed premises to be used for the sale of any goods that the employee, agent or person suspects of being stolen.	1
Liquor Regulation 2008	42(1B)	A person must not employ or engage a person to carry on activities as a crowd controller or bouncer on or about licensed premises situated in the Sydney CBD Entertainment precinct unless the person holds current recognised RSA certification.	5
Liquor Regulation 2008	41(3)	A staff member of licensed premises situated in the Sydney CBD Entertainment precinct must not, on and from 1 October 2014, sell, supply or serve liquor by retail on the premises unless the staff member holds current recognised RSA certification.	26
Liquor Regulation 2008	39D(2)	A person must not, without reasonable excuse, refuse to comply with a requirement of a police officer or inspector under subclause (1).	137
Liquor Act 2007	107(1)	A responsible person for licensed premises must, if requested to do so by a police officer or inspector while on the licensed premises, produce the licence to the officer or inspector.	93
Liquor Regulation 2008	42(1)	A person (including the licensee of licensed premises) must not employ or engage a person to carry on activities as a crowd controller or bouncer on or about licensed premises unless the person holds a current recognised RSA certification.	2

Source: NSWPF COPS/EDW, 28 Jan, 2016

* Liquor Act 1982, 2007, Liquor Regulation 2008 and Gaming Machines Act 2001

** Calendar year 2015