

FACT SHEET

LIQUOR LICENSING AMENDMENT BILL 2008

- The Liquor Licensing Amendment Bill 2008 amends the Liquor Licensing Act 1990 and the Annulled Convictions Act 2003.
- The Liquor Licensing Act is to be amended to:
 - create a new power to enable the Commissioner for Licensing to amend the conditions attached to an out-of-hours permit if the Commissioner determines it is in the public interest to do so;
 - allow the licensee the right to appeal to the Board against conditions imposed or altered by the Commissioner;
 - make it an offence for a person to present fraudulent identification to obtain or purchase liquor or to gain entry to premises to which they are not entitled to enter;
 - create a new power to enable a police officer, crowd controller, licensee or a person employed to sell liquor by the licensee, to seize a identification document if they have reasonable grounds to suspect that it is false, forged or fraudulently altered;
 - make it an offence if a crowd controller, licensee or person employed to sell liquor by the licensee who has seized the identification document does not hand the document to a police officer within 72 hours (3 days);
 - create a new power to enable police officers to destroy false, forged or fraudulently altered identification documents that have been seized;
 - increase existing penalties for the sale and supply of liquor to young people from 10 penalty units to 50 penalty units (\$6 000) for liquor-serving employees and from 20 penalty units to 100 penalty units (\$12 000) for licensees;
 - increase penalties for offences committed by a young person, such as purchasing liquor and consuming liquor on licensed premises, from 10 to 20 penalty units (\$2 400);
 - make it an offence for a licensee if a liquor-serving employee sells liquor to a person who appears to be drunk, 100 penalty units (\$12 000);

- clarify the requirement that licensees must be able to verify, in a form approved by the Commissioner, that persons employed in the service of liquor have been trained in accordance with Section 46A of the Act;
- enable police officers to issue infringement notices (similar to traffic infringements) for breach of the Act;
- provide the Commissioner the discretion to investigate an existing associate of a licensee if the Commissioner suspects that their situation has changed and they may no longer be of good repute;
- enable the Commissioner, or on behalf of the Commissioner, an authorised officer; the discretionary capacity to investigate the suitability of an associate, if required;
- require licensees to notify the Commissioner if alterations are being made to any areas that have been designated under section 84 of the Act;
- enable the Commissioner to add, remove or amend conditions of a special liquor licence at a licensee's written request or at the discretion of the Commissioner (upon consultation with the licensee and approval from the Liquor Licensing Board);
- allow the licensee the right to appeal to the Board against conditions imposed or altered by the Commissioner;
- reinstate the original policy intent that a person be 'fit and proper' to hold a licence (rather than 'of good repute') and extend the test to the associates of the person;
- remove the requirement for one member of the Liquor Licensing Board to be a legal practitioner; and
- simplify the appointment process for the Commissioner for Licensing and align it with section 7 of the Taxation Administration Act 1997.
- The Annulled Convictions Act is to be amended to include applications for liquor licences and permits as "non-exempt applications", meaning that when applications for liquor licences and permits are assessed, annulled convictions are disclosed.