

*Liquor Licensing Act 1997*

# Commissioner's Direction

Effective: 24 September 2021

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## Introduction

This document sets out my requirements, as Liquor and Gambling Commissioner (the Commissioner), for the purposes of the *Liquor Licensing Act 1997* (the Act).

These requirements supersede any previously issued requirements, Practice Directions and Commissioner's Directions.

## Exemptions

### Section 7A—Exemptions

If a provision of this Act allows a licensing authority to grant an exemption from a provision or requirement under this Act (including a provision or requirement under a code of practice), the licensing authority may vary or revoke the exemption, and must give notice of the variation or revocation of the exemption in a manner and form determined by the licensing authority.

For the purposes of section 7A of the Act the licensing authority will give notice of the variation or revocation of an exemption by written notice to the licensee. Written notice includes a notice sent to the licensee through Liquor and Gaming Online (LGO).

## Intervention by Commissioner of Police

### Section 28AA—Intervention by Commissioner of Police

(1) The Commissioner of Police may intervene in proceedings before a licensing authority, by notice lodged in a manner and form approved by the Commissioner, at least 7 days before the day appointed for the determination or hearing of the proceedings (or such lesser period as the licensing authority may allow), for the purpose of introducing evidence, or making submissions, on any question before the authority...

For the purposes of section 28AA(1) of the Act, I approve the South Australian Police Portal as the manner and form in which the Commissioner of Police may intervene in proceedings before the licensing authority.

## Club Licence

### Section 36—Club licence

...

- (4) In addition, a club licence is subject to the following conditions:
- (a) if there is a change to the composition of the committee of management of the club, the club will, within 14 days, give the Commissioner notice of the change in the form and containing the information required by the Commissioner; ...

For the purposes of section 36(4)(a) of the Act, I require licensees to use the **Manage Person Approvals** form available through LGO to notify me of a change to the composition of the committee of management of the club. The information required is the information set out in that form.

## Mandatory Conditions

### Section 42—Mandatory Conditions

...

- (1a) It is a condition of every licence (other than a short term licence) that, if there is a change in the name of the licensed premises, the licensee must, within 14 days, give the Commissioner written notice of the change in the form determined by the Commissioner.

...

- (1c) It is a condition of every licence that the licensee must, within 14 days of any change of the name, address or contact details of the licensee, give the Commissioner notice of the details of the change in a form determined by the Commissioner. ...

For the purposes of section 42(1a) of the Act, I determine that written notice of a change in the name of the licensed premises must be given using the **Notify Commissioner of a Change in Details** form available through LGO.

For the purposes of section 42(1c) of the Act, I determine that notice of the change of the name, address or contact details of the licensee must be given using the **Update Contact Details** form available through LGO.

## Notification of Certain Variations to Licences

### Section 50B—Notification of certain variations to licences

If a licensee notifies the Commissioner, in a manner and form determined by the Commissioner, that the licensee—

- (a) has reduced the number of hours during which the licensee trades in liquor (but not so as to allow the licensed premises to trade at later hours than those previously fixed in relation to the licence); or
- (b) has reduced the number of persons stated in the licence as the maximum capacity of the licensed premises; or
- (c) no longer sells or supplies liquor in accordance with a club event endorsement, a club transport endorsement or a production and sales event endorsement,

the Commissioner may vary the relevant licence and any terms and conditions under the licence accordingly.

For the purposes of section 50B of the Act, I determine that notice of the reduction in trading hours, reduction in the premises capacity or the removal of an endorsement must be made by way of the **Variation to Conditions (Downgrade)** form available through LGO.

## Form of Applications

### Section 51—Form of applications

- (1) An application to a licensing authority—
  - (a) must be made in a manner and form approved by the Commissioner; and
  - (b) must be accompanied by the plans and specifications required under the regulations and any documents or material required by the Commissioner; and
  - (c) if a time limitation is prescribed by the regulations—must be made within the prescribed time; and
  - (d) must be accompanied by the fee required under the regulations. ...

For the purposes of section 51(1) of the Act, I approve the forms available through LGO and the lodgement requirements of LGO as the manner and form in which applications to the licensing authority must be made.

## Certain Applications to be Advertised

### Section 52—Certain applications to be advertised

...

- (2) Notice of an application to which this section applies must be given, in accordance with the regulations, to members of the public by notice placed on the licensed premises or, in the case of proposed licensed premises, on the relevant land, so as to be clearly visible to, and legible by, persons passing the premises or land. ...

Regulation 12 of the *Liquor Licensing (General) Regulations 2012* (the Regulations) states:

For the purposes of section 52(2) of the Act, the notice of application must be given in a manner and form approved by the Commissioner.

For the purposes of section 52(2) of the Act and regulation 12 of the Regulations, I approve the following manner and form for the notice of application:

- > must be in the form of the **Notice of Application** set out in Schedule 1;
- > must be on paper of dimensions not smaller than international size A3 paper;
- > must include a heading that is in bold faced letters of a height of at least 15 millimeters; and
- > must otherwise be in a typeface that is at least 5 millimeters in height.

## Applicant to Be Fit and Proper Person

### Section 56—Applicant to be fit and proper person

...

- (1a) Subsection (1) does not apply to an applicant for a club licence if the applicant informs the licensing authority of each member of the committee of management of the club and provides the information required by the licensing authority (in a form approved by the licensing authority) about each member. ...

For the purposes of section 56(1a) of the Act, I require that an applicant for a club licence provide the information requested in the **Fit and Proper Assessment** section of the **Apply for a New Licence** form for each member of the committee of management of the club. The Apply for a New Licence form is available through LGO and is the approved form for informing the licensing authority of the required information.

## Commissioner of Police May Make Written Submissions

### Section 76—Commissioner of Police may make written submissions

Without limiting the Commissioner of Police's right under Part 2 to intervene in proceedings before a licensing authority, the Commissioner of Police may, in relation to an application under this Part, by notice lodged in a manner and form approved by the Commissioner, at least 7 days before the day appointed for the determination or hearing of the application (or such lesser period as the licensing authority may allow), make written submissions to the Commissioner in respect of the application.

For the purposes of section 76 of the Act, I approve a notice lodged by way of the **Lodge a Submission** form located at [cbs.sa.gov.au/advertised-liquor-notice](https://cbs.sa.gov.au/advertised-liquor-notice).

## General Right to Make Written Submissions

### Section 77—General right to make written submissions

(1) If an application has been advertised under this Part, a person may, by notice lodged in a manner and form approved by the Commissioner, at least 7 days before the day appointed for determination or hearing of the application (or such lesser period as the licensing authority may allow), make written submissions to the Commissioner in respect of the application. ...

For the purposes of section 76 of the Act, I approve a notice lodged by way of the **Lodge a Submission** form located at [cbs.sa.gov.au/advertised-liquor-notice](https://cbs.sa.gov.au/advertised-liquor-notice).

## Supervision and Management of Licensee's Business

### Section 97—Supervision and management of licensee's business

...

(5) A responsible person for licensed premises must, while acting as such on the licensed premises, wear identification in a form and manner approved by the Commissioner.

Maximum penalty: \$1 250.

Expiation fee: \$160.

For the purposes of section 97(5) of the Act, I approve the following:

- > a responsible person must wear the responsible person badge issued by Consumer and Business Services (CBS) at all times that the person is acting in the role of the responsible person for the premises; and
- > the responsible person badge must be worn above waist level and must be fully visible with the face and name side facing outwards.

## Requirements Relating to Notices

### Section 113A—Requirements relating to notices

- (1) The Commissioner may specify requirements relating to the erection or display of notices for the purposes of this Part.
- (2) Without limiting subsection (1), requirements specified by the Commissioner may relate to the following:
  - (a) the form and content of a notice;
  - (b) locations where notices must be erected or displayed;
  - (c) any other matter the Commissioner thinks appropriate.
- (2) A requirement under this section may be of general, limited or varied application according to –
  - (a) the kind of notice; or
  - (b) the circumstances; or
  - (c) any other specified factor,
 to which the requirement is expressed to apply.

For the purposes of section 113A of the Act, I specify the following requirements. Licensees who hold a:

- > licence allowing the *consumption of liquor on the licensed premises* must display sign **LGC2019-1**;
- > licence allowing the *consumption of liquor on the licensed premises after midnight* must also display sign **LGC2019-2** except where either **LGC2019-5**, **LGC2019-6** or **LGC2019-7** is required to be displayed;
- > *packaged liquor sales licence* must display sign **LGC2019-3** except if the licence:
  - is restricted to the sale of liquor by direct sales transactions only;
  - is exempt from the requirement that the licensed premises be devoted entirely to the business conducted under the licence (must display sign **LGC2019-1**); or
  - is exempt from the requirement that the licensed premises be physically separate from premises used for other commercial purposes (must display sign **LGC2019-1**)
- > licence not permitting people *under 18* in a *particular area* of the licensed premises must display sign **LGC2019-4**;
- > licence not permitting people *under 18* from *entering* the licensed premises must display sign **LGC2019-5**;
- > licence not permitting people *under 18* from *entering or remaining on* the licensed premises between **9pm** and **5am** must display sign **LGC2019-6**;
- > licence not permitting people *under 18* from *entering or remaining on* the licensed premises between **12 midnight** and **5am** must display sign **LGC2019-7**.

All signs:

- > must be displayed in the original form as downloaded from [cbs.sa.gov.au](https://cbs.sa.gov.au). No modifications or additions to the signs are permitted;
- > must be displayed in colour on A4 (210 x 297mm) paper;
- > must be of a sufficient quality to ensure that they are clearly legible; and
- > must be displayed so that the information contained in them is clearly visible to the public.

If **LGC2019-4** is required to be displayed at the premises, it must be displayed at or near each entrance to areas where minors are prohibited.

If **LGC2019-5** or **LGC2019-6** or **LGC2019-7** is required to be displayed at the premises, it must be displayed at each entrance to the licensed premises.

Signs are set out in **Schedule 2** and are available for download from the Resource Centre on [cbs.sa.gov.au](https://cbs.sa.gov.au) or by visiting [sa.gov.au/topics/business-and-trade/liquor/running-a-licensed-venue/signage](https://sa.gov.au/topics/business-and-trade/liquor/running-a-licensed-venue/signage).



**Dini Soulio**  
Liquor and Gambling Commissioner

**Date:** 24 September 2021

## Revision History

18 November 2019

2 March 2020

18 August 2020

24 September 2021

## Schedule 1 – Notice of Application



# Notice of Application

Under section 52 of the *Liquor Licensing Act 1997*

[Insert full name of applicant] [insert has or have, as appropriate] applied to the licensing authority for [insert category of application and category of licence as follows:

the grant of a **[specify category]** licence

the transfer of a **[specify category]** licence

the removal of a **[specify category]** licence

the conversion of a temporary **[specify category]** licence

a condition authorising sale of liquor under a **club** licence for consumption off the licensed premises

consent to use part of licensed premises or are adjacent to licensed premises to provide prescribed entertainment under a **[specify category]** licence

the variation of trading hours previously fixed in relation to a **[specify category]** licence

the variation of conditions in relation to a **[specify category]** licence]

[insert in respect of premises [insert situated at or to be situated at, as appropriate] [insert address of premises] and, except if application is for the grant of a packaged liquor sales licence restricted to the sale of liquor by direct sales only] [insert known as or to be known as, as appropriate] [insert name].

**\*The following licence conditions are sought in the application:**

[insert description of conditions].

**\*The following exemptions are sought in the application:**

[insert description of exemptions].

**\*The following licence conditions are sought to be removed by this application:**

[insert description of conditions].

**\*The following exemptions are sought to be removed by this application:**

[insert description of exemptions].

**\*The following authorised hours for the consumption of liquor on the licensed premises are sought by this application:**

[insert trading hours].

**\*The following authorised hours for the consumption of liquor off the licensed premises are sought by this application:**

[insert trading hours].

**\*The applicant has applied for a maximum capacity of [insert number] persons.**

The application has been set down for determination on **[insert date provided by licensing authority]**.

Submissions in respect of the application can be made by lodging the form available at [www.cbs.sa.gov.au/advertised-liquor-notice#](http://www.cbs.sa.gov.au/advertised-liquor-notice#) at least [insert number of days] days before the date of determination.

A copy of the submission must be served by the person making the submission on the applicant at least [insert number of days] days before the date appointed for the determination of the application at [insert email address for service of applicant].

The application and certain documents and material relevant to the application may be inspected at the office of the Liquor and Gambling Commissioner, 95 Grenfell Street, Adelaide until [insert number of days] days before the date of determination. To request an inspection appointment, please email [liquorandgaming@sa.gov.au](mailto:liquorandgaming@sa.gov.au).

*Please scan for more information about the application.*



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\* Include only if applicable

## Schedule 2 – Signage



**It's against the law**  
to sell or supply alcohol  
to people under 18.



Between **midnight-2am** people under 18 must be **with a responsible adult.** Between **2am-5am** people under 18 are **not permitted.**



People under 18  
**must be with a  
responsible adult**  
at all times.



People under 18 are  
**not permitted**  
in this area.



People under 18 are  
**not permitted**  
on the premises.



A minor **may not enter** or remain on the premises **between 9pm and 5am.**



A minor **may not enter** or remain on the premises **between midnight and 5am.**