

LICENSING AMENDMENT ACT 1985**No. 108 of 1985**

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LICENSING AMENDMENT ACT 1985

No. 108 of 1985

AN ACT to amend the Licensing Act 1976.

[Royal Assent 21 November 1985]

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 Amendment Act* Short title. 1985.

2—(1) This section and section 1 shall commence on the day Commence- on which this Act receives the Royal assent. ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

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

* No. 117 of 1976. Amended by Nos. 5 and 94 of 1977, No. 4 of 1979, Nos. 10 and 99 of 1982, No. 56 of 1983, and Nos. 29 and 50 of 1984.

Amendment of section 9 of Principal Act (Types of licences).

4—Section 9 of the Principal Act is amended by omitting from paragraph (e) “ section 11 ” and substituting “ section 11A ”.

Amendment of section 11A of Principal Act (Special wine producers’ licences).

5—Section 11A of the Principal Act is amended as follows:—

(a) by omitting from paragraph (b) of subsection (2) “ elsewhere.” and substituting “ elsewhere;”;

(b) by adding after that paragraph the following paragraph:—

(c) if the wine, the produce of grapes, is represented as being 100 per cent Tasmanian wine, the wine shall be produced in Tasmania from grapes grown in Tasmania, whether on the relevant premises or elsewhere.

(c) by adding after subsection (3) the following subsections:—

(4) The holder of a special wine producer’s licence who sells, supplies, or in any way represents wine, the produce of grapes, as being 100 per cent Tasmanian wine is guilty of an offence unless that wine is produced in Tasmania solely from grapes grown in Tasmania.

Penalty: \$4 000.

(5) The holder of a special wine producer’s licence who labels the container containing any wine, the produce of grapes, as containing 100 per cent Tasmanian wine is guilty of an offence unless that wine is produced in Tasmania solely from grapes grown in Tasmania.

Penalty: \$4 000.

Amendment of section 17 of Principal Act (Applications for provisional certificates).

6—Section 17 of the Principal Act is amended as follows:—

(a) by omitting from subsection (2) “ served on each supervising authority, other than the Commissioner of Police.” and substituting “ served—

(a) on each supervising authority, other than the Commissioner of Police; and

(b) in the case of an application for a provisional certificate for a special wine producer’s licence, on the Director of Agriculture.”;

- (b) by inserting in subsection (3) “ and, in the case of an application for a provisional certificate for a special wine producer’s licence, the Director of Agriculture ” after “ supervising authority ”;
- (c) by omitting from that subsection “ authority as mentioned in subsection (2)” and substituting “ supervising authority or the Director of Agriculture ”.

7—Section 19 of the Principal Act is amended as follows:—

Amendment of section 19 of Principal Act (Applications for licences).

- (a) by inserting in subsection (4) “ and, in the case of an application for a special wine producer’s licence, with the Director of Agriculture ” after “ supervising authority ”;
- (b) by inserting in subsection (5) “ and, in the case of an application for a special wine producer’s licence, the Director of Agriculture ” after “ supervising authority ”;
- (c) by omitting from that subsection “ authority as mentioned in subsection (4)” and substituting “ supervising authority or the Director of Agriculture ”.

8—Section 21 of the Principal Act is amended by omitting from subsection (2) “ supervising authority ” and substituting “ person ”.

Amendment of section 21 of Principal Act (Reference to Board of applications for licences).

9—Section 23 of the Principal Act is amended by inserting in subsection (3) (a) “ and, in the case of an application for the renewal of a special wine producer’s licence, on the Director of Agriculture ” after “ supervising authority ”.

Amendment of section 23 of Principal Act (Renewal of licences).

10—Section 26 of the Principal Act is amended as follows:—

Amendment of section 26 of Principal Act (Review of licence at request of licensee).

- (a) by inserting in subsection (1) “ and, in the case of an application for the variation of a special wine producer’s licence, on the Director of Agriculture ” after “ supervising authorities ”;
- (b) by inserting in subsection (2) “ and, in the case of an application for the variation of a special wine producer’s licence, the Director of Agriculture ” after “ supervising authority ”;

- (c) by omitting from that subsection “ authority as mentioned in subsection (1)” and substituting “ supervising authority or the Director of Agriculture ”.

Amendment of section 28 of Principal Act (Structural alteration of licensed premises).

11—Section 28 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (3) “ lodged with each supervising authority, other than the Commissioner of Police.” and substituting “ lodged—

(a) with each supervising authority, other than the Commissioner of Police; and

(b) in the case of a proposal for the alteration of any premises to which a special wine producer’s licence relates, with the Director of Agriculture.”.

- (b) by inserting in subsection (4) “ and, in the case of a proposal for the alteration of any premises to which a special wine producer’s licence relates, the Director of Agriculture ” after “ supervising authority ”;

- (c) by omitting from that subsection “ authority as mentioned in subsection (3)” and substituting “ supervising authority or the Director of Agriculture ”.

Amendment of section 30 of Principal Act (Review of licence on complaints, &c.).

12—Section 30 of the Principal Act is amended as follows:—

- (a) by inserting in subsection (1) the following paragraph after paragraph (c):—

(ca) in the case of a special wine producer’s licence, the licensee or his servants or agents has or have contravened or failed to comply with any regulations under the Act that make provision for or with respect to any of the matters referred to in section 94 (4) or any standard conditions made under section 8 that relate to special wine producers’ licensed premises.

- (b) by inserting in subsection (2) “ and, in the case of a special wine producer’s licence, the Director of Agriculture ” after “ supervising authority ”;
- (c) by omitting from that subsection “ authority ” (secondly occurring) and substituting “ supervising authority or the Director of Agriculture ”;
- (d) by inserting in subsection (3) “ or the Director of Agriculture ” after “ supervising authority ”;
- (e) by inserting in that subsection “ or the Director of Agriculture ” after “ authority ” (secondly occurring).

13—Section 32 of the Principal Act is amended by omitting from subsection (5) “ supervising authority ” and substituting “ person ”.

Amendment of section 32 of Principal Act (Restoration of suspended licence).

14—Section 94 of the Principal Act is amended by adding after subsection (3) the following subsections:—

Amendment of section 94 of Principal Act (Regulations).

(4) Regulations under this Act may make provision for and in respect of—

- (a) the establishment of an appellation of origin system which applies to wine, the produce of grapes, grown in Tasmania and represented as being 100 per cent Tasmanian wine;
- (b) registration under that system;
- (c) the fees payable for registration under that system;
- (d) appeals in respect of refusal to grant applications for registration under that system;
- (e) the requirements with which labels applied to containers containing wine that is represented as being 100 per cent Tasmanian wine shall comply; and
- (f) the manner of obtaining approval for a label to be affixed to wine that is represented as being 100 per cent Tasmanian wine.

(5) Regulations made under this section may be made subject to such conditions, or be made so as to apply differently according to such factors as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstances or otherwise, as may be so specified.

(6) Regulations under this section may provide that it is an offence, punishable on summary conviction, for a person to contravene or fail to comply with any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$1 000 and, in the case of a continuing offence, a further penalty not exceeding \$100 for each day during which the offence continues.

(7) A regulation under this section may authorize any matter or thing to be from time to time approved, determined, applied, or regulated by the Commissioner or the Board.