

Liquor Control (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 provides that the purpose of the Bill is to amend the **Liquor Control Act 1987** so as to increase the ordinary trading hours of licensed premises, to vary the administrative requirements on applicants for BYO permits and certain licences, to impose penalties for the late payment of licence and permit fees and to improve the administration of the Act.

Clause 2 provides that the Bill is to come into operation on the day it receives the Royal Assent, other than section 19, which is to come into operation on 1 January 1994.

Clause 3 amends section 3 of the **Liquor Control Act 1987** by adding the phrase “or other prescribed substance” after the word “beverage” in the definition of liquor.

Clause 4 increases the trading hours of certain licensed premises by amending the definition of “ordinary trading hours” as well as amending sections 48 and 51 of the **Liquor Control Act 1987** thereby allowing increased trading hours on licensed premises which are subject to a full club licence or a packaged liquor licence.

Clause 5 amends section 8 (2) (c) of the **Liquor Control Act 1987**, the effect of which is to increase the number of Assistant Commissioners from 2 to 3.

Clause 6 amends section 16 of the **Liquor Control Act 1987** so as to enable the Commissioner to delegate to the Chief Executive Officer or any other officer of the Commission certain powers.

Clause 7 amends section 34 (2) of the **Liquor Control Act 1987** by inserting new sub-sections (3) and (4), the effect of which is to enable an order for costs made by the Commission to be enforced.

Clause 8 amends section 40 of the **Liquor Control Act 1987** by widening the Chief Executive Officer’s power of delegation.

Clause 9 amends sections 47 (1) and (2) of the **Liquor Control Act 1987** and inserts a new sub-section (3). The effect of clause 9 is to introduce a new class of general licence which authorises the licensee to sell and dispose of liquor for consumption on the licensed premises but not off, and on any other “authorised premises” as authorised by the Commission.

Clause 10 amends section 48 (2) of the **Liquor Control Act 1987** by inserting new sub-sections (2A) and (2B), the former of which stipulates a number of factors that the Commission should have regard to in determining whether a club licence should be restricted or not. The purpose of sub-section (2B) is to enable the Commission to grant a full club licence with trading hours less than those stipulated in section 48 (1) (a).

Clause 11 amends section 51 of the **Liquor Control Act 1987** by removing the need for packaged liquor licensees to meet special requirements in order to obtain an extended hours permit.

Clause 12 amends sections 63, 69, 70, 72, 74, 75 and 76 of the **Liquor Control Act 1987**. The purpose of these amendments is to reduce the documentation an applicant for

the grant or transfer of a BYO permit must lodge with the Commission, to make an applicant for the grant, variation, removal or transfer of a BYO permit no longer subject to display and advertising requirements as set out in section 72, and that representations cannot be made under section 74 on the basis that it is not in the community interest for the Commission to grant, vary, transfer or remove a BYO permit.

Clause 13 amends sections 72 of the **Liquor Control Act 1987**. The purpose of this amendment is to give the Commission more control over the advertising of notices and the size and format of the notice.

Clause 14 amends section 75 of the **Liquor Control Act 1987** by inserting new sub-sections (5) and (6). The purpose of these amendments is to enable the Chief Executive Officer to object to the grant or transfer of a licence or permit on the grounds that the applicant does not have an adequate knowledge of the **Liquor Control Act 1987**.

Clause 15 amends section 90 of the **Liquor Control Act 1987** by inserting new sub-sections (2), (3), (4), (5) and (6). The purpose of these amendments is to extend the time a licensee or permittee can pay the fee before the licence or permit or extended hours permit expires, and allows the Commission to impose a fine of up to 100 penalty units on the acceptance of an overdue amount.

Clause 16 amends section 93 (1) (c) of the **Liquor Control Act 1987** so as to enable the Commission to endorse on the licence or BYO permit an administrator of a company.

Clause 17 amends section 101 (5) (d) of the **Liquor Control Act 1987** by inserting new sub-paragraph (d) which will enable the Commission to make an order either under section 101 (5) (f), (g), (h), or (i) where it is satisfied that a licensee or permittee has knowingly assisted a person to breach a disqualification order.

Clause 18 deletes section 103 of the **Liquor Control Act 1987** and substitutes a new section 103. This new section provides that the Commission may make an order disqualifying a licensee or permittee from activities which may range from holding a licence or permit to being in the employ of any licensed club or person that holds a licence or permit, and provides a penalty of 100 penalty units for any person who breaches a disqualification order imposed by the Commission.

Clause 19 amends sections 4 (3), 109, 113, and 117 of the **Liquor Control Act 1987**. The purpose of these amendments is to provide that a fee for a restricted club is a fixed amount prescribed by regulation.

Clause 20 inserts after section 110 of the **Liquor Control Act 1987** new section 110A which creates an offence where a licensee or permittee does not display on the licensed premises any notice that the Commission requires.

Clause 21 amends section 116 (3) of the **Liquor Control Act 1987**. The purpose of this amendment is to enable the Commission to impose a fine of up to 100 penalty units where a licence has been suspended due to a late payment of a licence fee instalment.

Clause 22 amends section 131 (1) (c) of the **Liquor Control Act 1987** by inserting paragraph (v). The effect of this amendment is that a minor will lawfully be able to be on licensed premises where he or she is in the company of his or her spouse (being a person of over the age of 18 years) or parent or guardian.

Clause 23 inserts after section 145 of the **Liquor Control Act 1987** new section 145A which provides that the amount of any fine imposed by the Commission is a debt due to the Crown.

Clause 24 amends section 163 (2) of the **Liquor Control Act 1987** so as to give the Commission the power to remove licences granted prior to the operation of the **Liquor Control Act 1987**. Sub-clause (2) deems that the Commission had this power to remove such licences since 3 May 1988.

Clause 25 inserts after section 175 of the **Liquor Control Act 1987** new sections 175A and 175B. The effect of section 175A is to remove the requirement that the holder of a licence which has effect as a general licence or a club licence must provide a meal on a Sunday or Good Friday in order to sell liquor. Section 175B gives the Commission the discretion to delete from a hotelkeeper's licence or a tourist facility licence granted under the repealed Act a condition that prohibits the sale or disposal on weekdays and Saturdays of liquor that is not sold or consumed with, or ancillary to, a meal.

Clause 26 corrects drafting errors and makes minor amendments to the **Liquor Control Act 1987**.

