

# LIQUOR AMENDMENT BILL 1992

## EXPLANATORY NOTES

*Clause 1*—Short Title. Provides for this Act to be cited as the Liquor Amendment Act 1992.

*Clause 2*—Commencement. Provides that Sections 3 and 5 commence on 1st July, 1992. Commencement of these provisions from the same day as the Liquor Act 1992 is necessary for continuity in the preservation of the rights of persons affected by this act.

*Clause 3*—Amended Act. Provides that the Liquor Act 1992 is amended as set out in this Act.

*Clause 4*—Consumption of liquor in certain public places prohibited. Creates a new Division 4 in the Act and inserts new provisions SS173A—173E to regulate the consumption of liquor in certain public places.

Definition of “area”, “designated public place” and “road” are inserted.

The new provisions place a general prohibition on the consumption of liquor in a public place, except under the authority of a liquor licence or permit, or in a public place designated by a local authority where liquor can be consumed. Public place, where the prohibition applies, means a public place that is a road, land owned or under the control of a local authority (other than an environmental park), or a doorway, entrance or vestibule giving access to premises from those public places.

The maximum penalty is 1 penalty unit. A person does not commit an offence if the place had previously been a designated area and the local authority has failed to comply with its obligations relating to the repeal or amendment of a designated area.

A local authority may, by resolution, designate a public place within its area where the consumption of liquor is permitted and may specify that the designation will have effect during a specified period or times.

The provision places a statutory obligation on local authorities to advertise and signpost a designated area. The advertisement is to appear in a newspaper circulating in the area, except in the case of designation being made in relation to a place for a period of not more than one day, where the requirement to advertise the making of the resolution is dispensed with.

If a designation is repealed or amended the local authority must also advertise the repeal or amendment and remove or alter the signs.

*Clause 5—Apportionment of Licensed Victuallers' Fees under Section 18B of Repealed Act.* Inserts new Section 249A which provides that Section 18B of the repealed Act continues to apply as if it had not been repealed, unless the parties who had the benefit of the section have, between 1st July, 1992 and the day of the introduction of the Bill for this Act, entered into an agreement or varied a lease, agreement for lease or other tenancy agreement, to adjust the financial obligations of the parties in relation to section 18B of the repealed Act.

The right that is continued by this Act ceases when the tenancy agreement relating to the licensed premises expires or is lawfully terminated.

If the liquor licence is transferred, the transferee may exercise the right continued by this Act until the lease, agreement for lease or other tenancy agreement relating to the licensed premises expires or is lawfully terminated.