



Western Australia

# **Liquor Control (Kunawarritji Restricted Area) Regulations 2011**

Compare between:

[03 May 2014, 00-b0-01] and [11 Apr 2015, 00-c0-01]



## **Liquor Control (Kunawarritji Restricted Area) Regulations 2011**

### **1. Citation**

These regulations are the *Liquor Control (Kunawarritji Restricted Area) Regulations 2011*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### **3. Terms used**

In these regulations —

***Kunawarritji Aboriginal Community*** means the area of land up to a 50 kilometre radius measured from the telecommunications aerial located on Lot 333 on Deposited Plan 55302 at Latitude -22.329226 and Longitude 124.725562;

***tourist*** means a person who is —

- (a) staying at a place that is at least 50 kilometres from his or her usual place of residence for a period of at least one night; and
- (b) intending to stay away from his or her usual place of residence for a period of less than 12 months; and

- (c) not in the course of travelling on a regular journey between his or her usual place of residence or his or her place of work or education; and
- (d) travelling in the course of a holiday or for leisure, business, to visit friends or relatives or for any other reason; and
- (e) not usually a resident in a community declared a restricted area under section 175(1a) of the Act;

**Well 33 camping grounds** means the Kunawarritji Camp at Well 33 on the Canning Stock Route located at Latitude -22.34189 and Longitude 124.77519.

**4. Note is not part of regulations**

The note after regulation 10 does not form part of these regulations.

**5. Declaration of restricted area**

The Kunawarritji Aboriginal Community is declared to be a restricted area for the purposes of section 175(1a) of the Act.

**6. Notice of restricted area**

- (1) The Director of Liquor Licensing must take all reasonable steps to cause to be posted, and while the Kunawarritji Aboriginal Community continues to be a restricted area by operation of regulation 5 to be kept posted, at each place where a customary access route enters the Kunawarritji Aboriginal Community a notice —
  - (a) describing the offences set out in regulation 7; and
  - (b) specifying the penalties for those offences.
- (2) A failure to comply with subregulation (1) does not invalidate the declaration in regulation 5.

**7. Prohibitions as to liquor in the Kunawarritji Aboriginal Community**

- (1) Subject to subregulation (3) and regulation 8, a person who —
- (a) brings liquor into, or causes liquor to be brought into, the Kunawarritji Aboriginal Community; or
  - (b) has liquor in his or her possession in the Kunawarritji Aboriginal Community,

commits an offence.

Penalty:

- (a) if subregulation (2) applies, a fine of \$5 000;
  - (b) in any other case, a fine of \$2 000.
- (2) This subregulation applies to an offence under subregulation (1) committed by a licensee, a manager of licensed premises or a director of a body corporate that holds a licence.
- (3) A person does not commit an offence under subregulation (1) if the person —
- (a) is a tourist; and
  - (b) does not consume the liquor in his or her possession; and
  - (c) continuously maintains possession of the liquor until such time as he or she has left the Kunawarritji Aboriginal Community.

**8. Exception for tourists using Well 33 camping grounds**

Despite regulation 7, a tourist using the Well 33 camping grounds may possess and consume alcohol while on the grounds.

**9. Seizure and disposal of containers of liquor**

Despite section 155(4) and (5) of the Act, a member of the Police Force may seize and, as soon as is practicable, dispose of any opened or unopened container of liquor suspected on

**r. 10**

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reasonable grounds to be the subject of an offence under regulation 7.

**10. Period during which these regulations have effect**

Unless sooner repealed, these regulations have effect for the period ~~of 4 years commencing at the time regulation 5 comes into operation~~[that ends at the close of 3 May 2018.](#)

Note:

Under the *Liquor Control Act 1988* section 175(1d), these regulations expire at the end of the period referred to in regulation 10.

*[Regulation 10 amended in Gazette 2 May 2014 p. 1365;  
[10 Apr 2015 p. 1262.\]](#)*

## Notes

- <sup>1</sup> This is a compilation of the *Liquor Control (Kunawarritji Restricted Area) Regulations 2011* and includes the amendments made by the other written laws referred to in the following table <sup>2</sup>.

### Compilation table

Citation	Gazettal	Commencement
<i>Liquor Control (Kunawarritji Restricted Area) Regulations 2011</i>	3 May 2011 p. 1597-9	r. 1 and 2: 3 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 4 May 2011 (see r. 2(b))
<i>Liquor Control (Kunawarritji Restricted Area) Amendment Regulations 2014</i>	2 May 2014 p. 1365	r. 1 and 2: 2 May 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 3 May 2014 (see r. 2(b))
<a href="#"><u><i>Liquor Control (Kunawarritji Restricted Area) Amendment Regulations 2015</i></u></a>	<a href="#"><u>10 Apr 2015</u></a> <a href="#"><u>p. 1262</u></a>	<a href="#"><u>r. 1 and 2: 10 Apr 2015</u></a> <a href="#"><u>(see r. 2(a));</u></a> <a href="#"><u>Regulations other than r. 1 and 2:</u></a> <a href="#"><u>11 Apr 2015 (see r. 2(b))</u></a>

- <sup>2</sup> These regulations expire ~~4~~[at the close of 3 May 2015](#)~~2015~~[2018](#) (see r. 10).