
RACING, GAMING AND LIQUOR

RA301*

Liquor Control Act 1988

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

Made by the Governor in Executive Council on the recommendation of the Minister under s 175(1a) of the Act.

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 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 that ends on the day 3 years after the day referred to in regulation 2(b).

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

Recommended by the Minister,

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.