

RG303\*

Liquor Control Act 1988

## **Liquor Control (Punmu Restricted Area) Regulations 2010**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council on the recommendation of the Minister under section 175(1a) of the Act.

### **1. Citation**

These regulations are the *Liquor Control (Punmu Restricted Area) Regulations 2010*.

### **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 —

*aerial* means the telecommunications installation located at Latitude 22 degrees 2 minutes 40.36 seconds South and Longitude 123 degrees 7 minutes 22.29 seconds East;

*Punmu Aboriginal Community* means that part of Lot 13 on Deposited Plan 240373 (Record of Qualified Certificate of Crown Land Title Volume LR 3124 Folio 556) that is within the area bounded by the circumference of a circle with —

- (a) the aerial at the centre; and
- (b) a radius of 30 kilometres.

### 4. Note is not part of regulations

The note after regulation 9 does not form part of these regulations.

### 5. Declaration of restricted area

The Punmu 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 Punmu 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 Punmu 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 Punmu Aboriginal Community

- (1) In this regulation —

*exempt person* means the driver of or a passenger in a transiting vehicle;

*transiting vehicle* means a vehicle that transits the Punmu Aboriginal Community on a public road without —

  - (a) stopping; or
  - (b) discharging any person or item.
- (2) A person, other than an exempt person, who —
  - (a) brings liquor into, or causes liquor to be brought into, the Punmu Aboriginal Community; or
  - (b) has liquor in his or her possession in the Punmu Aboriginal Community,

commits an offence.

Penalty:

- (a) if subregulation (3) applies, a fine of \$5 000;
  - (b) in any other case, a fine of \$2 000.
- (3) This subregulation applies to an offence under subregulation (2) committed by a licensee, a manager of licensed premises or a director of a body corporate that holds a licence.

**8. 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.

**9. 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 on which these regulations, other than regulations 1 and 2, come into operation under 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 9.

Recommended by the Minister,

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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