
RACING, GAMING AND LIQUOR

RA301*

Liquor Licensing Act 1988

**Liquor Licensing Amendment Regulations
(No. 2) 1999**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Liquor Licensing Amendment Regulations (No. 2) 1999*.

2. Regulations 12A, 12B, 12C and 12D inserted in the *Liquor Licensing Regulations 1989*

After regulation 12 of the *Liquor Licensing Regulations 1989** the following regulations are inserted —

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12A. New Year 2000 weekend — extended trading hours

- (1) A licensee of a licence referred to in the Table to this regulation may make application on or before 15 November 1999 for the hours during which the licensee is authorized to sell liquor in relation to the licensed premises specified in the application to be extended in accordance with that Table.
- (2) An application is to specify —
 - (a) the name and licence number of the applicant; and
 - (b) the name and address of the licensed premises in relation to which the extension of trading hours is sought,and is to be accompanied by a fee of \$150.
- (3) Unless the Director has refused an application under subregulation (4), on 1 December 1999 an application in respect of which a receipt has been given by the Director is to be taken to be approved and —
 - (a) the applicant is authorized to sell liquor from the premises specified in the application in accordance with the Table to this regulation; and
 - (b) that authorization is to be taken to be a condition of the licence relating to the premises.
- (4) The Director, by notice in writing served on the applicant before 1 December 1999 —
 - (a) is to refuse an application in respect of licensed premises located in the district of a local government, or the community lands of an Aboriginal community, in relation to which the Director has been notified under regulation 12B that the local government or council, as is relevant, does not want the trading hours of licensed premises extended under this regulation; or
 - (b) may refuse an application if the Director is of the opinion that it is in the public interest to do so,

and the decision of the Director to refuse an application is not subject to review or appeal.

- (5) If an application is refused, the Director is to refund \$130 of the fee paid by the applicant under subregulation (2).

Table of extended trading hours for the New Year 2000 weekend

| licence type | extension of hours | any restrictions |
|---|---|--|
| Hotel licence | on New Year's Day — from 2 a.m. to 6 a.m. on 2 January 2000 — up to 2 a.m. and from 10 p.m. to midnight | the extended hours apply only in respect of sales of liquor for consumption on the premises |
| Liquor store licence | on 31 December 1999 — from 10 p.m. to midnight on 2 January 2000 — from 10 a.m. to 10 p.m. | |
| Cabaret licence | on New Year's Eve — from 4 p.m. to 6 p.m. on 3 January 2000 — up to 6 a.m. | |
| Club licence, other than a club restricted licence | on New Year's Day — from 2 a.m. to 4 a.m. on 2 January 2000 — from 10 p.m. to midnight | the extended hours apply only in respect of sales of liquor for consumption on the premises |

12B. Local government or Aboriginal community may choose not to have trading hours extended on the New Year 2000 weekend

On or before 31 October 1999 —

- (a) a local government; or
- (b) the council of an Aboriginal community under the *Aboriginal Communities Act 1979*,

may notify the Director in writing that it has decided that it does not want the trading hours of licensed premises in the district of the local government, or the community lands of the community, as is relevant, extended under regulation 12A during the New Year 2000 weekend.

12C. Receipt and notice of refusal of application to be kept at premises

- (1) A licensee shall keep and retain on the licensed premises to which it relates for 3 months after receiving it —
 - (a) a receipt given in respect of an application under regulation 12A; and
 - (b) a notice refusing an application served under regulation 12A(4).
- (2) A licensee shall make a receipt or notice referred to in subregulation (1) available for inspection by an authorized officer at the officer's request.
- (3) An authorized officer may —
 - (a) examine a receipt or notice produced under this regulation;
 - (b) make a copy of the receipt or notice; and
 - (c) retain the receipt or notice for such reasonable period as may be necessary for the purposes of the Act.
- (4) A licensee who contravenes subregulation (1) or (2) commits an offence and is liable to a penalty of \$2 000.

12D. Evidence

In the absence of evidence to the contrary, a copy of a notice refusing an application under regulation 12A in relation to particular licensed premises and certified by the Director as —

- (a) being such a copy; and
- (b) having been served under regulation 12A(4),

is to be taken to be proof that the extended trading hours specified in the Table to regulation 12A in relation to the relevant licence are not permitted hours in relation to those premises.

[* Reprinted as at 8 September 1997.
For amendments to 12 August 1999 see 1998 Index to
Legislation of Western Australia, Table 4, pp. 188-9, and
Gazette 30 April 1999.]

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.