

RG303\*

Liquor Control Act 1988

## Liquor Control (Noonkanbah Restricted Area) Regulations 2009

Made by 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 (Noonkanbah Restricted Area) Regulations 2009*.

### 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. Term used: Noonkanbah Aboriginal Community

In these regulations —

*Noonkanbah Aboriginal Community* means the area of the land the subject of —

- (a) Certificate of Title 2201/905 (Lots 4 and 50); and
- (b) Crown Reserve 26355 (Lot 37); and
- (c) any portion of Crown Lease 3114/576 (Lot 255) between the Fitzroy River and the southern border of Crown Reserve 23226.

### 4. Note is not part of regulation

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

### 5. Declaration of restricted area

The Noonkanbah 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 Noonkanbah 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 Noonkanbah 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 Noonkanbah Aboriginal Community**

- (1) A person who —
- (a) brings liquor into, or causes liquor to be brought into, the Noonkanbah Aboriginal Community; or
  - (b) has liquor in his or her possession in the Noonkanbah 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.

**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 2 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 9.

Recommended by the Minister,

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.