

LIQUOR (No. 2).

No. 22 of 1982.

AN ACT to amend the Liquor Act 1970-1981.

[Assented to 27 May 1982.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Liquor Amendment Act (No. 2) 1982*. Short title and citation.

(2) In this Act the Liquor Act 1970-1981 is referred to as the principal Act. Reprinted as approved 19 March 1982.

(3) The principal Act as amended by this Act may be cited as the Liquor Act 1970-1982.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

Section 7
amended.

3. Section 7 of the principal Act is amended in subsection (1) by deleting the definition of "bar" and substituting the following—

“ “bar” means—

(a) for the purposes of—

(i) licensed premises to which a club licence or a restaurant licence relates, that part of the licensed premises from which liquor is supplied over a counter; and

(ii) any other licensed premises, not being premises to which a store licence, a wholesale licence or a brewer's licence relates, that part of licensed premises in which liquor is supplied over a counter,

to a person other than the licensee or his servants or agents, for consumption on or off the premises; or

(b) that part of any licensed premises that the Court may, from time to time, designate under section 73B as a bar,

and the term includes any part of the licensed premises set aside for the sale of liquor in sealed containers; ” .

Section 21
amended.

4. Section 21 of the principal Act is amended in subsection (2) by deleting "bylaw" and substituting the following—

“ law ” .

5. Section 24 of the principal Act is amended— Section 24 amended.

(a) in subsection (1) (e) by deleting “subsection (8) of this section” and substituting the following—

“ section 24A ” ; and

(b) by repealing subsections (7), (8) and (9).

6. After section 24 of the principal Act the following section is inserted— Section 24A inserted.

“ 24A. (1) Subject to this section and sections 58A and 58B the Court may, on the application of the holder of an hotel licence and on payment of the specified fee, issue to the licensee an entertainment permit, to have effect on such day or days, excluding Sundays, Christmas Day and Good Friday, and in such part of the premises as the Court may specify and subject to such conditions as the Court may see fit to impose. Entertainment permit.

(2) The Court shall not issue an entertainment permit unless and until it is satisfied that the licensed premises in respect of which it is sought are so constructed as to enable entertainment to be provided by the proposed number of artists, present and performing in person, in an area that is divorced from any bar other than that serving the persons for whom the entertainment is provided and that light refreshments, of such nature as the Court may approve, will continuously be available for purchase during such period as the permit is in operation.

(3) The Court may, on the application of the licensee or, after giving the licensee an opportunity of being heard, on the application of a supervisor or a member of the Police Force, from time to time vary the hours, provisions or conditions of an entertainment permit in any manner that is consistent with this section; and on any such application section 56 and subsections (1) and (2) of

section 58B apply as if the application were an application for the grant of an entertainment permit.

(4) Unless sooner revoked, an entertainment permit remains in force for the period during which the hotel licence is current or for such lesser period as the Court may, on the issue of the permit, specify.

(5) The provisions of this section apply, with such adaptations as may be necessary, to the holder of a tavern licence and to the holder of a winehouse licence. ” .

Section 26
amended.

7. Section 26 of the principal Act is amended—
- (a) in subsection (1) (c) by deleting “subsection (3) of this section” and substituting the following—
“ section 24A (5) ” ; and
- (b) in subsection (3) by deleting “(5) and (7) to (11), inclusive” and substituting the following—
“ (5), (10) and (11) ” .

Section 29
amended.

8. Section 29 of the principal Act is amended—
- (a) in subsection (1) (ca) by deleting “subsection (3) of this section” and substituting the following—
“ section 24A (5) ” ; and
- (b) in subsection (3) by deleting “(5), and (7) to (11), inclusive” and substituting the following—
“ (5), (10) and (11) ” .

Section 35
amended.

9. Section 35 of the principal Act is amended by repealing subsection (3) and substituting the following subsection—

“ (3) Except in the case of a club that has as its object, or one of its principal objects, the conduct of a prescribed competitive sport

a person is deemed not to be the guest of a member of a club, unless his name and the date of his attendance has been entered in a guest book, kept by the licensee, and the entry has been subscribed by the member. ” .

10. Section 51 of the principal Act is amended in paragraph (b) of subsection (2)— Section 51 amended.

(a) by deleting “on or adjoining” and substituting the following—

“ on the exterior or external boundary of ” ; and

(b) by deleting “hearing of the application” and substituting the following—

“ last day on which objections to the application may be lodged ” .

11. Section 56 of the principal Act is amended— Section 56 amended.

(a) by inserting after the section designation “56.” the subsection designation (1);

(b) by inserting after “of a licence” the following—

“ , or of a permit, ” ; and

(c) by inserting the following subsection—

“ (2) For the purposes of subsection (1) of this section, the Court may inform itself in such manner as it thinks fit. ” .

12. Section 58 of the principal Act is amended by inserting after subsection (3) the following subsection— Section 58 amended.

“ (4) This section does not apply to an application for an entertainment permit. ” .

Sections 58A
and 58B
inserted and
transitional
provision.

13. (1) After section 58 of the principal Act the following sections are inserted—

Application
for enter-
tainment
permit.

“ 58A. (1) Every person applying for the grant of an entertainment permit shall give notice of his application in the prescribed form, which shall include a statement that objections to the application should be sent to the principal clerk and to the applicant not less than 7 days before the earliest hearing date.

(2) The notice of application shall be lodged by the applicant sending or delivering 4 copies of the notice to the principal clerk, who shall endorse thereon the earliest hearing date, being a day not earlier than 28 days after the application is lodged.

(3) A copy of the notice of application shall be displayed on the premises to which it relates, and for that purpose section 51 (2) (b) shall apply as if the notice were one to which that section applies.

(4) An applicant is deemed to have complied with the requirements of subsection (3) of this section if the Court is satisfied that—

(a) the applicant took all reasonable steps to ensure that the notice was continuously and conspicuously displayed in accordance with section 51 (2) (b) during the specified period; and

(b) any failure to keep the notice so displayed was not occasioned by any fault of the applicant.

(5) The clerk shall, forthwith after the lodging of an application for an entertainment permit, inform the senior supervisor or the supervisor for the area, as the case may require, of the application.

(6) The Court shall not hear an application by a licensee for an entertainment permit unless—

- (a) the licensee has filed a statutory declaration that he has complied with subsection (3) of this section; or
- (b) it is satisfied that subsection (4) of this section applies,

and where the licensee has filed a statutory declaration under paragraph (a) of this subsection the Court may accept any statement made in the declaration without further proof.

58B. (1) An objection to the grant of an entertainment permit, may be made by—

Objections
to entertain-
ment
permit.

- (a) a supervisor;
- (b) a member of the Police Force;
- (c) a person authorized by the council of the municipality within which the premises to which the application relates are situated;
- (d) a person residing in the vicinity of the premises in respect of which the application is made who considers that he will be adversely affected by the grant, variation or renewal of the permit; or
- (e) the owner of the premises to which the application relates.

(2) The objections that may be made to the grant of an entertainment permit are—

- (a) that the quiet of the immediate vicinity of the premises to which the application relates would be unduly disturbed if the application were granted; or
- (b) that the premises to which the application relates are in disrepair or are not adequate or suitable for the

purposes for which they are to be used or do not comply with by-laws made under, or standards prescribed by or under, any other Act,

but an objection under paragraph (b) of this section shall not be made by a person referred to in subsection (1) (d) of this section.

(3) A person referred to in subsection (1) of this section who intends to object to the grant of an entertainment permit shall give to the applicant and to the principal clerk notice in writing of his intention not later than 7 days before the earliest hearing date referred to in section 58A (2).

(4) Unless the applicant consents or the Court otherwise orders, a person is not entitled to make an objection to the grant of an entertainment permit on any ground of which notice has not been given in accordance with subsection (3) of this section. ” .

(2) An application for an entertainment permit made before this section comes into operation is not affected by sections 58A and 58B of the principal Act inserted by subsection (1) of this section and shall continue to be governed by the law in force immediately before this section comes into operation.

Section 75
amended.

14. Section 75 of the principal Act is amended by repealing subsection (1) and substituting the following subsections—

“ (1) Subject to subsection (2) of this section, a licence expires on the date in each year which is prescribed for that licence.

(1a) The expiry dates of licences may be prescribed for the purposes of subsection (1) by reference to—

(a) types of licences; or

(b) the location of the premises to which the licence relates,
or both of those factors. ” .

15. Section 79 of the principal Act is amended by inserting after subsection (2) the following subsection—

Section 79 amended.

“ (3) Section 56 and subsections (1) and (2) of section 58B apply to objections to the renewal of an entertainment permit. ” .

16. Section 97 of the principal Act is amended in subsection (1) (b) by inserting after “in” the following—

Section 97 amended.

“ or from ” .

17. Section 119 of the principal Act is amended—

Section 119 amended.

(a) in subsection (1) by inserting after “in” the following—

“ or, in the case of premises to which a club licence or a restaurant licence relates, from, ” ; and

(b) in subsection (3) by inserting after “supplied in” the following—

“ or, in the case of premises to which a club licence or a restaurant licence relates, from, ” .

18. Section 120 of the principal Act is amended in subsection (3) by inserting after “liquor in” the following—

Section 120 amended.

“ or from ” .