

LIQUOR (No. 2).

No. 74 of 1977.

AN ACT to amend section 7, section 36A, section 60, section 88, section 90, section 106, section 110 and section 159 of the Liquor Act, 1970-1976, and to make further amendments to that Act relative to town planning requirements.

[Assented to 28th November, 1977.]

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 Act Amendment Act (No. 2), 1977.*

Short title
and citation.

(2) In this Act the Liquor Act, 1970-1976 is referred to as the principal Act.

Reprinted as
approved
31st August,
1977.

(3) The principal Act as amended by this Act may be cited as the Liquor Act, 1970-1977.

Commence-
ment.

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

Section 7
amended.

3. Section 7 of the principal Act is amended, as to the interpretation of the term "permit of a continuing nature", by deleting the passage "a permit such as is mentioned in item 2 of the Fourth Schedule" and substituting the passage "an entertainment permit, a caterer's permit, a late delivery permit, a reception area permit, a lodger's permit, an unlicensed club permit, or a voluntary association's permit".

Section 36A
repealed and
re-enacted.

4. Section 36A of the principal Act is repealed and re-enacted with amendments as follows—

Vigneron's
licence.

36A. (1) A vigneron's licence shall not be granted or renewed unless the court is satisfied that the applicant is the occupier of a vineyard of not less than two hectares of vines in full bearing, or an orchard of not less than two hectares, on which he carries on the business of a vigneron.

(2) A vigneron's licence may be granted or renewed both in respect of the vineyard occupied by the applicant and, where the court is satisfied that such vineyard is not a convenient location for the sale of wine, in respect also of other premises situate in reasonable proximity thereto and named in the licence.

(3) A vigneron's licence authorises, on and from the premises named, between the hours of half-past eight in the morning and ten in the

evening on a week day other than Anzac Day, or in relation to a particular licence the hours endorsed thereon—

- (i) the licensee to sell or supply, in quantities of not less than seven hundred and thirty eight millilitres in sealed containers, whether for consumption on or off the premises, wine manufactured by him; and
- (ii) the supply to a prospective customer as a sample without charge of wine manufactured by the licensee, and the consumption of that sample by the customer. .

5. The principal Act is amended by inserting after section 59 a new section, to stand as section 59A, as follows—

Section 59A
added.

59A. (1) The Court shall not proceed to hear an application for a licence, the removal of a licence, or for a provisional certificate for a licence, where that application relates to the proposed use of premises as an hotel, tavern, or winehouse, unless and until the applicant produces to the Court a certificate of the local authority responsible for town planning matters for the district in which the premises to which the application relates are situated certifying—

Certificate
of local
planning
authority.

- (a) that the proposed use of the premises does not contravene the provisions of any Town Planning Scheme or interim development order made pursuant to the Town Planning and Development Act, 1928, or the provisions of any zoning by-laws made pursuant to the Local Government Act, 1960; and

(b) where the proposed use will conform with such provisions only if the special consent of the local authority is given, whether or not that consent will be given and as to any conditions or restrictions relating to that consent.

(2) Before issuing a certificate of the kind referred to in subsection (1) of this section the local authority concerned shall have regard to the views of any other local authority which may have responsibility for town planning matters in the immediate vicinity of the locality in which the premises in question are situated.

(3) It shall be the duty of the local authority responsible for town planning matters for the district in which the premises are situate to furnish a certificate to an applicant for the purposes of this section as soon as is reasonably practicable after being so requested, and where the Court is satisfied that such a certificate has been requested but has not been so furnished the Court may proceed to hear the application notwithstanding the provisions of subsection (1) of this section.

(4) Notwithstanding the issue of a certificate by the local authority pursuant to subsection (1) of this section, the discretion of the Court to determine the application pursuant to the provisions of this Act is not thereby affected. .

Section 60
amended.

6. Section 60 of the principal Act is amended by deleting the passage "the certificate mentioned in section 59", in lines four and five of subsection (2), and substituting the passage "a certificate of the kind referred to in section 59 or section 59A".

Section 88
amended.

7. Section 88 of the principal Act is amended, as to subsection (4), by inserting after the word "shall", in line three, the passage ", unless the Court in the particular case allows an extended period for that purpose,".

8. Section 90 of the principal Act is amended by deleting the passage "section 59", in line sixteen, and substituting the passage "of sections 59 and 59A".

Section 90
amended.

9. Section 106 of the principal Act is amended by deleting the words "Tourist Authority", in line three and again in line seven, and substituting in each case the words "Tourist Advisory Council".

Section 106
amended.

10. Section 110 of the principal Act is amended by deleting the interpretation of the term "Tourist Authority", in lines five to seven, and substituting a new interpretation as follows—

Section 110
amended.

"Tourist Advisory Council" means the body known by that name as established under the Tourist Act, 1973. .

11. Subsection (2) of section 159 of the principal Act is amended by deleting the passage "Subject to section 160, the", in line one, and substituting the word "The".

Section 159
amended.
