



Western Australia

## **Liquor Control (Kalumburu Restricted Area) Regulations 2018**

Compare between:

[03 Mar 2018, 00-a0-01] and [07 Jul 2018, 00-b0-01]



Western Australia

Liquor Control Act 1988

## **Liquor Control (Kalumburu Restricted Area) Regulations 2018**

### **Part 1 — Preliminary**

#### **1. Citation**

These regulations are the *Liquor Control (Kalumburu Restricted Area) Regulations 2018*.

#### **2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 other than regulations 3, 4 and 5 — 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 —

*exempt person* has the meaning given in regulation 4;

*Kalumburu Community* means the area of land within a radius of 20 km of the point with the following Geocentric Datum of Australia 1994 (GDA94) coordinates —

- (a) -14.295444°S;
- (b) 126.6423056°E;

**McGowan Island camping grounds** means the area of land within a radius of 500 m of the point with the following Geocentric Datum of Australia 1994 (GDA94) coordinates —

- (a) -14.1460611°S;
- (b) 126.6498729°E.

#### **4. Exempt person**

For the purposes of these regulations, a person is an *exempt person* if the person is —

- (a) staying at a place that is at least 50 km from their usual place of residence for a period of at least 1 night; and
- (b) intending to stay away from their usual place of residence for a period of less than 12 months; and
- (c) not in the course of travelling on a regular journey between their usual place of residence or their place of work or education; and
- (d) travelling in the course of a holiday, or to visit friends or relatives, or for leisure, business or any other reason; and
- (e) not usually a resident in a restricted area declared under section 175(1a) of the Act; and
- (f) the holder of permission to enter the reserve on which the Kalumburu Community is located under the *Aboriginal Affairs Planning Authority Act Regulations 1972* regulation 8; and
- (g) in a case where the person is on community land as defined in the *Kalumburu Aboriginal Corporation By-laws* by-law 3, the holder of permission to enter the land granted under by-law 4 of those by-laws.

#### **5. Note is not part of regulations**

The note after regulation 11 does not form part of these regulations.

## **Part 2 — Restricted area**

### **6. Declaration of restricted area**

The Kalumburu Community is declared to be a restricted area for the purposes of section 175(1a) of the Act.

### **7. Notice of restricted area**

- (1) The Director of Liquor Licensing must take all reasonable steps to cause to be posted, and while the Kalumburu Community continues to be a restricted area by operation of regulation 6 to be kept posted, at each place where a customary access route enters the Kalumburu Community a notice —
  - (a) describing the offences set out in regulation 8; and
  - (b) specifying the penalties for those offences.
- (2) A failure to comply with subregulation (1) does not invalidate the declaration in regulation 6.

### **Part 3 — Prohibitions and related provisions**

#### **8. Prohibitions as to liquor in the Kalumburu Community**

- (1) Subject to regulation 9, a person commits an offence if the person —
- (a) brings liquor into, or causes liquor to be brought into, the Kalumburu Community; or
  - (b) possesses liquor in the Kalumburu Community.

Penalty for this subregulation:

- (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.

#### **9. Exceptions to r. 8**

- (1) A person who is an exempt person does not commit an offence under regulation 8(1) if —
- (a) the person is in the McGowan Island camping grounds and continuously maintains possession of, or consumes, the liquor; or
  - (b) the person is in any other part of the Kalumburu Community and continuously maintains possession of, but does not consume, the liquor.
- (2) A person does not commit an offence under regulation 8(1) if the person brings the liquor, causes the liquor to be brought, or possesses the liquor, for the purpose of a religious service conducted ~~at Our Lady~~ by a member of clergy of the Assumption Catholic Church, Kalumburu.

*[Regulation 9 amended: Gazette 6 Jul 2018 p. 2545.]*

**10. 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 8.

## **Part 4 — Period of effect**

### **11.        Period during which these regulations have effect**

Unless sooner repealed, these regulations have effect for the period that ends at the close of 2 March 2021.

Note for this regulation:

Under the *Liquor Control Act 1988* section 175(1d), these regulations expire at the end of the period referred to in regulation 11.



**Part 5 — *Liquor Control Regulations 1989* amended**

**12. Regulations amended**

This Part amends the *Liquor Control Regulations 1989*.

**13. Regulation 27 amended**

In regulation 27(4) in the Table insert in alphabetical order:

<p><i>Liquor Control (Kalumburu Restricted Area)</i> <i>Regulations 2018</i> regulation 8(1)</p>
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## Notes

<sup>1</sup> This is a compilation of the *Liquor Control (Kalumburu Restricted Area) Regulations 2018*. ~~The~~ and includes the amendments made by the other written laws referred to in the following table ~~contains information about those regulations~~ <sup>2</sup>.

### Compilation table

Citation	Gazettal	Commencement
<i>Liquor Control (Kalumburu Restricted Area) Regulations 2018</i>	2 Mar 2018 p. 669-72	Pt. 1 (other than r. 3, 4 and 5): 2 Mar 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Mar 2018 (see r. 2(b))
<a href="#"><u><i>Liquor Control (Kalumburu Restricted Area) Amendment Regulations 2018</i></u></a>	<a href="#"><u>6 Jul 2018</u></a> <a href="#"><u>p. 2545</u></a>	<a href="#"><u>r. 1 and 2: 6 Jul 2018</u></a> <a href="#"><u>(see r. 2(a));</u></a> <a href="#"><u>Regulations other than r. 1 and 2:</u></a> <a href="#"><u>7 Jul 2018 (see r. 2(b))</u></a>

<sup>2</sup> These regulations expire 2 Mar 2021 (see r. 11).