



Western Australia

Liquor Control Act 1988

**Liquor Control (Jarlmadangah Burru
Restricted Area) Regulations 2019**

Liquor Control (Jarlmadangah Burru Restricted Area) Regulations 2019

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Defined terms

Liquor Control (Jarlmadangah Burru Restricted Area) Regulations 2019

Part 1 — Preliminary

1. Citation

These regulations are the *Liquor Control (Jarlmadangah Burru Restricted Area) Regulations 2019*.

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. Terms used

In these regulations —

exempt person has the meaning given in regulation 4;

Jarlmadangah Burru Aboriginal Community means the area of land described as Reserve 41497 being Lot 237 on Deposited Plan 91781 and being the whole of the land in Record of Qualified Certificate of Crown Land Title Volume LR3061 Folio 67;

Kimberley Dreamtime Adventure Tours camp area means the area of land bounded by a line commencing at the north-easternmost point of the Jarlmadangah Burru Aboriginal Community (the *commencement point*) and extending —

- (a) south for a distance of 560 m; then
- (b) west for a distance of 270 m; then

- (c) north for a distance of 542 m; then
- (d) generally easterly along the northern boundary of the Jarlmadangah Burru Aboriginal Community to the commencement point.

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 and their place of work or education; and
- (d) travelling in the course of a holiday or for leisure, business, to visit friends or relatives, or for any other reason; and
- (e) not usually a resident in a restricted area declared under section 175(1a) of the Act.

Part 2 — Restricted area

5. Declaration of restricted area

The Jarlmadangah Burru 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 Jarlmadangah Burru 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 Jarlmadangah Burru 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.

Part 3 — Prohibitions and related provisions

7. Prohibitions as to liquor in the Jarlmadangah Burru Aboriginal Community

- (1) Subject to regulation 8, a person commits an offence if the person —
- (a) brings liquor into, or causes liquor to be brought into, the Jarlmadangah Burru Aboriginal Community; or
 - (b) possesses liquor in the Jarlmadangah Burru Aboriginal 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.

8. Exceptions to r. 7

A person who is an exempt person does not commit an offence under regulation 7(1) if —

- (a) the person is in the Kimberley Dreamtime Adventure Tours camp area and continuously maintains possession of, or consumes, the liquor; or
- (b) the person is in any other part of the Jarlmadangah Burru Aboriginal Community north of Geocentric Datum of Australia 2020 (GDA2020) 18.005°S latitude and continuously maintains possession of, but does not consume, the liquor.

9. 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.

Part 4 — Period of effect

10. Period during which these regulations have effect

Unless sooner repealed, these regulations have effect for the period that ends at the close of 13 December 2023.

[Regulation 10 amended: SL 2022/199 r. 6.]

Part 5 — *Liquor Control Regulations 1989* amended

11. Regulations amended

This Part amends the *Liquor Control Regulations 1989*.

12. Regulation 27 amended

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

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| <p><i>Liquor Control (Jarlmadangah Burru Restricted Area) Regulations 2019</i> regulation 7(1)</p> |
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Notes

This is a compilation of the *Liquor Control (Jarlmadangah Burru Restricted Area) Regulations 2019* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

| Citation | Published | Commencement |
|--|----------------------------|--|
| <i>Liquor Control (Jarlmadangah Burru Restricted Area) Regulations 2019</i> ¹ | 13 Dec 2019 p. 4241-3 | r. 1 and 2: 13 Dec 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Dec 2019 (see r. 2(b)) |
| <i>Racing and Gaming Regulations Amendment (Liquor Control) Regulations (No. 4) 2022 Pt. 3</i> | 18 Nov 2022 SL 2022/199 | 19 Nov 2022 (see r. 2(b)) |

Other notes

¹ These regulations expire at the close of 13 December 2023 (see r. 10).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined term | Provision(s) |
|---|---------------------|
| commencement point | 3 |
| exempt person | 3, 4 |
| Jarlmadangah Burru Aboriginal Community | 3 |
| Kimberley Dreamtime Adventure Tours camp area | 3 |