

Western Australia

Liquor Licensing Amendment Act 2001

As at 05 Dec 2001

No. 26 of 2001

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CONTENTS

1.	Short title	1
2.	Commencement	2
3.	The Act amended	2
4.	Section 41 amended	2
5.	Section 46 amended and transitional provision	2
6.	Section 77 amended and transitional provision	3

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Liquor Licensing Amendment Act 2001

No. 26 of 2001

An Act to amend the *Liquor Licensing Act 1988*.

[Assented to 5 December 2001]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Liquor Licensing Amendment Act 2001*.

2. Commencement

- (1) This Act comes into operation on a day fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

3. The Act amended

The amendments in this Act are to the *Liquor Licensing Act 1988**.

[* Reprinted as at 23 February 2001.]

4. Section 41 amended

Section 41(2) is repealed and the following subsection is inserted instead —

“

- (2) Subject to this Act, during permitted hours the licensee of a hotel licence is authorised to keep open the licensed premises, or part of those premises, and, while those premises are open —
 - (a) is required to sell liquor on the premises to any person for consumption on the premises; and
 - (b) may, unless the licence is a hotel restricted licence, sell packaged liquor on and from the premises to any person.

”.

5. Section 46 amended and transitional provision

- (1) Section 46(1), (2) and (3) are repealed and the following subsections are inserted instead —

“

- (1) The licensing authority shall not grant a special facility licence except for a prescribed purpose.

- (2) The licensing authority shall not grant a special facility licence if granting or varying a licence of another class, or imposing, varying or cancelling a condition on a licence of another class, or issuing an extended trading permit in respect of another class of licence, would achieve the purposes for which the special facility licence is sought.
- (2a) Subsection (2) applies —
 - (a) whether or not an application has been made for a grant, variation, imposition, cancellation or issue referred to in that subsection; and
 - (b) even if such an application has been made and has been refused.
- (2b) The application for a special facility licence must demonstrate how the business for which the licence is sought meets any of the prescribed purposes for which a special facility licence may be granted.
- (3) If a special facility licence is granted, it must be granted on such terms and conditions as are necessary to ensure that the licence is used only for the prescribed purpose for which it is granted.

”.

- (2) An application for a special facility licence made under the *Liquor Licensing Act 1988* before the commencement of this section and not determined before then must be determined in accordance with the *Liquor Licensing Act 1988* as amended by this section.

6. Section 77 amended and transitional provision

- (1) After section 77(5) the following subsection is inserted —
 - “
 - (5a) An application for the alteration or redefinition of licensed premises as defined in a licence that seeks to

include in those licensed premises an area that is not contiguous with those licensed premises shall not be approved by the licensing authority unless section 80 applies or the premises —

- (a) are entered in the Register of Heritage Places compiled under the *Heritage of Western Australia Act 1990*; or
- (b) are of a prescribed type or class.

”.

- (2) An application made under section 77(4) of the *Liquor Licensing Act 1988* before the commencement of this section and not determined before then must be determined in accordance with the *Liquor Licensing Act 1988* as amended by this section.

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